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PROCEEDINGS

OF 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 Bombay on Wednesday, the 13th March 1912, at 12 o'clock noon.

PRESENT:

His Excellency the Honourable Sir GEORGE SYDENHAM CLARKE, G.C.S.I., G.C.M.G., G.C.I.E., Governor of Bombay, *presiding*.
The Honourable Sir RICHARD A. LAMB, K.C.S.I., C.I.E., I. C. S.
The Honourable Mr. MAHADEV BHASKAR CHAUBAL, C.S.I.
The Honourable Mr. WILLIAM THOMSON MORISON, C.S.I., I. C. S.
The Honourable The ADVOCATE GENERAL.
The Honourable MOULVIE RAFIUDDIN AHMAD, Bar.-at-Law.
The Honourable Sir JAMES BEGBIE, Kt.
The Honourable Mr. DATTÁTRAYA VENKATESH BELVI, LL.B.
The Honourable Mr. GULAM MUHAMMAD walad Khán Bahádur WALI MUHAMMAD BHURGRI, Bar.-at-Law.
The Honourable Sardár Ráo Bahádur MOTILAL CHUNILAL.
The Honourable Sardár PURSHOTTAMDA'S VIHA'RIDA'S DESA'I.
The Honourable Mr. FAZULBHOY CURRIMBHOY EBRAHIM.
The Honourable Sardár SYED ALI EL EDROOS.
The Honourable Mr. SIDDHANATH DHONDDEV GARUD.
The Honourable Sardár NARAYANRAO GOVIND *alias* BÁBÁ SÁHEB GHORPADE, Jághirdár of Ichalkaranji.
The Honourable Mr. W. L. GRAHAM.
The Honourable Mr. HERBERT RUFUS GREAVES.
The Honourable Sardár NAHARSINGHJI ISHWARSINGHJI, Thakor of Amod.
The Honourable Lieutenant-Colonel J. JACKSON, M.B., I. M. S.
The Honourable Sardár SHAMSHUSING AMARSING JA'DHAVRA'O, Ráje of Málegaon.
The Honourable Mr. RAGHUNA'TH PA'NDURANG KARANDIKAR.
The Honourable Mr. W. H. LUCAS, I. C. S.
The Honourable Mr. LALUBHAI SA'MALDA'S MEHTA.
The Honourable Sir PHEROZESHAH M. MEHTA, K.C.I.E., Bar.-at-Law.
The Honourable Mr. G. P. MILLETT.
The Honourable Sardár Ráo Bahádur YASHAVANTRA'V TRIMBAK MIRIKAR.

The Honourable Sardár Dávar KAIKHOSRO EDALJI MODI.
The Honourable Sardár COOPOOSWÁMY VIZIARUNGUM MOODLIAR.
The Honourable Dr. TEMULJI BHIKÁJI NARIMAN, L.M., F.R.M.S. (London).
The Honourable Mr. J. P. ORR, C.S.I., I. C. S.
The Honourable Mr. GOKULDA'S KAHA'NDA'S PAREKH, LL.B.
The Honourable Mr. ABDUL HUSSEIN ADAMJI PEERBHOY.
The Honourable Mr. F. G. PRATT, I. C. S.
The Honourable Mr. R. D. PRIOR.
The Honourable Sir HENRY E. E. PROCTER, Kt.
The Honourable Sir IBRAHIM RAHIMTOOLA, Kt., C.I.E.
The Honourable Mr. MANMOHANDAS RAMJI.
The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.
The Honourable Mr. CHIMANLAL HARILAL SETALVAD, LL.B.
The Honourable Khán Bahádur SYED ALAHANDO YUSIF SHAH.
The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.
The Honourable Surgeon-General H. W. STEVENSON, I. M. S.
The Honourable Khán Bahádur NOWROJEE PESTONJEE VAKIL, C.I.E.
The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.
The Honourable Mr. M. DE P. WEBB, C.I.E.

NEW MEMBER.

The Honourable Mr. R. D. PRIOR made the prescribed oath of allegiance to His Majesty the King-Emperor and took his seat in the Council.

QUESTIONS AND ANSWERS.

The following is a list of the questions put by Honourable Members with the answers given by Government in each case:—

Questions.	*Answers.*
THE HONOURABLE RA'O BAHA'DUR SHRINIWAS KONHER RODDA.	
1. (*a*) (*b*) (*c*) * * * * * *	* * * * * * *
(*d*) Will Government be pleased to furnish the Council with a tabular statement showing the number of the suits and the total amount of the claim involved in them that have been dismissed on the strength of the ruling and the circular under consideration in each district of the Presidency ?	(*d*) The statement referred to is placed on the Table. The Honourable Member is informed that a reference has been made to the Government of India for the amendment of section 31 of the Limitation Act, IX of 1908. See Appendix A.
(*e*) * * * * * * *	* * * * * * *
[*This question was asked at the meeting held on the 25th July 1911 when an* ad interim *reply was given.*]	

Questions.	*swers.*
2. Will Government be pleased to consider whether some local allowance should not be granted to subordinate Government servants drawing Rs. 30 and under in the táluka towns of Hubli and Gadag in the Dhárwár district?	2. An extra allowance up to the maximum limit of Rs. 3 per mensem on account of the dearness of food is being granted to these subordinate Government servants with effect from January 1st, 1912. Government do not consider that the further grant of a local allowance, which requires the sanction of the Government of India, is necessary.
3. Will Government be pleased to state what action is being taken in regard to the City Surveys of the principal towns in the Bombay Presidency?	3. City Surveys have been extended to the following large towns:—Ahmedabad, Surat, Ránder, Bulsár, Broach, Godhra, Bándra, Igatpuri, Ahmednagar, Dhárwár, Hubli, Bijápur, Karáchi, Hyderabad and Sukkur. The question of their introduction into Poona, Sholápur, Yeola, Násik, Dhulia and Gadag-Bettigeri is under consideration. Collectors have been informed that they may submit proposals for City Surveys in those places in which there is either a real demand on the part of the public for a register of titles or a necessity for an authentic record of property.
4. (*a*) Is Government aware that the Panvel water-work which has been constructed by the contribution of Government loan of Rs. 60,000 has been out of repairs and thereby serious damage has been caused to the head-work, the main and the reservoirs and that the supply of water is diminished?	4. (*a*) No, but Government is making enquiries in the matter.
(*b*) Will Government be pleased to see that the water-work is kept in proper repairs as it has been constructed at a large cost of Rs 1,08,000 and that the people of Panvel get adequate supply of water?	(*b*) Government will consider the matter after the result of the enquiries referred to above is known.
5. (*a*) Is Government aware that the silting up of Panvel and Dharamtar creeks continues to increase and that this very much impedes the steamer communication between Bombay and the districts?	5. (*a*) Government are well aware that not only these two creeks but all the creeks on the West Coast are gradually silting up. The question has frequently engaged the attention of Government. They have decided that effective dredging of these two creeks could not be carried out at any reasonable cost, and that the only remedy appears to be the provision of special steamers of such draught that they can approach Ulwa and Dharamtar wharves at all states of the tide. The Honourable Member is referred to the replies given in 1906 and in 1908 to similar questions put by the Honourable Sir Henry Prooter and Mr. D. A. Khare.

Questions.	*Answers.*
(*b*) Will Government be pleased to consider the question of providing some other means of communication by land ?	(*b*) A proposal to construct a bridge over the creek at Dharamtar is being considered by Government. Proposals have been made at various times for a railway to serve the Kolába District, but no satisfactory scheme has yet been worked out. It has not appeared that any line could be so constructed and worked as to yield a reasonable return.
6. Are Government aware that the experimental farm at Alibág is not easily accessible to the agriculturists of the neighbourhood ? If so, is there any proposal to select a site more conveniently situated as regards both the districts of Kolába and Thána.	6. The site is two miles distant from Alibág but it was the most suitable that could be found. Before it was finally selected many other sites were inspected. It is not proposed to re-open the question at present.

THE HONOURABLE MR. SIDDHANATH DHONDDEV GARUD.

1. Will Government be pleased to state— (*a*) The number of boys in the Matriculation and School Final classes at the time of the preliminary examination in 1910 in the Garud High School, Násik High School and the Sholápur High School ? (*b*) The number of boys sent up for those two examinations from these High Schools ? (*c*) The number of boys from these schools who passed those two examinations ? 2. Will Government be pleased to state— (*i*) The total number of boys in each of the above-mentioned High Schools in about the middle of November 1911 ? * * * * * [*These questions were asked at the meeting held on the 21st November 1911 when an* ad interim *reply was given.*]	1 and 2. The information required is given in the accompanying statement. See Appendix B. * * * * *
3 Will Government be pleased to mention the points in Dhulia and Malegaon from which the distances are measured ? [*This supplementary question was asked at the meeting held on the 21st November 1911 when an* ad interim *reply was given.*]	3. In Dhulia the distance is measured from mile stone 211. In Malegaon the distances are measured from the following two points :— (1) Post Office, Malegaon Camp. (2) Mile stone 181, opposite Malegaon town. From (1) the distance to Dhulia is 32 miles and from (2) 30 miles.

Questions.	*Answers.*
Supplementary Question.—Will Government be pleased to say from what point the distance over the other road is obtained?	Government cannot answer that at present. If the Honourable Member puts it in as a question, it will be answered.
THE HONOURABLE MR. HARCHANDRAI VISHINDAS.	
1. (*a*) Is it true that by opening the Choi branch and the consequent regulation of the Begari Canal at the Choi head, this year, the Main Begari Canal in Upper Sind silted up, causing heavy loss to lands commanded by that canal?	1. (*a*) No.
(*b*) Is it further true that this result could have been in a measure avoided by taking precautionary measures as soon as a low inundation was foreseen?	(*b*) No.
(*c*) Is it true that the Executive Engineer, Begari Canals District, declined offers of zamindárs to clear the Begari head and, at their expense, to cut a water course connecting the Begari head with the Indus to save their standing khárif crops and ensure a sufficiency of water-supply for the ensuing rábi crops?	(*c*) No.
(*d*) If the answers to (*a*) and (*b*) be in the affirmative, will Government be pleased to issue instructions that in future early precautions be taken to obviate a recrudescence?	(*d*) The answers are not in the affirmative. The officers further explain that the deficiency of supply in the Begari was entirely due to the low inundation, the depth in the canal at the head, in July and August, being but a little more than half the depth in the preceding year and the Regulators had to be used for the equitable distribution of the insufficient supply. They also explain that if the Honourable Member had applied to them for the information, he would have obtained it at once without the delay and unnecesary trouble caused by addressing to Government questions which the Local Officers can answer. The remarks of the Commissioner in Sind in this case will be of interest to all all Honourable Members, and are as follows:—

Questions.

Answers.

"The Commissioner has only to add, with reference to Mr. Strange's 3rd "paragraph,* "that he "would himself, if approached, "have gladly "given the "Honourable "Mr. Harchandrai all "possible "information regarding the case of "the Begari zamindárs, on which the "Honourable gentleman in his capacity of President of the Sind Hindu "Sabha has already had much communication with him. The Commissioner has lost no opportunity of "assuring Honourable Members from "Sind of his readiness at all times to "receive their representations, written "or oral, and to furnish them with the "fullest information on matters of "interest which can safely be disclosed. And he is confident that "the different local heads of departments, including the Public Works "Department, are similarly accessible. "The practice of seeking information "on local details of the Sind administration through the medium of "questions in Council is calculated "not only to cause a needless expenditure of time and trouble to all concerned, but seriously to delay the "redress of any grievances which the "enquiries instituted may conceivably reveal."

* 8. I may state in conclusion that the Honourable Mr. Harchandrai Vishindas neither spoke to nor wrote to me on the subject. Had he done this, I would of course have given him all the information now submitted to Government, and would thus have obviated his questions in the Legislative Council, and, if necessary, would have taken further steps to benefit those in whose welfare he was interested.

2. Are Government aware that one second class compartment attached to the Up and Down Quetta Mails referred to in answer to my question No. 2 at the last meeting of the Council has been found to be inadequate for the travelling public and will Government be pleased to relieve the inconvenience?

2. A copy of the correspondence with the Manager, North-Western Railway, giving the information required is laid on the Table.

See Appendix C.

[*These questions were asked at the meeting held on the 21st November 1911 when an* ad interim *reply was given.*]

3. (*a*) Will Government be pleased to state if there is any chance in the near future of the establishment of a Civil

3. (*a*) There does not appear to be in the near future much chance of the establishment of a Court at Mirpurkhás,

Questions.	*Answers.*
Court at Mirpurkhás for which, as stated at page 120 of this Council's Proceedings for 1910, Volume XLVIII, definite proposals had been received but which could not then be carried out owing to the initial and recurring charges being considerable ?	but the question is being considered in the scheme for the redistribution of the Hyderabad Judicial District Courts.
4. Will Government be pleased to extend to Mukhtyarkárs in Sind the benefits recently conferred on Mámlatdárs in the Presidency proper by increasing the number of appointments carrying a salary of Rs. 250 per mensem in the first grade of Mukhtyárkars and by creating a new second grade on Rs. 225 per mensem ? Will they also consider a proposal to bring the Mukhtyárkars of Sind on the Provincial list ?	4. Government do not consider it necessary at present to consider the proposals referred to in the question.
5. (*a*) Are Government aware that Registration work in Sub-Registrars' offices in Sind has considerably increased since the extension of certain provisions of the Transfer of Property Act to Sind in December 1908 ?	5. (*a*) Yes.
(*b*) If so, are any steps contemplated for proportionately remunerating the Sub-Registrars and others on whom has fallen the brunt of such increase ?	(*b*) No such steps are contemplated.
6. (*a*) Have Government been pleased to notice that in filling up vacancies of the posts of Inspectors of Police in Sind from 2nd July 1910 onwards, *vide* the last seven appointments, excluding that of Kashiram (being merely one month's local arrangement) at page 106 of the Sind Official List for January 1912—the directions contained in paragraph 23 of the Government of India's Resolution No. 248-259, dated 21st March 1905, following the recommendation of the Police Commission to the effect that with the exception of a maximum of 10 per cent. which may be filled up by direct appointment, all such vacancies should go to Sub-Inspectors, have been disregarded inasmuch as during that period only two out of the seven appointments have been given to Sub-Inspectors and all the remaining five to outsiders ?	6. (*a*) The rule referred to has been relaxed by the Government of India so as to enable the Local Government to appoint direct the Prosecuting Inspectors required for Sind. This seems to account for two of the appointments. With regard to the others, inquiry will be made.
(*b*) Would Government be pleased to state why two of the five appointments have been conferred on Sergeants ?	(*b*) Enquiry will be made.

Questions. *Answers.*

THE HONOURABLE MR. ABDUL HUSSEIN ADAMJI PEERBHOY.

1. Are Government aware that owing to the short time that long-distance trains halt at stations, third class passengers find great difficulty to secure drinking water, specially in the hot weather?

2. Will Government be pleased to take steps in view of securing that all third class carriages on long-distance trains should be provided with a small tank for filtered drinking water with a small tap attached thereto, as is at present being done in first and second class carriages and for securing this urgently needed comfort in the first instance, in the carriages reserved for females?

1 and 2. A copy of the correspondence with the Agents of the G. I. P., B. B. & C. I. and M. & S. M. Railway Companies giving the information required is laid on the Table.

See Appendix D.

[*These questions were asked at the meeting held on the 21st November 1911 when an* ad interim *reply was given.*]

3. Are Government aware than on numerous occasions third class passengers who have purchased Mail Train Tickets but are prevented from travelling by Mail owing to want of accommodation thereon are obliged to travel by Slow Passenger or Mixed Trains and the Railway Administration make no attempt to refund them the difference in fare? Will Government be pleased to enquire on how many occasions, within the last two years, the G. I. P. Railway, B. B. & C. I. Railway, and S. M. Railway Companies have refunded such difference in fares in the case of the third class passengers travelling on those Railways?

4. Are Government aware that often illiterate third class passengers having purchased a mixed train ticket unintentionally enter a Mail Train and are made to pay the excess fare and penalty? Will Government be pleased to take steps in view of securing that the responsibilities in such cases is fixed on the Railway Staff whose duty it is to direct the travelling public to their proper trains?

3 and 4. A copy of the correspondence with the Agents of the G. I. P., B. B. & C. I. and M. & S. M. Railway Companies giving the information required is laid on the Table.

See Appendix E.

[*These questions were asked at the meeting held on the 21st November 1911 when an* ad interim *reply was given.*]

Questions.

Answers.

THE HONOURABLE SIR HENRY E. E. PROCTER.

1. Will Government be pleased to say what steps have been taken to give effect to their expressed intention of restricting gambling on the race courses at Bombay and Poona?

1. The subject is being dealt with in Bill No. V of 1912.

THE HONOURABLE MR. CHIMANLAL HARILAL SETALVAD

1. Whether Government will be pleased to state what arrangements have been finally arrived at about Government taking over the Gujarát College?

1. No steps in connection with the transfer of the College can be taken until the Societies Registration Act, 1860, is amended. A Bill amending the Act will be introduced into the Legislative Council at the present sitting. After the Bill has been passed into law, the Society for promoting higher education in Gujarát which manages the College will be asked to pass a resolution dissolving itself and transferring all its property to Government. When a resolution to that effect has been passed the control of the Gujarát College will be taken over by Government.

THE HONOURABLE SIR PHEROZESHAH M. MEHTA.

1. (*a*) Will Government be pleased to say if they have received a letter from the Municipal Corporation of Bombay, dated 22nd September 1911, on the subject of the abolition of the appointment of the Municipal Commissioner as Plague Commissioner under the Epidemic Diseases Act?

(*a*) Yes.

(*b*) Will Government be pleased to say when they propose to reply to it?

(*b*) The letter is under the consideration of Government and will be replied to in due course.

2. (*a*) Will Government be pleased to say if they have noticed a letter from Mr. E. Giles, late Director of Public Instruction in the Bombay Presidency, published in the "Times of India" of 19th February 1912, relating to the curtailment of the Director's Annual Report?

2. (*a*) Yes.

Questions.	*Answers.*
(*b*) Will Government be pleased to give the reasons for ordering such curtailment?	(*b*) The reasons for curtailment were :— (1) that the increasing demands on the time of the Director and inspectorate make it desirable that more time should be spent in doing and seeing things and less in writing reports about them; (2) the time of the Deputies first, then of the Educational Inspectors and then of the Director used to be taken up for fully a month with the compilation of the annual report, practically everything else except matters of the most urgent nature having to be laid aside during this period. By the curtailment the Inspectors and Deputies are enabled to prolong their touring season by at least a month; (3) that under present conditions there are numerous facilities for giving information regarding, and for the discussion of, educational subjects apart from those afforded by the annual reports; (4) that considerable changes in educational tendencies and policy can best be observed at longer intervals, and for this the quinquennial reports afford the desired opportunity.
(*c*) Do the orders require a further curtailment of the summary of salient points to even less than the 11 pages which are devoted to it in the Report for 1910-11?	(*c*) No.
(*d*) Will Government be pleased to place on the Council Table the Government Resolution No. 2401, Educational Department, dated 31st July 1911, to which the Director refers in the first paragraph of his Report as conveying the Government orders for reduction?	(*d*) This Resolution cannot be communicated as it contains letters from the Government of India which the Governor in Council is not empowered to publish; but the reply to (*b*) gives the substance of the correspondence.
3. Will Government be pleased to state whether the final arrangements for taking over Gujarát College have been completed, and what they are?	3. The attention of the Honourable Member is invited to the reply to question No 1 put by the Honourable Mr. C. H. Setalvad at this meeting.
4. Will Government be pleased to say if they have drawn up or intend to draw up a programme for the next three years for the periodic increase of primary schools as they did for the three years now about to end? And if so, what is the number of such schools to be increased each year?	4. The Honourable Member is referred to the Press Note No. 603, issued on the 5th March 1912, from which he will see that the question of utilising the grant allotted by the Government of India is under consideration. For the present no definite programme can be laid down.

Questions.

Answers.

THE HONOURABLE SARDAR SYED ALI EL EDROOS.

1. Will Government be pleased to say whether they intend to direct all local bodies to grant a bonus equal to half a month's pay to all school masters lent to them by Government, drawing Rs. 50 and less per month, so that the special concession conferred on all Government servants in honour of the visit to India of Their Imperial Majesties may be uniformly enjoyed?

1. Government have already accorded general sanction to the grant of the bonus to employés paid from the funds of district or táluka local boards or of municipalities, in cases where the administrators of such funds are desirous of granting the bonus and the funds are able to bear the cost. Government are not prepared to issue any special direction for the payment of the bonus to school masters lent to local bodies.

2. Will Government be pleased to say whether they are aware of the serious inconvenience and danger experienced by the bulk of the villagers living on the west side, who have to cross the Olpád Khadi during the monsoon when attending the Mamlatdar's Kacheri, and the Civil Court, and whether the District Local Board, Surat, are prepared to construct a bridge over the khadi with a view to remove the inconvenience complained of?

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

3. Will Government be pleased to state what remissions and suspensions have been granted in the Panch Mahál District during the current year owing to the famine and what proportion they bear to the total demand of the year? If none have been granted, will Government be pleased to consider the making of suitable grants as a measure of relief for the time being to the people?

3. The latest estimates show that out of a total demand amounting to Rs. 3,85,500, a sum of Rs. 3,41,500 will be suspended and Rs. 3,000 will be remitted. Thus only 10 per cent. of the usual demand is put down for collection.

4. Will Government be pleased to say whether takavi advances have been made in those districts of the Northern Division where crops and fodder have failed owing to drought? If so, to what extent? If none have been made, will Government be pleased to consider the necessity of doing so by way of temporary relief to the people?

4. The ordinary grant of tagai for distribution during the current financial year in the Northern Division was fixed at 3¼ lakhs. Since scarcity conditions set in additional allotments amounting to Rs. 26 lakhs have been made.

5. Will Government be pleased to say whether they will consider the advisability of appointing a special Mahomedan Deputy Educational Inspector for Urdu schools in the Northern Division as has been done in the Southern Division?

5. The suggestion will be considered.

Questions.

6 Will Government be pleased to say whether in districts where the Deputy Educational Inspector is not a Mahomedan, the Mahomedan Assistant Deputy Educational Inspector is invariably consulted by him in respect of Urdu schools within his charge?

Answers.

6. Inquiry will be made.

7. Will Government be pleased to say whether they will consider the advisability of giving something for the improvement of Urdu schools out of such allotment as may be made to the Northern Division from the special grant of 50 lakhs for educational purposes?

7. The matter will be considered.

8. Will Government be pleased to say what has been done towards providing water and fodder in those parts of the Kaira District where their want is seriously felt at the present time?

8. As regards the arrangements for fodder the attention of the Honourable Member is invited to the Press Note No. 10895, dated 18th November 1911, which was distributed at the meeting of the Legislative Council held on the 21st November 1911. Private trade in grass has been stimulated by the grant of concession freight rates on the railways. In addition, Government are importing into the districts of Kaira and Ahmedabad 1,200 lakhs of pounds of grass, of which one-third will be obtained from the Central Provinces. This grass will be distributed to the ryots as tagai. The Central Charitable Relief Fund and the Trustees of the Wadia Charitable Fund are also importing grass and distributing it in full co-operation and consultation with the Collector.

The Kaira District Local Board are spending Rs. 50,000 during the current financial year and will spend a similar amount next year in improving the water-supply. A large amount of work in improving the water-supply has been done by means of boring plant of the Cawnpore pattern.

THE HONOURABLE MR. FAZULBHOY CURRIMBHOY.

1. Has the attention of Government been drawn to the letter of Mr. Roxburgh of the Cattle Farm, Deesa, which appeared in the "Times of India" of 30th January last, complaining about the terrible

1. Yes.

Questions.	*Answers.*
mortality said to be prevalent among cattle that have crossed the Nerbudda and also to the denial of Mr. Barrow, the Commissioner of the Northern Division, as to the truth of the complaint so far as the three affected districts of the Northern Division are concerned?	
Has Government instituted an enquiry to ascertain the truth of Mr. Roxburgh's complaint and to find out to what part of Gujarát his complaint refers and, if so, what has been the result of such enquiry?	No such enquiry was considered necessary.
2. Will Government be pleased to state—	
(*a*) Whether the manual training school at Belgaum, the workshop in the training college at Dhárwár and the carpentry class in the Hyderabad training college are doing good to scholars?	2. Enquiries are being made.
(*b*) What is the number of pupils taking advantage of the manual instruction in those three institutions; and	
(*c*) Whether there is room for making manual instruction more popular?	

THE HONOURABLE MOULVIE RAFIUDDIN AHMAD.

1. Will Government be pleased to state—	
(*a*) if there is any provision made for Mahomedan prisoners in His Majesty's jails for the performance of their daily religious devotions?	1. (*a*) Muhammadan prisoners are permitted to pray before unlocking during the period for meals and bathing, that is, between 9-30 to 10-30 A.M., after work closes at 4 P.M. and after lock-up. All well-behaved prisoners physically fit and who are not habituals are permitted to keep the Roza.
(*b*) if there are copies of the Koran kept in jails for the benefit of Mahomedan prisoners?	(*b*) Korans are provided for all prisoners who can use them.
(*c*) if Government will grant any facilities for a Mahomedan priest to approach Mahomedan prisoners on Fridays for one hour to conduct prayers and preach a sermon?	(*c*) Government do not think that any necessity exists for granting the request.

Questions.	*Answers.*
2. Will Government be pleased to state whether they consider it advisable to open a central school at Poona for Mahomedan girls with a view to prepare them for the training College for women ?	2. The question will be considered.
3. Are Government aware that Mahomedan students in the Ahmedabad Training College are obliged to mess with their Hindu fellow students and therefore forego animal food ? If so, do Government propose to make separate boarding arrangement for them ?	3. Enquiries are being made.
4 Will Government be pleased to say whether they consider it advisable to open an English class in connection with the Nasirábád (East Khándesh) Urdu school—the biggest school of its kind in the Central Division—on the basis of the existing one at the Urdu school at Násik.	4. The suggestion will be considered.
THE HONOURABLE MR. GULAM MUHAMMAD WALAD KHA'N BAHA'DUR WALI MUMAMMAD BHURGRI.	
1. Is it true that the head of the Eastern Nara Canal at Rohri is silted up ?	1 The head of the Eastern Nara Canal at Rohri has not silted up.
If so,	
(*a*) Will Government be pleased to state what action is being taken in order to insure the coming year's usual supply ?	(*a*) There is shortage of Rábi supply, but this has always been uncertain, and no special action is necessary.
2. (*a*) Is it a fact that in the present Rábi season the water available in the Eastern Nara was given to Jámráo and Mithráo Canals, and no water was supplied to Hiral Canal since last December ?	2. The detailed information asked for is not with Government. The Commissioner in Sind or the Superintending Engineer, if applied to by the Honourable Member, will give the details desired.
(*b*) Is it a fact that the zamindárs and rayats of the Hiral Tract had no notice of such intentions of the authorities and had actually sown a large area with winter crop as usual ?	
(*c*) Is it true that the Executive Engineer of the Eastern Nara asked the Superintending Engineer to supply water to the Hiral Canal in rotation with Jámráo and Mithráo Canals and that the Superintending Engineer refused to do so ?	
If so,	
(*d*) Will Government be pleased to state the reasons for making such invidious distinctions ?	

Questions.

Answers.

3. (*a*) Will Government be pleased to state how many new primary schools (for boys and girls) were opened in each district in Sind since 1910 up to date?

(*b*) Will Government be pleased to state if they propose to open any such schools in the current year?

If so,

(*c*) How many and in what districts?

3. The subjoined statement gives the number of schools opened in each district in Sind since 1909-1910:—

District.	1909-1910	1910-1911	1911-1912.
Karáchi	15	1	5
Hyderabad ...	20	8	5
Thar and Parkár .	17	8	3
Sukkur	20	4	5
Upper Sind Frontier ..	15	1	2
Lárkhána	20	8	5
Total . .	107	15	25

No girls' schools were opened in 1909-1910. Information regarding the two following years has been called for and will be given on receipt.

4. (*a*) Will Government be pleased to state if they have considered the suggestion made by Mr. Hudson, the then Deputy Commissioner of Upper Sind Frontier District, for the creation of a post of a Mahomedan Deputy Educational Inspector for that district?

If so,

(*b*) Do they intend to create the appointment?

If so,

(*c*) When?

4. Last year a proposal for the creation of a post of Deputy Educational Inspector for the Upper Sind Frontier District was received, but in view of the financial situation consideration of the proposal has been postponed and no provision has been made in connection with it in the budget for 1912-13.

THE HONOURABLE SARDAR NARAYANRAO GOVIND ALIAS BABASAHEB GHORPADE, JAGHIRDAR OF ICHALKARANJI.

1. Will Government be pleased to state whether they have arrived at any conclusion as regards the cases of kadim watandárs in the village of Bahe in the Válwa táluka of Sátára district which, as stated in reply given by Government to Question No. 7 (*b*) asked by me in the meeting of the Legislative Council held on the 26th January 1911, were under investigation regarding the levy of judi on them? If so, what conclusion have they arrived at?

[*This question was asked at the meeting held on the 21st November 1911, when an* ad interim *reply was given.*]

1. The judi on kadim ináms of District Hereditary Officers which came under the Gordon Settlement has not been altered. In the case of other kadim inams, such as personal ináms, Devasthan ináms and ináms held by village servants useful to the community, the judi has been re-calculated on the survey assessment introduced in the year 1909-10.

Questions.	*Answers.*
2. Will Government be pleased to state whether it is a fact that the Madras and Southern Maratha Railway Company charges on goods consigned from the Kolhápur station higher rates than the rates charged on goods booked at Nipáni, with the result that merchants near Kolhápur are forced to send goods to Nipáni in bullock carts in order to consign them from Nipáni and they are thus obliged to incur the additional expense of taking them in bullock carts to Nipáni?	2. Government have caused a letter to be addressed to the Agent, Madras and Southern Maratha Railway Company, on the subject, and the result of the correspondence will be placed on the Council Table.
3. Will Government be pleased to state whether it was contemplated to build a local fund road from Jupati an Inám village in táluka Rájápur of the Ratnágiri district to join the road from Kolhápur to Rájápur? If so why was the idea abandoned?	3. Government has no information on the subject.
4. Will Government be pleased to place on the Council Table the opinions and criticisms that may have been received on the proposals contained in the report of the Committee appointed to make proposals for the standardization of weights and measures?	4. The opinions received have been sent to the Committee for consideration. They will be laid on the table at the first meeting of the Legislative Council after the presentation of the Committee's report.
THE HONOURABLE MR. GOKULDAS KAHANDAS PAREKH.	
1. * * * *	* * *
(5) Are the head loads of grass or fuel and agricultural produce charged or carried free by the Steam Ferry?	(5) All head loads of grass or fuel and agricultural produce are carried free.
(6) Were such loads allowed to be charged under the old Ferry arrangement?	(6) No.
[*This question was asked at the meeting held on the 21st November 1911 when an* ad interim *reply was given.*]	
2. Will Government be pleased to say whether they have arrived at any decision on the question of propriety of resorting to legislature in those cases where the plaintiffs had made applications to the Conciliator before the last day prescribed by the Limitation Act of 1908 for filing suits for the recovery of debts charged on immoveable property and their suits were dismissed for	2. The Honourable Member is referred to the answer given today to question No. 1 (*d*) put by the Honourable Ráo Bahádur Shriniwas Konker Rodda at the meeting of the Legislative Council held on the 25th July 1911.

Questions.	*Answers.*
having not been filed in Court in time in accordance with the ruling of the High Court or who omitted to bring their suits in consequence of such ruling ?	
[*This question was asked at the meeting held on the 21st November 1911 when an* ad interim *reply was given.*]	
3. Will Government be pleased to say what is the scheme framed by them towards carrying out His Imperial Majesty's wish to cancel and remit in whole or in part the debts due to them by the non-jurisdictional estates of Gujarát ?	3. Proposals affecting the non-jurisdictional estates of the Káthiáwár, Pálanpur and Mahi Kántha Agencies are under reference to the Government of India.
4. Will Government be pleased to say—	
(1) Whether in the villages of Piplav and Ismav of the Borsad táluka of the Kaira district there was a complete failure of crops owing to the shortage of rain during the last monsoon ?	4. (1) Government have no information regarding the condition of the crops in these two villages excepting that contained in the application and its accompaniments referred to below.
(2) Did the occupants of lands in these villages apply for an enquiry about their crops having totally failed ?	(2) Some of the inhabitants of the two villages submitted a petition to Government in February stating that one half of the land revenue demand in their villages had been suspended and requesting that the remaining half which had been ordered to be collected should also be suspended.
(3) Was such an enquiry made and what was its result ?	(3) and (4) The application was at first returned for compliance with the petition rules. On receipt of all the papers it appeared that the Collector had already enquired into the condition of the crops in these villages and had ordered suspension of half the revenue demand in accordance with the sanctioned scale in force throughout the Presidency. As these villages had been dealt with in precisely the same way as other villages in scarcity or famine areas. Government declined to interfere.
(4) To what extent was the collection of Government demands from these villages ordered to be suspended ?	
(5) Were notices threatening the issue of coercive processes issued against the occupants of lands in these villages before the Collector replied to such applications ?	(5) Government have no information.

Questions.	*Answers.*
5. Will Government be pleased to say—	
(*1*) For how many years a primary vernacular school existed at Medhar in the Jalálpur táluka of the Surat district ?	5. Enquiries are being made.
(*2*) Whether the school continues or has been closed ?	
(*3*) How many transfers of teachers took place in it during the last two years ?	
(*4*) What was the number of pupils on its rolls at the time it was closed ?	
(*5*) Whether the recent opening of the missionary school, teaching higher standards was one of the causes of the reduction in the numbers ?	
(*6*) Whether the missionary school has reduced its teaching to the third vernacular standard ?	
6. Will Government be pleased to say—	
(*1*) If their attention has been drawn to the article headed " Government and the Press " in the issue of the Indian Social Reformer of the 4th February 1912.	6. (*1*) The attention of Government was not drawn to the article, but they have now seen it.
(*2*) Was the Deputy Commissioner of Police acting in the matter on his own initiative or under orders of Government ?	(*2*) Government asked the Commissioner of Police, Bombay, to seek information as to the source from which an official document had been obtained.
7. Will Government be pleased to say—	
(*1*) At what stage has the question of the consideration of forming a separate Civil Court District for the Revenue Districts of Kaira and the Panch Mahâls arrived ?	7. (*1*) and (*2*) The scheme for establishing a separate District Court at Kaira is found to present many difficulties and is at present in abeyance.
(*2*) If they have arrived at any decision in the matter, will they be pleased to say where they propose to establish the head-quarters of the Civil District ?	
(*3*) Are Government aware that there is a strong feeling in the districts of Kaira and Panch Mahâls against the proposed change ?	(*3*) Opinions on the scheme seem to be divided.

Questions.	*Answers.*
8. Will Government be pleased to say—	
(*1*) Whether they have arrived at any decision on the question of converting Vernacular Local Board Schools teaching beyond the third vernacular standard into rural schools limited to teaching up to the third standard for such schools?	8. Detailed proposals have now been received from the Director of Public Instruction and are under consideration by Government.
(*2*) If they have, will they be pleased to say which schools in the Northern Division they propose to convert into rural schools?	
(*3*) What principles have they laid down for making such conversion?	
9. Will Government be pleased to say—	
(*1*) If they have caused a traffic survey to be made of the Vásad-Borsad-Kadána Road.	9. (*1*) The reply is in the affirmative.
(*2*) If they have, will they be pleased to state the result of such survey?	(*2*) The question of the best means of affording Railway communication to Borsad and the country west of it is under the consideration of Government and the Railway Board, and Government consider it inexpedient at the present stage to disclose the result of the traffic survey.
10. Will Government be pleased to say—	
(*1*) How many cases for taking security for good conduct against Patidars holding respectable positions in society have been made in the district of Kaira during the last six months?	10. (*1*) Two; in one of these the order has been confirmed by the High Court, the other is still *sub-judice*.
(*2*) How many of these cases were from the tálukás of which Mr. Milne has been the Sub-Divisional Magistrate?	(*2*) Both.
(*3*) Are Government aware that the District Magistrate of Kaira, Mr. Chuckerbutty, has pronounced in a judicial order that no person from the village of Chikhodra can be accepted as a surety for good conduct as the village is the head-quarters of the Arya Samaj?	(*3*) In one particular case the District Magistrate declined to accept two sureties because they belonged to Chikodra village; he has passed no general order as suggested by the question.
(*4*) Is it true that the village has been made the object of observation of the authorities on the ground of its being the head-quarters of the Arya Samaj?	(*4*) The village has been under observation because sedition has been found to exist in it.

Questions.	*Answers.*
THE HONOURABLE MR. RAGHUNATH PANDURANG KARANDIKAR.	
1. How many of the suits lodged in 1909, 1910 and 1911 in the Original Side of the Bombay High Court were such as could have been filed in the Bombay Court of Small Causes?	1. Forty-five in 1909, 72 in 1910 and 65 in 1911, or about 5 per cent. of the total number of suits filed during the three years.
2. How many of the suits instituted in the Bombay High Court, Original Side, were in the respect of immoveable property valued at less than Rs. 5,000?	2. No statistics are available.
[*These questions were asked at the meeting held on the 21st November 1911, when an* ad interim *reply was given.*]	
3. Is it a fact that the Second and Third Class Magistrates in the Sátára District have received special orders in the matter of not taking complaints of Hurt and Assault without the orders of the Sub-Divisional Magistrates? Under what authority these orders are issued?	3. Yes, it is a fact. The special orders referred to appear to have been justifiably made under section 17 of the Criminal Procedure Code.
[*This question was asked at the meeting held on the 21st November 1911, when an* ad interim *reply was given.*]	
4. Were Chairmen appointed or elected to the Works Committees of the District Local Boards of the Central Division during the year 1910-11?	4. Only in the case of the Ahmednagar District was the Chairman of the Works Committee appointed by the District Local Board. In the Násik District the President of the Board is on the Works Committee.
5. How many meetings have the Works Committees each held during the same year?	5. No meetings were held, but the work of a Works Committee consists mainly in the inspection of works by individual members.
6. Is it a fact that the Works Committee of the Sátára District Local Board has never met and not a single work was inspected during the year? If so, since when is that the practice?	6. Yes. No meeting is reported to have taken place during the last 15 years.
7. Whose duty is it to call meetings of the Works Committees?	7. It is the Chairman's duty to call such meetings.
8. Did the Executive Engineer in the district of Sátára arrange in communication with the District Local Board of Sátára the time when the execution of each work shall be commenced and the rate at which the same shall be proceeded with, as required by section 56 of the District Local Board Rules?	8. The Executive Engineer did not address any specific communications to the District Local Board on these points, but when the estimate for any work is sent by that officer to the President of the Board with an application for funds it is generally stated in the application that the work will be commenced on receipt of the same, while the proposed rate of progress can be ascertained by a

Questions.

Answers.

comparison of the figure of the estimate with that of the allotment. The Board is thus made cognizant of the procedure proposed by the Executive Engineer and is in a position to urge any objections it may entertain thereto.

In 1909 the Executive Engineer, Sátára District, was requested to communicate the date of commencement, etc., of works to the members of the Works Committee direct and he agreed to do so.

9. Were the times and rates of progress communicated to the District Local Board Works Committees in the Sátára and other districts of the Central Division during the year?

9. This was done only in respect of works in the Násik District executed by civil agency.

In Sátára a monthly schedule showing the works in progress with the expenditure on them and also exhibiting the works commenced during the past month is forwarded to the District Local Board through the Huzur Deputy Collector for information. By a comparison of any schedule with the preceding one the rate of progress can be ascertained.

10. What other facilities were available to the Works Committees for inspection?

10. It is not apparent what further facilities are required. It is always open to a member of a Works Committee to inspect any work in progress. Little interest, however, is as a rule evinced by the non-official members in Local Board Works. In the East Khándesh District, for instance, none of the three non-official members of the Works Committee inspected any works during the year.

11. What was the total number of passengers carried over the G. I. P. Railway in 1910 and 1911 on the occasion of the Pandharpur fairs in wagons, from whom ordinary 3rd class fares were received and what is the total of such receipts?

[*Questions Nos. 4 to 11 were asked at the meeting held on the 21st November 1911, when an* ad interim *reply was given.*]

11. The Agent, G. I. P. Railway Company, has reported to Government that the total number of passengers carried over that Railway to and from the Pandharpur fairs of 1910 and 1911 and the total receipts from them are as under:—

Ashadi Fair.

	No. of passengers carried.	Receipts. Rs.	a.	p.
1910	... 89,723½	2,57,489	1	6
1911	... 108,356	3,22,667	0	0

Kartiki-Ekadashi Fair.

		Rs.
1910	... 59,517	1,18,989

(The Kartiki-Ekadashi Fair in 1911 was prohibited by Government.)

Questions.	*Answers.*
	The Agent regrets that he is unable to furnish the information as regards the numbers of passengers carried in wagons as it has not been recorded.
12. (*a*) How much of the 50 lákhs to be appropriated in increasing sums year after year for making education more accessible and wide under the Durbár declaration is available for the Bombay Presidency?	12. The Honourable Member's attention is invited to the Press Note No. 603, published on the 5th March 1912, which contains all the information which Government are at present in a position to give on the subject, except that Government have decided to spend a considerable sum on the extension of training schools so as to increase the output of trained schoolmasters.
(*b*) Is Government contemplating utilizing it on some specified areas by terms of five years each or spreading over the whole Presidency all the allotment?	
(*c*) Does Government contemplate taking the public into confidence before issuing a press note on the utilization of this Royal grant?	
13. *Saláming.*—In the interests of consistency and regard for etiquette, will Government be pleased to issue definite instructions in the matter of "*saláming*," such as may avoid the recurrence of circumstances ending in orders like the one issued by Mr. A. F. Maconochie, Collector of Ahmednagar, when dismissing a Registration clerk?	13. Government do not propose to issue instructions of the nature referred to.
14. (*a*) Has information regarding the village police of the Northern and Southern Divisions been submitted to Government?	14. (*a*) It is understood that the question relates to inferior village servants. Information regarding these has been submitted to Government from all districts in the Northern and Southern Divisions, except Thána.
(*b*) If so, will Government be pleased to place the information on the Table of the Council?	(*b*) Copies of the papers relating to the Ahmedabad district were placed on the Council Table in connection with Question No. 17 asked by the late Honourable Mr. G. V. Joshi at the meeting of Council held on 25th June 1910, and a copy of the resolution relating to the re-organisation of *shetsanadis* in the Southern Division was placed on the Table with the reply to Question No. 80 asked by the Honourable Member himself at the meeting held on 21st November 1911. Government do not consider it necessary to reprint these papers or those relating to the districts of Kaira, the Panch Mahals, Surat and Broach, but copies of all will be placed in the Council Library for the information of the Honourable Member.

Questions.	*Answers.*
(*c*) Will Government be pleased to supply similar information for the Central Division?	(*c*) The circumstances of the Central Division differ from those of the other two divisions and the attempt to collect information for the districts in this division was abandoned.
15. What is the total number of Village Police Pátils clothed with powers under section 15 of the Village Police Act in the three divisions?	15. The information required will be obtained.
16. Does Government contemplate measures for the training of the village police?	16. No such measures are contemplated.
17. What is the proportion of village police to the rural population and to the rural area and to the crime investigated during 1910?	17. The proportion of inferior village police to the rural population will be found, so far as the information is available, in the papers referred to in the answer to Question No. 3 (*b*) asked by the Honourable Member. The same papers also enable the proportion of these police to the area of the táluká or district to be calculated in some instances. As to the proportion to crime the Honourable Member is referred to the tabular statement in paragraph 13 of the Report on the Administration of Civil and Criminal Justice in the Bombay Presidency for 1910, a copy of which has been supplied to him.
18. Will Government be pleased to desire inclusion annually of the information collected from the Village Crime Note Book into the Police Administration Report?	18. The matter will be considered.
19. Is it a fact that the District Judge of Sátára has issued circular orders to his Subordinate Judges— (*a*) pointing out the desirability of declining to file awards unless there appeared genuine contested matter on the face of the award; (*b*) pointing out the importance of the presumption that the older the bond the greater the likelihood of its being satisfied; (*c*) pointing out the necessity of once for all determining the yielding capacity of land generally in the whole district, in order to facilitate the decision of each individual case for redemption of mortgage or in cases where questions about profits of land arise?	19. Government are not aware whether the District Judge, Sátára, has issued such circular orders. Enquiry will be made.

Questions.

20. Is Government aware that considerable difficulty is felt by the export and import trade at the G. I. P. Railway station of Sholápur owing to the insufficiency of the goods shed as also difficiency of labour in loading and unloading goods in time ?

21. What saving or economy is effected by the reduction of certain jails to the status of subsidiary jails; which are such reduced jails ? Have any hands been thrown out in consequence ?

22. What action does Government contemplate to remove the hardship caused by the ruling of the Bombay High Court disallowing respectively the time spent before Conciliators and the exclusion of "Sunday" if the last day, before presentation of plaint in computing the period of limitation in cases governed by section 31, Limitation Act ?

23. In paragraph 4 of the Report on the Administration of the Registration Department in the Bombay Presidency for the years 1908 to 1910 it is stated that "The decrease (*i. e.* in the registration of leases the registration of which is optional under the law) is general but not universal, and may be due to the fact that an oral agreement supported by an entry in the Record of Rights is being substituted for a registered deed."

Will Government be pleased to ascertain if this is the case, and if so to take steps to discourage the tendency ?

24. Will Government be pleased to place on the Table a statement showing the numbers and grades of persons on the Village Registration Establishments whose services have been dispensed with,

Answers.

20. Government have caused a letter to be addressed to the Agent, G. I. P. Railway Company, on the subject and the result of the correspondence will be placed on the Council Table.

21. The first class subsidiary jails at Násik and the second class subsidiary jails at Godhra, Surat, Ahmednagar and Sátára have been reduced to the status of third class subsidiary jails; it is anticipated that considerable economies in recurring charges will be effected by this change, and it will not now be necessary to re-build the subsidiary jails at Násik and Belgaum. The services of one clerk at Ahmednagar on Rs. 15 *per mensem* and another at Násik on the same pay will be dispensed with in consequence of the change. The former has a service of two months and the latter of six months. Both are on probation.

22. The Honourable Member is referred to the answer given today to question No. 1 (*d*) put by the Honourable Ráo Bahádur Shriniwas Konher Rodda at the meeting of the Legislative Council held on the 25th July 1911.

23 The collection of the information necessary to answer the first part of the question would involve a minute enquiry in every village in the Presidency As no useful purpose is likely to be served thereby Government are not disposed to move in the matter.

24 At the time of its discontinuation the Village Registration establishment consisted of—

(1) four District Inspectors, each on Rs. 100 *per mensem*;

Questions.	*Answers.*
and of those who have been provided by Government with other employment? What action has Government taken in respect of those who are still out of Government employment?	(ii) three village registration kárkúns in District Registrars' Offices, each on Rs. 20 *per mensem;* (iii) forty-five Táluka Village Registrars' kárkúns, each on Rs. 15 *per mensem;* (iv) one hundred and three Village Registrars—two on Rs. 18 *per mensem*, twenty-five on Rs. 16 *per mensem* and seventy-six on Rs. 12 *per mensem;* (v) four peons, each on Rs. 8 *per mensem.* Of these, (i), (ii) and (v) were provided for in the Registration Department. Out of the 148 Village Registrars and Táluka Village Registrars' kárkúns, 44 were qualified to retire on full pension, 47 were provided for in vacancies in the establishments of Sub-Registry Offices, and some were taken over by other Departments. About 40, who were not entitled to full pension owing to short service and who could not be provided for elsewhere, were thrown out of employment. The Inspector-General of Registration has been authorised to prepare the pension papers of these subordinates. A list of their names has also been circulated to the Heads of Offices in the Maráthi-speaking districts in order that their claims may receive first consideration when suitable vacancies occur in Government offices.
25. (*a*) Did any of the District Local Boards of the Central Division hold more than the statutory minimum of two meetings *per annum*, say, during the last three years?	25. (*a*) The District Local Board, Poona held three meetings in each of the years 1908-1909 and 1910-1911, and four meetings in the year 1909-1910. The District Local Board, Ahmednagar, held three meetings in each of the years 1909-1910 and 1910-1911. The District Local Boards of East Khándesh, West Khándesh, Násik and Sholápur held three meetings each in the year 1909-1910.
(*b*) Did the Vice-President of the Sátára District Local Board preside over any of the District Board's meetings during the last three years? Were any powers delegated to the Vice-President of the Sátára District Local Board under	(*b*) Inquiry is being made.

Questions.

Answers.

section 29 of the Act or as directed by Government Resolution No. 2833 of 7th May 1887, Revenue Department? What powers does he in fact exercise?

(*c*) Is it a fact that almost all the public works of the District Local Boards are suggested by Government officers and planned and carried out by the Public Works Department and that all the educational matters are suggested and carried out by the Educational Department?

(*c*) The Honourable Member is referred (i) to section 61 of the Bombay Local Boards Act, 1884, which regulates the planning and execution of the works of District Local Boards, and (ii) to section 48 (*b*) of the Act and the rules thereunder, by which educational expenditure is regulated. Necessarily the officers concerned take a predominant part in proposing such works and expenditure, but the unofficial members have the fullest opportunity of submitting their own proposals for the consideration of the Boards

(*d*) Are the annual reports of the several District Local Boards in the Central Division circulated among the members of the Boards and passed or printed and published?

(*d*) The annual reports of the District Local Boards are embodied in the yearly reports of the Revenue Commissioners on the administration of the Boards in their respective divisions. From these reports a consolidated report for the whole Presidency is prepared, and copies of it are supplied to every District and Táluka Local Board.

(*e*) Are papers relating to the questions to come before the District Local Boards in the Central Division circulated among the members or are copies or *précis* of the same supplied to them?

(*e*) Inquiry is being made.

(*f*) What facilities are allowed to the members of the said Boards to form an intelligent opinion on the questions before them or to keep them in touch with the work of the Boards?

(*f*) The facilities are those obtaining under the Local Boards Act and its rules to which the Honourable Member is referred.

(*g*) Will Government be pleased to say whether they propose to take such steps as may be necessary in order to bring the powers of the District Local Boards in respect of construction or guarantee of District Railways in a line with those of the Boards in Bengal and Madras?

(*g*) The question of empowering District Local Boards to guarantee the interest on capital expended on railways or tramways in cases where direct construction is impracticable or undesirable is under the consideration of Government.

EXPLANATION OF THE REVISED FINANCIAL STATEMENT OF THE GOVERNMENT OF BOMBAY FOR THE YEAR 1912-13.

The Honourable Sir RICHARD A. LAMB in presenting the Revised Financial Statement said:—Your Excellency,—The Revised Financial Statement requires to be read subject to the altera-

See Appendix G.

tions which have been made by the Government of India, and which are shown in the memorandum which was issued yesterday. Details in various places of the statement, for example in paragraph 15 and others, require revision in accordance with the figures in the memorandum. Apart from this, the Revised Financial Statement for 1912-13 contains little which requires explanation. The extent to which our local resources suffer from the unfavourable monsoon of 1911 is depicted in paragraph 13 of the Statement. Famine relief calls for an estimated expenditure in 1911-12 and 1912-13 of Rs. 29,90,000 under the heads which are classed as direct famine relief expenditure which is met from the sum to our credit with the Imperial Government under a separate administrative account. The remaining expenditure caused by the poor season is classed as indirect and falls wholly on provincial revenues. It is estimated to amount in the two years to Rs. 28,40,000. At the same time Rs. 40,36,000 of provincial revenue is suspended or remitted in 1911-12 and Rs. 5,98,000 in 1912-13, while excise and irrigation revenues are estimated to be less by Rs. 11,12,000 in the two years than they would have been but for the failure of the 1911 rains. The total set-back to provincial revenues is thus calculated at Rs. 85,86,000, of which Rs. 37,55,000 being suspended revenue, may be wholly or partly recovered in future years, or may be partly or wholly remitted, under the suspension and remission rules, according to the character of the following seasons. The actual loss apart from suspensions is thus estimated at Rs. 48,31,000. In our advance and loan account there is a similarly disadvantageous situation. The loans for 1911-12 are taken now at an increase of Rs. 47,51,000 over the Budget figure for that year, and for 1912-13 at Rs. 39,20,000 over the same figure. The total increase due to the scarcity amounts to Rs. 92,10,000. Notwithstanding these adverse figures, we are able to budget for a gross closing balance less by only Rs. 28,10,000 than our opening balance, and a true provincial closing balance less by only Rs. 12,08,000 than our true provincial opening balance. This result is brought about partly by the operation of the adjustments between imperial and provincial accounts, which are an ordinary feature of our finances, and partly by the extraordinary contributions made by Imperial from their surpluses. The rest of India has been more fortunate than this Presidency in the past season; the Imperial opium receipts have again largely exceeded the estimates; and consequently the Government of India have been once more in a position to distribute considerable largesses to the Provincial Governments. It is exceedingly difficult to disentangle expenditure out of the Imperial contributions from the expenditure out of true provincial revenue, and I am not satisfied that the figures which are given in Appendices C and D succeed in showing accurately the exact position of true provincial revenue and expenditure. I give these statements as showing only what we have as yet been able to work out for the purpose of contrasting our revenue with our recurring and non-recurring expenditure; statement D does not exclude expenditure from Imperial contributions. With the help of these adjustments and contributions we are able to make good provision for the services of the year, and to maintain a true provincial balance which gives a margin of Rs. 35,98,000 above the prescribed minimum of Rs. 20,00,000.

In the circumstances of the year the figure of unallotted expenditure which was placed before the Finance Committee was unavoidably less than the amount which the Finance Committee of the previous year had to deal with. I regret that two members of the Committee this year found the time which was available between the receipt of the papers by them and the meeting of the Committee too short to enable them to be

prepared to attend the meeting and they therefore stayed away from it. I can only say that the dates were fixed, as in previous years, in accordance with the programme of dates which is prescribed to us by the Government of India, and which we have to follow The programme allows perhaps an unnecessarily long period for the meetings of the Committee and the preparation of its report, and it may be found possible to curtail that period and correspondingly lengthen the interval between the receipt of papers by the members of the Committee and the meeting of the Committee.

With these remarks, which I make as Finance Member, I pass on to the major heads of the Budget relating to the departments of which I am in charge as Revenue Member. Many of these call for no remark in further explanation of the detailed description given in section III of the Revised Financial Statement. I mention only those on which some additional comment occurs to me as desirable for the information of the Council.

Land Revenue.

From the Collectors' figures it appears that the growth of the revenue demand due to revised assessments is estimated at Rs. 3,34,158 in 1911-1912 and Rs. 1,36,706 in 1912-1913.

His Excellency the PRESIDENT :—I call upon the Honourable Mr. PAREKH to move his resolution and I remind him that under the resolution rules, he has half an hour, and other members, in discussing the resolution, have fifteen minutes as the limit of their speeches.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH said :—Your Excellency,—The resolution which stands in my name runs as follows :—

"This Council recommends that the Governor in Council be pleased to disallow the item of Rs. 46,750 on account of the proposed revision of the grades of Assistant Collectors."

The honourable members of this Council will see that in the Revised Financial Statement at page 5, there is a proposal for the revision of the grades of Assistant Collectors. The increase involved in this revision amounts to Rs. 46,750 for ten months of the next Financial year and Rs. 56,100 for the whole year. I must at once state to the Council, that I do not move this resolution because of any want of appreciation of the efficiency and character of the gentlemen belonging to the Service. I fully recognise the justness of the encomiums which His Majesty bestowed upon the splendid Service which is manned by officers of great efficiency and character and ability and which has furnished many eminent statesmen. But we have to consider the necessity for economy in connection with our financial arrangements, and I submit that the present salaries are not inadequate, nor do they compare less favourably when salaries of officers in other departments of the Public Service are considered. The Service is represented in every grade of the official hierarchy, and when its members have real, or supposed, grievances they receive much readier attention than the grievances of members of other services. In considering their claims to increase, one has to consider the large number of high and well-paid appointments to which an officer with somewhat more

than average ability aspires to rise. We find that in 1877 the salaries of the First Assistant Collectors were fixed at Rs. 900 and Second Assistants at Rs. 700. The reasons for the present proposed increase are stated at page 12 of the Revised Financial Statement. It is urged that an officer on the completion of 8 years' service must be able to get Rs. 1,000 per mensem. This is a much a higher salary than officers in other departments obtain after the same length of service. There are some who are superseded by abler officers, who are their juniors in point of time. But what I submit is that this Council will not approve of the principle of officers getting promotions merely by seniority irrespective of the character of their work. There is no reason why officers who draw more than Rs. 1,000 after 8 years' service should have any increase. Under the proposed scheme such officers would get Rs. 300 more even when they are already in receipt of Rs. 1,000 or more. The number of officers drawing salaries under Rs. 1,000 is larger in this Presidency than under other Governments. I also understand that the proportion of Assistant Collectors is also larger under the Bombay Government than elsewhere. But if the large number of Assistant Collectors employed in the Province becomes a ground for giving them promotions there is another way out of the difficulty. The work done by Assistant Collectors is generally done by Deputy Collectors and most of them are quite as capable and as trustworthy as the Assistant Collectors. I think the Service is adequately paid for the good work that it performs, and there should be no further burdens imposed on the finances in this respect. When we require sums of money for sanitation, education, medical relief and other useful purposes, we experience great difficulties in getting the same sanctioned. I do not, therefore, think that it is desirable to increase expenditure in connection with charges of this character. With these remarks, I submit this resolution for the acceptance of the Council.

His Excellency the PRESIDENT:—As the Honourable Mr. KARANDIKAR has a resolution of the same kind, I think it would be useful if he spoke next.

The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR said:—Your Excellency,—The proposal which I wish this Council to adopt is couched in these terms:—

"That the revision of grades of Assistant Collectors be deferred."

I think that having regard to the fact that there is scarcity and famine in some parts of the Presidency this is not the year in which an increase in expenditure on a large scale can properly be made. This is my reason for submitting my resolution to the Council. I have not considered the subject from the point of view put forward by my honourable friend Mr. PAREKH. I am, however, of opinion that the revision of these grades of Assistant Collectors should be definitely deferred until a better opportunity presents itself.

The Honourable Mr. LALUBHAI SAMALDAS said:—Your Excellency,—As a member of the Finance Committee, I must in fairness to that Committee say that this subject was fully discussed there. Two reasons were advanced by the finance member in support of this proposal. The first was that the salaries of the officers of the standing of Assistant Collectors of eight years' service were higher in the other Presidencies than in Bombay, and that our officers should be put on the same footing as civilians of equal

service in other parts of the country. The second reason was that there was no grade between Junior Collectors on Rs. 1,800 per month and Senior Assistant Collectors on Rs. 900 a month. It was therefore thought necessary to create a new grade between these two so that there would be three grades of Rs. 1,200, Rs. 900 and Rs. 700 instead of only two as at present of Rs. 900 and Rs. 700. After hearing these reasons the Finance Committee approved of this proposal.

The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA said :—Your Excellency,—I endorse the remarks that have just fallen from my honourable friend Mr. LALUBHAI. I think to give an Assistant Collector a promotion from Rs. 900 to Rs. 1,800 at a jump is an anomaly, and Government have acted wisely in introducing an intermediate grade of Rs. 1,200.

The Honourable Sardar DAVAR KAIKHOSRO EDALJI MODI said :—Your Excellency,—I may say, without disclosing names, that a number of officers feel the pinch very much They are really deserving of higher salaries in view of the work they perform. It would have been more gratifying if the salaries were increased from Rs. 700 to 800, Rs. 800 to 900, Rs. 900 to 1,000 and Rs. 1,000 to 1,200. The present proposal is a moderate one. On account of the general rise in prices these officers find it difficult to make both ends meet. I think the Council should support every proposal that is calculated to improve their status and salary. The purity of the Service was unquestioned and in order that it may continue undiminished, I think they should be adequately paid. I emphatically endorse the suggestion for the increase of their salaries having regard to the conscientious and satisfactory manner in which the officers perform their onerous duties.

His Excellency the President :—Do you wish to reply, Mr. PAREKH ?

The Honourable Mr. GOKULDAS K. PAREKH, in reply, said :—I am surprised to hear the remark made by my honourable friend, Sardar DAVAR MODI, that for the purpose of securing purity in the Service it is necessary to increase the salaries. I would consider it a poor compliment to the Service if it is supposed that if it were not for the promotions they would not be as pure as they are. I think the reasons advanced by my friend, the Honourable Mr. LALUBHAI, are not convincing. If it was necessary to increase the number of the officers, you can very well obtain them from the Deputy Collectors, who discharge their duties as efficiently and zealously as the members of the Civil Service. The duties of the Assistant Collectors are performed with equal zeal and ability by Deputy Collectors, who are drawn from the Provincial Service.

The Honourable Mr. RAGHUNATH P. KARANDIKAR said :—Your Excellency,—I have no reply to make, as no honourable member has taken exception to what I stated when moving my resolution. I stick to my humble opinion that this is not the time when we may launch a measure which will necessitate an extra expenditure to the State.

The Honourable Sir RICHARD A. LAMB said :—Your Excellency,—The resolution brought forward by the Honourable Mr. PAREKH causes me some little surprise because my honourable friend was on the Finance Committee and he there inquired of me across the table, where I was presiding, about this very item providing for an increase of remuneration for Assistant Collectors. I then gave him, across the table, an explanation very similar indeed to that which now appears on page 6 of the Financial Statement. At that time he made no remark. He appeared to accept

the explanation and also signed a report by the Finance Committee which included no recommendation for the reduction of this item, or any suggestion that it might be deferred. It therefore appeared that, at that time at least, my honourable friend had accepted this provision in the Budget, as he had made no criticism on it. Thus it comes to me somewhat as a surprise that in the meanwhile my honourable friend's mind should have been so changed as to allow him to bring forward this resolution. There is one difficulty under which I labour in speaking on this subject, and that is that the matter is under discussion between this Government, the Government of India, and the Secretary of State. Without Your Excellency's sanction such a subject cannot be discussed in this Council, and when Your Excellency has sanctioned the discussion it is obviously difficult for the member in charge to speak fully while we are not in possession of the views of the Secretary of State on the suggestions which have been put forward. Recommendations have been made by this Government to the Government of India and have been accepted, but as yet we do not know the views of the Secretary of State. I am therefore obstructed in discussing the provision in the Budget. In view of the speeches which have been made by the honourable members of this Council, I gather that it is not necessary to defend it at any great length, because I do not think I heard any gentleman speak in support of the resolution. Gentlemen who have spoken appear to be in favour of the provisions contained in the Budget. When the Honourable Mr. PAREKH referred to the emoluments of the Assistant Collectors he appeared to have taken the figures for a certain single year; but you cannot arrive at the position of the Assistant Collectors on the evidence of one year. It is necessary to survey a period of years. When these are looked at it is found that the Assistant Collectors are excessively blocked. They do not attain promotion in any reasonable time. It has been stated by the Government of India in papers which have not yet been published, but I believe I am betraying no secret in mentioning the fact that they regard 8 years as the time in which a member of the India Civil Service should look forward to reaching a salary of Rs. 1,000 a month, substantive. The Honourable Mr. PAREKH'S motion would have the effect of striking out the provision for this. The Honourable Mr. KARANDIKAR proposes to postpone it. He does not object to the principle, but he considers that it is inopportune in the present circumstances. The circumstances, however, are such as well warrant this small provision seeing that, as is pointed out in the last paragraph on page 17, we make a provision for recurring expenditure, both regularly recurring and fluctuating, which exceeds by 6½ lákhs the provisions for the previous year. The odd half lákh makes provision for the Assistant Collectors. We are, therefore, making provision for an additional six lákhs of recurring expenditure, apart from the Assistant Collectors, which still leaves us with a balance in hand at the end of the year after making provision for the advancement of other branches of the services, which is little short of three times our prescribed minimum. I think there is no reason, therefore, for cutting out this provision this year.

Referring to the propriety of handing over to members of the Provincial Service a larger number of appointments now held by members of the Indian Civil Service, the Honourable Mr. PAREKH'S idea seems to be that the number of members of the Indian Civil Service employed as Assistant Collectors is greater than the number employed in any other province. The fact is that we are employing a greater number of members of both the Indian Civil and the Provincial Services as Sub-Divisional Officers. For the

working of the system in this Presidency we require a larger number of officers in the subdivisions than is required in other provinces. The proportion of such offices which are held by members of the Provincial Service is at least as high in this Province as in any other, if not a little higher. There is no reason, therefore, for transferring any of these appointments from the Indian Civil to the Provincial Service.

The resolutions were then put to the vote and rejected.

Stamps and Excise.

The Honourable Sir RICHARD A. LAMB, continuing, said :—The next head is Stamps, on which I have nothing to say, and the next head to that is Excise. The set-backs mentioned in paragraph 13 of the Statement have not prevented the revenue from showing in the Revised Estimate for 1911-12 an improvement over the Budget of Rs. 11,50,000 and an advance in the Budget of 1912-13 of Rs. 3,00,000 over the Revised Estimate of 1911-12. The increase in 1911-12 is, as stated in paragraph 4, due to enhancements of duty and license fees ; the consumption for the year is of course not yet known, but it is estimated that it will be in excess of the consumption of 1910-11. It appears that the taste for the luxury of liquor and drugs and the ability to indulge that taste more than keep up with the constantly increasing cost of it. For 1912-13 substantial enhancements of duty have been ordered, which account for the expected increase in revenue The expenditure (exclusive of that under Assignments and Compensations) is estimated at a little over 5 per cent. of the expected revenue.

Forests.

The revenue shows for 1911-12, a Revised Estimate better by Rs 5,30,000 than the Budget of that year, and a Budget for 1912-13 better than the Revised Estimate of 1911-12 by a further sum of Rs. 1,60,000. The surplus receipts are now taken for 1911-12 at Rs. 13,75,000 and for 1912-13 at Rs. 15,04,000. The figures are a little complicated by the famine grass operations, which come to account under this head ; the average surplus of the two years is Rs. 14,40,006 a year. The percentage of expenditure on revenue for the two years, taken together, is 67. I have nothing to add to the remarks which I made under this head last year.

General Administration.

On general administration, I do not think I have anything to add to the remarks, which are made in paragraph 36 on page 32, and there is a resolution bearing on that in the name of the Honourable Mr. KARANDIKAR.

His Excellency the PRESIDENT :—I call upon the Honourable Mr. KARANDIKAR to move his second resolution.

The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR said :—Your Excellency,—The second resolution which stands in my name runs as follows :—"That the discretionary grants to Commissioners be deferred."

The reasons given for the allotment of Rs. 20,000 for this purpose are that it is in a line with the recommendations of the Decentralization Commission. So far as I can see the objects for which this allowance is to be given are good in themselves and are not open to objection. But my point is that the recommendations of the Decentralization Commission in respect of other matters should also be given effect to side by side with

this. For if the Commission's recommendations are taken up piece-meal, there is the danger, as it often happens, of its very important recommendations being delayed for an unduly long time. But, if on the other hand, all the recommendations are taken up together, the public would be in a better position to judge of the results of the work of the Decentralization Commission. It is in this hope that I have moved this resolution. Besides that I do not think that the withholding of the grant this year would materially affect the powers of the Commissioners.

The Honourable Sir RICHARD A. LAMB said:—Your Excellency,—The recommendations of the Decentralization Commission are, as my honourable friend is aware, extremely voluminous, and it is not possible to deal with them all at once. This particular recommendation has been under consideration for three years. I am speaking from memory as I have not the papers before me, but I believe I am right in saying that the year before last we put a provision for this amount in the Budget, and again last year we put in a provision. However, it had to go out to make room for other objects. This year we have succeeded in keeping in this modest sum. It is Rs. 20,000 and will I suppose be divided between the three Commissioners in the Presidency Proper, and the Commissioner in Sind, so that they will get Rs. 5,000 each. Thus a beginning has at last been made towards giving effect to this recommendation of the Decentralization Commission and I see no reason why it should be deferred.

The resolution was then put to the vote and lost.

Police.

The Honourable Mr. M. B. CHAUBAL said:—Your Excellency,—The next major head is Police. The progressive expenditure on Police is due to the re-organization of the force which is being carried out as the result of the Police Commission. Our estimate of expenditure next year is 1¼ lákhs in excess of the current year's figure and we must be prepared for annual increases until the full scheme is completed. It is being brought into effect as the sanction of the Government of India is received to each set of proposals. Sanction has lately been received to the proposals for the City of Bombay. Government consider that this expenditure is being entirely justified by the results. There must be some shortcomings and individual cases of misconduct in a force of this size; but looking to the class from which the rank and file are drawn, as well as to the passive, if not obstructive, attitude of the public when crimes are being investigated, Government consider that there is no reason to be dissatisfied and that a steady advance is being made in the standard of the work of the force, which fully justifies the increase in expenditure.

His Excellency the PRESIDENT:—I call upon the Honourable Mr. KARANDIKAR to move his first resolution.

The Honourable Mr. KARANDIKAR said:—Your Excellency,—The first resolution which stands in my name is: "That

(*a*) extension of Police re-organization and reforms be deferred;

(*b*) provision be made for the increase in Village Police remuneration and for the training of the Village Police."

My resolution consists of two parts. I first recommend that the extension of the Police re-organization and reforms be deferred, meaning thereby that there will be some saving effected in consequence; and I urge, secondly, that provision be made for an

increase in the remuneration of the Village Police and for the training of that Police, and for this I suggest that the funds, which will be available in consequence of delaying the Police re-organization, might be applied. The whole subject has been reviewed very admirably by Mr. KENNEDY in his report for the year 1910-11 and in the tabular statement which he has appended to his report. There he has pointed out various reasons for the recommendations he has made, and how far the reforms in the Police have been carried out. He has also considered the question of the Village Police in item 52, page 20, of the report. This information was called for by Government in a resolution which has been referred to in the report. My submission is that the Police of this Presidency outside the Bombay City is a little bit heavier than the needs of the Presidency require. To my mind it has always been a question of great importance to see how the Police organization can be made complete, and after a careful consideration of the subject I have come to the conclusion that unless we try to improve the Village Police first, our efforts to re-organize the District Police will be of no avail. In his report Mr. KENNEDY states that the urban population of this Presidency is thirty lákhs out of a total of one crore and eighty lákhs, giving a proportion of one-sixth, so that five-sixths of the population is being dealt with by the Village Police. But I am not prepared to accept this proposition as I am quite well aware that the District Police maintains peace and order in villages also. In the report of the Police Commission great stress has been laid on the question of payment for the protection afforded by the Police. A question has been raised as to how far the villagers are able to pay for the kind of protection they get, from their land income. It has been repeatedly pointed out (and I believe the earliest records show that ever since 1875, or even before that when Mr. ERSKINE, a Commissioner of Sind, made a report), that this question has been long pending settlement. Mr. ERSKINE considered the subject as one of vast importance but said the Collectors were so overworked in these days that they could not spare time to go into it. But I find that Government has been trying its best all this time to obtain information on this vexed question. In 1905 two very important resolutions were issued by Government soliciting information on the point from the Commissioners of the various Divisions, and I understand that the Commissioner of the Northern Division has submitted the information required. The Commissioner of the Central Division, however, finds it very difficult to supply it, particularly in regard to the remuneration of the Village Police. It is an open secret, or rather, I should say, it is a matter of notoriety, that the Village Police is very inadequately paid, and as one officer puts it, it is at the mercy of the vaccination inspector, forest inspector, etc. I submit it is absolutely necessary to increase the remuneration of the Village Police. This requires funds, and as I have to point out the source from which the money should be provided, I think I could not do better than ask for a reduction in the amount to be set apart for the extension of Police re-organization and reforms.

I find that under the new reforms carried out in the Police Department the pay of the District Superintendent of Police has been raised to Rs. 1,200 a month. I must say I have been looking upon the office of the District Superintendent of Police to be subordinate to the First Assistant Collector and it is with no small surprise that I find Government recommending that the pay of the District Superintendent of Police be raised from Rs 500 to Rs. 1,200. I will not go into the question as to what reasons there were to increase the pay of the Superintendent, but will take it that it was necessary

for the efficiency of the service. But at the same time I cannot understand why the scale of increase should be a tapering one commencing with the lowest paid peon at the bottom and rising gradually to the top. I think if different departments of Government were to vie with one another in bringing about a corresponding scale of pay for officers bearing similar kinds of nomenclature, as for instance, the Superintendent of Revenue-Survey, Superintendent of Police, Superintendent of Stamps, and so forth, the whole department would be abnormally swollen and no economy could ever be effected. I am inclined to believe that the present re-organization is entirely due to the recommendations made by the Police Commission and to the orders passed by the Government of India thereon, but still I venture to assert that it is open to this Government to raise its voice in favour of certain economy, and I submit that my resolution shows the direction in which economy can be effected.

Now, I come to the question of rewards to the Police, which forms the subject of another resolution standing in my name, and which, with Your Excellency's permission, I will move in connection with this matter as it has a close bearing on it. It is:

"That a definite sum out of rewards to the Police be reserved for the Village Police."

I find that it is proposed to give a special reward to the Bombay Police for their services during the Royal Visit to this city. I have no desire to undervalue the work done by the Police on that occasion, but I think it is universally admitted that much of the success of the visit was due to the loyalty and the general desire of the people themselves to co-operate with the authorities. I do not for a moment say that the Police did no work; but as regards rewards, in my opinion, they are not justified, for if you once accept the principle of rewarding the Police, not by promotions but by grants of money, I do not know which other department will not ask for the same.

Now, the sum set apart for rewards to the Police is Rs. 30,000, out of which, I find, the share of the Village Police is to be very meagre. The greatest part goes to the District Police. But I really feel that if this Council can see its way to recommend Government to reserve a substantial amount for the Village Police it would be an incentive to them to perform their work efficiently. I am opposed to the principle of rewards, but if rewards are to be given at all, I think the Village Police should benefit equally with the District Police.

A little while ago I asserted that the District Police is somewhat heavier, and when I said that I had in my mind the time which that police spend in the investigation of cases. Only yesterday, while reading the latest issue of the *Bombay Law Reporter*, I came across a typical case (Vol. XIV, p. 146). In this case a man was persecuted by the police, and in order to avoid their persecution he jumped into a well. He was afterwards charged with attempting to commit suicide, and was sentenced. The case went up to the High Court, and the conviction and sentence were quashed. The case is briefly stated as follows: "The accused was suspected of having committed an offence of theft. He was therefore being watched by the police in his movements. One evening, at about nine o'clock, he went out for a call of nature, when he was accompanied by a police constable. The accused was taken to a river side, where he was tortured with a view of extracting confession. To put an end to the pain, the accused fled from the police and jumped into a well which was close by. When rescued he made every

endeavour to save himself. Under these circumstances the accused was convicted of having attempted to commit suicide (section 309 of the Indian Penal Code) and sentenced to suffer one month's rigorous imprisonment. The High Court passed the following order: There is no evidence that the accused jumped into the well to commit suicide; his own version is that he jumped just to avoid and escape from the police The evidence shows that he came out of the well of his own accord. The Court therefore quashes the conviction recorded against, and sentence passed, upon the accused Dwarka Poonja."

I do not mean to say that there are numerous cases of this kind. But it seems to me that it is necessary to ask the department for what they want the increase—to keep the order among themselves or among the people generally? I know that if there is an increase in the police, there will also be an increase in the offences by the police. I submit this is a department in regard to which economy might well be effected; or, at least, the re-organization of which may at present be deferred. Of course, it may not be quite possible for this Government altogether to decline to go in for a re-organization, it having been ordered by the Government of India on the recommendation of the Police Commission; but surely they can consider proposals for economy.

With reference to the training of the Village Police, I have noticed in the last year's Budget that the District Police is being trained up and there are training schools for it I have often heard it said that the Village Police do not assist the District Police, and that some Village Police patels are so illiterate that they cannot even write their own names. I think the fault is not theirs, since no efforts are made to educate them. I submit something should be done to give instructions to the Village Police and to institute some system of examination for them. It is no doubt true that there are periodical changes in police patels, still nothing will be lost by training them.

The Honourable Mr. W. D. SHEPPARD said:—Your Excellency,—I doubt whether this Council will be of opinion that they have received any valuable advice on the subject dealt with by the Honourable Mr. KARANDIKAR. Mr. KARANDIKAR has depreciated the general body of the regular police force, and he has instanced the behaviour of the public of Bombay as a reason why no further pay should be given to the police serving in Bombay. But the reason the police in Bombay have received an increase of pay is not because of the population, nor on account of the behaviour of that population, but is due to the circumstances under which the men are serving, the conditions of life, and the expenditure to which they are subjected. Well, that does not seem to me to be very much of a reason for the Council to refuse the increase of pay for the police of Bombay. The question must be considered on its own merits. Nor does the Honourable Mr. KARANDIKAR advance any evidence why the police upcountry, in the Mofussil, should have their extra provision reduced. The Honourable Mr. KARANDIKAR made some remarks about the pay of the Superintendents of Police which he compared with the pay of Assistant Collectors, and the only argument he seemed to use was that if in future District Superintendents of Police should ask for increases of pay, this Council would have to give it. That does not seem to me to be any argument, and as far as the comparison between District Superintendents of Police and Assistant Collectors is concerned, I would like to point out that the former, if he is drawing Rs. 1,000 a month, is usually an officer of 25 years' service.

I do not consider that Mr. KARANDIKAR has made out any case at all, but on the other hand, has he shown that we should give more pay to the subordinate police. In fact, if we come to analyse what Mr. KARANDIKAR has said about the police, he has really told us nothing. I wonder if any member of the Council is any the wiser for anything he has said as to the intelligence and ability of the village policeman. Does it interest this Council to know that when the Northern Division is asked to explain what a village policeman is, they were able to give that explanation; that the Southern Division also was able to define his duties, and that no definition has ever been forthcoming from the Central Division? I do not think there is any reason shown for increasing the emoluments of the village police. The curious feature about the inquiry which took place in 1905 was that the cost of the village police, as far as the Government was concerned, was materially decreased. It was found that the number actually employed was in excess of the number which was required, and a large number of men were relieved of their duties and allowed to become ordinary cultivators. The Honourable Mr. KARANDIKAR has not referred to this, and has not referred to the situation in the Northern Division. The Northern Division found they were short of police, and then increase was sanctioned which has been gradually effected. As regards the Central Division, I should think Mr. KARANDIKAR might have told us what their faults were or what their virtues were, and how far he wanted to improve them. As he has not done so I assume he has no ground for complaint and has no ground for a change. On these grounds I oppose the Honourable Mr. KARANDIKAR'S resolution.

His Excellency the PRESIDENT :—Would Mr. KARANDIKAR like to reply.

The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR, in reply, said :—Your Excellency,—The resolution which I have moved is one of public importance and deals with a question which will come up before the Council in due course, and when that is done I shall have something more to say about it. I think it is sufficient for my present purpose to say that the information regarding the condition of the Village Police has been collected in the Northern and Southern Divisions, though the Central Division could not obtain it, and it seems to be admitted on all hands that the remuneration of the Village Police is very meagre and Government is endeavouring to improve its condition. I will only add that no case has been made out for re-organising the District Police before putting the Village Police in order.

The Honourable Mr. M. B. CHAUBAL said :—I will ask Your Excellency and the Council to see exactly what these two resolutions are that have been moved by the Honourable Mr. KARANDIKAR. On the one hand, the Honourable Member recommends to this Council that the extension of the police re-organisation and reforms and the provision made for these purposes in the Budget be deferred; and, on the other, he proposes that this Council should make some provision. What that provision is and what the detailed features of his recommendation are we do not know. He only says provision of some kind must be made for an increase in the remuneration of the Village Police and for training the Village Police. The allied resolution, which he has also moved, says that a definite sum out of rewards to the police should be reserved for the Village Police. In connection with both these resolutions I may inform the Council that Government had given their anxious consideration to the several objects and purposes and other details regarding the police re-organisation and reforms which have been suggested, and after such consideration they had, on the recommendation of the Police Commission,

embarked on a large scheme for the re-organisation of the District Police, and certainly after the anxious consideration which Government have devoted to it, they are not prepared to delay the progress or stop half way merely to provide funds for a sort of indefinite and vague scheme for the Village Police as put forward by the Honourable Mr. KARANDIKAR. I have already stated, when speaking on the major head of Police, that we think that the expenditure we are incurring on the re-organisation of the police is amply justified by the results. I therefore cannot accept the resolution which the Honourable Mr. KARANDIKAR moves on that point.

Then, as regards rewards to the police, while on the one hand Mr. KARANDIKAR says in his resolution that "a definite sum out of rewards to the Police be reserved for the Village Police," on the other hand, in his speech he said something against the policy of giving any rewards at all. Now, certainly, I can never understand for what reasons the Honourable Member says that the efficient service of any member of the police force should not be adequately rewarded. It seems to me that the District Police comes in for so many knocks from all sides that it is good policy to reward it for exceptionally good work, and under the circumstances Government would not give up any sum from this allotment. Now, I may state that one of the objects for which the Commissioners are permitted to use their discretionary grants is rewards to the police, and I certainly cannot see the object of allocating a separate amount for special rewards to the Village Police, because in the general provision there is nothing which deters or prevents the Commissioner from giving a reward if he finds that any member of the Village Police deserves to be rewarded. I therefore do not see any reason for earmarking any fund for rewarding the Village Police.

The resolutions were then put to the vote and lost.

The Honourable Mr. M. B. CHAUBAL:—The next head is:—*Ports and Pilotage.* This does not call for any remarks.

Education.

Then, as regards education, our expenditure on education continues to show a large and rapid increase. In 1908-09 the expenditure amounted to nearly 41¼ lákhs, and for next year we have budgetted under this head for over 66¾ lákhs, that is to say, in four years the educational expenditure had increased by over 25½ lákhs and was 16 lákhs more than the revised estimate for 1911-12. The present figures, moreover, do not take into account the important grants, amounting in all to 8½ lákhs, in connection with the Victoria Jubilee Technical Institute, the Bombay University, the construction of hostels, and schools for Europeans and Eurasians, which were announced in the Viceroy's Legislative Council last week after our financial statement had been prepared. The present large increase is due not only to the special education grants which have been generously made to us by the Government of India, but also to the additional provision which we have been able to make from our own resources. With regard to the former source, I explained to the Council last year the objects on which the Government of India's grant of 11 lákhs for non-recurring educational expenditure was to be spent. Its detailed distribution has since been announced in a Press Note. Our intention was to spend five lákhs in 1911-1912 and the balance next year, but it has not been possible to work up to this programme, and we have accordingly carried over to next year's Budget the unspent balance, making a total provision of

Rs. 6,62,000. Since the Budget was framed, however, it has been found that a further sum of no less than Rs. 1,15,000 will remain unspent, and this amount has been similarly dealt with. We thus have still Rs. 7,77,000 to spend out of the Government of India's grant of 11 lákhs.

With regard to expenditure from other sources, the Council will remember that we have been providing large sums since 1908-09 for the opening of new primary schools in villages and the improvement of the pay of primary teachers. The cost of opening a primary school in the Presidency proper is estimated at Rs 172 per annum recurring and Rs. 50 initial, and in Sind at Rs. 260 per annum recurring and Rs. 93 initial. Up to 1910-11, 1,185 new schools had been opened at a total recurring cost of Rs. 2,58,000 and now 312 additional schools have been opened since the 1st October last, making a total of 1,497 new schools opened up to date. With regard to the second object, namely, the improvement of the pay of teachers, the total amount spent during the current year is Rs. 4,52,000. It was originally decided that Government should for the first three years pay the full cost of this measure in the shape of special grants to the local bodies concerned, after which half the cost would be payable by the latter, provided they were in a position to bear the charges. Now that the triennial period has drawn to a close we are considering this latter point, and if we find that there is general inability on the part of local bodies to meet this liability, the original grants will have to be continued in full. In pursuance of our policy we propose spending next year from provincial revenues Rs. 75,000 on opening between three and four hundred new primary schools and Rs. 81,000 on the three-fold object of increasing the staff of undermanned schools, paying trained teachers according to the rates laid down in the Vernacular Masters' Code, and giving untrained masters in Sind rates of pay ranging from Rs. 10 to Rs. 15. Apart from this expenditure we have to decide as to the utilization of our share of the Durbar grant which amounts to 6½ lákhs. The objects for which this grant has been given us and the observations of the Government of India in connection with its distribution have recently been made known in a Press Note, and I need not recapitulate them here. We are still considering the question in detail, but so far as primary education is concerned we recognise that it is not advisable that we should continue to increase the number of our schools year by year without making adequate provision for a corresponding increase in the number of trained masters and mistresses, and we intend, therefore, that a very considerable sum from the amounts assigned to elementary education should be allotted for the purpose of extending training schools.

It will be noticed that although, as stated, the Durbar grant assigned to this Presidency is 6½ lákhs, the provision made in the Budget is actually only Rs. 3½ lákhs. The explanation is that the Government of India do not consider that we are likely to be in a position to expend the whole grant in one year. I may add, however, that if we should find that more than 3½ lákhs are required for expenditure next year, we can have more money placed at our disposal.

The Council is already aware of the policy of Government with regard to secondary education, which is one of improvement rather than of extension. In the current year's Budget we provided for an increase of Rs. 80,000 in the allotment for aided schools, the provision being thus raised to Rs. 4,40,000. But even this amount has not been found sufficient, and the Director of Public Instruction has represented that he would require

Rs. 74,000 more for aided schools next year. As it is our policy to rely on private enterprise for the extension of secondary education, we have accepted the Director's proposal and provided Rs. 5,14,100 for grants in next year's Budget. Of the increase of Rs. 74,000, the bulk is for aided secondary schools, only one-third roughly being for private primary schools.

In the Government of India's recurring grant of Rs. 6½ lákhs, alluded to above, a sum of Rs. 48,000 has been included for hostels for colleges and schools. This, together with the recently announced special grant of three lákhs for the same purpose, will enable us to pursue vigorously the policy of providing and extending hostels for the pupils of our High Schools.

Under technical and industrial education the estimates include a provision of Rs. 3,02,000, which is exclusive of the recurring allotment of Rs. 51,000 from the Government of India's grant of 6½ lákhs and the special grant of two lákhs for the Victoria Jubilee Technical Institute to which I have already alluded. We have recently received an important scheme for the development of this institution and its conversion into a Central Technological Institute for the whole Presidency to which the various technical schools and institutes will be affiliated. The scheme involves heavy expenditure, both recurring and non-recurring, but the provision of funds by the Government of India will enable us to deal with it in a liberal spirit.

The construction of the Royal Science Institute in Bombay and the Madhavlal Ranchhodlal Science Institute at Ahmedabad is being pushed on, and the latter work, which is estimated to cost Rs. 2,27,000, exclusive of the residential quarters for one of the Professors, is expected to be ready in April 1913. We have, however, provided for the pay of the Professor of Chemistry and Physics in next year's Budget, as we desire that he should arrive here early in the year to advise as to the construction of the laboratories and arrange for its complete equipment before the Institute is actually opened. His advice will also be useful in connection with the Royal Institute of Science in Bombay. In view of the opening of the latter we have resolved that all science teaching at the Elphinstone College should cease and that the Deccan College should confine its instruction under that head to the first year's compulsory course in elementary physics. Provision has been made for this purpose. The approval of the Secretary of State has recently been received to the proposed transfer of the Gujarat College to the control of Government, and when the Societies Registration Act Amendment Bill is passed into law, and the Society which at present manages the College passes a resolution dissolving itself and transferring its property to Government, the College will be taken over by us. As it will take time to settle these preliminaries we have for the present provided only Rs. 17,000 on account of the transfer, which, with the grants for the College provided in the Budget, will suffice for a portion of the year.

This concludes my remarks on the Educational Budget, and I have only to add that I trust that the Council will recognise that the claims of all branches of education have received due attention and that our estimates of expenditure in connection with this important branch of administration have been framed in a liberal and progressive spirit.

His Excellency the PRESIDENT :—I call upon the Honourable Mr. HARCHANDRAI to move his first resolution ?

The Honourable Mr. HARCHANDRAI VISHINDAS said :—May it please Your Excellency,—The first resolution which stands in my name runs thus : "That the

Governor in Council be recommended to allot out of the Rs. 60,000—item No. 162 of the Expenditure side in the Draft Financial Statement—Rs. 30,000 (thirty thousand) towards the contemplated extensions of the High School at Hyderabad."

I think the honourable members may remember that immediately after the reconstitution of this Council a discussion took place on a motion from the Honourable Mr. LALUBHAI SAMALDAS on the question of the abolition of certain High Schools, and during that discussion it was urged that instead of doing away with Government High Schools, the Government policy should be to maintain them and increase their efficiency, so that they might serve as models to private institutions. In Hyderabad the Government High School is in a high state of efficiency and has been well reported upon by competent educational authorities. Some time ago a complaint was made that there was not enough room in the High School to admit all the applicants, with the result that Government has been kind enough to see the necessity of extending the usefulness of the institution. I understand that Government intend to spend about Rs. 54,000 towards the extension of the school, and I propose, provided, of course, that Government extend their sympathy to it, that Rs. 30,000 out of the amount should be spent this year. I move this resolution only as a suggestion and leave it entirely into the hands of Government to make this grant or not.

The Honourable Mr. M. B. CHAUBAL said :—I think the resolution moved by the Honourable Mr. HARCHANDRAI is due to want of information, and I am sure after hearing what I have got to say he will possibly see his way to withdraw his resolution. His proposal is that out of the Rs. 60,000—item No. 162 of the expenditure side in the Draft Financial Statement—Rs. 30,000 be applied towards the contemplated extensions of the High School at Hyderabad. I may inform the Honourable mover that this Rs. 60,000 is a portion of the special grant of 11 lákhs made by the Government of India in March 1911 for non-recurring expenditure in connection with education. The whole amount was allotted to specified works, a list of which was communicated to the Press in June last. This actual sum of Rs. 60,000 represents the savings in the current year from three incomplete works, *viz.*,

(1)	Laboratory for College of Engineering, Poona ...	Rs. 38,000
(2)	Extension of Dhárwár Training College	„ 5,000
(3)	Quarters for Superintendent of Shikárpur High School Hostel	„ 17,000

The whole amount will be required to complete these works during the ensuing year, and cannot be transferred to any other work.

With regard to the proposed extension of the Hyderabad High School, I may say that the plans and estimates for the work have had to be returned for alteration and are not yet approved. If it is found hereafter that funds are available from any other source and are not required for any more urgent object, they might be allotted for this work, but Government cannot promise to do so.

The Honourable Mr. HARCHANDRAI :—In view of these remarks I beg to withdraw my resolution.

The resolution was allowed to be withdrawn.

Medical.

The Honourable Mr. M. B. CHAUBAL said :—The general character of the Medical Budget for the next year is sufficiently indicated in pages 11 to 14 of the Revised Financial Statement, and it will suffice if I refer to its salient features and more important items only. Among the latter are the raising of Jalgáon, the head quarters of the East Khándesh district, to the status of a Civil Surgeoncy at an additional cost of Rs 9,600 a year, and the creation in connection with the teaching of the M.B., B.S. course at the Grant Medical College, of six additional appointments, namely, two new professorships on Rs. 1,000 to Rs. 1,800 a year each, two posts of assistant to the Professors of Pathology and Physiology respectively, and two posts of Registrar. The new laboratories at the College are approaching completion, and will involve an additional initial expenditure of Rs. 83,000 and a recurring expenditure of nearly Rs. 3,000 a year, and since the framing of the Budget the Government of India have promised a grant of two lákhs for the improvement of the Parel Laboratory.

Government are pursuing the policy initiated in 1907 of assisting local bodies with liberal grants for the execution of important sanitary projects. The provision of Rs. 9½ lákhs made in the current year's Budget on this account has been fully utilised. For next year we were originally in a position to provide only Rs. 8¾ lákhs for this purpose, whereas the demands on our resources considerably exceeded this provision. We had already decided to set apart a sum of Rs. 50,000 to be placed at the disposal of the Commissioner in Sind for distribution when approved schemes have been prepared. A sum of Rs. 30,000 was also earmarked for allotment to the Dhárwár Municipality for the surface drainage of the town and connected projects. Then there were Rs. 3 lákhs to be paid as the third instalment of the estimated full grant of eight lakhs towards the Poona drainage and water-supply scheme. A further expenditure of Rs. 20,000 was absolutely necessary for the continued working of the experimental installation at Poona or the disposal of sewage It was estimated that Rs. 40,000 would be required for "original works" in connection with the development of Sálsette as a residential area. The Bijápur Municipality had recently applied for a further grant-in-aid of Rs. 2 lákhs for its water-supply project which had already been sanctioned. It was proposed to give the Lonávla Municipality a grant-in-aid of Rs. 1,40,000 for the improvement of its water-supply. At the same time water-supply projects for Karád, Bársi and Málegaon, which were nearly ready, were estimated to involve grants amounting to Rs. 2½ lákhs.

Altogether these pressing requirements involved a total expenditure of Rs. 10,30,000, to meet which, however, we had, as I have stated, only 8¾ lákhs prospectively available, and we were consequently confronted with the unpleasant necessity of withholding assistance from quarters where we knew that it would be wanted. But fortunately at this juncture the Government of India intervened by adding to our Budget estimates a grant of Rs. 6½ lákhs for expenditure on sanitation This liberal grant will enable us not only to meet to the full extent these numerous demands in connection with water-supply and drainage projects, but also to give very substantial assistance to municipalities in an almost equally important branch of sanitation, namely, the opening out of congested and insanitary areas.

In view of the resolutions which are to be moved in this Council in connection with the regulation of the pilgrim traffic to the Hedjaz, I may call attention to the provision of Rs. 40,000 which finds place in this year's Budget This expenditure is in connection with a proposal that the port of Karáchi should be opened, in addition to that of Bombay, for the embarkation of pilgrims. The proposal has been submitted to the Government of India, and we are now awaiting orders on it Of the amount provided, Rs. 30,000 will be spent in establishing a large and a well equipped camp for the convenience of pilgrims prior to their embarkation, while the balance represents the necessary recurring expenditure. We trust that the arrangements contemplated will effect a considerable improvement in the general conditions of the pilgrim traffic.

Courts of Law.

This head does not call for any detailed remarks.

I may, however, refer to the principal items accounting for the increase of expenditure in the next year's Budget as compared with the current year's. In view of the prevailing high prices of food stuffs, Government have decided that its servants on salaries of Rs 30 and under should obtain a grain compensation allowance. A provision of Rs. 74,000 has been made in the next year's Budget on this account. Another item is the provision of Rs. 61,000 for payment at increased rates of diet and road expenses to witnesses in cases coming before Criminal Courts. The prevailing rates in the Presidency have long been felt to be insufficient—and the High Court proposed certain alterations in the rates which Government have approved of,—and as these altered rates may be brought into practice during the next year, provision has been made in the Budget to meet this expenditure. Government had decided some time back that certain questions under the Dekkhan Agriculturists' Relief Act should be reported on by a Commission consisting of two experienced Revenue and Judicial officers, and as these special officers will be working during the next year a rough provision of Rs. 12,000 has been made in the Budget for their remuneration and that of the necessary establishment. The only other item worth mentioning to the Council specially is the provision in the next year's Budget of Rs. 25,000 in view of the contemplated revision of the salaries of subordinate Judicial establishments. This scheme, as explained in paragraph 15 (*g*) of the Revised Financial Statement for 1911-12, involves a total cost of Rs. 1,01,000, and if sanctioned provision for its gradual introduction has been made in the next year's Budget by allotting a sum of Rs. 25,000 to be expended during the next year. Part of the increase is similarly accounted for by the necessity of making provision for additional establishments in certain offices of the High Court.

Jails.

The Honourable Mr. M. B. CHAUBAL in dealing with the item said :—The increase in the expenditure is chiefly due to the necessity of providing for the dietary charges at the high rates for food stuffs, to grain compensation allowance in consequence of the unfavourable season, and to the provision for the improvement of jail warders.

Scientific and Minor Departments.

The Honourable Sir RICHARD A. LAMB said :—Your Excellency,—The agricultural school for cultivators' sons near Poona has made a successful beginning, and provision is

made for opening similar schools in the Southern Marátha Country and Sind. Provision is also made, which was deferred last year, for re-organizing the Subordinate Veterinary Department in Sind. Of the two Extra Deputy Directors of Agriculture, for whom provision is made, probably not more than one will be appointed, as we expect to have available the services of an officer from the leave reserve of the Imperial Agriculture Department. In regard to these appointments, the use of the term 'extra' indicates that the appointments are proposed to be filled by natives of India, and not from the Imperial service or by Europeans imported into India The proposal will be further considered and we shall, as I have already said, make arrangements to go on with the work to some extent by utilising the services of an Imperial officer of the leave reserve establishment who will be posted in Bombay. We propose to utilise him first under the Deputy Director, and later in independent charge of a section of the Deputy Director's charge. A man has been selected for the other Extra Deputy Directorship, but he is being sent to Europe for further training and thus the expenditure on one of the appointments may be deferred. As to the resolution of Mr. MOODLIAR placing "Rs. 5,000 at the disposal of the Agricultural Department for the purpose of purchasing improved agricultural implements to be supplied to some of the important Táluka Towns, with a view to popularise their use to the cultivators, and to lend the same to them at a *nominal* fee," I may save a little trouble by accepting it at once. When I saw the resolution on the paper I made inquiry of the Director by telegram, asking if he could advantageously make use of this sum in this way and he replied that he could. With regard to the second half of his resolution, that the charge be met out of item No. 335, "New works," that will become unnecessary. My honourable friend will understand that the dropping of the provision of an Extra Deputy Director of Agriculture will make it possible for a transfer to be made from that head. I hope that will satisfy him.

His Excellency the PRESIDENT :—Will you withdraw your resolution Mr. MOODLIAR ?

The Honourable Sardár COOPOOSWAMY MOODLIAR :—Yes, Sir; certainly.

The resolution which the Honourable Sardár COOPOOSWAMY MOODLIAR withdrew was as follows :—

> That Government be pleased to place Rs. 5,000 at the disposal of the Agricultural Department for the purpose of purchasing improved agricultural implements to be supplied to some of the important Táluka Towns with a view to popularize their use to the cultivators and to lend the same to them at a nominal fee.
>
> The charge to be met out of item No. 335 "New Works," for which Rs. 4,85,100, have been provided in the Budget (Draft Financial Statement).

The Honourable Mr. RAGHUNATH P. KARANDIKAR withdrew the following resolution of which he had given notice :—That the appointment of two Deputy Directors of Agriculture be deferred.

The Honourable Mr. M. B. CHAUBAL :—The next head is Stationery and Printing. This head does not call for any remarks this year.

Famine Relief.

The Honourable Sir RICHARD A. LAMB :—The next head on which I have any remarks to offer is Famine Relief. I refer to paragraph 49 of the Statement which

explains the position as regards direct expenditure. Indirect expenditure is scattered amongst the various major heads to which it is debitable. I have in my opening remarks on the Statement mentioned the effect on our finances of the scarcity of the present season. It does not amount to famine in any district except the Panch Mahâls. In that district alone famine has been declared under the Famine Relief Code. I have recently visited that district, with Ahmedabad and Kaira. The famine relief operations in the Panch Mahâls are, I am sure, adequate to the situation. The people being for the most part of wild aboriginal or unsettled tribes have no resources to fall back on when a bad year comes, and they have been, and are being, kept employed and fed, without the disturbances or the heavy death-rate which are to be feared when calamity overtakes the primitive jungle folk. The famine administration of such a tract presents difficulties which do not arise in dealing with people who have been for generations accustomed to ordinary village life. In Ahmedabad and Kaira it is with such people that we have to deal; they have resources with which to weather the privations of a bad year, the two preceding years having been prosperous years, even allowing for the loss caused by one severe frost. In Ahmedabad, therefore, no works have had to be provided for the purpose of employing and feeding the human population, though possibly one may be necessary towards Viramgám, with Rádhanpur, from early in next month. For this eventuality preparations are made. In Kaira the ability of the people to pull through the scarcity without relief works was less apparent, and test works have been opened at various sites since the end of November. The chart of the attendance at these works with which the Collector has supplied me shows great fluctuations and nowhere is there observable a rise in numbers indicating that distress is deepening into famine. In all three districts the great difficulty is the failure of the fodder, and the arrangements for grappling with this have been extensive and laborious. The strain on the Railway Companies to bring in the grass has been very great, taken in conjunction with an exceptionally busy export season, and with the heavy traffic in coal from Indian mines. I cannot say that all complaint has ceased; but I am assured that everything possible is being done and the situation is decidedly better than it was some weeks ago. It seems clear, however, that the Railways are not possessed of equipment sufficient to meet satisfactorily the calls on them when heavy exports are combined with heavy transport of grass and coal. In supplying the needs of the cattle in Gujarát, the Charitable Relief Funds are liberally supplementing the Government supplies, and I find their agent working cordially and closely in co-operation with the Collectors. In British territories elsewhere than in Gujarát it does not appear probable that more will be needed than what may be called subsidiary famine relief measures: the grant of suspensions of revenue, the grant of tagávi, both in cash and grass, the grant of gratuitous relief to inferior village servants and here and there to village officers, the grant of grain compensation allowances, grants for improving water-supply and the importation of fodder for sale. The prices of food grains run high, but the wages of labour also remain high; and the fears which were entertained that after the Holi there would arise both in Gujarát and elsewhere a considerable demand for regular famine relief are not being realized. In Native States the situation is acute only in parts of Káthiáwár and some of the north Gujarát States. The measures taken are similar to those taken in British Districts, with the aid of loans, where they are needed, in jurisdictional States, and in non-jurisdictional States the debiting of direct and indirect expenditure to Imperial and Provincial Revenues.

The spirit with which the population is meeting the hardships of the year is altogether admirable.

The Council then adjourned for luncheon.

Civil Works.

The Honourable Sir RICHARD A. LAMB said :—I have no further remarks to make except upon the head Civil Works. It has been necessary to suspend this year the abolition of tolls which has been carried out during the last few years, at the rate of half a lákh a year. The grant for Civil Works, Public Works Department, is not as large as I should like to make it, but it will be increased during the year by transfers to it of funds now budgetted under other heads, such as Education and Sanitation, when the works for which these funds are intended are taken up by the Public Works Department. The bridge at Maoli, on which my friend the Honourable Mr. KARANDIKAR has asked for information, is provided for in the Public Works Department Budget. The information is not obtainable here, but I have telegraphed for it, and I will supply it privately as soon as I have received it.

His Excellency the PRESIDENT :—I call upon Mr. HARCHANDRAI to move his resolution relating to Civil Works.

The Honourable Mr. HARCHANDRAI said :—Your Excellency,—The second resolution which stands in my name runs thus—

"That the Governor in Council be recommended to allot out of the Rs. 4,85,000—Item No. 335 "New Works" of the Expenditure side in the Draft Financial Statement—a sum of Rs. 2,00,000 to be spent on public buildings in Karáchi."

When I sent this proposal I was not in possession of the revised financial statement which I received later on. In the revised statement I discover that one lákh of rupees has been allotted for this purpose. That being so I leave it to Government to choose between my proposal and the proposal in the Budget, and beg leave to withdraw my resolution.

His Excellency the PRESIDENT :—I think the Honourable Member must be satisfied in his own mind that the lákh will be about as much as we can spend this year, and that lákh means that the works on which he has set his heart will be begun, and that having been begun they will be carried on from year to year as funds permit. Therefore, do I understand that he withdraws his amendment?

The Honourable Mr. HARCHANDRAI :—Yes, Sir.

His Excellency the PRESIDENT :—The next matter which is on the agenda is the Bill to amend the Societies Registration Act (first reading).

BILL No. III of 1912 (A BILL TO AMEND THE SOCIETIES REGISTRATION ACT, 1860)

The Honourable Mr. M. B. CHAUBAL said :—Your Excellency,—I beg to move that the Bill to amend the Societies Registration Act, 1860, be read a first time.

The Honourable Mr. M. B. CHAUBAL moves the first reading of a Bill to amend the Societies Registration Act, 1860.

The Council is probably aware of the immediate occasion for the amendment sought to be introduced by this Bill. It is intended to remove one of the statutory obstacles to Government's taking over charge of the Gujarát College, from the Society for promoting higher education in Gujarát.

This Society was registered under Act XXI of 1860 in the year 1889. It has done good work in the past and the Gujarát College has maintained a fair standard of efficiency. However, a feeling has arisen in recent years that it would be in the interests of higher education in Gujarát if the College came under the direct management of Government in the same way as the Deccan College at Poona. This feeling was voiced by the non-official members of this Council on several occasions and throughout Gujarát the general wish has been for the transfer of the College to Government. The financial responsibility involved in the transfer hitherto deterred Government from acceding to this wish. In 1910, however, it became necessary to reconsider the whole question. The liberality of Sardár Sir CHINUBHAI MADHAVLAL, Kt., C.I.E., has enabled Government to take active steps to establish at Ahmedabad an Institute of Science on modern lines. Sardár Sir CHINUBHAI offered his liberal donation on the condition that the Science Institute should be entirely under State management. It was thought desirable that the new Institute should be located in the same compound as the Gujarát College, both because a convenient site was not available elsewhere and also for the convenience of those students who have to attend both institutions. On the other hand the location in the same compound of two institutions under different management was likely to give rise to troublesome questions of control. At this stage, however, the College Board itself passed a resolution inviting Government to take over the College, and further to ease the financial objections Sir CHINUBHAI most generously offered an endowment of two lákhs of Rupees on condition that the College became a Government institution. This was calculated to relieve to some extent the burden that would otherwise have been imposed on State resources. Under these circumstances Government decided that, having regard to the interest of higher education in Gujarát, and to the general wish of the Province that the College should be taken over by Government, the time had come when it might assume the direct management of this Institution.

There was, however, a legal difficulty in the way of carrying out this decision. For Government to take over the management, it was necessary that the present Society, registered under the Act, should dissolve and make over the College, which is its property, to Government. But section 14 of the Act makes it impossible for a Society on dissolution to hand over its property to any one else but a "Society". The Government of Bombay could not be legally considered to be a Society capable of taking over the property of this Institution within the meaning of this section. The amendment proposed makes it legal for a Society, when dissolving, to transfer all its property to Government, if it so desires. As it is not impossible that similar cases might arise in future, we decided, with the approval of the Government of India, to pass a general amendment and not one for this special occasion only, and for these reasons I now move that this Bill be read a first time.

The Honourable the JA'GHIRDA'R OF ICHALKARANJI:—Your Excellency,—I hope this Bill will be referred to a Select Committee. The only point to which I wish to draw the attention of the Council in connection with this Bill is that when a society is dissolved and the funds belonging to it are transferred to Government, Government

should not as far as possible utilize those funds for a purpose entirely different from the one for which they were originally raised. I hope the Select Committee will consider this point and insert a provision in the Bill to this effect.

The Honourable Sardár Dávar K. Modi said :—Your Excellency,—I should like to know whether under this Bill it is left open to Government to take over the debts and liabilities as well as the assets, supposing the debts and liabilities are trifling and they are willing to take them over.

The Honourable Mr. M. B. Chaubal said :—If you will refer to the wording of the section you will find that the assets are to be taken over by Government after the satisfaction of all debts and liabilities. It is only after the satisfaction of the liabilities that the property can be transferred.

The Honourable Sir Pherozeshah M. Mehta said :—Your Excellency,—I am surprised that Honourable Members should take small points like this at this stage. I welcome this little Bill with feelings of real gratitude towards Your Excellency for the way in which you have brought about this thing which we had at heart for twenty years. It was twenty years ago that we raised the question in this Council that it was very desirable that the Gujarát College should be made into a Government College. Many and great have been the difficulties in the way, and I confess I had very little hope for this consummation to be brought about for a long series of years. It is owing to Your Excellency's great interest and perseverance in this matter that this desired consummation is going to be accomplished.

His Excellency the President :—In putting the first reading of this little Bill to the vote of the Council I feel, as Sir Pherozeshah Mehta has said, that this matter has been a very long time on the tapis, but we must be thankful that all is well that ends well, and all the difficulties will be surmounted when the Bill is passed and we shall be able to take over the College. But I must ask Sir Pherozeshah Mehta to remember that the real benefactor is Sir Chinubhai Madhavlal. Government would not have been able to overcome all the difficulties, had he not come forward with a magnificent endowment fund of two lákhs, which enabled us at once to proceed with the matter. I was at Ahmedabad the other day and saw the new college of science. It will be a really fine institution, and I was told when there that the Gujarát College would only have two wants left—these were a public hall and a library. Well, I have great pleasure in announcing that I saw Sir Chinubhai Madhavlal two days ago, and he told me it was his wish as soon as the Government had taken over the charge of the College to present a public hall to the College, at a cost of one lákh, in honour of His Majesty the King-Emperor and to be named after the King-Emperor. Further than this, he said he would provide half a lákh to provide a library for the College, so I feel sure that the new College will start its career under most favourable auspices and will be one of the best equipped institutions in the Presidency.

Bill read a first time.

The motion for the first reading of the Bill was then put to the Council and carried

The Honourable Mr. Chaubal moves suspension of Standing Orders.

The Honourable Mr. M. B. Chaubal :—I now move that the standing orders be suspended in order that the Bill may be referred to a Select Committee.

His Excellency the PRESIDENT:—I am ready to suspend the standing orders, if there is no objection in the Council. No objection being expressed, the standing orders are suspended.

Bill referred to a Select Committee.

The first reading of the Bill was carried and on the motion of the Honourable Mr. CHAUBAL the Bill was referred to a Select Committee consisting of the mover, the Honourable Mr. STRANGMAN, the Honourable Mr. SETALVAD and the Honourable Mr. PAREKH.

The Honourable Mr. M. B. CHAUBAL said:—As most of the preliminaries for starting the Science Institute endowed by Sir CHINUBHAI and the College as a joint Government concern are approaching completion, Government are anxious to take over charge of the College at a very early date. I, therefore, ask for the suspension of the Standing Orders so that the report of the Select Committee may be submitted to the meeting to-day and the Bill passed into law at the present sessions of the Council.

His Excellency the PRESIDENT:—As regards the Honourable the JA'GHIRDA'R OF ICHALKARANJI'S question, there is nothing in the Bill which gives ground for uneasiness. The institution will be taken over as an educational institution by Government and will be run as such. There will be no change in the objects, and the institution will come over from a private body to Government.

BILL No. VI OF 1911 (A BILL FOR THE REGISTRATION OF MEDICAL PRACTITIONERS).

The Honourable Sir RICHARD A. LAMB moves the second reading of a Bill for the registration of medical practitioners.

The Honourable Sir RICHARD A. LAMB said:—Your Excellency,—I now rise to propose that the Bill for the registration of medical practitioners in this Presidency be read a second time as amended in Select Committee.

The genesis and principle of the Bill were so fully discussed at the first reading and were accepted by such a substantial majority of the Council (the numbers were 32 to 10) that I do not propose to take up the time of the Council to-day by repeating what was said on behalf of the measure at that stage. Since that meeting, representations have been received from certain members of the medical profession, as well as from some of the native *vaids* and *hakims*, protesting against the proposed legislation for different reasons. These petitions have all been duly considered by the Select Committee and it is a satisfaction to Government that that Committee has now submitted a unanimous report accepting the Bill with no material alteration. The report is an unusually full one and deals with all the main objections and proposals made in the petitions presented against the Bill.

The impossibility of doctors ever agreeing is proverbial, and Government were prepared for a certain amount of opposition to the measure. But nothing that has been brought forward has in any way shaken our opinion as to the advisability of the proposed legislation. It seems to me that a good deal of this opposition is due to misapprehension of what the effects of the Act will be. For instance, section 10 lays down that no certificate required by any Act, from a medical practitioner shall be valid unless the person signing the same shall have been registered under the Medical Practitioner's Act.

Now, it has been alleged that this provision will be hard on those persons who either cannot afford, or do not choose, to employ a registered practitioner as their medical attendant. I cannot see that there will be any real hardship. The Acts under which certificates are required are the Lunatic Asylums Act, the Bombay City Municipal Act and the Vaccination Acts. Under the Lunatic Asylums Act the certificate of a medical officer is required before a man can be confined in an Asylum: I imagine this Council will agree that it is not desirable to give this power to anyone who likes to call himself a doctor. Next, the Bombay City Municipal Act says (section 450) that in the case of a person who has been attended in his last illness by a duly qualified medical practitioner, that practitioner shall give a certificate of the cause of death. If a person has *not* been attended by a duly qualified practitioner, then there is no obligation on anyone to produce a certificate. Lastly, under the Vaccination Acts the certificate of a medical practitioner, that a child is not in a fit state to be vaccinated exempts the child from compulsory vaccination so long as the certificate is in force; I cannot see that there will be any hardship in requiring a registered practitioner to be called in on these very rare occasions and I certainly do not think that the power of certifying should be open to any one.

I notice that in one of the petitions of objection allusion is made to certificates under the Factory Act. But under the new Factory Act which will come into operation on 1st July next, certificates can be given only by certifying surgeons appointed by Government or by medical men authorized by the certifying surgeon to grant *ad interim* certificates, and it is not probable that a certifying surgeon would ever wish to authorize an unregistered man.

Then it is said that the Bill entirely excludes from the advantage of registration doctors who practise Ayurvedic medicine. It certainly does for the present, because there is at present no test to distinguish a real student of Ayurvedic medicine from a quack. But clause 20 distinctly provides that, when the course of study prescribed by any college or other body conferring a qualification not entered in the schedule is such as to secure in its students the requisite skill for the efficient practice of their profession, then Government may admit to registration men so trained. If any school of Ayurvedic medicine can at any future time show that its training is efficient and that the men holding its diplomas have the knowledge and skill for the efficient practice of medicine, it will be open to Government to include it in the Schedule.

There seems to be some opposition to the proposed constitution of the Medical Council, and especially to the Government majority which the Act will secure. I must frankly state that we consider a small Government majority to be essential to the proper working of the Act at the outset. This is the first measure of its kind that has been introduced in India and it may be said to be more or less an experiment. We firmly believe that it will confer considerable benefits on both the public and the medical profession, but there *are* members of the medical profession who honestly think that the Bill is not required and will do no good. It would be folly to run the risk of having the working of the Act crippled by serious opposition in the Medical Council. At any rate for some years to come, the guiding hand of Government will be necessary to give the Act a fair chance and I would ask Honourable Members to see, in the proposed constitution of the Council, not a furtive attempt to get more power into the hands of Government but a genuine wish to secure the proper working of this new measure. My own opinion is that,

when the Act has been in force a few years, its advantages will be admitted by most of those who can at present see in it nothing but evil.

The question of the inclusion of sub-assistant surgeons in the Schedule was so fully debated at the first reading that I do not propose to enter into it at length now. Nothing that has been written since the first reading has thrown any new light on the question, and I imagine that the Council will adhere to the view that it is essential to include these men in the register. Though we should be glad, if finances permitted, to see the present 4 years' course which sub-assistant surgeons go through, extended to 5 years, we still consider that the 4 years' course turns out men who are able efficiently to practise their profession, and we find that they *do* prove themselves efficient in actual practice. The Bill recognises their inferiority to the L.M. & S. and other graduates by declaring them ineligible to be members of the Medical Council, and I think the graduates ought to be satisfied with this differentiation.

Objection was taken in one of the petitions that the Medical Council was to be given arbitrary powers to inflict penalties without being compelled to hear the person charged. This has been attended to by the Select Committee and clause 9 now provides for "due enquiry" before a name can be removed from the register, and the detailed procedure for such enquiries will be laid down in rules under clause 19.

I do not think, Your Excellency, that there are any other points to which I need refer at this stage and I beg to move that the Bill, as amended in Select Committee, be now read a second time.

The Honourable the JÁGHIRDÁR OF ICHALKARANJI said:—Your Excellency,—I have been watching with interest the discussion that has been going on in respect to this Bill. It seems that there is much feeling about it, if not in the mind of the general public, at least in the mind of the medical profession. To my mind the real thing at the bottom of the whole controversy is jealousy, or a feeling of distrust, which, I am sorry to say, exists between the official and non-official elements of the medical profession here. If by any means that can be removed it would materially smooth the way not only of this Bill, but of the working of the Act when it is passed. If only we were to keep before our minds the words uttered by His Majesty the King-Emperor at the time of his departure from the Apollo Bunder and forget our differences in the cause of the general welfare of the Presidency and the country, our path would become very much smoother. With these words I support the second reading of the Bill.

The Honourable Mr. CHIMANLAL H. SETALVAD said:—Your Excellency,—I am one of those who on the motion for the first reading of the Bill voted against it, and I confess that neither the report of the Select Committee nor the remarks that have fallen from the Honourable Sir RICHARD LAMB have converted me. When the Bill was first introduced we had before us the statement of objects and reasons, and the object there stated was this: [Reads the first para.] It says the Bill follows the English Act, and the professed object of the Bill, as stated in the statement of objects and reasons, is to protect the public and the medical profession from irregularly qualified medical practitioners. That is the main object put forward. But if we turn to the various sections, the Bill does not really in any measure endeavour to protect the public and the medical profession from irregularly qualified medical practitioners; because you do not find in this Bill the provision in the

corresponding English Act prohibiting unqualified medical men from practising as physicians and debarring them from recovering in a Court of law their remuneration. But that is not the case here. It was only two days ago that my honourable and learned friend the Advocate General was defending a suit in the High Court brought by a *hakim* against Sir VASANJI TRICUMJI for recovering his charges, and the Court gave a verdict in favour of the *hakim*. In spite of the passing of this Act that will remain, and *vaids* and *hakims* will still be entitled to recover their fees in the same manner as they do now. Again, it must be remembered that a large section of the public are of the view that *vaids* and *hakims* are very qualified men, so that, however ignorant *vaids* and *hakims* may be, we shall not be able to do away with them. So far the main and professed object of the Bill, namely, the protection of the public and the qualified medical profession from the irregularly qualified practitioners, will certainly not be achieved. That being so, the question arises whether in the present circumstances of this city and the Presidency this Bill is required: Your Excellency, my view is that the present Bill is certainly premature. We have not arrived in this Presidency at a stage in regard to medical practitioners so as to require this Bill. Apparently the various objectionable features of the Bill, which were pointed out at its first reading, have not been removed by the Select Committee to such an extent as to make the Bill acceptable to those who opposed it The Honourable Sir RICHARD A. LAMB said that the opposition to the Bill was due to a misapprehension of the objects of the Bill. So far as I am concerned I am under no misapprehension whatsoever. It may be that some of the persons who had sent in their objections to the Bill may have some misapprehension as to the Bill. The Honourable Sir RICHARD A LAMB went at length into the question of certificates and other things. My objections are not against them; they are of a different character. One of them is the Government majority in the constitution of the Medical Council. With regard to that constitution and other objectionable features of the Bill I have given notices of amendments in the various sections of the Bill, so I do not propose to go into those details at this stage, but will advert to them when the Bill is read clause by clause. My present objection is that the Bill fails to bring about the protection, which, it was professed, it would give to the public and the qualified medical profession. That being so the other provisions of the Bill do not really confer any benefit whatever on the qualified medical practitioners, but on the contrary, its general effect will be to bring them under the control of this Medical Council; and looking to the various provisions of the Act it will to a certain extent interfere with their freedom and independence. It will also interfere in a certain measure with the independence of the University in a manner which is certainly not warranted by the circumstances. Under these circumstances I am against the second reading of this Bill.

The Honourable Sir PHEROZESHAH M. MEHTA said:—May it please Your Excellency,—During the first debate which took place at the first reading of this Bill Your Excellency was pleased to humorously compare me with a soldier, who on being brought before a Court-martial and asked if he objected to any member of the Court, said he objected to the whole business. I must say that Your Excellency has done me less justice in comparing me with that soldier, because like that soldier I am not only against the whole business, but I impeach each and every member of the Court which was empanelled to try me.

I submit that the Bill before the Council is in the first place premature, and I will explain what I mean when I say that it is premature. It is said it has been taken from the English Act. Now, in England there was scope and room for a Bill of this sort, because there the public opinion was homogeneous with regard to the qualified medical practitioners and the qualified medical men themselves were of a homogeneous character. That made it possible to institute a Medical Council in a country constituted as it was in the way I have described. Now, look at India. What is the state of things here? Is there the same homogeneity in the medical practitioners here as there was in England when the English Act was passed?

Your Excellency will pardon me when I say that in India there are three bodies of medical men, who cannot be said to be entirely harmonious from the points of view in which they regard medicine and medical practice. In the first place, owing to the State exigency, we have a body, called the Indian Medical Service, consisting of men of high competence and high ability, who form a body by itself and consequently have the virtues and vices of a body, separated like the Indian Medical Service is. Next to them is a body, which is slowly and constantly progressing and developing—people who form, what I may call the independent qualified medical profession in the country. They are all qualified men, who in a certain way in consequence of the circumstances in which the Medical Service and the independent medical profession are placed, occupy a position, which I can best describe as many of the members of the Council would understand by the Gujaráti phrase જોયા કરે છે, or of staring at each other. Not that they are enemies or are quite jealous of each other, but each looks and stares at the other, which, if paraphrased, would mean: "Who the deuce are you and what business have you here?" I do not say this in an invidious spirit, but we have to recognise a fact which we cannot ignore. The third body is the great class of *vaids* and *hakims*, quacks as many of us regard them and as qualified medical men brand them. They are men in whom an enormous mass of the people have great faith. My honourable friend Mr. SETALVAD referred to a case brought in the High Court by a *hakim* against a well-known citizen of this place, and if the members of the Council had read the evidence they would have found that he produced evidence from different parts of the country to point out the great reputation he enjoyed and the great faith placed in him by a large body of men. In fact, by far the greater portion of the population have an implicit faith in these men—a fact which the qualified medical practitioners will not recognise or appreciate—and in a measure are afraid of going to qualified men.

Now, where we have three bodies of this sort depriving the medical profession of homogeneity, it seems to me that the time has not arrived when we could have in this country an Act which has been successful in England, where the medical profession is of an extremely homogeneous character. As I have already stated, the one thing that made the Act successful in England was the public opinion—a public opinion which entirely recognised that qualified medical practitioners were superior to quacks. But here how absolutely different is the case. Here the vast mass of the people are clearly in favour of *vaids* and *hakims*. Therefore, Your Excellency, what I submit is that the case does not exist here to justify the introduction of this Act and that the measure is premature. I do not say that the time may not come for it, but the day may be very distant when its introduction would be justified for the same reason as it was justified in England.

My honourable friend Mr. SETALVAD has pointed out to the Council that the Bill does not fulfil the object for which, it is professed, it has been introduced. As he well pointed out it is stated in the statement of objects and reasons that the main object of the Bill is to protect the public and to a certain extent the medical profession from the inroads of the irregularly qualified medical practitioners. I venture to ask members of this Council who have any knowledge of this country whether those people, who employ irregularly qualified medical men, do not fully know that they are employing men who are not qualified medical practitioners. I ask those officers who serve in the districts whether the lowest and the humblest villager does not know fully well that when he goes to a *vaid* or *hakim* he resorts to an unqualified medical man. You cannot ignore that circumstance. I say nothing is required to protect the public from these irregularly qualified men, for they know perfectly well whom they employ. Therefore, so far as that object is concerned, it seems to me there is no reason for the introduction of the Act.

I do not propose to go into the reasons of the various amendments of which my honourable friend Mr. SETALVAD has given notice. But with Your Excellency's permission I should like to make one remark with regard to the attitude I have taken up in this matter. I may at once say that nobody is a stronger admirer and advocate of a strong Government than I am. But I have always held, and still hold, that a strong Government is not incompatible with leaving to a properly constituted body a certain amount of freedom and responsibility and reposing in it a certain amount of confidence. In my opinion to do that is to make a strong Government still stronger. I recognize the responsibility that lies upon Government and I hold strongly that power ought to remain in the hands of Government for the purpose of carrying out that responsibility in a proper way. I do believe that Government have great responsibilities, but, as I said before, it is not incompatible with leaving to small constituted bodies a certain amount of responsibility and reposing in them a certain amount of confidence. It is for that reason that I objected to strong Government element in the constitution of the Medical Council. Qualified medical men, who have acquired a degree of culture, are men in whom confidence and reliance can be placed, and I cannot agree with my honourable friend Sir RICHARD LAMB when he said that such a body requires some guidance in the early years of its creation. I ask, why? If these men are such as you want, if they are men of culture, experience, ability and judgment, and if you make a selection from such a class of cultured men, why should you not entrust them with the power of dealing with the matter for which they are created and which is entrusted to them? That is my reason for saying that a certain amount of freedom should be left to the Medical Council. They must not be treated like little children learning to walk. My honourable friend Sir RICHARD LAMB compared it with a baby which still had to learn to toddle. I, therefore, object to a large number of Government nominees on the Medical Council, and Your Excellency will see that in England it is not Government who have a preponderating voice in the Medical Council. It is the universities that supply to it a large number of members, as also the various medical bodies. Government themselves come in for a very small number of their representatives on that Council. I venture to submit that, if you are going to follow the English Act, this is the model which you ought to follow and carry out. It is no reason that you should hamper the body that you create by tying their hands and feet because they require guidance in the beginning of their career.

There are different parts of the Bill to which I object and I will state my reasons for them when they come to be considered. But before concluding I will say this—that though like the court-martialled soldier I am against the whole business altogether, finding that that would not avail me I claim the liberty of taking exception to the different sections which I consider objectionable.

The Honourable Lieutenant-Colonel J. JACKSON said:—Your Excellency,—There appear so far in the debate to be two objections against the Bill. Firstly, the Honourable Mr. SETALVAD complains that the Bill is not protective. He must know that the prohibition of all unqualified practitioners in India is impossible. For the other part the Honourable Sir PHEROZESHAH MEHTA says that any one who voluntarily goes to *Vaids* and *Hakims*, knows what these persons are. However, as far as protective measures are concerned, it is not proposed in this Bill to make more than a commencement. And as for the *Vaids* and *Hakims*, as it was pointed out at the last meeting, this Bill affects them in no way. The curious thing is that all the *Vaids* and *Hakims* from Delhi to Cape Camorin are anxious to come under this "censorious Council" as it has been called. We are told again the Bill is premature, that public opinion is not ready for it. I suppose that is so, if the medical profession is going to be like the clock over the Crawford Market and, always behind the time, remain pointing a futile hand to past hours and lost opportunities. If you are always to be content with things as they are, then there is no more to be said, but personally I think we should try to get further than that. Then there is the argument against the official majority. The opponents of the Bill object most strongly to a Government majority and ask for an independent Council. In the very next breath they complain that the Council is given the power to inflict certain punishments. I have an interesting document here—a petition from some medical practitioners in Bombay—which deals with that point. I do not think it was written by a medical man, because it speaks about being "Struck off the Rolls," which is distinctly a legal term, instead of speaking, as we doctors usually do, of being "removed from the register." The view taken of medical ethics is so extraordinary that I do not think a medical man can have written it. They ask for a definition of professional misconduct, and ask if coverture of an unregistered doctor would be an instance. They quote the removal of a Doctor from the register for covering a gymnastic instructor called Sandow as a tyrannous exercise of power. Incidentally I may point out this action was taken by a freely elected Council with no Government majority, and met with the approval of every reputable Doctor in England. If the petitioners do not think that a coverture of such a quack constitutes professional misconduct, it is the strongest argument I have heard in favour of this Bill. It shows that something is wanted to create an ethical sense in the medical profession in Bombay. Throughout the whole utterances of Sir PHEROZESHAH MEHTA you can hear the chains of bondage clanking for my poor profession in Bombay—chains forged by a Machiavellian Government aided in their fell project by a designing Surgeon-General. But we know that designing Governments and "bludgeon" clauses play that part in the sonorous periods of the Honourable Sir PHEROZESHAH'S oratory that the head of King Charles did in Mr. Dick's manuscript and that the balmy heights of Mahábaleshvar do in the admonitions to Government which appear in the *Times of India*. Despite the golden frame of the Honourable Knight's eloquence I am convinced that the Council, looking at this Bill calmly and dispassionately, will recognise that the colours of the picture presented by the Honourable Member are crude and its perspective

woefully distorted and that he has advanced no argument of weight against the utility of this measure.

The Honourable Mr. HARCHANDRAI said:—Your Excellency,—I was one of those who opposed the first reading of the Bill on the grounds urged by the Honourable Mr. SETALVAD and the Honourable Sir PHEROZESHAH MEHTA, namely, that the objects stated in the statement of objects and reasons are not the objects for which the Bill has been introduced, and that its objects are to give powers to a certain class of people to grant certificates and to make certain appointments and in a certain manner. But as the majority of this Council at that time came to the conclusion in spite of those arguments that the principle of the Bill should be passed, I do not think it is quite right to urge the same grounds and oppose the Bill. I think we ought loyally to follow the conclusion that was arrived at at the first reading of the Bill, namely, that the principle of the Bill was accepted by the majority of the Council.

The Honourable Mr. MILLETT said:—Your Excellency,—the Honourable Sir PHEROZESHAH MEHTA has made a challenge to district officers and has asked district officers if they can deny that the man who resorts to *vaids* and *hakims* does not know that he is resorting to unqualified men. The answer is—"Yes, he does know that he is unqualified but he has no one else to resort to. If he has anyone else he usually goes to him." Not long ago I was in a town in East Khándesh, and I made some inquiries of a native gentleman whom I met. He told me that there were *vaids* in the town, but the better class of the people resorted to the Sub-Assistant Surgeon. They preferred his treatment to that of a *vaid* when they could afford to pay for it. I think this proves that the people would rather go to a man who has some qualifications than to a man who has not.

The Honourable Surgeon-General STEVENSON said:—Your Excellency,—I do not think we have heard very much that is new about the Bill. Practically everything said by the Honourable Sir PHEROZESHAH MEHTA and the Honourable Mr. SETALVAD has already been said more than once at the first reading of the Bill. I cannot agree with the Honourable Mr. SETALVAD that the Bill, as framed now, fails in the object with which it has been stated it was brought into the Council. It was never pretended for one moment that the passage of the Bill was to protect the qualified medical practitioner from the *vaid* and *hakim*. What was said was, that it was to protect the qualified medical practitioner from the unqualified man practising according to Western methods, the untrained compounders such as may be found in every bázár, and so on. These are the men who are going about pretending they are medical men, and, notwithstanding everything Sir PHEROZESHAH MEHTA has said, people employ such men, and do not know they are employing unqualified men. Such knowledge does not exist in the towns, and it was to draw the distinction between these classes that the Bill has been introduced. I think the Honourable Sir PHEROZESHAH MEHTA has described the three classes of medical practitioners in this country as the English Medical Service, the indigenous medical profession, and the *vaids* and *hakims*. He has very considerably exaggerated the differences he represents as existing between the first two classes. I am still of opinion that this Bill may be calculated to have the effect of creating homogeneity. With regard to the representatives on the Council the reason why Government has to be so largely represented on the Council is that there only exists one qualified college in the whole of the Presidency from which we may draw representatives, and therefore if the elected

representatives are given a majority on the Council it means that the whole working of the Bill will be practically handed over to the representatives of Bombay University.

The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR said:—Your Excellency,—I was the member who began the opposition on the last occasion. Since then I have had the opportunity of visiting certain other sister Presidencies, and I am not in a position to corroborate statements made by the Honourable Members that the *vaids* and *hakims* from Delhi to Cape Camorin were anxious to come within the purview of this Act. They acknowledge their complete ignorance of the existence of this Bill and they express no anxiety to get within the scope of this Bill. They only want that their certificates should be recognized. They do not want the Bill. On the last occasion I did not want to exaggerate the fact that *vaids* and *hakims* are as a rule superior to other medical men. But I wish to draw the attention of the Council to a case that recently came within my observation at Sátára. It was the case of a boy who had injured his leg. There were two surgeons in attendance—one military and another civil. Their advice was to amputate the leg. But fortunately somebody intervened and said there was a *vaid* in Bombay who could do something. He was sent for, and the boy's leg was saved. I do not say that all *vaids* and *hakims* are superior to qualified medical practitioners. I simply want to draw the attention of the Council to the fact that these *vaids* and *hakims* have been excluded from certain privileges. It is stated in the statement of objects and reasons that nothing in the Act will prevent the practice and recovery of money by *vaids* and *hakims*. But such a statement can hardly be taken as law. I want to see a provision in the Act itself to that effect, and it was with that view that I suggested an amendment in the Bill on the first occasion. I have reasons to believe that this Bill will have a safe journey through this Council, because the opposition does not seem to be so united as on the first occasion. Yet I suggest that we should stand out against it even at this stage in spite of my honourable friend's advice that it would not be proper to oppose the Bill now.

The Honourable Ráo Bahádur SHRINIWAS K. RODDA said:—Your Excellency,—When this Bill was brought forward for the first reading I was not very much in favour of it. But afterwards, as a member of the Select Committee, I went through it very carefully, and I do not understand why such an innocent Bill should be opposed. The Bill does not affect many medical practitioners, and, except that it gives powers to a certain class of the medical profession to give certificates, it does not confer any other special powers on the men who come within the purview of the Act. As to the privilege of giving certificates, it must be remembered that even now the Courts do not recognize certificates given by unqualified practitioners or men who do not hold any degree or diploma. There is no provision in the Bill which prohibits *vaids* and *hakims* from practising medicine. In fact, they will enjoy the same privileges which they have hitherto enjoyed. I support the second reading of the Bill.

The Honourable Sardár Dávar KAIKHOSRO EDALJI MODI said:—Your Excellency,—I am afraid that much noise has been created about this small Bill. It does not stand in the way of the lawful rights of any party. It was not premature. All good institutions have a modest beginning, and if we make a small beginning with this Bill, it may, in course of time, develop into a good institution. The report of the Select Committee shows clearly that the Medical Board will be constituted in a wise manner by the

Government. I suppose that in the first instance it is necessary to have a majority of Government members, as it is done in the beginning in regard to other institutions. There is no reason to fear that Government members will not be selected wisely. There is every reason to believe that the members of the Board will be selected from the Indian Medical Service and the medical profession. There is no objection to Government control. It is not only wise, but it is necessary that such provisions as are proposed should be inserted in the Act. Experience will show in what way the Act should be amended, but we must wait and see how the institution develops. I do not see anything objectionable in the Bill. I am strongly of opinion that Government help and Government guidance are necessary in every measure when it is in its infancy. This measure was for the benefit of all and did harm to nobody's interests. I think the Council must pass the measure as it is wise to do so both in the interest of the public and the profession.

The Honourable Dr. TEMULJI B. NARIMAN said :—Your Excellency,—I do not wish to take up the time of the Council by repeating what I said at the first reading of this Bill. Though some of my honourable friends opposed the Bill on the ground that the interests of the *vaids* and *hakims* are thereby affected, most of us are now satisfied that the Bill does not touch the *vaids* and *hakims* and that their rights and privileges are not affected by it, as they never enjoyed any rights or privileges. My honourable friend Sir PHEROZESHAH MEHTA, under the guise of a sympathetic friend of the independent and qualified medical practitioners, has taken up the cudgels on behalf of the *vaids* and *hakims* and is fighting their battle, though at the first reading of the Bill he emphatically told us that the Bill did not affect their interests. He said that the masses preferred the *vaids* and *hakims* to the qualified practitioners, but that is not true. If you go over the whole Presidency you will find in every town and city, where there was not one qualified man fifty years ago, a dozen or two practising there. And are they not replacing *vaids* and *hakims?* In my native place in my younger days we were treated by *vaids* and *hakims* and there was not one qualified medical man; now there are about a dozen there, and people are taking full advantage of them. It is only a question of time. Our number is not very large, and most of us do not like to leave Bombay, but in course of time the qualified medical men are bound to spread over the whole country. Sir PHEROZESHAH said that the English Act was passed because the medical profession there was homogeneous, that they were better educated and that there were no *vaids* and *hakims*. He opposed the Bill because the qualified medical men are thereby brought under Government control and he did not like the Government majority on the Medical Council. But the grounds he put forward in favour of passing the English Act—that the profession there was homogeneous—are the very grounds I put forward in favour of the Government majority, because we have got a heterogeneous element here and the different interests would clash with each other. I am not alarmed at Government control, but on the contrary, looking to the present state of our medical profession, I think it necessary and desirable. Sir PHEROZESHAH also opposed the Bill as some of the clauses affected the independence of the University, but as the Honourable MR. SETALVAD has put forward several amendments on that subject I will reserve my remarks about that portion of the Bill. What strikes me most, Your Excellency, is that our educated leaders, when it suits their purpose, agitate and ask for Western methods of Government and Western methods of administration, but when any question of a Western mode of

dealing with a subject is brought forward, which, in their opinion, treads upon their so-called cherished rights, they wish to be satisfied with their native method, however imperfect or inferior they may be.

My name was brought forward by the Honourable Mr. KARANDIKAR on the last occasion, and now again, while speaking in favour of the *vaids* and *hakims* and praising their system of medicine, he speaks disparagingly of the Western system of medicine. I could not hear him properly from this distance but I believe he quoted an instance of his relative whose arm or leg was advised to be amputated by the Civil Surgeon and was cured by some *hakim*. Your Excellency, in my forty years' practice I have come across scores of cases where the best European consultants had pronounced the cases to be hopeless or advised operations that were cured, not by *vaids* or *hakims*, but under our own care, probably by Nature coming to their aid. If these patients had consulted the *vaids* and *hakims* at that critical time they would have got the credit of curing those patients.

As several honourable speakers have spoken about the superiority of the native system, I will with Your Excellency's permission read a short passage from the inaugural address which I delivered at the winter session of the Grant Medical College in 1902, which will be a satisfactory reply to those speakers. Dr. Morehead was the revered founder of the Grant Medical College, and in his opening address he said that he founded the College "to aid in raising the profession to the loftiest standard of purity and intelligence and to eradicate the demoralising effects of the irrational superstitious and too often criminal empiricism which prevailed in the different systems of native medicine."

The Honourable Mr. A. H. A. PEERBHOY said:—Your Excellency,—I rise to a point of order and enquire whether the Honourable Dr. NARIMAN is in order in discussing the question of *vaids* and *hakims*.

The Honourable Dr. NARIMAN:—This question has been brought into the discussion by several members.

His Excellency the PRESIDENT:—I think the question of *vaids* and *hakims* has been several times alluded to during the discussion and the Honourable Dr. NARIMAN is in order in speaking to it.

The Honourable Dr. TEMULJI B. NARIMAN, continuing, said:—Instead of raising the profession to that lofty standard, what do we find some of the alumni of our college doing? Some have started a school of native medicine, while others have associated themselves with it and given their patronage, and they make us and the public believe that here medicine is taught both on the European and native systems and that they are going to develop and bring into prominence the Aryan system of medicine. Can any sane or sensible man for a moment believe that a system of medicine practised in bygone centuries can ever hold its own against our recent advances and new discoveries? Can anyone now, without a complete knowledge of anatomy, physiology and pathology, biology and bacteriology, ever hope to practise medicine, and could any system of medicine be ever perfect without a thorough knowledge of these subjects? If, with the present preliminary standard of entrance to the college, we hear complaints of the inefficiency of our students, how can you expect pupils of the native school with little or

no preliminary culture to comprehend and fully understand the different subjects comprising a medical curriculum? It will be simply by trading on the ignorance and credulity of the people at large that these new *vaids* will eke out their existence; but is it creditable to those of us who, instead of using all their influences and resources for the betterment and development of the only college we have, or starting another on a better footing, fritter away their time and energies and turn out men who for want of real culture will lower the profession to deeper depths of ignorance and superstition?

I do not deny the existence of some native drugs which may be more effective than others in some cases, and I myself have made considerable use of them in appropriate cases; but instead of bringing those drugs to light and testing them by the light of recent knowledge, you start a school on a native system which really speaking is no system at all. This is simply a retrograde movement and does no credit to our profession. We have seen the prescriptions of those who boast of this system, and very often found eighteen drugs out of twenty in the prescription to belong to our British Pharmacopæia, and two or three supposed to be native drugs, mostly found in our Indian Pharmacopæia. We are using the same medicine in the shape of extracts or tinctures; they use it as powders or decoctions or confections. We use the botanical name; they perhaps use the native names, and that is called the native system of medicine. It goes with the credulity which characterises the present age to be incredulous of proved truth. Alike in rejecting what is known and in believing what is preposterous, the rights of private foolishness assert themselves. It is but the same impotence of judgment which shrinks from embracing what is real and lavishes itself upon clouds of fiction. In forty years of my practice I have come across cases where to a superficial observer it would seem that cases which were given up by competent physicians or surgeons as incurable or hopeless have been cured by *vaids* or *hakims*. If you analyse them carefully you will find that these quacks have by a fortunate combination of circumstances taken charge of patients at a time when Nature very often came to their aid, and this has happened in several surgical cases. I have seen cases of hepatic abscess opening into the intestine and the patients recovering. If such patients, after trying the qualified practitioners, had resorted to these *hakims* or *vaids*, and if they had applied some plaster or *lep*, which they often do, they would have got the credit of curing patients by external applications whose cases were pronounced serious or hopeless by qualified practitioners. I know of a case of ovarian cyst that had suppurated and opened into the genital tract where the *hakim* had the credit of his plaster, or *lep*, bringing on a marvellous cure. Such cases occur every day in our practice, and the few rare cases which sometimes improve under a quack's treatment give credit to the native system of medicine and to native drugs, which, as I said, owe their marvellous recoveries to Nature coming to their aid in the nick of time. I honestly say that I do not remember a single instance during the course of forty years in a practice which may be called fairly large, where after having a fair trial, or one to my satisfaction, I had pronounced a case incurable that has ever been cured by any *hakim* or *vaid*.

A good deal has been said about the impotency of our system of medicine in curing plague. Hundreds of native medicines were loudly trumpeted and eulogised, and we know what credence to give to it. We have found them more powerless than our own drugs, which we used only with the object of helping Nature. I can cite a number of cases of plague cured on most ordinary line of treatment, and if such

recoveries had happened under a quack's treatment, the native drugs would have got the credit. It can be only by the healthy and active influence of members of our own profession working individually and seizing every opportunity of instructing individual members of the laity on points concerning which they are liable to form or hold false views that we can hope to turn the tide in favour of Western medicine. The task is difficult, but when we find that members of our own profession, from motives which we need not doubt, are led away by waves of emotional heterodoxy, our task becomes doubly difficult.

Your Excellency, I refrained from saying anything about the *vaids* and *hakims* and about the Aryan and the Unani systems of medicine on the last occasion, but as my honourable friends in extolling the systems have spoken disparagingly of the Western system of medicine, I am obliged to give them the benefit of my long experience and give expression to my feelings. I confess, Your Excellency, that we qualified medical men do not get all we want by this Bill, but I am sanguine that in course of time the Act will be so amended as to be on a line with the English Medical Act. With these few observations I support the second reading of the Bill.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD said:—Your Excellency,—In opposing the first reading of the Bill I pointed out that the Bill, as it then stood, did not practically protect the medical faculty or the general public from the irregularly qualified medical practitioners. We then waited for the improvement of the Bill in the Select Committee. It had made its report, but I submit that the Bill is still looked upon with disfavour in the mofussil, not because it affects, as it stands, the *vaids* and *hakims* or gives no protection to the medical faculty, but because it is thought that it is the small beginning of an end which may ultimately affect them seriously. In the present case the Bill, as it stands, confers a very small privilege on the registered members of the medical faculty, but this privilege, when taken away from the irregularly qualified practitioners, practically causes no loss to them at all. I think that the Bill, as it stands, will not do any good to the qualified medical men or protect them from the irregularly qualified practitioners. It not only takes away the privileges from the *vaids* and *hakims*, who are supposed to be irregularly qualified medical men, but also deprives another class of medical practitioners of the same, though they do not come within that category. I will say, for instance, that the class of men, known as homœopathists, will be prevented by this Bill from giving certificates and from practising as regularly qualified medical men. I venture to submit that homœopathists should be regarded as qualified medical practitioners just as much as the other classes of qualified medical men who are now coming before the public and the medical world. They have been practically doing great good in relieving human sufferings, and deserve recognition under the Bill. But this Bill makes no provision for them. The result of such exclusion means the prevention of the use of valuable remedies discovered by such men. An instance in point occurred some time ago in Italy, when there was an outbreak of cholera in that country. A medical man of this class had a remedy for this complaint, but under the laws of Italy that person was prevented from administering his medicine to the patients, which would otherwise have done a considerable amount of good. It is stated that the Aryan system of medicine makes a man much more of a chemist and a biologist than a physician. It will be admitted that to a certain extent this system of medicine may be empirical, but at the

same time there is no denying the fact that it has relieved great sufferings. I therefore cannot understand why this medicine should not be largely used if it is proved to be good. Of course, this Bill will not entirely stop the use of such medicine, but it is the general opinion in the mofussil that it is the beginning of the end and eventually it may affect such medicine and those practitioners who prescribe it.

The Honourable Moulvie RAFIUDDIN AHMAD said :—Your Excellency,—I want to make a very few observations in regard to this Bill. The petition of *hakims* and *vaids* has clearly pointed out what are their objections to the Bill. The Bill is not only premature, but it would weaken the chances of the *hakims* and *vaids* being recognized as a learned body. They have been trying in earnest to revive the Unani art of medicine, and the Government of India have encouraged them. They have every hope that in the course of time their scientific theories will be recognized by the Government of India, but if this Bill becomes an Act the chances will be less. This is the objection to the Bill. If the Government of India are likely to do something to revive the old system of Unani medicine it stands to reason that we should not proceed with the Bill at this stage.

The Honourable Mr. MANMOHANDAS RAMJI said :—Your Excellency,—I rise to support this small Bill and also welcome it because it will give opportunity to the *vaids* and *hakims* to organize themselves and form associations to give regular training of the science they advocate and then ask Government for the recognition of their principle. This present Bill proposes simply to register qualified medical practitioners and do nothing more. I say, there is a need for such a course, inasmuch as there are several quacks who have neither studied the native medicines as practised by *hakims* and *vaids* nor Western science but simply put up a board so as to deceive the public that they are qualified men. I would give an instance where a native quack had put up a board calling himself N. D. of F. C. When I inquired into the meaning of N. D. of F. C. it turned out to mean native doctor of first class. The real object of putting these words was to pass for a qualified medical man. Therefore I say that there is a need of such an Act.

The Honourable Sir RICHARD A. LAMB said :—Your Excellency,—I do not wish to take up the time of the Council for many minutes, but in replying on the debate I must express my regret that I have not learned much from it. We have wandered a good deal off the path to matters which were irrelevant, and we have had nothing new which was not expounded fully at the first reading. I understand from the Honourable Sir PHEROZESHAH MEHTA that medical practitioners may be divided into three classes—(1) the Indian Medical Service, (2) those trained in Western medicine who do not belong to that service, (3) *vaids* and *hakims*. The third and larger part do not appear to me to be affected by the Bill at all. They are wholly irrelevant to the question before us. Their knowledge or their ignorance, their quackery or their science, is not at all connected with this Bill. I have not been able to understand what the discussion has had to do with the matter at all. As regards the people who are qualified in medicine, I agree with the Honourable Surgeon-General STEVENSON that if there is no homogeneity amongst them it would be a very good thing that a little should be introduced, and I do not think it could be better introduced than by this Bill. If they are standing there staring at each other and asking "What the deuce are you?" and "Who the deuce are you?" the best thing to do is to knock their heads together until they settle down. I move, Sir, that the Bill pass its second reading.

His Excellency the PRESIDENT :—*It is with some diffidence* that I take part in this debate, but as a great many amateurs have taken part in the discussion, I, as another amateur, may perhaps be permitted to say a few words on the subject. I gathered that the Honourable Mr. SETALVÁD's chief objection to the Bill is that the Bill gives no protection. The Honourable Mr. MILLETT has partially answered the objection. It is quite true the Bill is not complete, and it is certain that in years to come a much greater measure of protection will be demanded by the public, but to say that the Bill offers no protection is quite erroneous. As I understand the question now there is nothing to prevent any one coming in from another Presidency and putting up his board and *starting in practice*. Such a man, after the passing of the Bill, would go to the Medical Council, who would examine his qualifications and if he was not registered then the general public, or *such of the general public as he would be likely* to cater for, would see that he was not a registered practitioner and would for their own good avoid him. We have heard too much about the *vaids* and *hakims*, because their position remains the same as it always did. It might interest the Council to know that the other day I received a letter from the Secretary of a *hakim* college in which he said he had been carefully studying the Bill and had come to the conclusion that it did not affect them in the slightest degree. He asked for my corroboration of this view, and this I shall give him. Sir PHEROZESHAH MEHTA has many objections to this Bill. He says it is unsuitable to present conditions because there is no homogeneity about the profession in India such as there was in England among the medical profession when the Registration Act was passed there. But is that so? I do not think it is. There was not even racial homogeneity in England at that time. There were Irishmen who objected to being called Englishmen and many Scotsmen who strongly objected to being mistaken for either. There was no complete homogeneity amongst the medical profession in England when the legislation was introduced. Was not the position practically the same as it is here? There were a large number of doctors in England trained at many different colleges. In the Indian medical profession in Bombay the large majority come from one college, which makes the Indian medical profession more homogeneous than the medical profession in England at the time of the passing of the Act.

The other question the Honourable Sir RICHARD LAMB has dealt with so fully that I need say nothing about it, but I cannot believe that the Indian Medical Service and the qualified men outside it are standing apart scowling at each other. That I have never found and I do not believe it exists although I know as Dr. TEMULJI NARIMAN has told us, they have their differences; but if it was proved that such a state of things does exist, then it is high time both parties were brought together to serve one common end—the promotion and maintenance of the traditions of an honourable profession. If Sir PHEROZESHAH MEHTA likes a strong Government so do I. I agree with him in the advantages of a strong Government which takes assistance from non-official quarters. It is not true that all our nominations will be from the Indian Medical Service, and I do not believe with the majority of one we shall be able to crush the Council out of all independence of action. The fact is that there will be very little difference of opinion amongst the members. There will be investigations of some alleged misconduct, and the facts having been established, the probability is that the same complete unanimity will be found in the Council as in the Council in England. In years to come I am sure that the body will become as independent as is the Medical Council of Great Britain.

I support this Bill solely because I believe it is in the best interests of the Indian Medical Service. I believe it has got to such a stage that it wants some measure of organization, some drawing together in the way this Bill will draw it together, and it is solely and entirely because this Bill is in the interests of the Indian Profession, which wants encouragement, that I support the second reading

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

The Council then adjourned until 11-30 a.m. on Thursday, March 14th, 1912.

By order of His Excellency the Honourable the Governor,

L. GRAHAM,
Secretary to the Legislative Council.

Bombay, 13th March 1912.

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 Thursday, the 14th March 1912, at 11-30 a. m.

PRESENT:

His Excellency the Honourable Sir GEORGE SYDENHAM CLARKE, G.C.S.I., G.C.M.G., 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. MAHADEV BHÁSKAR CHAUBAL, C.S.I.
The Honourable Mr. WILLIAM THOMSON MORISON, C.S.I., I. C. S.
The Honourable the ADVOCATE GENERAL.
The Honourable MOULVIE RAFIUDDIN AHMAD, Bar.-at-Law.
The Honourable Sir JAMES BEGBIE, Kt.
The Honourable Mr. DATTÁTRAYA VENKATESH BELVI, LL.B.
The Honourable Mr. GULAM MUHAMMAD valad Khán Bahádur WALI MUHAMMAD BHURGRI, Bar.-at-Law.
The Honourable Sardár Ráo Bahádur MOTILÁL CHUNILÁL.
The Honourable Mr. GEORGE SEYMOUR CURTIS, C.S I., I. C. S.
The Honourable Sardár PURSHOTTAMDÁS VIHÁRIDÁS DESÁI.
The Honourable Mr. FAZULBHOY CURRIMBHOY EBRAHIM.
The Honourable Sardár SYED ALI EL EDROOS.
The Honourable Mr. SIDDHANÁTH DHONDDEV GARUD.
The Honourable Sardár NARAYANRAO GOVIND *alias* BÁBÁ SÁHEB GHORPADE, Jághirdár of Ichalkaranji.
The Honourable Mr. W. L. GRAHAM.
The Honourable Mr. HERBERT RUFUS GREAVES.
The Honourable Sardár NAHARSINGHJI ISHWARSINGHJI, Thákor of Amod.
The Honourable Lieutenant-Colonel J. JACKSON, M.R., I. M. S.
The Honourable Sardár SHAMBHUSING AMARSING JÁDHAVRÁO, Ráje of Málegaon.
The Honourable Mr. RAGHUNÁTH PÁNDURANG KARANDIKAR.
The Honourable Mr. W. H. LUCAS, I. C. S.
The Honourable Mr. LALUBHÁI SÁMALDÁS MEHTA.
The Honourable Sir PHEROZESHAH M. MEHTA, K.C.I.E., Bar.-at-Law.
The Honourable Mr. G. P. MILLETT.
The Honourable Sardar Ráo Bahádur YASHAVANTRÁV TRIMBAK MIRIKAR.
The Honourable Sardár Dávar KAIKHOSRO EDALJI MODI.
The Honourable Sardár COOPOOSWÁMY VIZIARUNGUM MOODLIAR.
The Honourable Dr. TEMULJI BHIKÁJI NARIMAN, L.M., F.R.M.S. (London).

The Honourable Mr. J. P. ORR, C.S.I., I. C. S.
The Honourable Mr. GOKULDÁS KAHÁNDÁS PÁREKH, LL.B.
The Honourable Mr. ABDUL HUSEIN ADAMJEE PEERBHOY.
The Honourable Mr. F. G. PRATT, I. C. S.
The Honourable Mr. R. D. PRIOR.
The Honourable Sir HENRY E. E. PROCTER, Kt.
The Honourable Sir IBRAHIM RAHIMTOOLA, Kt., C.I.E.
The Honourable Mr. MANMOHANDÁS RÁMJI.
The Honourable Ráo Bahádur SHRINIWÁS KONHER RODDA.
The Honourable Mr. CHIMANLÁL HARILÁL SETALVAD, LL.B.
The Honourable Khán Bahádur SYED ALAHANDO YUSIF SHAH.
The Honourable Mr. W. D. SHEPPARD, C.I E., I. C. S.
The Honourable Surgeon-General H. W. STEVENSON, I. M. S.
The Honourable Khán Bahádur NOWROJEE PESTONJEE VAKIL, C.I.E.
The Honourable Mr. HARCHANDRAI VISHINDÁS, LL.B.
The Honourable Mr. M. DE P. WEBB, C.I.E.

The Council proceeded to consider the Bill for the registration of medical practitioners clause by clause.

Clause 1 was put and carried.

The Honourable Mr. CHIMANLAL H. SETALVAD said:—Your Excellency,—With regard to clause 2 I have three amendments to move. The third one is really a consequential one and depends upon the manner in which the other two are disposed of. I would therefore suggest that it would be convenient to move the three amendments together instead of taking them separately.

His Excellency the PRESIDENT: Yes, if you please.

The Honourable Mr. CHIMANLAL H. SETALVAD moved his amendments, namely:—

"1. *To substitute* in clause 2 (*2*) (*b*) for the word "six" the word "four;"

2. *To add* after clause 2 (*2*) (*b*) the following:—

"(*c*) four members elected by the University of Bombay;" and

3. *To re-letter* sub-clauses (*c*) and (*d*) of clause 2 (*2*) as (*d*) and (*e*) respectively."

The Honourable Mr. CHIMANLAL H. SETALVAD said:—Your Excellency,—Under section 1 as it stands in the Bill as sent in by the Select Committee, Government can nominate the President and six other members, while four members are to be elected by certain graduates of the medical faculty and the remaining two by the medical practitioners, bringing the total to thirteen and giving the Government nominees a majority of one, namely, seven against six. What I beg to point out, Sir, is this—that the University of Bombay as a University is given here no representation whatever, and it is a body which has a very great interest in this matter. It is a body to which the only college for medical studies is affiliated and which lays down courses of instruction for the medical degree. It is very desirable that the University should have a direct representation on the Medical Council. If you turn to the English Act, which this Bill professes to follow, Your Excellency will find there (49 and 50 Vict. c. 48) section 7 defines the constitution of the General Council, and you have there a total of 25 members,

of whom only 5 are nominated by Government and 20 elected by various bodies. Of these 20 members 11 are nominated directly by the various Universities and the rest by medical practitioners as provided for in this Act. My Honourable friend Dr. NARIMAN seems to think that it is necessary to give the Government nominees a majority in the inception. I fail to see the reason of that course. If you once accept the principle of the Bill that under the present circumstances it is necessary to have such a body from among the medical profession and the body should be such as to maintain the prestige and good name of the profession and control the persons practising medicine, then that body should be of such a character as would fairly represent the real wishes of the profession. Under these circumstances, bearing in mind that the questions which will come up before the Council will be questions of a character that that body is supposed to be competent to deal with, there is no reason that Government should have a preponderating voice, as is suggested. I think we ought to follow the example of the English Act and give the Bombay University a direct representation on the Medical Council and increase the proportionate representation of the other bodies.

The Honourable Surgeon-General STEVENSON said:—Your Excellency,—I am opposed to all the amendments which have been brought before the Council by the Honourable Member. And I am opposed to these amendments both on general and on particular grounds. At the time when the question of the formation of this Council was first brought up, much difficulty was experienced in properly determining the representation upon the Council, and this difficulty chiefly arose because of the paucity of medical colleges and examining bodies in the Presidency. In Great Britain no such difficulty exists, because there is a large number of medical colleges and examining bodies which represent different interests, and therefore the Council could be largely an elected one while still retaining the object it was desired to obtain, and that is to have a Council which shall consider all the questions relating to medical education, and the general good of the medical profession without prejudice or favour. If the amendments proposed by the Honourable Member are accepted they will result in the formation of a Council of 15 members, and out of these 15 members no less than eight will be direct representatives of the Bombay University, while there is no doubt that among those who are nominated under clauses (*a*) and (*b*) and are elected under clause (*d*) will also be graduates of the same University. This, Sir, in my opinion, is far too great a preponderance of power, and therefore I am entirely opposed to the amendments on that as a general ground. Then we come to the particular grounds for objection. I think we may ask the Honourable Members of this Council to consider the nature of the agitation which has been carried on among the graduates of the Bombay University in Bombay with regard to the admission of a certain class of medical practitioners on the register it is proposed to create under the Bill, and I ask them also to consider the misrepresents which have been made by this body of medical practitioners. It seems to me, Sir, that there is very little reason to hope that a Council, which will be practically dominated by gentlemen who can allow themselves to hold such narrow and prejudiced views, could possibly hold the balance evenly between the different sections of the profession. I think Honourable Members will agree with me that we can have no such hope, and therefore on this particular ground I object to the amendments of the Honourable Member. I trust that the Council will reject these amendments and accept the clause as it stands in the Bill.

The Honourable Sir PHEROZESHAH M. MEHTA said:—Your Excellency,—I confess that I have been not a little surprised by the reasons which have been advanced by the Honourable the Surgeon-General in asking the Council to reject my honourable friend Mr. SETALVAD's amendments. I was surprised, I say, to hear the Honourable the Surgeon-General speak of misrepresentations having been made by a large and respectable body of medical practitioners in this city. Your Excellency, language of this sort shows that the head of the great medical department of Government cannot be said to be in sympathy with the claims and aspirations and the character and position of the independent medical profession of this Presidency. Your Excellency, the Honourable the Surgeon-General has spoken of the narrow and prejudiced views which a Medical Council composed in the manner suggested in Mr. SETALVAD's amendments would take. If I may be permitted, Your Excellency, to speak out just as frankly as the Honourable the Surgeon-General has done, I will say that the Medical Council, constituted in a manner in which it is proposed to be constituted by the Bill, will not be a Council which can be guaranteed to be free from narrow and prejudiced views. I submit we must look at these things as practical men of the world, and I ask the members of the Council to say if the appointment of six members of the Medical Council is left in the gift of Government how are those nominations likely to be? We must remember that the medical adviser of Government is the Surgeon-General, and being the head of the Indian Medical Service he cannot help identifying himself with the interests and wishes and the likes and dislikes of the service. Under the constitution Government nominees must have a majority, and the Surgeon-General being an adviser of Government he would give the members of the service a majority on the Medical Council. In the Select Committee's report it is called a bare majority of one, but a majority of one is as good as a majority of a dozen. Now, I ask if you give the Indian Medical Service a majority on this Council, what is likely to be the result? Will not the narrow views and prejudices of that service find, to some extent at least, the scope and prevalence in that Council? Will not all questions that will come before the Council be, I will not say tainted, but be permeated with the peculiar views of the Indian Medical Service? I ask the Council to remember that the two functions which the Medical Council has to perform are those that relate to registration and the disciplinary jurisdiction as regards the infamous conduct of registered medical practitioners. Now, as I ventured to point out yesterday, it is impossible to say that the relations that exist between the Indian Medical Service and the independent medical profession are of the most harmonious character. They look at things from two different platforms, and it is impossible not to perceive that even now within the experience of the last few years we have found that the point of view from which the independent medical profession looks at medical questions is very different from the point of view adopted by the members of the Indian Medical Service. Your Excellency, I venture to prophesy—and I know it is a dangerous thing to prophesy—that in a Medical Council, constituted as proposed by the Bill, there is bound to be a serious difference of opinion, not at a long distant period but within a measurable distance of time, between the members holding different views on the various questions that will come before it—questions involving decisions as to what constitutes or does not constitute infamous professional conduct. These are questions which even in England have agitated the minds of the medical profession from time to time and given rise to bitter controversies. But here this bitterness will increase still

more in consequence of the chasm which exists at present and will exist for a long time between the members of the Indian Medical Service and the members of the independent medical profession. Under these circumstances it seems to me that if this Act is at all to be a success—and I do not anticipate that it will be a success—the Medical Council should be so constituted as to be entirely independent, or rather, as not to be entirely thrown into the hands of the Indian Medical Service. The Honourable the Surgeon-General says that Government need not necessarily make appointments which are within their gift from the Indian Medical Service. But I say, considering the fact that the medical adviser of Government is the head of the Medical Service—and I may at once say that I have not the slightest intention of casting any reflection upon his conscientious way of looking at things, but even the most conscientious man cannot help being swayed by the bias of his service—it is very difficult to think that most of the appointments will not go to the members of the Indian Medical Service.

Your Excellency, I venture to point out that the Indian medical profession is being recruited from the members of the Grant Medical College in this Presidency; but a large number is now coming from England after taking the highest honours which it is in the gift of the English medical people to give. Many of them are now members and fellows of the Royal College of Surgeons and the Royal College of Physicians. I remember the case of a gentleman, the son of my late lamented friend, Dr. Ismail Jan Mahomed, who recently came out with some of the highest certificates and qualifications which can be acquired by medical men in England. I have heard medical men speak of him in the terms of highest encomium. The advent of such men is becoming more and more frequent every year, and it is very undesirable that these men should be placed in a position which would make them look with an unfriendly eye on the members of the Indian Medical Service, and which would cause a certain amount of jealousy in consequence of the loaves and fishes going to the members of the service. In these circumstances I ask the members of the Council to carefully consider whether they are not going to wreck the success of the working of the Bill by having a Medical Council in which the members of the medical service will have a preponderating voice. With that view my honourable friend Mr. SETALVAD has brought his amendment, which constitutes the Medical Council in a way that gives preponderance to no body of medical men.

Your Excellency, I will say only one word about the representation of the University on the Medical Council. I was rather surprised to hear the arguments advanced by the Honourable the Surgeon-General that it is very well in England where there is a large number of examining bodies and of medical practitioners. It is perfectly true that there is not the same number of examining bodies and of medical practitioners in this Presidency, but I ask the members of the Council to say, is it right that because there are not very many examining bodies here the one body which we do possess in the shape of the Bombay University should have no right to elect even one member? I submit that, if we profess to follow the model of the English Act, it is just and right and in fitness of things that the University should have at least some representation on the Medical Council. I think the case for the representation of the University is one that beats the cases of all the other representations put together. I do ask the Council to affirm the principle that the University of Bombay is one body which ought to have some representation, whether large or small, on the Medical Council.

The Honourable Lieutenant-Colonel J. JACKSON said :—Your Excellency,—I trust that the Council will in the words of the Honourable Sir PHEROZESHAH MEHTA look at this Bill as practical men of the world, but I cannot see where any knowledge of the world, or any of the acumen of practical men of the world, is shown in this amendment. Throughout the debate on these amendments and on the first reading the Honourable Sir PHEROZESHAH MEHTA has advanced hardly a single argument, but has indulged in a series of gloomy vaticinations as to the dreadful things that will happen if the Bill is passed. His attitude reminds me of that of the immortal Mr. Weller whose son—receiving neither useful criticism or practical advice from his parent in his difficulties—accused Mr. Weller "of sitting there prophesyin' away very fine like a red faced Nixon". Sir PHEROZESHAH MEHTA has pointed out that men in large numbers are returning to India from England highly qualified, and then he supports an amendment devising a constitution of this Council which would make it consist practically entirely of graduates of the Bombay University and therefore would exclude in large measure these men with high qualification coming from England. Sir PHEROZESHAH MEHTA was very indignant with the Surgeon-General for not having absolute faith in the Council composed of men nominated and elected by graduates of the Bombay University, but strange to say neither the Honourable Mr. SETALVAD nor the Honourable Sir PHEROZESHAH MEHTA, who stands sponser with him for these amendments, see the utter incongruity of their own arguments. We read that Frankenstein once created a monster and as soon as he had created it he wished to destroy it. This to my mind is precisely the position of the Honourable Mr. SETALVAD. His first amendment, if successful, would have destroyed the Government majority on the Council and made it a free and independent Council; he then proceeds to turn round and seeks to bring in amendments to destroy all the power which this elected Council might possess. He gives a strong representation to Bombay University graduates and either because he thought those graduates were incapable of exercising any supervision or because he mistrusted their impartiality, he proceeds to strike out all the powers which these University graduates might have over the Bombay University examinations. And finally to negative the last element of good which might be derived from this emasculated monster of his own creation the Honourable mover of the amendment by deleting the last clause of the Bill removes all chance of stimulating the Council into action or of controlling its inaptitude.

The Honourable Dr. TEMULJI B. NARIMAN said :—Your Excellency,—I rise to oppose the Honourable Mr. SETALVAD's amendments and I do so on the same grounds which the Honourable Sir PHEROZESHAH MEHTA brought forward in support of the English Act, that is, the homogeneity of the medical profession in England. Here we have heterogeneous elements and there are chances of the different interests clashing against each other, and I would therefore prefer the Government control or rather the Government majority in the nomination. I am surprised to see my honourable friends Sir PHEROZESHAH MEHTA and Mr. SETALVAD advocating the nomination of four members from the University on the Medical Council, while they both strongly oppose the presence of the Inspector to be appointed by the Medical Council at the University Examinations, believing that to be an interference with the work of the University though the Medical Inspector will be authorized to be present at the examination to see that the standard is properly kept and that it is not lowered and he has in no way to interfere with the work of the examination.

Your Excellency, I strongly oppose the power of nomination by the University. I can understand the same power given to the medical faculty which I would not mind, but that lawyers and engineers and members of the art faculty should have a voice in the election of medical men on the Medical Council I strongly resent. They have nothing to do with the Medical Council. Your Excellency, I have to thank my honourable friend Sir PHEROZESHAH MEHTA for so zealously defending the interests of the independent medical profession, a class to which I have the honour to belong, and I leave the members of the Indian Medical Service to defend their interests, but I must say that the statement of the Honourable Sir PHEROZESHAH MEHTA about the strained relation between the two classes of the profession is considerably exaggerated. I can assure you that the relation between the members of the Indian Medical Service and that of the independent medical profession is very cordial. There may be one or two questions on which they differ, and their interests are at variance, each side doing its best to defend its rights, but otherwise their relations are very cordial.

The Honourable Sir HENRY PROCTER said :—Your Excellency,—I should just like to say a word or two on this subject. Referring to what has been said in the Council by the Honourable Mr. SETALVAD, that a man nominated by Government has no freedom of choice, but has to do what Government directs, Government consequently having the preponderating voice through the nominated members, I have always understood that a man is nominated by Government because he is considered as a fit and proper person for the position, but he has perfect freedom of choice to do what he considers right, and not what he is told by Government. I have had the honour of being nominated by Government for this Council and for other bodies, including the Port Trust, and I cannot remember that on any occasion Government gave myself, or any other nominated member, a mandate of any possible kind.

The Honourable Mr. LALUBHAI SAMALDAS said :—Your Excellency,—I rise to support the statement made by my Honourable friend Sir HENRY PROCTER. I may say at once that I am not afraid of a nominated majority. So far as I know nominated members are not asked by Government to vote in a particular way. I am, therefore, not in favour of the first part of the Honourable Mr. SETALVAD'S amendment. As regards the second part of the amendment I appeal to Your Excellency to recognise the Bombay University as one of the electoral bodies. If the total number of members of the Council is to be thirteen and the number of the nominated members is six, I beg to suggest that two nominees be taken from the four members to be elected by the "Doctors, Bachelors and Licentiates of Medicine", etc., of the Bombay University and that these seats be given to the University of Bombay. I would accept the Honourable Dr. NARIMAN'S suggestion and leave the power of election of these two members to the Faculty of Medicine of the University of Bombay.

The Honourable Sir IBRAHIM RAHIMTOOLA said :—Your Excellency,—I did not intend to take part in this debate but for the remarks that have fallen from the Honourable Sir HENRY PROCTER with regard to the position of the members of the Council nominated by Government to various bodies. This question has led to a very serious misunderstanding. Speaking personally as a nominated member of this Council I will at once say that there has never been a single occasion when my independent judgment has been tried to be influenced in the matter of discharging my duties. At the same time I cannot ignore the fact that there is a feeling among some nominated members of the

various bodies on which there is Government representation that they are expected to support the Government view of the case. At all events, the remarks that fell from Your Excellency on a previous occasion as President of this Council have clearly indicated that so far as Government are concerned they expect every man to do his duty to the best of his ability and according to his conscience, whether he is an elected or a nominated member. I, therefore, wish that the Honourable the Surgeon-General and the Honourable Dr. NARIMAN had not adopted the line of argument which they did on the present occasion in trying to justify that the nominated members will be bound to vote with Government and Government will have a majority under the constitution of the Medical Council. At all events, we heard yesterday a most emphatic statement from the Honourable Dr. NARIMAN that his idea was that in the present state of the feeling or division in the medical profession and during the infancy of the new Medical Council it is necessary that the Council should be under the entire control of Government. These are the sentiments to which my Honourable friend Dr. NARIMAN gave expression, and I think the matter should be set at rest once for all and Government should make a statement whether the view put forward by the Honourable Sir HENRY PROCTER is correct and that it is intended that members who are nominated by Government are bound to support the views of Government.

The Honourable Mr. CHIMANLAL H. SETALVAD, replying, said :—Your Excellency,—I must say I was very much amused by the remarks made by the Honourable Dr. NARIMAN that the relations between the Indian Medical Service and the independent medical profession were cordial except in matters where their interests clash That is tantamount to saying that some people are friends except when they are enemies. But the fact is that the very matter we are dealing with is a matter where interests of these two classes are likely to clash, and in view of that I submit to the Council that the observations made by my Honourable friend Sir PHEROZESHAH with regard to the constitution of the Medical Council are very weighty indeed. Then, the Honourable Dr. NARIMAN rebuked me for trying one hand to get some representation for the University and on the other hand proposing to curtail the powers of the Medical Council. That shows that a complete misunderstanding prevails as to the functions and position of the University in regard to those matters to which my amendments relate. I will refer to those matters when I come to deal with my other amendments. But so far nothing has been said to show why the Bombay University should not have a direct representation on this body. As I have pointed out, the University is the only examining body in Bombay that gives medical degrees, and the one college which gives medical training is affiliated to this University. It is, therefore, certainly entitled to have some representation. All the English, Scottish and Irish Universities are directly represented on the Medical Council and elect no less than eleven members, and there is no reason why the Bombay University, which is vitally interested in the formation of this Council, should not have a direct representation. As submitted by my Honourable friend Sir PHEROZESHAH, there may be an objection to the number. I ask for four, but if the Council think that that number is disproportionate I am quite prepared to cut it down to any number which Government may think to be the proper number. I plead for the Bombay University that if the English, Scottish and Irish Universities have direct representation on the Medical Council, it also is certainly entitled to it.

The Honourable Sir RICHARD A. LAMB said :—Your Excellency,—There appears to me to be underlying the amendment proposed the misconception that Government nominees will necessarily be all members of the Indian Medical Service, and the argument, as it seems to me, is that the nomination of these six members by the Government would mean the handing over to the Indian Medical Service the whole control of the Council. I should think it was hardly necessary for me to state, on behalf of Government, there is no intention that all the members nominated by Government that should be members of the Indian Medical Service, but as it appears necessary it should be said I do now emphatically state it. I should also like to endorse the remarks of the Honourable Sir HENRY PROCTER that when an unofficial gentleman is nominated to any Council by Government there is no compulsion or coercion on him to act or vote otherwise than according to the dictates of his judgment. There does not appear to me to be any correct analogy between the state of things in England and Bombay. In England there are several Universities which are represented on the Medical Council; here there is only one University. These several Universities in England are not only examining bodies, but teaching bodies. Here the only University is not a teaching body. We have made full provision for the medical section of that University being included in the composition of the Council; and it seems to me there can be no further claim by the departments of the Bombay University which examine in arts and law for separate representation. It will be quite unnecessary, and it would mean, it seems to me, turning the Council into a department of the University of Bombay. I think the amendments must be rejected.

His Excellency the PRESIDENT:—The Honourable Sir PHEROZESHAH MEHTA has advanced a proposition which I hardly think was meant to be serious. He says a majority of one is equal to a majority of dozen. That has not been my political experience, which has been a very long experience and a very varied experience. As Government with a majority of one would be regarded as in its last ditch, whereas a Government with a majority of a dozen might carry on for a long period of life. Again, the Honourable Sir PHEROZESHAH MEHTA has spoken of the chasm which exists between the I. M. S. and the members of the independent medical profession. But he produces no evidence of this "chasm", and certainly to my knowledge such a chasm does not exist and has never existed. I agree with the Honourable Dr. TEMULJI NARIMAN that at times there may be differences, but I have seen cordial co-operation between the two branches of the profession in this country, and I do not think there is anything which by any stretch of the imagination could be called a chasm between them. Allusion has been made to the increasing number of English trained doctors who are returning to India every year. We welcome them, and hope they will have the success which their high determination deserves. They would naturally be among the persons who would strongly recommend themselves to Government for representation on this new Medical Council. Sir PHEROZESHAH MEHTA suggested that the Surgeon-General, being the Chief Medical Adviser of Government, would send up a list of business which Government would accept with lamb-like docility. It is true that the Surgeon-General is our adviser, and we take his advice on subjects of a technical nature. But the constitution of the Medical Council is of such a nature that I am sure the Surgeon-General knows that any list he might submit would be subjected to a most careful scrutiny and that we might have different views of our own. At the same time no member of the Executive Council is a member of the Indian Medical Service. Lastly, I should like to endorse what has

fallen from the lips of Sir RICHARD LAMB. I should like to say that Government would not only not interfere with any gentleman whom they chose to nominate to the Council, but they would expect from him that he should act in all cases as seemed to him best in the interests of the medical profession of Bombay.

The amendments Nos. 1 and 3 were put to the vote and declared to have been defeated.

The Honourable Mr. CHIMANLAL H. SETALVAD applied for a division as regards amendment No. 2 which was granted and resulted in 11 voting for and 33 against the amendment.

The division was as follows :—

Ayes.

The Honourable Mr. Gulam Muhammad walad Khán Bahádur Wali Muhammad Bhurgri.

The Honourable Mr. Raghunath Pandurang Karandikar.

The Honourable Khán Bahádur Syed Alahando Yusif Shah.

The Honourable Mr. Dattatraya Venkatesh Belvi.

The Honourable Sir Pherozeshah M. Mehta.

The Honourable Mr. Gokuldas Kahandas Parekh.

The Honourable Mr. Abdul Husein Adamjee Peerbhoy.

The Honourable Sir Ibrahim Rahimtoola.

The Honourable Mr. Chiminlal Harilal Setalvad.

The Honourable Mr. Siddhanath Dhonddev Garud.

The Honourable Mr. Lalubhai Samaldas Metha.

Noes.

His Excellency the President.

The Honourable Sir Richard Amphlett Lamb.

The Honourable Mr. Mahadev Bhaskar Chaubal.

The Honourable Mr. William Thomson Morison.

The Honourable Sardár Ráo Bahádur Motilal Chunilal.

The Honourable Mr. George Seymour Curtis.

The Honourable Mr. Fazulbhoy Currimbhoy Ebrahim.

The Honourable Sardár Shambhusing Amarsing Jadhavrav Ráje of Málegaon.

The Honourable the Advocate General.

The Honourable Moulvie Rafiuddin Ahmad.

The Honourable Sir James Begbie.

The Honourable Mr. G. P. Millett

The Honourable Sardár Ráo Bahádur Yashavantrav Trimbak Mirikar.

The Honourable Sardár Dávar Kaikhosro Edalji Modi.

The Honourable Sardár Coopooswamy Viziarungum Moodliar.

The Honourable Dr. Temulji Bhikaji Nariman (London).

Ayes.	Noes.
	The Honourable Mr. J. P. Orr.
	The Honourable Mr. F. G. Pratt.
	The Honourable Sir Henry E. E. Procter.
	The Honourable Sardár Syed Ali El Edroos.
	The Honourable Mr. W. L. Graham.
	The Honourable Mr. Herbert Rufus Greaves.
	The Honourable Sardár Naharsinghji Ishwarsinghji, Thákor of Amod.
	The Honourable Lieutenant-Colonel J. Jackson.
	The Honourable Mr. W H. Lucas.
	The Honourable Mr. R. D. Prior.
	The Honourable Mr. Manmohandas Ramji.
	The Honourable Ráo Bahádur Shriniwas Konher Rodda.
	The Honourable Mr. W. D. Sheppard.
	The Honourable Surgeon-General H. W. Stevenson, I.M.S.
	The Honourable Khán Bahádur Nowrojee Pestonjee Vakil.
	The Honourable Mr. Harchandrai Vishindas.
	The Honourable Mr. M. de P. Webb.

Clause 2 was then put and carried.

Clauses 1, 3, 4, 5 and 6 were then put and carried.

The Honourable Mr. CHIMANLAL H. SETALVAD moved the following amendments to clauses 7 and 9, namely:—(1) *To omit* in the proviso to clause 7 all the words after "1898."

(2) *To omit* in clause 9 the following words after "1893":—

"or who after due enquiry has been held guilty by them of infamous conduct in any professional respect."

The Honourable Mr. CHIMANLAL H. SETALVAD said:—Your Excellency,—Under clause 7 a proviso is made empowering the Medical Council to refuse to register "any person who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1893, or who after due enquiry has been held guilty by them of infamous conduct in any professional respect". There is a similar proviso in clause 9 which

empowers the Medical Council to remove from the register "the name of any medical practitioner who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898, or, who after due enquiry, has been held guilty by them of infamous conduct in any professional respect". My proposal is to omit the words "who after due enquiry has been held guilty by them of infamous conduct in any professional respect". The difficulty is, as the Select Committee themselves pointed out, of defining the words "infamous conduct". This is what the Select Committee says :—[Reads.] "It has also been objected that there is no provision made for due enquiry by the Medical Council, etc. * * *" We are advised that no rigid definition of the words "infamous conduct in any professional respect" is possible, etc.] That shows very clearly how difficult it is to form a definite opinion as to what is or what is not infamous conduct. As the Bill now stands the decision of that question would depend upon or vary with different people holding different views. It is well known that even now in England loud complaints are raised against the decisions of the Medical Council in respect of the operation of the corresponding clause in the English Medical Act. Only the other day I read in the English papers that an agitation was set on foot to get the Medical Act amended in such a manner as to allow an appeal to the High Court against the decision of the Medical Council. I venture to submit that it is dangerous to leave it to the Medical Council to decide what is "infamous conduct" as defined in the Bill. In regard to a person convicted of a cognizable offence under the Indian Penal Code, it is quite a different matter, for in that case there is some tangible ground to proceed upon. I propose that power should be given to the Medical Council to disqualify such persons only. It would be dangerous to give them power in regard to matters in which two people cannot come to the same conclusion and in which the Act is likely to operate oppressively.

The Honourable the JA'GHIRDA'R of ICHALKARANJI said :—Your Excellency,—I beg to inquire whether it would not be desirable to give illustrations in the Bill to define the words "infamous conduct".

The Honourable the Surgeon-General STEVENSON said :—Your Excellency,—It rather seems to me that there is an idea that this punitive, or penal, clause of the Bill is one that will constantly be put into operation, possibly for trivial causes. Of course we have no experience yet as to how frequently this part of the Bill will have to be used by the Medical Council, but we have the experience of the working of the Act in England, and we can see how much this clause has to be used. The average number of medical practitioners whose names have been upon the English Register during the last 24 years is 35,500 odd, and among that large body of practitioners the average number of times per annum in which names have been struck off the register under this clause, has been four. I don't think this means a very extensive use of the power, and I see no reason why we should anticipate in this Presidency, that the power would have to be more frequently used than it has had to be in England up to the present. As regards the power itself, I think it is only that which is given to every organisation which is supposed to control any profession, whether it be the profession of medicine, the profession of law, or any other and also I think it has been proved by experience that some such power is an unfortunate necessity. Undoubtedly the knowledge that such a power exists does act as a deterrent from performing what are known as infamous acts from a professional point of view. While I do not acknowledge that such a power

is more necessary to deal with the profession of medicine than it is for the profession of law, or any other profession, on the other hand I cannot admit that the medical profession stands on so much a higher platform than any other that we can afford to do altogether without it. It is a very high compliment the Honourable member who moves the amendment pays the medical profession to think the power is unnecessary, but, though naturally we are very much flattered by it, I cannot myself see my way to support the amendment, and I hope the Council will pass the clause as it stands without alteration. The clause, as amended by the Select Committee, provides that power shall be only exercised after due enquiry, and under the rules and regulations which are to be drawn up for the working of the Act by the Medical Council I have little doubt this Medical Council will follow the precedent of the English Medical Council, and allow any practitioner against whom a charge has been made to appear before them and bring before them all the evidence he can produce in his favour, both personally and also, if necessary, aided by legal advice. I do not think there is any danger that this clause, or these two clauses, will be made use of for the purpose of oppression, or for personal animosity, but I am convinced their retention, as they stand in the Bill, is necessary if the Medical Council is to have any really effective control over the profession.

The Honourable Sir PHEROZESHAH M. MEHTA said:—Your Excellency,—I am very glad that after all the criticism to which we subjected the Bill it has borne some little fruit as acknowledged by the Honourable the Surgeon-General. Your Excellency will remember that when the Bill was first presented in the Council this clause was to be put into operation without any provision for due inquiry. The Select Committee after the criticism to which we subjected the Bill has taken the same view and declared that the departure in this respect from the English Act was not right and that due inquiry should be provided for. That is one thing. It is a small mercy for which I think we might well be grateful. Your Excellency, the argument advanced by the Honourable the Surgeon-General for the purpose of inducing the Council to reject this amendment reminds me very much of the lady's maid who, on being found guilty of misconduct, pleaded that it was a wee wee thing The Honourable the Surgeon-General told us that if this clause is put into operation on the analogy of the English Act, the cases which will be brought before the Medical Council will be very few. *Primâ facie* it seems to me that there are likely to be great many more cases in India than in England, because opinion is very much divided in this country as to whether qualified medical men can deal with the Indian systems of medicine. In England qualified medical men have nothing to do with the unqualified men. In this country the case is different. Will it be considered infamous conduct on the part of a qualified medical practitioner to have anything to do with the Unani and Aryan systems of medicine? In the long speech which my Honourable friend Dr. NARIMAN made twenty years ago this was the point taken as to whether they could take under their wings any of the other systems of medicine even for the purpose of finding out what is good in them. What are the views which are likely to be taken by men coming out from England and getting into the Medical Council? I say the Honourable the Surgeon-General or other doctors should have told us what class of cases would come within the purview of this Act and should have given some general idea as to what acts would be covered by the words "infamous conduct." I say the word "infamous" conveys an infamous reflection. It is a very strong word to use to say that a man is guilty of infamous conduct. This word might apply to people meddling

with bone-setters. In England there are many things like that which come under the terms of "infamous act." Bone-setting is one of them. In this country the public would be surprised if you were to meddle with bone-setting here. In India you will find many cases of successful bone-setting. More than that. Here you will find people resorting from the treatment of qualified medical men to that of bone-setters, who are recognised as experts in this branch of treatment. I wish the Honourable the Surgeon-General and the Honourable Colonel JACKSON had given us some idea as to what they call an "infamous act." I have the strongest objection to the inclusion in the Bill of these words of which we have not the faintest idea. The whole system of law upon that point will have to be settled by the Medical Council, and this will give rise to a feeling of bitterness between the members of the Indian Medical Service and of the independent medical practitioners. I ask the Council whether you are going to leave questions of such indefinite and vague character to the decision of the Medical Council.

The Honourable Lieut.-Colonel J. JACKSON said:—Your Excellency,—However tempting it may be to me to accept the invitation of the Honourable Sir PHEROZESHAH MEHTA and to lecture him on medical ethics, I will resist the temptation. It would probably take a lecture which would last for about a week at an hour a day and even then I doubt if I could get the legal mind to appreciate the higher and loftier aspects of medical ethics. Sir PHEROZESHAH MEHTA has drawn a moving picture of the difference between public opinion in England and public opinion out here. In his first speech he pointed out rightly and forcibly that this Bill has nothing to do with *vaids* and *hakims*. Now his great anxiety is that some registered practitioners will get into contact with some of these people and find himself in difficulties with the Council for having been found in such company. Public opinion in England and India can equally be absurd on medical matters. There are a great many people in India, and the same people exist in England, who believe in all kinds of astonishing cures which they read of in gaudy advertisement. There are hundreds and thousands of people at home who believe in bone-setters, Christian scientists, cancer curers, and all sorts of silly nonsense. We however ought to try and correct these foolish notions and by having a Medical Council we shall gradually pull things together, get everything into a better condition out here, and by degrees educate this Indian public opinion that the Honourable Member deplores as being so far behind that of England.

The Honourable the Advocate General said:—Your Excellency,—I must confess to some surprise at this amendment being moved by one lawyer and supported by another. The Courts are invested with disciplinary jurisdiction over all members of the legal profession, and there is no question whatever the Court is the best tribunal, as the Court is most intimately acquainted with the duties and functions of a member of the legal profession. Now we get the exact parallel in the legal profession with the case which is now before the Council. If an advocate is charged with professional misconduct he is liable to be punished by the Court. Do either of my learned friends suggest that the Court, after having ascertained the facts, has the slightest difficulty in saying whether professional misconduct has been committed? Certainly not; because the Court is intimately acquainted with the duties and functions of an advocate. So here, who is most able, and most competent, when once the facts have been ascertained, to say whether or no the action of a medical practitioner amounts to professional misconduct.

The proper tribunal to deal with professional misconduct in connection with a doctor is a tribunal composed of medical men.

The Honourable Mr. CHIMANLAL H. SETALVAD, replying to the debate, said:—Your Excellency,—I am perfectly aware of the fact, as the Honourable the Advocate General pointed out, that the High Court has power to deal with legal practitioners for professional misconduct. But I submit there is a great difference between a legal practitioner being tried before a Court and a medical practitioner before the Medical Council. When the Judges of the High Court deal with a legal practitioner they go through the elaborate process of sifting the whole evidence placed before it, hear the arguments of both sides and decide the case exactly as they do with all litigation coming before them every day. But it is quite a different thing to have a tribunal composed of medical men, who are not trained to deal with evidence and give proper decisions as the Judges of the High Court are. As I have already pointed out, it is exactly for this reason that an agitation has been set on foot in England for the amendment of the Medical Act in such a way as to make the decisions of the Medical Council appealable to the High Court. Apparently, the people there have no confidence in the Council and do not regard them as competent as the Judges of the High Court to deal with such matters. But, as my Honourable friend Sir PHEROZESHAH has pointed out, there are many more difficulties with regard to the medical profession here than in England. For instance, there is no such question there as to whether it should be considered infamous conduct on the part of qualified medical practitioners to deal with Ayurvedic and Unani systems of medicine. With regard to the lawyers the case is not so complicated as with the medical practitioners. In view of that, I think it would be dangerous to leave to a body created in this way—a body quite new and without the requisite experience to deal with such matters—the power to decide cases of this character—an arrangement which has led to great dissatisfaction even in England.

The Honourable Sir RICHARD A. LAMB said:—Your Excellency,—The admirable brevity with which the Honourable Mr. SETALVAD moved his amendment enables us to see clearly the argument, which briefly is that because it is not possible to define accurately what is "unprofessional misconduct" or "infamous misconduct" no sort of penalty should attach to it. When it is stated in that bald way it does not seem to me that any reasonable person would subscribe to it. If it is generally admitted grave misconduct does occur, surely some provision must be made for dealing with it when it occurs. Then the argument appears to me to proceed that misconduct which may occur is so complicated and difficult that no High Court or Council would be able to adjudicate on it. That also appears to me to be a position which it is very difficult for a reasonable man to support. It seems to me that we must retain in this Act a provision to enable the Council to deal with professional misconduct. I freely confess if I were making a draft of my own I should not use the words "infamous misconduct." It seems to me that the words imply too great a degree of obloquy. I should personally stick to the words originally used, "grave misconduct." They are the words used in other Acts. The reason, however, why the word "infamous" is used in this Bill is that it is the word which is to be found in the corresponding Act in England. The Select Committee have followed the English Statute, and the advantage of this course consists in rendering available for the guidance of our Council cases decided under the English Statute. If a different word

were used then there would not be the same reliance on the English cases as there will be now. I think the amendment should be rejected.

His Excellency the PRESIDENT:—It seems to me as a layman that the adoption of this amendment would practically annul all the benefits which we expect from this Council. If this amendment were carried the effect would be that a doctor might do anything, provided he did not bring himself within the scope of the criminal law. The functions which this Council has to carry out are two. The things which the Bill enables it to do are to refuse to register any person who is not qualified or has been convicted of misconduct, and to remove the name of such a man from the register after he has been so convicted. Take away those powers from the Council and this salutary action could not be carried out. On the other hand, it is highly likely that the provision of these powers of the Council will have such a deterrent effect that it will rarely be necessary to take any action in virtue of them. If professional misconduct must be the subject of disciplinary treatment, surely this Medical Council must be the best body to judge after full inquiries into the facts whether professional misconduct has occurred. At least the medical practitioner will be judged by his peers. I was taught when I was a boy that the right to be judged by one's peers was the very palladium of liberty; therefore I cannot support the amendment.

The amendments were then put and lost.

Clauses 7, 8, 9, 10, 11 and 12 were put and carried.

His Excellency the PRESIDENT:—I think there is an amendment on clause 13 to be proposed by the Honourable Mr. SETALVAD.

The Honourable Mr. CHIMANLAL H. SETALVAD then moved an amendment to insert after clause 13 (*b*) the following, namely:—

"except an examination held under the regulations of the University of Bombay."

The Honourable Mr. CHIMANLAL H. SETALVAD said:—Your Excellency,—Clause 13 (*b*) runs thus: [Reads.] To this I propose to add the words "except an examination held under the regulations of the University of Bombay." Your Excellency, the position of the University of Bombay is of a different character altogether from other examining bodies whose examinations are open to the inspection of the Medical Council. The University of Bombay is a body created under a statute which gives a great deal of control to Government over it. Government have a direct representation of 80 members out of 100 on the Senate of the University, and the regulations of the University regarding their examinations and curricula are subject to the sanction of the Governor in Council. So that it is a body controlled in that way by Government and it really cannot and does not hold examinations in a manner that is not approved of by Government. Thus the examinations of the Bombay University stand on quite a different footing from the examinations which might be held by any other body in the Presidency. Therefore, I submit that the Bombay University should not be made subject to the jurisdiction of the Medical Council as the other examining bodies.

His Excellency the PRESIDENT:—It perhaps may reassure the Honourable Member if I tell him that the Universities of Oxford and Cambridge, with centuries of traditions behind them, are very jealous of their prerogatives, and yet they do not object and would

not think of objecting to representatives of the Medical Council attending their examinations. As Chancellor of the University I am as jealous of its privileges as the Honourable Member can be, and if I thought that its privileges were being in any way impunged upon or reduced by this Bill I should certainly not support it.

The Honourable Sir PHEROZESHAH M. MEHTA said:—Your Excellency,—So far as this amendment is concerned I ask my honourable friend Mr. SETALVAD not to press it, though I cannot help saying that the position in which the University of Bombay stands is different from the position of the Universities which Your Excellency has mentioned. Those Universities are not organised in the manner in which the Bombay University is organised. As my honourable friend Mr. SETALVAD pointed out, the Senate, the governing body of the University, is composed of 100 members in addition to two or three *ex-officio* members, 80 out of whom are nominated by Government. So it is a select body in which Government are bound to repose confidence as to the way in which they should set to work. Again, the regulations framed by this body are not operative unless sanctioned by Government. I do not think this can be said about the other Universities to which Your Excellency has referred. In the Bombay University every element safeguarding different interests is embodied in its constitution. Therefore, we feel that any Medical Council sending a person to attend a University examination can serve no useful purpose, and we ask that consistently with the integrity and dignity of a body like the University it might be exempted from the operation of this provision of the section. But so far as this section is concerned, I must confess at once that the matter need not be pressed very far if the Act requires that the University should allow a member of the Medical Council to be present at its examinations. Anyone who knows how these examinations are held cannot conceive how the presence of such a member will be useful, though we raise no objection to furnishing information regarding the course of study, etc. Still it is after all a small matter. But later on I will appeal to Your Excellency not to interfere with the University in an another but far more serious matter. Therefore, I will ask my honourable friend Mr. SETALVAD if he can see his way so far as this amendment is concerned to withdraw it as it is not of such essential importance as requires to be pressed.

His Excellency the PRESIDENT:—There is only one point which has not been touched upon by the speakers supporting the amendment, and that is that the Indian Medical Council of Bombay, when constituted, would doubtless wish to send a deputation to see how an examination is conducted in some other school of medicine in another part of India, and if the Bombay University were excluded from the effect of this clause, other institutions might object. At the same time it might be valuable to us if we had power to see how their examinations were carried on. This is a consideration which might appeal to you. I now put the amendment to the Council.

The amendment was then put and defeated.

Clause 13 was then put and carried.

Clauses 14, 15, 16, 17, 18 and 19 were then put and carried.

His Excellency the PRESIDENT:—On Clause 20 the Honourable Mr. SETALVAD has another amendment.

The Honourable Mr. CHIMANLAL H. SETALVAD moved an amendment *to add* in clause 20 after the word "schedule" where it occurs for the first time the following, namely:—

"except the University of Bombay".

The Honourable Mr. CHIMANLAL H. SETALVAD said:—Your Excellency,—Clause 20 as approved by the Select Committee runs thus: [Reads.] Under this clause the Governor in Council, acting upon the report of the Medical Council or otherwise, has power to strike out from the Schedule any institution whose course of study in the opinion of the Governor in Council is not such as "to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession." I propose to add the words "except the University of Bombay" in order to exempt the University from the operations of this section. As my honourable friend Sir PHEROZESHAH pointed out, we have really a strong objection to the inclusion of the Bombay University in this section. As to the attendance of a member of the Medical Council at a University examination it is a small matter, and it does not affect the position of the University if a member came and saw what was going on at an examination. But here it is a matter of substance. It must be remembered, as I have already pointed out, that the Senate of the University is a body of statutory creation with 80 members directly nominated by Government. Its regulations and courses of study receive the approval of Government under the Act and then come into operation. That being so Government have great power in controlling the courses of study passed by the University. There is, therefore, no apprehension whatsoever of the course of study prescribed by the University being of such a character as not to secure the qualifications required. Government themselves have sanctioned certain regulations under which the University examinations are held, and I do not see how they now in another capacity can say that those very regulations are not sufficient to secure efficient knowledge to the holder of the degree. I submit it is not consistent either with the dignity of the University or of Government itself to have this provision under section 20 of the Act. I therefore move that the Bombay University be exempted from the operation of this section in the manner I propose. Of course, it does not follow at all, if this exemption is made, that the University will curtail their standard so low as not to secure requisite knowledge to the students.

The Honourable Surgeon-General STEVENSON said:—Your Excellency,—I think that the Honourable mover of this amendment would have been well advised had he accepted the advice of the Honourable Sir PHEROZESHAH MEHTA, and withdrawn his first amendment. As that amendment failed, the University of Bombay is now included in the proviso. Therefore, I cannot see why he presses his second amendment, in which, after he has put the University of Bombay on the same footing as all the other educational institutions, he now tries to relieve it from any result of this Act, and from fulfilling the conditions laid down by the Act. I would ask him to consider the ostensible reason which has been put forward for exempting the University of Bombay from the provisions of this clause. Because it is more or less a Government institution, regulated and controlled in many respects by Government, they say that is to be the reason for exempting the University. Why not exempt the Universities of Calcutta, Madras, Lahore and Allahabad? They are all on the same footing, and if the

University of Bombay is to be exempt, why should it be the sole one? That I cannot understand. I don't think there is the slightest reason for Honourable Members to be apprehensive that the Medical Council, to be created under this Bill, will prove in any way offensive to the University of Bombay and that, so far as the Medical Council is concerned, if it is satisfied that the examinations of the University of Bombay with regard to medicine are carried out as they should be, there will be absolutely no interference whatever.

The Honourable Sir PHEROZESHAH M. MEHTA said:—May it please Your Excellency,—I must say I could not follow the Honourable Surgeon-General when he said that the Honourable Mr. SETALVAD should not have pursued the present amendment after his last one had been thrown out. I think, and I certainly hope, that I made it clear that the last amendment was of an unessential character and might well be given up. But, Your Excellency, so far as the present amendment is concerned, I most earnestly and seriously appeal to the Council—and I make no concealment of the seriousness and earnestness of the appeal—to see that nothing is put down in this Act which can in any possible way cast a stigma on the integrity, dignity and the position of a body like the University of Bombay. When I mentioned the constitution of the University with 80 Government members out of 100, with the addition of certain *ex-officio* members, I forgot to mention that the legislature has provided that the University should have at its head His Excellency the Governor of Bombay as Chancellor of the University. The Senate is the governing body of that University, and its regulations are subject to the sanction of Government. I ask Your Excellency if a body constituted like this has not the ready title to demand from Government complete confidence in everything relating to those regulations which are subject to Government control? I will go so far as to say that if there is a difference of opinion between a body so constituted and Government on the matter provided in this section, and the Governor in Council took action on the report of the Medical Council or otherwise, I venture to say that it would be found that in all probability it would be the Government who are in the wrong. Having regard to the constitution of the University of Bombay and to the fact that everything that is done is so jealously guarded from going wrong, I submit it would be a derogation of the integrity and dignity of such a body to say that after all this—and the Honourable the Surgeon-General makes very light of it—that it should be subjected to the indignity proposed in the section as it stands. Your Excellency, I speak warmly on this matter. I know that Your Excellency takes the same warm interest in the position and dignity of the University as any one of us can do. But Your Excellency will let me say that I have been connected with the University of Bombay ever since its institution. I have followed its fortunes from time to time and have taken part in its debates, in which sometimes I may have been in the wrong, and possibly there were occasions when I was in the right. It is therefore impossible for me to sit quiet without asking you to see to what the terms of the section propose to subject this body. [Reads clause 20.] I first venture to say that the Medical Council is not so constituted as to have, and it is impossible that it can have, a position in which it can sit in appeal and revision upon the decisions of a body, constituted as the Senate is with a Chancellor, a Vice-Chancellor and one hundred Fellows within it; and here you want to put the Medical Council over the head of so select a body. The section says: "If it shall appear to the Governor

in Council, on the report of the Medical Council or otherwise . . . . " I ask you to realise what that word "otherwise" is. It is one of the largest words that can be used for the purpose of nullifying even this Medical Council. The Honourable the Surgeon-General is quite content that even the Medical Council may be superseded if it fails to perform its duty in not reporting a body as contemplated in this section. The Honourable the Surgeon-General is so enamoured of this Bill and is so passionately fond of the smallest thing in it that he thinks of even superseding it. Now, let us go on. "If it shall appear to the Governor in Council, on the report of the Medical Council or otherwise, that the course of study and examination prescribed by any of the Colleges or bodies conferring the qualifications described in the Schedule"—all this is so far as the Bombay University is concerned—" are not such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession." Is it possible to conceive that the University could ever under the inward safeguards provided deserve the epithets in the section? If so, I say, let the University be abolished and Government undertake its whole work. " Or, if it shall appear to the Governor in Council, on the report of the Medical Council or otherwise, that the course of study and examinations prescribed by any College or body conferring a qualification not entered in the Schedule are such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession"—then what follows?—"it shall be lawful for the Governor in Council from time to time by notification in the "Bombay Government Gazette" to direct that the possession of any qualification entered in the Schedule shall not entitle any person to registration under this Act." This is the power which is proposed to be put in the hands of Government with regard to a body like the University of Bombay. "Or to direct that the possession of any qualification not entered in the Schedule shall, subject to the provisions of this Act, entitle a person to be so registered, as the case may be, and the Schedule shall thereupon be deemed for all purposes to be altered accordingly." I repeat again, and I say from my heart, that if it is possible to conceive the University to come to such a pass in which Government can think it proper to take such action as this, then the time for the abolition of the University has come.

The Honourable the Surgeon-General said with regard to the previous amendment that if you exempt the University the other bodies would complain. The reply to that argument is very simple. If any of the other bodies is constituted as the University is, it deserves to be exempted. But there is no such body which is constituted as the Bombay University. Therefore, you must exempt the Bombay University. If the other bodies and the University are protected in the same way, then if you are to have an Act like this it is right and proper that it should be subject to the supervision of Government as this section proposes. But it is no argument to say that because the Bombay University is exempted the other bodies should also have the same right. The University is the one body which is entrusted with the higher education of the Presidency, and I appeal to Your Excellency not to place it in the position in which this section of the Act will certainly place it. I ask every member of the Council to consider whether what we ask for is not just and reasonable. I have the assurance of my honourable friend Sir HENRY PROCTER—and I quite recognise it—that every non-official member will vote independently upon the amendment. I am certain that if the question is

properly considered it will be seen that it is not right, just and reasonable that the University of Bombay should not be exempted from the operation of section 20. Therefore, I warmly support the amendment moved by my honourable friend Mr. SETALVAD.

The Honourable Lieutenant-Colonel J. JACKSON said :—Your Excellency,—It was said of Burke that he worked his way into a subject like a serpent. The Honourable Sir PHEROZESHAH MEHTA seems to have got as thoroughly inside the subject of this bill. So thoroughly that one never knows where his head is going to appear or what point of view he is going to take. The Honourable Sir PHEROZESHAH MEHTA has been speaking all this morning against Government control and Government Institutions: we now discover, on his authority, that the great cause of the immaculateness of the Bombay University is that it, and all its works, are under the control of the Government of Bombay. I cannot see how any harm can happen to the Bombay University from a little friendly criticism. I have gathered the impression from the arguments of Honourable Mr. SETALVAD and Sir PHEROZESHAH MEHTA that the Bombay University rather resembles a character I once heard of. I heard the following dialogue in a street at home. "There goes little Jacky Davitt," said one man, "the contrary little fellow". "Now is he hard to manage?" said the other man. "Hard to manage!" said the first; "he is as awkward to handle and as nasty to fall against as a porcupine". Judging from the Honourable mover and seconder of the Resolution the Bombay University is like little Jacky Davitt "Noli me tangere". I admit I have gathered quite a different impression from many other graduates of that University whom I have met and who were as calmly logical and as sweetly reasonable as any graduate from the Lee or Liffey, the Isis or the Cam. I cannot understand a University objecting to a body of medical men coming in and pointing the way to a higher standard of examination in medicine Even the hide-bound professions like art and law are always the better for a little friendly criticism from an advanced profession like medicine.

The Honourable Mr. CHIMANLAL H. SETALVAD, replying to the debate, said :—Your Excellency,—I am afraid my honourable friend Colonel JACKSON failed to perceive the real point in the amendment when he asked, why should the University object to criticism. It is not criticism that is provided for in this section; but it gives power to Government to put a stigma on the University by declaring that a certain course of study cannot be recognised as proper qualification, and it is to this that we object. This is quite a different thing from criticism. Then the Honourable Colonel JACKSON says why should the University object to qualified medical men trying to improve the courses. My honourable friend forgets that in the University itself there is a Medical Faculty in which most qualified medical men are to be found and they are given every facility to improve the courses. And my point which the Honourable Colonel JACKSON fails to appreciate, is this, that if when a body like the University, possessing as it does qualified men on the Senate, passes courses and regulations for medical examinations with the concurrence of the Medical Faculty, and when those regulations are sanctioned by Government, is it right to give further powers to Government to supersede them and to say that those courses and regulations are no good?

The Honourable Sir RICHARD A. LAMB said :—Your Excellency,—I don't think there is anything in the speeches of the honourable mover of the amendments which calls

for reply. He is evidently in the position of a junior counsel who makes a few remarks in opening the case and leaves it to the senior counsel to follow and develop the case It is only to the speech of the Honourable Sir PHEROZESHAH MEHTA that I have to direct my attention, and I am bound to say when he says he feels very warmly on this question and when he proceeds with extreme vigour to express his views, the warmer he gets the colder I become. A case supported only by flamboyant rhetoric and appeals to sentiment is not a case which makes a very strong impression on a mind which tries to judge a case judicially and coldly, and nothing has been said in the address which brings to my mind any cause for differentiation between the Universities of Calcutta, Madras, Allahabad, Lahore and the University of Bombay. The amendment is to insert the words "except the University of Bombay". The schedule, item 1, includes all the other Universities, and Bombay only is to be excluded. Nothing has been said as to the slight or indignity which will be put upon other Universities if the clause stands. The exception is to be made for only one University because it is the University of Bombay. In reasonable judgment I do not think there is any case made out for the amendment, and I hope, therefore, that the amendment will not be accepted.

His Excellency the PRESIDENT said:—I give way neither to Sir PHEROZESHAH MEHTA nor to any Fellow in the University in my strong desire that no slight or stigma should ever attach to that body. In the first place I may point out that the Senate, as constituted, contains only a proportion of the persons who are qualified to judge upon medical subjects. The main body of the Senate is as unqualified as I am myself to judge special teaching of that kind. I cannot, and I do not, suppose that any suggestion coming from the Medical Council could not be disposed of by an amicable arrangement. I must point out that the great Universities of England are placed in the same position as that in which the University of Bombay is proposed to be placed by this Bill. The clause of the English Act says:—

[His Excellency here quoted from section 4, sub-section 1, Part I, the Medical Act, 1886.]

That is accepted by the great Universities in England, and what these great Universities accept the Bombay University may accept without any derogation of its dignity and without any loss of its rights. If I did not feel that most strongly—as strongly as the Legal member feels on the other side—I should be forced to support this amendment.

The amendment was then put to the vote and defeated. The Honourable Mr CHIMANLAL H. SETALVAD applied for a division which was granted and resulted in 15 voting for and 31 against the amendment.

The division was as follows:—

Ayes.	*Noes.*
The Honourable Mr. Gulam Muhammad valad Khán Bahádur Wali Muhammad Bhurgri.	His Excellency the President.
The Honourable Sardár Purshottamdas Viharidas Desai.	The Honourable Sir Richard Amphlett, K.C.S.I., C.I.E.
	The Honourable Mr. Mahadev Bhaskar Chaubal.

Ayes.

The Honourable Mr. Siddhanath Dhonddev Garud.

The Honourable Sardár Narayanrao Govind *alias* Baba Saheb Ghorpade, Jághirdár of Ichalkaranji.

The Honourable Mr. Raghunath Pandurang Karandikar.

The Honourable Khán Bahádur Syed Alahando Yusif Shah.

The Honourable Mr. Harchandrai Vishindas.

The Honourable Sir Pherozeshah M. Mehta, K.C.I.E.

The Honourable Mr. Gokuldas Kahandas Parekh.

The Honourable Mr. Abdul Husein Adamji Peerbhoy.

The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.

The Honourable Mr. Chimanlal Harilal Setalvad.

The Honourable Mr. Dattatraya Venkatesh Bolvi.

The Honourable Mr. Lalubhai Samaldas Mehta.

The Honourable Mr. Manmohandas Ramji.

Noes.

The Honourable Mr. William Thomson Morison, C.S.I.

The Honourable the Advocate General.

The Honourable Moulvie Rafiuddin Ahmad.

The Honourable Sir James Begbie.

The Honourable Sardár Ráo Bahádur Motilal Chunilal.

The Honourable Mr. George Seymour Curtis, C S.I.

The Honourable Mr. Fazulbhoy Currimbhoy Ebrahim.

The Honourable Sardár Syed Ali El Edroos.

The Honourable Mr. W. L. Graham.

The Honourable Mr. Herbert Rufus Greaves.

The Honourable Sardár Naharsinghji Ishwarsinghji, Thákor of Amod.

The Honourable Lieutenant-Colonel J. Jackson.

The Honourable Sardár Shambhusing Amarsing Jadhavrav, Raje of Málegaon.

The Honourable Mr. R. D. Prior.

The Honourable Ráo Bahádur Shrinivas Konher Rodda.

The Honourable Mr. W. D. Sheppard, C I.E.

The Honourable Surgeon-General H. W. Stevenson.

The Honourable Khán Bahádur Nowrojee Pestonji Vakil, C.I.E.

The Honourable Mr. M. de P. Webb, C.I.E.

The Honourable Mr. G. P. Millett.

The Honourable Sardár Ráo Bahádur Yashavantrao Trimbak Mirikar.

The Honourable Sardár Dávar Kaikhosro Edalji Modi.

The Honourable Sardár Coopooswamy Visiarangum Moodliar.

Ayes.	*Noes.*
	The Honourable Dr. Temulji Bhikaji Nariman.
	The Honourable Mr. J. P. Orr, C S.I
	The Honourable Mr. F. G. Pratt.
	The Honourable Sir Henry E. E. Procter, Kt.
	The Honourable Mr. W. H. Lucas.

Clause 20 was then put and carried.

His Excellency the PRESIDENT:—We now come to clause 21, on which the Honourable Mr SETALVAD has an amendment.

The Honourable Mr CHIMANLAL H. SETALVAD moved to omit clause 21.

He said:—Your Excellency,—I propose that clause 21 be deleted altogether. It reads thus: [Reads.] Under this section it would be open to Government to supersede the Medical Council altogether and to cause any of the powers and duties of the Medical Council to be exercised and performed by such agency and for such period as Government may think fit. My suggestion is that if the idea is, as it must be, to create a body out of the Medical profession itself to control it and to maintain its proper position and dignity, then that body must be fully trusted to carry out that object. If you create a body like this you need not apprehend that it will not perform its duties in a satisfactory manner. As the section stands at present it would be open to Government not only to supersede it but to transfer its duties and powers to another body or to any agency whatsoever, which may happen to be any person—a Secretary to Government or a civilian or any officer that Government may choose to nominate I submit that such a power is absolutely unnecessary. In any event, since you are passing the Bill, you should wait and see and learn by experience how things go, and if you find from experience that the body so created is likely to go wrong, then it would be time enough to remedy the thing. While we have no experience of the working of the scheme, there is no reason to anticipate a power to supersede a properly constituted body like this and substitute any agency which Government in their discretion may think fit.

The Honourable Surgeon-General STEVENSON said:—Your Excellency,—I cannot agree with the honourable mover of this amendment that the inclusion of this clause implies any want of trust whatever on the part of the Government in the Council which it is proposed to create. I take it that the Governor in Council under this Bill is in precisely the same position as the head of—we will say—any large business firm or concern, who selects certain of his servants and says to them "I hand over so much work for you to do, but understand if you fail to carry out the work I shall take other means to have it done". That, sir, is the interpretation of the clause, and I cannot see any objection to its retention. I am therefore opposed to the amendment which the Honourable Mr. SETALVAD has moved.

His Excellency the PRESIDENT said:—I am very glad that the Honourable Mr SETALVAD in his last speech has come forward as a defender of the Medical Council. He is very much afraid that Government may after all take charge of this

Medical Council and do all sorts of things which would be irregular and improper but at any rate it is satisfactory that he has come forward in its defence. I want to draw the attention of the Council to the fact that this clause is nothing but a repetition of the corresponding clause in the British Act, and the British Medical Council, which Mr. SETALVAD has told us is much better constituted than our Council is supposed to be, has to submit to the same clause. I will not go through the whole clause, but will read only the important words.

[Here His Excellency quoted from section 19 of the Medical Act, 1886.]

That disposes of the objection raised to this clause. The English Act gives full power to the Privy Council to do exactly what they wish in this case, and the Bombay Act follows exactly on those lines. I do not think the young Bombay Council, when it comes into existence, need feel that it is under any sort of stigma if it is under the same conditions as those which apply to the much larger Medical Council at home, but it is just because we have no experience of how this Council will work that it seems desirable to have this clause to give us powers to perform its functions in the last resort. We do not think that these powers will be required any more than they are in England, but we think it desirable to have a clause so that these powers can be used in the last resort. We may be sure that these powers will never be used, but a wise man will keep a weapon in his armoury even if he has no reason to suppose that weapon will be required. Therefore I oppose the amendment.

The amendment was put and defeated. The schedule and preamble of the Bill were carried and the Bill passed its second reading.

The Honourable Sir RICHARD A. LAMB said :—Your Excellency,—The Bill having now been read a second time, considered clause by clause, and the amendments to the clauses disposed of, I have now the honour of moving that the Bill be read a third time and passed. In support of the motion I don't think it is necessary to take up the time of the Council in describing the effect of the Bill or discussing the measures proposed in the Bill for carrying into effect its provisions. These have been sufficiently debated in the last few hours, and there is nothing further to say on the subject. I therefore move that the Bill be read a third time.

His Excellency the PRESIDENT :—As no other member wishes to speak on the third reading I put the motion that the Bill be read a third time.

Bill read a third time and passed.

The motion for the third reading was carried and the Bill was passed.

His Excellency the PRESIDENT :—The Council will now adjourn until three o'clock.

BILL No. V OF 1912 (A BILL TO PROVIDE FOR THE LICENSING OF RACE-COURSES IN THE BOMBAY PRESIDENCY).

The Honourable Sir RICHARD A. LAMB said :—Your Excellency,—I rise to move the first reading of the Bill for the licensing of race-courses in certain parts of the Bombay Presidency. This legislation has been forced on Government by the very large increase in the amount of gambling which has taken place of recent years on the race-courses leased by the Western India Turf Club at Bombay and Poona. The number of

The Honourable Sir Richard A. Lamb moves the first reading of a Bill to provide for the licensing of race-courses in the Bombay Presidency.

meetings at both places has risen from 19 in the year 1897 to 42 last year. As an indication of the amount of gambling which goes on at these meetings, I find that last year the Club received Rs. 3,03,600 in fees from professional bookmakers for permission to bet in the enclosures, while the totalisator worked by the Club brought in a profit of Rs. 1,72,924 more. The cases of a number of persons who have been ruined recently by heavy losses on the Turf have come to official notice and the Civil Courts at Poona and elsewhere show many decrees obtained by money-lenders against men who were forced to borrow in order to pay racing debts. Individual cases in which men have been ruined by betting on the Bombay and Poona race-courses are probably known to many members of this Council. After a careful examination of all the information which was available, the Government of Bombay came to the conclusion that the amount of gambling, which goes on at present on the Bombay and Poona race-courses, constituted a serious evil calling for restriction. Now it is obviously impossible, Your Excellency, to fix the exact point at which such gambling becomes a serious evil; but when it is found that the public, in whose midst the evil is said to exist, is practically unanimous in admitting its existence and cordially supports Government in their proposals to restrict it, it may be accepted as certain that interference is called for. The publicity which has been given to the matter in the Press has had the valuable result of eliciting an overwhelming body of public opinion in favour of the action which we now propose to take. The Press, both English and vernacular, with hardly one exception, admit that the unrestricted opportunities for gambling which are offered at the two race-courses constitute a public danger and have already led many persons to harm or ruin. Influential public meetings have been held both at Poona and at Bombay, in support of the proposed legislation, and Government are convinced that the evil has not been exaggerated.

The fact seems to be that gambling is a vice to which Indians, particularly certain classes of Indians in this Presidency, are specially prone, and that when great opportunities for it are thrown in their way, as they are at the Bombay and Poona race-courses, they cannot resist temptation. This Council legislated in 1890 against one form of gambling, on the fall of rain: but the unrestricted opportunities afforded since then by the numerous race meetings have led to an amount of gambling which was unknown before and which, there is reason to think, will go on increasing unless steps are taken to check it. I should explain here that in considering the question we have taken the race-meetings at Bombay and Poona as one concern because, owing to the excellent railway facilities between the two places, the meetings of both places are attended to a great extent by the same people, and the race-meetings at the two places go on practically for seven months in the year.

There are clear indications that amongst the European community also the increase in the amount of racing and the facilities for betting on the races are causing an amount of harm which calls for remedial measures. Faced, then as we were, with accumulating evidence of the demoralisation and ruin which was being caused amongst persons of all communities in whom the gambling instinct is strong, we felt that special responsibilities rested on us, and we decided, with the cordial approval of the Government of India and the Secretary of State, to introduce the present Bill. The Council will hardly need to be told that we undertook this legislation in no puritanical spirit. Government have every sympathy with the desire to foster horse-racing as a sport, and consider it most

unfortunate that it should have fallen to their lot to interfere in any way with what gives harmless and pleasurable occupation to many. But when it is proved that horse-racing, as carried on at Bombay and Poona, has given rise to a serious public evil, then it must submit to such restrictions as are required in order to check that evil. I feel sure that this Council will support Government in the performance of what cannot but be an unpleasant duty.

I should like to say here, Your Excellency, that Government recognise the endeavours which the Western India Turf Club are making to rid their meetings of abuses. But it is as much to the increase in the number of meetings, as to the provision of means for betting at them, that Government attribute the great increase of gambling. And the claim which the stewards of the Club put forward that in increasing the number of race meetings they have only met the growing demand is a dangerous one to advance in a country where the people possess the gambling spirit in a marked degree. It must be obvious to honourable members that the management of the Club is not in a position to know the extent of the evils resulting outside the race-courses from the opportunities for gambling afforded by them, and it has become evident that the necessary reform cannot be secured without the intervention of Government.

I now turn, Your Excellency, to the form of the Bill before the Council. The aim of Government, throughout their consideration of this matter, has been to confine their interference to the minimum necessary to attain their object. The Bill will apply only to such areas as may be notified by the Governor in Council; and I may say at once that Government propose in the first instance to apply the law only to the Island of Bombay and the Cantonment of Poona, so that the small race-meetings elsewhere in the Presidency will not be affected in any way. The increase of gambling on the Bombay and Poona race-courses is the root of the evil and we see no reason, at all events in present conditions, to interfere anywhere else. Legislation for the licensing of race-courses in the vicinity of London was passed in 1879; the circumstances were different but the form of the statute is convenient and we have generally followed it in drafting our Bill. The Bill lays down that in a notified area no horse-race shall be held except on a race-course for which a license has been granted under the Act, and then proceeds to say that the Governor in Council may grant licenses subject to such conditions and for such periods as he may think fit; and then there are the necessary penalty clauses.

These are the powers which the Bill will confer on Government, and I should like, with Your Excellency's permission, to explain to the Council how we propose to exercise them when the Bill becomes law, which, we hope, will be in June. We consider that the gambling evil can be restricted in two ways; firstly, by the abolition of professional bookmakers at the race-meetings, and, secondly, by controlling the number of days on which race-meetings may be held. We propose, therefore, when issuing the first licenses under the Act, to stipulate that professional bookmakers shall be abolished on the race-courses and that the number of race-meetings in a year shall be limited to 15 in Bombay, and 15 in Poona. This intention has already been communicated to the Western India Turf Club in order that they may have ample time to make arrangements before the next Poona season. With regard to betting in "bucket shops" and in railway trains, Government are advised that the existing law is sufficient to suppress these, and they will take steps to see that the law is strictly enforced. I think I have dealt now with all the main points of the Bill. I have intentionally omitted more than a passing

reference to the communications we had last year with the Western India Turf Club, because nothing would be gained by retracing the intermediate steps now that we have arrived at the final stage with the full concurrence of both the Government of India and the Secretary of State. Government are confident that the terms of the licenses which will be issued under the Bill when it has become law, can be settled in consultation with the stewards of the Club in such a way as to secure the object which Government have in view without ruining horse-racing as a sport. I beg to move that the Bill be now read a first time.

The Honourable Mr. MANMOHANDAS RAMJI said :—Your Excellency,—As the Bill is to be referred to a Select Committee I will content myself with making one suggestion on the question of license. Under the Bill power has been given to the Governor in Council to grant license for horse-racing, and it will all depend upon the Governor in Council as to the conditions on which the license would be issued. As the object of the Bill is to check gambling on the race-courses, it is in the interests of the public to know what those conditions are. I, therefore, beg to suggest that this purpose will be best served by appending the conditions of the license to the Bill in the form of a schedule. ' If this is done the public will have an opportunity of noticing what changes are made in it from time to time and offer their views on them. I approve of this Bill

The Honourable Sir HENRY PROCTER said :—Your Excellency,—There are only two points I should like to refer to. The first has been dealt with by the honourable mover of the Bill, and that is the necessity of the Government to deal with betting in bucket-shops as well as on the race-course. It has been said that it is no good dealing with betting on the race-course unless outside betting in bucket-shops is also dealt with, and I am glad to have the assurance that this is receiving attention. The only other question is the limitation of the number of days' racing being enforced now. I am not in favour of an arbitrary limitation of the number of days on which racing is licensed If this Bill is to be carried through and worked successfully it requires the co-operation of the stewards of the Western India Turf Club, and I understand, if Government express a wish that the number of days should be curtailed, that they will be curtailed, but that the stewards will resent the fixing of an arbitrary number. I feel quite sure that it could be brought about by an expression of opinion by Your Excellency. Should it not be so it will be perfectly easy to alter it later on, but at present I should not like to see the arbitrary limitation of days insisted on. It is not the racing which is objected to, but the gambling, and as long as the racing is carried on without the gambling, there is no reason to stop it.

The Honourable Mr. W. L. GRAHAM said :—In the Statement of Objects and Reasons of this Bill it is said that legislation is necessary to deal adequately with the increase of gambling on the race-courses. The honourable mover of the Bill has alluded to this in his speech, and stated that it was the increase of gambling on the race-courses of Poona and Bombay, bringing ruin and demoralisation in its train, that has led Government to take their present action No one can support gambling, and the principles which underlie Government's action in this matter cannot but fail to meet with general approval. But, sir, I would point out that gambling is a weakness in human nature, and if it is stopped on race-courses, it will take place elsewhere in other ways, in cotton, silver or opium. The present Bill before the Council deals merely with the licensing of race-courses, but as the conditions, under which a license will be granted,

are not before us, I take it they are not open to discussion. I would, therefore, with Your Excellency's permission, beg to refer to the Bill generally, and would point out that if legislation is directed to stop betting by the abolition of bookmakers in racing enclosures, betting will take place outside, where it will not be under any control or supervision. This is the present state of affairs in France. Since bookmakers were abolished there by the State, a class of men has sprung up, who pay house-to-house visits, undertaking commissions for the inmates, with the ostensible purpose of putting the money on the Paris Mutuel. The money, however, is not put on, but the man pays Paris Mutuel prices. He is an unlicensed bookmaker, over whom there is no control whatever, and I understand on good authority, that it has been found impossible for the law in France to touch him. There is the danger. The French Government are unable effectively to cope with this, and I would ask what steps Government propose to take to prevent such betting taking place here? Betting here already goes on largely outside the race-course.

It is to prevent betting being driven further into these channels that I would beg to suggest for the consideration of Government, that a certain number of bookmakers should be allowed to continue in the first enclosure, at any rate for a time. In this connection, I would point out that nowhere in the world are bookmakers more carefully supervised and controlled than they are here. The stewards of the Western India Turf Club in order to show the *bonâ-fides* of their intentions and their anxiety to meet the wishes of Government have committed the Club to an expenditure of 1½ lakhs for new totalisators with a view no doubt of totalisators in time taking the place of bookmakers. Bookmakers have already been abolished here this cold weather in the second enclosure and I understand it is the intention of the stewards of the Western India Turf Club to abolish them in the second enclosure in Poona also. The stewards are a body of honourable gentlemen whose sole aim and endeavour is to eliminate with a firm hand abuses, and to further the truest interests of sport. It is in the interests of sport I ask that the most careful consideration may be given to the interests of the race-horse owner and the public at large, so that any contemplated legislation may be framed in such a way that it may lead to an improvement and not a worse state of affairs than exists at present. In conclusion, sir, seeing that this Bill is directed against gambling and not against horse-racing, and I welcome the sentiments expressed by the honourable mover of the Bill that Government have every desire to promote horse-racing as a sport, I would express the hope that Government should not unduly restrict the number of days' racing which afford so much innocent enjoyment to so large a number of the residents of both Bombay and Poona. I, therefore, beg to support the Honourable Sir HENRY PROCTER in this respect.

The Honourable MOULVIE RAFIUDDIN AHMAD said:—Your Excellency,—I was one of those, who had last year, at the Poona meeting, requested the Government to make some legislation enforcing restrictions on gambling. I congratulate the Government upon the excellent Bill, which they have brought before the Council. It is, however, a matter of surprise that European members of this Council, who generally come forward with everything that is good and exemplary to the Indian community, should make attempts in disguise to keep on gambling in racing. The Honourable Sir HENRY PROCTER, who is always at the head of beneficial movements, supports the Bill, but even he comes forward to say that the number of days should be left to the Turf Club.

The whole value of the Bill will be destroyed if it is left to the Turf Club to fix the number of meetings. The restriction of days is an important matter. We know that up to this time it was left entirely to the Turf Club, and what have they done? They have up to now done nothing to restrict the gambling or curtail the number of days. If this noble sport cannot be carried on without the destructive element of gambling, I will go so far as to say that do away with this sport altogether. The Honourable Mr. GRAHAM says that he also agrees with the view expressed by Sir HENRY PROCTER. It has been argued that, if some kind of gambling has not been allowed in racing, they will go elsewhere and find some other channel of gambling. But to my mind this is a very weak argument. I am surprised to find men of intellect advancing the argument. It is gambling alone that brings a large number of people to Poona in every year. I do not say that some of them are not sportsmen. But a large number of Indians, and I regret to say even my co-religionists, the Mahomedans, go to Poona for the purpose of gambling, and certainly I should not be sorry at all if racing is altogether prohibited, if it cannot be carried on without reasonable restrictions. There is no community in India which sanctions gambling; there is no religion in the world which permits and sanctifies gambling. I am sure that every lover of morality in this country who has at heart the well-being and prosperity of the country will come forward to support the Act which Government have decided to enact. I admire the conduct of Government in this matter and I am glad that in face of unreasonable opposition from certain quarters, the Government have done its duty. At one time I feared that Government would be overawed by the unreasonable opposition but I am glad to find that Government have brought forward this strong Bill. I am sure that every member of the Council will support and pass the measure.

The Honourable Sir IBRAHIM RAHIMTOOLA said:—Your Excellency,—It appears to me that there is considerable misapprehension in regard to the principle which has led to the introduction of this legislation. We have heard it stated that racing is a noble sport and that nothing should be done to interfere with its having full play. Now the question to my mind is this—that so far as the interests of sports are concerned, I do not think anyone would venture to raise the slightest opposition to any sporting features of racing. But it is not entirely the question of sports. I can quite understand that sport has its educative value. Look at the large number of people who gather in the maidan to witness the triangular cricket matches. It is computed that something between 10 and 15 thousand spectators watch closely every delivery of the ball. There is no gambling element in it, though the fixture draws its thousands of spectators. Now I ask, can the same be said in regard to racing? Supposing the Western India Turf Club set aside five days for racing, pure and simple, without allowing either the bookmaker or totalisators, would these meetings be as largely attended as they are now? If there can be no racing without gambling, it cannot certainly be called innocent amusement. Government are not putting a stop to innocent amusement, but considering the extent to which racing has gone on and the manner in which it is conducted, I think it is high time that a restriction on gambling was placed by legislation. The honourable member in charge of the Bill has stated that the measure was intended to minimise an admitted evil. I feel sure that Government are entitled to a full measure of unanimous support from this Council. It is, as I stated, an admitted evil, but I need not pursue the argument as the stewards themselves have admitted that material amendment has to be made. The

Bill merely gives power to Government to issue licenses for the use of race-courses on certain conditions. The manner in which it is to be done is indicated by the honourable member in charge of the Bill in his speech. I am sorry that at present Government do not intend to apply the Act to race-courses other than those of Bombay and Poona. Those who have the passion for gambling will not be long in finding other centres where they can gamble with immunity; and as soon as they find that the scope of the measure is limited to certain areas, the bookmakers and those who desire to gamble, will find new centres and Government will have later on to extend the scope of the Act to other centres as well. It is not better that while Government are at it, they should once for all extend the Act to all the racing-centres in the Presidency. I must say that great credit is due to Government for the introduction of the Bill in the interests of the people themselves and public morality and I feel confident that it will be passed by an overwhelming majority.

The Honourable Mr. M. DE P. WEBB said:—Your Excellency,—It was not my intention to speak to-day in connection with the Bill, but there is one point which none of the speakers have referred to and to which it is very necessary attention should be drawn. In the first place I should like to say that everyone here present who is interested in sport, must have heard with satisfaction the expression of policy which fell from the honourable mover when he said that it was not in any way the intention of Government to interfere with sport. That declaration will be received on all sides with satisfaction. The point to which I desire to refer now is the way in which this Bill has been drawn. In effect the Bill provides nothing at all except that the executive shall be given full powers to license race meetings as they may think fit. In other words, this Council is asked to deprive itself of any control in this matter and hand the power over to the executive. That, I think, introduces a principle which this Council should not on any account accept. The principle, I submit, is radically wrong if this Council is going to pass legislation which leaves all detail to the judgment of the executive. It should know what it is passing, it should know exactly what it is doing, it should not pass legislation that leaves details of activity to the executive. The honourable mover has given some indication of the terms on which Government proposes to grant licenses. That, so far, is satisfactory. But I cannot support the Bill in its present form unless clause 4 is so modified that before the rules and regulations are enforced they are first submitted for the consideration of the public, either in this Council, or in *The Government Gazette*. If they were published in advance in the *Bombay Government Gazette* and objections were invited from the public, then I think those who are interested in racing would feel that they had been in some measure consulted and that they had had an opportunity of lodging objections before these regulations were brought into force. I do not think this Council should give support to a Bill which does not lay down the specific regulations which it proposes to enforce, but leaves these regulations entirely to executive order.

The Honourable the JÁGHIRDA'R OF ICHALKARANJI said:—Your Excellency,—This is rather a unique occasion when Government has brought forward a measure which is not far in advance of public opinion. What generally happens in this Council is this that the public is not able to appreciate legislative measures which are in advance of their ideas and which Government bring forward to advance public interests in spite of the public. This is the first instance, I think, or at least so far as my experience goes, when

a measure has been introduced which, so far as the Indian community is concerned, I can positively say, has met with the approval of an almost overwhelming majority. Then again, another phenomenon is observable to-day. It is this—that on former occasions when we non-official Indian members raised our voice in this Council against the policy of Government in giving wide powers to the executive in the legislative measures, we were told that it was absolutely necessary to invest Government with such powers. I heartily sympathise with the Honourable Mr. WEBB in the remarks that he has made; but he seems to have forgotten the fact that all these years the non-official members belonging to the European community have turned a deaf ear to the protests we have made under similar circumstances and have always sided with Government, and sometimes that too in respect of measures in which they did not agree with Government. As to this Bill I do not agree with the honourable members who said that if betting was prohibited in one place it would appear in another. I know from my own experience of races at Poona that gambling was not carried on there twenty years ago to such an extent as it is now witnessed. It seems to me that the reason for this is to be found in the increased facilities that have been given to gambling in recent years. But for these facilities I do not think there would be gambling on such an enormous scale, for the Indians as a nation have not got the instinct of gambling, except perhaps in certain classes of Márwáris who go in for a few rupees' betting. I am quite sure that if as a consequence of this Act the place of betting is removed from Poona to some other place, Government would take steps to prevent it. I am not one of those who believe that the morals of the people can be entirely improved unless there was some punishment. As a Hindu I am of opinion that there ought to be some legal barriers against the growth of this kind of immorality. I heartily support the Bill.

The Honourable Sir PHEROZESHAH M. MEHTA said:—*May it please* Your Excellency,—My Honourable friend, the JAGHIRDAR OF ICHALKARANJI, has anticipated me in some remarks which I proposed to make on this occasion. But I must confess when my Honourable friend Mr. WEBB was speaking I could not help saying to myself: "Here is a Daniel come to judgment?" (Laughter.) Time after time when Government brought measures in this Council in which they asked the Council to give them all sorts of powers—powers for making rules and regulations, I never saw my Honourable friend Mr. WEBB or any other non-official European member, whom I can name, rise up to protest in the strenuous manner in which the Honourable Mr. WEBB has done to-day. But I am glad circumstances teach new lessons, and I hope my Honourable friend Mr. WEBB and those who have acted like him in the past will bear in mind that it is not always safe to do the bidding of the Government and give the executive the power to do everything by rules and regulations. But I will tell my Honourable friend Mr. WEBB that on this occasion I am not at one with him on this particular Bill. I quite admit that what has fallen from the Honourable Sir HENRY PROCTER and the Honourable Sir IBRAHIM RAHIMTOOLA is true, that gambling cannot be always directly prevented. I quite admit that the instinct of gambling is strong in most people. I disagree with the Honourable the JAGHIRDAR OF ICHALKARANJI when he says that the gambling instinct is not keen among the people of this country, for he seems to have forgotten that the old kings gambled away their kingdoms, and even their wives. (Laughter.)

The Honourable the JA'GHIRDA'R OF ICHALKARANJI:—They were only the Kshatryas.

The Honourable Sir PHEROZESHAH :—I am quite prepared to admit so far as India is concerned that the instinct or vice of gambling is as deep in us as anywhere else. It is a well-known thing how some people have a knack of gambling in everything that one can think of. Some years ago we stopped rain gambling, and as soon as that was done, another kind of gambling sprang up. In fact, the gambling instinct is so strong in us that it develops itself in some form or other.

But I think the real point to be considered in regard to this Bill is not that it has been brought to stop gambling. It has a far higher aim, and it is to prevent the moral deterioration or demoralization which takes place in consequence of the gambling instinct displaying itself in a public manner and on the public race courses as has been the case both at Poona and Bombay. Your Excellency, I will never forget the feeling of disgust —I may say here that I am not a sporting man—with which I saw a large collection of racing people returning from Poona to Bombay some time ago when I happened to be at Poona. You will fully realise the extent to which this gambling instinct prevails among the people when I say that the concourse consisted not only of men of lower classes, but it included people of a higher kind also—judges of the High Court and high officials of the State—and the impression which the sight made upon my mind was that though they looked such good and respectable people at ordinary times they seemed to be a disreputable lot of men after returning from a race course. (Laughter.) The sight struck me in that way on that occasion. It seems to me that when gambling is allowed to be carried on, though in the guise of sport, in such an open and flouting manner as has been done in Bombay and Poona for the past several years, it spreads out like a contagion. I think Your Excellency's Government ought to be congratulated on the firm manner in which you propose to deal with this public aspect of gambling. I admit that it is very difficult to stamp out gambling, as the instinct is so strong in human nature, but it is as well that Government have recognized in time the public danger to which these things were leading in the guise of sport. Those who remember racing in the old days know that nothing like the sights, which are now to be seen were ever to be seen then. The development that this vice has assumed in recent years, is something abnormal. Its influence is growing to such a dangerous extent that men, who would never think of going to the races in their normal state of mind, are carried away as if by magnetic attraction on seeing hundreds and thousands of people rushing up to the place. My Honourable friend Mr. GRAHAM says that racing is a fine sport and affords innocent amusement to the people. But I ask him when a large number of people flock together at the race courses at Bombay and Poona, does the enormous proportion of them go there for enjoying the sport or for gambling? If only my honourable friend see them there he will realise that they are there not for the love of sport, but for the vicious enjoyment of the vice of gambling. I submit that Government is perfectly right in grappling the evil in the manner in which they have done. I entirely support Government in their present legislation. .

But, Your Excellency, I wish to make one small suggestion. It is perfectly true that the only way in which these things can be regulated is by issuing licenses for the public race courses under such conditions as Government may lay down. But I ask Government to take one precaution in the interests of the object they have at heart, and it is that the conditions of the license should be laid before the Council table a month previously, or anyhow for such a time as to enable the members, if they so desire to have

a discussion upon them. I think that is a safeguard which is necessary for attaining the object of this Bill. I am not speaking in any invidious manner when I say that there are Governors and Governors, members of Council and Government and Government. Human nature is so varied and so complicated, that at some time the head of the Government may think that racing may be allowed to take its own course and may so alter the conditions as to issue licenses without any restrictions. I wish to prevent any occurrence of that sort. With that reservation I entirely and cordially support the legislative measure which Government have placed before the Council.

The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR said:—Your Excellency,—I rise to support this measure most heartily. Ever since it has been known to the public that the need has been made clear for such legislation, the people in the mofussil have expressed their approval of the measure. An allusion was made about the meeting held at Poona in connection with this subject, but I have ascertained that everywhere there is a strong feeling that Government is perfectly justified in undertaking the present legislation. On the measure that is before the Council, I have one word to say with reference to clause 4 as a matter of principle. I share the fears expressed in some quarters that the conditions which may hereafter come into existence may be in favour of the Bill or retard it With regard to clause 9, under which the Governor in Council can delegate his functions to any authority subordinate to him, I hope there will be some restrictions as to the selection of the officer to whom the power is to be delegated. I am also apprehensive of the result of clause 10. It says: [Reads]. I should think that having regard to the object of the Bill there should not be any occasion for the exemption of a horse-race. If it falls under this category it should be stopped. Of course, a race is to be stopped if it partakes of the nature of gambling, and if it does not partake of the nature of gambling then there need be no exemption. I submit these are safeguards which will heighten the need of this Bill I also find that there is a general desire that the limitations and conditions of the license should be made clear. I submit that either the form of the license should accompany this piece of legislation or that limitations under which a license can be granted should be made clearer.

The Honourable Mr. SIDDHANATH DHONDEV GARUD said:—Your Excellency,—I rise to support the first reading of the Bill. There are, however, certain features of the Bill, which, I submit, have not received the attention which they deserve, but I believe they will be duly considered when the Bill is referred to the Select Committee. In the first place I think the conditions and stipulations that are going to be imposed upon the licensees should be placed before the Council for discussion and appended to the Act as a part of the measure. As regards the question of restricting the number of days for races I agree with the Honourable Sir HENRY PROCTER that when proper safeguards are taken and when the betting is restricted to its true limit, there is no necessity for imposing additional restriction on the number of days. The only reason for which this Bill has been brought forward is to restrict betting on the race-course, and when that is done, I think, any interference in regard to the number of days will be unnecessary. With these words I support the first reading of the Bill.

The Honourable Mr. FAZULBHOY CURRIMBHOY said:—Your Excellency,—I agree with the Honourable Mr. WEBB on principle that the powers of the enlarged Council ought not to be delegated to the Executive Government. But in the present case we

cannot help it. Government wish to stop the bookmakers and not the totalisators as they do not wish to come in the way of the true sport of racing. If Government inserted in the enactment any provision allowing totalisators to remain it would be tantamount to legalising gambling, which Government is anxious to stop. I think the Bill will emerge from the Select Committee in the most acceptable form to all concerned.

The Honourable Sir RICHARD A. LAMB said :—Your Excellency,—The first point which was taken up as regards the Bill was as to the power of the Government in regard to betting outside the race courses, when the bookmakers were no longer allowed to bet on the course. The decisions of the High Court on which we rely in that respect are to be found in the "Bombay Law Reporter," Volume IV, page 271, and in the "Indian Law Reports, XXIX, page 264." The High Court holds that a slip of paper with a single entry made on it is an instrument of gaming, and it is therefore practicable to deal under the Gambling Act with a person who registers bets on a simple slip of paper. The Honourable Mr. GRAHAM has spoken about betting in France. If anyone here should make a practice of going from house to house to take commissions, and if there should be found upon him a single slip of paper which shows that he took a bet for himself or for the totalisator, that slip of paper will be sufficient for us to proceed against him under the Gambling Act. This, at any rate, is the view we take on the High Court rulings in these cases As regards gambling in railway trains and outside the race course, the law has already been strengthened to meet this. The executive officers will be instructed to enforce the gambling laws with respect to betting outside race courses more thoroughly than hitherto, and if it should prove, as we do not anticipate, that the law is not strong enough—should they slip through our fingers—it will then be necessary to strengthen the Gambling Act further. At the present moment that does not appear to be necessary. The question of the limitation of the number of days for racing appears to us to be really the essence of the whole affair. When a conference was held between the stewards of the Western India Turf Club and the Honourable Mr. MORISON last rains at Poona, the stewards were expressly asked whether they would consent to any reduction in the number of days. The reply was that in no circumstances would they consent to any number of days less than 40. We, on the other hand, considered the excessive number of days' racing conduced so much to gambling that we did not think it safe to leave the matter in the hands of the stwards to fix the number of days. We did not think it wise to leave it to them to reduce the number of days automatically. We have attempted to fix a reasonable maximum number of days, and we will let them distribute that number between Bombay and Poona as they think fit.

One honourable member—I forget who—said that horse-racing was a noble sport and that since we wanted only to restrict gambling we should leave the number of days untouched. With horse-racing as a sport we have no desire to interfere, but we feel ourselves bound to interfere with the excessive gambling which now attends that sport. In doing this we have to look at the present conditions and take our measures accordingly. The number of days' racing is an important item in those conditions, and it does not appear to us that our end would be accomplished by merely abolishing the bookmaker. The license will therefore fix a limit to the number of days racing will be as the Government decides, therefore, and when the decrease in gambling takes place

it will be quite easy to issue a fresh license for a larger number of days. It does not necessarily mean because we propose to issue the first license for 30 days that in granting future licenses we shall stick to that number of days. If the Turf is purged of the evil which now afflicts it then I do not myself see any reason why Government should not do as I have suggested, and we may have a larger number of days at some future date. If our measures are as successful as I feel certain they will be I consider that will be a great argument for allowing a larger number of days. At present I do not think we could agree to give up a definite number of days on which races can be allowed as one of the conditions of the first license. The Honourable Mr. GRAHAM intimated, as I understood him, that the stewards of the Western India Turf Club were prepared to abolish bookmakers altogether in Poona—I am not sure whether it was from next season.

The Honourable Mr. GRAHAM :—From the second enclosure only.

The Honourable Sir RICHARD A. LAMB :—They are not allowing them in the second enclosure and ask to retain a certain number only in the first enclosure. This is certainly a difference, but it appears to us there is not good ground on which to refrain from abolishing them at once and altogether. The stewards perceive for themselves that it is no longer desirable that bookmakers should remain, and if this is their opinion, and they are prepared to do without them in the future, it appears to us the sooner they go the better.

The Honourable Sir IBRAHIM RAHIMTOOLA suggested that we should apply the Act to race courses other than Poona and Bombay on the ground that if the evil did not exist now it soon would. I do not think myself that this is at all necessary, because we do not pretend to deal with gambling when it does not reach the dimensions of a public evil. It is recognised that a certain amount of betting on horse-racing is almost inevitable, and speaking for myself I do not see any harm in having a few modest bets in the year. There is to my mind nothing morally wrong about it. I do not think it is incumbent upon us to apply the Act wherever a Race Meeting exists. Where there is only a small amount of betting which takes place without causing any general public evil I think the time has not come when the Act should be applied. Betting on horse-racing to my mind becomes an evil only when it reaches to an excess comparable to the excess which may take place when a man takes to liquor. I do not think it is incumbent upon us to apply the Act except where a serious public evil exists, and on these smaller race courses in the Presidency the time for applying the Act is not ripe. Under present conditions we shall not apply the Act to race courses elsewhere than in Bombay and Poona, but the time may come when it may be necessary, and if that time does come we shall certainly apply the Act to every race course where gambling has grown to an excessive evil. I hope it won't, but if it does we shall certainly apply the Act.

The last thing to which I have to refer is as to the form of the Bill which places in the hands of the executive Government the fixing of the conditions of the license. It seems to me a very difficult thing to place before the Legislative Council the conditions of a license. I have already made a slight reference to the question of drinking, which is in its way similar to gambling, in that a moderate amount of drink is not an evil and should not be interfered with. A large amount is an evil and should be interfered with. We have an A'bkári Act under which regulations in respect to the sale of liquor are

prescribed, and we issue about three dozen forms of licenses. It is incumbent on us as an Executive Government to settle the terms of the licenses, and it would not be practicable to carry on the licenses if we were to lay before this Council the conditions on which thousands and thousands are issued. Honourable members seem to consider that we are giving to the Executive Government a power vaguely defined which ought to be given only in definite terms, but the settlement of the terms of license is a matter which lies between the licensee and the Executive Council. If the licensee does not like the terms of the license then he need not take it out. Since there is a strong opinion that the conditions should be made known, I am prepared to consider when the Bill comes before the Select Committee some provision which will allow the conditions of the license to be made known before they come into effect. It has already been intimated in my opening speech that it is hoped to get the Bill passed and in force in June, and it is also hoped to have the first licenses issued under the Act about the same time, so that they may apply for the coming Poona season. There is much to be done, and whether it will be possible to bring them before the Council, or the public through the medium of the *Gazette* in the meantime is doubtful, but the question will certainly be considered by the Select Committee and we will see what can be done. With these remarks I close what I have to say and move that the Bill be read a first time.

His Excellency the PRESIDENT said :—The general statement which has been made by my honourable colleague is so full as to the reasons which induced Government to introduce this Bill that it will be necessary for me to say but a very few words. I hope I need not say that we undertook to make this change with feelings of regret, but we felt we were labouring under a responsibility which we ought to discharge. Whether or not it is true that gambling is a vice to which Indians are addicted (and we have had opposite views on the question this afternoon) there can be no doubt about this particular form of gambling, gambling on race courses, being a western introduction into India. That being so, a very heavy responsibility is laid upon us which it is necessary for us to discharge. There have been several misconceptions as regards the action of the Government. We are accused of precipitancy, but I can assure you there has been no precipitancy; in my own case it took me well over two years before my mind was made up on this matter Again we were accused of ignorance that we know nothing about what was going on at the race courses. Believe me, that is not the case. Government took no action until it had made full inquiries, until it had obtained information of many kinds, which was not known to the public. Sir HENRY PROCTER has asked that no arbitrary limit should be placed on the number of meetings. What my honourable colleague has explained as to the attitude of the stewards also shows what the attitude of Government is. I should like to meet him on that matter, but Government think it impossible to do so. At the same time we shall be happy to hold a conference with the stewards and if an amicable arrangement can be made, no one will be more happy than Government. The Honourable Mr. GRAHAM drew attention to the evil of bucket-shops, and to a practice which has grown up in France. I know a good deal about this evil which I saw a good deal of it in Australia. We have no doubt that if book-makers are abolished that there is likely to be an increase in betting off race-courses. We are thoroughly alive to the evil, but we are told the law is sufficient to limit such operations, and if we find it is not, we shall certainly come to the Council, for further powers to deal with this evil, which is almost as bad as gambling on the race-

courses. The Honourable Mr. GRAHAM also appealed to us to retain a small number of bookmakers. I am afraid Government cannot undertake to make that concession. We thought the stewards were willing to abolish bookmakers, and we do feel that this is the cardinal feature of our scheme. It has been complained that under the form of this Bill the opportunity for criticism is removed from the Council. I cannot quite agree. There are only two ways of dealing with the question. One is that we, or the Government of India, should pass an Act laying down in cast-iron rules the forms in which racing should be permitted, and the other is for the Council to give Government licensing powers, and allow them to fix the conditions on which the licenses should be issued. If there had been an All-India Gambling Act, to get any change in the law it would require a large amount of time It would have been very difficult to get a change in the law, and the same thing would apply to an Act passed by this Council. As things are, it is open to any member of this Council to bring in a resolution on the conditions attaching to any one license and while that resolution may not be operative on the current license, the strong opinion of this Council would carry the greatest weight with Government when issuing the next license. This is a question on which it is very important there should be a large unanimity of opinion. We have taken a course which we believe to be right, but it must be largely experimental. I therefore am very glad to see that we have behind us a large body of opinion of this Council. Having that support we can go forward with a clear conscience to remove what we believe to be a great evil in the Bombay Presidency.

Bill read a first time.

The first reading of the Bill was carried.

The Honourable Sir RICHARD A. LAMB :—Your Excellency,—I propose that the Bill be referred to a Select Committee consisting of the following gentlemen :—The Honourable Mr. W. L GRAHAM, the Honourable Sir PHEROZESHAH MEHTA, the Honourable Mr H. R. GREAVES, the Honourable Mr FAZULBHOY CURRIMBHOY, the Honourable Lieut.-Col. JACKSON, the Honourable Mr. MANMOHANDAS RAMJI and myself, with instructions to report by the 31st instant.

Bill referred to a Select Committee.

This motion was agreed to.

BILL No V OF 1911 (A BILL FOR THE ABATEMENT OF NUISANCES ARISING FROM THE SMOKE OF FURNACES IN THE TOWN AND ISLAND OF BOMBAY AND TO PROVIDE FOR THE EXTENSION THEREOF TO OTHER AREAS IN THE BOMBAY PRESIDENCY).

The Honourable Sir RICHARD A. LAMB said :—The unanimous approval with which this Council received the Bill for the abatement of smoke nuisances in Bombay at the first reading leads me to think that there will be no opposition to the second reading of the Bill as amended in the Select Committee. The report of the Select Committee has been in the hands of honourable members for some time now and it is necessary for me to refer only to the more important modifications proposed in it.

The Honourable SIR RICHARD A. LAMB moves the second reading of a Bill for the abatement of nuisances arising from the smoke of furnaces in the Town and Island of Bombay and to provide for the extension thereof to other areas in the Bombay Presidency.

I would ask the attention of the Council, first, to new proviso (iii) in sub-clause (i) of clause 3. In the Bengal Act allowance is made for the time taken by ocean-going steamers to get up steam before sailing; for a period of two hours previous to sailing, such steamers are exempt from any penalties under this Act. The Bengal Smoke Commission recently reported in favour of this exemption being withdrawn, on the ground that if care be taken in stoking, it is possible to avoid creating any nuisance even when getting up steam before proceeding to sea. Accordingly, the Bombay Government omitted the exemption from the original Bill But, as the Select Committee point out, both the Commissioners of the Port of Calcutta and the Bengal Chamber of Commerce are strongly opposed to the withdrawal of the exemption, and the exemption has not yet been withdrawn in Calcutta. In these circumstances Government will not object to a similar provision for exemption being now made in this Bill.

The next point to which I have to call attention is clause 11, sub-clauses (3) and (4). The Select Committee give the following explanation of their proposal to insert these two new sub-clauses :—

These sub-sections provide that a period of three months shall be allowed for the consideration by the public of the draft of any rules which it is proposed to frame under clause 11, and that before any rules are published for general criticism the Commission must have reported on their expediency. We consider these provisions necessary in the special circumstances of this Bill, because most of the details of the restrictions imposed by this Act have to be relegated to rules, and it is right that those whose interests are likely to be affected by them should have ample opportunity of considering the rules before they are finally issued.

A suggestion to the same effect was made by my friend the Honourable Mr. FAZULBHOY CURRIMBHOY at the first reading of the Bill, and Government have decided to accept it, in the very special circumstances of this Act.

These are the only important alterations which the Select Committee propose. My friend the Honourable Sir IBRAHIM RAHIMTOOLA proposes two minor amendments which were not accepted by the other members of the Select Committee, but these will come up for discussion when the Bill is considered clause by clause and I need say nothing on them now.

The cordial way in which the Bill has been received by the public, not excluding the owners of factories, augurs well for the success of this endeavour to abate the smoke nuisance in Bombay; and Government look with confidence to receive the active co-operation and assistance of all concerned. We propose, as soon as the Bill becomes law, to constitute the Commission under section 4 and to send to it for report under section 11 (4) a draft of rules which will be an exact copy of the Calcutta rules. Allowing for the three months' notice specified in section 11 (3) we hope that the rules will be sanctioned by about October 1912, and that the Commission will then be able to get to work in earnest. I may inform the Council that we have asked the Bengal Government to lend us the services of one of their Inspectors under the Bengal Smoke Nuisance Act to help to start operations here on the lines that have been so successful in Calcutta.

With these remarks I beg to move that the Bill as amended in Select Committee be now read a second time.

No member having signified his desire to speak,

His Excellency the PRESIDENT said :—The motion before the Council is that this Bill be read a second time.

Bill read a second time.

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

The Bill was then considered clause by clause.

The first three clauses were put and agreed to.

The Honourable Sir IBRAHIM RAHIMTOOLA moved an amendment standing in his name, namely :—

I. *To insert* in sub-clause (*2*) of clause 4 between the word "Government" and the word "and" the words "the Health Officer for the City of Bombay as an *ex officio* member".

II. *To insert* in sub-clause (*3*) of clause 4 after the word "President" the words "and the Health Officer".

III. *To add to* sub-clause (*3*) of clause 4, the following proviso—

"Provided that the Health Officer for the City of Bombay shall be one of the members nominated by Government;"

The Honourable Sir IBRAHIM RAHIMTOOLA read clause 4 as it stands and as modified by his amendment and said :—Your Excellency,—By this amendment I propose that the Health Officer should be made an *ex officio* member of the Commission which is proposed to be brought into existence under this Bill. In dealing with this subject I think it is necessary for this Council to know a brief history of the question in order to see the point I make. The function of dealing with the smoke nuisance is admittedly a Municipal function. There is no difference of opinion on that point, and as a matter of fact the existing Municipal Act provides sections dealing with the smoke nuisance and authorising the Municipality to deal with it in some ways. The Municipal executive officers tried to enforce these sections, but found much difficulty and after persevering for some time appealed to the Corporation to move Government to amend the sections of the Municipal Act in order to make them more effective and enable the Municipality to deal with this smoke nuisance which is admittedly detrimental to the health of the city. Government accepted the view which the Corporation placed before them and introduced legislation in this Council amending the sections in question. When the Bill came up for discussion in this Council it was naturally objected to by Councillors interested in the different industries, and they suggested that the same result may be obtained by legislating on the lines of the Calcutta Smoke Nuisance Act, which was reported to have effectively dealt with the nuisance. When the matter came before the Select Committee Government were inclined to take that view, and on Government undertaking to introduce special legislation for the purpose of meeting this evil those proposed amendments to the Municipal Act were dropped; and the present Bill is the outcome of that undertaking.

The reason why this procedure is adopted is not that the Municipal executive officers have not endeavoured to do their duty by the city, but because the law on the subject was found to be defective, and consequently we propose to constitute a separate commission to look after the matter. To my mind it obviously follows that on that

commission the representative of the Municipal executive officers ought to find a place. The Municipal Commissioner Mr. CADELL made this representation to the Select Committee, and when the matter was considered by the Select Committee the proposal was negatived by a majority. In the discussion, which ensued reasons were given for not accepting the suggestion of the Municipal Commissioner. The first one was that in Calcutta no Municipal executive officer was on the smoke nuisance commission, and the second reason was that the commission would be constituted of seven members, of whom four including the president would be nominated by Government and three would be elected by the bodies interested. I suggested that if the Health Officer was to be in as an *ex officio* member, the commission might consist of eight members. That was objected to, because they felt that Government would have a clear majority of one. I then suggested that the number of the members might be increased to nine. But the chairman said they did not want to increase the number from seven at all. I next suggested that if that was the considered opinion of Government that the number of the members of the commission should be restricted to seven, then the Health Officer should be one of the nominated members. Even that was rejected. I do not wish to deal with the question why Government were so determined to fix the number at seven.

But apart from that question the second point did not appeal to me at all. If none of the officers of the Municipality was on the commission in Calcutta that was no reason why Bombay should without any strong and valid reasons accept Calcutta as its model. I am one of those who regard Bombay models superior to Calcutta models. I will give you two instances in which under similar circumstances this Council adopted the Bombay model. (When the question of carrying out improvements in the sanitary conditions of the city was considered it was decided to constitute a separate body, namely, the Improvement Trust. Government themselves put the Municipal Commissioner as an *ex officio* member of the Improvement Trust. Then take the Port Trust. The Port Trust may fairly be regarded as a superior body to the Improvement Trust. There is no obligation on Government in the Act to appoint the Municipal Commissioner on the Port Trust; still ever since I remember the Municipal Commissioner has always been a nominated member of the Port Trust. I have experience of the work which the Commissioner has done on the Improvement Trust as an *ex officio* member, and I am sure the members of the Port Trust here will say how useful he has proved as a Port Trustee.) Now, in Bombay we have tried to work on harmonious lines and on lines of co-operation, and I do not think that on this occasion when another Municipal function is going to be taken away and a separate body constituted to carry out what is admittedly a Municipal duty no executive officer of the Corporation should find a place upon it. That is position which cannot possibly be justified. I say to my mind it is eminently desirable that the Health Officer should be given a place on it either as an *ex officio* member or as a nominated member. If you refer to the provisions of the Bill, there is one provision which requires the special attention of this Council. Clause 7 (1) says: [Reads.] So that all the powers that the Commission has to exercise are laid down by the rules and its functions are purely executive, namely, to carry out orders made by Government in the regulations framed under the Act. Now, supposing my amendment is defeated and the Health Officer does not find a place on the commission, what will be the result? The result will be that when an offence is being committed under this Act, the Municipality will not be able to know what steps are being taken by the commission to deal

with it, and as this legislation has been undertaken in the interests of the public health of Bombay, complaints about the nuisance will be brought to the notice of the Corporation and a lot of discussion will follow. Thus nothing but friction and unpleasantness will result from such an arrangement. I ask the Council, is it desirable to create such a situation? On the other hand, if you accept the position which I take up and the Health Officer is associated with the work of carrying out the orders for the purpose of abating the smoke nuisance, he will know what work the commission has done, what are its difficulties, and when a question is raised in the Corporation he will inform them and the Commissioner of the steps taken by the commission. These are the two alternatives before the Council, and it will be seen that by having the Health Officer on the commission you will be following the same model which Government themselves have laid down in reference to the Improvement Trust and the Port Trust and securing harmony between the Corporation and the commission. If my amendment is negatived it will lead to unpleasantness and bitter discussions and agitation. I venture to submit there does not appear to be the smallest reason why Government should take the slightest exception to having the officer in charge of the public health of the city as a member of the commission.

Now, I will ask the Council to look at the matter from another point of view. It will be seen that while Government propose to give 50 per cent. of representation to the industries concerned, they hesitate to give the Municipality any representation at all, though it is quite clear that it will be the business of the members representing the industries to see that the commission does not very rigorously enforce the rules. I will welcome the time when the representatives of these industries will report the people offending against the Act and take action to get nuisance removed. But I venture to submit that when Government are prepared to concede fifty per cent. of representation to the industries concerned, surely I am not asking too much when I press for at least one representative of the Municipal executive officers to serve on the commission both in the interests of the public health and of harmonious relations that should subsist between the commission and the Municipality. I have considered the question from all points of view, and it appears to me very strange that Government should oppose a suggestion of this kind. I earnestly trust that after the explanation I have put before the Council Government will see their way to accept the suggestion.

The Honourable Mr. W. D. SHEPPARD said:—Your Excellency,—I am not aware how far the decision of the Select Committee is to be considered as a Government decision, but as we are considering an amendment moved by Sir IBRAHIM as a member of the Corporation and as a member of the Select Committee I should like to point out that out of a total of five members on the Select Committee no less than four are members of the Corporation. My object in rising is to inform the Council that having had some experience of the Municipality of Bombay, and having been personally instrumental and interested in the framing of steps in connection with the smoke question, I find myself holding absolutely contrary views to those of the Honourable Sir IBRAHIM RAHIMTOOLA. The original difficulty lay in the fact that it was difficult to establish by evidence the nature of the smoke for which a penalty could be inflicted, and a further difficulty was that the manager, who was being brought up, could plead that he was doing his best to prevent any nuisance. As long as he could say these things no penalty could be inflicted. Everybody is aware that it was then proposed to have a

time limit. This time limit was mainly taken from experience acquired in England, where by means of legislation in the section of the Health Act the period of thick black smoke was reduced from 14 and 15 minutes to two. The period proposed in the amended Bombay Municipal Act was only eight minutes, but to that the mill-owners took exception, and Government was willing, and the Council itself approved, that instead of action being taken by the Municipality in the matter of smoke prevention the matter should be handed over to a commission which was to consist of persons technically acquainted with the details of machinery. As far as the Health Officer is concerned, there is a technical point I should like to raise as to whether the Government can put on the Health Officer without the sanction of the Corporation. Possibly the Corporation would agree, but I don't think we could do it without their consent. Supposing they do put on the Health Officer, we have an officer who then becomes a member of an expert commission dealing with the technical questions of furnaces and machinery without having the knowledge which would enable him to be a useful member of the commission. In the days when the Corporation took proceedings against the mills for heavy smoke the Health Officer was not a sufficient witness. He had to be accompanied for hours at a time by an officer of the maintenance branch, a highly paid mechanical engineer, whose evidence had also to be taken, and I should have thought, so far from wishing to have any officer of the Municipality on the commission, that the Municipality and its officers would have sought not to have them on at all. The reason is that it is a technical subject. The Health Officer has no such technical knowledge, but in him we have an officer to whom is reserved the important power of inspection and observation of the quantity of the smoke nuisance. He can come at any time which he thinks fit with a report to the Corporation that the commission has not done any good. He is thus free to criticise, but if you put him on the commission, he becomes one of them, and I do not think that the idea of putting the Health Officer, or any other Municipal officer, on this commission, is in any way a sound one. It is a matter for the mill-owners themselves.

The Honourable Mr. FAZULBHOY CURRIMBHOY said:—Your Excellency,—I must oppose this amendment and Government are likely to nominate a Municipal representative and it is likely that the Municipal Commissioner or the Health Officer may be appointed a member of the commission and, again, the Health Officer is not an expert and the mill-owners are not unmindful of the health of their operatives as the prosperity of the industry depends upon it to a large extent, and they are therefore anxious to improve the surroundings of their operatives and the abatement of smoke nuisance has received their constant attention, and when the Tata Hydraulic scheme is completed, the difficulty will be naturally solved. But I cannot help pointing out that in regard to the smoke nuisance, the worst offender is the Bombay Municipality, and a visit to the Love Grove Pumping Station will convince the members of the truth of this complaint. What has the Health Officer done to minimise the evil? I now beg to thank the Government and members of this Council for accepting the practical suggestions of mill-owners in regard to this important question. I hope the Act will work smoothly and that it will produce the desired effect.

The Honourable Sir PHEROZESHAH M. MEHTA said:—Your Excellency,—My Honourable friend Mr. FAZULBHOY strikes me as somewhat inconsistent. In the first place he argued that in all probability the Health Officer would be included in the nominees

of Government. Next he argued that he ought not to be included, because he has no expert knowledge.

The Honourable Mr. FAZULBHOY :—I only inferred that the other members will not be experts.

The Honourable Sir PHEROZESHAH M. MEHTA :—Ah, they will not?

The Honourable Mr. FAZULBHOY :—No.

The Honourable Sir PHEROZESHAH :—Then the inference of my Honourable friend entirely gives away the argument of the Honourable Mr. SHEPPARD. The Honourable Mr. FAZULBHOY objects to experts being on the commission, while the Honourable Mr. SHEPPARD urged the incapacity of the Health Officer, because he was not an expert. It seems to me that this commission ought to compose not only of representatives of one branch of knowledge, as engineering, etc., but also of people who will be able to give practical and useful advice. So far as the remedies required for the purpose of abating smoke nuisance from the point of view of the public health are concerned, I think there cannot be a better man than the Health Officer of the Municipality to serve on the commission. As to the remark made by my Honourable friend Mr. SHEPPARD that perhaps the members of the Municipal Corporation would rather welcome the exclusion of the Health Officer from the commission, I would agree with him so far that the Health Officer should not be overburdened with more work than he could bear. But the abatement of smoke nuisance is not in the interest of the mill-owners, as the Honourable Mr. FAZULBHOY says, but it is in the interest of the health of the city. It is not in the interests of the industrial bodies, but it is for the purpose of seeing that these industrial bodies do not affect the health of the city, as they have been doing for years past, that this Bill has been brought forward. The Corporation is the proper body to deal with this question, and the legislature has given powers to the Municipality for the purpose of taking measures to abate the nuisance. The fact is that the mill-owners are such a powerful body that they have baffled the Municipality in their efforts to do the right thing, and it is thought that we will be the better for the substitution of the commission for the Municipality. I very much doubt the wisdom of it. But here is a machinery going to be provided for dealing with the smoke nuisance, and I submit there is no better person than the Health Officer who can give advice to the commission as to how far the measures it will take to abate the nuisance will be conducive to the health of the city. We are all anxious to eliminate any chance of the Health Officer not being appointed on the commission. Glad as the Corporation should be to have their Health Officer not burdened with the onerous duties which he might be required to perform in connection with the commission, it is the duty of those who are responsible for the health of the city—and the Corporation is the body which is absolutely responsible for the health of the city—to point out that it is necessary to have on that commission a person who can give advice on the question of health. I have no doubt Government will appoint persons who can control the nominees of the industrial bodies, who will be elected by bodies or associations whose interests are likely to be affected by the operations of the Act. I suppose the mill-owners are meant by these "bodies or associations." I do not know, but I should have thought that when this Bill was considered in the Select Committee they should have pointed out who were the bodies who would be regarded as eligible for being appointed to elect their representatives on the commission. This point has

been left in a very nebulous condition. I support the amendment of my Honourable friend Sir IBRAHIM, which is peculiarly adapted to further the object of the present legislation. If there is any body which can object to the appointment of the Health Officer, it is the Municipal Corporation who might not like their officer to be overburdened with work, but that the objection should have come from persons representing the hostile interests is to my mind most inexplicable. I think my Honourable friend Mr. FAZULBHOY, who is so eager to see the abatement of smoke nuisance, should welcome the appointment of the Health Officer on the commission as the person who can give the best advice as to how far the nuisance can be abated so as not to affect the health of the city

The Honourable Mr. HARCHANDRAI VISHINDAS said :—Your Excellency,—As one who has experience of the principles observed in the nominations of this kind I entirely endorse the views expressed by my Honourable friend Sir PHEROZESHAH. I find that the principles enunciated by the Honourable mover of the amendment have been observed not only in respect of this Municipality but also elsewhere. When a commission or a body of persons is appointed in which a Municipality has a direct or indirect interest, that Municipality has been given a voice in it. I heard with great respect the observations made by the Honourable Mr. SHEPPARD, an ex-Municipal Commissioner of Bombay, who urged that the advantage of excluding the Health Officer from the commission was that he would be able to sit in appeal on the decisions of that body. But that does not appear to me to be a very sound argument. At all events it involves an admission that the Health Officer is an expert, that is to say, he is a person whose voice would predominate and whose opinion would be relevant. That being so I consider that the arguments advanced by the Honourable Sir PHEROZESHAH and the Honourable Sir IBRAHIM are most convincing in that they show that while on the one hand the exclusion of the Health Officer from the commission will lead to friction and inharmony, on the other if he is there his advice to the commission will prove most useful in the interest of the health of the city and the relations between that body and the Municipality will be of a very harmonious character. It seems to me there is great cogency in the argument put forward by the Honourable Sir PHEROZESHAH as to the expert nature of the advice which could be given by the Health Officer to the commission. The house seems to be divided on the point whether the Health Officer is an expert or not, and whether he should be appointed on the commission. As I have already pointed out, the other side have given their case away and indirectly admitted that he is an expert. Under the circumstances I think the safer course is to appoint him on the commission. For these reasons I support the amendment.

The Honourable Sir HENRY PROCTER said :—Honourable members are against the Health Officer being included because he is not an expert, but I understand the present Municipal Commissioner is anxious that he should be included, and I think for obvious reasons he should be included. Therefore I support the Honourable Sir IBRAHIM's amendment.

The Honourable Sir IBRAHIM RAHIMTOOLA, in reply, said:—Your Excellency,—Two speeches have been made against the amendment that I propose. My Honourable friend Sir PHEROZESHAH has ably shown the inconsistency of the Honourable Mr. FAZULBHOY's speech, because while in one breath he says the Health Officer is not an expert, in the other he says he is sure Government will nominate him a member of the

commission. It was, however, very refreshing to find in the latter part of the Honourable member's speech that in the year of grace 1912 the representative of the Bombay mill-owners has appreciated the advantages to the mill-owners themselves of abating the smoke nuisance. The present amended Municipal Act of 1888 has been in force for the last twenty-four years, and it is gratifying to find that after this long time they have at last seen the necessity of removing the smoke nuisance. I was surprised at the arguments advanced by the Honourable Mr. SHEPPARD. In the first place he said the difficulty was as regards density of smoke, the time it took to be emitted and other technical details. I quite admit that those were the difficulties which we experienced in the working of the Municipal Act, and the Corporation themselves came to Government, pointed out their difficulties and asked for the amendment of the Act. To say that these difficulties exist and to take a contradictory view is to my mind confusing the issue. The issue is not that. I read out to the Council the provision of section 11, which gives Government the power of framing rules to deal with all the points mentioned by the Honourable Mr. SHEPPARD. [Reads section 11.] So that all the points on which the real expert opinion is required will be settled by Government themselves irrespective of the commission, and the function of the commission will be to carry out the rules and regulations in actual practice. It is for that reason that there is the justification of there being 50 per cent. of non-expert representation on the commission conceded to the industries. It is not a question of experts being on the commission, but it is a question of carrying out these rules and regulations effectively and expeditiously in the interests of the public health of the city. Why do you want the Health Officer to be an expert? I claim that the Health Officer is an expert, because after all this is a question affecting the health of the city, and you cannot have a better expert than the Health Officer.

Another argument advanced by the Honourable Mr SHEPPARD strongly supports my contention. He says: Leave the Health Officer alone; he has got the power of inspection; he has a free hand; and he can keep in touch with the commission and find out whether it is doing its duty, and find fault with it or support it. That is, however, the thing which I do not want. I say that the Municipality should not be put in the position of a critic, which would create friction and inharmony. I ask my honourable friend Mr. SHEPPARD, would he like the idea of the Municipal Commissioner and representatives of the Corporation not being appointed members of the Improvement Trust and of leaving the Corporation to judge from outside what the Improvement Trust is doing and to undertake the duty of a constant critic of the doings of the Improvement Trust? I am sure Mr. SHEPPARD would strongly object to that arrangement. It is because the Commissioner and four members of the Corporation are on the Improvement Trust and get whatever explanation and information they require, that the system works so well. And why should we depart from that system in the present case? And if we do that what would be the result? The result would be that there will be a friction between the Corporation and the commission, and representatives will come up to Government that the commission is not doing its duty. Again, all sorts of correspondence will have to be carried on between the two bodies, simply because of want of a single Municipal representative on the commission. I will read out to the Council the opinion of Mr. Cadell, the present Municipal Commissioner, who wrote a letter to the Select Committee. I will merely read an extract of that letter

which shows what views the present Municipal Commissioner holds in this matter. [Reads: "I am strongly of opinion that the Municipal Commissioner who is responsible for the general internal administration of the city, etc."] This clearly shows that it is absolutely necessary that an expert of health who is thoroughly conversant with the local conditions should be on the commission between the three representatives of the industries, whose first duty will probably be to see that the Act is not rigorously enforced and the experts of Government who will largely have not that local knowledge. I trust Government will accept my amendment.

The Honourable Sir RICHARD A. LAMB said :—Your Excellency,—The whole point in the debate seems to be whether the Government shall be obliged by the Bill necessarily to appoint the Health Officer to be a member of the commission or whether it shall be left open to appoint him or any other officer of the Corporation to be a member of the commission. A great deal has been said about the expert knowledge of the Medical Officer. That he is an expert as regards health there can be no question, but as regards smoke he probably does not know much more than I do myself. The point is to have the best man on the commission, and the question is whether the Health Officer should not be responsible for the inspection of the smoke. The position indicated by the Honourable Mr. SHEPPARD seems to me to be the best one. It is more advantageous that the Health Officer of the Municipality should be an outside observer of the operations of the commission than that he should be a member of the commission itself. There seems to be an idea that all the nominated members of the commission will be members of the Mill-owners' Association. That is not at all the case. There is no desire to restrict the nomination to any particular class of people, though, undoubtedly, the Mill-owners' Association will have to be represented with other classes.

His Excellency the PRESIDENT:—I am afraid my opinion on this matter is of singularly little value, but as I have listened very patiently to the debate, it may perhaps be as well that I should give it. It is simply this,—that if I had the honour to be a member of the Corporation nothing would induce me to allow my Health Officer to be on this commission. It is always much easier to criticise, than to do anything oneself, and I should rely on him as my health remembrancer and should put no responsibility on him, especially as the responsibility is of a technical character and there is nothing in his training that qualifies him for it. As a member of the Corporation I should certainly not countenance the appointment of this officer to the commission.

The amendment was put to the vote and lost.

The Honourable Sir IBRAHIM RAHIMTOOLA asked for a division.

The division was taken with the following result.

Ayes.	Noes.
The Honourable Mr. Gulam Muhammad valad Khán Bahádur Wali Muhammad Bhurgri, Barrister-at-Law.	His Excellency the President. The Honourable Sir Richard Amphlett Lamb, K.C.S.I., C.I.E.

Ayes.

The Honourable Sardár Ráo Bahádur Motilal Chunilal.

The Honourable Sardár Shambhusing Amarsing Jadhavrav, Ráje of Máiegaon.

The Honourable Mr. Raghunáth Pandurang Karandikar.

The Honourable Moulvie Rafiuddin Ahmad, Barrister-at-Law.

The Honourable Mr. Dattatraya Venkatesh Belvi.

The Honourable Sir Pherozeshah M. Mehtá, K.C.I.E.

The Honourable Sardár Coopooswamy Viziarungum Moodliar.

The Honourable Dr. Temulji Bhikaji Nariman.

The Honourable Mr. Abdul Husein Adamjee Peerbhoy.

The Honourable Sir Henry E. E. Procter, Knight.

The Honourable Sir Ibrahim Rahimtoola, Knight, C.I.E.

The Honourable Mr. Chimanlal Harilal Setalvad.

The Honourable Mr. Harchandrai Vishindas.

Noes.

The Honourable Mr. Mahadev Bhaskar Chaubal, C.S.I.

The Honourable Mr. William Thomson Morison, C.S.I.

The Honourable Mr. George Seymour Curtis, C.S.I.

The Honourable Mr. W. H. Lucas

The Honourable Mr. Lalubhai Samaldas Mehta.

The Honourable Mr. Manmohandas Ramji.

The Honourable Ráo Bahádur Shriniwas Konher Rodda.

The Honourable the Advocate-General.

The Honourable Mr. G P. Millett.

The Honourable Sardár Ráo Bahádur Yashavantrav Trimbak Mirikar.

The Honourable Sardár Dávar Kaikhosro Edalji Modi.

The Honourable Mr. J. P. Orr, C S.I.

The Honourable Mr. Gokuldas Kahandas Parekh.

The Honourable Mr. F. G. Pratt.

The Honourable Mr. Fazulbhoy Currimbhoy Ebrahim.

The Honourable Sardár Syed Ali El Edroos.

The Honourable Mr. Siddhanath Dhonddev Garud.

The Honourable Sardár Narayanrao Govind *alias* Baba Saheb Ghorpade, Jághirdár of Ichalkaranji.

The Honourable Mr. W. L. Graham.

The Honourable Mr. Herbert Rufus Greaves.

The Honourable Sardár Naharsinghji Ishwarsinghji, Thákor of Amod.

The Honourable Lieutenant-Colonel J. Jackson.

Ayes.	Noes.
	The Honourable Mr. R. D. Prior
	The Honourable Mr. W. D. Sheppard, C.I.E.
	The Honourable Surgeon-General H. W. Stevenson, I. M. S.
	The Honourable Khán Bahádur Nowrojee Pestonjee Vakil, C.I.E.
	The Honourable Mr. M. deP. Webb, C.I.E.

The amendment was declared to have been defeated by 14 votes against 29.

Clauses 4, 5, 6, 7, 8 and 9 were put and carried.

The Council then adjourned until 12 noon on Friday March 15th, 1912.

By order of His Excellency the Honourable the Governor,

L. GRAHAM,
Secretary to the Legislative Council.

Bombay, 14th March 1912.

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

The Council met at Bombay on Friday, the 15th March 1912, at 12 o'clock noon.

PRESENT:

His Excellency the Honourable Sir GEORGE SYDENHAM CLARKE, G.C.S.I., G.C.M.G., 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. MAHADEV BHASKAR CHAUBAL, C.S.I.
The Honourable Mr. WILLIAM THOMSON MORISON, C.S.I., I. C S.
The Honourable MOULVIE RAFIUDDIN AHMAD, Bar.-at-Law.
The Honourabe Sir JAMES BEGBIE, Kt.
The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.
The Honourable Mr. GULAM MUHAMMAD walad Khán Bahádur WALI MUHAMMAD BHURGRI, Bar.-at-Law.
The Honourable Sardár Ráo Bahádur MOTILAL CHUNILAL.
The Honourable Mr. GEORGE SEYMOUR CURTIS, C.S.I., I. C. S.
The Honourable Sardár PURSHOTTAMDAS VIHARIDAS DESAI.
The Honourable Mr. FAZULBHOY CURRIMBHOY EBRAHIM.
The Honourable Mr. SIDDHANATH DHONDDEV GARUD.
The Honourable Sardár NARAYANRAO GOVIND *alias* BABA SAHEB GHORPADE, Jághirdár of Ichalkaranji.
The Honourable Mr. W. L. GRAHAM.
The Honourable Mr. HERBERT RUFUS GREAVES.
The Honourable Lieutenant-Colonel J. JACKSON, M.B., I. M. S.
The Honourable Sardár SHAMBHUSING AMARSING JADHAVRAV, Raje of Málegaon.
The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR.
The Honourable Mr. W. H. LUCAS, I. C. S.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA.
The Honourable Mr. G. P. MILLETT.
The Honourable Sardár Ráo Bahádur YASHAVANTRAV TRIMBAK MIRIKAR.
The Honourable Sardár Dávar KAIKHOSRO EDALJI MODI.
The Honourable Sardár COOPOOSWAMY VIZIARUNGUM MOODLIAR.
The Honourable Dr. TEMULJI BHIKAJI NARIMAN, L.M., F.R M.S. (London).
The Honourable Mr. J. P. ORR, C.S.I., I. C. S.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. ABDUL HUSSEIN ADAMJI PEERBHOY.
The Honourable Mr. F. G. PRATT, I. C. S.
The Honourable Mr. R. D. PRIOR.
The Honourable Sir HENRY E. E. PROCTER, Kt.
The Honourable Sir IBRAHIM RAHIMTOOLA, Kt., C.I.E.
The Honourable Mr. MANMOHANDAS RAMJI.
The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.

The Honourable Mr CHIMANLAL HAKILAL SETALVAD, LL.B.
The Honourable Khán Bahádur SYED ALAHANDO YUSIF SHAH.
The Honourable Mr. W. D. SHEPPARD, C.I.E., I.C.S.
The Honourable Surgeon-General H. W. STEVENSON, I. M. S.
The Honourable Khán Bahádur NOWROJEE PESTONJEE VAKIL, C.I.E.
The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

Consideration in detail.

Consideration was resumed of the Bombay Smoke-nuisances Bill, in detail.

The Honourable Sir IBRAHIM RAHIMTOOLA moved the following amendment standing in his name, namely :—

To substitute in the proviso to clause 10, for the expression "under sub-sections (*2*), (*3*) or (*4*) of section 7", the expression "under the provisions of this Act".

The Honourable Sir IBRAHIM RAHIMTOOLA said :—Your Excellency,—The amendment I wish to propose in clause 10 applies to the proviso of that clause. The proviso runs thus : [Reads.] The proviso, if my amendment is accepted, will run thus : [Reads] The whole of clause 10 deals with the admission of the inspector after giving previous notice or with the written authority of the commission into any building which contains a furnace. When the matter was discussed in the Select Committee I put forward this amendment both in the interests of the commission and of the mill-owners themselves, because it appeared to me that it was desirable to enter any factory where there was a boiler and engine-house, to see what was the cause of the offence which was being committed against the provisions of the Act. The reply given to me in the Select Committee was that in the case of sub-clauses (2), (3) or (4) of clause 7 it would not be possible to ascertain whether an offence is being committed or not without entering the premises, and it was therefore necessary to permit the inspector to enter it without notice ; but that in the case of other offences it was possible to detect the offence from outside the factory and therefore there was no reason to give the inspector power to enter a factory. I can quite understand that if the object of the Act is to get people convicted of the offences committed, that course would be a correct one. But I take it that the penal clauses attached to such cases are meant to act as deterrents only. That being so, would it not be better if the inspector had the power of entering a factory where there was a boiler-house and engine-house to see what offence was being committed, so that he can give evidence in a Court of law as to the exact nature of the offence at the time of its detection. The advantage of this arrangement to the mill-owner would be that in cases where an inspector on entering a boiler-house or engine-house finds that the cause of offence is only a temporary one and can be remedied at once, then there could be no prosecution at all. My idea is to save as far as possible such prosecutions and to secure the benefits which we all expect to accrue under the provisions of this Act. Under the clause as it now stands in dealing with this particular kind of cases it would be necessary to watch the chimneys emitting smoke for a certain time, to get the process issued and to go through other routine procedure. If my amendment is accepted, the defects in many cases will be at once remedied on the detection of the offence. I venture to think that in this matter there are at present very few experts who can come up to the level of Mr. HEWETT, mechanical engineer, and I will read to the Council the opinion he gives. [Reads.]

Your Excellency, the Council will observe that Mr. HEWETT has taken exactly the same view that I took in the Select Committee and supports the idea that it is both in the interests of the city with a view to secure the abatement of the nuisance and also in the interests of the mill-owners themselves that such right of entry be given to the inspector. I see no objection to the acceptance of my amendment which secures a better state of things in the actual working of the Act.

The Honourable Mr. FAZULBHOY C. EBRAHIM said:—Your Excellency,—What I can make out from my honourable friend's remarks is this—that he proposes to give power to the inspector to enter the premises of a mill at any time he likes without notice for the purpose of inspecting the furnace. But from what little experience I have of the working of the boilers in the mills I can say that it is not possible for the inspector to examine a furnace unless it is cleared and cools down. We have no objection to the inspector going there, but a previous notice is necessary so that the furnace might be cleaned in time for inspection. I am against the amendment, as I think that too frequent visits of the inspector without notice would cause considerable annoyance.

The Honourable Mr. MANMOHANDAS KAMJI said:—Your Excellency,—The object with which the proviso to clause 10 has been inserted is to enable the inspector to enter a mill without notice in cases in which he has reason to believe that an offence is being committed there, which, if he did not go in immediately, it would be difficult to detect afterwards. In other cases in which it is possible for him to get proofs of the offence from the outside, as, for instance, by taking a photograph of the smoking chimney, he is required to give a previous notice. I submit this is a reasonable arrangement, for if it were not so, the working of the mill would be too much interfered with. I, therefore, oppose the amendment.

The Honourable Mr. W D. SHEPPARD said:—Your Excellency,—I have only a few words to say. I again find myself in opposition to the opinions held by the Honourable Sir IBRAHIM RAHIMTOOLA. The reason is that I look upon this legislation, which is being passed here for the prevention of the smoke nuisance, as quite a different thing from the legislation which would have been enforced, if the work had been done under the amended Municipal Act. This is a means placed in the hands not of the Municipality of Bombay, but of the mill-owners of Bombay, to enable them to rectify in their own mills, by their own methods to be explained to them by their own commission, the nuisance due to their smoke, and this can best be done by regulations of which the mill-owners approve. The arbitrary right of entrance at all times for the purpose of inspection is one of the things which is most bitterly resented in Bombay, and if the work can be done without the constant entry of inspectors, I think it should be allowed to go on in that way and that in that way it will have a better chance of success. I agree with the Honourable Mr. MANMOHANDAS that if black smoke is issuing from a chimney, the inspector is at liberty to take any notes that he likes but that he should not enter the premises for purposes of inspection unless the owner has agreed that he should do so. His statutory powers of entry should not be increased. I oppose the amendment.

The Honourable Sir IBRAHIM RAHIMTOOLA, replying, said:—Your Excellency,—It appears to me that those Councillors who have opposed my amendment have done so under a complete misapprehension. The Honourable Mr. FAZULBHOY says that the mill-owners object to the inspector entering their premises at any time without notice. But who has ever asked that the inspector should enter a factory at any time? I thought that

as the representative of the mill-owners the Honourable Mr. FAZULBHOY must have carefully studied the Bill which we are considering. A mere cursory glance at the Bill shows that an entry into a factory for a purpose other than an offence committed under this Act is by notice. Clause 10 itself lays this down. The proviso says that it shall be lawful for the inspector to enter on certain premises without previous notice and without written authority from the commission if he has reason to believe that any offence has been or is being committed. My point is that instead of restricting you should make the powers of the commission wider by making the proviso applicable to all offences committed under the Act. I do not think that arguments of this character will weigh with the Council. The Honourable Mr. MANMOHANDAS has repeated the argument which was placed before the Select Committee when I raised the question there. All the members of the Select Committee except the Chairman were in favour of accepting my suggestion. But the Chairman objected on another ground. It was that when an offence can be detected from the outside there can be no object in allowing the inspector to enter, and the majority of the Select Committee accepted that view But the fact remains that if the object of the Act is to get convictions against the offenders and to penalise them, then allow the Act as it is. The whole object of the proviso is to enable the inspector to secure convictions before a Magistrate. But I submit that the object of the Bill cannot be and ought not to be merely to secure convictions. If your object is that conviction is a secondary question and the removal of the complaint your first consideration, then accept my amendment. If an inspector finds that smoke emitting from a certain chimney is denser than it ought to be, and if by his going into the factory he can get the defect remedied at once, what possible objection can there be to his doing so?

Some curious arguments have been advanced by the Honourable Mr. SHEPPARD. I cannot help remarking that an officer in charge and an officer out of it are two different persons. His argument is that this legislation is being done not for the Municipality but for the mill owners. That is news to me. The Honourable Mr. SHEPPARD was not a member of this Council when it was arranged to introduce the legislation in the present form, or otherwise he would have known that the object of this legislation was not that the mill-owners should be entrusted with its working, but it was that Government should take upon themselves the responsibility of abating the smoke nuisance, and Government had to take the initiative in securing powers to abate the nuisance. If the mill-owners have acted without any outside help, I believe it is due to this that this legislation has been an incentive to them to make them do their duty. I confess it is an extraordinary statement to make before this Council that they can only take up that legislation which the mill-owners approved of. The Honourable Mr. SHEPPARD ought to know that this city does not contain merely mills, but there are hundreds and thousands of other factories, and this Bill applies not to mills alone but also to all other factories, so that to say that the powers of the commission should be restricted to mills only is an argument which completely surprises me.

The Honourable Sir RICHARD A. LAMB said:—Your Excellency,—The question is really only this—Whether the power of entry without notice shall be restricted to the cases in which an immediate entry is desirable, or shall be extended to all cases whether immediate entry is desirable or not. I suppose, however, it will be accepted that the giving of the power of entry to private premises is to some extent an evil, *i. e.*, that a Gov-

ernment officer should get authority to enter private premises where otherwise he would have no right to enter. It is necessary to give him this authority for the purpose of carrying out regulations decided on as required for the benefit of the community. But the power of entry should be restricted within as narrow limits as possible and should not be extended where it is not required. Clause 10 provides that an inspector "may, after giving reasonable notice, enter and inspect, etc.," and then it adds that he may enter without notice in three specific cases. The only question which arises is whether there is a necessity for him to enter without notice in the remaining cases which are not included in the proviso. The only cases which are not included in the proviso are sub-clause (5) of clause 7 which provides that if any coke is made . . . . the occupier or owner shall be liable to a fine. [Reads.] For the purpose of ascertaining if any coke is made the inspector has already power of entrance under sub-clause (4) of clause 7. [Reads.] The next penal clause is clause 8, sub-clause (2). [Reads.] It certainly appears to us it is not necessary to give the inspector the right to enter without notice. The matter is not so urgent as to necessitate giving him the right to enter without notice. Lastly, there is clause 9. [Reads.] There again, there is no necessity for the inspector to have immediate entry without notice in order to render the owner liable to a fine. Therefore, Sir, it appears to us there is no case whatever for extending the right to enter without notice, it being of course clearly understood that the inspector will have the right to enter *with* notice in all cases.

The amendment was put to the vote and defeated.

Bill read a second time.

Clauses 10, 11, 12 and 13 and preamble were put and carried and the Bill passed its second reading.

The Honourable Sir RICHARD A. LAMB said:—Your Excellency,—The Bill having been read a second time as amended by the Select Committee and having been considered clause by clause, and no further amendments having been accepted by the Council, I move it be read a third time and passed.

Bill read a third time and passed.

The Bill was then read a third time and passed.

BILL No. II OF 1912 (A BILL FURTHER TO AMEND THE BOMBAY LAND-REVENUE CODE).

Sir Richard A. Lamb moves the first reading of the Bill further to amend the Bombay Land-Revenue Code, 1879.

The Honourable Sir RICHARD A. LAMB, introducing the Bill to amend the Bombay Land-Revenue Code, said:—Your Excellency,—In the course of the questions which have been asked at this meeting of the Council there is one relating to city surveys. The Honourable Mr. RODDA inquired what action was being taken in regard to city surveys in the principal towns in the Bombay Presidency, and he was told they were extended to certain towns. [Here reads from answer to the Honourable Mr. RODDA's question No. 3.] The fact lying behind that reply is that the Collectors have been told to hold their hands as regards submitting proposals for city surveys, and for two reasons. One is that the Settlement Commissioner experienced some difficulty in finding sufficient staff to carry out the surveys, and this is a matter of administration which we shall have to deal with when we consider the question. The other difficulty is a technical or legal one. As indicated in the Statement of Objects and Reasons of this Bill the trouble is this: under

the law, as it stands at present, there is no finality to the record that is made under the city survey. It is open to any person, at any time, subject to the general Statute of Limitations, to question the entries made under the city survey, so there is no certainty of the survey record being a correct one, and the provisions which exist in the Land-Revenue Code or the Municipal Act are insufficient to give finality within a reasonable time to the record under the city survey. In this difficulty, we addressed the Government of India and pointed out that one of the objects of the city survey was to secure an authoritative and final decision with regard to Municipal property. Section 37 of the Land-Revenue Code says:—[Reads.] In section 135 of the same Code it is stated—[Reads.] In the existing state of the law section 37 can never become final, and the same uncertainty applies to Government land transferred to a Municipality. There is another Bill which will deal with the Municipal aspect of the case. We were of opinion, in order to increase the benefits of the survey and safeguard property, that the Collector should be in a position to make a decision which shall be open to question for only one year, so that finality in the city survey shall be arrived at. That, very briefly, is the cause of the origin of this Bill, and I do not think the clauses call for detailed explanation. They are so ordered as to give effect to the views I have represented and to carry out the objects stated in the Statement of Objects and Reasons. I, therefore, move that this Bill be read a first time.

The Honourable Mr. D. V. Belvi said:—Your Excellency,—I ask the honourable members of this Council to examine the provisions of this little Bill very carefully. It is true that at the first blush it has an appearance of innocence about it, but if its provisions are carefully examined one would appreciate the effect it would have upon the freedom of private suitors as against Government. It seems to me that the Bill involves a principle of great importance and is not so innocent as it appears. A careful consideration of it shows that it deprives suitors against Government of the right which they enjoy against private persons under the Indian Limitation Act. It is stated in the Statement of Objects and Reasons that it is intended to curtail the period of time for instituting suits against Government in respect of land with a view to put an end to litigation between Government and private suitors, and it is further stated that any suit that is brought against Government should be instituted within a year of the Collector's order. I submit it is very hard upon private suitors, who have to fight against Government in litigation in which Government is armed with all the resources of law, men and money, to deprive them of the ordinary period limitation, which is twelve years in the case of immoveable property. Section 11 of the Bombay Revenue Jurisdiction Act of 1876 says that no suitor can sue Government unless and until he satisfies the Civil Court, before his suit can be entertained, that he has preferred all the appeals allowed to him under Chapter 13 of the Bombay Land-Revenue Code. It means that when a Collector decides a claim against a man, he has to prefer an appeal to the Commissioner, and if the Commissioner, after hearing the appeal, upholds the order of the Collector, he has to go on a second appeal to Government, and after the decision of Government he can go to the Civil Court. It is not likely that his final appeal will be decided by Government within one year of the passing of the Collector's order; and if Government do not dispose of his appeal speedily, what is he to do? The Civil Court would decline to entertain his suit under the Revenue Jurisdiction Act of 1876 if he did not satisfy it that he has preferred an appeal to Government. I think it is absolutely necessary to

allow this class of suitors at least half the period of time that is ordinarily allowed to private persons under the Indian Limitation Act. Then the Council should consider the position of a private suitor. He has first to find money, then to get legal advice, and finally to enter upon litigation against Government. I respectfully submit that the period of time which is proposed to be given to private suitors against Government, namely, one year, is extremely short and it will entail considerable hardship upon them. I oppose the Bill on principle, as it is worded. I hope the Select Committee will see its way to extend the period of limitation to half the normal period, namely, six years; if not to at least one-fourth of it.

The Honourable Mr. G. K. PAREKH said:—Your Excellency,—The objections raised by my honourable friend Mr. BELVI appear to me to be very sound. I think looking to the preliminary processes of appeals to executive authorities through which a suitor has to pass before he can file a suit against Government in the Civil Court, the period of one year allowed for the institution of the suit is not sufficient. There are other objections to the Bill also. In most cases the parties know that the decisions of the City Survey Officer are not final and that they do not deprive them of their rights at once, and this feeling is instrumental in litigation being put off. But as soon as it will be known to the people that henceforth orders which at present are practically of no value will have a final character in reference to property litigation will considerably increase. Another objection to the Bill is that it makes no provision for giving notice of such orders to the parties concerned and, I am afraid, in the absence of such notice many claims will become barred by limitation and the parties will not have an opportunity of preferring their claims. As this and other objections will be considered in the Select Committee I will not take up the time of the Council by dwelling on them. But I do think the Bill ought not to go to the Select Committee in this form.

The Honourable Sardár Dávar KAIKHOSRO EDALJI MODI said:—Your Excellency,—I beg to suggest that if any disappointed private individual appeals against the decision of the Collector to the Commissioner, and after the Commissioner has decided it against him, he wishes to prefer an appeal to Government for final orders, the time taken up in all these proceedings should be excluded from the period of one year's limitation, and the limitation should be calculated from the passing of the final order of Government. If that is done I do not think there would be much opposition to this measure. I think if one year's period is given in the manner I have suggested it would be sufficient. I may say that I do not pronounce this as my final opinion, because I am afraid in some cases even a limitation of two years may not be sufficient. But certainly it is but fair and just to the parties that the period of the disposal of the appeals should be excluded from the period of limitation. Subject to that small modification I think I cannot object to this Bill.

The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR said.—Your Excellency,—This Bill was published in the *Government Gazette* on the 23rd January, and taking into consideration the interest involved I really think the period that has intervened between the publication of the Bill in the Gazette and its first reading is very short. The object of the enactment seems to be to validate an act which would or might perhaps be declared invalid and *ultra vires* in a Civil Court; and the validation of the act takes place in consequence of the lapse of time, just as what happens under section 28 of the Limitation Act. But this proposed Act does not take notice of the fact as to whether the Collector's order is

right on facts or on merits, but it simply gives finality to the order of the Collector directly one year passes. This involves a discussion on an important principle of law. The limitation period varies in different kinds of suits, and this point has to be considered in the light of the various rulings given by the superior Courts. For instance, in suits of possession where you have got to set aside certain deeds a short limitation period is prescribed for the cancellation of the deed, and in such cases the Court is always at pains to see whether a shorter period of limitation may or may not be allowed. I do really think that in a case in which Government is a party it should always be left open to Courts constituted by law to determine whether the rights claimed by Government are rightly claimed or not in attempting to curtail the period of limitation in cases between themselves and private individuals. I should think, however, that a provision of this kind had better be deferred until the recasting of the whole Land-Revenue Code is completed, as seems to be contemplated according to the Honourable Mr. PRATT's recent report on the Record-of-Rights Act. Indeed when the whole enactment is presented before the Council in a modified or a new form for its acceptance we will be in a better position to devote our attention to this subject. It seems to me that if you take up a piece from a legislation which already exists and which is undergoing a change, it becomes extremely difficult to make it fit in with the other provisions of the Act. Of course, there is one point which can be urged in support of this Bill, and that is urgency. If any urgency had been made out and this Council had been assured that unless this Bill is passed just now before the contemplated new Land-Revenue Code can be brought forward, perhaps the Council would have been in a position to judge of it. I object to this kind of piecemeal legislation. From the official point of view it may be desirable to amend this section just now; but it is equally important in the interests of the public that all the other reforms should also be taken in hand side by side with this measure, unless it can be proved that this particular reform is so urgently needed as to take precedence over every other reform. But that has not been done.

There is one small point that has been alluded to by the Honourable Mr. PAREKH and that is about the giving of notice. I find that there is a provision here for a due notice of such order, but I think there should also be a provision for notifying to the party the date of the Collector's and Government's final order. This is very necessary. As the Honourable Sardár Dávar MODI pointed out the period of time intervening between the date of the Collector's order and the final order of Government should be deducted from the period of limitation, and the one year should be calculated after the date of the final order of Government, for experience shows that in these matters much time is wasted in official correspondence. This point virtually came before the Madras High Court in reference to the question as to what should be the "date of decision" for the purposes of limitation when the date is communicated to the parties, and the High Court held that the date was not the date of the order but the date when the order was communicated to the parties concerned. (Indian Law Reports, Madras Series, Vol. XXXIV, Part IV, pp. 154-155.) In that case the Judges in the course of their judgment say: "There is some difficulty in the matter, but on the whole we think we ought to follow the authorities to which we have referred which hold that the date of a decision is the date of its communication to the parties. A decision cannot properly be said to be passed until it is in some way pronounced or published under such circumstances that the parties affected by it have a reasonable opportunity of knowing

what it contains. Till then, though it may be written out, signed and dated, it is nothing but the decision which the officer intends to pass. It is not passed so long as it is open to him to tear up what he has written and write something else. We do not say that in all cases the decision under section 24 of the Act (IV of 1897) is passed on the day on which the information by that section reaches the party to whom it has to be given. There seems to be nothing to prevent the survey officer from giving parties sufficient notice of the day on which he will pass his decision, to enable them, if they choose, to be present and hear it, and if that is done limitation would run from that day if the decision is announced on that day. That is the date of communication though the parties may not care to listen." I venture to submit that the whole point turns on the words "date of the order", which require careful consideration. It is not merely a verbal change, but it is to be found in many other provisions. It has apparently crept into the Act almost unperceived. I appeal to the Council to take into consideration the reasons of the Madras High Court for holding that it was not the date of the decision of the Collector but the date of the communication of the order that should be taken as the starting point for calculating the period of limitation.

I do not know whether this Act empowers the Collector to hold inquiries as under the Watan Act as it ought to do, nor do I know the manner in which the Collector is to arrive at his decision, and whether an opportunity is to be given to the parties concerned to bring evidence. The words "due notice" conveys a vague idea. It may be the first stage when the Collector wants the party to place his case before him, but I do not think that is ample notice for going on with the case.

Your Excellency, as I have already pointed out the object of this Bill is to validate what is invalid and *ultra vires*. I ask the Council to remember that there is a legal maxim that what is in the inception wrong cannot be validated by an exception, and I submit that this provision in the Act is not a wholesome one. Under these circumstances I am compelled to withhold my approval to this Bill.

The Honourable Mr. F. G. PRATT said :—Your Excellency,—I would like to bring to the knowledge of the Council the fact that the legislation embodied in this Bill is of very great importance from the point of view of the interests of the public itself—the residents in large villages and the residents in municipal areas, which after all will be mostly affected if this legislation takes effect. I don't think it is generally realised by members of this Council or the public at large how great are the difficulties under which municipalities now labour in their efforts to protect public property from unjustifiable encroachment. It is difficult to take the municipal question apart from the other question, but I will attempt to do so as far as possible. Former speakers have referred to the question in relation to those municipal areas, to which city surveys have been applied, but even apart from all municipalities, even in the case of big villages nothing is more common than this question of encroachment by people pushing forward door steps, obstructing the streets, and interfering with the rights of the public in this way. Well, when an inquiry officer deals with the land of a big village or a municipal area, he passes certain orders, all of which affect, to a certain extent, the rights of private owners, but in the case of private owners, where the property is that of a private owner, that private owner is preserved for ever in his occupancy of this land. We propose now to give the same security to the public in the open spaces and public streets, in which

they have such a great interest in the big villages and growing towns. That property is of very great importance to the public and is constantly being encroached upon and trespassed upon and will be protected if some sort of limitation of time is set up in which a person will have to establish his claim.

I may cite an instance of what is happening in the Ahmedabad Municipality, That municipal area was subjected to a city survey 20 or 25 years ago, and the persons whose property was surveyed at that time had their holdings entered on the map and were given certificates recognising proprietorship, thereby relieving them from all possibility of disputes in the future. Certain sites were recognised as open spaces and were put on the map as being public and not private property. Ever since then the municipality is constantly being harassed, year after year, by the difficulty of dealing with encroachments on those public spaces. Year by year claims were sent up by people who should have put them forward at the time when the first inquiry was made. They did not do so, and when these spaces had been mapped as public property claims were constantly being brought forward by the private persons. They produced evidence in some instances documentary—and in other cases they dug up the ground and produced old foundations which might have been put in skilfully a week before, or might have been 20 or 15 years old The municipality has great difficulty in dealing with such questions. Then as regards the question of urgency. Well, certain municipalities have represented their difficulties are so great and pressing that they are very anxious to reap the benefits of the city survey so that they may be relieved from the constant harassing of this encroachment and trespassing on property in which they are interested in safeguarding the rights of the public.

The Honourable Sardár Ráo Bahádur MOTILAL CHUNILAL said:—Your Excellency,—The sum total of the objections raised by the Honourable Mr. BELVI and the Honourable Sardár Dávar MODI is that in many cases parties do not know the dates on which final orders have been passed; and if the period of limitation were to be counted from the date of the order passed by the Collector, then the time taken up in preferring appeals to the Commissioner and finally to Government would be so long as might in some cases overlap the period of limitation now proposed. I think, Your Excellency, these are points which ought to be considered in the Select Committee. We are now reading the Bill for the first time, and it is the usual practice on such occasions for non-official and other members to express their views on the principle of the Bill. Of course, there is some force in the arguments advanced before the Council, and they will be considered by the Select Committee. I have an experience of the working of the Revenue Department for over twenty years, and I know from personal experience that people try by hook or by crook to prolong matters which have been several times decided until they get a favourable opportunity of filing a suit in the Civil Court This should not be allowed. The only question before the Council is as to the date from which the period of limitation should be counted, and in regard to this there is a considerable force in the arguments of the previous speakers that it should commence from the final decision on appeal. With these remarks I beg to support the Bill.

The Honourable Mr. G. S. CURTIS said:—Your Excellency,—I hardly dare, as a junior member of this Council, to criticise its procedure, but it seems to me that this elaborate full dress debate on the first reading of a Bill is opposed to Parliamentary practice and is a waste of time. It is only reasonable to presume that a measure coming before this Council with the prestige of Government behind it is at least worthy of

pre minary discussion. I would remind honourable members that Bills which come before this Council have often been under the consideration of Government for three or four years, and they at least might pay us the compliment of knowing more or less what a Bill means in its present form. If there is any detail to which they object they will gain nothing by discussing that in the early stage. It can be raised in Select Committee and if again the Bill emerges from Committee without that point having been remedied, there will still be opportunities for discussion when the Bill comes up for consideration clause by clause after the second reading. With regard to the merits of the Bill in question, if there was anything which would convince the ordinary man in the street of the necessity of the Bill, I should think it is the speech of the Honourable Mr. KARANDIKAR. The matter dealt with by this Bill is one, which may come before a Collector a dozen times a day. If in giving an ordinary order he has to refer to a case in Madras and a case in Bombay before he can pass it, it will be impossible for him to get through his work. Mr. KARANDIKAR is a lawyer, and it seems to me that the burden of his regret was that this amendment of the Act would secure finality. I can assure him that to secure finality *is* the object of this Bill. It will be to the advantage of everybody—the Collector and the public—to have finality. I have seen a Collector passing orders on the same case time after time over a period of ten years. It is a waste of time, a waste of paper. Under the new system which it is desired to introduce any person who thinks that the Collector's order is unacceptable can proceed at once to refer the question to a civil court. I am prepared to accept my friend, the Honourable Mr. BELVI'S argument that Government has all the advantages in men and money and in the other respects which he mentioned. Those resources, however, are not by any means diminished, whether the suit is brought twelve years after it first arose or twenty or fifty years. Government's resources in men and money do not change very much. It is essential that there should be finality in these matters. I should like to add my testimony to that of the Honourable Mr. PRATT as to how essential that measure is to municipalities. The evil which is sought to remove has stood in the way of many sanitary measures and in certain cases has rendered them absolutely impossible. I ask that the first reading of the Bill be proceeded with, and that its consideration by Select Committee be taken in hand as soon as possible.

The Honourable Sir IBRAHIM RAHIMTOOLA said:—Your Excellency,—I wish the Honourable Mr. CURTIS had not thought fit to make the remarks he did, namely, that the time spent in discussing a bill at its first reading is wasted. I am sorry to see that the procedure that has been accepted by this Council is taken exception to by the Honourable Mr. CURTIS. He himself states that Government take three or four years to mature their proposals before they are brought forward, and yet he resents that non-official members, who have only three or four weeks to consider these measures, should take up half an hour or an hour in discussing them. I must inform the Honourable Mr. CURTIS what procedure has been laid down in the rules for bringing forward private and Government Bills. The rules of the Council recognise that the proposals emanating from Government are on a higher footing than the proposals emanating from private members. In the case of Government a mere publication in the *Government Gazette* is sufficient for the introduction of a bill, which is afterwards brought forward in the Council for first reading. In the case of a private bill, the member in charge of it has to come here and formally ask for permission to introduce the Bill. Again in the case of a private Bill

there are five stages; in that of a Government measure only three stages. Yesterday, the Honourable Mr. HARCHANDRAI speaking on the Medical Registration Act said that when the first reading of a Bill is passed we ought to hesitate, unless some new matter is introduced, to reject a measure at the second reading. If that line of reasoning is to be accepted, then a member has only to introduce a fresh matter at the second reading to get the Bill either accepted or rejected. That is not so. The reason why a discussion is invited at the first reading of a bill is that the members may express their views on it, so that the members of the Select Committee, who are to be appointed and whose names are not known beforehand except perhaps in Government circle, may take those views into consideration at their meetings afterwards and amend the measure in the light of those views before placing it before the Council for second reading. To my mind the time that is taken in discussion at the first reading is not wasted, as the discussion secures a valuable purpose.

The Honourable Ráo Bahádur SHRINIWAS K RODDA said:—Your Excellency,—On principle I accept the Bill. It appears to me that this is a necessary measure to give finality to the inquiries instituted by the City Survey Officer to determine the claims to land and other property as between Government and private individuals. This Bill is necessary even in the interests of the public themselves. There is not a single village which I have visited during the last thirty-five years, where I have not found Government land being encroached upon by private individuals. This encroachment extends even to public roads with the result that they are gradually becoming narrow and the sanitation of the village suffers. In some places even the land lined with boundary marks are appropriated, and in others the passages leading from one field to another are so encroached upon as to wipe them out of existence, in the course of time causing a great deal of friction among the villagers. Once when I missed a road which existed previously I asked the kulkarni where it was and he said coolly that by a special order of Government the road had been converted to agricultural purposes. I am convinced that some sort of finality is absolutely required. With that object in view I put a question in this Council some time ago whether it was not possible to extend the provisions of the Land-Revenue Code to the municipal areas also. It has been said that the curtailment of the period of limitation would entail hardship on the ryots in view of the fact that they have to fight against the formidable resources of Government. In my opinion the short period of limitation is in the interest of the ryots themselves. We cannot wait for an unduly long time in matters like this, for these long delays retard necessary progress. Much has been made of the date of notice and the time at the disposal of the ryots to file a suit in the Civil Court. But to this my reply is that the ryot will have ample time for preparation inasmuch as in the very beginning of the dispute he will know how to act in the event of his appeals being rejected. There are other matters arising from the Bill and I think they might well be left to the Select Committee to deal with. With these remarks I beg to support the first reading of the Bill.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD said:—Your Excellency,—The principal object of the Bill is to reduce the ordinary period of limitation as prescribed in the Indian Limitation Act. I agree with the previous speakers that unless strong reasons exist the ordinary period of limitation should not be lightly tampered with. For, as is generally the case, the ryot will take a very long time to know that the ordinary period of limitation has been reduced. The present Bill proposes to reduce the period to one year.

In many cases this period will be found to be too short. For a large portion of time is taken up in the necessary operations of obtaining copies of the orders. I have known of cases in which something like 8 months were taken in obtaining such copies, and if the period of limitation is fixed at one year there would be very little time left for the suitor to institute proceedings in the Civil Court. Then there are other considerations which require to be kept in view. A ryot is ordinarily handicapped in point of resources. In years of bad harvest his resources are certainly very slender, and during these years at any rate it should be made possible for him to get some more time for instituting legal proceedings. I submit this measure will work very harshly in great many cases. I therefore oppose the first reading of the Bill.

The Honourable Mr. HARCHANDRAI VISHINDAS said:—Your Excellency,—Whilst endorsing a good deal of what has fallen from the Honourable Sir IBRAHIM with regard to the question of procedure I cannot help thinking that the inordinate length of the discussion might with advantage have been curtailed. I dare say it is certainly open to Honourable Members to have a full and free debate on the principles of the Bill at the first reading. The limitation I would wish to put is that the discussion should not be allowed to drift to the consideration of the different provisions of a Bill, as has been allowed today. From what I have been able to hear what the Honourable Members have said I have not heard a single suggestion as to the principle of the Bill before the Council. On the contrary, if I have understood rightly, the necessity for the introduction of this Bill has been recognized, and it is perfectly clear from the wording of section 38 of the present Land-Revenue Code and the Statement of Objects and Reasons that the presen state of things is very undesirable. In the first place, I have heard members say at this table that the people should be allowed more breathing time to consider whether such legislation should be introduced or not, and, secondly, that the period of limitation is too short. As to the latter point, I think the proper course is to leave it to the Select Committee, and if the decision of the Select Committee does not meet with the approval of the Honourable Members, it is perfectly open to them to come forward at the second reading of the Bill and propose amendments. Under rule 33 at the first reading of a Bill only its general principles may be discussed.

The Honourable Moulvie RAFIUDDIN AHMAD:—Your Excellency,—I rise to a point of order. Is the Honourable Member in order in launching into this discussion?

His Excellency the PRESIDENT:—Mr. HARCHANDRAI, you are going quite off the rails. The motion is to read the Bill a first time, and there can be no discussion as to what should or should not be done at the first reading of a Bill. I hope you will confine your remarks to supporting or opposing the first reading of the Bill.

The Honourable Mr. HARCHANDRAI said:—I am supporting the first reading of the Bill. I only wish to point out that the discussion has drifted into a kind of amendment on the Bill, though there is really no notice of an amendment formulated in accordance with rule 33 (2). I submit, Your Excellency, that in view of this rule 33, unless there was a notice of amendment this discussion need not have taken place and the time of the Council might have been saved. I support the first reading of the Bill.

The Honourable Mr. W. L. GRAHAM said:—Your Excellency,—There is one point I should like to draw attention to and that is the fixed period of one year. The Honourable Mr. BELVI said one year was too short and cast too great a hardship on the private

owner. I am inclined to agree with him. An owner might be in Europe, or on a pilgrimage, and I bring the matter forward so that it can receive consideration from the Select Committee.

The Honourable Sir RICHARD A. LAMB said :—Your Excellency,—The debate does not seem to have brought forward any objection in principle to this Bill. The only points raised are really as to the details, and the only point which has at all approached the question of principle is that raised by the Honourable Mr. KARANDIKAR as to whether the whole thing should not be deferred until the complete revision of the Land-Revenue Code is taken in hand. That is a matter of principle which is open to discussion, but whether that suggestion will commend itself to the Council appears to me very doubtful. It is open to the Honourable Member to argue, in dealing with legislation of this character, that it is better to deal with the whole subject at one time ; but I would ask this Council to consider whether when, as in this case, we find it impossible to deal with the whole question at once, it is not advisable to make such progress as we are able to in regard to one integral part of this important question. This is a matter of urgency, and it is a fact that city surveys are being pressed for more and more by municipalities, and the holders and owners of land in the municipalities. We have had to hold back the assistance we should like to give municipalities because of the inadequate and inefficient state of the law, and we now want to go ahead with it. There are several proposals and requests from municipalities asking for surveys, and wherever there is a real demand on the part of the public, it is in the interests of the public that action should be taken. We are anxious for the purpose of making these surveys thorough and definite to put the law into an efficient state.

That is the only question as regards the principle. The other points are really questions of detail. The most important seems to be as regards the period. It is regarded as too short because much time is regarded as being necessary to get materials together, or because the matter may be referred to the Commissioner, or because the man may be away from home. As regards the collecting of materials, I think that certainly during the period of the inquiry under the city survey a man has to produce all the materials he has at hand and the further period of one year should be sufficient to enable him to get together any further material which he requires. As regards appeals to the Commissioner and Government, I am somewhat surprised to hear the Honourable Mr. BELVI and the Honourable Mr. PAREKH insisting on this point, because they must be well aware that a party is at liberty to make an appeal to the Commissioner, or to Government, within a year, and that he is not debarred by the Bombay Revenue Jurisdiction Act simply because the Government did not dispose of the appeal in time. That is to say, if he appeals against the Commissioner and receives no reply from Government in that time, he is still at liberty to proceed with his suit, even if he receives no reply, provided his appeal has been lodged within the specified time.

There is something in the possibility of the time being too short if the year is a bad one, or again, as the Honourable Mr. GRAHAM suggested, if the man happens to be away on business or for any other cause, and it certainly is a point for the Select Committee to consider whether the period of one year should be maintained or altered. It is a matter which can be amply considered by the Select Committee, and it is for them to consider whether the provision is sufficient, and if any member not on the Select Committee finds the Bill still makes inadequate provision, it is open to him to bring forward an amend-

ment when the Bill is brought forward clause by clause. Therefore, I see no reason why the Bill should not go through its first reading. I cannot agree that the Bill will increase litigation One of its objects is to remove the misconception or litigation which at present arises. It is for the purpose of shortening the litigation and preventing it from arising that we desire to shorten the period and bring it to a conclusion before a long lapse of time has passed. I do not find there is any other point which calls for notice in supporting the motion that the Bill be read a first time.

Bill read a first time

The Bill was then read a first time.

Bill referred to a Select Committee.

The Honourable Sir RICHARD A. LAMB said :—I have the honour to move that the Bill, having been read a first time, should be referred to a Select Committee consisting of the Honourable Mr. MOTILAL CHUNILAL, the Honourable Mr. GARUD, the Honourable Ráo Bahádur RODDA, the Honourable Mr. PRATT, the Honourable Mr. CHAUBAL and the Mover, with instructions to report by the 31st of this month.

The motion was put to vote and carried.

BILL No. I OF 1912 (A BILL FURTHER TO AMEND THE BOMBAY DISTRICT MUNICIPAL ACT, 1901)

The Honourable Mr M. B. CHAUBAL moves the first reading of the Bill further to amend the Bombay District Municipal Act, 1901.

The Honourable Mr. M. B. CHAUBAL said :—Your Excellency,—I beg to move that the Bill further to amend the Bombay District Municipal Act, 1901, be read a first time.

This piece of legislation is a necessary corollary of the Bill further to amend the the Bombay Land-Revenue Code, 1879. Property vesting in a municipality under section 50 of the Act includes lands transferred to it by the Secretary of State for India in Council or by gift or otherwise, for local public purposes : and the same uncertainty and liability to lengthy and expensive litigation attaches to these lands as to lands disposed of by the Collector under section 37 of the Land-Revenue Code as judicially interpreted now, and the case of property decided by the Collector in the course of a city survey to belong to a municipality is not protected by any provision of law similar to section 135 of that Code. In both these cases the municipality may at any time become involved in litigation as the result of which the transfer of land by Government or the decision of the Collector in a city survey inquiry is rendered ineffective.

This Bill therefore proposes that when, in the course of a city survey, the Survey Office finds that a specific plot belongs to Government or to the municipality, the Collector should be in a position to make a decision which shall be conclusive if not questioned within one year. In order that no orders should be passed to the prejudice of any person without his knowledge, the Bill provides that due notice of the inquiry by the Collector should previously have been given to the parties interested. The question of municipal ownership of land being foreign to the context of section 37 of the Land-Revenue Code, it was considered that a provision by legislation in respect of such land would be more appropriately placed in Chapter V of the Bombay District Municipal Act dealing with Municipal Property and Fund.

As I have observed, this Bill is a necessary corollary of the Bill which has already been referred to a Select Committee, I mean the Bill further to amend the Bombay Land-Revenue Code. I may be permitted to state to the Council that there is no question involved in this Bill, as in the other Bill, of curtailment of the period of limitation. I think it would be easy for the members to follow the position if I illustrate to them the sort of mischief or evil which it is intended to remedy by this legislation. As I have mentioned, section 50 authorizes Government to transfer some property to a municipality for a local public purpose. In order to do that the Collector first passes an order under section 37 and then hands over the property to the municipality, and the municipality probably in taking it from Government uses it for the public purpose for which it might be wanted, and as legislature stands at present, or rather as the law has been interpreted by the decisions of the High Court, years after the property has been handed over to the municipality, the municipality may be asked to defend a suit brought by somebody claiming the property as his. You will note that section 135 of the Bombay Land-Revenue Code is there and no new principle is involved. Section 37 says: [reads]. This section in the Land-Revenue Code and Article 14 of the Limitation Act of 1877 give one year as the period within which a suit has to be instituted to set aside the order of the Collector or the revenue officer.

Now, the difficulty starts in this way. Supposing there is land which is entered in the register as unassessed Government land and the Collecter decides that this is the land which we can well afford to transfer to the municipality for a local purpose. After the transfer a person turns up and prays for the possession of the land. The interpretation which the High Court puts upon it is that it is when his possession is taken away that he is given a cause of action and if he brings a suit within twelve years after the date of losing his possession the claim is within time and if the property belongs to him the Collector has no jurisdiction to pass an order under section 37 of the Land-Revenue Code. The result of this is that the property cannot be properly or validly disposed of for a public purpose for which the municipality wants for twelve years. The question is—Is it desirable to leave the matter in such a hazy condition for twelve years? Therefore the real object of the present legislation is that directly a question of this sort arises the Collector may be authorized to call the claimant by a notice and tell him that he proposes to decide the question under the Land-Revenue Code and that if he has any contentions to put forward in regard to ownership of the property he might do so. Now, if the person knows of the order passed by the Collector, I cannot understand how it could be to the interest of such individual that a period of twelve years should be allowed to him to take legal steps and that everybody concerned should be kept in an unsettled state of mind for an indefinite time. I submit that once he becomes aware of the decision of the Collector it is in the interests of the municipality, the community and the ratepayers that the question should be once for all decided as early as possible, and finality be given to that decision It is quite obvious that if the man, after knowing the order passed by the Collector, wants to contest his decision, he should do so within a certain period of time.

This is the principal object of this piece of legislation. I may state that it may be a question for the Select Committee to consider as to from where you will make the period of limitation run. I have been at the bar for the last twenty-seven years, and I have always thought it unfair that a man should have to file his suit within the term as

prescribed at present. It is quite true that a suit may be launched after the decision of the Collector, but the point is one which I think may well be considered by the Select Committee, because you cannot expect a private individual to take steps and prepare himself for launching into expensive litigation while his matter is still pending before the Collector. If the Collector does not decide a matter for eight or nine months, and only three or four months remain, it is impossible for him—and, it is impossible for 99 men out of a 100—to arrange to take steps in the Civil Court, so long as there was a chance of the matter being decided in his favour without resort to Court. It is only after the Commissioner and Government decide that he can be expected to go to the Civil Court. As it stands, the law gives him little time to make his preparations. Therefore, it may be a question for the Select Committee to consider whether they would make the period run from the date of the first order of the Collector or from the date of the Commissioner's decision. But on the principle of this Bill, as on the principle of the Bill the first reading of which has just been passed, there is no question of cutting down the period of limitation which the ryot has enjoyed, for the limitation is there under the Land-Revenue Code. So far as the District Municipal Bill is concerned I have explained to you the sort of litigation into which the municipality might be launched. It is certainly to be regretted that Honourable Members should have their sympathy with individual ratepayers and not with the general body of ratepayers. The legislation that has been started is in the general interests of the ratepayers, and whatever the municipality does, it does for a public purpose. I should be very sorry to see that when a land is taken by the municipality for a public purpose it should be prevented from carrying out that public purpose on account of the uncertainty of litigation which might last for twelve years or more.

For these reasons I now move that the Bill be read a first time.

The Honourable Ráo Bahádur SHRINIWAS K. RODDA said:—Your Excellency,—The city survey has been undertaken and completed at great cost and all the titles have been very carefully settled after an exhaustive inquiry conducted by a special officer of Government under the City Survey Act. Still very often suits are instituted against the municipality without any valid grounds, involving that body in prolonged and costly litigation, and it has been found desirable to give some sort of finality to the action taken under the Land-Revenue Code, without unnecessarily interfering with the rights of the people. This Bill contemplates that after a city survey is completed, one full year should be given to any person who contested a title to prove his claim within that period. The arrangement seems to me to be very satisfactory, inasmuch as it saves the municipality a lot of legal expenses. I support the first reading of the Bill.

The Council then adjourned for lunch, and on re-assembling the Honourable Sir RICHARD A. LAMB, the Vice-President, occupied the chair in the absence of His Excellency the Governor.

The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR said:—Mr. President,—I rise to support the Bill. I wish to distinguish this Bill from the other. I always make a distinction between the urban and the rural population. The disabilities of the rural population are far greater than those of the urban population; the latter enjoy greater facilities of legal assistance and of first hand information than the former. On receipt of

this Bill I applied to various municipalities for information as to the inconvenience which they feel in the practical working of the Act, because I conceive that there is a vast difference between a Bill that comes for the first time and a Bill which makes an amendment in the existing Act, and because if one amendment is suggested in the existing Act it is possible to suggest other amendments so as to avoid frequent legislation. I find that the District Municipal Act has been amended four times. In reply to my inquiries I am informed that one of the present needs of the municipality is the introduction of a provision enabling the municipalities to recover their dues from those inhabitants who leave the municipal jurisdiction to avoid payment of taxes. This was the complaint of the Superintendent of Mahábleshvar and other municipalities. I do not know whether an enabling enactment of this kind can be embodied in this amending Bill. Whatever that may be, I fully sympathise with the spirit of this Bill and support it.

The Honourable Sardár PURUSHOTTAMDAS VIHARIDAS DESAI said:—Mr. President,—I support the Bill. From my experience as a Municipal President I can say that municipalities are placed at a great disadvantage when suits contemplated in the Bill are filed against them, owing to the difficulty of obtaining documentary proofs and other evidence necessary to disprove the claims of the suitors. The twelve years' period of limitation in cases of this kind handicap municipalities in the execution of works of public convenience and for this reason they have very often to postpone useful undertakings. The fear of litigation and heavy costs attendant thereon have deterred the Municipality of Nadiád from undertaking a survey, while for the same reason the Ahmedabad Municipality has not attempted another survey, although thirty years have elapsed since the last survey.

The Honourable Sardár MOTILAL CHUNILAL said:—Mr. President,—The Honourable Mr. CHAUBAL in introducing the Bill in a lucid and lengthy speech explained its object and there is scarcely anything for me to add to what he has said. There is no doubt that at present, owing to the absence of one year's limitation, litigation has considerably increased and there is a tendency not to accept the Collector's decisions. My experience as Municipal President is similar to that of the Honourable Sardár DESAI. The Bill is a very simple one and scarcely calls for anything in the shape of comment or remark. Perhaps it may occur to some members, as it has occurred to me, that it would be much better to add in the Bill that the period of limitation shall run from the date of the decision of the final appeal. I hope the Select Committee will take this point into consideration.

The Honourable the JÁGHIRDÁR of ICHALKARANJI said:—Mr. President,—During today's discussion one thing has struck me very forcibly that though this and the other Bill, the first reading of which has just been carried, are sister Bills, yet one provoked a storm of opposition while there seems to be no opposition to the other. I quite see some difference in that in the case of the Land-Revenue Code Bill the Collector is acting for Government and in the case of the present one for the municipality. It seems to me that members look at measures from points of view which are influenced by feelings predominating within them. Here are members, representing municipalities and local boards, and they welcome this Bill because it confers benefits on those bodies. I think the points of view alter the case. But that ought not to be so in public life. If the

other Bill is to be looked from the other point of view the remarks made by official members would be quite pertinent, namely, that we are guarding the interests of the public as against individuals. And so is the case here. The sympathy ought really to be on the side of Government and not on the side of the people who are making encroachments. Another thing is that in all these matters the ruling fear seems to be that power in the hands of the executive is apt to be abused. There have been occasions when the power has been abused, but that is no reason why we should treat Government officers with distrust, as we habitually do. This measure, in my opinion, is likely to benefit the people, and I beg to support it.

The Honourable Mr. M. B. CHAUBAL in reply said :—Mr. President,—The Honourable Members who have addressed the Council on the subject of this Bill seem to approve of its provisions, and there is hardly anything to reply to the speeches made by Honourable Members except that I may perhaps notice the point to which the Honourable Mr. KARANDIKAR referred. Bills relating to certain Acts are as it were subject to progressive amendments. If the Honourable Member looks to the City of Bombay Municipal Act, he will find that it has been subjected to so many amendments at different times, a thing which it was impossible to avoid. Representations are made to Government as difficulties are found in the working of the Act, and at a convenient time Government take up such proposals as are ready and introduce legislation regarding them. I may inform my honourable friend that there are several other amendments suggested in the District Municipal Act which are under consideration, but when there is a measure of urgency you cannot wait until all are ready. I do not think that the Honourable Member himself would propose to wait indefinitely. It would be readily seen that the object of taking this one out of the other amendments was because it was very natural that the amendment in this particular respect and the amendment in the Land-Revenue Code being on the same subject should come before the Council at the same time.

Bill read a first time

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

Bill referred to a Select Committee.

The Honourable Mr. CHAUBAL :—Mr. President,—As this Bill and the Land-Revenue Code Amendment Bill are closely connected—and as one Honourable Member remarked they are sister Bills—I propose that this Bill be referred to the same Select Committee as will consider the Bill for the amendment of the Land-Revenue Code with instructions to report within the same time.

The motion was put and agreed to.

BILL NO III OF 1912 (A BILL TO AMEND THE SOCIETIES REGISTRATION ACT, 1860)

The Honourable the VICE-PRESIDENT said :—The report of the Select Committee on the Bill to amend the Societies Registration Act, having been received, it will now be taken for second reading.

The Honourable Mr. M. B. CHAUBAL said :—Mr. President,—I now move for the second reading of the Bill to amend the Societies Registration Act, 1860. The Bill was considered by the members of the Select Committee and the only suggestion they made was accepted and embodied in the Bill as you will see from the last two lines at the end of the Bill. The words at the end of the clause "to be utilized for any of the purposes referred to in section 1 of the said Act" have been added. The Act as it stands provides for a society dissolved transferring its property to another society. That other society must necessarily be a society registered under the Act and therefore bound to carry out the original object and purpose for which the property was given to that society. As Government is not a society, and as it was considered desirable that when an occasion arose the society should have the power to transfer its property to Government after satisfying its debts and liabilities and Government should be similarly bound to utilize those funds for the same purpose for which any other society, had it been transferred to it, would have been bound to use it would never be expected that Government would utilize it for any other purpose. But the object is made clear and the Select Committee have adopted the suggestion, and in accordance with their suggestion these words have been added at the end of the clause. So the effect of it will be that if after the satisfaction of its debts and liabilities a society transfers its property to Government, then Government will be bound to utilize that property for the same purpose for which any society registered under the Act could have used it. For these reasons I beg to move that this Bill be read a second time.

The Honourable Mr. M. B. CHAUBAL moves the second reading of the Bill to amend the Societies Registration Act.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD said :—Mr. President,—The recommendation of the Select Committee before us is that the words "to be utilized for any of the purposes referred to in section 1 of the said Act" be added to section 1 of the Act. This section among other things says that the funds of the society may be utilized for literary and scientific purposes and for such other purposes as may be mentioned in the memorandum of association. Now, from the remarks addressed to us by the Honourable Mover it appears that the funds would perhaps be ear-marked for the purposes for which the society was in existence and that they would not be diverted to literary, scientific or other objects. From the wording of the recommendations of the Select Committee it appears that the funds may be allotted to any of the purposes mentioned in section 1 of the Societies Registration Act, which, as I submitted, include literary, scientific and other objects as well. I hope this will be made clear before the motion for the second reading of the Bill is put before the Council.

The Honourable Mr. CHIMANLAL H. SETALVAD said :—Mr. President,—I do not quite understand what my Honourable friend Mr GARUD wants. I tried to follow him, but I confess I have not fully realized what he wants If his objection is that Government should not have power to utilize the funds for any purpose other than literary or scientific purpose, that is secured by the Select Committee. If I know Mr. GARUD's objection I could meet it.

The Honourable the VICE-PRESIDENT :—The Honourable Mr. GARUD may explain what he means. I am in the same position as the Honourable Mr. SETALVAD.

The Honourable Mr. SETALVAD said :—I have not grasped the objection.

The Honourable the VICE-PRESIDENT:—It would not be exactly in order for a member to speak a second time. I am exactly in the same position as the Honourable Mr. SETALVAD. The Honourable Mr. GARUD may speak a second time.

The Honourable Mr. GARUD said:—Mr. President,—With your permission I will say that the recommendation of the Select Committee is that the funds be utilized for any of the purposes referred to in section 1 of the Act. Section 1 includes literary, scientific and other purposes and also purposes mentioned in the memorandum of association of that particular association or body. According to the remarks addressed to us by the Honourable Mover of the Bill, funds will be ear-marked for the purpose for which that institution came into existence.

The Honourable Mr. M. B. CHAUBAL:—I do not see there is any difficulty in the case. It would have been perhaps in the ordinary course of things to utilize the funds for any of the purposes stated in the preamble. The preamble makes the condition of the society legal. Section 1 says: [Reads.] Section 14, which it is sought to amend by the present Bill, provides that when a society registered under this Act like the Society for the Promotion of Education in Gujarát is dissolved under section 13 and after the satisfaction of its debts and liabilities transfers its funds under section 14, it could only transfer it to another society. For the satisfaction of the Honourable Mr. GARUD'S difficulty I may assume that a literary society, which has got a fund of Rs. 10,000, can under the Act, as it stands, transfer it to a scientific society. There is nothing in the Act, as it stands, to prevent it. Under the Act, as it stands, it would be quite legal for the Society for the Promotion of Education in Gujarát to transfer its fund or property to another society which was constituted for any of the other purposes mentioned and recognized by this Act. However, there is nothing new in the words which we have introduced. What we do is that we bind Government to utilize the property for the same purpose for which any other society would have been able to use that property if it had been transferred to it instead of to Government. As the Act stands I do not see anything in it to prevent a society which has registered itself as a literary society to transfer its funds to a scientific society.

Bill read a second time

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

Discussion in detail.

The Bill was then put to the Council clause by clause and agreed to.

Bill read a third time and passed.

The Honourable Mr. CHAUBAL then moved that the Bill be read a third time and passed into law.

The motion was put to vote and carried.

BILL No. VII OF 1911 (A BILL FURTHER TO AMEND THE KHOTI SETTLEMENT ACT, 1880).

The Honourable Sir RICHARD A. LAMB said:—The next item on the agenda is the Bill to amend the Khoti Settlement Act—second reading. In moving the second reading of the Bill I have very little to say. The principle of the Bill was accepted by this Council at the first reading, and the Select Committee has not found necessary or advisable any modification in

The Honourable Sir RICHARD A. LAMB moves the second reading of the Bill to amend the Khoti Settlement Act, 1880

the terms in which effect is given to that principle. The Bill affects only the Ratnágiri District of the Southern Division and the representatives and the Commissioner of that Division, of whom the Select Committee was composed, together with the Honourable Mr. CHAUBAL and myself, consider that neither from the administrative, nor from the legally standpoint is there any cause for adding to or subtracting from the provisions of the Bill. I move that it be read a second time.

The Honourable the JA'GHIRDA'R of ICHALKARANJI said :—Mr. President,—In supporting the motion before the Council I beg leave to make one observation. It may have been noticed that whenever legislation has been undertaken affecting the interests of landlords and tenants the tendency generally has been to side with the tenants. But this measure, like a previous one passed five or six years ago, is intended to give relief not to the tenants but to the landlords. In doing this Government is only trying to do an act of justice to the Khots, and I, therefore, support the second reading of the Bill.

Bill read a second time, considered in detail, and passed a third time.

The Bill was then read a second time, and was considered clause by clause, and read a third time and passed.

The Honourable the VICE-PRESIDENT said :—The next item on the agenda is a Bill to amend the Bombay District Police Act, 1890—Second Reading.

BILL No. VIII OF 1911 (A BILL FURTHER TO AMEND THE BOMBAY DISTRICT POLICE ACT, 1890).

The Honourable Mr. M. B. CHAUBAL moves the second reading of the Bill further to amend the Bombay District Police Act, 1890.

The Honourable Mr. M. B. CHAUBAL said :—Mr. PRESIDENT,—I beg to move that the Bill further to amend the Bombay District Police Act of 1890 be now read a second time as amended in Select Committee. As I explained at the first reading, the Bill deals only with a few petty details of police administration, and though the Select Committee may seem to have cut it about a good deal, there has been no actual addition to the original proposals, the changes being merely improvements of arrangement and drafting.

Clauses 1, 2, 3 and 4 remain as in the original Bill. From clause 5 the Select Committee propose to omit the assertion of the rather obvious fact that a special police officer, or special constable as he is generally called, is not ordinarily entitled to remuneration for his services as such. The words were originally inserted in the Bill with the idea of preventing claims for remuneration being made; but as no difficulty has arisen in the past, Government have no objection to their omission.

It is in clause 6 that the Select Committee propose most change, reproducing it in new clauses 6, 7 and 8. The objects of the original clause 6 were twofold: first, to supplement the provisions for the proper regulations of street traffic, and second, to give power to make rules for the public safety and convenience at places of amusement. With regard to the first of these objects, the Select Committee consider that instead of leaving it to the Magistrate of each district to make further rules for the regulation of street traffic, it is better to recast the existing "rule of the road" as it appears in section 61 of the Act. This they have done in clause 7, which now seems to provide for all contingencies in the regulation of street traffic.

With regard to places of public amusement, new section 39A, as originally drafted, has been amplified so as to include provisions of existing section 39 (*i*) (*m*), the latter sub-clause being repealed in order that there may be no overlapping and that all the provisions for police regulations at places of public amusement may appear in one section.

I see that the Honourable Mr. KARANDIKAR has, in a separate minute attached to the Select Committee's report, proposed an addition—it cannot possibly be called an amendment—to the Bill to the effect that no prosecution for any offence under the District Police Act shall be commenced more than six months after the commission of the offence. This recommendation was not accepted by the Select Committee and it certainly cannot be accepted by Government. It has nothing whatever to do with the objects and reasons of the present Bill, and the only argument put forward by the Honourable Member in its favour is that "The time limit in prosecutions . . . . is salutary in its results." This is certainly true from the point of view of the criminal, but I doubt whether it is equally true from the point of view of the law-abiding public. In any case I may say that Government strongly oppose the recommendation both as unnecessary and as not connected in any way with the object of the present Bill.

I beg to move that the Bill as amended in Select Committee be now read a second time.

The Honourable Mr. C. H. SETALVAD:—Mr. President,—I beg to point out that the Select Committee in re-drafting clause 6 have used language which really goes beyond the scope of the original intention of the Bill and brings in matter which I do not think the original mover of the Bill could have intended. If you look at the original clause 6 as contained in the original Bill, sub-clause (*b*), which is now proposed by the Select Committee to be taken away, runs thus. [Reads.] It will be seen that the whole object was to regulate the traffic with regard to places of public amusement and entertainment like theatres, and that is exactly what the honourable mover says was the object. Now, if you turn to the amended section—section 39A—as proposed by the Select Committee, it is this. [Reads.] The wording of this section will include, for instance, a public hall where public meetings are held, and it would render it necessary under this clause for the public to have a license for a public hall and the police will have the right of going into such a place where a public meeting is held to see to "the decent and orderly conduct of the proceedings therein." I do not think it was ever intended to enforce a license with regard to a public hall where public meetings are held from time to time. The words "place of assembly" and "the decent and orderly conduct of the proceedings therein" in the section are wide enough to include a public hall, owned by the people of any town, and under this provision it would be necessary for them as I have pointed out to take out a license and the police will have the power to enforce the taking out of such license and to regulate decent and orderly conduct of proceedings at a meeting held in such hall. I will now show how the Select Committee fell in to doing it. The proposal was to repeal a part of clause (*m*) of sub-section (1) of section 39 of the Act, namely, the following words: "the entrance and exit of persons at theatres and other places of public amusement or assembly, the decent and orderly conduct of proceedings therein and". Having proposed to repeal these words in section 39 it became necessary for the Select Committee to insert them in the amended clause 6, and in doing so they omitted the

words "theatres and other" which occurred before the words "places of public amusement or assembly." The section as it originally stood and which they want to repeal reads thus. [Reads.] Here the words are "theatres and other places of public amusement or assembly." Read in that way "the places of public assembly" would be construed *ejusdem generis* and would not include public meeting halls, but would be restricted to places of entertainment. There is no objection to the incorporation of those very words in clause 6. It will thus be seen how in drafting clause 6 the words have become wider than it was ever intended.

The Honourable the VICE-PRESIDENT:—The point the Honourable Member has taken appears to be quite a just one. Possibly he may be able to get over the difficulty by certain verbal alterations in section 39A. [*Reads with the necessary verbal alterations.*]

The Honourable Mr. C. H. SETALVAD:—That is naturally what I indicated.

The Honourable Mr. R. P. KARANDIKAR:—Mr. President,—With reference to the suggestion I have made in my minute I do not know whether it would be desirable to introduce the words in the Bill at this stage or when the Council considers the Bill clause by clause.

Bill read a second time and considered in detail.

The motion for the second reading of the bill was put and carried, and the Bill was considered clause by clause.

The Honourable Mr. M. B. CHAUBAL:—Mr. President,—I now beg to move that the Bill further to amend the Bombay District Police Act, 1890, be read a third time and passed into law. In so doing, as under Rule 37 verbal alterations are allowed, I request permission for the insertion in clause 6 after the words "licensing and controlling" of the following words "theatres and other," and in line 19 of the same clause to substitute the word "thereat" in place of the word "thereto," and in clause 7 to delete the comma after the word "street" in line 9.

Bill read a third time and passed.

The permission was granted and the third reading of the Bill was carried.

The Honourable the VICE-PRESIDENT said:—The next item on the agenda is the Bill further to amend the Bombay Civil Courts' Act, 1869—Second Reading.

BILL No. IX OF 1911 (A BILL FURTHER TO AMEND THE BOMBAY CIVIL COURTS ACT, 1869).

The Honourable Mr. M. B. CHAUBAL moves the second reading of the Bill further to amend the Bombay Civil Courts' Act, 1869.

The Honourable Mr. M. B. CHAUBAL said:—Mr. President,—I beg to move that the Bill further to amend the Bombay Civil Courts' Act, 1869, be now read a second time.

The objects of the two clauses of this Bill have been fully set out in the statement of objects and reasons, and were further explained and discussed at the first reading of it in this Council. To refresh the memory of the Council I may add that these two objects are (1) to remove an anomaly in the existing conditions under which Subordinate Judges are appointed, and put the Advocates of a High Court on the same terms as to eligibility for these posts with Bachelors of Laws of the Bombay University and

High Court Pleaders, and (2) to make it possible for District Judges to devote more time for inspection and supervision by transferring certain miscellaneous proceedings from their Courts to the Courts of Subordinate Judges. The High Court was satisfied that these miscellaneous proceedings could be efficiently tried and disposed of by Subordinate Judges, and legislation was necessary to invest them with jurisdiction to do so. The Bill was carefully considered in the Select Committee, and they have reported that they approve of the Bill as it stands, that no alterations were necessary, and they recommend that it may be passed into law.

I therefore beg to move that the Bill be read a second time.

Bill read a second time. Discussion in detail.

The motion was put to vote and carried. The Bill was then put to the Council clause by clause.

The Honourable Mr. CHAUBAL then moved that the Bill be read a third time and passed into law.

Bill read a third time and passed.

The motion was put to vote and carried.

BILL No. IV OF 1912 (A BILL FURTHER TO AMEND THE BOMBAY A'BKA'RI ACT, 1878).

The Honourable Sir RICHARD AMPHLETT LAMB, in moving the first reading of the Bill further to amend the Bombay Abkári Act, said:—

The Honourable Sir RICHARD AMPHLETT LAMB moves the first reading of the Bill further to amend the Bombay Ábkári Act, 1878.

The Bombay Ábkári Act of 1878 has been in force for over 33 years, and during that period has not been subjected to any general revision. It led the way in reforming Abkári legislation in India and it was the model on which the Madras Ábkári Act was framed. While the Presidencies of Bombay, from 1879, and of Madras, from 1886, worked under the improved pattern of statute law relating to ábkári, the greater part of the rest of India remained under the Northern India Excise Act, 1896. The Indian Excise Committee of 1905-06 were directed to examine the question of abkári law, and they submitted a draft Bill based on the Madras Act which, as I have said, itself followed the lines of the Bombay Act. The draft Bill was intended for application to the whole of India except Madras and Bombay; and at the same time a number of amendments in the Bombay Act and a few in the Madras Act were suggested by the Committee. The Government of India, however, decided that the preferable course was for each province to enact its own ábkári law, for which the draft Bill prepared by the Excise Committee could serve as a model. Accordingly the provinces of Bengal, Eastern Bengal and Assam, United Provinces and I think Punjab have enacted Excise Acts framed on that pattern, and a Bill on the same lines is now on the anvil for the Central Provinces. The Bill of which I have now the honour to move the first reading provides the amendments which are required in the Bombay Act. In preparing the Bill, we have had the advantage of being able to refer not only to the suggestions of the Excise Committee for amending our Act and to their draft Bill of an Act intended for general application, but also to the Acts actually passed in the provinces of Northern India and the Bill drafted for the Central Provinces. We have thus found it possible to consider all the latest improvements both in form and in substance which in the last six years have been before the various legislatures, and to compare with one another the different adaptations of the same model which have commended themselves to other

provinces. There were several important points in which our Act stood in need of substantial improvement, a number of points of minor importance in which amendment was desirable, and lastly a good many sections in which the form could advantageously be improved with little or no change in their effect or force. It would have been possible to shorten the Bill by omitting what I may call these formal amendments; but it has been thought decidedly preferable to take the opportunity, which is afforded by the necessity of amending the Act in certain substantial matters, to amend it also in matters of form, so that our Act, which as I have said is the parent of all other Acts now enacted or in course of enactment throughout India, shall not lag behind its children in clearness of phraseology or definiteness of expression. I will first refer briefly to the amendments which are either purely formal or effect changes of substance in regard to minor points only, and will then pass on to clauses which introduce important alterations in our law. Most of the formal and minor amendments are explained in the notes on clauses in the Statement of Objects and Reasons. Such are the definitions of import, export and transport and the sections relating to them, clause 1 (*d*) and clause 3; the definition of exciseable article—clause 1 (*h*) and the consequential amendments in several other clauses; clauses 5 and 14; and clause 10 dealing with duties. The collection in one place of all rule making powers now scattered about in various sections, their more comprehensive specification, and their distribution between Government and the Commissioners is effected by clause 20. Section 34 is amended by clause 19 in the direction of facilitating the recovery of revenue. Clause 36 (*b*) removes a legal doubt. In clause 37 the procedure relating to confiscations is improved. The remaining formal and minor amendments, which are not mentioned in the Statement of Objects and Reasons are for the most part explanatory, such as clauses (16), (19) and (20) which clause 1 (*h*) proposes to add to section 3 of the Act, or consequential on other amendments, or merely verbal. I do not think any question of principle is involved in any of these clauses, and they therefore do not require further notice now; they will of course come under close scrutiny when the Bill reaches the Select Committee to which when the first reading has been passed I shall propose that it be referred.

Of the changes in substance I will take first those that relate to liquor. In regard both to this exciseable article and to intoxicating drugs the Bill proposes, in clause 1 (*c*) and clause 1 (*e*), to enable the Governor in Council to declare in cases of doubt whether any substance is a liquor or an intoxicating drug for the purposes of the Act; and clause 1 (*d*) introduces a definition of foreign liquor. The phrase foreign liquor occurs in several sections of the Act, but is nowhere defined. It has been decided after much discussion to retain the definition of country liquor as liquor produced or manufactured in India, to define foreign liquor as liquor imported into India, and to enable the Governor in Council to remove by notification in the Gazette from the category of country liquor to that of foreign liquor any liquor which though made in the country is of the same nature as imported liquor: for example, beer, and spirits which are caused to resemble imported spirits such as whisky and brandy. For the more effective control of such sophisticated liquors the definition of manufacture has been amended by clause 1 (*g*) so as to include specifically the acts of flavouring and colouring liquor; and the control of foreign liquor is further strengthened by the insertion of a definition of bottling—clause 1 (*h*)—and the inclusion of bottling in amended sections 14 and 43. The exemption from license granted

by section 16 to sale of imported liquor in whole casks is withdrawn by clause 7, and is extended to sales of privately owned foreign liquor on the departure or death of the owner.

The control of denatured spirit is provided for by defining the term—clause 1 (*h*), by repealing the Excise Spirits Act, 1863 (clauses 39 and 42), and by introducing into all relevant sections the term denatured spirit. There is no advantage and some inconvenience in dealing in a separate Act with this particular class of alcoholic liquid.

The Act provides for warehouses in the case of hemp only. They are needed, under the Contract Supply System, for country spirit also. Clause 5 provides for this, and clauses 14 and 20 relegate to rules the detailed provisions regarding hemp drugs which are contained in sections 27B to E.

Next in regard to toddy—clause 1 (*h*), with amendments introduced in section 14 by clause 4 and in section 43 by clause 28, makes it clear that without a license it is an offence to tap a tree for toddy, just as much as actually to draw toddy from the tree; and clauses 11, 12 and 13 clear up legal doubts as to the levying of tree tax, or the person responsible for the tax.

We come now to more general amendments relating to the control of all exciseable articles. Clauses 4 and 28 propose a new section 14A and an addition to section 43. The amendment is of great importance, for it has been held by the High Court that the law does not render the possession of illicit liquor, however small in quantity, an offence, as it is nowhere expressly declared it to be penal. I submit to this Council, that it is necessary to guard against the illicit use of any exciseable article at least as closely as it is necessary to regulate the licit use of it; and it is a manifest defect in our defences against unrecorded consumption if no penalty attaches to the possession of any such article which has been unlawfully made or obtained. Much difficulty has been experienced in dealing with the traffic in liquor owing to this defect in our defences; and I think all who are interested in controlling that traffic should welcome the removal of this defect.

Another defect is that the present law does not give us adequate means of dealing with peccant servants of licensees. The licensee himself can be dealt with for misconduct, but if his employee breaks the law, it is often difficult, or impossible, to deal with him for his breach. It is manifestly necessary, if a proper control of the traffic in exciseable articles is to be maintained, that the agent (the licensee's servant) should be amenable to discipline as well as the principal (the licensee), and clauses 2, 29 and 31 are designed to effect this object, while clause 36 (*f*) affords the licensee some protection in case of his servant's wrong doing.

Of still greater importance than the point last mentioned is clause 26. When the Bombay A'bkári Act was passed, and for many years thereafter, the ábkári establishments were not qualified to take into Court and prosecute before a magistrate the offenders in ábkári cases which they had detected. The reorganisation of the staff was taken in hand while the late Sir John Lewis Jenkins was Commissioner of A'bkári in this Presidency.—I should like to express the universal sorrow and sense of loss with which the news of Sir John Jenkins' death has been received. The A'bkári Department of Bombay in particular owes much to him, and while he was the colleague in Council of His Excellency the Governor, the preparation of this Bill of which I, as Chief Secretary, then had

charge came under his direct cognizance.—The reorganised staff has now been at work for some years, and we are satisfied that the time has come when it should be empowered to deal with its own cases without the intermediary of the Police. The resulting expedition in disposing of ábkári cases will be very great, to the immense advantage of the administration and of the persons whose non-observance of the ábkári law brings their conduct under the restrictive or punitive action of our officers. The relief which the measure will give will be especially appreciated in Bombay. I have had both the Collector of Bombay and the Commissioner of Police complaining of the present procedure and begging that it might be amended without delay; the Collector because he could not get his cases—especially cocaine cases—disposed of without regrettable delay, and the Commissioner, because the time of his men and the space in his lock-ups were taken up by a multitude of what the police may regard as petty cases, important though they are to the A'bkári Department. A further provision towards the prompt disposal of cases is that contained in clause 1 (*b*); and clause 23 is introduced with the object of enabling the higher A'bkári officers, like the Police and Salt Department officers, to deal directly with obstruction in the execution of their duties. At the same time our A'bkári officers should, we think, be empowered, as our Forest officers are under the Indian Forest Act, to compound minor offences, and the necessary enactment is contained in clause 37, new section 55A. Clause 33 renders amenable to magisterial punishment A'bkári officers who fail in their duty; and clause 34 assigns the punishments to which they will be liable for misuse of their powers under clause 26.

Closely connected with these improved arrangements for dealing with ábkári offences are clauses 24 and 35 which amend the law relating to the duties of officers other than those of the A'bkári Department in regard to breaches of the ábkári law; clauses 16 and 18 and 28 to 32 which treat of punishments; clause 16 imposes a liability to interest in case of non-payment of fee or duty due, and clause 18 modifies section 32 which regulates the power of the Collector to deal with an erring licensee; clauses 28 to 32 amend sections 43, 45 and 46, add a new section 45A, and repeal section 47, incorporating it with section 43. There is no perceptible reason why unlawful possession, which at present renders the offender liable to no more than a fine of Rs. 200, should not be subjected to liability to the same maximum punishment as, for example, transporting or removing without authority an exciseable article or similarly drawing toddy from a tree, which at present entail liability to imprisonment for 6 months or a fine of Rs. 1,000 or both. The low punishment of a maximum of Rs. 200 fine should be restricted to the minor offences described in sections 44 and 45A. The more serious offences which may be committed by licensees, as set out in clauses (*a*), (*b*), (*c*) of section 45, are inadequately dealt with by a maximum punishment of a fine of Rs. 100 only; while the offences specified in clauses (*d*) to (*g*) of that section can be dealt with under other sections. Clause 29 therefore strikes out the latter sub-sections and enhances the maximum punishment which may be awarded for offences under the first three.

I move that the Bill be read the first time.

The Honourable Mr. BELVI said:—Mr. President,—This Bill was published in the *Bombay Government Gazette* on the 27th February 1912, and it is such a lengthy one that it is very difficult to make up one's mind as to whether it is not larger than its parent. The Bill involves many important principles and it is very necessary to scan its provisions carefully. I therefore move under Rule 7 for the Conduct of

Business that the first reading of this Bill be adjourned to the next sessions of the Council. We have not been told by the Honourable mover of the Bill that there is any hurry or urgency for the passing of this special legislation. Some of the provisions of the Bill are most extraordinary and I think sufficient time should be given to the public to think over it. I shall give only one instance. Under one of these provisions the A'bkári Inspector is to be armed with the power not only to arrest a person, but also to keep him in detention. There is much in the Bill which requires very careful consideration. I therefore move that the consideration of the first reading of the Bill be adjourned to the next sessions of the Council and that the Bill be translated into the several vernacular languages current in the Presidency in the meantime.

The Honourable the VICE-PRESIDENT:—The motion is in order, and therefore the motion now before the Council is that the consideration of the Bill to amend the Bombay A'bkári Act of 1878 be adjourned.

The Honourable Mr. G. S. CURTIS said:—Mr President,—I understand the Honourable Mr. BELVI complains that 16 days are not sufficient to study a Bill of 23 pages. I have been through most of the Bill myself, and the principal sections of it could be gone through in one or two days. What he regards as especially extraordinary is that the persons employed on the A'bkári Department should have the power of arrest, which in practice they have long possessed. It has been the practice for a long time for A'bkári officers to arrest people on suspicion. The calling of the police is useless, partly because it takes time and partly because it causes inconvenience to the public who are concerned. The A'bkári officers are very well organised and well paid and are more suitable to exercise these powers than even the police, so that I don't think there need be any anxiety as to the way in which the staff will perform their duties. I hope, Sir, that the consideration of the Bill will proceed.

The Honourable Mr. CHIMANLAL H. SETALVAD said:—Mr. President,—I am inclined to think that nothing will be lost by adjourning for a short time the consideration of this Bill. It is a long Bill and the Honourable Mr. BELVI is perfectly right in saying that Honourable members have not had sufficient time to study it The agenda for this meeting has been a very heavy one. The Honourable Mr. CURTIS asks whether sixteen days are not sufficient to study it. I tell him emphatically it is not. The honourable members have also something else to do. It would have been a different matter if they had sixteen days to study this Bill only. But the Honourable Members are busy men and have to discharge their public duty consistently with their other duties. Considering the heavy agenda before the Council, can it be said that the time at the disposal of the members was sufficient to give intelligent criticism to this Bill at the first reading? It is very necessary that members should express their views on the measure before it goes to the Select Committee. I agree with the Honourable Mr. BELVI that the consideration of the Bill be adjourned for a short time. I understand that there is going to be a sitting of the Council by the end of April or in the beginning of May at Mahábleshwar. If that is so, we would then be able to give such criticism to the Bill as might place the Select Committee in a much better position to consider the measure. However, if that is considered to be too long a time to give, another meeting might be called in Bombay even at the end of March.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD said.—Mr President,—I rise to support the proposal brought before the Council by the Honourable Mr. BELVI We have had much legislative work this time, and we have not been able to give that consideration to this Bill which it deserves. Moreover, the public have not had sufficient time to consider the Bill in all its aspects. If it is contemplated that we should have another legislative session shortly the consideration of the Bill might, I submit, be adjourned till then.

The Honourable Moulvie RAFIUDDIN AHMAD said.—Mr. President,—I support the Honourable Mr. BELVI's motion. I think it would be better if the consideration of the Bill is postponed.

The Honourable Mr. GOKULDAS K. PAREKH said.—I also join in supporting the motion for adjournment The Bill involves important principles, and members should have more time to consider them.

The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR said:—I also support the motion. I do not know whether the vernacular translations of the Bill have been published in the *Government Gazette*

The Honourable Mr HARCHANDRAI said:—Considering that various members have expressed a desire that the consideration of the Bill be adjourned, and as there is nothing to show that this is an urgent measure, I think the matter should be postponed.

The Honourable the VICE-PRESIDENT said:—The motion before the Council is that the consideration of the first reading of this Bill should be adjourned The Honourable Mr. SETALVAD has made a suggestion as to what the date of the adjournment should be, either an adjourned meeting of the present meeting of the Council, or that the discussion should be adjourned to a meeting which it is anticipated will be held late in April or early in May. The difficulty I feel about that is as to the passage of the Bill through its second reading, because the Select Committee will have to go through the Bill clause by clause and will have to put in their report at least 18 days before the second reading. If on that occasion we are met with another objection that 18 days are not sufficient for considering the report of the Select Committee we should be a long while before the Bill was passed into law. There is at least one branch of the Bill which is urgent. It is urgent that the A'bkári officers should have power to deal with their own cases, as the present practice is causing great inconvenience At the same time, I must admit that the agenda at this meeting has been a very long one, and possibly to those who have not had an opportunity of studying the provisions of the A'bkári Act as closely as we who administer it the provisions may appear complicated. As a matter of fact, they are really very simple, and a large number of them are really practically formal, and there are only a few provisions which contain any alteration in substance Those alterations in substance are important, and from the remarks which fell from the Honourable Mr BELVI are likely to be met with criticism. We of course consider the A'bkári officers are as much qualified to have the power of arrest or to deal with their own cases as the police. However, the question now is as to whether the motion should be adjourned. Supposing the first reading of the Bill were taken at the April or May meeting and that the Select Committee could be called together to consider the Bill at once and that they could report on it in time for that report to be considered and the second reading taken at the monsoon meeting of the Council, there would not really be any delay in the course of

the Bill. If that sort of understanding could be established between the Council and Government, I have no objection to the consideration of the Bill being adjourned, with the intention of taking it at the April or May meeting.

The Honourable Mr. BELVI :—I am quite content that this should be done.

The motion to adjourn the consideration of the Bill was then carried.

The Honourable the VICE-PRESIDENT :—The next item on the agenda is the Bill for the Registration of Charities—Second Reading.

BILL No. II OF 1911 (A BILL FOR THE REGISTRATION OF CHARITIES).

The Honourable Sir IBRAHIM RAHIMTOOLA said :—Mr. President,—As you are aware, I have again received a letter from the Secretary to the Legislative Council intimating that the Government of India have not yet made up their mind with regard to the report of the Select Committee. The delay has been caused unfortunately by the death of the Honourable Sir J. L. JENKINS, whose loss, I am sure, the Council will join in mourning with the whole of India. It was due to his death and the change in the Secretary of the Home Department, Government of India, that the delay has occurred. The new Home Member has not had time to consider this Bill and I therefore ask the Council to postpone it to the next sessions. I therefore move that the second reading of the Bill for the Registration of Charities be postponed till the next meeting.

The Honourable Sir IBRAHIM RAHIMTOOLA moves the postponement of the second reading of the Bill for the Registration of Charities.

The Council agreed to the postponement of the further consideration of the Bill.

Second reading of the Bill postponed.

A BILL TO PROVIDE FOR THE LEVY OF A CESS FROM THE MUSALMAN LANDHOLDERS IN SIND FOR THE PROMOTION OF EDUCATION IN THAT COUNTRY.

The Honourable Mr. GULAM MUHAMMAD walad Khán Bahádur WALI MUHAMMAD BHURGRI moved for leave to introduce a Bill to provide for the levy of a cess from the Musalman landholders in Sind for the promotion of education in that community.

He said :—Mr. President,—I rise to ask the Council to allow me to introduce the Sind Musalman Landholders' Education Cess Bill. As will be seen from the statement of Objects and Reasons, it is sought by this measure to levy a cess on all Musalman landholders in Sind for the purpose of promoting the education of Mahomedans in that Province. The Bill is the outcome of long and mature deliberation for a quarter of century on the part of the enlightened members of the Mahomedan community in Sind.

It is very seldom that a request is made to a Legislative Council for self-taxation whatever may be its object, and the fact that in this instance I have brought up that request shows that there must have been some grave reasons which have resulted in this Bill.

I therefore propose to state in brief those reasons. In order to do so, it is necessary for me first of all to place some facts and figures before the Council. This Council is,

no doubt, aware that Sind is practically a Mahomedan Province. According to the last census of 1911 out of a total population of 35,13,435 there are 26,39,922 Mahomedans, that is, over 75 per cent., and except a small number in a few cities and big towns, they are all agriculturists. Though numerically large they are very backward in all the departments of social and political life and all the arts and activities of civilization. The main reason for this is their lack of education. Some idea of their backwardness may be gathered from the very small attendance of Mahomedans in secondary schools and colleges and the fact that they have at this very moment very few people indeed in the various grades of higher public service or in the ranks of the learned profession. But to have a complete idea of what really is the state of their backwardness can only be ascertained if you look at the condition of the vast number of agriculturists who form more than three-fourths of the Mahomedan population. I may say a complete lack of initiative, and even positive hostility to the use of modern methods and implements in their own profession and hopeless thriftlessness and a gross ignorance of the very rudiments of knowledge put them under the thumb of the rapacious money-lenders. I am not exaggerating when I say that this is a state of things prevailing in the agricultural class in Sind. The very fact that this Government has very often come to the help of the agriculturists by extending the Agriculturists' Relief Act bears me out that the mass of the agricultural class are really in a backward condition and require some special legislation.

The educational statistics of the province for which I am indebted to the Educational Inspector of Sind will speak for themselves. I have taken them for the last eight years for the purpose of showing you the deplorable condition of the Mahomedans. The figures for primary schools for the last eight years show that in 1911 out of a total number of 65,011 boys attending primary schools, 34,437 were Mahomedan boys. I must tell this Council that these figures are somewhat misleading. They are swollen up by a large number of boys attending what are called Mullah schools, but in order to have before us the real state of primary education among the Mahomedans in this Province it is necessary to deduct the number of boys attending the Mullah schools. My reason for making this deduction is that these Mullah schools simply teach the Koran by rote, and impart no other form of education, except, in rare cases, a smattering of Persian. Now, under the grant-in-aid rules the Education Department gives some grant to the Mullah schools as a condition of their teaching other subjects besides the Koran, but in practice this has not been done. These Mullahs in order to get the State grant keep up fictitious registers. They enter the names of all, be they old or young, who know something of the Koran by rote and who can easily be gathered at the time when the Educational Inspector comes for inspection. It is a matter of common knowledge that boys, who have been three or four or five years in these schools cannot even write their own names. These schools have been called by more than one Educational Inspector in Sind "a fraudulent farce." (One of them gives an idea of these schools in the following terms: "A rude and ignorant rustic gathered together a herd of children in a filthy shed or the bare backyard of his mosque and squatted on the ground and without books or slates or any kind of scholastic apparatus they droned unintelligible extracts from the Koran when not engaged upon the intimate domestic business of the Mullah. There was absolutely no mental, moral or physical development of any sort in the pupils of these schools and it would be less easy to show that there was not a decided retrogression.")

Now, coming back to figures, if the number of boys in the Mullah schools is deducted from the total number of Mahomedan pupils in the primary schools, we find that during the last eight years the actual number of Mahomedan pupils in primary schools was only from 29 to 34 per cent. of the total attendance.

Now, I come to secondary education and ask the Council to give careful attention to the figures, because the chief aim of this Bill is to improve the secondary and higher education among the Mahomedans. I find that during these eight years out of a total number of boys varying from 4,776 to 7,518 we have hardly 600 Mahomedan boys in secondary schools and the percentage works out at 13 to 17 per cent. Now, naturally the Council will ask me what is the cause of this drawback, particularly in view of the comparatively larger number of boys attending primary schools. The Mahomedans of Sind have considered the matter and they have rightly come to the conclusion that this drawback is due to the comparative poverty of their community. In this conclusion they have the support of educational authorities. I cannot do better than to read to you the remarks of the Educational Inspector in Sind in his report for 1908-1909 (page 18). [He says [Reads: "On the Sindhi in general a knowledge of English, &c."] From these remarks it is clear that it is the poverty of the community which is responsible for the low state of attendance in secondary schools. He comes to the same conclusion as the leaders of the Mahomedan community in Sind that scholarships should be provided in secondary schools for poor Mahomedan boys. Again in the report for 1907-08 I find that the Educational Inspector in Sind makes the remarks which are worth quoting. He says "that looking to the general result it will be seen that while primary education is making good progress, secondary education does not advance proportionately. It is this failure of Mahomedans to take up higher education that prevents general advance . . . . The most likely means of securing this seems to be an extended and generous scholarship system that will enable Mahomedan youths of every class to make their own way through schools and colleges." Then the remarks which the Inspector makes in his report for the year 1909-1910 (p. 23) are worth considering. He says [Reads: "When I advocate the preference of secondary education to that of primary in Sind, &c."] This is the opinion of Mr. Wright, for whom I have great regard. I know he has passed a long time in Sind, and no one is better qualified to form an opinion than he is.

That being so, the Council will hardly think that there is any very large number of Mahomedans taking collegeate education. The number of Mahomedan students in colleges is so small that I feel ashamed to quote the figures. Taking the same years, out of a total number of 120 students in the Sind College in 1904, there were only 11 Mahomedans, giving a percentage of something like 9. In 1911 out of 230 boys only 17 or a little over 7 per cent. were Mahomedans. This percentage would still go down if we were to count the number of Sindhi-Hindu Students who are studying in the Bombay Colleges, for I learn that there are no less than 60 Sindhi students in Bombay Colleges alone.

This is the state of education among Mahomedans of Sind, and the Council will not be surprised when I tell them that out of a Mahomedan population of 2,639,000, we have hardly a dozen Mahomedan graduates in the whole of Sind, six or seven vakils, half a dozen LL.B.'s, seven barristers and no doctors, no man possessing any scientific attainments. This is a thing which forces itself upon the enlightened Mahomedans of Sind. I remind the Council that though we form the bulk of population of Sind

poverty is one of the causes of our backwardness in point of higher education. The situation has become worse owing to the fact that the only high schools that are in Sind are in big towns beyond the reach of the mass of the people who are scattered over in outlying villages. Secondary education has thus become a very expensive thing for the Mahomedans.

These facts were long known to the thinking members of our community, and we were fortunate at that time in having in our community a man of the calibre of the late Sirdar Mahomed Yakoob. It was he who in 1904 first drew attention to the statistics of secondary, and higher education. I was one of those whom he kindly invited to a meeting, and on finding that all the Mahomedans who took part in that meeting were in favour of some sort of self-taxation, he decided to consult the Mahomedan landlords of Sind—the Jaghirdárs and Zamindárs—and invited them to a meeting. A large number of Jaghirdárs and Zamindárs attended. There we brought up the question of self-taxation. We had a very lively discussion and we found that the idea was acceptable to those present. But at that meeting only a limited number of persons were present, and it was decided to consult those who were not there. A printed letter was sent to about 1,000 Mahomedan Zamindárs and their replies left no room for doubt that they realised this evil and wanted to take some steps to remove it.

In 1906 a committee of leading Mahomedans sat at Hyderabad to consider the scheme, and I had the honour of serving on that committee. I must explain that up to this time the idea was that of a voluntary taxation to be raised not by Government but by a communal organization. But at the committee it was rightly and forcibly pointed out that there were two strong and fatal objections to the scheme. One was that the cost of collecting the cess would be prohibitive. When we went into that question we found that Government had at that time more than 800 tapedárs to collect land revenue, and if we employed the same number on a salary of, say, Rs. 20 a month, the cost would come to something like Rs. 2,16,000 a year, while the estimated annual revenue from this tax would be only Rs. 1,25,000. We came to the conclusion that the cost of collection was prohibitive.

The second objection was that voluntary contribution would render the income uncertain and we would not be able to carry on any comprehensive programme involving any expenditure of a recurring nature. I find that this difficulty was the chief cause which compelled the Indian Tea Association to apply to the Government of India to pass their Act.

It was then decided to put these facts before Government and ask them to legislate on the point and also to take up the work of collecting the cess for us free of cost. With that object the late Sardar Mahomed Yakoob communicated with the All-India Mahomedan Education Conference and invited them to hold a meeting at Karáchi. But before it could meet he suddenly died, and his worthy successor, my friend Khán Bahádur Sheik Sadik Ali, to whom my community owes a debt of gratitude, took up work of the late Sirdar. The Education Conference was held at Karáchi in December 1907, at which a large number of Zamindárs were present. They passed a resolution to tax themselves and this resolution was submitted to the Bombay Government in the beginning of 1908. The matter drifted on and in the meanwhile meetings of Jaghirdárs and Zamindárs and other bodies were held in Sind and resolutions were passed in favour

of the scheme. These were communicated to Government. The Government, after a due consideration of the principle involved in the Bill, which had been drafted on the lines of the Indian Tea Cess Act in consultation with that sympathetic officer, Mr. Lawrence, the then Collector of Sukkur, and submitted to Government by Sheik Sadik Ali, thought that it should be applied to the whole Presidency, and brought out their own Bill. As the Council is aware, the Bill was opposed on various grounds by various bodies and was dropped. Government then took up the case of the Sind Mahomedans and communicated their final decision to me on the 5th August 1910, that if I was prepared to introduce such a Bill in the Legislative Council, "the Government will not oppose it in principle and, subject to a satisfactory adjustment of details, will accept the verdict of the Legislative Council upon it." I at once communicated with the various bodies including Jaghirdárs and Zamindárs, and asked them to favour me with their opinions. I circulated the Bill not only amongst the different public bodies, but also amongst the prominent and leading Jaghirdárs and Zamindárs of each táluka. I asked them to consider it carefully and let me know their opinions; and I am glad to say that up to the present time I have not received any objection to the Bill. Thus the Council will see that we have got the support of public bodies including the All-India Mahomedan Education Conference, the Sind Jaghirdárs and Zamindárs' Association, and also that of the Press. Then we have also got the letters received by the late Sirdar Mahomed Yakoob as far back as 1905, and the replies that I received recently from the landlords of Sind. Besides that I may inform the Council that after my Bill was submitted two committees have considered it. One committee was presided over by Mr. Lawrence, Collector of Karáchi, and in that committee I am glad to say there was a Hindu gentleman; and that committee approved of the Bill. I may mention that the Bill was also considered by an informal conference held by the Commissioner in Sind and was attended by District Officers including the Educational Inspector.

The Honourable the VICE-PRESIDENT:—I should like to draw the honourable member's attention to rule 28 (2). It says: "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." I do not think there is any opposition to this motion. I assure you at once that Government will not oppose it.

The Honourable Mr. BHURGRI said:—I am very thankful to hear your ruling. In short, the Bill was considered not only by Jaghirdárs and Zamindárs. I gave it the fullest possible publication before I came here to trouble the Council with my motion. Therefore all the evidence which I have just placed before you indicates that up to present the Bill has received the unanimous support from the Mahomedan Jaghirdárs and Zamindárs who are the only persons affected by it. I will in conclusion say that the cause I am advocating has more enthusiastic and better qualified champions in this Council than can be found anywhere else, constituted as it is of the best and ablest men of the Presidency, and I leave this Bill with confidence in their hands.

The Honourable Moulvie RAFIUDDIN said:—Mr. President, I have very great pleasure in supporting the observations of my honourable friend Mr. BHURGRI and in asking this Council to accord him leave to introduce this Bill. It is generally complained that the Mahomedan community does not always come forward with proposals

for self-help. This is one of the proposals for self-help. The community, as may have been seen, is trying its best, and is now asking the consent of Government and of this Council to its taxing itself for educational purposes. Those, who are in favour of compulsory education, will see that this is a better way of getting people to help the spread of education, and will support this proposal. I ask also those who realise the necessity of education among the Mahomedans, to support this measure, because it is a real attempt on the part of the Mahomedans to help themselves, and the proof of it is that they are going to raise money by taxing themselves. It is no doubt a sectarian movement, but not prejudicial to any community, and there is no ground for complaint that any particular privilege is being given to the Mahomedans. I was very glad to hear, Mr. President, that Government were not opposed to giving consent to the introduction of the Bill. It is not necessary for me to say anything more. I heartily endorse the remarks of my honourable friend.

The Honourable Mr. FAZULBHOY said :—Mr. President, it has been acknowledged on all hands that the Mahomedan community is a backward community, and is not able to take its proper place in modern India. We have lagged behind in the race of commerce, arts and industries. Government have always come to our help and tried to uplift us. But I think, more than Government help, what we want is self-help and self-sympathy. I am rejoiced to see that the Mahomedans of Sind are setting such an excellent example to their co-religionists by voluntarily taxing themselves. I have just heard that Government is favourable to the Bill and I will therefore not take up the time of the Council by making any further remarks.

The Honourable Mr. HARCHANDRAI said :—Mr. President, knowing the present temper of the meeting I do not know whether the Council will like my addressing them. But I am very anxious to speak on this subject.

The Honourable the VICE-PRESIDENT :—The point at present before the Council is whether leave shall be given to introduce the Bill or not. I would like to point out to you that the question now before you is not whether the Bill shall be read a first time, but merely for leave to introduce. After the introduction has taken place the discussion on the first reading will begin, and I should like to suggest that the principle of the Bill is more advantageously discussed at the time of the first reading than now. I only make that as a suggestion.

The Honourable Mr. HARCHANDRAI :—In that case I do not think it necessary to speak now.

The Honourable the JÁGHIRDÁR of ICHALKARANJI :—Mr. President, the last speaker was a Hindu gentleman of Sind, but I should like to know the views held by the other Hindu members of the Council.

The Honourable Mr. KARANDIKAR :—I rise to support the motion. I most heartily rejoice to think that the Mahomedan community, which is backward in point of education, is setting us such an excellent example of self-help by coming forward to tax itself for the promotion of education among its members.

The Honourable Mr. HARCHANDRAI said :—Mr. President, as a Hindu member representing Sind I may be expected to tell the Council what the Hindu community of Sind think on this subject. Lest silence might be construed want of sympathy, I think it my duty to state publicly that the Hindus of Sind, who are more fortunate in respect of

education than their Mahomedan brethren in that Province, are in entire sympathy with this movement and are looking forward to the time when they could both move in the same line of advancement. It is not their wish that their Mahomedan brethren should perpetually labour under the disabilities of unequal existence. Government have oftentimes gone to their succour by giving them public appointments and I may say without exaggeration that complaints have been sometimes made in this regard that undue preference is being given to Mahomedans. But to my mind that is precisely one of the cogent reasons why means should be found to give them that education which would enable them to get a place in the public service on terms of equality. That these gentlemen have voluntarily come forward to be taxed for such a laudable purpose is creditable to their philanthropy and public spirit.

The Honourable Khán Bahádur VAKIL said:—Mr. President, when I first made my speech in this Council on primary education, I pointed out from carefully prepared statistics that amongst the Mahomedans of Sind less than one per cent. knew how to read and write. I am glad that the community has at last found a way to educate its members.

The Honourable Sir IBRAHIM RAHIMTOOLA said:—Mr. President, I am of course in favour of granting the leave, but I rise specially to give expression to my appreciation of the sentiments expressed by my honourable friend Mr. HARCHANDRAI in regard to the efforts made by the Mahomedan community for promoting the cause of education among themselves. I am very pleased to find that the whole of the Council is supporting the efforts of the Honourable Mr. BHURGRI in the cause of Mahomedan education.

The Honourable the JÁGHIRDA'R of ICHALKARANJI:—It is gratifiying to me that Hindu members of the Council are so cordially supporting this motion.

The Honourable Ráo Bahádur SHRINIWAS K. RODDA:—The Mahomedan community is setting an excellent example to other communities in the way in which they seek to help themselves in the matter of education, and I am sure when what they want is granted it would form a good precedent for other communities to follow suit. If communities can help themselves in the manner in which the Sind Mahomedans propose to do, it would take off a great burden from the shoulders of Government. I think if this system of self-taxation for the promotion of education proves successful, then the efforts of the Honourable Mr. GOKHALE in the same direction are bound to bear fruit. Under these circumstances I see no objection to permission being granted for the introduction of the Bill.

The Honourable Sardár MOTILAL CHUNILAL said:—The Honourable Mr. BHURGRI has set a laudable example to every other community in the matter of self-help. The Bill deals with the education of a whole community and therefore deserves consideration and support. It is with great pleasure that I support the motion to introduce the Bill.

The Honourable Mr. ABDUL HUSSEIN ADAMJI PEERBHOY:—I heartily support the introduction of this Bill. (As almost all members have expressed the same sentiment, I have nothing to add to it.)

The Honourable Sardár DESAI said:—I think it should be stated before the Legislature gives its support to the Bill whether the tax to be imposed will be general or partial. Commonsense tells us that it should be general and not partial.

The Honourable Mr. BHURGRI:—I am much thankful to the Honourable Mr. HARCHANDRAI and the Honourable Sir IBRAHIM for the appreciative terms in which they have supported this motion. I can assure my honourable friend Mr. HARCHANDRAI that we Mahomedans are much indebted to our Hindu brethren in Sind for the support they extend to us. I am also much obliged to Government for consenting to grant leave for the introduction of the Bill and to the members of the Council for getting up one after another to support my proposal.

The Honourable the VICE-PRESIDENT :—Before I put the motion to the Council I should like to correct a misapprehension which has arisen in the mind of one honourable member when he said he understood from me that Government were favourable to the Bill. I should like to point out that I made no statement of the kind. I said we were not opposed to the motion for leave to introduce the Bill, and a disposition not to oppose leave to introduce a Bill is very different from an attitude favourable to the Bill. As to whether we shall be favourable to the Bill or not I cannot say until it has been considered in detail. The Bill is not before us, and until it is we preserve an absolutely neutral attitude. The only thing we say now is that we do not oppose the motion for leave.

The motion giving leave to introduce the Bill was then carried.

The Honourable the VICE-PRESIDENT :—The Council will adjourn until 11-30 tomorrow morning. I should like to remind honourable members that there are no less than seven resolutions on the agenda, and I have heard it privately stated by some members that they would like, if possible, to finish the proceedings by two o'clock.

The Council then adjourned till 11-30 a.m. on Saturday, March 16th.

By order of His Excellency the Honourable the Governor,

L. GRAHAM,
Secretary to the Legislative Council.

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

The Council met at Bombay on Saturday, the 16th March 1912, at 11-30 A.M.

PRESENT:

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

The Honourable Mr. MAHADEV BHASKAR CHAUBAL, C.S.I.

The Honourable Mr. WILLIAM THOMSON MORISON, C.S.I., I. C. S.

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

The Honourable Sir JAMES BEGBIE, Kt.

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

The Honourable Sardár Ráo Bahádur MOTILAL CHUNILAL.

The Honourable Mr. GEORGE SEYMOUR CURTIS, C.S.I., I. C. S.

The Honourable Sardár PURUSHOTTAMDAS VIHARIDAS DESAI.

The Honourable Mr. FAZULBHOY CURIMBHOY EBRAHIM.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD.

The Honourable Sardár NARAYANRAO GOVIND *alias* BABA SAHEB GHORPADE, Jághirdár of Ichalkaranji.

The Honourable Mr. HERBERT RUFUS GREAVES.

The Honourable Lieutenant-Colonel J. JACKSON, M.B., I. M. S.

The Honourable Sardár SHAMBHUSING AMARSING JADHAVRAV, Ráje of Málegaon.

The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR.

The Honourable Mr. W. H. LUCAS, I. C. S.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA.

The Honourable Mr. G. P. MILLETT.

The Honourable Sardár Ráo Bahádur YASHAVANTRAO TRIMBAK MIRIKAR.

The Honourable Sardár Dávar KAIKHOSRO EDALJI MODI.

The Honourable Sardár COOPOOSWAMY VIZIARUNGUM MOODLIAR.

The Honourable Dr. TEMULJI BHIKAJI NARIMAN, L.M., F.R.M.S. (London).

The Honourable Mr. J. P. ORR, C.S.I., I. C. S.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.

The Honourable Mr. ABDUL HUSEIN ADAMJEE PEERBHOY.

The Honourable Mr. F. G. PRATT, I. C. S.

The Honourable Mr. R. D. PRIOR.

The Honourable Sir HENRY E. E. PROCTER, Kt.

The Honourable Sir IBRAHIM RAHIMTOOLA, Kt., C.I.E.

The Honourable Mr. MANMOHANDAS RAMJI.

The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.

The Honourable Khán Bahádur SYED ALAHANDO YUSIF SHAH.

The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.

The Honourable Khán Bahádur NOWROJEE PESTONJI VAKIL, C.I.E.

The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

The Honourable Moulvie RAFIUDDIN AHMAD moved:—That the Governor in Council may be pleased to bring the pilgrim traffic under strict Government control, to abolish the Haj Committee as at present constituted and to place the existing agencies for the protection of pilgrims on a higher and more independent basis.

The Honourable Moulvie RAFIUDDIN AHMAD, in support of the motion, said:—Mr. PRESIDENT,—As the House is possibly aware I wanted to bring this resolution before the Council last November, when the pilgrim traffic was in full swing, in order to draw the attention of the authorities to a very urgent and serious grievance of about two or three thousand pilgrims who were then stranded in Bombay and could not obtain tickets to go to Mecca and Jeddah, and who had, in consequence, to return to their native places disappointed. Unfortunately my resolution was a few minutes too late and had therefore to be postponed and in this being postponed the urgent nature of the resolution has dropped. Now, before I proceed to speak on this resolution directly, I think it would be proper that I should explain to this Council what has already been done by Government for the pilgrims. I think if there is one thing more than another for which the Mahomedan community feels grateful to the British Government, it is the extremely humanitarian action they have taken in the cause of these poor pilgrims. In 1886 the Government of Lord Dufferin received a complaint regarding the distress and helplessness of pilgrims in Bombay, and so impressed was that Government by their sad condition that they resolved to appoint protectors of pilgrims for the protection of the interests of the poor Hajis. In 1887, the Government of Bombay introduced in this Council a Bill for the protection of pilgrims, which was carried. Under this Act, Government was empowered to appoint one protector at Karáchi and another at Bombay. The appointments were made and the arrangement continued for four or five years. But the complaints of the pilgrims were not all removed. Their principal complaint was against the ship-owners. There was then no law to restrict overcrowding on board the vessels, and the evil had grown so great that, according to the reports of the Health Officer, the percentage of mortality among pilgrims going to and fro, between Bombay and Jeddah, ranged from twenty to twenty-five. That state of things continued for five or six years without any remedy being found, and in 1894, while I was in England I saw Sir Henry Fowler, the then Secretary of State for India, on behalf of the Mahomedan community and laid before him the grievances of the Hajis generally. I presented a memorial which was forwarded by Sir Henry Fowler to Lord Lansdown and Lord Harris to ascertain their views on the matter, and the Governments of Lord

Lansdown and Lord Harris made their reports. Sir Henry Fowler asked me if I approved of their views and what further measures I suggested. Subsequently a Bill was drafted and sent to India, and it was in 1895 that the Pilgrim Ships Act was passed by the Viceroy's Legislative Council. The Act gave further facilities in the way of medical relief, made provisions against overcrowding, and bound ship-owners to do great many things for the comforts of the pilgrims. Although that part of the grievances of the pilgrims was considerably removed, later on came the question of quarantine which was imposed upon pilgrims owing to the conditions then prevailing in Bombay. It caused severe hardships to the pilgrims and we brought their complaints to the notice of Government. Quarantine was thereupon removed, and then arose the question of congregation of pilgrims in Bombay. Complaints were made frequently by Government and Municipal authorities and also by the Mahomedan community as regards want of accommodation for pilgrims in Bombay. When His Excellency Sir GEORGE CLARKE came to Bombay, within the very first month of his arrival I placed before His Excellency this sad condition of the pilgrims and he said he would go and see the plac where the pilgrims were located. His Excellency accordingly saw the place and was much impressed by the condition of these people. Since then a big mussaffiarkhána has been erected and will shortly be opened, and to all intents and purposes this problem is on a fair way to solution.

There is another difficulty and that is about passage money. Last year, or rather since the last two or three years, the ship-owners have been advertising in newspapers cheap rates of passage from here to Jeddah and back, and when pilgrims, relying upon these advertisements, come to Bombay from distant parts of the country they suddenly find the rates abnormally increased. While the advertised rates are Rs. 30 or 40, or at the most Rs. 50, they are all of a sudden increased to Rs. 125 or Rs. 150, which is much beyond the means of pilgrims. They then wait in Bombay for cheaper vessels and remain here for a long time in a helpless condition. A case happened last year and the pilgrims went to the Commissioner of Police and made their complaints to him. He told them that it was beyond his power to interfere in this matter, because the question was one of freedom of trade. The pilgrims came to me and said Government should do something for them. I brought this notice of motion, but as I have informed you I had no opportunity of moving it at the last Meeting of the Council. I wanted Government to do something for the pilgrims because the ship-owners are bound to afford every facility to them. Unfortunately one company has the monopoly of the whole traffic and can raise the rate even to Rs. 200 with impunity. So I also wanted to move the Government of India to do something in the matter. But I thought it would be right to bring this matter before the authorities here before going to the Imperial Council.

The first part of my resolution, Mr. PRESIDENT, is that Government should bring this pilgrim traffic under strict control, for, if that is not done, poor pilgrims will be further troubled by the ship-owners. In this connection I should like to draw the attention of Government to one important matter. According to the Pilgrim Ships Act licensed brokers are appointed who receive five per cent. commission from the pilgrim on the total freight. Last year about twenty thousand pilgrims went to Mecca. Now, taking the average rate of freight to be Rs. 75, the amount of commission on the freights paid by 20,000 pilgrims would come to Rs. 75,000, which is divided among

fifteen licensed brokers. Thus each broker earns Rs. 5,000 as commission during the pilgrim season of two and a half or three months. It seems to me this is rather a very exorbitant rate to charge. If you compare this with the salary of the Protector of Pilgrims, who receives Rs. 150 a month, you will find that his annual income comes to Rs. 1,800 for a whole year's work. I cannot understand why such a high rate of percentage should be charged by brokers What I want to say is that if this Rs. 75,000 goes into the hands of Government half that amount can easily be converted into a fund for the benefit of the pilgrims and the other half spent to cover brokerage and other expenses. I believe a sum of Rs. 35 or 40 thousand would be a good amount for maintaining a special pilgrim department. As it is, I do not think the attention of the authorities has been drawn to this point. I was not aware of the step which Government have lately taken regarding the opening of the port of Karáchi to the pilgrim traffic, when I gave notice of this motion. Of course, when Karáchi is opened for this purpose the Bombay pilgrim traffic will be considerably reduced. Still, considering that about 10,000 pilgrims will pass through the port of Bombay, a decent sum would accrue from this source for the benefit of the pilgrims Of course it may be urged that by cutting down the percentage allowed to the licensed brokers it is possible they would rob the pilgrims and do them harm in some other ways. I do not think there is much in this argument. It must be remembered that the Protector of Pilgrims receives only Rs. 150 a month, and there seems to be no temptation in his way to do this sort of thing. I cannot understand why a broker would be tempted to do a wrong thing. License is not given to every one, and if you take care to give it to only respectable persons there can be no reason to entertain any fear in that direction.

The second part of my resolution refers to the Háj Committee. Government appointed the Háj Committee four years ago. I have always held that whenever any consultative body is invited by Government to co-operate on behalf of the people, Government deserve the thanks of the community. But this Háj Committee is not only an advisory body, but it seems it has no definite duties to perform; it has no rights and no authority. As far as I think it is merely an ornamental body and as an ornamental body, I say, it is useless if it cannot perform those duties for which it was created. I have purposely used the stronger expression that the Háj Committee, *as at present constituted*, should be abolished. Because as it at present exists it does not fulfil its function. It is not a representative body, for had it been a representative body, such a representative of the Mahomedan community as the Honourable Sir IBRAHIM RAHIMTOOLA would not be out of it. A few persons are asked to select the committee. As to the President of the committee, Government desire the committee to select their own person and it selects the Commissioner of Police as President. But the Commissioner of Police, however good he may be,—and I at once say we are much obliged to him for the good he does—he is an extremely busy man, and it is awkward for an officer to preside over the Háj Committee. The other day he presided at a meeting held to protest against a certain action taken by the Turkish Government in regard to some tax. When questions involving international disputes arise an officer of Government on such an occasion is put in an awkward position and it becomes very difficult for the President of the Háj Committee to fulfil his functions. We are extremely thankful to Government for giving us a Háj Committee, but I submit that if a committee is to be appointed you must define its powers and functions.

Here it can give advice and probably it is giving advice, but its proceedings are not published and the public does not know what it is doing. The other day the Honourable Mr. FAZULBHOY asked Government whether they had received a copy of the report of the Háj Committee, and Government stated that they had not received it, or given a reply of that kind. So the proceedings of the committee are not public property and are not known even to Government. I say as at present constituted the Háj Committee does not do as much good as was expected of it when it was constituted. I am not questioning the integrity and ability of the members of that committee. I say they are honest and competent, and are rich and extend a helping hand to those who are stranded at Mecca or Jeddah and provide them with the means of returning to their homes. But we do not require that kind of charitable institution. We want a consultative body with certain authority given to them to settle disputes between pilgrims and other parties. The committee, as at present constituted, does not satisfy the needs of the community.

The last thing which I want to bring to the notice of this Council is that the department of the protector of pilgrims should be placed on a higher and more independent basis. As I have already explained, more than Rs. 75,000 are collected by the brokers during a pilgrim season, and you can well imagine the amount of profit which the steamship companies derive from it. In this connection I want to place before the Council one important fact. A few years ago a pilgrim went to Mecca after depositing with the protector of pilgrims a sum of nearly two lákhs of rupees. The pilgrim died before his return to Bombay and the money was afterwards returned to his heirs. I quote this to draw the attention of Government to the responsibility of the work entrusted to the protector of pilgrims and the magnitude and volume of duties he has to perform. His work is onerous and increasing, and I think in the interests of efficiency and good work the status of his department requires to be raised. In 1895 when this department was created the pilgrim traffic was not so large as it now is. Of course, the opening of Karáchi to this traffic will affect it considerably, but still, as I have pointed out, a substantial traffic will still remain, and the improvement of the department will be productive of nothing but good results.

The Honourable the VICE-PRESIDENT:—I may point out to the Honourable Member that only five minutes are left out of his half hour.

The Honourable Moulvie RAFIUDDIN:—I have now only to urge that this department can be raised to a higher position, just as has been the case with the department of the protector of emigrants who are going from Bombay to Africa. In conclusion, I may say that my object in bringing this motion is not to throw any discredit on any department. But everything must progress in the course of time, and I place these difficulties before the Council with a view to improve the present state of things. Whether the Council passes my resolution or not, my object is served by calling its attention to this important matter.

The Honourable Sir IBRAHIM RAHIMTOOLA said:—Mr. President,—I should like to say a few words on the motion brought forward by the Honourable Moulvie RAFIUDDIN. The motion may well be divided into two parts. The first part deals with the Háj Committee, and the second with the administration and control of the pilgrim

traffic. Dealing with the first part, namely, the abolition of the Háj Committee as it is at present constituted, I wish to point out that I cannot support any motion for the purpose of abolishing a committee of this character. I need hardly remind this Council that it was after considerable agitation that I pressed Government to constitute a committee of this kind. I have always been, as you are aware, a very strong advocate of bodies like this in which representative committees and Government officials co-operate and try to do public service in particular directions. For that reason I cannot support the suggestion to abolish the Háj Committee. I am very glad that the Honourable Moulvie RAFIUDDIN AHMAD clearly indicated that though he had put in the words "abolition of the Háj Committee" his object was to see that the committee was constituted in a better manner and that good work should result therefrom. There can be no difference of opinion in regard to the desire of the Honourable Mover of the resolution that improvements might be effected. But the question is a difficult one. How is the constitution to be arranged? Government have nominated a Háj Committee drawing representative men from the various sections of the Musalmán community, and it is difficult to see what better plan can be adopted for getting a more representative committee. I cannot see how the representation of the members of the different sections of the Mahomedan community in the Presidency can be secured on the committee. In my opinion the constitution of the Háj Committee at the present stage may well be left to nominations by Government. So far as the constitution of the present Háj Committee is concerned I have no criticism to offer.

The second part of this point, however, requires some consideration. There is no doubt that the public are not taken into confidence as to what the functions and duties of the Háj Committee are, how often they meet, and what work they do. As a necessary result, this want of confidence gives rise to various kinds of rumours. I am inclined to think that a great deal of good will result if His Excellency's Government would lay down that there shall be periodical meetings of the Háj Committee during the pilgrim season and that their proceedings shall be reported both to Government and to the public press. In that manner the Mahomedan public of the Presidency will be kept in touch with the work that is being done. My name was mentioned in connection with the committee. I may say I am really thankful to Government for not inviting me, because I am a very busy man. At the same time I may say that I had occasion to write officially to the Háj Committee and make a suggestion or two in regard to the way in which the luggage of the pilgrims was dealt with on board the ships, and I understand that the matter has been considered and my suggestions have been carried out. The great difficulty arises out of the fact that periodical meetings of the committee are not held and their work is not made known to Government and the public. If these two points were to be insisted upon I think it would greatly increase the usefulness of that body.

As regards the second part of the motion, namely, improvements in the organization and official control of the pilgrim traffic, I think there cannot be any difference of opinion on that point. I venture to bear testimony to the fact that on several occasions I brought to the notice of Government the hardships entailed upon the pilgrims and a most sympathetic consideration was given to my representations. Official committees

were appointed to look into the matter and all that could be reasonably expected from Government was immediately done. So that I join with my honourable friend Moulvie RAFIUDDIN in his appreciation of the manner in which Government have always dealt with the question, and I feel sure that whenever any suggestions will be placed before Government for securing better results in the control of the pilgrim traffic Government will give their attention to them and bring about the desired results.

The Honourable Mr. FAZULBHOY CURRIMBHOY EBRAHIM said :—Mr. President,—I quite agree with my honourable friend Moulvie RAFIUDDIN that pilgrims coming from distant parts of India had to suffer greatly owing to the misleading character of the advertisements in the newspapers as to the fares. They are tempted to undertake pilgrimage on seeing cheap rates of fare quoted in newspaper advertisements, and when they come to Bombay they find themselves in difficulty owing to the rates being unexpectedly enhanced. They are thus prevented from proceeding on their Háj for want of funds. If my honourable friend Mr. RAFIUDDIN's object is that Government should control the scale of fares I go with him, though I am afraid I do not see how Government can interfere in a matter which affects the question of the freedom of trade. But I am not at all at one with my honourable friend when he says that the Háj Committee is only an advisory body—an ornamental body composed of rich men who supply funds whenever necessary.

The Honourable Moulvie RAFIUDDIN :—I did not say that the people were rich. I said that the constitution of the committee was wrong.

The Honourable Mr. FAZULBHOY :—I say this from my notes of your remarks. I agree with my honourable friend Sir IBRAHIM RAHIMTOOLA that we are not in a position to criticise the conduct of the committee in the absence of any information as to what work it is doing. My suggestion to the leaders of the Mahomedan community is to start an organization on the lines of the Husseini Fund of the Boráhs, and then approach Government for help and co-operation. If this is done, I feel certain that the present problem would be practically solved and much of the hardships of the pilgrims would be removed.

The Honourable Mr. ABDUL HUSSEIN ADAMJI PEERBHOY said :— Mr. President,— I am sorry I cannot support the proposal which the Honourable Moulvie RAFIUDDIN has placed before the Council. He has not made out a case for his contention that the Háj Committee has not done its duty. As a matter of fact they have done as much work—and good work too that was entrusted to them. I feel also that the Honourable Mover of the resolution has gone beyond his mark in saying that he was speaking on behalf of the Mahomedan community. I should like to know whether he consulted any Mahomedan body or association before bringing this resolution before the Council. I cannot support the proposition.

The Honourable Moulvie RAFIUDDIN said :—Mr. President,—I think my honourable friend Mr. PEERBHOY has misunderstood me. I never said that the Háj Committee was not doing its duty. It is doing its duty as it is at present constituted, but I only found fault with its constitution. I said it was open to great improvement, and in this both the Honourable Sir IBRAHIM and the Honourable Mr. FAZULBHOY agreed with me. The Honourable Mr. PEERBHOY then asks which Mahomedan bodies I consulted before bringing forward this resolution. Well, I do not know if it is necessary for me

to consult any particular Mahomedan body. I do not see at all the pertinence of the Honourable Mr. PEERBHOY's remark. As I have already explained, I will once again say that I do not find fault with the members of the Háj Committee. I say their functions are not defined and they do not know what work is expected of them. In the beginning of my speech I said that I did not wish that the committee should be abolished. My words are distinct—that it should be abolished as at present constituted. That itself shows that I am not altogether for its abolition. What I want to say is that Government should do nothing more than take these matters into consideration.

The Honourable Sir IBRAHIM said :—I wish to make a personal explanation with regard to the Honourable Moulvie RAFIUDDIN'S allusion to me. What I said in regard to the constitution of the committee was that it was necessary that all the different sections of the community require representation, but the present system of nomination was the best under the circumstances until something better was suggested.

The Honourable Mr. M. B. CHAUBAL said :—Mr. President,—The Honourable Mover of this resolution is perfectly right in stating that he had brought this resolution, or rather that he had sent in a notice of this resolution, for the November meeting of the Council. He also sent in a similar motion for this meeting. Now, Mr. President, I must in the first place call in question the assertion made by the Honourable Mover of this resolution that the sufferings of the Hájis during their sojourn in Bombay is increasing every year. Their sufferings are *not* increasing. In fact, the Pilgrim Department under the able direction of Mr. Edwardes has done more for them during the past two years than was ever done before. An excellent set of buildings in Foras Street has been put at the disposal of the homeless, where they can live rent free, whereas formerly they used to lie in the streets. It has been arranged through charitable persons to give several of them free passages to Jeddah. The Pilgrim Department has fought with the steamship companies on their behalf, and on one occasion this year made a company disgorge Rs. 6,400 which was paid as compensation to the pilgrims for delay in sailing. Charge is taken of pilgrims' children, left stranded here; a large shed has been erected at the disinfecting station for the comfort of pilgrims, and generally everything possible has been done to protect pilgrims, first against their own ignorance, and, secondly, from the extortion of their own co-religionists.

The season just concluded happens to have been a very heavy one, as it is the year of the Akbári Háj, and consequently the discomfort of the pilgrims during the crowded part of the season must have been considerable. Twenty-seven thousand Hájis passed through Bombay this season, and there were not sufficient steamers in the trade for them all; consequently the steamship owners forced up passage rates to an exorbitant amount. The Pilgrim Department has done all in its power to warn people against coming and managed to induce about 4,000 pilgrims to return home.

It is difficult to see what more a Government Department could do to control the traffic. The crux of the whole matter is the insufficient number of steamers during the rush and the fluctuations in the rates of passage money and no Government Department could remove these difficulties unless Government were to take over the transport of the pilgrims themselves.

With regard to rates of passage money, Government really cannot undertake the provision of steamers and the regulation of passage money. It must be obvious that we

cannot pass any law which would compel a ship-owner to accept any rates which we might lay down. Suppose we were to fix rates not approved by ship-owners, the ship-owners would merely stand out and none of the pilgrims would be conveyed to Jeddah at all. The arrangements must be left to private enterprise, and, surely, this is a matter in which the large Mahomedan community in this city should put their shoulder, instead of attempting to throw the whole difficulty on Government.

As for the Háj Committee, it was established in 1908 to "superintend the arrangement for the reception and despatch of pilgrims from Bombay, to arrange for the repatriation of pilgrims stranded at Jeddah and to assist pilgrims on their journey to and from Mecca." The Committee does help in the arrangements at Bombay; they attend the departure of pilgrim ships and raise subscriptions for indigent pilgrims and help in other ways. Surely, this is eminently a case in which the public-spirited among the Mahomedans can be expected to come to the assistance of their poor co-religionists and of Government and the proposal of the Honourable MOULVIE RAFIUDDIN to throw the whole burden on Government cannot be accepted.

I may add that the opening of the pilgrim traffic from Karáchi next season will probably give great relief to Bombay. I feel sure at the same time that if the Honourable MOULVIE RAFIUDDIN and his friends would put their heart into the work they could do a great deal more than is done now to ameliorate the condition of the pilgrims. As the resolution now stands it has all the charm and attraction of vagueness. It only asks that Government should take up the whole concern themselves, and abolish the Háj Committee. These are measures which Government cannot support.

I have no doubt that if the Honourable MOULVIE RAFIUDDIN will make his several suggestions to Mr. Edwardes himself they will be fully considered. No resolution of this Council seems necessary.

The Honourable MOULVIE RAFIUDDIN:—Mr. President, as my object was only discussion, I beg to withdraw my resolution.

The Honourable the VICE-PRESIDENT:—A member who has moved a resolution or amendment may withdraw the same unless some member desires it to be put to the vote. I understand the honourable member desires to withdraw the resolution. Unless, therefore, any member desires it to be put to the vote the resolution is withdrawn.

The motion was allowed to be withdrawn.

The Honourable Mr. KARANDIKAR called on by the Honourable the VICE-PRESIDENT to move the resolution in his name relating to the Village Police, asked leave to withdraw the resolution with permission to move it at the next meeting of the Council. Leave was granted accordingly.

The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR moved:—"That the Governor in Council may be pleased to try prohibition of liquor in a selected area."

The Honourable Mr. KARANDIKAR, in support of the motion, said:—Mr. President,—The resolution which I hopefully place before you for acceptance is the result of the firm conviction forced on my mind that the best intentions of the Abkári policy pursued by Government have been mistified by the results. As early as 1844 it was declared that Government "would very willingly relinquish all revenue from this "source, could it thereby abate the increasing vice of drunkenness. This, however, being

"impracticable the next object of Government is to check by enhancing the price of "intoxicating liquors." This is a subject not requiring hackneyed argument. I can only say that whatever the faults of Puritanism it has proved to the world the capacity of Great Britain for self-sacrifice when time requires it, and such a time has come for India in respect of the prevention of intoxicating drugs. I have been assured on high authority that a habitual drunkard, when subjected to prison discipline, on coming out, blesses the days spent in the jail, while cursing his crime, inasmuch as by enforced abstention alone he could get over his nasty habit.

Pity, we have not got Acts like the English "Habitual Drunkards and Inebriates Act" whereunder the expression habitual drunkard is defined as "a person who not being amenable to any jurisdiction in lunacy, is notwithstanding, by reasons by habitual intemperate drinking of intoxicating liquors, at times dangerous to himself or herself or others, or incapable of managing himself or herself or his or her affairs." When Government did me the honour of asking my opinion on the Lunacy Bill now pending before the Government of India, I looked into the definition of a "lunatic" and hoped that it might include the case of such persons. But until the law is so definitely settled, we must try to do something that will strengthen the hands of the executive. To let go a pie from the revenue of the state is a very grave business. I am grieved to find that in the Provincial Contract the whole of the Excise revenue is given over to our Local Government by the Government of India, *pro tanto* freed from the odium of continuing the tax, while the Local Government to make both ends meet must take steps to recover the dues.

I have heard it said:—

"The King governs all
The parson prays for all
The soldier fights for all
but, The farmer pays for all."

However there is a relieving agency to the last functionary. It is not solely "the farmer pays for all" but it is virtually the *drunkard* that pays much for all.

Already ignorant and verging on absolute penury, these drunkards, coming from classes, whose increase in wages has been enabling official reports to notice them as evidence of prosperity, but whose wherewithal is all on their person, supply money for our State machinery to go on. Let it not be said ignorance—for, the farmers are mostly ignorant, and drunkenness—for, that supplies more than one-seventh of the entire gross Revenue—finance our rule in India and the Bombay Presidency in particular. Descending to actualities I have personally witnessed very very poor labourers in my evening walks outside the town of Sátára—and the Sátára District was until last year a proverbially sober district hiding their shameful drunkenness by burying unconsciously their faces and grovelling in the dust, when their more sober companions grow too weak to help these tottering human figures. The Court of Wards takes care of the property of big zamindárs (I hope they are free from the vice) but I wish there was some agency for these poor labourers too, for they go penniless home a thousand times pitied by their womenfolk who and these together famish in spite of the high wages.

Now, surely, some remedy must be tried. Local option is enabled but the sphere is very narrow and too fine for the evil. Other nations are boldly dealing with the evil.

Some are prescribing absolute prohibition all over their jurisdiction; others have been ascertaining the popular opinion by obtaining votes of recognized institutions. But there is one very great danger often staring into the face of those that advocate prohibition and that is of *illicit smuggling*. Yes, that is an evil, but fermentation requires natural product, and unless you include all dietary articles as liable to yield liquor you can easily find localities where the chances of smuggling are very few and Government would be in a position to find harmless localities. I know there will be a number of objections—all these I can meet excepting that of finances. In respect of the latter I can only recommend what is contained in the Government Resolution quoted in the beginning. I appeal to Government to try the experiment in some localities in the beginning, and to prohibit sale of liquor in selected areas at least.

Paragraph 23 (page 9) of the Excise Report for the year 1910-11 somewhat despondingly refers to the temperance movement in this Presidency. I am inclined to quote it: "There is very little to record," says the report, "in regard to active temperance movements in the Presidency during the year and it is only in respect of the district of Broach and Bombay City that the existence of any such movements has been mentioned by the Collectors. In Broach the efforts of the American Mission at Ankleshwar in the matter of preaching temperance were continued but not, as is reported, with much success, while in Bombay the propaganda of the Bombay Temperance Association was practically confined to the posting of a few large placards in various parts of the city illustrating in a somewhat exaggerated form the ravages of alcohol and to supporting protests against the opening of new shops or applying for the closing of those already existing. There is nothing to indicate that the operations of the Association this year have resulted in reducing intemperance among any class in the city of Bombay." Let it be said to the credit both of Government and the temperance movement that in the last Shimga days shops were actually closed in some localities for at least a day or two and that in some wards in the City of Poona public opinion through voters is being ascertained at the election time about prohibition pure and simple. People would be glad to know what measures would attract sympathy of Government and the one that commends itself to them, among others, is that as recommended by this resolution.

Mr. President, these are the general remarks which I wish to offer. I will now quote some figures in support of my contentions from official reports. I do not propose to take up the time of the Council, but will only refer to a fact or two. The Abkári Bill is before the Council, and I consider this is exactly the time when measures, which, though not very sound in themselves, may yet be urged upon the attention of the Government with the force they deserve. Next to land revenue is our excise revenue, and the last report for the year 1910-11 (para 56) shows that the net revenue from this source in 1909-10 was Rs. 1,41,06,491, which rose in 1910-11 to Rs. 1,54,34,355, giving an increase of Rs. 13,27,864. This is the increase in one year exclusive of the expenditure of Rs. 8,80,132. Coming to the question of quantity of country spirits consumed, as given in paragraph 21, the report says there was an excess of 246,425 proof gallons over the consumption of the year 1909-10. This is for one year, but the report further says that it is in excess by 168,268 gallons more than the average of the last five years. Then we turn to the rate of consumption per head according to the census of 1911. In Appendix C the whole percentage is summarised, and this shows that in about nine

districts there has been an increase in consumption per head, the decrease being in only one district. As to the taste of the people the report says that in the City of Bombay stronger spirit than 25° under proof was in demand. These figures are for the whole Presidency. I will now—thanks to the Temperance Association of Poona—quote figures for the district of Poona. The honourable members must know that the liquor which is 60° under proof is the weakest, 40° under proof is stronger than that, and 25° under proof is still stronger; and up to the time of the passing of the Act of 1878, 50° under proof was the general standard. After that there was an increase.

A few statistics will suffice for individual districts. In the year 1880-81 the revenue from country liquor in the Poona District was Rs. 2,11,025. At the end of thirty years we find the figure has risen to Rs. 8,52,672, *i.e.*, four times. The consumption rose from 66,552 gallons to 153,929 gallons—three times as much. These are hackneyed arguments and I will not take up your time with them. I have pointed out that the evil is growing notwithstanding the best intentions of the Government. Serious efforts are being made to check the growth, and it was for this purpose that the license system was brought into existence but without success. If the evil is to be checked it is to be checked with a strong hand, and that is to be done, according to my humble opinion, by levying a duty so prohibitive as to make it impossible for any labourer to buy liquor. We have gone on increasing the duty, but it has not made people feel that this has been done for the purpose of prohibiting drinking. They take the matter in this light that, as wages increase, the cost of food and drink also increases. I therefore feel that it is only when a prohibitive duty is imposed that the people will think that the price of liquor is beyond their reach. I wish it to be understood that my object is that liquor may not form part of regular food. But the worst thing about prohibition is smuggling, and that is the practical difficulty. Of course, I am making this recommendation as an ordinary layman not responsible for the administration, but I appeal to the Government through this Council that they might find out and try such areas in which smuggling would be impossible. On the whole, therefore, I submit, that there is a sufficient case made out for the acceptance of my resolution by this Council, and I ask the members to support me. Of course, whatever is the fate of this resolution one thing is quite clear to my mind—that thirty-two years' efforts on the part of Government have not succeeded in eradicating the evil, and in a manner the people have come to think that liquor has become dear along with other kinds of food.

The Honourable Mr. G. S. CURTIS said :—Mr. PRESIDENT,—It is with interest I have heard the honourable member's remarks advocating this rather novel measure in our administration. It will, I think, be admitted by all that the evils attending the consumption of alcoholic liquor are very great, and the spread of drinking is very much to be deplored. The increase in the consumption should be checked as far as possible by Government, but to adopt this amendment would be an infringement of public liberty which, I think, no Government, in the light of experiments which have been tried elsewhere, would be justified in attempting at the present time. It seems rather remarkable that only yesterday I urged the Government to proceed with the passing of the Abkári Act Amendment Act, and my Honourable friend Mr. BELVI objected because it gave the Abkári officer the right to arrest; now the Honourable Mr. KARANDIKAR asks that

Government may be pleased to adopt a measure which will require ten Abkári officers where one was before required and will empower anyone to arrest a man, not for having been found in the possession of illicit liquor, but having in his possession fully excised liquor and licit opium. It seems to me he is trying to put down one danger by what would, if this amendment were passed, become a still greater danger. Therefore, at the present moment, I stand between two fires. It always seems to me when legislation of this kind is proposed it is a good plan to frame in one's own mind the actual provisions which such legislation would require if it were only enacted in one's own locality. Therefore, during the past week, I have looked up several works which describe the laws in American States where prohibition has been in force for some years. The first clause of such an Act would state :—"Whereas it seems to Government, owing to the increase in the use of liquor, it is desirable to prohibit the sale of liquor in the following areas, it is hereby enacted that the Governor in Council is empowered to prohibit the sale of liquor in a certain area." The next clause would provide that "In each such area the Governor in Council is empowered to appoint a Commissioner who is believed not to be addicted to the consumption of alcoholic liquor; also a committee of three gentlemen, also believed not to be addicted to the consumption of alcohol." "In this district," the next clause would go on, "there shall be dispensaries for the supply of liquor for those requiring it on medical certificate; there shall be a dispensary in each táluka. These dispensaries shall be opened for the supply of liquor for medical purposes and such as require it are required to put their application before the officers in the following form: 'I certify that I require the use of alcoholic liquor for such and such a purpose. I attach a medical certificate; I certify that I am not an habitual drinker of alcohol and that I am an habitual speaker of the truth.' And if the applicant were not known to the Assistant Surgeon, he would have to bring a certificate from two householders that 'he was not an habitual drinker of alcohol and was an habitual speaker of the truth.'" I can quite imagine that in India we should first of all require his thumb print. Further, should the applicant get drunk as the result of the liquor he consumed, he would be able to sue the supplier for any damages which he, or the members of his family, might suffer, either in fact or in prospect. That is the law in Maine, Iowa, Kansas and other states. A drastic law of that sort carries its own condemnation. In actual practice these laws have become extremely oppressive. Illicit sales were common, and what were called "conundrums," *i. e.*, temperance liquors, which received an alcoholic lacing, if there were no Abkari officer in the neighbourhood, were freely sold. The result has been that the people have risen against it in most of the States of America where it has been tried and it has been given up. I venture to think we should hesitate before importing into this country any statute of a similar kind. After all, there is one very great danger. The Honourable Mr. KARANDIKAR has rightly alluded to the danger of smuggling. But there is a far more serious one. Liquor, after all, is a bulky thing, and smuggling difficult. But there is in this country that very great danger, that in lieu of the liquor intoxicant the people will take to intoxicating drugs. We have already seen in Bombay the great growth of the cocaine habit. No less than 818 cases were got in Bombay of persons who had with them small quantities of this most obnoxious drug. You may be perfectly sure for every case of cocaine which was discovered there are a hundred cases which went undetected. Having regard to the number of drugs

available—morphia, cocaine, veronal—there is very great danger in the tendency of the lower races generally to indulge in intoxicants. Looking back during the past week I have been reading some of the literature on the subject of twenty years ago. I was struck to find how many expedients, which had been adopted in other countries, have been adopted here. In America they have high licenses. That we have here. In Switzerland they have Government distilleries; those we also have. In England they have great trouble with tied houses and dealing with vested interests. We have no trouble of that kind in India; in fact, we are extremely well situated in the control of this trade. I am prepared to admit a very considerable increase in drinking during the past two or three years. The figures for 1910-11 are very unfavourable in this respect. But it is not every year we get such high prices as we have had in the present years and it is not often that we get such good rains as we had in 1910. For the present year I shall be surprised if there is not a big decrease. At the same time Government are at the present moment extremely well situated in controlling the liquor trade, and at the slightest appearance of an increase in consumption still-head duty will be once more raised. Of course, a great deal of the increase is due to the suppression of illicit practices, which have followed the employment of a large and highly paid excise staff. There are, I think, restrictions to the public liberty which prohibition would entail which would not be justified and the results of prohibition would be far worse than those of the consumption of alcohol Instead of liquor we should have drugs, the after effects of which are far worse. For these reasons I ask the Council to reject the motion.

The Honourable Sardar MOTILAL CHUNILAL said:—Mr. PRESIDENT,—I deplore very much the extensive use of liquor, but with reference to the resolution moved by my Honourable friend Mr. KARANDIKAR I have a few remarks to make. I am not quite sure whether the increase in the consumption of liquor is due to any facilities afforded by the Abkari Department or to the present system of Abkari administration. It is also to be feared—and I believe rightly—that more vigilance is now being exercised by the Abkari Department since it has been re-organised in the detection of illicit distillation of liquor. It is possible that the increase has been due to better vigilance on the part of the department in this respect. There is also another reason which is to be found in the growing change in the social ideas of the people. We now see, at least among the Hindus, that the old orthodoxy and its attendant superstitious ways and customs are giving way before reformed ideas. Is it not possible that in many cases people are taking to liquor in public disregard of the rules of their castes, which nowadays are more or less powerless in the matter of exercising their disciplinary powers? The Honourable Mr KARANDIKAR has given us figures showing an increase in the consumption of country liquor, but he has not told us whether there has been a corresponding increase in the use of European liquor or not. If there has been a corresponding increase then it indicates an increasing tendency on the part of every class of people in India to take liquor. Those who cannot afford to buy European liquor take country liquor. The Honourable Mr. KARANDIKAR says up to 1878 only 50° underproof was sold. I was then in Government Service and occasionally it was my duty to test the liquor which we then farmed out, and I know that before 1878 there used to be two kinds of liquor for sale. The fact is that it is not in our power to put a check on the freedom of the people, and I think any resolution of the description submitted for the acceptance of the Council will be inoperative. The Honourable Mr. CURTIS has in his

humorous speech pointed out how difficult it has been found in America to put down the habit of drinking. I think the only course is that as the people get educated and come to know of the evils of drinking they will gradually become sober and eventually give up the evil habit altogether. I do not think, however, that it is possible for a man to leave off his habit of drinking in one generation; it will require at least three generations for him to get rid of it altogether.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH said:—Mr. PRESIDENT,—I hope every member of this Council regrets the growth of drinking in this Presidency. The increase is general. No doubt this is an exceedingly difficult problem. It may be admitted that Government are doing their best in the matter, that they do recognise that drunkenness is an evil habit, that they do not impose duty merely to raise revenue; that they have an eye to the morals of the people, and that they are also doing their best to discourage the sale of liquor. But I may say that to a certain extent the conduct of some of the Government officers is much to be regretted. If you once assume that it is impossible to check the consumption of liquor, and that an attempt to check the sale of liquor would lead to illicit manufacture of liquor, then I am sure you will never be able to obtain good results. One must recognise in this respect that it is the duty of those who want to improve the morals of the people, to try and see whether they cannot divert the attention of those who take to drink from this temptation to some innocent amusement. There are a number of people who are devoting themselves to the cause of temperance in this country. If the officers choose to help the people in this matter there is more than one way to do it. One way of checking the increase of consumption is by passing caste resolutions prohibiting the use of liquor by its members. There are people who are working in this direction, but their efforts have very often failed for want of sympathy on the part of Government officials. Sometimes it happens that after a majority of the people of a village have passed such a resolution, a liquor shop is opened at its door and temptation is put in the way of ignorant and weak-minded people. Now, would it not be desirable not to allow a liquor shop to be opened in such a village and would not the officials promote the cause of temperance by preventing a shop to be opened there? I think in cases of this kind, Government officials might help the efforts of the villagers in a much better way than they are now doing.

The Honourable Lieutenant-Colonel J. JACKSON said:—Mr. President,—In making any remarks on this subject I have no desire to minimise the evil effects of the excessive use of alcohol, but when it is proposed to remedy or palliate an evil by methods essentially based on injustice it behoves this Council to see that the case is fairly stated and to inquire very carefully into it. Many temperance advocates seem to think that to abolish drink is to abolish misery, poverty and crime; and that Draconian legislation is only required to bring about the millenium: whereas everyone, except a temperance fanatic, knows that if liquor were abolished tomorrow, crime and poverty would continue. As the Honourable Mr. KARANDIKAR has pointed out, licensing was first introduced on the recommendation of temperance reformers in order to remedy the evil of unlimited drinking; that very licensing system is now by temperance advocates judged to be an evil; and prohibition is but another evil having the same result in the end. It is not admitted at all unanimously that drink is the cause of poverty; a great many people—including the Continental Sociologist Colajanni—say that poverty is the cause of drink

and not drink the cause of poverty; and Devon, for many years Medical Officer of the Glasgow Prisons, says no statement was more grotesquely untrue than that poverty, especially of the masses, was brought about by drink. "Indeed it is clear," he says, "though drink may be a cause, or a contributory cause, of poverty in some cases, all poor people do not drink, nor are all teetotallers rich."

We are told by temperance reformers also that crimes result chiefly from alcohol. Baer, a great temperance advocate, states that the crimes resulting from alcohol are murder, assaults and sexual offences But if we turned to Mahomedan countries—are they free from these crimes? Does the weary temperance advocate seek his happy valley on the North-west Frontier, or in the Tirah? I think not. Again, there are two tribes in Algeria, Medjidubs and the Aissonnas, who abstain entirely from alcohol and narcotics. They produce a condition of intoxication by the prolonged oscillatory motion of the head. They are described as a fierce and vindictive people given to theft. Now, what is the good of my honourable friend abolishing liquor in a district, if the whole place will be wagging their heads next day? Go to the United States, and you find 70 per cent. of the homicides are sober men and only 20 per cent. of them are drinkers. So Bosco states. Devon sums up, in his recent work on the criminal community, that "the amount of police offences and crimes in Scotland is not dependent on the amount of "drinking but on indulgence in drink under certain conditions of city life. The major "portion and the most serious kind of crimes against property is not due to drink." State-made crime, *i. e.*, the kind of crime made by prohibitive laws, is increasing, but serious crime is diminishing in many countries supposed to be addicated to alcoholism, and the explanation is offered "that the increased inhibitory power and great psychic activity due to civilization" prevents the individual from crime. The explanation speaks for itself. Lombroso, it is true, believes alcohol to be the root of much crime. But if the Honourable Mr. KARANDIKAR welcomes him as an ally he must also accept his conclusion that "education is a generator of crime in many instances." In India, in my experience, opium, cocaine and charas cause infinitely more harm than alcohol.

I come now to the remedy proposed, and it seems to me perhaps it may be more convincing to honourable members if I quote the opinions of men of some repute and authority in political economy and sociological science rather than give my own views. These authorities, who belong to widely different schools of thought, have studied the effects of the many anti-alcoholic laws, including prohibition, in many lands, and the conclusions are those of dispassionate observation, obscured by neither the prejudice of the temperance advocate nor the self-interest of the publican.

There is Frederic Harrison, who is in favour of stringent regulations of the public sale of alcohol and of all places in which it is sold, of penalties for intoxication or for acts committed while intoxicated, or connivances of drunkenness. He says: "The "enforcement of a moral law by legal coercion upon the strength of any majority "whatever is the essence of tyranny and has in it all the evils of religious persecution. "No goodness in motive, no zeal in philanthropy, no pictures of the horrors of alcohol, "no statistics of national loss or misery, no accumulation of pseudo-scientific authority "should blind us to the monstrous wrongfulness of any attempt to suppress alcohol by "law." As time presses I will abridge the quotation, he proceeds to say "So long as an "immense body of citizens of all orders and sorts choose to use alcohol, think it right to

"do so and cannot be shown to offend their neighbours when doing so in moderation, it "would be tyrannical to punish or forbid the consumption of any food which an orderly "adult thinks desirable and right to take.

"To deny him or her this liberty is to destroy moral responsibility and to subject "private morality to Spartan or Hindoo swaddling clothes."

Ferri, the great Italian writer on Sociology, says: "No fiscal or repressive law "acting solely by direct compulsion will ever be able to paralyse those natural tendencies "which can only be weakened by indirect measures. By improving the economic, moral "and intellectual conditions of the people you will ultimately modify drinking habits."

Devas, the author of Political Economy in the Stonyhurst Philosophical series, says that the solution of the difficulty by prohibition has failed. In his 2nd edition, 1901, he points out that "out of the 17 States that had adopted it 10 have abandoned prohibition." Maine merely holds to it, I believe, because, having given birth to this evil child, she is ashamed to abandon it. Devas also says "there seems good evidence "that prohibition leads to illicit trade, police corruption, bribery, and perjury, as "habitual not occasional evils."

Brougham Villiers, writing of the Socialist movement in England as a socialist, finds no solution in prohibition but says: "The State should not only run the liquor trade, but cater, also, make the potman into 'Mine Host' until at last Cavalier and Puritan sit amicably over their bread and wine." "Total abolition," he says, "can never succeed."

And then there is a hard-headed professor of Political Economy from the land of prohibition—Nixon Carver of Harvard University—who, in his "Sociology and Social Progress," 1905, says of prohibition: "Under the name of preventing intemperance the "people of one English colony and of nearly half the United States have been interdicted "from the use of fermented drinks. Prohibition of sale means prohibition of use. The "impracticability of executing the law has caused its repeal in several of the States "which had adopted it." He points out that "so monstrous a principle is far more "dangerous than any single interference with liberty. There is no violation of liberty, "which it would not justify. It acknowledges no right to any freedom whatever, "except perhaps that of holding opinions in secret without ever disclosing them." Is it wise or just or even reasonable to select some unhappy district to try this discredited nostrum in? It is right to regulate the sale, to endeavour to prevent injury being inflicted by anti-social acts through drink, but to prohibit the sale and thereby the use of liquor, is an anti-social act itself. The Honourable Mr. PAREKH suggests that prohibition should be tried in selected villages. I do not think that the Honourable member can have reflected on the smuggling that would arise, liquor would tumble over every hedge into the 'Sanctum sanctorum' he hopes to create by law, excisemen and policemen. Now there is one thing about this resolution which is pleasing, and that is the thoroughly well deserved compliment the Honourable Mr. KARANDIKAR pays to the Bombay Police, for if he were not thoroughly convinced of their integrity and ability he could not dream of prohibition. Prohibition must mean very full powers to the police, domiciliary visits, seizures of property, etc. Now for this reason alone I strongly oppose the resolution, though I concur with Mr. KARANDIKAR in his high estimate of the

Bombay Police. But were they the finest force in the world prohibition laws would tend to weaken their morale, and lead to petty tyrannies and vexatious interference on the part of the police, and to corruption and bribery of the police by the public. It is thrice-told tale. Lombroso, a strong temperance advocate, in his "Crime, its causes and remedies," admits that except in Switzerland, England and Sweden repressive measures have not in any degree realized the end for which they were designed, and he incidentally mentions that when Dr. Brusa visited Gothenburg on a holiday, he could not get a glass of wine for himself, but there were many drunken men in the street. In England, consumption of alcohol is not diminishing because of any repressive laws, but because the nation is becoming soberer. As the upper classes escaped from the thraldom of liquor early in the 19th century, so the middle class followed in the latter end of the same century, and so the working classes will find their salvation; not driven by force, but by gradually rising to a high plane of thought and living. It is to this aim that temperance advocates should direct their energies. They should appeal to the reason and better instincts of man, and not try to police him into morality. As Harrison says "Better to struggle even feebly against habits of self-indulgence than to "become a told abstainer by the rules of the prison." One of the most distressing symptoms of advancing civilisation is this constant creation of new crimes by legislation. Thousand of men all over the world now enter prisons for offences, that it is perversion to call a crime. And prohibition would be another fruitful source of admissions to the prison, a horribly fruitful one in India. Prohibition is as hopeless a method of dealing with the drink question, and as doomed to failure, as the social laws of the New England Puritans from witchcraft to kissing. And are we in India to pick up this "Old rag on a bush" and raise it as a standard of social progress? Surely with our boasted civilisation, our array of priests and teachers, the high examples in the past of strenuous and self-denying lives, we can do something better than throw up our hands in despair and call in the police and the prison to teach us morals and guide us to sobriety.

The Honourable Sir HENRY PROCTER said:—Mr. PRESIDENT,—While fully sympathising with the wish of the Honourable mover of the resolution I am sorry I cannot support it, because, as the Honourable Mr. CHAUBAL has pointed out, it is impracticable. The Honourable Mr. KARANDIKAR speaks of it being applied to selected areas, but he has not told us what areas it should be applied to, and if prohibition is the remedy for the increasing habit of drinking I take it that it should apply to those districts which are the worst offenders, so we should commence by applying it to Bombay, which I think the Honourable Member will realise is absolutely impracticable. The Honourable Mr. KARANDIKAR suggested as an alternative enhanced duties. This is, I believe, one of the ways in which Government has done its best already to decrease the habit, and I think it is safe to leave the Government to continue the methods they have already adopted.

The Honourable Mr. KARANDIKAR in reply to the discussion said:—Mr. PRESIDENT,—I have only a few minutes at my disposal to reply, and in that reply I frankly admit that there are administrative difficulties in reference to this question of prohibition. What I wish is that Government may be pleased to let the people co-operate with them in the matter of this prohibition and to make it a success. I do not entirely depend upon the police or the officers of the Excise Department, but I rely upon the good common sense of the subject races of this ancient land, on their traditions, on their moral and

religious convictions, and on their religious precepts, which, but for the existence of the Indian Penal Code, would have visited the offence of drinking with very severe punishment. I find that in the Penal Code a fine of Rs. 10 is provided for the offence of being drunk and disorderly in the public, but, according to the Hindu and Mohamedan scriptures the offence deserves a far severer punishment. It is the attitude of the people in religious matters and towards their old history and civilization that I appeal to, and Government might depend upon it that if the prohibition is once introduced the whole population will join in strengthening their hands. Surely, if we were to depend upon the police the thing would never be successful. Punishment by the society to which the offender belongs is essential for success. The difficulty is very great, I understand, in regard to the question of smuggling; but if there is a co-operation such as I suggest, smuggling is possible to be detected, and cases of smuggling will be but rare. In respect to the selection of areas, I cannot just recommend any particular area, but I would point out that for local prohibition areas may be selected where there are no natural products which can be used for making liquor and for levying prohibition duties areas may be selected where people are too poor to purchase liquor owing to the prohibitive duty. If that is done I am sanguine of the scheme proving successful. At any rate, considering the importance of the subject I submit it is desirable to vote for prohibition to some extent in some manner. I have indicated what shape it may take, and if there is another better one let it by all means be adopted. Before I close my remarks I have to allude to one circumstance. It is that we are just in the year 1912, which completes the first fifty years of this Legislative Council which came into existence on the 22nd January 1862. When the first meeting of the enlarged Council was held His Excellency the PRESIDENT with a foresight, which was remarkable, expressed the hope that better days were in store for us. I venture to hope that we cannot better celebrate the Silver Jubilee of the Council than by adding to the 219 Acts which we have passed during the period an Act which deals with the morals of the people in a matter which Government themselves have greatly at heart.

The Honourable the Vice-President said:—The Honourable mover of this resolution seems to recognise himself that if we took this resolution exactly as it is it would have to be thrown out at once because it is impracticable. He recognises himself that if we were to make an order for prohibition in any area we could not carry it out. Perceiving that, he apparently hedges, and says he meant only the raising of the duty to such an extent that the price would mean prohibition. We go as far as we can in that respect. We do put up the price of liquor to the highest limit. In the Deccan and the Southern Maratha Country the whole of the area is extremely abstemious. In the rural areas, which exclude large villages and small towns, the consumption per head per annum in the year is two drams London proof, and two drams London proof per head per year is, of course, an absolutely negligible quantity. In a country such as that there seems to be no need for a further rise in price. Notwithstanding, we have in that area in the coming year put up the taxes higher than before. In the areas of the Nasik District and the two Khandeshs the conditions are so totally different that it has not been possible to raise the price of liquor to the same extent. Throughout that country the greater part of the whole population is addicted to the use of spirits. In Thana I should say the proportion of people accustomed to the use of drink is higher than in any part of the Presidency with the exception of Bombay. Throughout Surat and Broach it is also very high. I should

say the enormous majority of the people are addicted, or accustomed, to the use of drink. The Mhowra tree grows freely in this country, jungles are extensive, and it is extremely difficult to prevent illicit distillation; the facilities for it are so great. Therefore, in these countries we are held back from forcing up the price of licit liquor by the inevitable fact that the consumption of illicit liquor will immediately grow beyond our control. The Honourable Member trusts that we may look to the co-operation of the people in enforcing prohibition. Possibly in the abstemious districts of the Deccan we may find people agreeing, but in the other territories, which are the biggest consuming territories in the Presidency outside Bombay City, I should say if we had a referendum of the people they would absolutely plump for a liquor shop in every village. I have not the least doubt that if you asked those people what they preferred to have they would ask for this. The co-operation of the people is, in my opinion, not to be hoped for for a long time to come. In the Thana districts, amongst the Kunbis, a bride and bridegroom are made to drink liquor when their marriage is celebrated. It is part of the ceremony. They are accustomed to drink as part of their religion, and it seems quite a wrong view of the facts to say that a considerable portion of the population are prohibited by their religion from the consumption of liquor. I do not mean only the wild tribes; I mean the Kunbis, the cultivating classes. In Khandesh it is the custom, the religion, of the people to drink, and if the feeling of the people is like that it is impracticable to impose on the people a law that they shall not drink.

The motion was put to the vote and lost.

The Honourable Sir IBRAHIM RAHIMTOOLA moved :—"That with a view to secure greater facilities to the pilgrims and to ensure reasonable rates of passage money from Bombay to the Hedjaz, Government be requested to represent to the Government of India the desirability of throwing open for the embarkation of pilgrims the ports of Calcutta, Chittagong and Madras."

The Honourable Sir IBRAHIM RAHIMTOOLA in support of the motion said :—Mr. President,—When I first sent in a notice of motion I had inserted the ports of Calcutta, Chittagong and Karáchi. But after that motion had been sent in, I received the budget estimates for the ensuing year and from these I found that provision had been made by Government for throwing open the port of Karáchi for the embarkation of pilgrims, the estimated recurring expenditure being Rs. 10,000 and the initial expenditure Rs. 30,000. I therefore altered the motion and sent in an amended one substituting the port of Madras in lieu of Karáchi. At the outset I thankfully acknowledge that the opening of the port of Karáchi will greatly help the administration of the pilgrim traffic, and I will now briefly urge my reasons for throwing open other ports as well for this purpose. Under the Pilgrim Ships Act it is open to the local Government to decide from what ports the embarkation of pilgrims can be permitted. Calcutta, Chittagong, Madras, Bombay and Karáchi had been previously notified to be such ports before the outbreak of plague epidemic and pilgrims were embarked from all those ports before that time. When the plague broke out there was a panic in Europe and precautionary measures had to be adopted to prevent its spread to Arabia, the Red Sea and to Europe and the Government of India issued orders in 1897 prohibiting all embarkation from Bombay. I am indebted to Government for supplying me with the copies of Government orders bearing on the point, and from these it is to be observed that even after prohibiting

embarkation from the port of Bombay, Government decided that pilgrims should be permitted to embark from Chittagong and Karáchi and laid down certain restrictions in regard to quarantine and segregation camps. Considerable difficulties were experienced, and the Haj was practically prohibited until 1902, when the Government of India acting under the Epidemic Diseases Act decided that the embarkation of pilgrims from the notified ports was to be permitted subject to certain regulations. These were that pilgrims should be detained in a segregation camp for ten days and that after that they should be taken directly from there on board the steamer leaving for Jeddah. That went on up to 1906. During the interval Government themselves recognised that the detention of ten days was too much and reduced the period to five days, and it was arranged to keep the pilgrims in detention for five days at Pir Pao before embarkation. Subsequently in consequence of further representations from the Mahomedan community quarantine was abolished by a Government notification which stated that pilgrims would be subjected to medical inspection and to a disinfection of their luggage, and that the embarkation would be restricted to the port of Bombay alone. In view of the previous Government resolution on the subject one cannot see why such a restriction was promulgated and the embarkation from Chittagong and Karáchi was discontinued. The restriction was allowed up to now, but I venture to submit that the time has now arrived when the various evils attaching the restriction of confining the pilgrim traffic to a single port are manifesting themselves.

There are two aspects of the question which require to be considered. One question is with regard to the convenience of the pilgrims themselves as affecting the public health of the city of Bombay. I cannot understand why pilgrims from different parts of India, such as Eastern Bengal and Assam, and from Baluchistan should come to Bombay by rail prior to embarkation for Jeddah. I can quite understand that up to 1906 the port of Bombay was most convenient in view of the fact that segregation arrangements were completely carried out here. But the detention in segregation camps has been abolished and all that is required is a medical inspection, such as the one which passengers for Europe have to undergo. That being the case there is no necessity of maintaining the restriction to Bombay. I am glad that Karáchi is to be thrown open on the representation of the Government of Bombay themselves. But the time has arrived when the other ports in India should also be thrown open to the pilgrim traffic. What will be the effect of the pilgrims embarking from Bombay alone? In the motion brought forward by the Honourable MOULVIE RAFIUDDIN it was indicated that a large collection of pilgrims had led to several evils, the foremost being that during the rush of the pilgrims the rates of passage money are raised abnormally by the steamer companies just when the latest time for embarkation is nearing. That is due to a large number of pilgrims collecting in Bombay. In the Pilgrim Ships Act it is laid down that pilgrims can only be carried by certain steamers which are fitted for the purpose. The steamer accommodation from Bombay cannot possibly be expected to cope with the rush and the result is naturally that the rates go up. Formerly the rates never went above Rs. 50 and generally it ranged between Rs. 20 and Rs. 30. Last year the average went over Rs. 100. This Council will appreciate the difficulties and hardships involved in the payment by the Hajis of such exorbitant passage money. Something was said about the advertised rates having been increased by the shipowners, but it is obvious that fixed rates cannot prevail so far as trade interests are concerned. Consequently not only

higher rates are to be paid, but those Hajis, who are unable to pay such high rates and whose number comes to about 2,000, find themselves stranded and unable to return to their homes. The opening of Karáchi is a great relief to Bombay because it is not desirable that a large influx of people should be allowed in one port when other ports are available for the traffic. Of course, the number of steamers available for the traffic will be the same, as Karáchi is *en route* to Jeddah, and the steamer accommodation will not be largely increased by the addition of the port. The question of passage money will remain the same. Karáchi will give relief to those who live in the surrounding provinces; but what is wanted is that the people from Eastern Bengal, Assam, Oudh, etc., should be allowed to embark from Calcutta and Chittagong and the people from the East from the port of Madras.

I do not intend to tire the Council by quoting statistics. I will briefly indicate that there has never been any inclination on the part of Government not to offer facilities which we require and which would result in largely reducing the hardships of the pilgrims and relieving them from paying high rates of passage money. I will briefly state what will be the effect of the terms of this resolution being complied with. I have marked out figures to show the number of pilgrims who have gone to Hedjaz through Bombay since the year 1889. They are as follow: 7,339 pilgrims in 1889; 9,181 in 1890; 9,239 in 1891; 8,290 in 1892; 13,845 in 1893; 12,736 in 1894; 13,211 in 1895; and 11,594 in 1896. It will be seen that in the first four years the average was 8,000 and in the next four years it was 12,000. The figure was 1,500 in 1897 when the prohibition came and continued in the years 1898, 1899, 1900 and 1901. In 1902 the restrictions were removed and the number of pilgrims that year was 1,072. The figures for the following years are as under: 8,701 in 1903; 16,593 in 1904; 19,177 in 1905; 24,339 in 1906; 20,317 in 1907; 16,119 in 1908; 19,748 in 1909; and 18,023 in 1910. During the last two years the numbers have come down to nineteen and eighteen thousand, not because the number of pilgrims who came to Bombay was small, but because many could not proceed on pilgrimage in those years. The question of the hardships of the pilgrims has to be considered from various points of view. Of course the construction of the new Mussáffarkhána will afford sufficient accommodation to pilgrims during their sojourn in Bombay. But still it is not desirable from the point of view of the health of the city that there should be such a large influx of pilgrims in Bombay every year. There is no reason why we should not invite the attention of the Government of India to the fact that in the interests of the pilgrims and the people of Bombay itself it is desirable that the ports of Calcutta, Chittagong and Madras should be thrown open for the embarkation of pilgrims.

The Honourable Mr. CHAUBAL:—Mr. President,—I think it would perhaps save discussion on this resolution if I were permitted to state to the honourable mover what exactly the state of things is and what Government think about the resolution. There can be no doubt that the opening of Calcutta, Madras and Chittagong to the pilgrim traffic would be very desirable from the point of view of the Bombay Government. It would relieve us of much trouble during the rush of the pilgrim season and to having afterwards to repatriate a large number of pilgrims who return to Bombay with no money to take them home. But we are not in possession of the reasons which are influencing the Government of India in continuing the embargo against the ports of

Eastern India; and the resolution seems to me to be one which ought to have been moved in the Imperial Council and not here. This Council is not in a position to say whether the embargo should, or should not, be removed.

So far as our own port of Karáchi is concerned, we have asked that it should be thrown open to the pilgrim traffic next season, and we shall, a year hence, be able to say whether the opening of that port has, in the words of the resolution "ensured reasonable rates of passage money." At present I feel by no means sure that the opening of more ports will secure reasonable rates.

We are unable, therefore, to accept the resolution. But if this will satisfy the Honourable Member, we shall be glad to inquire of the Government of India whether there are any reasons for continuing the embargo against the three ports in Eastern India.

The Honourable Sir IBRAHIM RAHIMTOOLA:—I accept the suggestion.

The Honourable the VICE-PRESIDENT:—Then I understand, this assurance having been given that the honourable mover of this resolution withdraws it.

The Honourable Sir IBRAHIM RAHIMTOOLA:—Am I to understand that Government will accept the resolution in that modified form?

The Honourable the VICE-PRESIDENT:—I am not quite sure about that. The resolution stands in a certain form, and must be formally modified by an amendment, and put to the Council or else be withdrawn. I understand that the assurance you have received from my honourable colleague satisfies you.

The Honourable Sir IBRAHIM RAHIMTOOLA:—Certainly I understand him to suggest that the resolution in its present form is not acceptable to Government, and it is open to the Council with your permission as President to modify it. If it is modified on the lines the Honourable Mr. CHAUBAL suggests I will accept the modification.

The Honourable the VICE-PRESIDENT:—It is still not quite clear, because the resolution stands in a certain form which Government cannot accept, and the Honourable Mr. CHAUBAL has offered, if the Honourable Member will be satisfied to accept it as a modification, that Government will be glad to inquire of the Government of India whether there is any reason to continue the embargo against the three ports.

The Honourable Sir IBRAHIM RAHIMTOOLA:—Then I ask for permission to modify the resolution in that form.

The Honourable the VICE-PRESIDENT:—If the Honourable Member desires his resolution to be put in that form, will he modify it?

The Honourable Sir IBRAHIM RAHIMTOOLA:—With your permission I will modify it on the lines of the Honourable Mr. CHAUBAL's suggestion.

The Honourable the VICE-PRESIDENT:—The resolution, as modified, is:—"That with a view to secure greater facilities to the pilgrims and to ensure reasonable rates of passage money from Bombay to Hedjaz, Government be requested to inquire of the Government of India whether there are any reasons for not throwing open for the embarkation of pilgrims the ports of Calcutta, Chittagong and Madras." As no member wishes to speak to the resolution I will put it to the meeting.

The resolution was then carried as modified.

The Honourable the VICE-PRESIDENT said:—As regards the remaining business of the Council I am very much in the hands of the members as to the course of procedure, but I mentioned yesterday there was a strong feeling among the members of the Council that it would be inconvenient to some members if we sat after two o'clock, and if we adjourn now there are three resolutions on the agenda. One of these three resolutions—the last one—I understand the Honourable the JA'GHIRDA'R OF ICHALKARANJI does not intend to move. That leaves two, and if we adjourn now we should have to assemble again at three o'clock for two resolutions. Shall we adjourn, or is it possible to postpone these resolutions? Two of them stand in the name of the Honourable Mr. RODDA. What does he say?

The Honourable Ráo Bahádur RODDA:—I think in the interests of business I would rather postpone them.

The Honourable the VICE-PRESIDENT:—Then the two resolutions standing in the name of the Honourable Mr. RODDA are withdrawn from the business of the present meeting.

The Honourable the JA'GHIRDA'R OF ICHALKARANJI:—I also wish to withdraw the resolution standing in my name.

The Honourable the VICE-PRESIDENT:—Then the three resolutions stand over, and the Council will adjourn until further notice.

PAPERS TO BE PRESENTED TO THE COUNCIL.

1. Letter from the Secretary to the Government of India, Legislative Department, No. 235, dated the 20th January 1912.—Returning with the assent of His Excellency the Viceroy and Governor General signified thereon the authentic copy of the Dekkhan Agriculturists' Relief Law and the Bombay Repealing and Amending Law, 1912.

See Appendix G.

2. Report of the Select Committee appointed to consider Bill No. VI of 1911 (A Bill for the Registration of Medical Practitioners).

See Appendix H.

3. A set of printed petitions relating to the Medical Practitioners' Bill.

See Appendix I.

4. Letter from the Secretary, Western India Turf Club, dated the 7th March 1912, regarding Bill to provide for the Licensing of race-courses in the Bombay Presidency.

See Appendix J.

5. Report of the Select Committee appointed to consider Bill No. V of 1911 (A Bill for the abatement of nuisances arising from the smoke of furnaces in the Town and Island of Bombay and to provide for the extension thereof to other areas in the Bombay Presidency).

See Appendix K

6. Report of the Select Committee appointed to consider Bill No. VII of 1911 (A Bill further to amend the Khoti Settlement Act, 1880).

See Appendix L.

7. Report of the Select Committee appointed to consider Bill No. VIII of 1911 (A Bill further to amend the Bombay District Police Act, 1890).

See Appendix **M.**

8. Report of the Select Committee appointed to consider Bill No. IX of 1911 (A Bill further to amend the Bombay Civil Courts Act, 1869).

See Appendix **N.**

See Appendix **O.**

9. Petition from Kutchi Memon Union, dated the 17th November 1911, regarding the Bill for the Registration of Charities.

10. Petition from the Anjuman Imdadul Islam, Karáchi, No. 789, dated the 5th December 1911, regarding the Bill for the Registration of Charities.

See Appendix **P.**

The Council then adjourned *sine die*.

By order of His Excellency the Honourable the Governor,

L. GRAHAM,

Secretary to the Legislative Council.

Bombay, 16th March 1912.

APPENDICES

TO THE

PROCEEDINGS OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF BOMBAY ASSEMBLED ON THE 13TH TO 16TH MARCH 1912.

APPENDIX A.

Statement showing the number of suits in the Courts of Subordinate Judges in the Presidency proper which have been or are likely to be dismissed on the strength of the ruling of the High Court in Civil Reference No. 9 of 1910 together with the amount of claims involved; and the number of plaints in mortgage suits filed before Conciliators on the 7th August 1910 and pending on the 23rd February 1911 together with the amount of claims involved.

Districts.	Number of suits in the Courts of the Subordinate Judges which have been or are likely to be dismissed on the strength of the ruling of the High Court in Civil Reference No. 9 of 1910.	Total amount of claims involved.	Number of plaints in mortgage suits filed before Conciliators on or before the 7th August 1910 and pending on the 23rd February 1911.	Total amount of claims involved.	Remarks.
		Rs. a. p.		Rs. a. p.	
Ahmedabad ...	293	2,06,034 7 6	67	30,741 8 2	
Broach ...	11	6,723 13 6	3	1,348 0 0	
Surat ...	60	18,113 1 0	49	24,968 9 8½	
Thána ...	182	69,314 6 5	293	74,031 10 6	
Ahmednagar ...	1,492	3,02,966 12 2	695	95,662 7 9	
Khándesh ...	436	1,92,018 11 0	13	8,003 0 0	
Násik ..	.....	.....	.....	.....	There are no Conciliators in the Násik District.
Poona ...	1,021	1,98,617 12 4	341	73,038 7 3	
Sátára ...	1,161	2,23,015 1 7	10,697	18,75,101 5 8	
Sholápur ...	161	43,857 3 9	401	62,988 15 0	
Belgaum ...	260	1,00,527 10 11	780	3,14,885 12 6	
Bijápur ...	122	99,923 9 8	24	14,752 9 8	
Dhárwár ...	265	1,08,730 0 2	684	3,66,589 12 0	
Kánara ...	.....*	.....	28	37,690 0 0	*System of conciliation only in force in the Subordinate Judge's Court at Sirsi, in which there are no cases
Ratnágiri ..	162	53,029 12 0	355	1,26,141 6 7	
Total ...	5,626	16,22,872 6 0	14,430	31,05,943 8 4¼	

APPENDIX B.

Name of the Institution.	Question No. IV. (a) The number of boys at the time of the Preliminary Examination in 1910.		(b) The number of boys sent up for		(c) The number of boys who passed		Remarks.	Question No. V (i). The total number of boys in about the middle of November 1911.
	Matric.	School Final.	Matric.	School Final.	Matric.	School Final.		
Garud High School, Dhulia.	70	14	35	*17	21	12	*Of these 10 belonged to Matric Class.	469
High School, Násik.	35	20	33	†37	10	9	†Of these 17 belonged to Matric Class.	411
Northcote High School, Sholápur.	30	31	22	‡25	7	9	‡Of these 7 belonged to Matric Class.	430

APPENDIX C.

No. 1568-Ry. of 1911.

PUBLIC WORKS DEPARTMENT:

Bombay Castle, 11th November 1911.

From

H. V. R. KEMBALL, ESQUIRE,
Joint Secretary to the Government of Bombay ;

To

THE MANAGER,
North-Western Railway.

Sir,

I am directed to forward, for your information, the accompanying extract from the Star of India, dated the 14th October 1911, regarding alleged insufficient accommodation in a certain passenger train that leaves Hyderabad for Kotri in connection with the Kotri-Quetta Mail.

I have the honour to be,
Sir,
Your most obedient servant,
(Signed) C. NORONHA,
for Under Secretary to Government.

Document accompanying :—
Extract referred to.

Extract from the Star of India, dated the 14th October 1911.

"The old, old complaint of insufficient accommodation in the passenger train that leaves Hyderabad to meet the Quetta Mail at Kotri is sent to us by our correspondent. Says our correspondent, the rush in all the compartments, especially in second and intermediate compartments, is so great that the passengers are nearly suffocated. The space for sitting being limited, the poor souls have to huddle themselves over each other as if they were sheep, some taking their seat on their luggage when some do not get that much convenience even and have to sit on the window or stand by the door, with a chance of being thrown out when the guard takes it into his head to give the train a sudden jerk. This complaint has been sounded with clarion notes, but the Railway authorities are too deaf to hear it.... The only remedy to make them understand is by signs, and what more effective and pointing sign can they understand than that of the law. Will any one undertake the task ?"

No. 1599-Ry. of 1911.

PUBLIC WORKS DEPARTMENT:

Bombay Castle, 13th November 1911.

From

H. V. R. KEMBALL, ESQUIRE,
Joint Secretary to the Government of Bombay ;

To

THE MANAGER,
N.-W. Railway.

Sir,

With reference to the correspondence ending with your letter No. T.-219—F., dated the 31st March 1911, I am directed to forward, for information, a copy of Question No. 7 put by the Honourable Mr. Harchandrai Vishindas at the Meeting of the Legislative

Council to be held on the 21st instant, on the subject of inadequate second class accommodation in the Up and Down Quetta Mails, and to request that you will be so good as to state for the information of Government, whether the complaint is well founded and if so, what arrangements you propose to make to remove the inconvenience complained of.

2. A copy of Question No. 2 put by the Honourable Mr. Vishindas at the last Meeting of the Legislative Council is attached for ready reference together with the Answer given by Government thereto.

3. The favour of a very early reply is requested.

I have the honour to be,
Sir,
Your most obedient servant,
(Signed) C. NORONHA,
for Under Secretary to Government.

Documents accompanying :—

(i) Copy of Question No. 7 put by the Honourable Mr. Harchandrai Vishindas.

(ii) Copy of Question No 2 put by the Honourable Mr. Harchandrai Vishindas with Answer thereto.

No. T.-67—F.

From

Sir H. P. BURT, K.C.I.E.,
Manager, N.-W. Railway;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Public Works Department,
Bombay Castle.

Dated Lahore, 3rd February 1912.

Sir,

With reference to your letter No. 1599-Ry., dated 13th November 1911, on the subject of the inadequate accommodation in the Up and Down Quetta Mails and in which you also invite my attention to the general question of inadequate 2nd class accommodation on the passenger trains from and to Karáchi, I have the honour to state that at present the following passenger trains run through between Karáchi and Hyderabad :—

(1) 7 Up and 8 Down Karáchi Mail trains ... } *Vid* the main line.
(2) 23 Up and 46 Down passenger trains ... }
(3) 1 Up and 2 Down Quetta Mail trains ... Connecting by 55 Up and 56 Down between Hyderabad and Kotri.

By each of the first set of trains there are always at least two 2nd class compartments of the train bogie composite which provide seating accommodation for 18 passengers. Besides this one 1st class compartment in the same carriage is labelled for 2nd class lady passengers only. By each of the 2nd and 3rd pairs, *viz.*, 23 Up and 43 Down and 1 Up and 2 Down trains, there are two second class compartments, one of which is set apart for ladies only. By 55 Up and 56 Down there are also 2 2nd class compartments, both for males and females. From this it will be seen that normally there is room for at least 60 male and female 2nd class passengers every day between Hyderabad and Karáchi by the several trains mentioned. Lying-down accommodation is not provided for 2nd class passengers on any trains, *vide* paragraph 76 of our Time Table, a copy of which is enclosed for ready reference.

The accompanying statement shows the number of 2nd class passengers who travelled by 1 Up and 2 Down Quetta Mail Trains between Dadu and Ruk and Ruk and Sibi from May to November 1911, from which it will be seen that the accommodation provided compared with the number of passengers actually carried was sufficient and in excess of bookings. Another statement showing the booking of 2nd class passengers by the same

trains on the Karáchi District during the months of August, September and October is also appended.

The Traffic Superintendent informs me that it was only on the undernoted days that the number of passengers exceeded 9 and the following table will show what extra accommodation was provided for opposite each entry :—

Date.	Total number of passengers.	Train composition.	Extra Carriages.
6th August 1911 ...	19	1 Composite Bogie, 1st and 2nd Class ...	1 Ordinary 2nd class for Quetta.
23rd August 1911 ...	15	1 Do. do. ...	1 Ordinary 1st and 2nd composite for Quetta.
1st September 1911 ...	12	1 Do. do. ...	1 Ordinary 1st and 2nd composite for Hyderabad.
2nd September 1911..	13	1 Do. do. ...	*Nil.*
12th September 1911 ...	17	1 Do. do. ...	1 Ordinary 1st and 2nd composite for Hyderabad.
7th October 1911 ...	11½	1 Do. do. ...	1 Ordinary 1st and 2nd composite for Quetta.
8th October 1911 ...	16	1 Do. do. ...	1 Composite bogie, 1st and 2nd, for Quetta.
15th October 1911 ...	15	1 Do. do. ...	1 Ordinary 1st and 2nd composite for Quetta.
16th October 1911 ...	13	1 Do. do. ...	*Nil*
17th October 1911 ..	10	1 Do. do ...	*Nil.*
		2nd Down Mail.	
28th October 1911 ..	10	1 Composite Bogie, 1st and 2nd class ...	1 Ordinary 2nd class for Hyderabad. 1 Ordinary 1st and 2nd composite for Kotri.

It will, therefore, be seen that the accommodation provided is sufficient for daily requirements and that when extra passengers were offering extra accommodation was usually arranged for, and under the circumstances the complaint in my opinion is not well founded.

The above information also disposes of the general complaint regarding the inadequacy of accommodation in the 2nd class compartments from and to Karáchi.

As regards the alleged insufficient accommodation in certain passenger trains that leave Hyderabad for Kotri in connection with the Kotri-Quetta Mail referred to in your letter No 1563-Ry., dated 11th November 1911, I have the honour to inform you that the largest number of 2nd class tickets issued from Hyderabad on any one day during the three months ending the 31st October 1911 was 11 on the 20th of August 1911 and there might have been some passengers from the Jodhpur-Bikaner Railway and the Hyderabad-Badin Branch. One full 2nd class carriage runs on this train, namely, 56 Down Passenger, which I consider is sufficient on ordinary days. On holidays it is possible that more passengers may travel and arrangements have been made for an extra 2nd class carriage to be run on these days.

I have the honour to be,
Sir,
Your most obedient servant,
(Signed) H. P BURT,
Manager.

Extract paragraph 76 of our Time Table.

76. *Lying-down accommodation.*—On through trains, the railway administration will endeavour, as far as possible, to provide lying-down accommodation at night for each 1st Class through passenger, but cannot guarantee to do so when there is pressure of traffic, unless reserved accommodation is secured by payment of the prescribed number of fares—

(*a*) Lying-down accommodation is not provided during daylight.

(*b*) The railway administration does not provide lying-down accommodation for any class of passengers, on local trains, nor for other than 1st class passengers on through trains.

1 Up Mast.

Date.	August 1911.									September 1911.								October 1911.								
	K. Y. C.	K. C.	Malir.	J. N. D.	D. B. J.	J. G. S.	J. H. P.	K. O. T.	Total.	K. Y. C.	K. C.	Malir.	J. N. D.	D. B. J.	J. G. S.	J. H. P.	K. O. T.	Total.	K. Y. C.	K. C.	Malir.	J. N. D.	D. B. J.	J. G. S.	J. H. P.	K. O. T.	Total.
1	1								1	1	8	3						12	3	2							5
2		1							1	2	11							13	1	3							4
3	5							2	7	4	3							7		3							3
4		6							6	2	3							5	4	2							6
5	1	2	1						4	4								4	1	1							2
6	3	16							19	1								1	2	1							3
7		5				2			7	3								4	4½	10							14½
8	3							1	4										3	13							16
9										4								4	3	1							4
10		1							1	2	4½			1				7½	1	3							4
11	3	2							5	2½								2½		1							1
12	2								2		17							17	1	1							2
13										1								1	2	3							5
14	3	3				3			9	1	1							2	2	1							5
15	4	4							8	1	2							3	5	10							15
16	1								1	2	4				1			5	1	10							12
17	3								3		3							5	3	6					1		10
18	1								1	2	3½							5½		3							3
19	5	2							7	5								5		1							3
20	1					1			2		12							12						1			1
21						1			1										3	1							5
22	1	1							2	3	1							4		2							2
23	5	7				3			15	5								5		5							6
24	1		1½						2½	2	1							3		2½							2½
25	7								7		3							3	2		1						3
26		4							4										4								4
27	4	2							6	1½	2							3½									1
28	3	3							6	1								1	4	1							5
29	4								4										3	2	1						6
30	3								3	6	2							8		1						1½	2½
31	2	2							4										1½	1							2½

2 Down Mail.

Date.	August 1911.								September 1911.								October 1911.							
	H. D. R.	K. O. T.	J. H. P.	J. G. S.	D. R. J.	J. W. D.	M. L. R.	Total.	H. D. R.	K. O. T.	J. H. P.	J. G. S.	D. R. J.	J. W. D.	M. L. R.	Total.	H. D. R.	K. Q. T.	J. H. P.	J. G. S.	D. R. J.	J. W. D.	M. L. R.	Total.
1	1	1		1				3																
2	3							3																
3	1							1																
4																								
5																								
6	1	1						2																
7	6	1						7																
8	1							1																
9																								
10																								
11	1	1						2																
12	1							1																
13																								
14																								
15	1							1																
16	4							4																
17	8							8																
18	8							8																
19	1							1																
20	1							1																
21	6	1						7																
22	8							8																
23	1							1																
24																								
25	1	1						2																
26	1							1																
27	2							2																
28	1							1																
29	1							1																
30	1							1																
31	1							1																

Statement showing No of Second Class Passengers by 1 Up and 2 Down Quetta Mails between Dadu and Ruk and Ruk and Sibi.

Months.	1 Up.				2 Down.			
	Dadu to Ruk.		Ruk to Sibi.		Sibi to Ruk.		Ruk to Dadu.	
	Number of passengers during the month	Number of passengers in Second Class.	Number of passengers during the month.	Number of passengers in Second Class.	Number of passengers during the month.	Number of passengers in Second Class.	Number of passengers during the month.	Number of passengers in Second Class
1911.								
May ..	203	6	325	10	330	10	184	6
June ...	207	7	327	11	216	8	129	5
July ...	117	4	264	8	267	8	139	4
August ..	155	5	282	9	286	9	115	3
September ...	126	5	190	6	265	9	172	6
October ...	143	4	154	6	153	5	170	6
November ...	132	4	237	7	263	8	93	3

Two compartments, Second Class, one for men and one for women = accommodation for 9 male passengers and 9 female passengers run between Dadu and Ruk and 4 compartments, Second Class, run between Ruk and Sibi = accommodation for 18 male passengers and 18 female passengers.

APPENDIX D.

No. 1664-Ry. of 1911.

PUBLIC WORKS DEPARTMENT,
Bombay Castle, dated 21st November 1911.

From

H. V. R. KEMBALL, ESQUIRE,
Joint Secretary to the Government of Bombay;

To

The Agent, G. I. P. Railway Company.
The Agent, B. B. and C. I. Railway Company.
The Agent, Madras and S. M. Railway Company.

Sir,

I am directed to forward, for your information, copies of Questions Nos. 5 and 6 put by the Hon'ble Mr. Abdul Husein Adamjee Peerbhoy at the Meeting of the Legislative Council to be held on the 21st instant. It will be seen that the Honourable Mr Peerbhoy suggests that owing to the short time that long-distance trains halt at stations, third class passengers find great difficulty to secure drinking water and that with a view to obviate this hardship, all third class carriages on long-distance trains should be provided with a small tank for filtered drinking water with a tap attached thereto, and that this arrangement should first be provided in the carriages reserved for females.

2. I am to request that you will be so good as to favour Government with your views on the Honourable Member's suggestions to enable them to reply to his Questions.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd.) H. V. R. KEMBALL,
Joint Secretary to Government.

Documents accompanying:—
Copies of Questions Nos. 5 and 6 put by the Honourable Mr. Abdul Husein Adamjee Peerbhoy.

THE MADRAS AND SOUTHERN MAHRATTA RAILWAY COMPANY, LIMITED.

No. $\frac{2235/49}{W}$.

AGENT'S OFFICE,
Madras, N. E., 1st December 1911.

To

THE JOINT SECRETARY TO THE GOVERNMENT OF BOMBAY,
Public Works Department,
Bombay.

Sir,

With reference to your letter No. 1664-Ry., dated 21st ultimo, I have the honour to point out that water carried in a tank in a Railway carriage becomes very hot

in the day time especially during the hot weather, and if a tank were provided for filtered drinking water, the water would, on this account, not be suitable for drinking. So far as I am aware it is not the practice to provide such a tank in 1st and 2nd class carriages. No such provision is made on this Railway, and I do not remember ever having had a complaint on this account.

I may point out, however, that in addition to the taps on the platform provided at large stations, watermen are provided at all principal stations to supply 3rd class passengers. They attend to the needs of the passengers in the carriages so that there is no necessity for the passengers to alight.

I have, etc.,

(Signed)

for Agent.

Documents accompanying :—
Nil.

BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

No. 17423—W.

AGENT'S OFFICE,
Bombay, 5th December 1911.

From

THE AGENT;

To

THE JOINT SECRETARY TO GOVERNMENT,
Public Works Department, Bombay.

Subject.—Water for 3rd class passengers.

Dear Sir,

With reference to your letter No. 1664-Ry., dated 21st November 1911, I beg to state that as our long-distance fast trains halt sufficiently long at engine watering stations to enable 3rd class passengers to obtain drinking water, and as there is always a liberal supply of water at those stations, it is not necessary to provide 3rd class carriages with water tanks for the storage of filtered water. I enclose statements shewing the halts at different stations of four long-distance trains each way. The taps provided in 1st and 2nd class carriages are for washing—not drinking—purposes.

Yours faithfully,

(Signed)

for Agent.

Accompaniments :—
2 Statements.

Down Trains.

		1.	3.	5.	15.
Colaba	D.	21-30	7-45	19-52	22- 0
Church Gate	A	21-34	7-49	19-56	...
	D.	21-39	7-53	20- 0	...
Marine Lines	A.	...	7-56	20- 3	...
	D.	...	7-59	20- 7	...
Charni Road	A.	...	8- 2	20-10	...
	D.	...	8- 5	20-14	...
Grant Road	A.	21 45	8- 8	20-17	22- 9
	D.	21-55	8-15	20-27	22-19
Dadar	A.	22- 5	8-25	20-37	...
	D.	22- 8	8-33	20-47	...
Bandra	A.	...	8-39	...	...
	D.	...	8-41	.	...
Palghar	A.	23-30	10- 8	22-21	0- 2
	D.	23-40	10-18	21-31	0-12
Udvada	A.	...	11-50	...	...
	D.	...	11-52	...	...
Bulsar	A.	1-19	12-12	0-14	2- 2
	D.	1-29	12-22	0-24	2-12
Billimora	A.	...	12-45	...	...
	D	...	12-47	...	..
Navsari	A.	2-11	13-16	1- 8	3- 0
	D.	2-21	13-20	1-18	3-10
Surat	A.	2-51	13-53	1-48	3-45
	D.	3- 6	14- 8	1-58	3-55
Utran	A.	3-14	14-16	2- 6	...
	D.	3-24	14-26	2-16	...
Ankleshwar	A.	4-12	15-13	3-01	4-50
	D.	4-22	15-23	3-11	5- 0
Broach	A	4-37	15-38	3-26	5-16
	D.	4-40	15-43	3-31	5-19
Palej	A.	...	16- 9	...	...
	D.	...	16-11	...	...
Miyagam	A.	...	16-26	...	...
	D.	...	16-28	...	...
Vishvamitri	A.	...	16-55	...	...
	D.	...	16-57	..	...
Baroda	A.	5-46	17- 2	4-39	6-35
	D.	5-56	17-19	4-59	6-55
Bajuwa	A.	..	17-32	...	...
	D.	...	17-34	...	...
Vasad	A.	...	17-53	...	...
	D.	...	17-55	...	...
Navli	A.	...	18- 6	...	...
	D.	...	18- 8	...	...
Anand	A.	6-46	18-18	5-45	...
	D.	6-53	18-28	5-52	...
Boriavi	A.	...	18-38	...	...
	D.	...	18-40	...	...
Nadiad	A.	7-14	18-54	6-12	...
	D.	7-24	19- 4	6-22	..
Mehmadabad and Kaira Road	A.	7-44	19-25	6-42	...
	D.	7-47	19-28	6-50	...
Ahmedabad	A.	8-20	20- 0	7-25	...
	D.	8-50	20-25		
Sabarmati	A.	...	20-37		
	D.	...	20-40		
Ambli Road	A.	...	20-55		
	D.	...	20-57		
Sanand	A.	9-30	21-14		
	D.	9-38	21-17		
Chharodi	A.	9-47	21-33		
	D.	9-49	21-35		
Jakhvada	A.	...	21-55		
	D	...	21-57		
Viramgam	A.	10-20	22-15		

Down Trains—continued.

		1.	3	5	15.
Godhra	A. ...	...	...		8-22
	D. ..	...	...	...	8-32
Dohad	A. ...	...	...	...	10-10
	D. ..	...	...	...	10-20
Amargarh	A. ..	...	..	...	11-49
	D. ...	...	...	...	11-59
Rutlam	A. ...	...	...	...	13- 3
	D. ...	...	...	...	13-23
Nagda	A. ..	...	...	...	14-10
	D. ..	..	...	...	14-20
Suvasra	A. ..	...	...	...	15-50
	D. ..	...	...	.	16- 0
Pachpahar	A. ..	...	...	...	16-55
	D. ..	...	...	...	17- 5
Kotah Junction	A. ...	...	...	...	19- 3
	D. ..	...	...	...	19-18
Siwai Madhopur	A. ...	...	..	...	21-22
	D. ...	...	...	...	21-32
Gangapur City	A. ..	.	...	...	22-44
	D. ..	...	...		23- 4
Bayana	A. ..	...	...	...	0-33
	D. ...	...	..	...	0-43
Bharatpur Junction	A ..	...	...	...	1-32
	D. ..	...	...	...	1-42
Muttra Junction	A.	...	...	...	2-22
	D. ..	...	...	...	2-42
Delhi Junction	A ..	.	...	...	6-57

Up Trains.

		2	4.	10.	16.
Delhi Junction	D.	...	...	...	22-45
Muttra Junction	A.	...	...	...	2-35
	D.	...	...	...	2-55
Bharatpur	A.	...	...	...	3-35
	D	...	...	...	3-45
Bayana	A.	...	...	...	4-34
	D.	...	...	...	4-44
Gangapur City	A.	..	...	...	6-13
	D.	...	...	...	6-33
Siwai Madhopur	A.	...	...	...	7-46
	D.	...	...	...	7-56
Kotah Junction	A	...	...	...	10- 0
	D.	..	...	...	10-15
Morak	A.	...	...	...	11-30
	D.	.	...	...	11-40
Suvasra	A.	...	...	...	13-19
	D.	...	...	...	13-29
Mahidpur Road	A.	...	...	...	14-37
	D.	...	...	...	14-46
Nagda	A.	...	...	...	15- 7
	D.	...	...	...	15-17
Rutlam	A.	...	...	...	16-15
	D.	...	...	...	16-35
Amargarh	A.	...	...	...	17-35
	D.	...	...	...	17-45
Dohad	A.	...	...	...	19- 5
	D.	...	...	...	19-15
Godhra	A.	...	...	...	20-42
	D.	...	...	...	20-52
Viramgam	D.	19-15	6- 5	...	...
Jakhvada	A.	..	...	6-20	...
	D.	...	..	6-22	...
Chharodi	A.	...	19-47	6-40	...
	D.	..	19-49	6-42	...
Sanand	A.	...	20- 3	6-57	...
	D.	..	20- 6	7- 0	...
Ambli Road	A.	...	...	7-15	...
	D.	...	...	7-17	...
Sabarmati	A.	...	20-34	7-31	...
	D.	...	20-38	7-33	...
Ahmedabad	A.	...	20-50	7-45	...
	D.	...	21-20	8-10	17-50
Mehmadabad and Kaira Road	A.	...	21-51	8-46	18-34
	D.	...	21-53	8-56	18-46
Nadiad	A.	...	22-13	9-20	18-57
	D.	...	22-23	9-30	19- 7
Anand	A.	..	22-43	9-53	19-30
	D.	..	22-50	10-5	19-40
Vasad	A.	...	...	10-25	20-55
	D.	..	...	10-30	20-56
Baroda	A.	..	23-38	11- 3	20-40
	D.	...	23-48	11-25	21- 5
Miyagam	A.	...	...	11-58	22-20
	D.	...	...	12- 1	22-40
Palej	A.	...	...	12-17	...
	D.	...	...	12-20	...
Broach	A.	..	1- 1	12-47	22-27
	D	...	1- 4	12-51	22-37
Ankleshwar	A.	...	1-19	13- 6	22-52
	D.	..	1-29	13-16	23- 2
Surat	A.	..	2-20	14-11	24- 0
	D.	...	2-30	14-26	0-15
Kankra Khari	A.	...	2-36	14-33	0-22
	D.	...	2-41	14-38	0-27
					23-55
					23-58
					0-14
					0-24
					1-22
					1-32
					...
					...

Up Trains—continued.

			2.	4.	10.	16.
Navsari	...	A.	3- 7	15- 5	0-55	2- 7
		D	3-17	15-15	1- 5	2-17
Bilimora	...	A.	...	15-38	...	...
		D.	...	15-40	...	...
Bulsar	...	A.	4- 0	16- 3	1-51	3- 5
		D.	4-10	16-13	2- 1	3-15
Udvada	...	A.	...	16-33	...	...
		D.	...	16-35	...	...
Daman Road	...	A.	...	16-46	...	...
		D.	...	16-53	...	...
Palghar	...	A.	5-52	18-14	4- 0	5- 8
		D	6- 2	18-24	4-10	5-18
Bandra	...	A.	...	19-49	5-39	...
		D.	...	19-51	5-44	...
Dadar	...	A.	7-34	19 58	5-51	...
		D	7-39	20- 3	5-56	...
Grant Road	...	A.	7-49	20-13	6 6	6-59
		D.	7-59	20-20	6-13	7- 5
Charni Road	...	A.	...	20-23	6-16	...
		D.	...	20-27	6-22	...
Marine Lines	...	A.	...	20-30	6-25	...
		D	..	20-34	6-31	...
Church Gate	...	A.	8- 5	20-37	6-34	7-11
		D.	8-10	20-40	6-40	7-15
Colaba	...	A.	8-15	20-45	6-45	7-20

GREAT INDIAN PENINSULA RAILWAY COMPANY.

AGENT'S OFFICE, VICTORIA TERMINUS, BOMBAY,
7th December 1911.

No. 50—W/2.

THE JOINT SECRETARY TO THE GOVERNMENT OF BOMBAY,
Public Works Department, Railways, Bombay.

Supply of drinking water to 3rd class passengers.

Sir,

In reply to your letter No. 1664, dated 21st November 1911, I have the honour to inform you that no arrangements have been introduced on this railway for the supply of filtered drinking water in 1st and 2nd class carriages, nor is this Administration aware that any such arrangements have been introduced on other railways. Water in a tank in a carriage would not be drinkable during the hot weather owing to its high temperature.

2. We are not aware that 3rd class passengers experience greater difficulty in obtaining drinking water in the hot weather than at any other time of the year. On the contrary, during the hot season, a large additional staff of watermen is employed to supply drinking water to passengers.

I have, etc.,

(Signed) FRANK CLARK,
Acting Agent.

Documents accompanying :—
Nil.

APPENDIX E.

No. 1665-Ry. of 1911

PUBLIC WORKS DEPARTMENT,
Bombay Castle, 21st November 1911.

From

H. V. R. KEMBALL, ESQUIRE,
Joint Secretary to the Government of Bombay;

To

The Agent, G. I. P. Railway Company.
The Agent, B. B. and C. I. Railway Company.
The Agent, Madras and S. M. Railway Company.

Sir,

I am directed to forward, for your information, copies of Questions Nos. 9 and 10, put by the Honourable Mr. Abdul Husein Adamjee Peerbhoy at the Meeting of the Legislative Council to be held on the 21 instant, and to request that you will be so good as to favour Government with any information you have available, so far as your Administration is concerned, to enable them to reply to the Honourable Member.

2. I am also to request that, if the allegation made in Question No. 10 is correct, you will kindly consider and report what steps, if any, your Administration propose to take to obviate the grievance.

I have, etc.,
(Signed) H. V. R. KEMBALL,
Joint Secretary to Government.

Documents accompanying:—
Copies of Questions Nos. 9 and 10 referred to.

THE MADRAS AND SOUTHERN MARATHA RAILWAY COMPANY, LIMITED.

No. $\frac{2234—161.}{T.}$

AGENT'S OFFICE,
Madras, N. E., $\frac{30th\ November}{1st\ December}$ *1911.*

To

THE JOINT SECRETARY TO THE GOVERNMENT OF BOMBAY,
Public Works Department, Bombay.

Sir,

With reference to your letter No. 1665-Ry., dated the 21st instant, I have the honour to reply as follows to the questions (Nos. 9 and 10) put by the Honourable Mr. Abdul Husein Adamjee Peerbhoy:—

(9) It seldom occurs that third class passengers who have purchased Mail train tickets are prevented from travelling by Mail due to want of accommodation, but in all cases a refund of the difference in fare by Mail and the fare by the train by which the passenger actually travelled, is made on application.

(10) The Mail trains and the Passenger or Mixed trains run over the larger part of the System at different times of the day and the trains cannot well be confused. Every precaution is taken to prevent passengers entering wrong trains. It must be remembered, however, that, while this may happen unintentionally in some instances, it is more probable that, in many cases, it is intentional.

I have, etc.

(Signed)

Agent.

Documents accompanying :—

Nil.

GREAT INDIAN PENINSULA RAILWAY COMPANY.

AGENT'S OFFICE, VICTORIA TERMINUS,

Bombay, 6th December 1911.

No. 93—T/2.

THE JOINT SECRETARY TO THE GOVERNMENT OF BOMBAY,

Public Works Department

(Railway), Bombay.

Sir,

Complaint *re* 3rd class passengers purchasing mail train tickets not being allowed to travel by that train.

In reply to your letter No. 1665, dated 21st November 1911, I have the honour to inform you that our rules provide that passengers are booked on condition that there is room in the train by which they propose to travel. In the event of there being no accommodation in such a train, the Station Master at the station at which a ticket is issued is authorised to refund the value of the ticket, if requested to do so, within half an hour after the departure of the train. Passengers who have purchased tickets for which they subsequently find they have no use, or who desire to change their destination, are treated similarly. All such tickets are merely recorded as unissued, and this Administration is not in a position to say what proportion thereof may have been due to refund granted in cases of insufficient room in mail trains.

3. In regard to question No. 10, this Administration is not aware that passengers found in a mail train holding tickets available by ordinary train, who have been in a position to prove that they had no intention of travelling by mail train, have been excessed. All steps possible are taken to direct passengers to their proper trains.

I have, etc.,

(Signed) FRANK CLARK,

Acting Secretary.

Documents accompanying :—

Nil

BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

AGENT'S OFFICE,
Bombay, 6th December 1911.

No. 17477—T.

From

THE AGENT;

To

THE JOINT SECRETARY TO GOVERNMENT,
Public Work Department,
Bombay.

Dear Sir,

With reference to your letter No. 1665-Ry., dated 21st November 1911, I beg to forward, herewith, a copy of letter No. G.-10753, dated 30th November 1911, from the Company's General Traffic Manager, dealing with the two questions put by the Hon'ble Mr. Abdul Husein Adamji Peerbhai at the last meeting of the Legislative Council.

Yours faithfully,
(Signed)
for Agent.

Accompaniment :—
Copy of letter referred to.

Copy of letter No. G.-10753, dated 30th November 1911, from the General Traffic Manager, Bombay, to the Agent, Bombay Baroda and Central India Railway, Bombay.

Questions in Council put by the Hon'ble Mr. Abdul Husein Adamji Peerbhoy.

In returning herewith your endorsement No. T.-16800, dated the 22nd instant, I have the honour to remark that the statement made by the Hon'ble Member in his question No. 9 is a general one. Had he been able to quote specific instances of passengers holding mail tickets having had to travel by slower trains without the difference in fares being refunded to them we should have been better able to deal with the matter. As it is we are not in a position to furnish the particulars he wants as refunds in such cases are made on the spot by Station Masters. This Administration is not aware of any cases of the nature having occurred on this Railway. The 3rd class accommodation on mail trains as a rule is liberal and it would be only in extremely exceptional cases that there would be any occasion to shut out passengers.

With regard to question 10 we are not aware of the occurrence of any such cases, but orders have been issued if any do occur that only the excess fare should be recovered and not the penalty provided under the Railway Act.

APPENDIX F.

REVISED FINANCIAL STATEMENT OF THE GOVERNMENT OF BOMBAY FOR THE YEAR 1912-13.

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 1912-13 were considered in January last by the Finance Committee of this Council. Effect has been given to the recommendations of the Committee, which, together with a few other alterations made up to 3rd February 1912, have been embodied in the amended Draft Financial Statement, copies of which have been supplied to the Honourable Members. The present Statement deals with the actuals for 1910-11, the revised estimates for 1911-12 and the budget estimates for 1912-13 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 1911-12 and 1912-13 are liable to alteration, but in the absence of altogether unforeseen circumstances no modification seriously affecting the estimates is likely to be required.

PART I.

Accounts of 1910-11.

2. The accounts of the year 1910-11 opened with a balance of 87,21. The closing balance was estimated in the revised at 1,52,47, and in the accounts rose to 1,63,06. The total Provincial revenue amounted to 7,16,33; compared with the budget, the actuals were better by 92,93 against 85,30 calculated in the revised, showing an improvement of 7,63. The increase over the revised occurred chiefly under *Land Revenue*, *Excise*, *Assessed Taxes*, *Interest*, and *Civil Works* (*Public Works Department*), and was partially counterbalanced by decrease under *Irrigation—Portion of land revenue due to irrigation*. The total Provincial expenditure amounted to 6,40,48 showing a net decrease of 2,96 as compared with the figure (6,43,44) estimated in the revised. Decreases occurred chiefly under the heads *Land Revenue*, *Medical*, *Stationery and Printing*, and *Irrigation—Minor Works and Navigation*, and were partially counterbalanced by increase chiefly under the head *Civil Works* (*Public Works Department*). The causes of the principal variations are explained in Part II, Section I, below.

Revised Estimates for 1911-12.

3. The opening balance of the year 1911-12 estimated in the budget at 1,52,47 was changed to 1,63,06 on the closing of the accounts of 1910-11.

4. The total Provincial revenue for the current year is now estimated at 6,97,98 against 6,78,62 entered in the budget The increase of 19,36 is accounted for mainly by larger receipts under *Land Revenue—Alienations* (due to revisions of settlements), *Land Revenue—Fixed allotment and adjustments* (due chiefly to the Imperial assignments of (i) 10,83 for the remission of debts of certain states in Káthiáwár and Gujarat, (ii) 6,50 for special non-recurring expenditure on sanitation, (iii) 4,37 towards the payment of the Royal bonus, (iv) 4,13 to afford credit to Provincial revenues on account of the sale proceeds of certain lands in Bombay which had been credited to Imperial revenues in past years, (v) 2,09 towards the expenditure in connection with the Royal Visit and the Delhi Darbár, (vi) 2,00 for special non-recurring expenditure connected with the Bombay Bacteriological Laboratory, (vii) 2,00 towards the construction of the Royal Visit Commemoration Building at the Apollo Bandar, Bombay, (viii) 1,75 towards making up the deficit in the Provincial share of land revenue (including the portion due to irrigation), which is expected to fall below the minimum figure (1,89,25) guaranteed under the terms of the Provincial Settlement, and (ix) 1,00 for special non-recurring expenditure on agriculture and allied objects), *Excise* (due to an enhancement of still-head duty and of duty on gánja, and to improvement of license fees for sales of foreign liquor and opium), *Assessed Taxes* (due to improvement in the earnings of companies, banks, piece-goods merchants, etc), *Forest* (due to anticipated receipts on account of famine fodder operations and to larger receipts from timber, fuel, etc.), and *Civil Works—Public Works Department* (due to larger toll receipts and sales of buildings, old materials and produce). The increase is partially counterbalanced by decreases under *Land Revenue—Provincial share* (due to the unfavourable season), *Stamps* (based on the latest actuals on account of sales of general and court-fee stamps), and *Police* (due to the absence of recovery on account of charges connected with the additional mounted police in the Kaira district which has not been entertained).

5. The total Provincial expenditure is estimated at 7,80,28, or an excess of 27,46 over the provision of 7,52,82 entered in the budget. The increase occurs chiefly under *Refunds* (due to larger refunds of land, stamps and excise revenue), *Assignments and Compensations* (due to revision settlements and to larger payments in connection with hemp drug leases), *Land Revenue* (due to indirect famine charges and to payment of the Royal bonus), *Excise* (due to the lump deduction of 70 for probable savings in the budget having proved too high), *Forest* (due to expenditure on account of famine fodder operations), *Interest* (due to the unfavourable agricultural season), *General Administration* (due to the Royal Visit and

Coronation Darbár at Delhi), *Courts of Law* (due to larger payments of fees to pleaders in criminal cases, grain compensation allowance and the Royal bonus), *Jails* (due to larger dietary charges and to the grant of grain compensation and the Royal bonus), *Miscellaneous* (due to (i) the remission of debts of certain states in Kathiáwar and Gujarát, (ii) the writing off of takavi advances, and (iii) the overdrawal of its balance by the District Local Board, Ahmedabad), *Civil Works - Civil Department* (due to grants for the improvement of water-supply in several districts), and *Civil Works—Public Works Department* (due to transfers of grants between this and other heads). The increases referred to above are partially counterbalanced by savings mainly under *Education* (due to the transfer to the Public Works Department of a portion of (i) building grants and (ii) the grant for non-recurring expenditure provided out of the special allotment made by the Government of India in 1910-11, to savings in that grant, and to smaller expenditure on technical education, colleges, secondary schools, grants-in-aid, and the preparation of Sanskrit series and departmental books), *Medical* (due to the transfer of a portion of the provision for grants in aid of sanitary projects to other heads, and to smaller expenditure on hospitals and dispensaries, plague measures, and pilgrim traffic), *Stationery and Printing* (due to smaller expenditure on Government Presses, and to smaller demands for stationery, chiefly printing paper), and *Irrigation—Minor Works—Public Works Department* (due to smaller expenditure on repairs and establishments).

6. The closing balance of the year is estimated at 80,76, or an increase of 2,49 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 84,03 compared with 36,52 entered in the budget, the difference being due to a large increase in the advances taken by cultivators and Native States and Estates in consequence of the failure of the crops, partly counterbalanced by a smaller provision made for loans to local bodies. The recoveries are estimated at 39,03 against 40,72 entered in the budget, the decrease being due mainly to smaller repayments expected from cultivators

Budget Estimates for 1912-13

8 The budget for 1912-13 opens with a balance of 80,76, which, it is anticipated, will be reduced to 60,17 by the close of the year, the total revenue being estimated at 7,03,16 and the total expenditure at 7,23,75. The estimates thus involve an expenditure of 20,59 from the Provincial balance. The total revenue shows an advance of 24,54 over the current year's budget, and of 5,18 over the revised. The total expenditure shows a decline of 29,07 from the current year's budget and of 56,53 from the revised.

9. The revenue estimates for 1912-13 allow for expected increases, chiefly under the heads of *Land Revenue—Fixed allotment and adjustments* (due mainly to the Imperial assignment of 6,50 for recurring expenditure on education), *Excise* and *Assessed Taxes* (in view of the current year's revised estimate), *Forest* (due mainly to receipts on account of famine fodder operations), and *Education* (due principally to the increase in the rates of fees recently sanctioned for Government schools, and to improvement in the Government Law School and School Final Examination fees). The increase is partially counterbalanced by decreases mainly under *Land Revenue—Provincial share* (which is estimated with due regard to the effects of the current unfavourable season), *Stamps* (based on the revised), *Interest* (owing to smaller recoveries expected on account of interest on loans to cultivators), and *Police* (due principally to the transfer of rámoshi transactions in Bombay City to a personal ledger account).

10. The estimate of land revenue (including the portion due to irrigation) is taken at 4,31,00 (Provincial share=2,15,50), the decrease from the current year's budget (4,43,00) being due to the current unfavourable season. Exclusive of miscellaneous revenue (estimated at 1,90 in the revised estimate for 1911-12 and at 1,88 in the budget for 1912-13), the figures of the estimated demand, collections, remissions and suspensions for the years 1911-12 and 1912-13 are given below.—

	1911-12, Revised.		1912-13, Budget.	
Outstanding balance ..	63,46		1,02,09	
Demand	4,30,36		4,10,94	
.		4,93,82		5,13,03
Collections.	3,73,10		4,29,12	
Remissions ..	18,63		14,70	
		3,91,73		4,43,82
Balance { Suspensions.	79,44		23,40	
Balance { Arrears	22,65		45,81	
		1,02,09		69,21

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" have been made to the amount of 5,06 under eight major heads of account in the budget for 1912-13 compared with 4,85 under seven major heads in the budget of 1911-12. These deductions, however, do not necessitate corresponding reductions in detailed grants entered in the budget. The budget for 1912-13 includes (*a*) 16,31 for indirect famine charges, (*b*) 8,87 on account of (*a*) the balance of the special assignment made by the Government of India in 1910-11 for non-recurring education and sanitation charges and (*β*) 60 expected to be saved from the provision made out of the assignment for educational charges in the current year, and (*c*) 12,50 for expenditure against certain Imperial assignments made by the

Government of India in the revised estimate of 1911-12 and budget estimate of 1912-13 Item (*c*) is made up of (*α*) 6,50 and 2,00 for non-recurring expenditure in connection with sanitation and the Bombay Bacteriological Laboratory, respectively, (*β*) 75 out of the assignment of 1,00 for non-recurring expenditure on agriculture and allied objects, and (*γ*) 3,25 out of the assignment of 6,50 for recurring expenditure on education, the un-appropriated balances (25 and 3,25) of the last two assignments being left to swell the closing balance of 1912-13. The assignment of 6,50 referred to in (*γ*) represents the amount now allotted to the Bombay Presidency out of the grant of 50,00 set apart for the promotion of truly popular education as announced at the Coronation Darbár on 12th December 1911. The objects to which the grant is to be devoted and the approximate proportion of the sum of 6,50 to be allotted to each are as follows —

(1) Extension and improvement of elementary education for boys, including the extension of free education.	4,36
(2) Education (mainly elementary) of girls ...	75
(3) Hostels	48
(4) Technical and industrial education ...	51
(5) Education of Europeans and Anglo-Indians.	40
Total ..	6,50

The distribution of item (*c*) in further detail will be settled hereafter. The following are other items of special interest provided in the new budget :—

(i) revision of the grades of Assistant Collectors;

(ii) revision of subordinate revenue establishments;

(iii) temporary establishments for record of rights work in the Presidency proper;

(iv) cadastral survey of the Town and Island of Bombay providing an up-to-date map and a register of possession;

(v) scheme for the audit by the Accountant General of the accounts of municipalities, district local boards, medical institutions, etc.;

(vi) discretionary grants to Commissioners,

(vii) payment at increased rates of diet and road expenses of witnesses in cases coming before the Criminal Courts in the Presidency proper;

(viii) entertainment of a special officer and establishment to review the Dekkhan Agriculturists' Relief Act;

(ix) extension of police re-organization and reforms,

(x) utilisation of the Imperial allotment for non-recurring expenditure on education;

(xi) improvement of the pay and strength of teachers in primary schools;

(xii) opening of new primary schools;

(xiii) results grants to aided primary and secondary schools;

(xiv) play-grounds for high schools;

(xv) professor for the Madhavlal Ranchhodlal Science Institute, Ahmedabad;

(xvi) teaching of compulsory elementary science of the first year's course in the Elphinstone and Deccan Colleges;

(xvii) grants for sanitary improvements;

(xviii) re-organization of the staffs of the Grant Medical College and J. J. Hospital, Bombay,

(xix) equipment and staff for the new Physiological Laboratories at the Grant Medical College, Bombay,

(xx) application of the Lepers Act to certain selected areas in the Bombay Presidency;

(xxi) grant to the Bombay Municipality in connection with measures for the eradication of malaria;

(xxii) investigation into the causes of diarrhœa prevailing in Poona during the rains,

(xxiii) arrangements for the embarkation of pilgrims at Karachi;

(xxiv) increased expenditure in connection with the Agricultural Department;

(xxv) re-organization of subordinate veterinary establishment in Sind,

(xxvi) re-organisation of the staff of the Bombay Veterinary College;

(xxvii) survey of oil-pressing industry,

(xxviii) Bombay Smoke Nuisances Commission.

12. (a) It is generally recognised that, in the interests of the public service, a member of the Indian Civil Service should on completion of his eighth year of service be holding permanently an appointment carrying a pay of over Rs. 1,000 a month. The proportion of appointments carrying pay of less than that amount to appointments carrying higher pay is larger in the Bombay Presidency than in any other Province. The result is that a comparatively large number of officers of over eight years' service is often in receipt of less than Rs 1,000 a month. Moreover, out of civilians of from three to eight years' service, eleven officers on an average do not draw pay higher than Rs. 500 a month, although they are entitled to act as Second or First Assistants on passing the higher standard departmental examination and have been invested with full Magisterial powers. At present there are 17 appointments of Assistant Collectors on Rs. 900 and 18 on Rs. 700, but three out of the total of 35 appointments are held by Provincial Assistant Judges on Rs. 500 or Rs. 600. With the view of securing a proper flow of promotion among the members of the Indian Civil Service, it is proposed to create a

special grade of Assistant Collectors on Rs 1,200, and to raise the total number of appointments of Assistant Collectors available for that service from 32 to 35, the latter being distributed as shown below.—

		Rs	
5	appointments on	... 1,200	per mensem,
14	Do.	. 900	,, , and
16	Do	. 700	,,

Item (i) refers to the provision of 47 made in the new budget for the additional expenditure involved by the proposals for a period of ten months during 1912-13.

(b) In consequence of the general rise in the cost of living, it has in recent years been found difficult to obtain suitable candidates for employment in the subordinate revenue service. Proposals for the revision of the grades of pay of employees in that service are under the consideration of Government. The total cost of the scheme is estimated at 1,78 for the Presidency proper and 15 for Sind. In view of the difficulty of finding funds for so large an increase, it is proposed to bring the revision into effect gradually and to commence with the lower grades, where the pinch is felt most severely. The scheme will require the sanction of higher authorities. Meanwhile a provision of 48 (43 for the Presidency proper and 5 for Sind) is made in the new budget to meet the cost of item (ii) for four months of the year 1912-13.

(c) The work of rewriting the record of rights, which is now recognised as a basis of the revenue demand, has to be undertaken throughout the Presidency proper, and it will be necessary to entertain temporary establishments to give assistance to Mámlátdárs' offices on a large scale. A provision of 50 for the purpose is made in the new budget, and the necessary establishments will be entertained under the orders of the Settlement Commissioner, who has also been authorised to give rewards, out of the amount of 50 mentioned above, of small sums to accountants, whether hereditary or stipendiary, of villages where the work of maintaining the record is heavy and is particularly well done. In some tálukas it is also necessary to entertain at once extra avalkarkuns for the proper maintenance of the record, and a provision of 20 is made for the purpose as a temporary measure for the year 1912-13 in the first instance. Item (iii) refers to the total provision of 70 made for the purpose.

(d) Government have received the report of the Committee which, as stated in paragraph 15 (*b*) of the Revised Financial Statement for 1911-12, was appointed to consider the scheme for making a fresh cadastral survey of the Town and Island of Bombay. The Committee has estimated the cost of the survey, including the preparation of a register of possession, at 6,00, out of which one-half will fall on private owners in the shape of fees, one-fourth on Government and the remainder on the Bombay Municipality and Port Trust in the proportion of 2 to 1. In the case of the original survey made by Colonel Laughton in 1872, the preliminary triangulation and laying out of major traverses were done by the Government Trigonometrical Survey, and the detail work was executed provincially, subject to check by an officer of that survey on completion. In view of the very high value which land has now reached in Bombay and of the importance of securing absolute accuracy in the maps, it appears that the fresh survey (including revision of its cost) should, if possible, be entrusted to the Government Trigonometrical Survey. Pending consideration of this question which will take considerable time, a small provision of 15 is made for item (iv) in the budget for 1912-13, out of which 8 may be covered by contributions from the Bombay Municipality and Port Trust.

(e) Government have under consideration certain proposals for the audit by the Accountant General of the accounts of (*a*) municipalities and district local boards, (*β*) all medical institutions, (*γ*) the Port Trust, Settlement and Cantonment Funds at Aden, and (*δ*) the office of the Official Assignee, High Court. The expenditure on account of (*a*), (*β*) and (*γ*) is roughly estimated at Rs 20,000 per annum, and the cost in respect of (*δ*) is recoverable. A sum of 7 (item v) is provided for the purpose in the ensuing year's budget, as it is anticipated that the scheme, which requires the sanction of higher authorities, will not be in working order for more than four months of that year.

(f) One of the recommendations made by the Royal Commission upon Decentralization in India with the object of giving to Commissioners enhanced financial powers was that they should be provided with funds (*a*) for general purposes of a public nature calculated to be of benefit to their divisions, and (*β*) for the grant of money rewards to specially deserving persons, the sums placed at their disposal being large enough to enable them to distribute funds to their Collectors, and to keep in their own hands a reserve for direct outlay by themselves. Instances of objects of the former class (*a*) would be—

(1) assistance towards public objects not strictly covered by the Local Self-Government Acts, *e. g.*, in the maintenance of public gardens;

(2) amelioration of the conditions of life in remote stations where there are no local funds for sanitary purposes or small amenities;

(3) contributions to philanthrophic societies or to social or athletic clubs.

Instances of objects of the second class (*β*) would be—

(1) rewards, either in money or in the form of jewellery or dresses of honour, for deeds of special merit involving personal risk or self-sacrifice;

(2) rewards for conspicuous aid to the police or other officers of Government.

The Commission's recommendation has already been adopted in some provinces. The question of

providing the Commissioner in Sind and the Commissioners of Divisions in the Presidency proper with grants for similar purposes and for meeting unforeseen requirements of themselves and officers subordinate to them is under consideration. A lump provision of 20 (item vi) is made for this purpose.

(g) The High Court has suggested certain alterations in the rules regulating the payment by Government of the expenses of witnesses in cases coming before the Criminal Courts in the Presidency proper, with the object of providing for increased allowances to witnesses of several classes Item (vi) relates to this suggestion, which is estimated to involve an extra cost of 61 per annum.

(h) Government have appointed a Commission, consisting of the Hon'ble Mr. S. R. Arthur, I.C.S. and Mr. V. M. Bodas (retired first class Subordinate Judge) to enquire into the working of the Dekkhan Agriculturists' Relief Act in the Bombay Presidency (including Sind), and suggest means for its improvement. The enquiry, which is to be completed within six months, was commenced on 16th November 1911 and carried on in Sind until the date of the departure to Calcutta of the Hon'ble Mr. Arthur, as the Bombay representative on the Legislative Council of H. E. the Governor General. It will be resumed on his return from Calcutta on or about the 1st day of April 1912. Item (viii) relates to the provision of 12 made for the purpose.

(i) Item (ix) is in connection with the proposals for the re-organization of the rank and file of the District Police which, as stated in paragraph 15 (i) of the Revised Financial Statement for 1911-12, is calculated to involve an additional expenditure of about 5,95 per annum. Pending correspondence with the Government of India on the details of the scheme, the provision of 4,59 made in this year's budget for police re-organization charges is being utilised to some extent for the revision of the Bombay City Police and for reforms in Sind similar to those already introduced in the Presidency proper. As it is intended to introduce further reforms in the districts gradually after receipt of sanction of competent authority, a provision of 2,50 only is made for the purpose in next year's budget.

(j) Out of the provision of 5,00 made in the current year's budget from the special non-recurring allotment of 11,02 sanctioned in 1910-11 by the Government of India for expenditure (to be spread over two years) in connection with education, 60 are expected to remain unutilized at the end of this year. This sum and the balance (6,02) of the special allotment are entered for item (x) in the next year's budget. Out of the total allotment for two years 9,94 are to meet the cost of the construction or extension of buildings for hostels (2,38), for an engineering laboratory in Poona (2,25), for science and technical institutes (2,00), for training colleges (1,76), for secondary schools (1,18), and for the Yeravda Reformatory (37), the remaining 63 being set apart as an additional allotment for grants-in-aid for primary school buildings and equipment and 45 for projects for technical or industrial schools.

(k) Items (xi) and (xii) provide for the continuance of the Government policy of extending and improving primary education. The new budget includes (α) 75 for opening new primary schools, (β) 75 for giving promotion to trained teachers in accordance with the scale laid down in the Vernacular Masters' Code and for providing extra assistants in undermanned schools, and (γ) 6 5 for completing the total amount (estimated at 76) required to give untrained masters in Sind Rs. 10 as the minimum and Rs. 15 as the maximum pay.

(l) Last year it was estimated that the usual budget allotment of 3,60 for results grants to aided secondary and primary schools, which had been found inadequate in the past years, required to be supplemented by 90 to meet all demands. Out of this sum 10 were met from savings in the annual grant for the education of European and Eurasian children and the remainder was provided in this year's budget, thus raising the budget allotment to 4,40. It is now reported that the grant for the education of European and Eurasian children is expected to be utilized in full, while demands for results grants are likely to amount to 5,14. Item (xiii) refers to the additional provision of 74 made to cover the demands.

(m) One of the measures recommended for the improvement of secondary education in this Presidency is the provision of decent play-grounds for Government high schools. A sum of 12 was provided for this purpose in the budget of 1908-09 and fully utilized. A further sum of 28 is entered for item (xiv) in next year's estimates to meet the requirements of eleven schools.

(n) The buildings of the Madhavlal Ranchhodlal Science Institute at Ahmedabad, which are being constructed from the generous donation made by Sir Chinubhai Madhavlal, Kt., C.I.E., are expected to be completed in April 1913, and proposals for its staff, which includes a Professor of Physics and Chemistry to be recruited in England, have been sanctioned by the Secretary of State for India. It is intended that the Professor should arrive here in April 1912 so that he may advise the architect as to the manner in which the laboratories should be built and arrange for their complete equipment before the Institute is opened his advice will also be required on similar points in connection with the Royal Institute of Science now being built in Bombay. Item (xv) represents the provision of 8 for his salary and allowances for 11 months of next year.

(o) Under the revised regulations of the Bombay University the compulsory elementary science introduced into the first year's college course is to be taught from 1913 and provision for this purpose has to be made in the Elphinstone and Deccan Colleges It is estimated that 12 will be required [item (xvi)] for furniture and apparatus for the two Colleges and for a temporary establishment for the Elphinstone College In the case of this College the subject will eventually be taught in a special laboratory to be provided in the Royal Institute of Science and the articles to be purchased will be

suitable for transfer to it. The requirements of the Deccan College are permanent, but they are not to be complied with fully until the European professor of physics is available to advise on the subject.

(p) In connection with item (xvii) the current year's grant of 9,50 on account of sanitary improvements includes 2,00 provided from the special allotment of 4,25 made by the Government of India from Imperial revenues in 1910-11 for non-recurring expenditure in connection with urban sanitary works. Government have decided that the special allotment should be expended on schemes for town improvement, for surface drainage in urban areas and for the filling in of insanitary tanks, which do not involve large recurring expenditure, while the remainder of the grant may be devoted chiefly to the promotion of large sanitary schemes, such as water-works and sewerage, which involve large expenditure spread over a number of years and considerable recurring expense. Accordingly the following expenditure has been sanctioned against the current year's provision of 2,00 from the special allotment:—

(1) opening out congested areas in Ahmedabad City	50
(2) opening out the congested area near the Vithoba temple at Pandharpur.	27
(3) filling up an insanitary tank in Broach ...	25
(4) street improvements in Násik City ...	25
(5) street improvement and surface drainage in the town of Bhungar	21
(6) drainage of the Koney nullah in Kárwár town.	19
(7) filling in the Kafila Serai tank in Lárkána...	10
(8) drainage of the Musalman quarter of the town of Ránebennur.	7
(9) improvements to gutters in wards I, III, IV, and VI in Bijápur town.	5
(10) drainage channel to carry off storm water which at present floods the whole town of Guledgud.	4
(11) improving drains behind the Post office and Kal Peth in the town of Bágalkot	4
(12) building a wall round Upliburuz Idga in Bijápur town to prevent people committing a nuisance there and thereby improving the present insanitary conditions.	5
Total ...	1,86 5

These grants have been placed at the disposal of the municipalities concerned upon the following terms.—

(α) in each case the project should receive the approval of the Collector and the Deputy Sanitary Commissioner before any expenditure is incurred, a detailed plan and estimate being prepared if this has not already been done.

(β) the grants should be fully expended by 31st March 1913, and any portion of the grant which may remain unexpended on that date should be refunded to Government; and

(γ) the grants should not be merged in the general balance of the municipalities but should be kept in a separate account.

Out of the balance of the special allotment, 50 have been set aside for distribution in Sind when approved schemes have been prepared and 30 for allotment to the municipality of Dhárwar, where the surface drainage of the town and connected projects require early attention. Fresh schemes for the utilization of the remaining portion of the allotment have been called for. The following grants have been sanctioned against the balance of the current year's provision of 9,50.—

(1) further grant-in-aid towards the Poona drainage and water-supply scheme.	2,75
(2) purchase of boring tools and plant ..	1,15
(3) further grant-in-aid towards the Násik water-supply scheme.	97
(4) sanitary improvements in Broach ...	35
(5) grant to the Faizpur Municipality for town improvements.	30
(6) sanitary improvements in Sholápur ...	25
(7) original works in connection with the opening up of Sálsette for buildings.	20
(8) working of the experimental sewage installation at Poona	14
(9) alterations in connection with the Pandharpur water-works	3
(10) feeder channel in connection with Dhárwár water-works.	3
(11) contribution towards the cost of a public park at Ahmednagar.	2·5
(12) sanitary improvements in Belgaum ...	1
Total ...	6,20 5

Grants-in-aid amounting to 8,20 are likely to be required next year in connection with the Poona drainage and water-supply (3,00), Bijapur water-supply (1,70), Bársi water-supply (1,50), Lonávla water-supply (1,00), Karád water-supply (50), and Málegaon water-supply (50). It is estimated that 40 will be required for certain works in connection with the development of Sálsette. In view of these requirements 6,50 are provided in next year's budget in addition to the balance (2,25) of the special Imperial allotment referred to above

(q) In 1904 Government appointed two committees to consider the question of allotting certain land for the extension of the J. J. Hospital and the Grant Medical College, and to inquire into the needs and organization of the College and the adjoining hospitals. For some time past we have had under consideration a scheme based on the committees' reports and calculated to enhance generally the efficiency of these medical and educational institutions and in particular to meet the demand for special instruction in connection with the course for the degrees of M. B, B. S. lately introduced by the Bombay University. The present requirements will be met by the creation of the appointments of (α) two full-time professors of anatomy and of pathology, (β) a full-time assistant to each of the professors of pathology and physiology, and (γ) one medical registrar and one surgical registrar. As some time must elapse before these proposals receive

the sanction of higher authorities, a lump provision of 25 is made for item (xviii) for expenditure for nine months of next year. The new appointments will be in addition to the posts already created by Government in connection with the teaching of the M. B, B S course, *viz*, those of three professors (minor chairs) of bacteriology, physics and biology, five tutors in anatomy, pathology, physics and bacteriology, and five lecturers in dentistry, electro-therapeutics, anæsthetics, on diseases of the ear, nose and throat, and on skin diseases.

(r) The construction of the new physiological laboratories, including the laboratory for hygiene, at the Grant Medical College is nearing completion; and the question of their equipment has been settled by the Professor of Physiology and Hygiene after an inspection of the new physiological schools in Calcutta and Madras Item (xix) includes 83 for equipment and furniture for the laboratories, and 2 for establishment for nine months of 1912-13, as they are expected to be in working order about July next.

(s) Government have recently published a statement of the measures now adopted by them for the compulsory segregation and confinement of lepers under the authority of the Lepers Act III of 1898 Item (xx) refers to a lump provision of 38 made for (α) grants for maintenance charges of lepers at the Acworth Leper Asylum at Mâtunga, Khondhwa Budruk Leper Asylum at Poona and Rehoboth Leper Asylum at Belgaum, and (β) fees to inspectors of lepers.

(t) In the orders passed in July 1911 on Dr. Bentley's report on the causes of malaria in Bombay City and the measures necessary for its eradication, the Governor in Council expressed his readiness to provide a sum of 1,00 from Provincial revenues and to place it at the disposal of the Bombay Municipal Corporation to assist them in the campaign as soon as he has received a satisfactory assurance that they will proceed with vigorous measures under proper direction for the eradication of malaria A provision of 50 is accordingly made for item (xxi) on the assumption that the full sum promised will not be required for expenditure next year.

(u) The Director of Bombay Bacteriological Laboratory has been asked to make an investigation into the causes of the diarrhœa which is prevalent in Poona during the rains. The inquiry, which is expected to be started in April next and to last for a year, is estimated to cost 15 This estimate is framed on the basis of the actual expenditure incurred in connection with the inquiry into malaria in Bombay City It is intended to appoint a special officer and to provide him with staff Item (xxii) relates to a provision of 13 made for charges on this account for 11 months of next year.

(v) Detailed proposals for the arrangements to be made in connection with the contemplated opening of the port of Karâchi for the embarkation of pilgrims to the Hedjâz are under consideration. Item (xxiii) provides 30 for the construction of semi-permanent structures for the accommodation of pilgrims and 10 for recurring charges.

(w) Under item (xxiv) are included 25 for estimated expenditure in connection with the cultivation of American cotton in Sind, 10 for two extra Deputy Directors of Agriculture, 10 for the construction of buildings for the proposed vernacular agricultural school at Devi Hosur for the Southern Maratha Country, and 5 for special boring operations for famine purposes in Gujarât. Also an additional provision of 10 is made to continue the arrangement made this year for the distribution on a large scale of selected hybrid cotton seed round Surat and of Broach cotton seed in the Southern Marátha Country and Khandesh

(x) The scheme sanctioned by the Secretary of State for India for the formation of a pensionable Provincial Subordinate Civil Veterinary Service, consisting of veterinary assistants, inspectors and deputy superintendents, has already been introduced into the Presidency proper. Proposals for its introduction into Sind have also been sanctioned, but have not been given effect to pending the provision of funds. A sum of 25 is now provided [item (xxv)] on this account, including 10 for grants to district local boards in aid of the construction of new veterinary dispensaries

(y) The hours of instruction in the Bombay Veterinary College have been extended and it is proposed to redistribute and widen the College curriculum. It is also proposed to start a post-graduate course In order to realise these objects it has been decided to increase the present teaching staff of the College by one, and to bring the pay of the whole staff into line with the rates of pay of deputy superintendents and inspectors of the Civil Veterinary Department, making the teaching posts at the College and the higher posts in the Civil Veterinary Department interchangeable, and so bringing the teaching at the College into close relation with the requirements of the practical work to be done by the staff of the Civil Veterinary Department. Item (xxvi) refers to the provision of 4 made to meet the additional charge entailed by these changes.

(z) In connection with the Industrial Survey of the Bombay Presidency, which has commenced since 1908-09, it is intended to appoint an expert to conduct the survey of oil-pressing industry next year Item (xxvii) represents the lump provision of 5 made to meet the charge likely to be incurred on this account.

(aa) The Bombay Smoke Nuisances Bill, now before the local Legislative Council, is expected to become law early next year; and the Commission to be appointed under the Act is likely to commence work about the middle of that year. Fees to the members of the Commission and salaries of the establishment required to carry out the provisions of the Act are estimated to cost about 7·5 for six months. Following the procedure adopted in the case of the Factory Excise Department, seven-

tenths of this amount are provided under the Imperial head *9, Customs*, and three-tenths [item (xxviii)] under the Provincial head *26, Scientific and other Minor Departments*.

13. Direct expenditure on famine relief is estimated at 12,38 for 1911-12 and 18,90 for 1912-13 (out of which 2,98 and 4,39 respectively are for non-jurisdictional Native States where such charges are borne by Government), and will be met from Imperial revenues in accordance with the scheme for the apportionment of famine expenditure brought into force from the year 1907-08 Indirect famine expenditure estimated at 13,09 in 1911-12 and 16,31 in 1912-13 will fall on Provincial revenues. Remissions of land revenue attributable to famine are estimated at 5,60 in the current year and 3,19 in the ensuing year, while suspensions are estimated at 34,76 and 2,79 for the two years respectively. These figures represent the Provincial share Excise receipts are expected to suffer to the extent of 4,70 and 5,90 respectively in 1911-12 and 1912-13, while a setback of about 52 (Provincial share) is also anticipated in 1911-12 in irrigation revenue.

14. In the Provincial Advance and Loan Account the payments of takávi and other loans are estimated at 75,78 and recoveries at 41,34 for 1912-13. Compared with the revised estimate for 1911-12, the former figure shows a decrease of 14,00 under advances to cultivators and Co-operative Credit Societies, and increases of 4,33 under loans to local bodies, 1,25 under loans to landholders, notabilities and native states, 12 under advances under special laws, and 5 under miscellaneous loans and advances. The provision of 8,00 made for loans to local bodies is intended for three mofussil municipalities and one district local board in connection with their sanitary projects As in former years a provision of 50 is made for loans under the Co-operative Credit Societies Act. This provision is necessary in order to enable the Registrar of Co-operative Credit Societies to carry out promises made to some of the newly-founded societies for Government loans on the usual terms. In view, however, of the establishment of the Bombay Central Co-operative Bank the next year's allotment is intended to be the last of its kind. The estimate of recoveries for next year is larger by 2,31 than the current year's revised, the increase being chiefly in the repayments expected from cultivators.

General Remarks

15. In last year's Revised Financial Statemen reference was made to certain points in the relations of Provincial to Imperial finance remaining still unsettled. Of these, the question of the Irrigation heads stands where it did then, it has been decided that the Local Government should not be invested with borrowing powers; and the assignments from Imperial surpluses, or special grants, continue to be made for specified objects, the distribution of the grants or assignments to particular items under the major or minor heads concerned being alone left to the Local Government. The special assignments or grants include 6,50 for Education, which is a recurring grant, and the following non-recurring grants —

2,00 for the memorial of the Royal Visit; 1,00 for Agricultural and allied objects; 8,50 for Sanitation and the Parel Laboratory, and a small item of 18 on account of Police Lines at Bhuj.

All these non-recurring items are included in the Provincial account by addition to the revised estimates of receipts and closing balance for 1911-12. There are also carried in that balance, and included in the estimates of expenditure for the coming year, 8,87 being the remainder of the special non-recurring assignment of 1910-11 for Education and Sanitation. When account is taken of these special assignments from Imperial revenues, it will be seen that the opening balance for 1912-13 of 80,76 includes no less than 20,55 of Imperial money, leaving 60,21 as the balance of true Provincial resources. This reduction of the Provincial balances is due principally to the unfavourable character of the monsoon of 1911 necessitating suspensions of revenue and the incurring of indirect expenditure on famine relief (direct famine relief expenditure being debited to the head Famine), and partly to certain unavoidable objects of expenditure, such as the Royal Visit and the Coronation Darbár. In view of the decreased balance of true Provincial money, it has been necessary to frame the budget for 1912-13 with a careful regard to economy, and provision is made for a closing balance of 60,17. Of this sum 2,43 represents the unspent portion of 20,55 of Imperial assignments included in the opening balance of the year, and 3,25 represents the unspent portion of the recurring Imperial grant of 6,50 for education for the year. Thus of the closing balance, 5,68 represents Imperial assignments, and the true Provincial balance will be 54,49 or a decline of 5,72 from the estimated true Provincial opening balance of the year This closing balance will afford to us a sufficient margin wherefrom to meet the loss of revenue and the indirect expenditure on famine relief, if by evil fortune the monsoon of 1912 should prove unfavourable, and any unexpected object of expenditure which may arise in the course of the year, while if the monsoon proves to be more than usually favourable we shall be in a good position for obtaining from the Government of India permission to expend on deserving objects now excluded from the budget money in excess of our total budgetted expenditure The budget has been as usual framed on the assumption of a normal monsoon, neither specially favourable nor particularly unfavourable. Provision is made for expending all the Imperial assignments except the 5,68 above mentioned and considerable progress is made in furthering the objects of the ordinary provincial expenditure. In Appendices C and D an attempt is made, as was promised in last year's Revised Financial Statement, to contrast ordinary and special Provincial revenue with recurring and non-recurring Provincial expenditure. The ordinary revenue of the year apart from special receipts and

Imperial assignments is estimated at 6,71,12 and the total recurring expenditure (both permanent and fluctuating) at 6,37,27. The difference, *viz*, 33,85 includes 3,25 unspent out of the Imperial (recurring) assignment of 6,50 for education. Deducting this, since it is earmarked, 30,60 is available for non-recurring expenditure together with the following items:—

(i) the special receipts shown in column 5 of Appendix C.	32,04
(ii) withdrawn from the Imperial portion of the opening balance for use on the objects specified by the Government of India, *viz*, 20,55 *minus* 2,43	18,12
(iii) drain on the Provincial balance .	5,72

or a total of 86,48 as shown in column 7 of Appendix D. The general result may be regarded as satisfactory. Notwithstanding an unfavourable season in 1911-12, we are able to estimate for a recurring expenditure which exceeds by 16,46 the recurring expenditure which was shown in the statement laid on the table in November last and still falls short of our ordinary revenue by 33,85, while drawing on the Provincial balance to the extent of 5,72 only. The ordinary growth of Provincial revenues being estimated at 15 lákhs per annum, it will be clear that our financial position appears safe

R. A. LAMB.

PART II.

SECTION I.

Accounts of 1910-11.

16. The estimated and actual transactions of the year 1910-11 are given below:—

	Budget Estimate.	Revised Estimate.	Actuals.
Opening balance ..	76,84	87,21	87,21
Revenue ...	6,23,40	7,08,70	7,16,33
Expenditure ...	6,39,37	6,43,44	6,40,48
Closing balance ...	60,87	1,52,47	1,63,06

The important differences between the budget and revised estimates for 1910-11 have been explained in Part II, Section II, of the Revised Financial Statement for 1911-12. Important variations of the actuals from the revised estimates are noticed below.

17. On the revenue side, the actuals show a net increase of 7,63 over the revised estimates. The following is the explanation of the principal differences:—

I, Land Revenue (Divided).—The increase of 4,50 was due to larger collections of miscellaneous revenue towards the close of the year

I, Land Revenue (Alienations).—The increase of 61 was due mainly to the revision of settlements.

V, Excise.—The increase of 1,11 was due to larger realisations from country spirits and transit duty on excise opium, and to the large exports of gánja to foreign countries effected by the trade towards the close of the year in view of the enhancement of duty which came into force from 1st April 1911.

VIII, Assessed Taxes.—The increase of 1,00 was due principally to receipts under "Other sources of income," for which sufficient allowance was not made in the revised.

XII, Interest.—The increase of 1,28 was due to larger recoveries from cultivators than were allowed for in the revised.

XXIX, Irrigation—Major Works—Portion of land revenue due to irrigation.—The decrease of 1,39 was due to deficiency of water in the Nasrat, Dad, Mahiwah, and Begári canals, partially counterbalanced by increased revenue realised on the Eastern Nara and Jamrao canals.

XXXI, Civil Works (Public Works Department).—The increase of 74 was due mainly to larger receipts from tolls on roads, and sale of produce and old materials.

18. The expenditure of the year proved better than the revised by 2,96 The principal differences are explained below —

3, Land Revenue.—The decrease of 1,33 was due mainly to smaller expenditure on account of allowances to village servants useful to Government, contingent charges of the Tapedárs' school at Hyderabad, construction and repairs of chávdis, and boundary marks.

24, Medical.—The decrease of 1,67 was due mainly to the transfer to the Public Works Department of grants in aid of sanitary projects, and to savings in the grants for the opening of new dispensaries, for contingent and nursing charges at the mofussil hospitals, for the pilgrim camp at Perim, and for the Bombay Bacteriological Laboratory.

30, Stationery and Printing.—The decrease of 65 was due mainly to the adjustment on account of "Stationery supplied from Central Stores" being smaller than the figure adopted in the revised.

43, Irrigation—Minor Works and Navigation (Public Works Department).—The decrease of 98 was due mainly to smaller outlay on works of maintenance and repairs, smaller debits on account of establishments consequent on less outlay on works and large payments for land in the Shikárpur canals district, and the transfer of funds to the head *42, Irrigation Major Works—Working Expenses* to meet urgent demands in Sind towards the close of the year.

45, Civil Works (Public Works Department).—The increase of 1,33 was due mainly to expenditure connected with the acquisition of properties on the Malabár Hill in Bombay, and to larger outlay on certain water-supply works, on repairs to roads, and on tools and plant.

SECTION II.

Revised Estimates for 1911-12.

19. The budget and revised estimates of 1911-12 are shown below :—

Revenue.				No.	Heads.	No.	Expenditure.			
Budget.	Revised.	Revised					Budget.	Revised.	Revised	
		Better.	Worse.						Better.	Worse.
...	...	...	...	...	Refunds	1	4,04	5,40	...	1,36
...	...	.	...	...	Assignments and Compensations { Cash ... / Alienations.. }	2	{ 12,72 / 82,71 }	12,89 / 83,14	.. / ...	17 / 43
2,08,03	1,74,45	...	33,58	I	Land Revenue— Provincial ½ share ...	...	...	...	...	...
95,33	96,01	68	.		Alienations . .	.	...	...	..	...
6,85	41,94	35,09	...		Fixed allotment and adjustments ...	...	...	...	...	...
...	...	...	...	..	{ Cash ... / Alienations ... }	3	{ 74,12 / 7,69 }	75,11 / 7,89	... / ...	99 / 20
40,00	38,00	...	2,00	IV	Stamps	6	1,18	1,17	1	...
1,92,00	2,03,50	11,50	...	V	Excise	7	9,99	10,65	...	66
24,47	27,00	2,53	...	VIII	Assessed Taxes	10	57	57	..	...
37,70	43,00	5,30	...	IX	Forest	11	23,20	30,25	..	7,05
7,45	7,00	...	45	X	Registration	12	3,88	3,83	5	...
12,05	12,11	6	..	XII	Interest	13	5,77	6,49	...	72
...	...	...	..	...	General Administration	18	19,27	28,25	...	8,98
6,10	6,30	20	...	XVI-A	Law and Justice—Courts of Law	19-A	54,59	55,63	...	1,04
2,40	2,40	...	...	XVI-B	Law and Justice—Jails ...	19-B	10,77	11,40		63
4,53	4,00	...	53	XVII	Police ... { Cash .. / Alienations ... }	20	{ 95,80 / 4,93 }	96,00 / 4,98	... / ...	20 / 5
92	95	3	..	XVIII	Ports and Pilotage ..	21	78	78	...	...
4,40	4,57	17	...	XIX	Education	22	56,78	52,26	4,52	...
2,40	2,40	...		XX	Medical	24	31,87	25,03	6,84	...
...		...	...	...	Political	25	4,79	5,03	...	24
1,20	1,11	...	9	XXI	Scientific and other Minor Departments ...	26	10,46	10,80	...	34
3,45	3,45	10	...	XXII	Superannuation Allowances and Pensions.	29	31,80	31,60	20	...
1,09	1,21	12	..	XXIII	Stationery and Printing .	30	13,73	12,74	99	...
93	71	...	22	XXV	Miscellaneous	32	6,21	17,96	...	11,75
...	...	...	...	.	Reduction or Avoidance of Debt	36	13,70	13,70	...	...
...	...	..	..	...	Subsidized Companies—Land ..	40	5	9	...	4
13,47	13,05	...	42	XXIX	Irrigation—Portion of land revenue due to irrigation ..	...	...	...	...	...
6,34	6,08	...	26	XXIX	Irrigation—Major Works— Direct Receipts. Working Expenses ... / Interest ...	42	{ 6,56 / 9,56 }	6,47 / 9,58	9 / ...	... / 2
...	...	...	...	XXX	{ Irrigation—Minor Works— Civil Department ... / Public Works Department }	43	{ 6 / 16,42 }	6 / 15,51	... / 91	... / ...
7	9	2	...	XXXI	{ Civil Works— Civil Department .. / Public Works Department. }	45	{ 58,37 / 80,45 }	59,89 / 85,13	.. / ...	1,52 / 4,68
5,90	6,90	1,00	..							
6,78,62	6,97,98	56,91	37,55	.	... Total ...	...	7,52,82	7,80,28	13,61	41,07
1,52,47	1,63,06	10,59	...	Opening	... Balance ...	Closing	78,27	80,76	2,49	...

20. The revised estimates of revenue show a net increase of 19,36 over the budget. The important increases anticipated are under the following heads.—

I, Land Revenue.—2,19 made up of—

(i) a decrease of 33,58 under "Provincial ½ share" due to the unfavourable season and the consequent necessity for larger suspensions and remissions of land revenue in the affected districts;

(ii) an increase of 68 under "Alienations" due to the revision of settlements; and

(iii) a net increase of 35,09 under "Fixed allotment and adjustments," due mainly to the Imperial assignments of (i) 10,83 for the remission of debts of certain states in Káthiáwár and Gujarát, (ii) 6,50 for special non-recurring expenditure on sanitation, (iii) 4,37 towards the payment from Provincial revenues of the Royal bonus of half a month's substantive pay to all persons on Civil establishments whose pay does not exceed Rs. 50 per mensem, and who hold permanent appointments, (iv) 4,13 to afford credit to Provincial revenues on account of the sale proceeds of certain lands in Bombay which had been credited to Imperial revenues in past years, (v) 2,00 for special non-recurring expenditure connected with the Bombay Bacteriological Laboratory, (vi) 2,00 towards the construction of the Royal Visit Commemoration Building at the Apollo Bandar, Bombay, (vii) 1,75 towards making up the deficit in the Provincial share of land revenue (including the portion due to irrigation), which is expected to fall below the minimum figure (1,89,25) guaranteed under the terms of the Provincial Settlement, (viii) 1,29 in connection with the change from Imperial to Provincial in the classification of certain charges on account of the Royal Visit and Delhi Darbár, (ix) 1,00 for special non-recurring expenditure on agriculture and allied objects, (x) 80 for expenditure in connection with the reception of Their Imperial Majesties the King Emperor and the Queen Empress at the Apollo Bandar, (xi) 18 for the construction of lines for the police guard at Bhuj, (xii) 17 for the salary and allowances of the officer on special duty for investigating Nastin treatment of leprosy, (xiii) 10 for archæological expenditure, (xiv) 10 for the cost of the Textile Factory Ventilation Committee, and (xv) 10 for the extension of the system of making monthly payments to Indian military pensioners. These increases are partially counterbalanced by the Provincial contribution of 22 in connection with the imperialisation of the subsidy to Reuter's Telegram Company for their news service in India.

V, Excise.—11,50, occurring chiefly (i) under still-head duty, due to an enhancement of the rates of duty in almost all the districts of the Presidency proper, including the Town and Island of Bombay, (ii) under license fees for the retail sale of foreign liquor in consequence of the introduction of revised scales of fees in pursuance of the recommendations made by the Foreign Liquor Committee of 1909, (iii) under license fees for the retail sale of opium owing to the introduction from 1st April 1911 of the separate shop and license fee system in the districts of Násik, Ahmednagar, Poona and Sholápur, where the farming system previously prevailed, and to the substitution from the same date in the five Gujarát districts of license fees for establishment contributions which have been abolished, and (iv) under duty on gánja owing to the enhancement of duty which came into force from 1st April 1911. The increase is partially counterbalanced by decreases under (i) "Gain on sale-proceeds of excise opium and other drugs", and (ii) "Fines, confiscations and miscellaneous."

VIII, Assessed Taxes.—2,53, due to larger receipts from the tax on profits of companies and on other sources of income owing to improvement in the earnings of banks, pressing, ginning and other companies, and piece-goods merchants.

IX, Forest.—5,30, due chiefly to anticipated receipts (4,00) on account of famine fodder operations, better demand for fuel in Sind and larger receipts from sales of coupes in Thána, and on account of timber, grass and other minor produce in the Central Circle, partially counterbalanced by decrease of revenue anticipated in the Southern Circle, due mainly to the smaller quantity and inferior quality of timber brought to the depôts in the Kánara Western and Belgaum divisions.

XXXI, Civil Works (Public Works Department) —1,00, due to larger receipts expected from sales of buildings, produce and old materials, and from tolls on roads owing to higher bids at auction sales.

21. On the other hand, the revised estimates indicate noticeable decreases of revenue under the following heads:—

IV, Stamps.—2,00, occurring (i) under "Sale of general stamps" due to a falling off in sales of impressed stamp papers, unstamped documents, and share transfer stamps, and (ii) under "Sale of court-fee stamps" in which the budget did not sufficiently allow for the decline resulting from the absence of the previous year's abnormal receipts, owing to the alteration in the Indian Limitation Act of 1908. The decrease is partially counterbalanced by an increase on account of composition of stamp duty.

XVII, Police.—53, due mainly to the absence of the recovery of charges connected with additional mounted police in the Kaira district, which has not been entertained.

22. On the expenditure side, the revised estimates indicate a net increase of 27,46 over the budget. The important increases anticipated are under the following heads :—

1, Refunds.—1,36, occurring under "Land Revenue," due to refunds of sale-proceeds of certain lands in the Poona district in consequence of the cancellation of sales, and under "Stamps" owing to larger refunds of court-fee stamps. Larger expenditure is also anticipated under "Excise" and "Assessed Taxes" in view of the latest actuals.

2, Assignments and Compensations.—60, occurring under "Excise Compensations," due to larger payments to certain Native States in connection with hemp drug leases and to an advance payment of 11 to a Native State, and under "Assessment of Alienated Lands" and "Pensions in lieu of Resumed Lands" in accordance with the latest estimates furnished by district officers.

3, Land Revenue.—1,19, due mainly to (i) the grant of the Royal bonus of half a month's substantive pay to establishments on pay not exceeding Rs. 50 per mensem (1,07), (ii) charges for grain compensation (92), extra allowances to village officers and temporary establishments in connection with the famine (55), and (iii) larger expenditure on temporary establishments (21), and contingencies (26), under "Charges of District Administration." The increase is partially counterbalanced by savings chiefly in the provisions for temporary survey establishments (33), training of talátis and circle inspectors in survey work (25), construction and repairs of chavdis (65), village officers and servants (35), and kanungo establishments (22), and by the non-utilisation of the provision (10) for the revision of subordinate revenue establishments in Sind.

7, Excise.—66, due mainly to the lump deduction of 70 made in the current year's budget for probable savings, and to charges for grain compensation (11) and the Royal bonus (13).

11, Forest—7,05, due chiefly to the expenditure (7,00) connected with famine fodder operations, to increased expenditure (38) in the Southern Circle due to rise of contractors' rates owing to difficulties of labour and some arrear payments, and to the grant of grain compensation (16) and the Royal bonus (22), partially counterbalanced by savings due to the postponement of expenditure on certain objects (13), and the late introduction of the scheme for the revision of subordinate forest establishments (60).

13, Interest on ordinary debt.—72, due mainly to the larger provisions made for loans to cultivators and Native States and Estates and to smaller recoveries expected in consequence of the unfavourable agricultural situation.

18, General Administration—8,98, due mainly to charges in connection with the Royal Visit and Coronation Darbár at Delhi. The expenditure on this account debitable to this head is now estimated at 10,80 against the budget provisions of 2,00 under this head and 3,00 under *45, Civil Works—Public Works Department.* Out of the total expenditure 2,09 will be covered by assignments from Imperial revenues, 1,29 for charges transferred from Imperial heads and 80 for arrangements in connection with the reception of Their Imperial Majesties at the Apollo Bandar.

19-A, Law and Justice—Courts of Law.—1,04, due chiefly to the grant of grain compensation (26) and the Royal bonus (45), to larger expenditure on account of fees to pleaders in criminal cases in the mofussil (41), to a special payment of 12 to the Ahmedabad municipality on account of the refund of municipal fines for the years 1906-07 to 1909-10, and to the lump deduction of 29 made for probable savings from the major head budget figure The increase is partially counterbalanced by savings in the provisions for salaries under "District and Sessions Judges"(19), for temporary establishments and contingencies of Conciliators' Courts (10), and for the revision of subordinate judicial and process-serving establishments (28).

19-B, Law and Justice—Jails—63, occurring under (i) salaries and establishments (18) owing to the deduction of 24 as probable savings in the budget having proved too high, (ii) dietary charges (15) in consequence of the prevailing scarcity, (iii) miscellaneous services and supplies (4) due to the electric lighting at the Yeravda Central Prison, (iv) grant of grain compensation (10) and the Royal bonus (6), and (v) "Jail Manufactures" (23).

32, Miscellaneous—11,75, due chiefly to the remission of debts of certain states in Káthiáwár and Gujarat for which the Government of India have made an assignment of 10,83, to the writing off of takávi advances (70) in consequence of the prevailing scarcity, to the overdrawal of 41 by the District Local Board, Ahmedabad, and to expenditure (10) on account of the Textile Factory Ventilation Committee which is ultimately borne by the Government of India. The increase is partially counterbalanced by the transfer to Imperial account of the charge (31) for the subsidy to Reuter's Telegram Company for their news service in India, an assignment of 22 being made annually with effect from the year 1910-11 from Provincial revenues through the head *I, Land Revenue.*

45, Civil Works—Civil Department.—1,52, due to grants sanctioned for the improvement of water-supply in several districts.

45, Civil Works—Public Works Department.—4,68, being the net result of (i) additional grants (8,28) transferred from other heads for works (chiefly water-works schemes and educational

buildings) and for boring tools and plant, and (ii) a deduction of 3,60 for meeting charges connected with the Royal Visit and the Delhi Darbár and unforeseen demands under other major heads.

23 On the other hand, the revised estimates indicate decreases of expenditure principally under the following heads :—

22, Education.—4,52, due principally to the transfer to the Public Works Department of (i) 23 from the provision for building grants, and (ii) 2,17 from the grant for non-recurring expenditure provided out of the special allotment made by the Government of India in 1910-11, and to anticipated savings in the latter grant (60) and in the provisions for technical education (94), for the salaries of professors of colleges owing to a larger number of absentees (20), for establishments and contingencies of high schools (26), for grants-in-aid to secondary schools, especially for European and Eurasian children (40), and for the preparation of Sanskrit series and departmental books (16). Also the provisions made for taking over the Gujarát College (17) and for an increase of the pay of assistant teachers in high schools and training colleges (16) have remained unutilised The decrease would have appeared larger but for the lump deduction of 96 made for probable savings from the major head budget figure, and for expenditure on account of grain compensation and the Royal bonus.

24, Medical.—6,84, due mainly (i) to a portion (5,10) of the provision for grants in aid of sanitary projects having been transferred to other heads, (ii) to savings anticipated in the provisions for direct plague charges (63), for the salaries of officers of the Medical and Chemical Examiner's Departments (53), for establishment, nursing and contingent charges of hospitals (42), for the accommodation of pilgrims at Bombay and the pilgrim camp at Perim (26), for the Bombay Bacteriological Laboratory (19), for the opening of new dispensaries (18), and for the Belgaum Vaccine Institute (15), and (iii) to the provisions made for the transfer of the civil duties of the Principal Medical Officer, Sind, to the Civil Surgeon, Karáchi (11), and for the embarkation of pilgrims at the Port of Karáchi (6) not having been utilised. The decrease would have appeared larger but for the lump deduction of 50 made for probable savings from the major head budget figure, and for the grant of grain compensation and the Royal bonus.

30, Stationery and Printing.—99, due mainly to savings (i) of 46 in the grants of the Government Central Press, the Commissioner in Sind's Press and the Yeravda Prison Press, chiefly for establishments and purchase of stores and materials, and (ii) of 50 on account of smaller demands for stationery, chiefly for printing paper by the Presses.

43, Irrigation—Minor Works (Public Works Department).—91, due mainly to smaller expenditure on repairs and extensions and improvements in Sind (81), and on establishments (60), partially counterbalanced by increase of expenditure on original works in the Deccan and Gujarát (35), and on tools and plant in Sind (15).

24. The opening balance of the year 1911-12 estimated in the budget at 1,52,47 is now raised to 1,63,06 The estimates for 1911-12 now framed show a deficit of 82,30 instead of 74,20 estimated in the budget, the Provincial balance being reduced from 1,63,06 to 80,76.

Section III.

Budget Estimates for 1912-13.

25. The year 1912-13 is estimated to open with a balance of 80,76 and to close with a balance of 60,17 to the credit of the Provincial account as shown in the following table .—

	1911-12.		1912-13.	Column 4 better+, or worse —, than	
	Budget	Revised.	Budget.	Column 2.	Column 3.
1	2	3	4	5	6
Opening balance ..	1,52,47	1,63,06	80,76	—71,71	—82,30
Revenue ...	6,78,62	6,97,98	7,03,16	+ 24,54	+ 5,18
Expenditure ..	7,52,82	7,80,28	7,23,75	+ 29,07	+ 56,53
Closing balance ...	78,27	80,76	60,17	—18,10	—20,59

Refunds—1.

26. The Provincial figures are :—

	Actuals.			1911-12.		1912-13.
	1908-09.	1909-10.	1910-11.	Budget.	Revised.	Budget.
Refunds .	3,91	4,90	3,76	4,04	5,40	4,40

The budget for next year provides for normal charges and shows a small advance over the current year's budget under the minor heads "Land Revenue" and "Excise."

Assignments and Compensations—2.

27. The Provincial figures are :—

	Actuals.			1911-12.		1912-13.
	1908-09.	1909-10.	1910-11.	Budget.	Revised.	Budget.
Cash ..	9,56	9,59	9,41	12,72	12,89	13,64
Alienations ..	79,85	83,02	83,03	82,71	83,14	82,69
Total ..	89,41	92,61	92,44	95,43	96,03	96,33

The increase in next year's budget is due mainly to (i) the provision of 77 for compensation to

certain tálukdárs of Mahi Kántha for the contemplated lease of their ábkári rights to Government, and (ii) larger payments to certain Native States in connection with hemp drug leases.

I.—Land Revenue—3.

28. The Provincial figures are :—

	Actuals.			1911-12.		1912-13.
	1908-09	1909-10	1910-11.	Budget.	Revised.	Budget.
Revenue.						
Provincial ½ share.	1,80,81	2,14,11	2,10,48	2,08,03	1,74,45	2,02,37
Alienations ..	92,24	95,91	95,94	95,33	96,01	95,48
Fixed allotment and adjustments.	91,92	92,63	1,54,76	6,85	41,94	13,23
Total ...	3,64,97	4,02,65	4,61,18	3,10,21	3,12,40	3,11,08
Expenditure.						
Cash ..	73,77	72,28	70,75	74,12	75,11	78,20
Alienations ...	7,40	7,93	7,92	7,69	7,89	7,84
Total ..	81,17	80,21	78,67	81,81*	83,00	86,04*

* This is the major head estimate after deduction of 1,00 for probable savings.

(*a*) The budget under "Provincial ½ share" is framed on consideration of the estimates furnished by district officers with due regard to the effects of the current unfavourable season.

Under "Alienations," the decrease as compared with the revised estimate for 1911-12 occurs chiefly in the Lárkána District; where, owing to a bad inundation season, the kharif cultivation has been affected.

The provision of 13,23 under "Fixed allotment and adjustments" in the new budget is explained below —

(i) Contribution from Imperial to Provincial under the Famine Relief Scheme.	+13,70
(ii) Fixed Provincial contribution under the settlement.	−9,38
(iii) Imperial contribution for recurring expenditure on education.	+6,50
(iv) Imperial contribution towards Police reorganization and reforms.	+3,25
(v) Provincial contribution on account of the amalgamation of the Public Works Accounts section with the Civil Accounts Department.	−70
(vi) Provincial contribution in connection with the imperialization of the subsidy to Reuter's Telegram Company for their news service in India	−22
(vii) Imperial contribution in connection with the extension of the system of making monthly payments to Indian military pensioners.	+10
(viii) Provincial contribution for operations connected with oyster beds at Karáchi.	−2
Net total ...	13,23

(*b*) The increase of 4,23 in the expenditure budget as compared with the budget for 1911-12 is due chiefly to provisions for (i) grain compensation (1,66), temporary establishments and extra allowances to village officers in connection with the famine (1,20), (ii) expenditure for a part of next year for the contemplated revision of the grades of Assistant Collectors (47) and of subordinate revenue establishments in the Presidency proper (43), (iii) expenditure for a part of the year for the proposed formation of the Nawábsháh district in Sind (15), the scheme for which already submitted to higher authorities is estimated to cost 78 per annum besides an initial charge of over 2,00 for buildings, furniture, etc, and (iv) temporary establishments in connection with the record of rights work (70) and revision settlement of certain tálukas in Sind (5) The increase is partially counterbalanced by smaller provision for the survey of tálukdári villages, and by the absence of the provision for the training of talátis in survey work. The current year's provision for the cadastral survey of the Town and Island of Bombay has been repeated in the new budget The revised estimate for 1911-12 includes 1,07 on account of the Royal bonus and 1,57 on account of grain compensation and other indirect famine charges, the increase due to which is partially counterbalanced by savings in other directions.

IV.—Stamps—6.

29. The Provincial figures are :—

	Actuals.			1911-12.		1912-13.
	1908 09	1909-10.	1910-11.	Budget	Revised.	Budget.
Revenue ...	32,11	36,25	40,98	40,00	38,00	39.50
Expenditure .	1,11	1,11	1,16	1,18	1,17	1,19

(*a*) The revenue budget allows for an advance over the current year's revised.

(*b*) The expenditure budget is normal.

V.—Excise—7.

30. The Provincial figures are —

	Actuals.			1910-11.		1911-12.
	1908-09.	1909-10.	1910-11	Budget.	Revised.	Budget.
Revenue ..	84,21	87,73	94,86	1,92,00	2,03,50	2,06,50
Expenditure ...	5,09	4,67	4,73	9,99*	10,65	10,44*

* This is the major head estimate after deduction of 70 in the current year's budget and 30 in the budget for 1912-13 for probable savings.

(*a*) The revenue budget shows an advance over the current year's revised, especially under still-head duty and license fees for retail vend of opium, partly counterbalanced by decrease under toddy revenue. It includes 70 for receipts from the contemplated lease from 1st April 1912 of the ábkári revenue of certain tálukdárs in the Mahi Kántha Agency. *Per contra*, 77 are provided on the expenditure side under *2, Assignments and Compensations* for compensation to the tálukdars.

(*b*) The increase in the expenditure budget is due chiefly to the lump deduction of 30 against 70 made in the current year's budget for probable savings under the major head, and to the provisions for grain compensation (17) and for establishment and warehouses in connection with the introduction of the separate shop system in respect of country spirits in certain tálukas of the Thána and Kolába districts (11). The increase is partially counterbalanced by smaller provision for clothing charges (8 against 17 in the current year's budget) and by the deduction of 15 as probable savings under "District Executive Establishment."

VIII.—Assessed Taxes—10.

31. The Provincial figures are :—

	Actuals.			1911-12.		1912-13
	1908-09.	1909 10.	1910-11	Budget.	Revised.	Budget.
Revenue ...	23,76	23,59	25,50	24,47	27,00	27,00
Expenditure ...	45	48	55	57	57	60

(*a*) The revenue budget follows the current year's revised estimate with variations in details.

(*b*) The expenditure budget calls for no remark.

IX.—Forest—11.

32. The Provincial figures are :—

	Actuals.			1911-12.		1912-13.
	1908-09.	1909 10.	1910-11.	Budget.	Revised.	Budget.
Revenue ...	17,94	18,79	18,59	37,70	43,00	46,10
Expenditure ...	10,22	10,32	10,35	23,20*	30,25	29,56*

* This is the major head estimate after deduction of 40 for probable savings.

(*a*) The increase in revenue budget over the budget for 1911-12 is due mainly to the inclusion of 8,00 (against 4,00 in the current year's revised) for receipts on account of famine fodder operations, and to increased receipts expected from sales of timber and from grass and other minor produce in the Central Circle and from firewood and charcoal in Sind. The increase is partially counterbalanced by smaller receipts expected from sales of timber in the Southern Circle.

(*b*) The increase in the expenditure budget over the budget for 1911-12 is due chiefly to the provision (5,50 against 7,00 in the current year's revised) for famine fodder operations, to larger provisions for outlay on the removal of timber from forests and purchase of stores in the Southern Circle, and for salaries of superior officers and establishments according to sanctioned scales, and to the grant of grain compensation allowance, partially counterbalanced by smaller provision for expenditure on buildings and other works.

X.—Registration—12.

33. The figures are ;—

	Actuals.			1911-12.		1912-13.
	1908-09.	1909-10.	1910-11.	Budget.	Revised.	Budget.
Revenue ..	7,03	7,15	7,55	7,45	7,00	7,35
Expenditure ...	3,52	3,62	3,78	3,88	3,83	3,75

(*a*) The decrease in the current year's revised estimate of revenue is due mainly to the discontinuance of village registration in the districts of Poona, Ahmednagar, Sátára and Sholápur since 1st April 1911 The new budget allows for a moderate advance over the revised for 1911-12.

(*b*) The decrease in the expenditure budget is due to the discontinuance of village registration referred to above.

XII.—Interest—13.

34. The Provincial figures are .—

	Actuals.			1911-12.		1912-13.
	1908-09.	1909-10.	1910-11	Budget	Revised.	Budget.
Revenue ...	7,04	13,59	13,69	12,05	12,11	10,98
Expenditure ...	6,22	6,19	5,97	5,77	6,49	7,87

(*a*) The decrease in the revenue budget as compared with the budget for 1911-12 is due chiefly to smaller receipts estimated on account of interest on advances to cultivators in view of the unfavourable season.

(*b*) The increase in the expenditure budget over the budget for 1911-12 is due chiefly to an increase of the outstanding balance at the close of that year, and to larger provisions for advances to cultivators and for the grant of loans to Native States and Estates in consequence of the present agricultural situation.

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

(i) Loans to cultivators	34,50
(ii) Loans to Native States and Estates ...	29,51
(iii) Loans to local bodies on account of public works	8,00
(iv) Loans to tálukdárs in Gujarát ...	2,27
(v) Loans to landholders and notabilities apart from the provisions of any law.	65
(vi) Loans for the purposes of the Co-operative Credit Societies Act.	50
(vii) Loans to rabaris in Gujarát ...	35
Total ...	75,78

The total provision of 75,78 shows an increase of 39,26 over the current year's provision, chiefly under items (i) and (ii).

General Administration—18.

36. The Provincial figures are :—

	Actuals.			1911-12.		1912-13
	1908-09	1909-10.	1910-11.	Budget.	Revised.	Budget.
Expenditure	16,07	16,13	17,20	19,27	28,25	18,31

The decrease is due to the absence of the lump provision of 2,00 for the Royal Visit and Coronation Darbár made in the current year's budget, partially counterbalanced (*a*) by the provisions for (i) the contemplated revision of the pay of Secretariat establishments (15 against 5 in the current year's budget), (ii) the audit by the Accountant General of the accounts of municipalities, district local boards, medical institutions, etc. (7) and of dramage and water-supply schemes of local bodies in the mofussil (5), (iii) discretionary grants to Commissioners (20), and (iv) indirect famine charges (5), and (*8*) by the provision of 53 against the current year's budget of 5 for furniture allowance under " Staff and household of the Governor ", as the amount allowed in the past for the renewal of furniture has been insufficient.

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

37. The figures are :—

	Actuals.			1911-12.		1912-13
	1908-09.	1909-10.	1910-11.	Budget.	Revised.	Budget.
Revenue .	5,89	5,99	6,08	6,10	6,30	6,55
Expenditure	52,81	52,62	54,54	54,59*	55,63	56,60*

* This is the major head estimate after deduction of 29 in the current year's budget and 30 in next year's budget for probable savings.

(*a*) The revenue budget shows an advance over the current year's budget, chiefly under magisterial fines.

(*b*) Next year's expenditure budget exhibits an increase of 2,01 over the current year's budget. The increase is due mainly to provisions for grain compensation allowance (74), for payment at increased rates of diet and road expenses of witnesses in cases coming before the Criminal Courts in the Presidency proper (61), and for additional establishments in certain offices under the High Court (19), and to larger provision for fees in criminal cases (12), for the appointment of special officers and establishment to review the Dekkhan Agriculturists' Relief Act (11), for payments to officers of other provinces (10), and for the contemplated revision of subordinate judicial establishments for which 25 are now provided against 15 in the current year's budget, the scheme (involving a total cost of 1,01) for the purpose explained in paragraph 15 (*g*) of the Revised Financial Statement for 1911-12 being still under consideration.

XVI-B.—Law and Justice—Jails—19-B.

38. The figures are :—

	Actuals.			1911-12.		1912-13.
	1908-09	1909-10.	1910-11.	Budget.	Revised	Budget.
Revenue ..	2,17	1,89	2,30	2,40	2,40	2,49
Expenditure ..	9,92	10,05	10,99	10,77	11,40	11,54*

* This is the major head estimate after deduction of 36 for probable savings

(*a*) The increase in the revenue budget occurs under " *Hire of convicts* " and " Sale-proceeds of jail manufactures."

(*b*) The increase in the expenditure budget occurs chiefly under dietary charges (65) and grain compensation allowance (10) in consequence of the unfavourable season, under the provision for the improvement of the position of jail warders (4), and under " Jail Manufactures " (8) in view of the latest actuals, " Charges for moving prisoners " (5), " Miscellaneous services and supplies " (5), and " Extraordinary charges for live stock, tools and plant " (4). The increase is partially counterbalanced by a larger deduction on account of probable savings which are estimated at 52 (including 36 mentioned above) against 24 in the budget of 1911-12.

XVII.—Police—20.

39. The figures are :—

	Actuals.			1911-12.		1912-13.
	1908-09	1909-10.	1910-11	Budget.	Revised	Budget.
Revenue ...	3,94	3,96	3,88	4,53	4,00	2,31
Expenditure—						
Cash ...	84,38	88,14	89,81	95,80	96,00	97,31
Alienations ...	4,99	4,96	4,99	4,93	4,98	4,95
Total ...	89,37	93,10	94,80	1,00,73*	1,00,98	1,02,26*

* This is the major head estimate after deduction of 1,00 for probable savings.

(*a*) The decrease in the revenue budget is due to the receipts (estimated at 1,80) in connection with the entertainment of private watchmen (rámoshis) in Bombay City being credited to a personal ledger account instead of to this head, and to the inclusion in the budget for 1911-12 of a special item of 53 for recoveries connected with the additional mounted police which it was contemplated to entertain in the Kaira district. The decrease is partially counterbalanced by larger receipts anticipated on account of police supplied to local bodies.

(*b*) The increase in the expenditure budget as compared with the budget for 1911-12 is due chiefly to the re-organization of the Bombay City Police, to provisions for grain compensation (2,78), temporary establishments and extra allowances to village police

in connection with the famine (50), to larger provision for travelling allowances, and to a net decrease of 85 in the deductions made in the new budget for probable savings under certain sub-heads. The increase is partially counterbalanced by (i) smaller provisions mainly on account of further police re-organization and reforms (2,50 against 4,59 in the current year's budget) and clothing charges, (ii) the transfer to a personal ledger account of charges (estimated at 1,56) for private watchmen in Bombay City, and (iii) the absence of the provision of 53 made in the current year's budget for additional mounted police in the Kaira district. The revised estimate for 1911-12 includes 1,61 on account of grain compensation and other indirect famine charges and 1,82 on account of the Royal bonus, these charges being partially counterbalanced by savings in the grants for police re-organization and contingent charges, and by the non-utilization of the provision of 53 for additional mounted police in the Kaira district.

XVIII—Ports and Pilotage—21

40. The figures are :—

	Actuals.			1911-12.		1912-13.
	1908-09.	1909-10.	1910-11.	Budget.	Revised.	Budget.
Revenue ...	89	88	90	92	95	95
Expenditure ...	53	59	78	78	78	68

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

(*b*) The decrease in the expenditure budget is due mainly to the absence of a special provision (13) for repairs to the steamer *Jhelum* which is used for service on the Indus.

XIX.—Education—22.

41. The figures are :—

	Actuals.			1911-12.		1912-13.
	1908-09.	1909-10	1910-11	Budget.	Revised.	Budget.
Revenue ...	4,09	4,09	4,22	4,40	4,57	5,00
Expenditure ...	41,21	43,53	47,54	56,78*	52,26	65,29*

* This is the major head estimate after deduction of 96 in the budget for 1911-12 and 1,00 in the budget for 1912-13 for probable savings.

(*a*) The increase in the revenue budget is due chiefly to the enhancement of the rates of fees recently sanctioned for Government schools, and to larger estimates of fees from students of the Government Law School and from candidates for the School Final Examination.

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

(i) Lump provision for recurring expenditure out of the Imperial assignment of 6,50 made by the Government of India in 1911-12.	3,25
(ii) Additional provision (6,62 against 5,00 for the current year) for non-recurring expenditure out of the Imperial assignment made for the purpose in 1910-11.	1,62
(iii) Improvement of the pay and strength of teachers in primary schools	81
(iv) Opening of new primary schools	75
(v) Additional provision for results grants to aided secondary and primary schools	74
(vi) Play-grounds for high schools . .	28
(vii) Additional provision for the unexpended balance (94 in 1912-13 against 68 in 1911-12) of the grant for the development of technical education	26
(viii) Additional provision for furniture and apparatus required for Government secondary schools and training institutions (34 against 19 for the current year)	15
(ix) Additional provision for the revision of the pay of assistants in the high and middle schools and training colleges.	15
(x) Furniture, apparatus and establishment required for teaching compulsory elementary science of the first year's course at the Elphinstone and Deccan Colleges.	12
(xi) Grain compensation charges ...	11
(xii) Professor of Physics and Chemistry for the Madhavlal Ranchhodlal Science Institute, Ahmedabad.	8
(xiii) Additional Assistant Deputy Educational Inspectors for the Poona, Sholápur, Belgaum and Kánara districts	7
(xiv) Revision of clerical establishments of Deputy Educational Inspectors.	7
Total ...	8,46

The increase is partially counterbalanced by a smaller provision (3,50 against 3,73 in 1911-12) for building grants owing to the completion of the new building for the David Sassoon Industrial and Reformatory Institution. The annual provision of 1,67 for technical and industrial education plus the unexpended balance (94) of this grant for 1911-12 is distributed as shown below :—

(i) Development of technical education (including the unexpended balance of 94).	1,71
(ii) Grants-in-aid to industrial schools ..	45
(iii) Additional expenditure in connection with the Pottery Department and the Architectural Class at the Sir J J School of Art.	19
(iv) Grant-in-aid to the Victoria Jubilee Technical Institute.	15
(v) Instructor and scholarships for Normal Class, College of Science, Poona.	8
(vi) School of Industry, Ratnágiri ...	2
(vii) Manual Training Class at the Belgaum High School.	1
Total ...	2,61

42. The total expenditure estimate of 65,29 mentioned above is exclusive of the following items which are provided under other heads for purposes connected with education :—

(i) Grant Medical College and Medical Schools at Poona, Ahmedabad and Hyderabad	4,05
(ii) Construction and maintenance of Government educational buildings	3,17
(iii) Agricultural education	1,17
(iv) Veterinary College in Bombay (exclusive of 22 borne by Imperial revenues on account of the salary and allowances of the Principal and Assistant Principal).	44
(v) Allowances to Dakshina Fellows and others (Provincial share).	10
(vi) Donations to Scientific Societies ...	10
(vii) Preservation and translation of ancient manuscripts	3
Total ...	9,06

The total Provincial expenditure on educational objects in 1912-13 is thus estimated at 74,35.

XX.—Medical—24.

43 The figures are :—

	Actuals			1911-12.		1912-13.
	1908-09	1909-10.	1910-11	Budget	Revised.	Budget.
Revenue ...	2,22	2,28	2,36	2,40	2,40	2,40
Expenditure ..	25,52	24,97	22,73	31,87*	25,03	41,75*

* This is the major head estimate after deduction of 50 in the budget for 1911-12 and 70 in the budget for 1912-13 for probable savings.

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

(*b*) The increase in the expenditure budget over the current year's budget is due mainly to the provisions made for (i) expenditure out of the special non-recurring assignments made by the Government of India in 1911-12 for sanitation (6,50) and for the Bombay Bacteriological Laboratory (2,00), (ii) the new Physiological Laboratories at the Grant Medical College (85) and the revision of the staffs of that College and the J. J. Hospital (25), (iii) the grant to be made to the Bombay Municipality for eradication of malaria (50), (iv) the application of the Lepers Act to certain selected areas in the Bombay Presidency (38), (v) grain compensation allowance (17), and (vi) investigation into the causes of diarrhœa prevailing in Poona during the rains (13) Also larger provisions are made for (vii) proposed arrangements for the embarkation of pilgrims at Karáchi (34), (viii) non-recurring expenditure on sanitation (2,25 against 2,00 in the current year's budget) from the special assignment made by the Government of India in 1910-11, (ix) furniture, appliances, etc., for mofussil hospitals (18), (x) salaries of officers of the Sanitary and Chemical Analyser's Departments (17), (xi) the sewage installation at Poona (16), and (xii) the creation of a civil surgeoncy for the East Khándesh district (4). The increase is partially counterbalanced by the absence of the provisions for building grant in aid of a private hospital (15) and for the transfer of the civil duties of the Principal Medical Officer, Sind, to the Civil Surgeon, Karáchi (11), and by the larger lump deduction (70 against this year's 50) made for probable savings from the major head budget figure. Also smaller provisions are made for grants-in-aid to local bodies for sanitary projects (1,00), for the expenditure (exclusive of that from the assignment referred to in (i) above) of the Bombay Bacteriological Laboratory (20), for direct plague charges (10), and for the accommodation of pilgrims in Bombay City (7).

Political—25.

44. The Provincial figures are :—

	Actuals.			1911-12.		1912-13.
	1908-09	1909-10.	1910-11.	Budget.	Revised.	Budget.
Expenditure.	4,06	4,76	4,73	4,79	5,03	4,74

The decrease in next year's budget is due chiefly to smaller provisions for (i) salaries of officers (16), (ii) payments to officers of other provinces (5), and for the presentation of *poshâks*, etc., to the Sardârs of Gujarat (3). The decrease is counterbalanced by the provision made for temporary famine establishment (12) and grain compensation allowance (4) and by smaller recoveries in respect of establishments in foreign service of the third kind (3).

XXI.—Scientific and other Minor Departments—26.

45. The Provincial figures are .—

	Actuals.			1911-12		1912-13.
	1908-09	1909-10.	1910-11.	Budget.	Revised.	Budget.
Revenue ..	64	79	1,21	1,20	1,11	1,06
Expenditure ...	7,00	8,02	8,58	10,46	10,80	10,93

(*a*) The decrease in the revenue budget as compared with the current year's budget is due mainly to (i) smaller receipts anticipated from experimental cultivation owing to the unfavourable season, (ii) sale-proceeds of pumping plants and power cane crushers purchased by cultivators from the Agricultural Department having been taken to a personal ledger account, and (iii) falling off in the fees for the Vernacular Final Examination. The decrease is partly counterbalanced by larger receipts expected in consequence of the distribution of cotton seed on a larger scale, and by the provision made for the subsidy of 1·5 offered by the Kali Syndicate of Germany for the purpose of experiments with potash manures.

(*b*) The expenditure budget includes a lump provision of 75 out of the special non-recurring assignment of 1,00 made by the Government of India for expenditure on agriculture and allied objects. Leaving aside this provision, the new budget shows a decrease from the current year's budget owing mainly (i) to the absence of the provision for the purchase of land for the Northcote Cattle Farm (1,07), (ii) to a net lump deduction of 26 for probable

savings under the minor heads "Agriculture" and "Veterinary and Stallion Charges", and (iii) to the abolition of the Maháraja Takhatsingji Observatory (10) and the Bassein Garden (9). The decrease is partially counterbalanced by the provisions made for expenditure in connection with the cultivation of American cotton in Sind (25), for re-organisation of subordinate veterinary establishment in Sind (25), for an agricultural school for the Southern Marátha Country (10), for two additional Deputy Directors of Agriculture (10), for a Deputy Superintendent in the Subordinate Civil Veterinary Department and additional veterinary assistants for the Presidency proper (7), for grain compensation allowance (6), for survey of oil-pressing industry (5), for special boring operations in connection with the famine in Gujarát (5), for re-organisation of the staff of the Bombay Veterinary College (4), and for the Bombay Smoke Nuisances Commission (2). Also larger provision is made for the staff and travelling allowances to the establishment and honorary organizers under the Registrar of Co-operative Credit Societies (15), for the collection and sale of American cotton in Sind and for the distribution of selected cotton seed (11), and for travelling allowance of subordinate veterinary establishments in the Presidency proper (8) The current year's provisions for the establishment of an agricultural station at Lárkána and a vernacular agricultural school at Mirpur Khas and for the appointment of Surgeons for Bombay City and Mofussil for the certification of children under the new Factory Act, which have not been utilised, are repeated in next year's budget.

XXII.—Superannuation Allowances and Pensions—29.

46. The Provincial figures are:—

	Actuals.			1911-12.		1912-13.
	1908-09.	1909-10.	1910-11.	Budget.	Revised	Budget.
Revenue ..	2,11	2,67	3,24	3,35	3,45	3,65
Expenditure ...	27,27	28,85	29,95	31,80	31,60	32,40

(*a*) The revenue budget provides for a moderate increase over the current year's revised.

(*b*) In the expenditure budget provision is made for the aggregate amount of pensions and allowances on the registers of the Accountant General, and for an increase of 93 for probable additions to the pension list over the lapses.

XXIII.—Stationery and Printing—30.

47. The Provincial figures are:—

	Actuals.			1911-12.		1912-13.
	1908-09.	1909-10.	1910-11	Budget.	Revised.	Budget.
Revenue ..	1,08	1,00	1,06	1,09	1,21	1,15
Expenditure ...	12,87	15,13	13,35	13,73	12,74	13,25

(*a*) The revenue budget is normal

(*b*) The decrease in the expenditure budget is due mainly to the adoption of the current year's revised (6,30) against the budget of 7,00 under "Stationery supplied from Central Stores."

XXV.—Miscellaneous—32.

48. The Provincial figures are:—

	Actuals.			1911-12.		1912-13.
	1908-09	1909-10.	1910-11.	Budget.	Revised.	Budget.
Revenue ..	76	3,83	84	93	71	1,20
Expenditure	2,97	2,89	3,94	6,21	17,96	4,81

(*a*) In the revenue budget the increase anticipated on account of the refund by the Ahmedabad District Local Board of the overdrawal of its balances is partially counterbalanced by smaller receipts under "Unclaimed deposits."

(*b*) The decrease in the expenditure budget is due mainly to the absence of the provisions made in the current year's budget for (i) the payment to the Bombay Municipality of arrears for 1909-10 and 1910-11 of the tax on Government lands and buildings in Bombay City (1,59), (ii) the subsidy of 31 to Reuter's Telegram Company for telegram service, as the charge is now treated as Imperial, (iii) the grant (21) towards the liquidation of debts outstanding against the estate of a descendant of the late ruling dynasty of Sátára, and (iv) pearl fishery charges in Aden (4). The decrease is partially counterbalanced by a larger provision (1,00 against 25 in the current year's budget) for irrecoverable temporary loans expected to be written off in consequence of the prevailing scarcity.

Famine Relief—33.

Reduction or Avoidance of Debt—36.

49. The Provincial figures are:—

	Actuals.			1911-12.		1912-13.
	1908-09.	1909-10.	1910-11.	Budget.	Revised.	Budget.
33. Famine Relief.	...	...	...	...	...	...
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 *I, Land Revenue*, for the purpose of building up a reserve of credit up to a maximum of 80,00 *Per contra*, the assignment is debited in the Provincial account to the expenditure head No. *36.*

accumulations to the credit of the Local Government, which will show at the end of the year 1912-13 a balance of 50,42, direct famine expenditure chargeable to Imperial revenues under head No. *33* having amounted to 15 in 1907-08, 33 in 1908-09, 2 in 1909-10, *nil* in 1910-11, and being estimated at 12,38 (6,87 in the Civil Department and 5,51 in the Public Works Department) for 1911-12 and 18,90 (9,80 in the Civil Department and 9,10 in the Public Works Department) for 1912-13.

Subsidised Companies—Land—40.

50. The Provincial figures are :—

	Actuals.			1911-12		1912-13
	1908-09	1909 10.	1910-11	Budget	Revised	Budget
Expenditure.	...	...	24	5	9	1

The estimates for the current year represent the value of land required for the Shivrájpur Tramway, which is debitable to Provincial revenues. A provision of 1 is made in the new budget for petty charges that may come forward.

Miscellaneous Railway Expenditure—41.

51. The Provincial figures are :—

	Actuals.			1911-12		1912-13.
	1908-09.	1909-10.	1910-11.	Budget.	Revised.	Budget.
Expenditure.	47	..	2	.	...	...

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

XXIX and XXX.—Irrigation—42 and 43.

52. The Provincial figures are :—

	Actuals			1911-12.		1912-13.
	1908-09.	1909-10.	1910-11.	Budget	Revised.	Budget.
Revenue.						
XXIX, Major Works { Portion of land-revenue due to irrigation.	12,47	11,96	12,63	13,47	13,05	13,13
XXIX, Major Works { Direct Receipts.	4,91	6,33	6,24	6,34	6,08	6,71
XXX, Minor Works and Navigation.	2,02	1,75	1,79	1,64	1,75	1,87
Total ...	19,40	20,04	20,66	21,45	20,88	21,71
Expenditure.						
42, Major Works. { Working Expenses.	5,87	5,25	6,77	6,56	6,47	6,94
42, Major Works. { Interest on Debt.	8,23	8,65	9,12	9,56	9,58	10,04
43, Minor Works and Navigation. { Civil Department.	...	10	3	6	6	6
43, Minor Works and Navigation. { Public Works Department.	16,31	17,46	16,75	16,42	15,51	15,87
Total ...	30,41	31,46	32,67	32,60	31,62	32,91

The foregoing statement should not be taken as a 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* as compared with the budget for 1911-12 is due chiefly to deficiency of water in the Mahiwah, Begári and Unharwah canals, partially counterbalanced by increase on the Eastern Nara, Jamráo, Dad and Nasrat canals due to better supply of water. The increase under *Direct Receipts* is due chiefly to larger cultivation on the Nira Canal and Shetphal tank, to water being given up to 56 miles from the Godávari Canal instead of up to 27 miles, and to greater demand of water on the Ekruk tank. The increase is partially counterbalanced by decreases due to deficiency of water on the Hathmati, Kharicut and Begari canals Under *XXX, Minor Works and Navigation*, the increase is due mainly to larger receipts on the Fuleli Canal, Ashti and Maini tanks, and Upper Mán and Yerla river works.

(*b*) The provision of 32,91 for expenditure in 1912-13 is distributed as shown below :—

	Major Works.			Minor Works.		
	Deccan and Gujarát.	Sind.	Total.	Deccan and Gujarát.	Sind.	Total.
Original Works	21	26	47	88	1,02	1,90
Maintenance and Repairs.	1,00	3,27	4,27	1,43	8,44	9,87
Establishment	60	1,41	2,01	89	2,88	3,77
Tools and Plant.	6	12	18	6	27	33
Refunds of Revenue	1		1	...	...	..
Interest Account.	5,66	4,38	10,04	...	...	..
Free grants for the encouragement of irrigation works in specially precarious tracts.	.	...	...	6	...	6
Total ...	7,54	9,44	16,98	3,32	12,61	15,93

Under *42, Major Works—Working Expenses*, the increase in 1912-13 over the estimates for 1911-12 is due to larger provision for lining gauge runs in distributaries and channels, and special repairs to masonry works, of the Nira Left Bank Canal, increased provision for repairs of new works such as the Godávari Right Bank Canal, and for silt clearance of the Desert Canal, and for establishment charges, partially counterbalanced by smaller provision for extensions and improvements in Sind. The budget for *Interest* charges shows an increase of 48 over the current year's budget, it being framed on the basis of grants from the Government of India for capital expenditure on productive and protective works. Under *43, Minor Works and Navigation*, the decrease from the budget of 1911-12 is due to smaller provision for works and establishment charges, partly counterbalanced by increased provision for repairs charges in Sind, chiefly on account of new loops to the Kashmor and Sukkur-Begári bunds, the construction

XXXI.—Civil Works—45.

53 The Provincial figures are :—

Civil Department.	Actuals.			1911-12.		1912-13.
	1908-09	1909-10	1910-11	Budget.	Revised.	Budget.
Revenue ...	8	9	9	7	9	8
Expenditure ..	8,22	8,16	8,30	58,37	59,89	9,45
Public Works Department.						
Revenue ...	7,49	7,45	7,14	5,90	6,90	6,10
Expenditure .	70 53	69 26	75,01	80,45	85,13	64,94

(*a*) For the *Civil Department*, the estimate of receipts is normal. The expenditure estimates for the current year include a special grant-in-aid of 50,00 to the City of Bombay Improvement Trust. The new budget provides 1,23 (against 1,22 in the current year's revised) for grants for the improvement of village water-supply in the districts affected by famine.

(*b*) The revised estimate of *Public Works Department* revenue for 1911-12 provides for larger receipts under tolls on roads consequent on higher bids at auction sales, and from sales of buildings, produce and old materials. The budget for 1912-13 provides for normal receipts.

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

Original Works.			
Civil Buildings ...	...	20,98	
Communications ...	...	5,00	
Miscellaneous public improvements...		70	
Discretionary grants to certain Heads of Departments.		3,09	
Reserve	...	1,70	
			31,47
Repairs			
Civil Buildings ..	...	7,07	
Communications ...	...	11,76	
Miscellaneous public improvements...		47	
			19,30
Establishments	...		12,87
Tools and plant	...		1,30
	Total	...	64,94

The provision of 31,47 for " Original Works " is made up of 19,84 for works in progress, 6,84 for new major works, 3,09 for minor works, and 1,70 for reserve.

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

(i) Central block of buildings to accommodate Government offices at Poona (2,50), kacheri and court-house at Hyderabad (76), buildings at Nawábsháh in connection with the formation of a new district in Sind (50), new kacheris at Mehar in the Western Nára district (38), at Nagar Párkar in the Eastern Nára district (29), at Warah (28) and at Ratodero (20) in the Ghár canals district, Collector's kacheri at Mirpurkhás (13), and remodelling the Huzur Account Office and Treasury at Belgaum (11) ;

(ii) Agricultural College and Hostel at Poona (1,23), Science Institute, Bombay (95), and hostels for the Ranchhodlál Chhotálál High School at Ahmedabad (28) and the Bijápur High School (25) ;

(iii) New Small Causes Court, Bombay (1,00) ;

(iv) Quarters for the harbour and dock police in Bombay (1,50), new lines for the head-quarter police at Broach (54), quarters for the city and head-quarter police at Surat (50), buildings for the head-quarter police at Thána (30), offices and quarters for the head-quarter police and police lines at Sátára (15), police lines at Chiplun (15), and draining the police lines in the Gaekwár's Háveli at Ahmedabad (11),

(v) Extension of the Wádia Home for Nurses, Bombay (50), dispensary at Mirpurkhás (25), Lunatic Asylum at Yeravda (22), Chemical Analyser's Laboratory at Karachi (22), and Physiological Laboratories for the Grant Medical College, Bombay (15) ;

(vi) New office for the Executive Engineer at Kárwár (13) ;

(vii) Bridges at Kalyán (1,22), Máhuli (1,00), Koregaon over the river Bhima (1,00), and Konkangaon over the river Kadwa (33), roads from Vihigaon to Khodala (30) and from Bhátkal to Mysore Frontier (15), improvements to the Khándesh Nizám Frontier road (20), and Uran-Jasai road (15), and

(viii) Pier at Rewas (50), and construction of the Visápur tank (20).

55. Among the new major works the most important are :—

Sind.

(i) Civil buildings at Karáchi (1,00), disinfecting shed for pilgrims at Kiámari (50), and police line at Tatta (12).

Northern Division.

(ii) Mámlatdar's kacheri at Bulsár (30), Assistant Collector's bungalow at Surat (20), and police buildings at Kurla (20).

Central Division.

(iii) Acquisition of three bungalows in Poona (80), revenue offices at Sátára (50), contribution for the Railway overbridge at Jalgaon (24), laying pipes to carry off effluent from the septic tank at the head-quarter police lines at Poona (12), and police lines at Ganeshkhind (10).

Southern Division.

(iv) Mámlatdar's kacheris at Mángaon (20) and Honávar (20), and Revenue Department Subdivisional Office at Kárwár (12).

Bombay

(v) Compensation to be paid to the Committee of the David Sassoon Reformatory on account of land at Chunam-Kiln Road (32), compensation for the resumption of Property No II at Colába (30), certain works at the Veterinary College (30), and at the House of Correction (25)

General.

(vi) Working the boring plant for the Sanitary Engineer (60), and detention wards for the Leper Asylums in the Bombay Presidency, nurseries, and fences (25).

Bombay Castle, 6th March 1912. } W H. LUCAS.

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-rent.	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.
			3, Land Revenue	All	The whole.
			6, Stamps	All	One-half.
IX, Forest	All	The whole.*	7, Excise	All	The whole.*
X, Registration	All	The whole.	10, Assessed Taxes	All	One-half.
XII, Interest	Interest on Provincial Loans and Advances.	The whole.	11, Forest	All	The whole.*
	Interest on Government Securities.		12, Registration	All	The whole.
XVI-A, Courts of Law.	All	The whole.	13, Interest	Interest on Provincial Advance and Loan Account.	The whole.
XVI-B, Jails	All	The whole.	18, General Administration.	Civil Offices of Account and Audit.	Local Fund Audit Establishment.
XVII, Police	All	The whole.			
XVIII, Ports and Pilotage.	All	The whole.		All other *minor* heads, except— Currency Department. Reserve Treasury. Allowance to Presidency Banks.	The whole.
XIX, Education	All	The whole.			
XX, Medical	All	The whole.			
XXI, Scientific and other Minor Departments.	All	The whole.	19-A, Courts of Law	All	The whole.
			19-B, Jails	All	The whole.
XXII, Superannuation Receipts.	Contribution for Pensions and Gratuities.	The whole.	20, Police	All	The whole.
	Miscellaneous		21, Ports and Pilotage.	All	The whole.
XXIII, Stationery and Printing.	All	The whole, except receipts for the value of supplies from Central Stores to Railways, Local Funds, Municipalities and other independent bodies.	22, Education	All	The whole.
			24, Medical	All	The whole.
			25, Political	All, except— Refugees and State Prisoners. Charges for Aden, Baroda and Persian Gulf.	The whole.
			26, Scientific and other Minor Departments.	Veterinary and Stallion Charges.	The whole, except the pay and allowances of officers on the cadre of the Civil Veterinary Department.
XXV, Miscellaneous.	Extraordinary items	Items not exceeding Rs. 10,000.			
	All other minor heads, except— Gain by Exchange .. Premia on Bills ... Unclaimed Bills of Exchange Percentage chargeable on European Stores for Provincial and Local Funds, etc. Value of old Currency Notes assumed to be no longer in circulation.	The whole.		All other minor heads except— Census ... Ethnographic Survey.	The whole.
			29, Superannuation Allowances, etc.	All, except— Pensions of the Military Fund. Pensions of the Military Orphan Fund. Pensions of the Bombay Civil Fund. Donations to Service Funds.	The whole.
			30, Stationery and Printing.	All, except Stationery purchased for Central Stores.	The whole.

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

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

Revenue.			Expenditure.		
1	2	3	4	5	6
Major Heads.	Minor Heads.	Provincial Share.	Major Heads.	Minor Heads.	Provincial Share.
XXIX, Irrigation—Major Works.	Portion of Land Revenue due to Irrigation.	One-half.	32, Miscellaneous ...	Extraordinary items	Items not exceeding Rs. 10,000.
	Direct Receipts ...			All other minor heads, except—	
XXX, Irrigation—Minor Works and Navigation.	All	One-half.		Charges for Remittance of Treasure.	The whole.
				Discount on Bills ...	
XXXI, Civil Works .	All	The whole, except receipts on account of buildings for the use of Imperial Departments.		Loss by Exchange ...	
			33, Famine Relief ...	All	As explained in paragraph 15 of the Financial Statement for 1907-08.
			36, Reduction or Avoidance of Debt.		
			40, Subsidized Companies.	Land	The whole, except in cases in which the outlay is specially incurred from Imperial Funds But Provincial expenditure under these heads is permitted only under special orders of the Government of India in regard to each Railway.
			41, Miscellaneous Railway Expenditure.	Surveys	
			44, Construction of Railways.	All	
			42, Irrigation—Major Works.	Working Expenses ...	One-half.
				Interest on Debt ...	
			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 1910-11, 1911-12 and 1912-13.

(Rupees in thousands.)

REVENUE.

Major and Minor Heads of Account.	1910-11.	1911-12.		1912-13.
	Actuals.	Budget.	Revised	Budget.
I, Land Revenue.				
Ordinary	2,21,98	2,19,50	1,86,55	2,14,56
Miscellaneous	1,13	2,00	95	94
Deduct—Portion of land revenue due to irrigation...	*—12,63*	*—13,47*	*—13,05*	*—13,13*
Fixed allotment and adjustments	1,54,76	6,85	41,94	13,23
Assessment of alienated lands *less* quit-rents ...	95,94	95,33	96,01	95,48
Total ...	4,61,18	3,10,21	3,12,40	3,11,08
IV, Stamps.				
Sale of general stamps	17,41	17,80	17,00	17,50
Sale of court-fee stamps	22,34	21,00	19,50	20,75
Duty on impressing documents	71	75	75	75
Fines and penalties	10	10	10	10
Miscellaneous	42	35	65	40
Total ...	40,98	40,00	38,00	39,50
V, Excise.				
License and distillery fees and duties for the sale of liquors and drugs.	84,35	1,72,20	1,83,18	1,86,18
Transit duty on excise opium	5,09	9,60	9,60	9,60
Gain on sale-proceeds of excise opium ...	67	1,50	72	72
Duty on gánja	4,26	7,50	9,00	9,00
Fines, confiscations and miscellaneous... ...	49	1,20	1,00	1,00
Total ...	*94,86	1,92,00	2,03,50	2,06,50
VIII, Assessed Taxes.				
Income Tax on—				
Salaries and pensions	†5,51	5,60	5,65	5,75
Profits of companies	2,84	2,25	3,25	3,25
Interest on securities	2,11	2,17	2,12	2,17
Other sources of income..	15,04	14,45	15,98	15,83
Total . .	25,50	24,47	27,00	27,00
IX, Forest.				
Timber and other produce removed from the forests by Government agency.	5,44	13,78	17,19	21,17
Timber and other produce removed from the forests by consumers or purchasers.	12,59	22,86	24,75	23,92
Confiscated drift and waif wood	2	5	4	4
Revenue from forests not managed by Government .	4	7	7	9
Miscellaneous	50	94	95	88
Total ...	*18,59	37,70	43,00	46,10
X, Registration.				
Fees for registering documents	7,09	7,13	6,68	7,00
Fees for copies of registered documents ...	18	19	19	19
Miscellaneous	28	13	13	16
Total ...	7,55	7,45	7,00	7,35

* This represents the Provincial one-half share as it stood prior o 1911-12.

† Exclusive of the tax on salaries in the Public Works Department which

Major and Minor Heads of Account.	1910-11.	1911-12.		1912-13.
	Actuals.	Budget.	Revised.	Budget.
XII, Interest.				
Interest on Provincial loans and advances ...	13,22	11,46	11,59	10,39
Interest on Government securities	47	59	52	59
Total ...	13,69	12,05	12,11	10,98
XVI-A, Law and Justice—Courts of Law.				
Sale-proceeds of unclaimed and escheated property .	32	33	39	41
Court-fees realized in cash	58	60	55	57
General fees, fines and forfeitures	4,42	4,40	4,55	4,70
Pleadership examination fees	1	1	1	1
Miscellaneous fees and fines	57	55	60	64
Miscellaneous	18	21	20	22
Total ...	6,08	6,10	6,30	6,55
XVI-B, Law and Justice—Jails.				
Jails	55	54	54	57
Jail manufactures	1,75	1,86	1,86	1,92
Total ...	2,30	2,40	2,40	2,49
XVII, Police.				
Presidency police	2,34	2,45	2,40	75
Police supplied to Municipal, Cantonment and Town Funds.	26	21	26	27
Police supplied to public departments, private companies and persons.	65	1,25	72	67
Fees, fines and forfeitures	16	12	12	12
Superannuation receipts	4	5	5	5
Miscellaneous	43	45	45	45
Total ...	3,88	4,53	4,00	2,31
XVIII, Ports and Pilotage.				
Registration and Other Fees	89	91	94	94
Miscellaneous	1	1	1	1
Total	90	92	95	95
XIX, Education.				
Fees, Government Colleges, General	59	72	62	72
Fees, Government Colleges, Professional ...	48	45	53	53
Fees, Schools, General	2,16	2,21	2,41	2,68
Fees, Schools, Special	9	10	9	10
Miscellaneous	90	92	92	97
Total ...	4,22	4,40	4,57	5,00
XX, Medical.				
Medical School and College fees	93	97	91	91
Hospital receipts	73	76	76	76
Lunatic asylum receipts	30	27	31	31
Medicines sold by Civil Surgeons	1	1	1	1
Contributions	36	35	36	36
Miscellaneous	3	4	5	5
Total ...	2,36	2,40	2,40	2,40

Major and Minor Heads of Account.	1910-11.	1911-12.		1912-13.
	Actuals.	Budget.	Revised.	Budget.
XXI, Scientific and other Minor Departments.				
Veterinary and stallion receipts	22	12	12	12
Agriculture receipts, including receipts on account of experimental cultivation.	80	88	87	78
Emigration fees	1	1	1	.
Examination fees	15	16	9	13
Botanical and other public garden receipts ..	3	2	2	2
Miscellaneous	...	1	...	1
Total ...	1,21	1,20	1,11	1,06
XXII, Receipts in aid of Superannuation, etc.				
Contributions for pensions and gratuities ...	3,24	3,35	3,45	3,65
XXIII, Stationery and Printing.				
Stationery receipts	7	5	8	6
Sale of gazettes and other publications ...	33	33	33	33
Other press receipts	66	71	80	76
Total ...	1,06	1,09	1,21	1,15
XXV, Miscellaneous.				
Unclaimed deposits	24	45	25	32
Treasure trove	1	1	1	1
Sale-proceeds of darbár presents	1	1	1	1
Sale of old stores and materials	3	2	2	2
Sale of land and houses	...	1	...	1
Fees for Government audits	4	4	4	4
Contributions	7	7	8	7
Miscellaneous fees, fines and forfeitures ...	6	8	9	8
Miscellaneous	28	24	5	64
Pearl fishery receipts	10	..	16	...
Total ...	84	93	71	1,20
XXIX, Irrigation—Portion of land revenue due to irrigation.	12,63	13,47	13,05	13,13
XXIX, Irrigation—Major Works—Direct Receipts,	6,24	6,34	6,08	6,71
XXX, Irrigation—Minor Works and Navigation.	1,79	1,64	1,75	1,87
XXXI, Civil Works.				
In charge of Civil Officers	9	7	9	8
In charge of Public Works Officers	7,14	5,90	6,90	6,10
Total ...	7,23	5,97	6,99	6,18
Total of the major heads ...	7,16,33	6,78,62	6,97,98	7,03,16
Opening balance ...	87,21	1,52,47	1,63,06	80,76
Grand total ...	8,03,54	8,31,09	8,61,04	7,83,92

EXPENDITURE.

Major and Minor Heads of Account.	1910-11.	1911-12.		1912-13.
	Actuals.	Budget.	Revised.	Budget.
1, Refunds and Drawbacks.				
Land Revenue	1,43	1,10	1,80	1,30
Stamps	74	60	85	60
Excise	*1,23	2,00	2,40	2,20
Assessed Taxes...	26	20	25	20
Forest	*5	10	6	6
Registration	5	4	4	4
Total ...	3,76	4,04	5,40	4,40
2, Assignments and Compensations.				
Divided Heads (Provincial Share).				
Land Revenue Compensations—				
Inámdárs and other grantees	4,02	4,14	4,12	4,15
Pensions in lieu of resumed lands	1,57	1,62	1,60	1,62
Miscellaneous land revenue compensations ..	34	31	32	32
Excise compensations	*3,30	...	...	...
Provincial Heads.				
Inámdárs and other grantees	72,91	72,17	72,54	72,09
Pensions in lieu of resumed lands	10,12	10,54	10,60	10,60
Miscellaneous compensations	18	20	17	20
Excise compensations	..	6,45	6,68	7,35
Total ...	92,44	95,43	96,03	96,33
3, Land Revenue.				
Charges of District Administration	35,51	37,64	37,90	40,25
Survey and Settlement	1,38	1,50	1,40	1,56
Land Records	27,86	29,59	29,62	31,04
Allowances to district and village officers ...	13,92	14,08	14,08	14,19
Lump deduction .	...	*—1,00*	...	*—1,00*
Total ...	78,67	81,81	83,00	86,04
6, Stamps.				
Superintendence	41	45	43	44
Charges for the sale of general stamps ...	42	39	42	41
Charges on sale of court-fee stamps	11	10	8	10
Stamp and plain paper supplied from Central Stores.	22	24	24	24
Total ..	1,16	1,18	1,17	1,19
7, Excise				
Presidency establishment	62	1,35	1,29	1,34
District executive establishments	4,11	9,34	9,36	9,40
Lump deduction	...	*—70*	...	*—30*
Total ...	*4,73	9,99	10,65	10,44
10, Assessed Taxes.				
Presidency charges	47	47	48	49
Up-country or Mofussil charges	8	10	9	11
Total ...	55	57	57	60

* This represents the Provincial one-half share as it stood prior to 1911-12.

Major and Minor Heads of Account.	1910-11.	1911-12.		1912-13.
	Actuals.	Budget.	Revised.	Budget.
11, Forest.				
Conservancy and Works	4,88	10,47	17,73	16,05
Establishments	5,47	13,13	12,52	13,91
Lump deduction	...	—40	...	—40
Total ..	*10,35	23,20	30,25	29,56
12, Registration.				
Superintendence	29	28	23	22
District charges	3,49	3,60	3,60	3,53
Total ...	3,78	3,88	3,83	3,75
13, Interest on Ordinary Debt.				
Interest on Provincial Advance and Loan Account ...	5,97	5,77	6,49	7,87
18, General Administration.				
Salary of the Governor	1,20	1,20	1,15	1,18
Staff and Household of the Governor	2,11	2,13	2,15	2,63
Expenditure from Contract Allowance	1,09	1,04	1,04	1,04
Tour expenses	6	11	6	11
Executive Council	1,95	1,96	1,94	1,96
Legislative Council—Travelling Allowances to Non-Official Members of the Council.	9	6	8	6
Civil Secretariat	6,27	6,24	6,43	6,41
Commissioner in Sind	1,24	1,33	1,31	1,29
Commissioners	2,46	2,48	2,47	2,69
Civil Offices of Account and Audit	83	83	93	1,00
General Establishment of Local Funds	—10	—11	—11	—6
Provision for charges in connection with the Royal Visit and Coronation at Delhi.	...	2,00	10,80	...
Total ...	17,20	19,27	28,25	18,31
19-A, Law and Justice—Courts of Law.				
High Court	7,67	7,85	7,84	8,07
Law Officers	4,49	3,51	3,81	3,62
Administrator General	38	42	42	42
Coroner's Court	17	16	16	16
Presidency Magistrates' Courts	1,00	98	1,00	94
Judicial Commissioners	1,46	1,58	1,59	1,53
Civil and Sessions Courts	21,68	22,37	22,44	23,21
Courts of Small Causes	2,89	3,02	3,07	3,05
Criminal Courts	14,40	14,68	14,89	15,59
Pleadership examination charges	...	1	1	1
Refunds	40	30	40	30
Lump deduction	. .	—29	...	—30
Total ...	54,54	54,59	55,63	56,60
19-B, Law and Justice—Jails.				
Jails	9.54	9,32	9,72	10,37
Jail manufactures	1,45	1,45	1,68	1,53
Lump deduction	...	...	...	—36
Total ...	10,99	10,77	11,40	11,54

*This represents the Provincial one-half share as it stood prior to 1911-12.

Major and Minor Heads of Account.	1910-11.	1911-12.		1912-13.
	Actuals.	Budget.	Revised.	Budget.
20, Police.				
Presidency police	12,10	12,56	12,52	12,28
Superintendence	3,32	3,64	3,68	3,78
District executive force	60,92	66,97	63,48	67,53
Village police	9,45	9,62	9,65	9,93
Special police	5,48	5,75	6,02	6,04
Railway police	2,42	2,35	2,51	2,53
Criminal Investigation Department	90	81	1,10	1,14
Refunds	1	3	2	3
Lump deduction	..	—1,00	...	—1,00
Total ...	94,80	1,00,73	1,00,98	1,02,26
21, Ports and Pilotage.				
Salaries and allowances of officers and men afloat...	7	7	7	8
Purchase of stores and coal, etc.	21	20	18	6
Ports and Pilotage establishments	45	46	48	49
Miscellaneous	2	2	2	2
Light-houses and light-ships	3	3	3	3
Total ...	78	78	78	68
22, Education.				
University	10	10	10	10
Direction	62	65	64	68
Inspection	4,26	4,27	4,30	4,53
Government Colleges, General	1,76	1,82	1,54	2,09
Government Colleges, Professional	1,66	1,73	1,57	1,68
Government Schools, General	22,06	25,48	25,25	27,68
Government Schools, Special	3,26	4,83	3,73	5,32
Grants-in-aid	12,80	12,47	11,75	12,98
Scholarships	49	55	50	54
Miscellaneous	52	84	64	82
Refunds	1	...	1	...
Lump provision for non-recurring and recurring educational expenditure.	..	5,00	2,23	9,87
Lump deduction	..	—96	.	—1,00
Total ...	47,54	56,78	52,26	65,29
24, Medical.				
Medical establishment	3,53	3,77	3,56	3,77
Hospitals and Dispensaries	5,72	7,19	6,56	7,47
Sanitation and Vaccination	6,78	13,37	8,05	20,22
Grants for medical purposes	1,85	2,58	1,75	4,28
Medical Schools and College	2,55	2,98	2,65	4,05
Lunatic Asylums	1,90	1,95	2,00	2,02
Chemical Examiner	34	50	42	60
Refunds	3	3	4	4
Lump deduction	...	—50	...	—70
Total ...	22,73	31,87	25,03	41,75
25, Political.				
Political Agents	4,67	4,63	4,89	4,61
Entertainment of Envoys and Chiefs	1	2	2	2
Darbár presents and allowances to Vakils, etc. ...	3	10	10	7
Miscellaneous	2	4	2	4
Total ...	4,73	4,79	5,03	4,74

Major and Minor Heads of Account.	1910 11.	1911 12.		1912 13.
	Actuals.	Budget.	Revised.	Budget.
26, Scientific and other Minor Departments.				
Provincial Museums	...	1	...	...
Public Observatories	10	11	9	..
Donations to Scientific Societies	10	10	10	10
Agriculture	5,55	6,35	5,43	7,36
Veterinary and Stallion charges	1,71	2,61	4,01	1,98
Inspectors of Factories	22	45	23	42
Gazetteer and Statistical Memoirs	1	..	...	2
Steam Boiler Inspection establishment . .	...	...	...	— 7
Registration of Railway Traffic	28	29	29	29
Provincial Statistics	5	6	5	6
Preservation and translation of ancient manuscripts.	2	3	3	3
Examinations	2	2	2	3
Registrar of Co-operative Credit Societies ...	47	43	54	62
Miscellaneous	5	...	1	5
Total ...	8,58	10,46	10,80	10,93
29, Superannuation Allowances and Pensions.				
Superannuation and retired allowances ...	29,33	31,00	30,90	31,60
Compassionate allowances	43	50	40	50
Gratuities	10	14	14	14
Covenanted Civil Service pensions	8	15	15	15
Refunds	1	1	1	1
Total ...	29,95	31,80	31,60	32,40
30, Stationery and Printing.				
Stationery Office at the Presidency	45	44	42	44
Stationery purchased in the country	1,17	1,22	1,20	1,20
Government presses	4,62	4,99	4,53	5,03
Printing at private presses	10	8	9	8
Stationery supplied from Central Stores ...	7,01	7,00	6,50	6,50
Total, ...	13,35	13,73	12,74	13,25
32, Miscellaneous.				
Travelling allowances to officers attending examinations.	4	4	4	4
Rewards for proficiency in oriental languages and allowances to Language Examination Committees.	26	22	24	22
Subscriptions to periodicals	...	31	...	...
Cost of books and publications	15	17	17	17
Donations for charitable purposes	38	46	44	48
Charges on account of European vagrants ...	10	17	12	14
Rewards for the destruction of wild animals ...	5	5	5	5
Petty establishments	1	...	...	...
Special Commissions of Inquiry	1	...	10	2
Irrecoverable temporary loans written off ...	71	25	11,83	1,00
Charges for search of hidden treasure	...	...	1	...
Rents, Rates and Taxes	1,95	3,95	3,95	2,35
Contributions	16	45	86	24
Miscellaneous and unforeseen charges ..	2	4	4	4
Miscellaneous refunds	8	5	6	5
Miscellaneous charges for the treatment of patients at the Pasteur Institute	1	1	1	1
Charges on account of Pearl Fishery (Aden) ...	1	4	4	...
Total ...	3,94	6,21	17,96	4,81

Major and Minor Heads of Account.	1910-11.	1911-12.		1912-13.
	Actuals.	Budget.	Revised.	Budget.
36, Reduction or Avoidance of Debt	13,70	13,70	13,70	13,70
40, Subsidized Companies—Land	24	5	9	1
41, Miscellaneous Railway Expenditure ...	2	...	...	...
42, Irrigation—Major Works.				
Working Expenses	6,77	6,56	6,47	6,94
Interest on Debt	9,12	9,56	9,58	10,04
Total ...	15,89	16,12	16,05	16,98
43, Irrigation—Minor Works and Navigation.				
Civil Department	3	6	6	6
Public Works Department	16,75	16,42	15,51	15,87
Total ...	16,78	16,48	15,57	15,93
45, Civil Works.				
Civil Department	8,30	58,37	59,89	9,45
Public Works Department	75,01	80,45	85,13	64,94
Total ...	83,31	1,38,82	1,45,02	74,39
Total of the major Heads ..	6,40,48	7,52,82	7,80,28	7,23,75
Closing balance ...	1,63,06	78,27	80,76	60,17
Grand total ...	8,03,54	8,31,09	8,61,04	7,83,92

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 1912-13.

[In thousands of rupees.]

No of Account Head.	Receipts.	Budget, 1912-13.	Ordinary.	Special.	Remarks.
1	2	3	4	5	6
I	Land Revenue—Provincial share ...	2,02,37	1,93,28	(a) 9,09	(a) Collection of outstandings of previous years
	Land Revenue—Alienations ...	95,48	95,48	..	
	Land Revenue—Fixed allotment and adjustments.	13,23	—1,12	(b) 14,35	(b) Assignments from Imperial revenues.
IV	Stamps	39,50	39,50	...	
V	Excise	2,06,50	2,06,50	...	
VIII	Assessed Taxes	27,00	27,00	...	
IX	Forest	46,10	38,10	(c) 8,00	(c) Receipts on account of famine fodder operations
X	Registration	7,35	7,35	...	
XII	Interest	10,98	10,98	...	
XVI-A	Law and Justice—Courts of Law ...	6,55	6,55	...	
XVI-B	Do. —Jails	2,49	2,49	...	
XVII	Police	2,31	2,31	...	
XVIII	Ports and Pilotage	95	95	...	
XIX	Education	5,00	5,00	...	
XX	Medical	2,40	2,40	...	
XXI	Scientific and other Minor Departments.	1,06	1,06	...	
XXII	Receipts in aid of Superannuation, etc.	3,65	3,65	...	
XXIII	Stationery and Printing ...	1,15	1,15	...	
XXV	Miscellaneous	1,20	60	(d) 60	(d) Refund by the Ahmedabad Local Board of the overdrawal of its balances.
XXIX	Irrigation—Portion of land revenue due to irrigation.	13,13	13,13	...	
XXIX	Irrigation—Major Works—Direct Receipts.	6,71	6,71	...	
XXX	Irrigation—Minor Works ...	1,87	1,87	...	
XXXI	Civil Works—Civil Department ...	8	8	...	
XXXI	Do. —Public Works Department.	6,10	6,10	...	
	Total ...	7,03,16	6,71,12	32,04	(e) Earmarked for non-recurring expenditure on (i) education, sanitation and the Bombay Bacteriological Laboratory (17,37), (ii) Royal Visit Commemoration Building (2,00), (iii) agriculture and allied objects (1,00) and (iv) lines for the police guard at the Bhuj Treasury (18). These charges will be met from special Imperial assignments made in 1910-11 and 1911-12
	Opening balance ...	80,76	60,21	(e) 20,55	
	Grand total ...	7,83,92	7,31,33	52,59	

APPENDIX D.

Statement showing by major heads the recurring and non-recurring Provincial expenditure provided in the budget estimates for 1912-13.

[In thousands of rupees.]

No of Account Head.	Expenditure.	Budget, 1912-13.	Permanent recurring.	Fluctuating recurring	Total recurring.	Non-recurring.
1	2	3	4	5	6	7
1	Refunds and Drawbacks ...	4,40	...	4,00	4,00	40
2	Assignments and Compensations ...	96,33	96,13	13	96,26	7
3	Land Revenue	86,04	69,26	10,05	79,31	6,73
6	Stamps	1,19	32	79	1,11	8
7	Excise	10,44	9,18	81	9,99	45
10	Assessed Taxes	60	45	11	56	4
11	Forest	29,56	12,46	9,94	22,40	7,16
12	Registration	3,75	3,19	41	3,60	15
13	Interest on Ordinary Debt ...	7,87	6,00	1,87	7,87	..
18	General Administration ...	18,31	14,70	2,75	17,45	86
19-A	Law and Justice—Courts of Law ...	56,60	47,73	6,89	54,62	1,98
19-B	Do. —Jails	11,54	3,59	6,85	10,44	1,10
20	Police	1,02,26	85,54	11,41	96,95	5,31
21	Ports and Pilotage	68	38	28	66	2
22	Education	65,29	41,27	12,93	54,20	11,09
24	Medical	41,75	17,38	7,43	24,81	16,94
25	Political	4,74	3,79	56	4,35	39
26	Scientific and other Minor Departments.	10,93	5,21	3,23	8,44	2,49
29	Superannuation Allowances and Pensions.	32,40	32,25	15	32,40	...
30	Stationery and Printing ...	13,25	2,09	10,54	12,63	62
32	Miscellaneous	4,81	52	3,37	3,89	92
36	Reduction or Avoidance of Debt ...	13,70	...	...	...	13,70
40	Subsidized Companies—Land ...	1	...	...	...	1
42	Irrigation—Major Works. Working Expenses	6,94	6,46	32	6,78	16
	Irrigation—Major Works. Interest ...	10,04	10,04	...	10,04	..
43	Irrigation—Minor Works Civil Department...	6	...	3	3	3
	Irrigation—Minor Works Public Works Department.	15,87	11,35	4,42	15,77	10
45	Civil Works ... Civil Department...	9,45	7,41	80	8,21	1,24
	Civil Works ... Public Works Department.	64,94	33,50	17,00	50,50	14,44
	Total ...	7,23,75	5,20,20	1,17,07	6,37,27	86,48

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

17,37	for increased expenditure on Education, Sanitation and the Bombay Bacteriological Laboratory.	met from the grants made for the purpose from Imperial revenue.
13,70	for reduction or avoidance of debt	
75	for expenditure on agriculture and allied objects .	
55	for grants to the Bombay University and Colleges.	
10	for temporary establishments in connection with monthly payments to Indian Military pensioners	
5,50	for famine fodder operations which will be almost wholly covered by receipts in connection with those operations.	
37,97		

The balance of non-recurring expenditure which is met from ordinary revenues amounts to 48,51 (including 10,81 on account of indirect famine expenditure) as shown below :—

Total non-recurring expenditure	86,48
Deduct non-recurring expenditure met from special receipts.	37,97
Balance ...	48,51

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, 1912-13," "Revised Estimates, 1911-12," "Budget Estimates, 1911-12" and "Accounts, 1910-11," has been generally 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 provision for Gratuities and Refunds is 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, 43, Irrigation—Minor Works (Public Works Department) and 45, Civil Works (Public Works Department), the provision on account of ordinary 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 1912.

Memorandum.

The following alterations have been made in the figures given (in thousands of rupees) in the Revised Financial Statement of the Government of Bombay for the year 1912-13, copies of which were furnished on 6th March 1912 to Honourable Members of the Legislative Council :—

Major head.	Figure in the Revised Financial Statement.	Figure now adopted.	Brief explanation of difference.
Revised Estimates for 1911-12.			
Revenue.			
I, Land Revenue (Including the portion due to irrigation)—Provincial ½ share.	1,87,50	1,89,50	The revised estimate for 1911-12 is raised by 2,00 with a corresponding reduction in the budget estimate for 1912-13; the changes being based on latest estimates furnished by district officers.
I, Land Revenue—Fixed allotment and adjustments.	41,94	40,19	The decrease of 1,75 is due to the omission of the Imperial assignment originally taken into account towards making up the deficit in the Provincial share of Land Revenue, which is now expected to exceed the minimum figure (1,89,25) guaranteed under the terms of the Provincial Settlement.
Expenditure.			
11, Forest ...	30 25	29,25	The decrease is due to revision of the estimates of famine grass operations.
22, Education .	52,26	50,70	The decrease of 1,56 is due to the further sums expected to remain unutilized at the end of this year from the provisions made (*a*) for development of technical education, and (*b*) for non-recurring expenditure on education out of the assignment sanctioned by the Government of India in 1910-11. The whole amount of 1,56 is transferred to next year's budget.
45, Civil Works ..	85,13	78 94	The reduction is made partly in view of latest actuals and partly to avoid a number of alterations under other heads.
Budget Estimates for 1912-13.			
Revenue.			
I, Land Revenue (including the portion due to irrigation)—Provincial ½ share.	2,15,50	2,13,50	As stated above, the decrease is based on the latest estimates furnished by district officers.
IX, Forest ...	46,10	44,60	The reduction is due to revision of the estimates of famine grass operations
Expenditure			
22, Education ...	65,29	66,85	The increase is due to the transfer of 1 56 from the revised estimate of 1911-12 as stated above
45, Civil Works (Public Works Department).	64,94	67,39	The increase is due to the transfer of 2,45 from the revised estimate for 1912-12.

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

	1911-12.		1912-13.	Column 4 better +, or worse −, than	
	Budget	Revised	Budget	Column 2.	Column 3.
1	2	3	4	5	6
Opening balance ...	1,52,47	1,63,06	89,76	−62,71	−73,30
Revenue	6,78,62	6,98,23	6,99,66	+21,04	+1,43
Expenditure	7,52,82	7,71,53	7,27,76	+25,06	+43,77
Closing balance ...	78,27	89,76	61,66	−16,61	−28,10

3. Direct expenditure on famine relief in the current year is now estimated at 11,00 (6,50 in the Civil Department and 4,50 in the Public Works Department) instead of 12,38 mentioned in paragraphs 13 and 49 of the Revised Financial Statement issued on 6th March 1912. The accumulations to the credit of the Local Government in the administrative or *pro-forma* account will accordingly show at the end of the year 1912-13 a balance of 51,80 instead of 50,42. The estimate of indirect famine expenditure for the current year now stands at 12,09 instead of 13,09 given in paragraph 13 of the Revised Financial Statement, the reduction of 1,00 being due to revision of the estimates of famine grass operations.

W. H. LUCAS,
Chief Secretary to Government.

APPENDIX G.

No. 235.

From

THE HONOURABLE MR. W. H. H. VINCENT, I. C. S.,
Secretary to the Government of India,
Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Dated Calcutta, the 20th January 1912.

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. 19, dated the 11th January 1912.

Law further to amend the Dekkhan Agriculturists' Relief Act, 1879, and to amend the Bombay Repealing and Amending Act, 1910.

I have the honour to be,
Sir,
Your obedient Servant,
(Signed) W. H. VINCENT,
Secretary to the Government of India.

APPENDIX H.

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER BILL No. VI OF 1911.

(A Bill for the registration of medical practitioners.)

We the Members of the Select Committee appointed to report on the provisions of Bill No. VI of 1911 (an Act for the Registration of Medical Practitioners) have the honour, after careful consideration of the provisions of the Bill and of the petitions received with respect to the Bill, to report as follows:—

Clause 1 (1).—The short title of the Act should be brought up to date.

Clause 2.—We have considered a proposal that the constitution of the Medical Council should be amended so as to provide for nine Members being elected by the Medical Graduates of Bombay, two by the electorate comprised in sub-clause (*2*) (*d*) and two being nominated by Government. In support of this change in the constitution it has been represented that there is no reason for maintaining an official majority on the Council We would point out, however, that there is no obligation imposed on Government by the Bill to nominate officials only; and we consider that at any rate until the Medical Council has been established for some years and its benefits have come to be properly appreciated, it is essential that the nominees of Government should be in a bare majority. We accordingly recommend that no change should be made in the constitution of the Medical Council as provided in the Bill. We also desire to take this opportunity of correcting the mistaken idea that non-graduates who are entitled under the second paragraph of the Schedule to registration will be entitled to fill the two seats on the Council provided by sub-clause (*2*) (*d*). The qualifications of Members of the Medical Council are contained in sub-clause (*4*) and from these it is clear that non-graduates, though entitled to vote for two Members of the Council, are not themselves eligible for election.

Clause 3 (1) and (3).—We recommend certain alterations of drafting which will have the effect of making the meaning more immediately intelligible.

We further recommend the addition of a new sub-clause (*4*) which will provide for leave of absence from India for a period not exceeding six months, and for negligence in attendance by any Member who has not been granted leave.

Clauses 7 and 9.—We have considered certain petitions the main points of which are that the persons referred to in the second paragraph of the Schedule should not be eligible for registration or that such persons should be held eligible only for a limited period, and that a separate register should be kept for them. We are of opinion that unless these classes of practitioners are admitted to registration the Bill will be unworkable; and we have reason to believe that at no very remote date the course of study for these classes will be extended from four to five years and all criticism on this head will cease. The suggestion that the register should be kept in two parts does not commend itself to us. We are informed that the range of qualifications entered in the English register is wider than that of the qualifications which will be entered in the Bombay Register, but in England there has been no demand for separate registers. Entry in the register assures the fact that the Medical Council consider a man fit to practise, and as the precise extent of each person's qualifications will be entered opposite his name in the register the public will always be in a position to know whether any one person has higher qualifications than another.

It has also been objected that there is no provision made for due enquiry by the Medical Council corresponding to the provision in section 29 of the Medical Act of 1858, and that there is no definition of the words "grave misconduct or unprofessional act." To meet these objections we have inserted in both clauses provision for due enquiry, the detailed procedure in which will be provided in the rules to be framed under clause 19; and in place of the words objected to we have reverted to the wording of the English Act of 1858. We are advised that no rigid definition of the words "infamous conduct in any professional respect" is possible, for the reason that the infamy of any particular professional act must depend not on the mere performance of the act but on the particular circumstances under which the act is performed. The English Act of 1858 does not provide any definition of these terms.

It has further been suggested that an appeal should be provided to the High Court from the decisions of the Medical Council, but in view of the specialised nature of the enquiry we consider that no appeal should be provided. Under the English Act of 1858 the Medical Council are the sole judges whether a practitioner has been guilty of infamous conduct, and if they have *bonâ fide* and after due enquiry directed his name to be erased from the register, the High Court has no jurisdiction to interfere.

Clause 10.—We have considered proposals that persons included in the second paragraph of the Schedule should not be entitled to grant certificates, and that persons possessing the necessary qualifications for registration, but remaining unregistered, shall be entitled to grant certificates. The first of these cannot be accepted for the same reason that the exclusion of such persons from registration cannot be accepted. The second proposal is completely opposed to the principle of the Bill, and we cannot recommend that it should be accepted. For the same reason we cannot recommend the acceptance of the more sweeping proposal that clause 10 of the Bill should be entirely omitted.

Clause 13—It has been represented that the clause as it now stands would oblige any teaching or examining body, whether desirous that its students should be registered or not, to submit to inspection by the Medical Council. We accordingly recommend that the clause be modified so as to apply only to such medical colleges or schools or examining bodies as either are included, or are desirous of being included, in the Schedule. We also recommend a change in the form of the clause so as to authorize the Medical Council to call for information, without making the failure to supply the information an offence. No suitable penalty could be provided in the Bill in the event of any body refusing to supply the information; and the Council will be able themselves to deal, if necessary, with any failure to give information by moving Government under clause 20. We believe that when the true value of registration is appreciated all teaching and examining bodies will be as ready to supply any information required by the Council as similar bodies in England are and that the mere declaration of the right of the Council to call for information will suffice to secure compliance.

Clause 20—We have considered proposals that the clause be entirely deleted, or that it be so modified that the degrees of all chartered Universities of India shall always be accepted as proper qualifications for registration, and that the Medical Council shall not be invested with any powers to revise the curriculum of the local University. These proposals appear to us to be largely based on a misunderstanding of the provisions of this clause. The clause gives no powers to the Medical Council to revise the curriculum of any University, and so long as the chartered Universities of India retain efficient medical schools their qualifications will be recognized by the Governor in Council for the purposes of registration. The power of declaring that qualifications which once were good shall no longer be considered good is necessary in the interest of sustained efficiency and is similar to the power exercised by the Privy Council under section 4

of the Medical Act, 1886. Being led to think, from our perusal of the petitions presented, that the constructive feature of this clause has been generally overlooked we wish to call attention to the fact that the clause offers every encouragement to unofficial institutions to satisfy the Medical Council and the Governor in Council of the adequacy of their teaching, and so to obtain registration for their students.

Clause 21.—We recommend some verbal changes in order to provide not only for default but also for excess and abuse in the exercise of its powers by the Medical Council.

The report and Bill as proposed to be amended should be translated into the languages into which the Bill was translated.

(Signed) W. T. MORISON.
(„) NOWROJEE PESTONJEE VAKIL.
(„) SHRINIVAS K. RODDA.
(„) TEMULJI B. NARIMAN.
(„) H. W. STEVENSON.
(„) HARCHANDRAI VISHINDAS.
(„) COOPOOSWAMY V. MOODLIAR.

Bombay, 2nd February 1912.

APPENDIX I.

To

His Excellency The Honourable
Sir GEORGE SYDENHAM CLARKE,
G.C.M.G., G.C.I.E., &c., &c.,
Governor and President in Council, Bombay, and

The Honourable Members of the Select Committee
and all other Honourable Members of the
Legislative Council,
BOMBAY.

The humble Memorial of the undersigned Dharmacharyas or religious priests and other Hindus and Mahomedans, residing in the Province of Gujarát.

Most Respectfully Sheweth—

That your Memorialists, most of whom are Hindus and Jains, beg with due deference to submit that they have read the accompanying memorial, preferred by the Native Vaidyas and Hakims, in reference to the Bill No. VI of 1911, introduced by the Honourable Mr. Lamb, to be passed by the Provincial Legislative Council, Bombay, into an Act for the registration of Medical Practitioners in the Presidency of Bombay, and they fully support the same, most humbly and respectfully praying that Your Excellency in Council and the other Honourable Members thereof will be most graciously pleased to hold that the said Bill No. VI of 1911 should not be passed for the following amongst other reasons which are best known to Your Excellency and the other Honourable Members of the Council.

2. That the undersigned momorialists beg with due deference to submit that it is a very good idea to put a stop to quack practice in medicine who do not know the A, B, C of the Indian or English medical science, but it is deeply to be regretted that persons who have regularly studied Ayurvedic or Mahomedan Medical sciences and who have gained confidence of the people in their medical practice have been ignored altogether. There are several Hindu Vaidyas and Hakims who have done wonders after the patients have failed in the cure of their diseases by taking English medicines; but irrespective of this, there are certain classes of Hindus and Jains, and particularly all Hindu and Jain Acharyas, who do not even at the risk of their lives take English medicine on the belief that Medical practitioners in English medicines frequently use liquor and extracts of meat, which are forbidden by their religion; and if, under these circumstances, the medical practice of Native Vaidyas and Hakims is put a stop to, it would be very hard for such people. Under the circumstances, therefore, they pray that no restriction direct or indirect should be placed upon the practice of Native Vaidyas and Hakims. In short no such legislation as proposed in the said Bill No. VI of 1911 is necessary for the Bombay Presidency. Your Memorialists believe that no such measure would be undertaken by the Imperial Legislature unless its necessity is made out to its entire satisfaction, and since, as it at present appears, the public opinion is against the measure, your Memorialists pray that the said Bill No. VI of 1911 may not be passed into Act for the registration of Medical practitioners in the Presidency of Bombay, excluding therefrom Native Vaidyas and Hakims, inasmuch as it indirectly places a restriction upon their medical practice.

And for so doing, your Memorialists shall, as in duty bound, ever pray.

Chimanbhai Lalbhai Premabhai,
and 891 others.

Ahmedabad, 7th January 1912.

To

HIS EXCELLENCY THE GOVERNOR IN COUNCIL,
Bombay.

MAY IT PLEASE YOUR EXCELLENCY,

We the undersigned most respectfully beg to inform Your Excellency that in order to consider the draft of the Bombay Medical Act of 1911, a grand representative meeting consisting of the *Vaids* and *Hakims* of Delhi and of the leading gentlemen of the Hindu and Mohomedan public was held on the 20th January 1912, in the "Madrassa Tibbia Buildings." The meeting had a keen and broad discussion of the draft and after a long debate and full deliberation it was unanimously resolved in consideration of the welfare and feelings of the Indian people that the following amendments and additions in the draft are indispensable, and the said meeting having entrusted to the undersigned the duty of submitting the amendments and additions in question by means of an humble memorial to Your Excellency we most respectfully beg Your Excellency's permission to do the same and before doing so we beg to point out that the public in question have no objections to offer in respect to the other sections of the draft provided the following additions and alterations are made by Your Excellency in Council in the draft:—

1 In section 2 of the Bombay Medical Act of 1911, the number of members of the Bombay Medical Council has been fixed as thirteen. In this number an addition of at least two Hindu *Vaids* and two Mohomedan *Hakims* may kindly be made or in the said number of 13 members 4 seats at least may be reserved for *Vaids* and *Hakims* and the rest for others.

As in the Bombay Presidency myriads of the Indian people prefer to resort to "Ayurvedic" and "Unani" medical treatment, and as these two ancient and valuable medical arts have rendered valuable services to the people of this Presidency in the way of medical relief from times immemorial, and as there exist many able *Vaids* and *Hakims* there, who are carrying on their medical profession successfully, we with due regard to the legitimate liberty and feelings of the Indian people, and with a true sense of safeguarding the interests and rights of the *Vaids* and *Hakims*, most respectfully solicit Your Excellency's Government to sanction the addition of the said number of *Vaids* and *Hakims* in the Medical Board, otherwise we are afraid the Bombay Presidency public will suffer severely and there might be a great likelihood of unpleasant feelings arising in the minds of the public which the undersigned earnestly wish to avoid.

2. In section 2 the following additions should be made:—

"The 'Anjuman-i-Tibbia' of Bombay will select 2 Hindu *Vaids* and 2 Mohomedan *Hakims* for the Medical Council of Bombay, and in case the said 'Anjuman-i-Tibbia,' Bombay, cease to exist the said selection will be made by the *Hakims* and *Vaids* of the Bombay Presidency."

3. In section 2, Appendix (A), besides the medical men of the Indian Medical Service, Royal Army Medical Corps, Army Medical Corps and the Royal Navy Medical Corps the certified medical men of "Madrassa Tibbia," Delhi, "Bunwari Lal Ayurvedic Pathshala," Delhi, the "Takmil-ut-Tib," Lucknow, the "Madrassa Tibbia," Lucknow, the Pilibheet and Jaipur Ayurvedic School, should also be eligible for the membership of the Bombay Medical Council and the proposed addition should be sanctioned in this section.

4. In the Schedule, besides the certified medical men such as M.D., L.M & S. of the Universities of Calcutta, Madras, Allahabad and Lahore and those of other Government Medical Colleges and Schools the certified *Hakims* and *Vaids* of the institutions named in paragraph 3 of this memorial should also be added.

5. The object of the Act should be as follows:—

Unqualified medical men not educated in the institutions enumerated in the Schedule referred to above shall be stopped from medical practice in order to protect the people from the same.

6. After the abovementioned additions and alterations the following concluding words in the object of the enactment seem redundant and should be expunged :—

"Therefore when this enactment does not directly restrict the extent of the practice of the Indian *Vaids* and *Hakims* but at the same time improves the status of qualified medical men."

7. In conclusion, we the undersigned most humbly and respectfully solicit the favour of Your Excellency's Government acceding to the additions and alterations proposed in the Bombay Medical Act of 1911 with due regard to public feelings, sentiments and traditions, and in doing so Your Excellency's Government will not only place the people of the Bombay Presidency under everlasting gratitude but all the Indian subjects of His Majesty's vast Empire.

With most sincere and earnest feelings of loyalty to the benignant British Government and the Crown,

We remain,

Your Excellency's most loyal and dutiful servants,

(Signed) . . . . .

and 25 others.

THE ANJUMAN-I-TIBBIA, DELHI.

No. 846.

From

HAZIQ-UL-MULK HAKIM MOHOMED AJMAL KHAN,
President, Anjuman-i-Tibbia,
Delhi;

To

HIS EXCELLENCY THE GOVERNOR IN COUNCIL,
Bombay.

Delhi, dated the 21st January 1913.

MAY IT PLEASE YOUR EXCELLENCY,

Referring to Your Excellency's speech winding up the debate in Council on the Medical Registration Bill for the Bombay Presidency which appeared in the *Times of India*, Bombay, in its issue of the 22nd November last, I beg to submit for Your Excellency's perusal a printed copy of the proposed scheme of the Ayurvedic and Unani Tibbi College, Delhi, and most respectfully point out the strenuous efforts which are being made by the true advocates of the two indigenous systems of medicine to organize themselves and to submit to some form of training and to use methods of differentiating between those who are *Hakims* and *Vaids* and those who are not, and I hope that Your Excellency in Council will be pleased to give a full consideration to the legitimate rights of qualified *Hakims* and *Vaids* before the Bill is finally passed into law. In considering the rights in question I would beg to invite Your Excellency's attention to the humble memorial of the *Vaids* and *Hakims* of Delhi, drawn up at a grand public meeting held on the 20th instant, which is being submitted to Your Excellency separately.

I remain,
Your Excelleny's most loyal and dutiful servant,
H. M. AJMAL KHAN, Haziq-ul-Mulk,
President, Anjuman-i-Tibbia, Delhi.

THE SCHEME OF THE AYURVEDIC AND UNANI TIBBI COLLEGE, DELHI.

The immortal Darwin concluded one of his most exhaustive monographs with these words: "We only see how little has been made out in comparison with what remains unexplained and unknown."

This is exactly my feeling today in attempting to place before you a scheme of an Ayurvedic and Unani Tibbi College, the carrying out of which has been most forcibly suggested by the exigencies of the times.

There is no denying of the fact that when God created man and made the earth his home, He, among His other gifts, imparted to him wisdom and knowledge, and therefore it is evident that the art of healing also must be an important part of that knowledge. Intercourse of man with man, exchange of thoughts and the progress of learning and civilization led to the gradual cultivation of the said art in almost all the countries, especially in those where people were naturally gifted, India on account of its medical works not pointing to a foreign origin and also owing to its medicine dealing with the whole area of the science taking the lead followed by Greece. Arabia and other Islamic countries, not only adopted the healing art of the Indians and Greeks, but cultivated it to an extent which gave them supremacy over the whole of Europe. And the extracts from history marked as appendices A and B will shew what an important part the healing art of India and Greece with improvements made on it by the knowledge and culture of Arabia has played in the history of the world, and the perfection which the Western world claims at the present day owes its origin to India, Greece, Arabia and to several Islamic countries of the world, and it would not be unsafe to assume that almost all the systems of medical science existing now on the face of the earth flowed, more or less, from the three main sources, *i. e.*, India, Greece and Arabia, and the misconception, that the European and American systems of medical science have an origin of their own and differ entirely from the Unani and Ayurvedic systems, should at once be banished. In proof of this assertion it may be argued to some extent that the following words found in the works of the Unani system are almost the same in pronunciation in the corresponding Western system :—

Unani.	*English.*
Ziabitus.	Diabetes.
Ayurta.	Artery.
Abilimia.	Epilepsy.
Qolun.	Colon.
Qoinj.	Colic.
Ghangharya.	Gangarine.
etc.	etc.

With the decline of the Muslim power in the West the further cultivation and development of the Unani system as taken from Hippocrates, Galen and the Indian physician Charaka, passed to other European nations such as the English, the French and the German, and they, especially the last, having translated several of the Greek and Arabic books on medical science carried their researches with the progress of learning, science and art so far and to such a degree of perfection that the said system came to be generally known as the Western system of medicine. The discovery of America and its settlement by emigrants from almost all the countries of Europe and the natural and superior resources of the continent and a considerable time spent in their development brought further addition to the store of medical knowledge of Europe, and the Unani system as taken and improved by the Arabs long

remained locked up in the most difficult language, Arabic, and those only who had a thorough proficiency in that language could cultivate it, and notwithstanding the high culture of the Arabs and other Islamic people there are even to the present day over 300 manuscript Arabic works on medical science scattered all over the libraries of the Western world, some of which being inaccessible or preserved and reserved by individuals exclusively for themselves.

Owing to contact and intercourse with the Arabs the Unani medical science was also cultivated in Persia, Turkistan and Afghanistan and other countries of Central Asia.

The coveted resources of India and its natural position destined it ever to remain under a foreign yoke. For centuries involved in civil wars and invasions from the North it could not possibly retain its ancient supremacy in knowledge, and the pursuit of knowledge was so far neglected that the study of the language itself in which its lore existed was confined to particular places and to a particular class of the Hindus.

With the Muslim conquest of India the Unani system of medical science flourished in India for several centuries and as the flourishing of noble art of healing in every country on the face of the earth has depended on the support and patronage of the ruling power the Unani system reigned supreme and was held in much esteem by all the Islamic conquerors of Northern India, especially by the Moghul kings, but its fame was not high in all its branches; surgery was practised on a small scale, and as the educational enterprize and the cultivation of science and art was limited even during the most shining period of the Mohomedan power in India, the knowledge of the Unani system was confined to a limited and gifted few. With the decay of the Moghul Empire the study of the Unani system also declined; wars, disturbed condition of the country and subsequent vicissitudes in Government lent it another impetus towards the fall, until the possession of the country by our present benignant rulers, followed by the unprecedented peace, the freedom of thought and speech, the revival of learning, and the widespread education which awakened in the minds of the people the desire for progress and the pursuit of knowledge; and it must be admitted that what the Roman conquest did for England the English conquest did for India in the way of intellectual advance and civilization, and among other signs of improvement no surer indication of progress could be cited than the awakened interest in the subject of India's indigenous drugs witnessed within the past century. In 1826, Ainslie published the *Materia Medica* of Hindustan, in 1844 O'Shaugnessy produced the Bengal Pharmacopœia, and in 1868 Waring issued the Indian Pharmacopœia. These monumental works are replete with particulars regarding the drugs of India. They give expression to a rich store of personal investigation and to laborious compilation from an army of contemporaries in the more direct field of botany, of whom mention need hardly be made of such names as Jones, Roxburg, Walich, Buchanan, Hamilton, Griffith, Graham, Fleming, Royle and Wight. But with the establishment in India of Universities and medical schools where European medical science was taught there soon arose an army of pupils not unworthy of their great masters. In the field of pharmacology no names are more distinguished than those of Kanny Lal Dey, author of the "Indigenous Drugs of India," published in 1867 and again in 1896, Mohiuddin Sheriff's supplement to the Pharmacopœia of India in 1867, and U. C. Dutt, the *Materia Medica* of the Hindus, in 1877. Dr. Dey's two contemporaries have passed away, but they have left to the rising generation the legacy of a still vastly unexplored field of research.

The *Pharmacographia Indica* of Dymock, Warden and Hooper must continue to be in the hands of all interested in Indian drugs. The marked and increasing interest which has been manifested during recent years on the part of all grades of the medical profession in India in the subject of indigenous drugs has suggested the extreme desirability for further researches in the Indian medical science, and the gradual progress of Indian pharmacology, the widening and deepening of its influence, and its possibilities in contributing to

the health and consequent prosperity of this vast Empire have been in complete sympathy with the gradual development of commerce, medicine and science in this country, and we find that *materia medica* as a science has benefited materially from the researches made in Indian indigenous drugs. I must not pass without remarking that the researches of the professors of the Unani medical science which has been practised for centuries in India have made considerable additions to the store of the knowledge of Indian drugs and their bulky works bear testimony to this assertion. In short, the Ayurvedic medical system is very ancient with the additional advantage of centuries of experience, the climate and physical characteristics of the people of the country. Its formulæ and prescriptions prepared from indigenous herbs, plants and products of the country are suitable to the constitution of the inhabitants.

The Ayurvedic system was vastly enriched by the labours of the Unani *Hakims* whose art flourished throughout Northern India during the several centuries of the Muslim rule in this country and was assimilated to the conditions and requirements of the people.

As I have already observed that the ascendancy or superiority of every system of medical science has been due in all ages to the support and sympathy it receives from the ruling power, the so-called European system emanating from the same sources from which the Unani system also sprang up, began gradually to find favour with the people of India since the establishment of British rule here, but notwithstanding its up-to-date perfection in all branches, brought about by the advance in science and art in the Western world and the establishment of a considerable number of charitable hospitals and dispensaries where medicine and medical aid are given gratis, it was not able to turn the Indian people at large from their confidence and adherence to the two systems of medical science in practice in India, and I for my part, while fully acknowledging the superiority of the European system and personally holding it in great esteem and disclaiming the least intention to attack it, can safely assert that no system of medicine can lay claim to perfection. This is not my belief alone but of the many great men in the medical profession of the world, and my elder brother the late Haziqul-Mulk Hakim Abdul Majid Khan, finding how intensely and pertinaciously partial every grade of people in India is towards the Unani and Ayurvedic medical treatments, and what faith the people have in their efficacy, realized *primâ facie* the extreme necessity of reviving the Unani system and with the continued efforts of my father undertook the arduous task of founding an institution known as Madrassa Tibbia which is without a parallel in the history of India. The objects aimed at by the institution consisted of (1) the reviving of the Unani system, (2) the imparting of a free instruction in that system, (3) doing away with the unqualified *Tabibs* who infect the various parts of India to the great detriment of the health of the inhabitants, (4) training every year an efficient staff of Unani physicians who could afford medical aid in every part of the Indian Peninsula and thus to indirectly meet the wishes of the Supreme Government in that direction.

With these objects in view my late elder brothers laid the foundation of the said institution in 1889, and ever since the work done by the institution can easily be judged from the faithful records of the opinions of people in and outside the medical profession. The institution progressed gradually and its example was quickly followed by other places such as Jaipur, Lucknow, Patiala and Pillibhit by the establishment of smaller institutions for the cultivation of the Unani and Ayurvedic art of healing and the Delhi institution continued to hold its foremost place, and it has been found by experience and observation that, notwithstanding only about 60 years have elapsed since Western medical science set foot in this country, the number of patients who had recourse to *Hakims* and *Vaids* shewed no signs of diminishing. The said two systems could still be called the chief custodians of the health of the masses of this country. The establishment of the said institutions and the work done

by them have entirely removed the suspicion attached to them as being worked empirically and with no guarantee of qualification. Unfortunately the untimely demise of my two elder brothers gave a severe shock to the Delhi institution, but the combined efforts of my whole family, myself and my local colleagues soon overcame and gave it fresh stimulus. However, as what was done and what is being done in India for the regeneration of the said arts originally allied with the European system is only a fraction of that homogeneous whole, the achievement of which is extremely desired, I have, with the knowledge and experience at my disposal, spared no pains in furthering the object for which the institution was established and continued my efforts with a resolute mind until in the latter part of the expiring decade it was deemed advisable and necessary to supplement the said institution by the opening of a Female Midwifery School and Hospital formally opened by Lady Dane on 13th January 1909, and subsequently by the Hindustani Dawai Khana in which the freshest and best Indian medicines are at all hours obtainable. All the said institutions have during the last year been placed under the control and management of a body, the Medical Association or the Anjuman-i-Ṭibbia, registered under Act XXI of 1860.

With the advance of Indian arts and industry experience proves to us that the said institutions really need the aid of high education, combining the knowledge of the East with the science of the West: without this these institutions can never attain the development they are capable of and will remain in an embryonic state. Further, from a study of the natural inclinations of the Indian people it has been thought very desirable and necessary that the Indian science of Ayurvedic should be revived simultaneously with the Unani system. So, acting under strong advice, I summoned a Conference in Delhi in November last of all Indian *Hakims* etc. The Conference attracted to its two sittings all the noted experts in the said two systems, numbering about 250, and some of the leading nobility and gentry of India. The work which the Conference proposed to do will be found graphically detailed in its printed proceedings which are being largely circulated, but the most important resolution passed by the Conference is the one regarding the establishment of a Central Unani and Vedic College in Delhi.

Now, all of us who have the welfare of India at heart can imagine what an enormous outlay (nothing short of 5 or 6 lákhs for the building and about Rs. 6,000 *per mensem* for the maintenance) will be needed to provide adequate land and buildings of Saracenic or Eastern style, comprising rooms for classes, for surgical operations, for laboratories, for pharmacy and for exhibition of indigenous drugs, for indoor patients, for surgical instruments and apparatuses and models, and it would be impossible to found such an important institution without the handsome pecuniary aid, particularly from the ruling princes, chiefs, dignitaries and nobility and generally from gentry, philanthropists, patriots and those here and abroad who are anxious to see the medical science of the world brought to a still further degree of perfection, and I have sanguine hopes that the Indian people at large will make a common cause in carrying out the scheme intended for the alleviation of the sufferings of the people of the soil. I may beg to point out that sympathy in the present case may be based on two grounds—sympathy with self-effort and sympathy with alleviation of suffering—and whatever our divergencies of opinions may be we can all unite in the latter ground, especially where the alleviation of suffering affects women and children.

In conclusion, while drawing attention to the proposed details of the scheme (as to the course of studies see Appendices C (*a*), C (*b*) and C (*c*)), I must tell you that our most Gracious Emperor and the kind and indulgent Government who govern India for the benefit of the Indians, though incurring enormous annual outlay from Imperial and local revenues on medical education and medical relief, must fully realize the fact that whatever is being expended is hardly adequate to cope with the medical needs of the teeming millions of India, and nothing but our own generous efforts to improve the health of the people, which is one of the first essentials of life, will achieve the object for

which I am earnestly appealing to the country, and I am confident that if the country makes a move towards this charitable cause the Government of India will be found ever ready and foremost to supplement our endeavours with the liberality befitting its position.

I am fully alive to the fact that I am appealing to the people at a time when their pecuniary resources are flowing in other directions which, compared to the health of India, I regard of second importance, but I believe that if the arrival of the British Sovereign, our beloved Emperor, among us is signalised by the opening of the Unani and Ayurvedic College in India it will add largely to the pleasure of His Majesty.

MOHOMED AJMAL KHAN, Haziq-ul-Mulk,
President of the Anjuman-i-Tibbia and of the
Standing Committee of the All India Unani
and Ayurvedic Tibbi Conference.

APPENDIX A.

The Hindus ranked their medical science as an Upa-veda or a supplementary revelation, under the title of Ayur-veda, and ascribed it to the gods. But their earliest medical authorities belong to the Sutra period, or later scholastic development, of the Yajur-veda. The specific diseases whose names occur in Panini's Grammar indicate that medical studies had made progress before his time (350 B. C.). The chapter on the human body in the earliest Sanskrit dictionary, the Amara-kosha (*circ.* 550 A. D.), pre-supposes a systematic cultivation of the science. The works of the great traditional Indian physicians, Charaka and Susruta, were translated into Arabic not later than the 8th century.

Becomes the basis of Arabic and European medicine.

Unlike the astronomical treatises of the Brâhmans, the Hindu medical works never refer to the Yavanas, or Greeks, as authorities; and, with one doubtful exception, they contain no names which point to a foreign origin. The chief seat of the science was at Benares, far to the east of Greek influence in India. Indeed, Indian pharmacy employed the weights and measures of provinces still farther to the south-east, namely, Magadha and Kalinga. Arabic medicine was founded on the translations from the Sanskrit treatises, made by command of the Kaliphs of Baghdad, 750-960 A. D European medicine, down to the 17th century, was based upon the Arabic; and the name of the Indian physician Charaka repeatedly occurs in the Latin translations of Avicenna (Ibn Sina), Rhazes (Al Rasi), and Serapion (Ibn Serabi).

Scope of Indian medicine.

Indian medicine dealt with the whole area of the science. It described the structure of the body—its organs, ligaments, muscles, vessels and tissues. The *materia medica* of the Hindus embraces a vast collection of drugs belonging to the mineral, vegetable and animal kingdoms, many of which have been adopted by European physicians. Their pharmacy contained indigenious processes of preparation, with elaborate directions for the administration and classification of medicines. Much attention was devoted to hygiene, to the regimen of the body and to diet.

Indian surgery.

The surgery of the ancient Indian physicians appears to have been bold and skilful. They conducted amputations, arresting the bleeding by pressure, a cup-shaped bandage, and boiling oil. They practised lithotomy; performed operations in the abdomen and uterus; cured hernia, fistula, piles; set broken bones and dislocations; and were dexterous in the extraction of foreign substances from the body. A special branch of surgery was devoted to rhinoplasty, or operations for improving deformed

Nose-making.

ears and noses, and forming new ones—a useful operation in a country where mutilation formed part of judicial system and one which European surgeons have borrowed. It is practised with much success in the Residency Hospital at Indore, Holkar's capital, as jealous husbands in native states still resort, in spite of more humane laws, to their ancient remedy against a suspected or unfaithful wife. This consists in throwing the woman violently down on the ground and slashing off her nose.

Operation for neuralgia.

The ancient Indian surgeons also mention a cure for neuralgia, analogous to the modern cutting of the fifth nerve above the eyebrow. They devoted great care to the making of surgical instruments, and to the training of students by means of operations performed on wax spread out on a board or on the tissues and cells of the vegetable kingdom, and upon dead animals. They were expert in midwifery, not shrinking from the most critical operations; and in the diseases of women and children. Their practice of physics embraced the classification, causes, symptoms, and treatment of diseases, diagnosis and prognosis. The maladies thus dealt with have been arranged into 10 classes, namely, those affecting (1) the humours, (2) the general system including fevers, (3 to 9) the several organs and parts of the body, and (10) trivial complaints.

Veterinary surgery.

Considerable advances were also made in veterinary science, and monographs exist on the diseases of horses and elephants

Best age of Indian medicine, 250 B. C. to 750 A. D.

The best era of Indian medicine was contemporary with the ascendancy of Buddhism (250 B. C. to 750 A. D.) and did not long survive it. The science was studied in the chief centres of Buddhist civilisation, such as the great monastic university of Nalanda, near Gaya

Buddhist public hospitals.

The ancient Brâhmans may have derived the rudiments of anatomy from the dissection of the sacrifice; but the public hospitals which the Buddhist princes established in every city were probably the true schools of Indian medicine. A large number of cases were collected in them for continuous observation and treatment; and they supplied opportunities for the study of diseases similar to those which the Greek physicians obtained at their hospital camps around the mineral springs. Hippocrates was a priest-physician, indeed the descendant of a line of priest-physicians, practising at such a spring, and the traditional Charaka was in many ways his Indian counterpart. To the present day, works on Hindu medicine frequently commence their sections with the words, 'Charaka says.' This half-mythical authority, and Susruta, furnish the types of the ancient Indian physician, and probably belong, so far as they represent real personages, to about the commencement of the Christian era. Both appear as Brâhmans, Susruta being, according to tradition, the son of the sage Vishwamitra (p. 134), and Charaka, of another 'Veda-learned Muni.'

As Buddhism passed into modern Hinduism (750—1000 A. D.) and the shackles of caste were reimposed with an iron rigour the Bráhmans more scrupulously avoided contact with blood or morbid matter. They withdrew from the medical profession, and left it entirely in the hands of the *Vaidyas*, a lower caste, sprung from a Bráhman father and a mother of the Vaisya or cultivating class These in their turn shrank more and more from touching dead bodies, and from those ancient operations on 'the carcas of a bullock,' etc., by which alone surgical skill could be acquired. The abolition of the public hospitals, on the downfall of Buddhism, must also have proved a great loss to Indian medicine. The series of Mohomedan conquests, commencing about 1000 A. D., brought in a new school of foreign physicians, who derived their knowledge from the Arabic translations of the Sanskrit medical works of the best period. These Musalmán doctors, or *Hakims*, monopolized the patronage of the Mohomedan princes and nobles of India. The decline of Hindu medicine went on until it has sunk into the hands of the village *Kabiráj*, whose knowledge consists of jumbled fragments of the Sanskrit texts, and a by no means contemptible pharmacopœia, supplemented by spells, fasts and quackery. While the dissection of the human body under Vesalius and Fabricius was giving birth to modern medicine in the 17th century, the best of the Hindu physicians were working upon the recollections of a long past age without any new lights.

Decline of Hindu medicine.

750 to 1850 A. D.

The village *Kabiráj*.

APPENDIX B.

The rise of the Mohomedan empire which influenced Europe so deeply, both politically and intellectually, made its mark also in the history of medicine. As in the parallel case of the Roman conquest of Greece, the superior culture of the conquered race asserted its supremacy over their Arab conquerors. After the Mohomedan conquests became consolidated and learning began to flourish, schools of medicine often connected with hospitals and schools of pharmacy arose in all the chief seats of Muslim power.

Arabic medicine.

At Damascus Greek medicine was zealously cultivated with the aid of Jewish and Christian teachers. In Baghdad, under the rule of Haroon-ul-Rashid and his successors, a still more flourishing school arose, where numerous translations of Greek medical works were made. The names of Mesua or Yahya Ibni Masawaih (*ob.* 243 A. H., 857-8 A. D.) celebrated for his knowledge of drugs, and Honen Ibni-Ishaq-el-Ibadi (*ob.* 873) or Joannitius, the translator and commentator of Hippocrates and Galen, belong to this period. Certain writings of Joannitius, translated into Latin, were popular in the middle ages in Europe and were printed in the 16th century. At the same time the Arabs became acquainted with Indian medicine, and Indian physicians lived at the Court of Baghdad The Islamic rulers in Spain were not long behind those of the east in encouraging learning and medical science, and developed culture to a still higher degree of perfection. In that country much was due to the Jews, who had already established schools in places which were afterwards the seats of Muslim dominion. From the 10th to 13th century was the brilliant period of Arabian medicine in Spain. The classical period of Arabian medicine begins with Rhazes (Abu Bakr Mohomed Ibni Zakaria-al-Razi, 313 A. H., 925-26 A. D.), a native of Ray in the Province of Dailam (Persia), who practised with distinction at Baghdad. He followed the doctrines of Galen but learnt much from Hippocrates. He was the first of the Arabs to treat medicine in a comprehensive and encyclopædic manner, surpassing probably in voluminousness Galen himself, though but a small proportion of his works are extant. Rhazes is deservedly remembered as having first described small-pox and measles in an accurate manner. Haly, *i. e.*, Ali Ibn-i-Abbas (*ob.* 994), a Persian, wrote a medical text-book known as the "Royal Book" which was the standard authority among the Arabs up to the time of Avicenna, and was more than once translated into Latin and printed. Other writers of this century need not be mentioned here, but the next, the 11th century, is given, as the probable, though uncertain, date of a writer who had a great influence on European medicine—Masua, the Younger, of Damascus—whose personality is obscure and of whose very existence some historians have doubted, thinking that the name was assumed by some mediæval Latin writer. The work *De Simplicibus*, which bears his name, was for centuries a standard authority on what would now be called *Materia Medica*, was printed in 26 editions in the 15th century and later, and was used in the formation of the 1st London Pharmacopœia, issued by the college of physicians in the reign of James I. Either to the 10th or the 11th century must be referred the name of another Arabian physician who has also attained the position of a classic, Abdul Kasim or Abdul Casis of El-Zahra, near Cardova in Spain. His great work *Altasrif*, a medical encyclopædia, is chiefly valued for its surgical portion, which was translated into Latin in the 12th century, and was for some centuries a standard, if not the standard, authority on surgery in Europe. Among his own countrymen the fame and position of Abulcasis were soon eclipsed by the greater name of Avicenna (Ibn Sina).

Avicenna has always been regarded as the chief representative of Arabian medicine. He writes on philosophy also, and in both subjects acquired the highest reputation through the whole of Eastern Islam. In Mohomedan Spain he was less regarded, but in Europe his

works even eclipsed and superseded those of Hippocrates and Galen. His style and expository power are highly praised, but the subject matter shews little originality. The work by which he is chiefly known, the celebrated "canon," is an encyclopædia of medical and surgical knowledge, founded upon Galen, Aristotle, the later Greek physicians, and the earlier Arabian writers, singularly complete and systematic, but is thought not to shew the practical experience of its author. As in the case of Galen, the formal and encyclopædic character of Avicenna's works was the chief cause of his popularity and ascendancy; in the long list of Arabian medical writers none can here be mentioned except the great names of the Hispano Moorish School, a school both philosophically and medically antagonistic to that of Avicenna. Of these, the earliest is Avenzoar or Abumeron, that is, Abu Merwan, Abd-ı-Malik Ibn Zohr (113-62), a member of a family which gave several distinguished members to the medical profession. His chief work, *Al Teysir* (*facilitatio*), is thought to shew more practical experience than the writings of Avicenna, and to be less based upon dialectical subtleties. It was translated into Latin, and more than once printed, as were some of his lesser works, which thus formed a part of the contribution made by the Arabians to European medicine. His friend and pupil Averroes of Cordova, so well known for his philosophical writings, was also an author in medical subjects and as such widely read in Latin.

Introduction of Arabian Medicine.

The scholastic period.

About the middle of the 11th century the Arabian medical writers began to be known by Latin translations in the Western world. Constantinus Africanus, a monk, was the author of the earliest of such versions (1050 A. D); his labours were directed chiefly to the less important and less bulky Arabian authors, of whom Haly was the most noted. The real classics were not introduced till later For some time the Salernitan medicine held its ground, and it was not till the conquest of Toledo by Alphonso of Castile that any large number of Western scholars came in contact with the learning of Spanish Moors, and systematic efforts were made to translate their philosophical and medical works. Jewish scholars, often under the patronage of Christian Bishops, were specially active in the work. In Sicily also the Oriental tendencies of Fredrick Barbarossa and Frederic II worked in the same direction. Gerard of *Cremona*, a physician of Toledo (1114—87), made translations, it is said by command of Barbarossa, from Avicenna and others. It is needless to point out the influence of the Crusades in making Eastern ideas know in the Western world. The influence of Arabian medicine soon began to be felt even in the Hippocratic city of Salerno, and in the 13th century is said to have held an even balance with the older medicine. After this time the foreign influence predominated, and by the time that the Aristotelian dialectic in the introduction of which the Arabs had so large a share prevailed in the schools of Europe the Arabian version of Greek medicine reigned supreme in the medical world That this movement coincided with the establishment of some of the older universities of Europe is well known.

APPENDIX C (*a*).

Course of Studies

In the Ayurvedic System of Medical Science.

No of Class.	Course of Instruction.	Subject. Sutrasthan.		Subject Nidan or Diagnosis		Subject. Sharirak or Anatomy.		Subject. Aushadh and Chikitsa or Medicines and Treatment.	
		Names of books	Chapters or selected portions	Names of books	Chapters or selected portions	Names of books	Chapters or selected portions.	Names of books.	Chapters or selected portions.
I.	One year.	(*a*) Sharangdhar (*b*) Susrut ...	On terms and definitions, on the different parts of the body and on the nature of diseases arising therefrom.	(*a*) Madhov-Nidan. (*b*) Nari Vijnian.	Causes and symptoms of diseases Feeling of pulse or Shygmology.	Susrut ...	The part on Anatomy.	Bhav Parkash ... The portion on Nighant.	The properties of medicines.
II.	Two years.	Charak ...	Do. ...	(*a*) Sharangdhar. (*b*) Rog Garena...	Enumeration of diseases.	(*a*) Susrut ... The part dealing with Shalya and Shalakya.	Surgery.	CHARAK. (*a*) Kalpasthan ... (*b*) Sidhasthan ... (*c*) Rasendra Sarsangraha.	Change, Test. Chemistry and treatment with minerals.
III.	Two years.	(*a*) Bagbhat ... (*b*) Hart Sanghita	Do.	(*a*) Susrut ... (*b*) Bagbhat ...	Parts on diagnosis only.	CHARAK. The part on Indriehasthan.	The part on Limbs.	CHARAK. The part on Chikitasthan. SUSRUT. (*a*) Rasain .. (*b*) Baji Karan .. (*c*) Agadh Tantra ..	Method of treatment. On diseases of old age and their treatment. Stimulants for generative organs. Medical Jurisprudence.

APPENDIX C (*b*).

COURSE OF STUDIES.

In the Unani System of Medicine.

No. of Class.	Course of Instruction	Subject. Kulli-at-i-Tibb or General Medicine.	Subject. Tashkhis and Mualejat-i-Amraz or Diagnosis and Treatment.	Subject. Tashrih or Anatomy.	Subject. Ilm-ul Usul-i-Udwia or Unani Materia Medica and Pharmacy.	Subject. Fan-i-Jarrahi or Surgery.	Subject. Mualejat-us-Samum and Hawadis-i-Ittifaqia.	Subject. Prescribing Medicine or Nuskha Nawisi	Subject. Examination of patients or Moainai Marizan.	Remarks.
I.	One year.	Makhazin-ut-Talim.	Mizan-ut-Tib and Arabic Grammar							
II.	Do	Kifaya Mansuri ...	Tib-i-Akbar and Arabic Grammar							
III.	Do.	Mujaz and Aqsarai.	Sharah-Asbab, Vol. II.	Kamil-us-Sanaeh (portion on bones and muscles).						
IV.	Do.	Nafisi ...	Sharah-Asbab, Vol. I.	Kanun of Avicenna on nerves and arteries.						
V.	Do.	Kuli-at-Kanun (Avicenna).	Kanun (Avicenna) on fevers.	Kanun (Avicenna).	Jadawil-i-Isfarani and Jilani.					
VI.	Do.					Zahravi ...	Jilani ...	Attendance in Matab.	Attendance.	

APPENDIX C (c).

COURSE OF STUDIES.

In Western Medicine.

No of Class	Course of Instruction.	Subject.	Course of study or number of Lectures.	Subject	Course of study or number of Lectures	Subject.	Course of study or number of Lectures.	Subject.	Course of study or number of Lectures.	Subject.	Course of study or number of Lectures	Subject.	Course of study or number of Lectures.	Subject.	Course of study or number of Lectures	Subject.	Course of study or number of Lectures	Subject.	Course of study or number of Lectures	Subject	Course of study or number of Lectures.
I.	One year.	Materia Medica.	60 lectures.	Practical Pharmacy.	40 lectures.	Human Anatomy and Physiology.	100 lectures.	Dissections.	5 months												
II.	Do.	Do.	Do.	Do.	Do.	Do.	Do.	Do.	Do.												
III.	Do.	Do.	Do.	Do.	Do	Do.	Do.	Do.	Do.												
IV.	Do.	Principles of Medicine.	Do.	Practical Clinical Methods.	Do.	Clinical Demonstration.	4 months.	Principles of Surgery.	60 lectures.	Practical Surgery.	40 lectures.	Clinical Demonstration.	4 months.								
V.	Do.	Do.	Do.	Do.	Do	Do.	Do.	Do.	Do.	Do.	Do.	Do.	Do.								

N. B.—The 1st, 2nd and 3rd year classes shall have the same lectures together, so also the 4th and 5th year classes.

To

HIS EXCELLENCY THE GOVERNOR IN COUNCIL,

Bombay.

MAY IT PLEASE YOUR EXCELLENCY,

We the undersigned most respectfully beg to inform Your Excellency that in order to consider the draft of the Bombay Medical Act of 1911 a grand representative meeting consisting of the *Vaids* and *Hakims* of Delhi and of the leading gentlemen of the Hindu and Mohomedan public was held on the 20th January 1912, in the "Madrasa Tibbia Buildings." The meeting had a keen and broad discussion of the draft and after a long debate and full deliberation it was unanimously resolved in consideration of the welfare and feelings of the Indian people that the following amendments and additions in the draft are indispensable, and the said meeting having entrusted to the undersigned the duty of submitting the amendments and additions in question by means of an humble memorial to Your Excellency we most respectfully beg Your Excellency's permission to do the same and before doing so we beg to point out that the public in question have no objections to offer in respect to the other sections of the draft provided the following additions and alterations are made by Your Excellency in Council in the draft.—

1. In section 2 of the Bombay Medical Act of 1911, the number of members of the Bombay Medical Council has been fixed as thirteen. In this number an addition of at least two Hindu *Vaids* and two Mohomedan *Hakims* may kindly be made or in the said number of 13 members 4 seats at least may be reserved for *Vaids* and *Hakims* and the rest for others.

As in the Bombay Presidency myriads of the Indian people prefer to resort to "Ayurvedic" and "Unani" Medical treatment, and as these two ancient and valuable medical arts have rendered valuable services to the people of the Presidency in the way of medical relief from times immemorial, and as there exist many able *Vaids* and *Hakims* there, who are carrying on their medical profession successfully, we with due regard to the legitimate liberty and feelings of the Indian people, and with a true sense of safeguarding the interests and rights of the *Vaids* and *Hakims*, most resfectfully solicit your Excellency's Government to sanction the addition of the said number of *Vaids* and *Hakims* in the Medical Board; otherwise we are afraid the Bombay Presidency public will suffer severely and there might be a great likelihood of unpleasant feelings arising in the minds of the public which the undersigned earnestly wished to avoid.

2. In section 2 the following additions should be made:—

"The 'Anjuman-i-Tibbia' of Bombay will select 2 Hindu *Vaids* and 2 Mohomedan *Hakims* for the Medical Council of Bombay and in case the said 'Anjuman-i-Tibbia,' Bombay, cease to exist, the said selection will be made by the *Hakims* and *Vaids* of the Bombay Presidency.

3. In section 2, Appendix A, besides the medical men of the Indian Medical Service, Royal Army Medical Corps, Army Medical Corps and the Royal Navy Medical Corps, the certified medical men of "Madrassa Tibbia," Delhi, "Bunwari Lal Ayurvedic Pathshala," Delhi, the "Takmil-ut-Tib," Lucknow, the "Madrassa Tibbia," Lucknow, the Pilibheet and Jaipur Ayurvedic School, should also be eligible for the membership of the Bombay Medical Council and the proposed addition should be sanctioned in this section.

4. In the Schedule, besides the certified medical men such as M.D., L.M. & S. of the Universities of Calcutta, Madras, Allahabad and Lahore and those of other Government Medical Colleges and Schools the certified *Hakims* and *Vaids* of the institutions named in para. 3 of this memorial should also be added.

5. The object of the Act should be as follows:—

Unqualified medical men not educated in the institutions enumerated in the Schedule referred to above shall be stopped from medical practice in order to protect the people from the same.

6. After the abovementioned additions and alterations the following concluding words in the object of the enactment seem redundant and should be expunged:—

"Therefore, when this enactment does not directly restrict the extent of the practice of the Indian *Vaids* and *Hakims* but at the same time improves the status of qualified medical men."

7. In conclusion, we the undersigned most humbly and respectfully solicit the favour of Your Excellency's Government acceding to the additions and alterations proposed in the Bombay Medical Act of 1911 with due regard to public feelings, sentiments and traditions, and in doing so Your Excellency's Government will not only place the people of the Bombay Presidency under everlasting gratitude but all the Indian subjects of His Majesty's vast Empire.

With most sincere and earnest feelings of loyalty to the benignant British Government and the Crown,

We remain,

Your Excellency's most loyal and dutiful servants,

H. M. AJMALKHAN
and 7 others.

25th January 1912.

To

HIS EXCELLENCY THE GOVERNOR OF BOMBAY IN COUNCIL,
Bombay.

YOUR EXCELLENCY,

I have the honour to forward copy of resolutions passed in a public meeting of the citizens of Dhárwár, held in Victoria Theatre on 28th January 1912, praying for such a modification of the Bombay Medical Registration Act as will fulfil the suggestions made in the said resolutions.

I trust you will have the kindness to give this matter your careful consideration, as it concerns the material welfare and future prospects of the medical science and of a large number of graduates from institutions conducted by individuals of recognized ability.

I have the honour to be,
Your Excellency's most obedient servant,
(Signed) VISHVANATH M. HERLEKAR, B.A., LL.B.,
President of the Meeting.

Dhárwár, 28th January 1912.

Resolutions passed at the Public Meeting of the citizens of Dhárwár held in the Victoria Theatre on the 28th January 1912.

1. That this meeting is humbly of opinion that the passing of the Bombay Medical Act which is now before the Bombay Legislative Council will be detrimental to the progress of the medical science, as it practically closes the door against Ayurvedic, Unani, Homœpathy and other recognized systems.

2. That this meeting humbly requests that the Bill in question should be so modified as to include non-official colleges the curriculum of which is at least as searching as those of Government Medical Schools and the graduates from these Colleges should be recognized as "duly" qualified practitioners.

3. That this meeting humbly suggests that the establishment of institutions teaching Ayurvedic, Unani and other systems is necessary before the introduction of such Act as the one in question.

4. That this meeting earnestly requests that the Government should postpone the passing of the Bill until at least the re-organization (which is now in contemplation) of the non-official colleges in Bengal.

(Signed) VISHVANATH M. HERLEKAR,
and 19 others.

Telegram, dated the 1st February 1912.

From—Hakim Mohammed Aslah, Secretary,
Local Committee, All-India Tibbee Conference, Marehra;

To—Private Secretary, His Excellency Governor, Bombay.

The member of local Committee All India Tibbee Conference, Marehra, wholly and solely supports the amendments passed by the representative meeting in Delhi on the 20th January and respectfully requests His Excellency the Governor of Bombay to accept the necessary amendments proposed and forwarded with a memorial in the Medical Act of 1911 and thereby safeguard our genuine rights.

Girgaon, Bombay, 2nd February 1912.

To

THE SECRETARY TO GOVERNMENT,
General Department, Bombay.

Sir,

I have the honour to forward herewith a memorial signed by 277 medical men in Bombay regarding the Registration Bill which is now before the Legislative Council, and beg to request that you will kindly place it before His Excellency the Governor in Council.

I have the honour to be,
Sir,
Your most obedient servant,

BHALCHANDRA KRISHNA.

To

His Excellency the Honourable
Sir GEORGE SYDENHAM CLARKE,
G.C.S.I., G.C.M.G., G.C.I.E., F.R.S.,
Governor of Bombay and President in Council.

The humble petition of the undersigned members of the Independent Medical Profession of Bombay.

May it please Your Excellency,

1. We, the undersigned members of the independent medical profession practising in Bombay, beg most respectfully to approach Your Excellency's Government with the following suggestions in reference to the Bill for the registration of medical practitioners now before the Bombay Legislative Council. Subject of the petition.

2. We beg most respectfully to submit that the Bill as now framed is calculated most seriously to prejudice our interests, to lower our social and professional status, to impose on us unnecessary, hard and uncalled-for restrictions, allowing at the same time all unqualified practice, and that therefore if legislation in the matter cannot take any better shape, we have humbly to pray that the idea of passing such an Act be wholly abandoned for the present. General view.

3. We regret to have to say that the attitude taken by the profession has been entirely misrepresented in the discussion on the merits of the present Bill on its introduction in the Bombay Legislative Council. We admit that a large body of the medical profession in Bombay did express a desire for a Registration Act, based on the lines of the English Registration Act. The Bill was not then even framed and its objectionable features were not known to the profession. As soon, however, as a draft Bill was suggested by a certain small section of medical men, a large body of the independent medical profession met at a public meeting and strongly protested against the lines suggested, etc. (*vide* Representations of the Bombay Medical Profession, dated 5th February 1910 and 5th September 1910, to the Government of Bombay, and 8th October 1910, to the Secretary of State for India). In spite of the above and other protests, we regret to say that the Bill as now framed not only embodies all that was so strongly objected to, but also contains many other grave and objectionable features. To these also we have strongly objected (*vide* Representations of 20-11-1911 and 21-11-11, both sent in before the Council met).

It appears from the debate in the Legislative Council that while the Honourable Member in charge of the Bill, the Surgeon-General, and Colonel Jackson tried to justify the Bill on the ground that it would protect the duly qualified medical practitioners from the undue and improper invasion of *Vaids* and *Hakims* and other not fully qualified practitioners, it turns out that the Bill does not afford any such protection, and is altogether impotent for that purpose, and its whole aim and scope is confined to the creation of a Medical Council endowed with unnecessary and oppressive powers over the duly qualified independent practitioners; and finally this power in the Government which your petitioners venture to think is of so drastic a character, that it affects the integrity and independence of the University which confers medical degrees, and places the duly qualified independent profession at the mercy of what might be on occasions only a single person appointed by the Government. We see no reason why we should be presented with a King Stork in the shape of an official Medical Council, and placed entirely under the control of that body with a constitution and powers of an alarming nature.

We think it our duty in this connection at once to clear a misunderstanding as regards the wishes of the medical profession in the matter of the passing of this Bill. The medical profession was entirely against the inclusion within its ranks not only of Sub-Assistant Surgeons or Hospital Assistants, but also of Military Assistant Surgeons. If the profession had at all expressed its assent

to the passing of a Registration Act, it was not one which should deprive it of its already existing rights and place it under the control of an official body in which it was to find a feeble representation.

4. It is attempted to be argued in the statement of objects and reasons, that by maintaining a register of duly qualified medical men the public are protected against seeking the assistance of ill-qualified people. We most respectfully submit that even this argument has no force whatever. The signboards of duly qualified members of the profession and their degrees and diplomas are and ever will be much better known and understood by the public than any register preserved in the office of the registrar, and the maintenance of a register as such will not possibly prevent the lay public from falling as is said into the traps of quacks and other false professors of easy and speedy cures. We beg to submit that, if giving publicity to the qualifications of practitioners be an object of the Bill, it is bound to remain nugatory, for if the public has not the intelligence to ascertain the nature of a medical man's qualifications from the degrees and diplomas held by him, we submit it could hardly be expected to have the intelligence to go out of its way to take search in an official register and then find out a good consultant.

Military Assistant Surgeons and Sub-Assistant Surgeons should not be included in the register.

5. If, however, Your Excellency's Government should not deem it proper to abandon the Bill altogether, we beg most respectfully to offer certain suggestions by way of modifications and alterations.

(1) Our prayer is that the provision made in Schedule 2 to the Bill for the registration of Military Assistant Surgeons and Hospital Assistants or Sub-Assistant Surgeons be dropped, (*a*) because of their inefficient training, both preliminary and medical; (*b*) we beg further to urge that by allowing this class of practitioners to register under the Act, a known imperfection will be perpetuated, and once the class is on the register of duly trained and fully qualified practitioners, no steps, we are afraid, will be taken in the near future, as is very desirable, to improve their training and to better their qualifications by subjecting them to a longer term of studies and a more crucial test of examinations than at present, as they themselves had prayed for in their recent memorial to His Majesty's Secretary of State for India. We beg respectfully to draw the attention of Your Excellency's Government to the resentment felt by the vast majority of medical practitioners against the inclusion of this class as if they were duly qualified and diplomæd practitioners, and we trust Your Excellency's Government will see its way to pacify the sentiments of the profession and not allow the fostering of discontent among its independent members.

Or included only with definite restrictions, as for a period of 5 years.

6. (2) If, however, our suggestion does not meet with the approval of Your Excellency in Council, we further beg to suggest (*a*) that the Schedule 2 be maintained only for 5 years, (*b*) that in the meanwhile arrangements be made either to abolish the Civil Branch of Military Assistant and Sub-Assistant Surgeons altogether by recruiting vacancies in their ranks from among the University graduates, and by confining the former men to military duties only for which the class was originally created, or (*c*) to improve the course of training of these classes of Surgeons. We beg to point out in this connection that even those medical bodies that have favoured the inclusion of the subordinate services in the register had done so with the reservation that the right to get so registered should be kept open to them only for a limited period. We therefore make bold to say that by accepting our suggestion in the preceding paragraphs Government will meet the wishes of the whole profession.

And without power to sign certificates under the Lunacy and the Factory Acts.

7. (3) Another reservation made by the same Societies was in regard to signing of certificates by them and was to the effect that "the members of the subordinate services should not sign certificates under the Lunacy and the Factory Acts, as they are not expected to possess any knowledge of the subject on account of their low standard of education." These remarks are quite trenchant and to the point, and in endorsing the view expressed therein we trust Your Excellency's Government will give due weight to them. We therefore suggest (*d*) that at the end of section 10, sub-clause 2, of the Act the following words be added:—"And no certificate under the Lunacy and the Factory Acts signed by any medical practitioner or medical officer shall be valid unless the person

signing the same shall possess any of the qualifications detailed in Schedule 1 to this Act." This proviso is needed in the best interests of the public, and being asked for by the whole profession by a unanimous voice we trust it will be incorporated in the Act.

The constitution of the Medical Council should be altered, *viz.*, 9 members be elected by the independent medical profession, 2 by Government and 2 by the others in (*d*).

8. (4) Regarding the constitution of the Medical Council as detailed in section 2 of the Bill, we beg to submit that it leaves much room for improvement.

(*a*) We submit, firstly, that there in no reason whatever for maintaining a strong official majority on the Council. It is no secret that the interests of the members of the Indian Medical Service and of those of the independent medical profession are continually clashing, and as it is probable that there will be a predominance of officers of that service or their nominees in the members to be nominated by Government on the Council we apprehend that the Council will form a body with peculiar and in some cases even domineering and capricious notions of professional discipline, and will become an instrument of irresponsible professional oppression; (*b*) we see no reason why the Local Government should be anxious to maintain its majority on the Council, when the general Medical Council of Great Britain have on its Board a very vast majority of independent non-official members elected from the independent profession, with powers to elect its own President; (*c*) we therefore pray that in order to secure the proper independence of the Council, provision be made for the election of 9 members of the Council instead of four by the Doctors, etc., under sub-section (*c*) of section 2, clause 2, and that sub-section (*c*) of section 2, clause 2, be further modified by the addition of the following words "from amongst themselves" at the end after the word "Bombay;" that under sub-section (*b*) of clause 2, section 2, two members only instead of 6 be nominated by Government; and (*d*) that the Council should have liberty to elect its own President from time to time as in the English Act.

The terms "grave misconduct" and "unprofessional act" should be defined in the Act.

9. (5) Under section 7 of the Bill power is to be given to the Medical Council to refuse to permit the registration of a person who has, in the opinion of the Council, been guilty of any "grave misconduct" or "unprofessional act," and under section 9, for identical reasons, the Council is empowered to direct the removal of the name of any practitioner from the register at any time after registration. We beg to point out that these powers become sources and weapons of oppression and will give occasion for giving vent to professional and service jealousy as the two terms "grave misconduct" and "unprofessional act" have remained undefined in the Bill. We pray (*a*) that these terms be specifically defined or at least described in the Act, and (*b*) that some illustrations be added to indicate what acts or conduct may reasonably be said to come within the scope of these terms. The importance of having these terms defined will become manifest on a consideration of an incident recorded by the *Advocate of India* in its issue of the 30th December 1911 of an adjudication by the General Medical Council of the United Kingdom, and how undefined powers lead to the exercise of despotism against which there is no appeal. We are sure that the Legislature in vesting the Council with jurisdiction to remove the names of practitioners from the register in cases of unprofessional conduct meant the power to be exercised in the gravest of cases only; and yet we find a man's name struck off the roll for a certificate from him which was published by the Sandow Institute. Such despotism ought to be subject to review by the High Court as in the case with the Incorporated Law Society, and entirely prevented by settling the import of these terms.

There should be a regular trial on charges of "grave misconduct" and "unprofessional act" with the right to the party charged to appeal to the High Court.

10. (6) There is again no provision made in the Bill regarding the practice to be adopted before adjudging a person guilty of "grave misconduct" or "unprofessional act." The Medical Council would thus be free to condemn a person unheard. We suggest (*a*) that following the procedure prescribed by the English Act, a proper enquiry into all such charges be instituted, and no individual ought to be adjudged guilty of charges brought against him unless he is properly informed of the facts alleged against him and given an opportunity of entering his defence either in person or by pleader, with liberty to call his witnesses and to cross-examine the witnesses that may have informed against him; (*b*) it would also not be fair to adjudge a person guilty of such charges on a bare majority of the votes of the Council, and we pray that it should be directed that a vote of at least three-fourths of the members present at a

meeting shall be essential for adjudging a person guilty of grave misconduct or unprofessional act; (*c*) that the person charged shall have a right of appeal to the High Court against any decision of the Council. Considering the gravity of the issues involved, we trust these suggestions of ours will be incorporated in the Act, and the interests of all members of the profession thus safeguarded.

Duly qualified practitioners ought not to be deprived of the right to issue any certificates, for non-registration under the Act.

11. (7) Members of medical profession are fitted by their qualifications and training to express their opinions as experts in their calling and to give written certificates in matters of which they may have cognizance. Certificates issued by them in this way have been attached the weight that may justly be due to them in each case. Under section 10 of the Act, however, some certificates issued by those members of the medical profession who may not care to get themselves registered under the Act are declared to be invalid for the purposes of all Acts of the Legislature. May we be permitted to ask if it is proper, under the plea of passing an Act "for raising the status and the position" of the medical profession, to deprive the members of the profession of a right which they had thus far unconditionally exercised? We believe that the provision contained in this section is meant to impose on members of our profession the obligation to get themselves registered under the Act. We say that this attempt indirectly to force us to submit to the domination of the Medical Council is most objectionable; that the objects and the reasons appended to the Bill cannot possibly justify the inclusion of a provision of this sort, and we beg respectfully to enter our most emphatic protest against this piece of legislation which directly tramples upon our existing rights and by imposing upon us disabilities forcibly drives us into the subjection of a Council to which we have a strong aversion. We therefore pray (*a*) that section 10 which has the effect of depriving the profession of its existing rights be deleted from the Bill, or (*b*) the following words, *viz.*, "or shall possess qualifications entitling him to be registered under this Act," be added at the end of both sub-sections (*1*) and (*2*) after the words "under the Act."

University degrees ought always to be considered proper qualifications for registration under the Act.

12. (8) Section 20 of the Act is so framed as to give to the Governor in Council on the report of the Medical Council or otherwise power to direct that qualifications of a certain nature may in the future be excluded from or included in the Schedule to the Act, though they may have been included or excluded respectively in the Act. We apprehend that this section will in practice lead to the exercise of arbitrary powers by the Medical Council whose recommendations, as coming from a majority of Government nominees, are never likely to be rejected by Government. We shall state the reasons for our apprehension.—

(*a*) For a long time past, the independent medical profession had been drawing the attention of Government to the confusion consequent on the fact that the administration of the Grant Medical College was placed under the dual supervision of the Director of Public Instruction and the Surgeon-General. The medical profession prayed that the Director, who is an educational expert, ought alone to be allowed to control that teaching institution. In spite of that, and although the Surgeon-General is no educationist, Government was pleased to place the College entirely in his charge.

(*b*) The courses of study at the College are controlled at present by the ably constituted body of the University Senate which is at present almost wholly a Government Department, but it is no secret that the present Government some time ago intended instituting a Government qualifying examination, entitling to practice, restricting the University to granting only degrees in Honours, a scheme which did not meet with the approval of the University. What Government could not achieve at the University it will be able to obtain through the Council by arbitrarily recommending the disqualification of future graduates of the University for purposes of the Registration Act. We believe that no room should be left in the Act for the exercise of arbitrary powers of the nature we have just pointed out, overriding the University particularly, when it is remembered that the regulations of the University for medical degrees are subject to the sanction of His Excellency in Council. We therefore pray (*a*) that section 20 be entirely deleted. In any event, we pray (*b*) that an exception should be made excluding from the operation of this section cases of degrees granted by any of the chartered Universities of India which must be recognized as proper qualifications

In themselves for purposes of registration; and (*c*) that the words "or otherwise" be deleted from the section.

13. In summing up, we beg leave most earnestly to ask Your Excellency's Council seriously to consider what will be the upshot of this intended legislation. Summing up.

(1) Legislation is taken in hand with the ostensible and declared object of protecting "the public and the medical profession from irregularly qualified practitioners," but not one word is found in the Act shewing how that protection is to be afforded to the public or to the profession. The ostensible object of the Bill is entirely frustrated.

(2) We are next told that the Act will have the tendency to "raise our status and position." And how is this aim achieved? The profession is to be lowered in its dignity and placed under rigid discipline, and hard restrictions, and subjected to disabilities, in the case of non-registration under the Act.

Firstly, we are placed on a level with undoubtedly non-diplomæd practitioners, namely, the Military Assistant Surgeons and the Sub-Assistant Surgeons, which is sure to lower our status.

Secondly, our right to issue certificates is to be taken away from us to an important extent if we do not get ourselves registered and place ourselves under the discipline of the Medical Council.

Thirdly, a censorious body, in the form of a Medical Council, consisting principally of nominees of Government, is vested with arbitrary powers of inflicting penalties on us without being compelled to hear the party charged and without correction in appeal.

We now pray that for the reasons advanced by us herein Your Excellency's Government will be pleased to drop altogether the Bill for the registration of medical practitioners until it is taken up for the whole of India, but, if that course does not commend itself to Your Excellency's Government, that Government will be pleased to embody the following modifications in the Bill:—

(i) that persons referred to in Schedule 2 to the Bill be declared ineligible for registration;

(ii) or, at least, that such persons shall be held eligible for registration only for a limited period, and that a separate register be kept for them;

(iii) that certificates signed by such persons shall not be held valid under the Lunacy and the Factory Acts;

(iv) that the constitution of the Medical Council shall be so arranged as to allow for the election of nine members instead of four by Doctors, etc., as under sub-section (*c*) of clause 2, section 2, as amended, two members to be nominated by the Governor in Council, two as stated in clause (*d*), and the Council to elect its own President;

(v) that the terms "grave misconduct" and "unprofessional act" be defined in the Act;

(vi) that, before adjudging a person guilty of "grave misconduct" or "unprofessional act," the Medical Council shall formulate the charge against him in explicit terms and shall permit him to urge his defence either personally or by legal adviser, and cross-examine the witnesses who may have informed against him with a right of appeal to the High Court against the decision of the Council;

(vii) that no one shall be adjudged guilty of these charges unless a majority of at least three-fourths of the members present at the meeting of the Council vote to that effect;

(viii) that section 10 be deleted from the Bill;

(ix) That section 20 be entirely deleted, or that it be so modified that the degrees of all chartered Universities of India shall always receive full recognition as proper qualifications for medical practitioners and for registration; and the Council shall not be invested with any powers to revise the curriculum of the local University.

In conclusion, we beg Your Excellency in Council most earnestly to give a favourable consideration to our suggestions, as proceeding from a body that is vitally interested in this matter, and we shall, as in duty bound, ever pray.

We are,

Your Excellency's humble petitioners,

BHALCHANDRA KRISHNA, L.M.,

and 276 others.

Churney Road, Bombay, 19th January 1912.

To

THE CHIEF SECRETARY
TO HIS EXCELLENCY THE GOVERNOR OF BOMBAY.

Sir,

Most respectfully I beg to bring to your kind notice that :—

On the 1st instant a meeting of Unani Physicians and Baids Anjoman was gathered here at Bareilly and was presided by Hakim Abdus Samad Rais of this city. The following resolution moved by Moulvi Saiyad Abdulwadood and seconded by Hakim Madul Hasan unanimously was passed :—

"This Anjoman very strongly agrees with the amendments to the Bombay Medical Act of 1912 proposed by the Tibbiya meeting of Delhi, held on the 20th ultimo, and very earnestly implores the favour of His Excellency the Governor of Bombay to accept the necessary amendments sent to His Excellency with a memorial by the said Delhi Tibbiya meeting and to protect our rights.

Most respectfully I beg to remain,
Sir,
Your most obedient servant,
HAKIM S. AZIZ GHAUS,
Secretary, Tibbiya Anjoman, Bareilly

Beharipore, 2nd February 1912.

Telegram, dated the 5th February 1912.

From—Hakim Mohomed Markat Ali, Secretary, Anjuman Tibbi, Jullunder;

To—The Private Secretary to the Governor of Bombay, Bombay Governor's Camp.

Vedic Yunani Anjuman, Jullunder, strongly supports the amendment of Bombay Medical Act, 1911, proposed by Delhi Anjuman.

Telegram, dated the 6th February 1912.

From—Mukandram Shastri Vaid, Secretary, Sambhal;

To—His Excellency the Governor, Ahmedabad.

Sir,—This Tibbia Committee approving strongly the amendments to Bombay Medical Act of 1911 proposed by the meeting held on 20th January 1911 in Madrasa Tibbia, Delhi, respectfully requests the favour of their being granted as safeguards to our rights.

Telegram, dated the 6th February 1912.

From—Multan Hasan, Bachhraon, Moradabad;

To—The Private Secretary to His Excellency the Governor of Bombay, Ahmedabad.

This meeting composed of the inhabitants of Bachhraon District, Moradabad, fully concur with the amendment of Bombay Medical Act of 1911 made by the meeting held on 20th January in Tibbia School, Delhi, and submitted to His Excellency the Governor of Bombay to safeguard our interest, and humbly asks His Excellency for favourable consideration of the amendments proposed in said meeting.

Telegram, dated the 7th February 1912.

From—Fareed Ahmed, Secretary, Anjuman Tibbia, Bhikampur;

To—The Private Secretary to the Governor of Bombay, Ahmedabad, Shahibag.

We Vaids and Tabeebs support the meeting of the amendment of Bombay Medical Act, 1911, held in Delhi on 20th ultimo.

Telegram, dated the 10th February 1912.

From—The Secretary, Jammu Dogra Committee,

To—The Private Secretary to His Excellency the Governor of Bombay.

Jammu Dogra Committee representing both Hindus and Mohamedans and prospering under patronage of His Highness Maharaja, Jammu and Kashmir State, in a meeting held on 10th instant and attended by Unani and Vedic physicians and general public and their leaders, very strongly support the amendments to Bombay Medical Act, 1911, proposed by Madrassa Tibbia, Delhi, in a meeting of 20th ultimo, and most respectfully request His Honour the Governor of Bombay to be kind enough to accord his sanction to above amendments laid before His Honour in the form of a memorial with a view to safeguard our interests.

To

HIS EXCELLENCY THE GOVERNOR IN COUNCIL,

Bombay.

MAY IT PLEASE YOUR EXCELLENCY,

In an extraordinary meeting of the Standing Committee of **All-India Vaidyaka Conference** [*Ayurveda Mahamandala*] and its **Ayurveda Vidya Pitha**, an examining body, under the chairmanship of Pandit Shivaram Pande Vaidya, held at Allahabad on the 10th February 1912, the undersigned were authorised to solicit Your Excellency's permission to make an humble and loyal representation of their views in respect of the draft of the Bombay Medical Registration Bill, now before the Council by the following :—

1. That the Bill in question is unnecessary and impracticable ; and in the eyes of the conference it is calculated to cripple the freedom, lower the respect and limit the progress of the Ayurvedic and Unani practitioners.

2. That in consideration of the religious beliefs and social customs of the Indians, the circumstances of the climate and the soil and their constitution and temperament acquired from their very birth, an untrammelled and free practice of the systems of the Vaidyaka and the Yunani treatment is very necessary for the welfare of the country. There are many Vaidyas and Hakims in the Presidency of Bombay who practise their systems with great ability and success and so far there has been no complaint of the public against them. There can be no better proof than the fact that men of all classes seek their treatment with confidence and find themselves greatly benefited. The Bill is calculated to deprive the majority of the people of the Presidency of the convenience and the benefit of their treatment.

3. That by this Bill, a large number of respectable, experienced and learned Vaidyas and Hakims will be classed as "unqualified" and will be thus legally held to be incapable of following their profession ; and their right, their honour and their position will receive an irreparable injury therefrom. This will create great disappointment and dissatisfaction and will cause unrest among such practitioners and the public benefited by them.

4. That the Bill at the same time will not exercise any influence or check upon those unworthy quacks who bring these indigenous systems into disrepute.

5. That for the aforesaid reasons the conference is of opinion that this Bill should not be passed.

They pray the just and benign Government of Bombay win the gratitude of not only the people of their Presidency but also of the rest of the people of India by not passing the Bill.

6. Should the Government for some reason or other have decided to pass the Bill, the conference humbly prays that those portions be expunged from the draft which are harmful in the eyes of the public, and the following additions be kindly made :—

(*a*) In section 2 of the Bill, the number of the members has been fixed as *thirteen*. The number should be fixed as *seventeen* instead, and two Vaidyas and two Hakims should be included in this number as elected members.

(*b*) These four members may be duly elected and returned by the Vaidya Sabha and the "Anjuman-i-Tibbia" of Bombay, and should these bodies cease to exist the Vaidyas and the Hakims of the Presidency of Bombay should be allowed to elect and return such members.

(*c*) In section 2, appendix (A), besides the medical men of the Indian Medical Service, Royal Army Medical Corps, Army Medical Corps and the Royal Navy Medical Corps, the holders of a degree or a diploma or a

certificate from the **Ayurveda Vidya Pitha** (examining body of Vaidyaka appointed by the conference), or from any other examining body affiliated to it or to "Vaidyaka and Yunani Tibbia Conference," should also be eligible for the membership of the Bombay Medical Council and the proposed addition should be sanctioned in the section.

(*d*) In the schedule, with the certified medical men such as M.D., M.B., L.M.S. of the Universities of Calcutta, Madras, Allahabad and Lahore, and those of other Government Medical Colleges and Schools, the qualified and certified Hakims and Vaidyas of the institutions named in paragraph 6 (*c*) of this memorial should also be included.

7. That by refusing to pass the Bill or by making the improvements submitted above in the Bill, the Government of Bombay would do well to impress the public of India that they appreciate the merits of the Vaidyaka and Yunani systems and have due regard for the respect and position of the able and learned and experienced Vaidyas and Hakims and are desirous of their success and progress.

8. That the Indian public will feel extremely grateful if, in this connection, some arrangements be made by the Government to teach the Ayurvedic and the Yunani systems also in the Medical College of Bombay, and fix some examination and confer degrees, certificates or diplomas to those who qualify themselves, as has been done with respect to other branches of Oriental learning.

We remain,

Your Excellency's Most Dutiful and Loyal Servants,

(Signed) (1) GANANATH SEN.
(„) (2) शिवराम पांडे, वैद्य.
(„) (3) वैद्यनाथ शर्मा, वैद्य.
(„) (4) KAVIRAJ NILMADHUBSEN GUPTA.
(„) (5) JAGANNATH PT. SHUKLA.
(„) (6) RAMESHVARNATH CHATURUD.
(„) (7) SANWALDAS.

10th February 1912.

The Hindu Pharmacy, Bangalore City,
11th February 1912.

To

THE CHAIRMAN,
Legislative Council, Bombay.

(Abstract of Proceedings of a meeting of Vaidyas and Hakims held in the Hindu Pharmacy, Bangalore City, at 4 p. m., on Sunday the 11th February 1912.)

Proposed by Mr. Govindachar and seconded by Mr. Shaik Ibrahim that Mr. V. D. Pandit take the chair. Carried *nem. con.*

The following resolution was unanimously passed:—

(1) That Ayurveda is a branch of the sacred Rig Veda and cannot be given up by the Hindus nor the Government intend to effect it.

(2) That it is true that there are quacks in this system of medicine; not only in this, but in Allopathy too there are quacks in spite of numberless Medical Colleges and Schools. There are quacks in each and every branch of study or profession. On the other hand the Government have not established Ayurvedic Schools and Colleges.

(3) That the existence of quacks in Ayurveda is mostly due to the want of Government encouragement even to the extent of 50 per cent. of what they have been doing for the Allopathy.

(4) That the number of quacks and their ill-effects can be reduced by means of encouraging the Ayurvedic study and establishment of Ayurvedic Schools and Colleges on the lines of English Medical Colleges in connection with all allopathic institutions.

(5) That the restriction of Vaidyas by the Registration Act depresses the profession to a very great extent and even now the number of Vaidyas is too small to meet the demand of the villagers who suffer mostat the time they need the medical help.

(6) Though he has not passed in any Government recognised examination, yet each Vaidya is a specialist in a medicine and proudly cures that disease in a little time and at a very cheap cost, and the villagers lose such a valuable help by the said Act.

(7) That what is now wanted is the establishment of Ayurvedic Schools and Colleges to train eminent Vaidyas distinguished by their degrees and diplomas.

(8) That when this is brought to force and the required number of Vaidyas are available for service (it takes at least 10 years) and then, *i. e.*, after the 10 years have elapsed after the establishment of such Schools and Colleges, the Act may be passed.

(9) That a loyal request be made to the Chairman, Legislative Council, Bombay, to cancel the Bill for the present.

Then the meeting terminated with a vote of thanks to the Chairman.

J. B. PANDYA,
Chairman.

Telegram, dated the 12th February 1912.

From—Fatehchand Hakim, Secretary, Tibbia Committee, Karnal;

To—The Private Secretary to His Excellency the Governor of Bombay.

Members, Tibbia Committee, Karnal, second amendment made at meeting held on 20th January in Tibbia School under Bombay Medical Act, 1911, and request that necessary amendments made may be granted for protection of our rights.

Telegram, dated the 12th February 1912.

From—Jagannathprasad Sukla, Secretary;

To—The Private Secretary to His Excellency the Governor of Bombay.

Special meeting All-India Vaidyak Conference Standing Committee Ayurved Mahamandal held Allahabad 10th February resolved to memorialize Government not to pass Medical Registration Bill pending before Bombay Legislative Council as it is uncalled for, impracticable, likely to put unnecessary restraint on hitherto recognised liberties and advancement of native Indian medical professions. If, however, it is decided to pass some such measure, then said Ayurved Mahamandal prays that modifications proposed by said conference in terms of the memorial to be hereinafter submitted may be considered and acceded to.

Telegram, dated the 12th February 1912.

From—Hakim Abdul Wali, Secretary, Madrassa Tibbia, Lucknow;

To—The Private Secretary to His Excellency the Governor of Bombay.

At a Public Meeting of the residents of Lucknow it was unanimously resolved that the Bombay Government has requested to adopt the amendments proposed and submitted in the form of a Memorial to the Government by the Meeting of Vaids and Hakims held on 20th January 1912 in Madrassa Tibbia, Delhi, which have the hearty support of this Meeting.

Bombay, 12th February 1912.

To

His Excellency the Honourable
Sir GEORGE SYDENHAM CLARKE,
G.C.M.C., G.C.I.E.,
Governor of Bombay.

May it please Your Excellency,

We, the undermentioned students of the Grant Medical College, Bombay, beg to bring to your kind notice the following few lines which, we earnestly hope, would receive your favourable consideration.

We are some of the plucked candidates in the Final Medical Degree Examination of the "L M. & S." You probably know that we have gone through a very decent course of education and unfortunately have failed in the Final Examination. We here want to bring to your kind notice that the final L.M. & S. Degree Examination requires 50 per cent. marks to go through, in each subject.

We also bring to your kind notice that in the four subjects of the final degree examination, we have been unfortunate to fail in some subject or other, at different times. Anyhow we have shown our capacity to get 50 per cent. of marks in all the subjects taken differently in different years. We have not been lucky enough to get through the Final Test.

This will show Your Excellency very clearly how very stiff the course is for the Final Degree Examination of the University of Bombay.

Having placed before Your Excellency all these facts we now want to introduce to you the subject proper, for which we have made ourselves bold enough to approach Your Excellency at this particular time.

In the next Meeting of the Legislative Council, Your Excellency is going to introduce a Bill for Medical Registration. On reading the whole Bill as it is to be introduced, Your Excellency has thought it fit to include in the Register the Hospital Assistants and the Military Medical pupils of the Grant Medical College.

We most respectfully bring to your kind notice that the Hospital Assistants and Military Medical pupils, though they have gone through a course of medical education, still their standard to pass through the Examination is distinctly lower than that of the Medical Degree of the University, for which we have appeared but failed unfortunately.

Taking all these facts into consideration, we have to request you to take our full five years' Medical College Education under the Eminent Professors into consideration and compare it with that received by Hospital Assistants and Military Medical pupils. After careful and due consideration Your Excellency shall find what we have said above is quite true.

With these considerations, we have approached Your Excellency and now request you to include us in the Registration Act as qualified Senior Students of the Grant Medical College fit to practise Medicine, Surgery and Midwifery, etc., and that we therefore should be placed at least on the level of the Sub-Assistant Surgeons or Military Medical Pupils, if not above them.

With these considerations we earnestly hope that our claims for being included in the Register, would be favourably considered by you and thereby give us some standing in public life as qualified persons.

We are all doing private practice and are useful in the suburbs to the Public at large to the best of our capacity.

We, therefore, in conclusion, request Your Excellency now to be good enough to consider over our claims in the Medical Registration Act which is shortly going to be in force and to recognise us as Senior Students of Grant Medical College as duly qualified with the certificates to that effect.

We beg to remain,

Sir,

Your most obedient servants,

(Signed) B. R. Tullu and 45 others.

The Anjuman-i-Tibbia, Delhi,
Dated 12th February 1912.

No. 821.

From

THE PRESIDENT, STANDING COMMITTEE,
All-India Unani and Vedic Conference,
Delhi;

To

THE PRIVATE SECRETARY
TO HIS EXCELLENCY THE GOVERNOR IN COUNCIL,
Bombay.

Sir,

I beg to submit copy of a resolution passed at a meeting of the Standing Committee of the All-India Unani and Vedic Conference held at Delhi on the 29th ultimo and to ask the favour of your kindly laying the same before His Excellency the Governor in Council for favourable consideration.

I have the honour to be,
Sir,
Your most obedient servant,
PT. SHIVNARAIN VAIDRAJ,
President, Standing Committee.

Copy of a Resolution passed at a meeting of the Standing Committee of the All-India Unani and Vedic Conference held at Dehli on the 29th January 1912.

Resolved that this meeting, while fully and strongly supporting the amendments proposed by the public meeting held on the 20th January 1912 in the Bombay Medical Registration Act of 1911, which were submitted to the Bombay Government in the form of a memorial, most respectfully solicits His Excellency the Governor in Council to be pleased to sanction the amendments in question and thereby to preserve the legitimate rights of Hakims and Vaids and the liberty of the Indian public in resorting to medical treatment under the Unani and Vedic indigenous systems of medicine.

True Copy.
مان سنگھ وید
Honorary Secretary, Standing Committee.

Telegram, dated the 13th February 1912.

From—Lala Barbashardas, Rais and Banker, Allahabad;

To—The Secretary to Government, Bombay.

Hindu and Mussalman residents of Allahabad assembled in a meeting support amendments proposed by Delhi residents and Mahamandal in Bombay Medical Registration Bill with modification that privileges under section 2 (*a*)(*c*) and schedule be given to such Hakims and Vaids as have qualified in institutions recognised by All-India Tibbia Conference, Delhi, and Mahamandal, Allahabad.

14th February 1912.

From

THE HONOURABLE LALLA SUKHBIR SIHA,
Muzaffarnagar;

To

THE SECRETARY OF THE LEGISLATIVE COUNCIL,
Bombay Government,
Bombay.

Sir,

I have the honour to submit herewith the proceedings of the Local Committee of All-India Vedic and Unani Conference, Muzaffarnagar, held on 7th February 1912.

I have the honour to be,
Sir,
Your most obedient servant,
LALLA SUKHBIR SIHA.

A meeting of the Local All-India Vedic and Unani Conference, Muzaffarnagar, was held on the 7th instant and, besides the members of the Committee, it was attended by many Raises and residents of the Town at the invitation of the Committee to consider the Bill of 1911 relating to the medical practitioners in the Bombay Presidency. The Honourable Lalla Sukhbir Siha was voted to the chair and the following resolutions were passed :—

1. That this meeting supports the memorial submitted to the Government of Bombay by the All-India Vedic and Unani Conference, Delhi, and requests the Government of Bombay to bestow due consideration on the memorial, and further requests the Government that, besides the list of schools and patshallas mentioned in the memorial, other schools and patshallas founded hereinafter shall have equal privilege for registration as well as any person who has not passed any examination of these institutions but under section 7 of the Bill gives evidence to the satisfaction of the Registrar of his possession of the qualifications in respect of which he desires to be registered like the diploma-holders

2. That proceedings of this meeting be submitted to the Secretary of the Legislative Council, Bombay Government, and that copies of proceedings be sent to papers for publication.

3. With a vote of thanks for the chair, the meeting dispersed.

True Copy.

(Signed) (Illegible),

Secretary of the Local All-India Vedic
and Unani Conference, Muzaffarnagar.

Telegram, dated the 17th February 1912.

From—Hakim Sirajahmad, Secretary, Tibbia Conference, Budaun,

To—The Private Secretary to His Excellency the Governor, Bombay.

Local Committee, Tibbi Conference, Budaun, strongly seconding Committee held on 20th January in Madrassa Tibbia, Delhi, regarding amendment of Bombay Medical Act, most submissively request His Excellency's approval to proposals submitted by memorial for preserving our rights

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Telegram, dated the 19th February 1912.

From—The Secretary, Vedic Unani Tibbia Committee, Amritsar;

To—The Private Secretary to His Excellency the Governor, Bombay.

Supporting resolution passed by All-India Vedic Unani Tibbia Conference, Delhi, 20th January 1912, Local Committee, Amritsar, propose amendments in Bombay Medical Act, 1911. Schedule should include also certificated persons of any recognised Indian Institution Vedic Unani; that at least two Vaids, two Unani Tabibs, be added to number of Members of Medical Council Hakim.

To

His Excellency the GOVERNOR,
Bombay Presidency.

Sir,

I beg most respectfully to state that a telegram was submitted to your honour on behalf of the Dogra Committee, Jammu, on the 11th instant for the acknowledgment whereof the Committee owe a deep debt of gratitude to your honour. The enclosed memorial too is submitted in support of the above telegram and it is earnestly hoped that the same will be favourably considered and our interests safeguarded.

I beg to remain,
Sir,
Your most obedient servant,
(Illegible),
Secretary.

Jammu, 23rd February 1912.

MEMORIAL.

YOUR EXCELLENCY,

A large meeting, at which were present Vaids and Hakims as well as leading members of the Hindu and Muhammadan communities, was held at the Madrasa-e-Tibbiya at Delhi in the month of January 1912, to discuss the Bombay Medical Bill of 1911, in which it was decided to suggest certain important amendments in the said Bill with a view to safeguarding the interests of the Indian community and their freedom of action. The duty of presenting the amendments in the form of a memorial before your Excellency was entrusted to us, the undersigned, by the meeting. We, therefore, with due respect, approach your Excellency to present them.

Before submitting the following amendments we take the liberty to bring it to your Excellency's notice that if they be accepted the public will not raise any objection to the other sections :—

(1) In sub-section (*b*) of section (2) of the Bombay Medical Bill, 1911, thirteen members have been allotted to the "Medical Council". To this number either at least two Hindu Vaids and two Muhammadan Hakims should be added, or four (out of 13) seats should be reserved to the Vaids and Hakims and the remaining nine to others. As in the Bombay Presidency there are millions of people who prefer to be treated by Vaids and Hakims and as there are many able Hakims and Vaids who have been treating them with success, Government's attention is respectfully drawn to the necessity of preserving the liberty of the public and the lawful rights of the Vaids and Hakims; and it is suggested that, as above said, at least four Vaids and Hakims may be included in the above "Medical Council". Otherwise the public of the Bombay Presidency will be put to great hardship and also the lawful rights and privileges of the Vaids and Hakims will suffer considerably, with the result that ill-feeling might probably be created among the public. We, the undersigned, wish that such ill-feeling should not spring up.

(2) In sub-section (*d*) of section (2) the following additions should be made :—"Two Hindu Vaids and two Muhammadan Hakims selected by the Anjuman-e-Tibbiya of Bombay, and in the absence of such Anjuman, by the public."

(3) In sub-sections (*a*) and (*c*) of section (2) the right of becoming members of the "Medical Council" may, in addition to the Indian Medical Service, the Royal Army Medical Corps and the Royal Navy Medical Service, be given to the diploma-holders of the Madrasa-e-Tibbiya, Delhi, the Banvarilal Ayur-Vedic Pathshala, the Takmil-ut-Tib Madrasa-e-Tibbiya of Lucknow and the Ayur-Vedic Colleges of Jaipur and Pilibhit.

(4) In addition to the "M. D.'s and L. M. and S.'s of the Calcutta, Madras and Allahabad Universities and the persons trained in a Government college or school" in the schedule, the words "certified Hakims and Vaids of the Madrasa-e-Tibbiya, Delhi, Banvarilal Ayur-Vedic Pathshala, the Takmil-ut-Tib Madrasa-e-Tibbiya of Lucknow and the Ayur-Vedic Colleges of Jaipur and Pilibhit" may be added.

(5) "The object of the Bill" should be expressed in the following words :—"The aim of this Bill is to prohibit from practising medicine those unqualified medical practitioners who have not acquired training in the places mentioned under the above schedule, and to protect the public from them."

(6) If the abovementioned amendments are made, it does not appear necessary to retain the words "places no direct restriction" in the last clause of the statement (of objects and reasons), *viz.* :—"While therefore

it places no direct restriction upon the practice of Indian Vaids and Hakims, it will improve the status of qualified medical men." They should therefore be omitted.

(7) We, the undersigned, sincerely hope that your Excellency's Government, by accepting the above amendments to the Bombay Medical Act of 1911, will oblige not only the public of the Bombay Presidency but the people of the whole of India.

(8) In conclusion, we, the undersigned, express our sincere loyalty to the Crown and the British Government.

(Signed) BALDEV RAJAD VAID, and 151 others.

Benares,
Dated 24th February 1912.

From

THE SECRETARY,
Anjuman Tibbiya, Dalmandi,
Benares City.

Sir,

Most respectfully I beg to forward copy of a resolution passed by the Anjuman Tibbiya, Benares, for your kind consideration.

I have the honour to be,
Sir,
Your most obedient servant,
حکیم محمد باقر خاں
Honorary Secretary,
for Secretary.

Enclosure—

Copy of a resolution.

To

The Private Secretary to His Excellency the Governor, Bombay.

Copy of a resolution passed by the Anjuman Tibbiya, Benares, on the 18th February 1912.

Resolved that this Anjuman strongly supports the proceedings* of the meeting of the Madrasa Tibbiya, Delhi, held on the 20th January 1912 amending the Bombay Medical Act of 1911 to safeguard the interests of the Tibb-i-Yunani.

Substance of the proceedings of a public meeting at which were present Vaids and Hakims as well as leading members of the Hindu and Muhammadan communities, held on the 20th January 1912, at the Madrasa-e-Tibbiya at Delhi under the chairmanship of Dr. Mukhtar Ahmed, M.D., L.M. & S., L.R.C.P. (London), late House-Surgeon, Charing Cross Hospital, London, and late Resident Medical Officer, London Lock (?) Hospital.

At this meeting which was convened to discuss the Bombay Medical Act, 1911, it was resolved to request the Bombay Government to accept the following amendments in the said Act, with a view to safeguarding the existence of the indigenous Medical Science of the Country :—

(*a*) In section 2† of the Bombay Medical Bill, 1911, thirteen members have been allotted to the Medical Council. To this number either at least two Hindu Vaids and two Muhammadan Hakims should be added, or four out of the thirteen seats should be reserved to the Vaids and Hakims and the remaining to others.

† In Urdu *S* is given.

* Copy enclosed.

(*b*) In sub-sections (*c*) * and (*d*) * of section 2 † the right of becoming members of the Medical Council may be given to (the diploma-holders of) the Madrasa-e-Tibbiya and the Banvarilal Ayur-Vedic Pathshala of Delhi, the Takmil-ul-Tib Madrasa-e-Tibbiya of Lucknow and the Ayur-Vedic Colleges of Jaipur and Pilibhit.

* In Urdu are given (*a*) and (*c*).
† In Urdu given as 3.

(*c*) In addition to the "M.D.'s and L.M. & S.'s of the Calcutta, Madras, Allahabad and Lahore Universities and the persons trained in a Government College or School" in the schedule, the words "(Certified Hakims and Vaids of) the Madrasa-e-Tibbiya and the Banvarilal Ayur-Vedic Pathshala of Delhi, the Takmil-ut-Tib Madrasa-e-Tibbiya of Lucknow and the Ayur-Vedic Colleges of Jaipur and Pilibhit" may be added.

(*d*) If the abovementioned amendments are made, it does not appear necessary to retain (in the Statement of Objects and Reasons) the words "while therefore it places no direct restriction upon the practice of Indian Vaids and Hakims, it will improve the status of qualified medical men."

In moving the above resolution Haziq-ul-Mulk Hakim Hafiz Muhammad Ajmal Khan said that though the above Bill was for Bombay only it would affect the whole of India; that if it were to pass the Hakims and Vaids of the Bombay Presidency would suffer greatly; that taking into consideration the harmony that subsists between Government and the subjects it was not reasonable and advisable that, since there were so many who insisted on being treated by Vaids and Hakims, the Bombay Government should enact such a bill.

The second resolution, which was passed unanimously, was one authorising certain gentlemen to submit the above amendments in the form of a memorial to the Bombay Government.

In summing up, the Chairman said:—

"It is a mistake to view with contempt the Yunani and Ayur-Vedic systems of medicine. I lately came across an old manuscript book in which many surgical instruments designed for use only in connection with eye-diseases, have been described. I have not read any account of such instruments in any European book, but I have seen two instruments exactly like those given in this book. Of these two one passes under the name of a German and the other under that of an English Doctor. We should not regard the old Yunani and Ayur-Vedic medical sciences with a narrow mind, but we should hold them in respect, as millions of people derive benefit from them."

After a vote of thanks to the President, the meeting dissolved.

Telegram, dated the 26th February 1912.

From—Brajgopal, Secretary, Vaidya Sabha, Lucknow;

To—The Private Secretary to His Excellency the Governor of Bombay.

The Vaidya Sabha, Lucknow, most humbly and respectfully though emphatically endorses the terms of the memorial, dated 10th February, submitted to Your Excellency by the representatives of the Ayurveda Mahamandal of Prayag, and humbly prays Your Excellency to give your consideration to the memorial.

Dated Meerut, the 26th February 1912.

To

THE PRIVATE SECRETARY
TO HIS EXCELLENCY THE GOVERNOR IN COUNCIL,
Bombay.

Sir,

I most respectfully beg to forward, for information and favourable consideration of His Excellency the Governor in Council, the accompanying copy of a resolution passed at a special meeting of the Local Committee of the All-India Unani and Vedic Conference, held on the 25th instant.

I beg to remain,
Sir,
Your most obedient servant,
HAKIM MAHMOOD-UL-HAQUE,
Honorary Secretary,
Bani Sarai Street, Meerut City.

Copy of the resolution passed at the special meeting of the Local Committee of the All-India Unani and Vedic Conference, held on 25th February 1912.

"That this meeting supports the memorial submitted to the Government of Bombay by the All-India Unani and Vedic Conference, Delhi, in connection with the proposed Medical Act of Bombay and requests the Bombay Government to bestow due consideration on that memorial and further requests the Government that besides the list of Schools and Patshalas founded hereafter shall have equal privileges for registration as well as any person who has not passed any examination of these institutions but under section 7 of the Bill produces evidence from recognized Hakims and Vaids to the satisfaction of the Magistrate of his possessing of the qualifications in respect of which he desires to be registered like the diplomatists."

Telegram, dated the 26th February 1912.

From—Hakim Hamiuddin Ahmed, Secretary, Moradabad;

To—The Private Secretary to His Excellency the Governor of Bombay.

Moradabad residents assembled in public meeting consisting of persons of all classes strongly support the amendments to the Bombay Medical Act of 1911, proposed by the meeting held in Tibbia College, Delhi, on 20th January last, and respectfully begs His Excellency to be good enough to adopt the amendments submitted by that meeting in the form of a memorial.

Telegram, dated the 26th February 1912.

From—Narayanprasad President, Bilaspur;

To—The Private Secretary to His Excellency the Governor in Council, Bombay.

Vaidyas and gentlemen of special meeting held on 25th unanimously support the memorial submitted to His Excellency by All-India Vaidyak Conference, Allahabad.

Telegram, dated the 27th February 1912.

From—The Vaids of Rewari;

To—His Excellency the Governor of Bombay.

We, the Vaidas of Rewari, strongly but humbly protest against passing of Bombay Medical Registration Bill and urge favourable consideration of the conditions prescribed by the memorialists.

Telegram, dated the 27th February 1912.

From—Vaid Durgadatt Pauth, President of the public meeting of the residents of Moradabad;

To—The Private Secretary to the Governor of Bombay.

The residents of Moradabad in public meeting assembled fully endorse the memorial submitted by the Ayurveda Mahamandal, Prayag, and pray His Excellency in Council to reject or amend the Medical Registration Bill as suggested in the memorial.

Telegram, dated the 27th February 1912.

From—Hakim Mohamad Jakir Husain Khan, Secretary of the public meeting of the residents of Pilibhit;

To—The Private Secretary, Bombay Government, Bombay.

Residents of Pilibhit strongly support the amendments of Bombay Medical Act under consideration presented by Tibbia Conference, Delhi.

To

HIS EXCELLENCY THE GOVERNOR OF BOMBAY,
through PRIVATE SECRETARY.

May it please your Lordship,

The humble Memorial of the Hakims (native Physicians) of Qasba Mohan, District Unao, United Provinces, respectfully sheweth :—

1. That the town of Mohan has, for several hundred years, been celebrated for its Hakims, and even now more than half the educated people thereof follow the medical profession in various parts of India.

2. That referring to the Bombay Medical Act, 1911, the memorialists strongly support the amendments thereof proposed by the meeting held for the purpose at the Madrasa-e-Tibbiya (Medical College), Delhi, on the 20th January 1912.

3. That the memorialists humbly pray your Lordship to be graciously pleased to protect their rights by sanctioning the said amendments duly forwarded to your Lordship in a memorial from Delhi.

4. That should they be so fortunate as to obtain their wishes, the memorialists shall ever remain grateful for the boon.

At a meeting held at Mohan, District Unao, on the 20th February 1912 to consider the amendments to the Bombay Medical Act, 1911, the following gentlemen of the medical profession were present.

It was resolved that a memorial be forwarded to His Excellency the Governor of Bombay supporting the amendments and humbly requesting His Lordship to protect their rights.

1. HAKIM SYED MOHAMMAD JAWAD.
2. " " MOHAMMAD IDRIS.
3. " " MOHIUDDIN HASAN.
4. " " ABDUS-SAMAD HASAN.
5. " " AJAZ HUSAIN.
6. " " MOHAMMAD AHMAD.
7. " " ABRAR HUSAIN.
8. " " ALI FATEH.
9. " " MOHAMMAD AHMAD (YAKTA).
10. " " AZIZ HUSAIN.
11. " " MAHDI HUSAIN.
12. " " NAFIS-UL HASAN.
13. " " WAHID ALI.
14. " " ASGHAR MAHDI.
15. " " ALI ABBAS.

THE PRIVATE SECRETARY TO HIS EXCELLENCY
THE GOVERNOR OF BOMBAY.

Sir,

Most humbly and respectfully I beg to forward the above memorial, together with a copy of a resolution, for His Excellency's kind consideration.

I beg to remain,
Sir,
Your most obedient servant,
KAZI SYED NASIRUDDIN ALI,
General Secretary, P. O. Mohan,
District Unao, United Provinces.

Dated 28th February 1912.

B 101—71

Telegram, dated the 29th February 1912.

From—Abumohmad Abdulhamed Farukh, Secretary, Anjuman Tibiya, Malegaon;

To—His Excellency the Governor of Bombay.

Hakims and all others of Malegaon beg to second resolution on 20th ultimo, *vide* memorial from All-India Vedak Unani Tibi Conference, Delhi. Kindly protect our rights.

Telegram, dated the 29th February 1912.

From—Jogeshwar Vaidya, Secretary of the public meeting of the Vaidyas and residents of Hardwar, Kankhal;

To—The Private Secretary to His Excellency the Governor, Bombay.

Vaidya and public Sabha of Hardwar, Kankhal, Jwalapur, prays Medical Registration Bill being harmful to Vaidyas, Hakims and the public be refused or improvements submitted by Ayurveda Mahamandala made in it.

Telegram, dated the 2nd March 1912.

From—Vaid Ramdial Sharma of Ajmer;

To—The Private Secretary to His Excellency the Governor, Bombay.

Rai Bahadur Seth Umedmal and Rai Bahadur Seth Nemichand and others Rais and Vaidyaraj Pandit Ramdayal and Vaidya Kalyansingh and others and Hakeem Bhauddin and Hakeem Mohamed Siddiq and others, etc., of Ajmer who entirely agree with what their Committee of All-India Vaidya Conference of Allahabad have represented in their memorial of 10th February 1912 trust that the memorial will receive full consideration from the Bombay Legislature.

APPENDIX J.

2 Morland Road

WESTERN INDIA TURF CLUB:
Secretary's Office,
Byculla, 7th March 1912.

From
THE SECRETARY,
Western India Turf Club,
Bombay;

To
P. E. PERCIVAL, ESQUIRE,
Acting Secretary to Government,
Judicial Department, Bombay.

Sir,

I have the honour to acknowledge the receipt of your letter No. 1688 under date the 29th ultimo which has been laid before the Stewards of the Western India Turf Club together with a copy of the Bill to provide for the Licensing of Race Courses in the Bombay Presidency which accompanied it, and I am directed to reply to your letter as follows.

The Stewards of the Western India Turf Club beg to protest against the terms of the proposed Bill upon the following grounds, namely:

1. In the statement of objects and reasons, the Bill is said to be modelled on the English Statute for the Licensing of Metropolitan Suburban Race Courses. This statement is, however, it is submitted, misleading, as a reference to the Race Course Licensing Act of 1879 clearly shows that the whole object and intention of that Act was to prevent the holding of Horse Races in the immediate vicinity of the Metropolis and in thickly populated places near the Metropolis, as the holding of such races in such places was calculated to cause and did in fact cause annoyance and injury to persons resident near to the places where such races were held.

The provisions of the Act rendered it necessary for any person desiring to hold a Horse Race within a radius of 10 miles from Charing Cross in the City of Westminister to obtain a License for that purpose from the Licensing Justices under the Act and imposed penalties on any person holding a Horse Race within the prescribed area without such License.

The Act was confined to the obtaining of a License only for Horse Racing within prescribed area in the same manner as a Dancing License had to be obtained and although the Licensing Justices were empowered to grant or withhold a License at their discretion they could not, if they decided to grant a License, grant it subject to such conditions as they might think fit.

It is clear therefore that it was never the object of the English Government to interfere by means of the Race Courses Licensing Act, 1879, with public and private interests or to control the arrangements and affairs of an individual or private Club when once a License to hold Horse Races had been granted by the Licensing Justices.

The whole object of the proposed Bill is to enable Government to impose conditions with regard to the holding of Race Meetings in the Bombay Presidency and to invest Government with powers which in England are vested in and rest solely with the Stewards of the Jockey Club, to which body the Stewards of the Western India Turf Club correspond in the Bombay Presidency.

It is against this action on the part of Government that the Stewards of the Western India Turf Club strongly protest.

2. In the letter from the Secretary to Government No. 52-P. under date the 3rd July 1911 addressed to the Secretary of the Western India Turf Club it is stated that simultaneously with the abolition of Bookmakers Government will take steps to suppress betting in bucket shops and in Railway trains and that any Legislations which may be required for that purpose will be carried through at an early date.

The present Bill makes no provision whatsoever for the suppression of betting in bucket shops or in Railway trains and as was pointed out to Government at the meeting held at the Council Hall, Poona, on the 31st July 1911 bucket shop betting is a far worse evil than betting through Bookmakers.

The Stewards of the Western India Turf Club further submit that if the Government of Bombay wish to succeed in their desire to suppress what they consider to be a public evil combined action between themselves and the Government of India should be taken and not confined only to the Bombay Presidency.

3 As regards the conditions mentioned in your letter under reply and under which it is stated the Bombay and Poona Courses will, if the proposed Bill becomes Law, be licensed, the conditions are practically the same as mentioned in letter from Government dated 4th August 1911 and the Stewards have already stated their reasons for objecting to them in previous correspondence and they would only further say :—

(i) That so long as clause (*a*) abolishing Bookmakers within the Race Course enclosures at Bombay and Poona is applicable to these Courses only and does not exist in other parts of India racing on this side of India must suffer severely as owners of the best class of horses will not run them at Bombay and Poona when they can race in other parts of India where no such restrictions exist.

(ii) As regards clause (*b*) fixing the number of days on which racing may be held at 15 in Bombay and 15 in Poona the Stewards are quite ready to meet the views of Government so far as the interests of racing will allow, but they object very strongly to the arbitrary fixing of the number of days on which racing may be held by the Governor in Council and to the interference with the powers of a private Club.

(iii) As regards the unit of stakes in the Totalizators the Stewards are glad to learn that Government are willing to consult them and they hope that a satisfactory arrangement may be possible.

4. One point regarding which nothing is said in the conditions as laid down is regarding the period for which a license will be granted.

In the English Bill the period fixed is one year, in the proposed Bill the period is left in the hands of the Governor in Council.

In England where an owner can race every day of the racing year at one place or another and often at more than one and where means of communication are easy and rapid, the closing down of any particular course or courses would not be a matter of much moment, but in this country where the few race meetings where stakes of appreciable value are run for are necessarily confined to a few centres and where the means of communications are difficult and slow the conditions are very different.

During the past few years owners on this side of India have spent large sums in the purchase of valuable English and Colonial horses and the class of racing both at Bombay and Poona has in consequence improved enormously but it is obvious that owners will not continue to run the risk of buying expensive horses so long as the conditions under which they can race are liable to change from time to time and the class of racing must in consequence deteriorate.

The Stewards would urge therefore that if the proposed Bill becomes Law there should be a guarantee in the Bill that the conditions of a license are not liable to change so long as those conditions are properly observed and complied with.

5. I am directed to say that copies of this letter and of the correspondence between Government and this Club which has taken place since 26th February are being circulated to members of the Turf Club and that a General Meeting has been called for the 20th instant to consider the situation and to decide as to the future action of the Club.

Copies of this letter will also be sent to Government as early as possible for the favour of transmission to Government of India and to the Secretary of State for India.

I have the honour to be,

Sir,

Your most obedient servant,

CECIL GRAY,

Secretary, Western India Turf Club.

APPENDIX K.

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER BILL No. V OF 1911.

(A Bill for the abatement of nuisances arising from the smoke of furnaces in the Town and Island of Bombay and to provide for the extension thereof to other areas in the Bombay Presidency.)

We, the members of the Select Committee appointed to report on Bill No. V of 1911 (A Bill for the abatement of nuisances arising from the smoke of furnaces in the Town and Island of Bombay and to provide for the extension thereof to other areas in the Bombay Presidency), after carefully considering the clauses of the Bill, have the honour to report as follows:—

Clause 2, sub-clause (1).—We recommend, as a formal improvement of drafting, the insertion after the words "Bombay Presidency" of the words "other than the Town and Island of Bombay", and of the word "further" between the words "power" and "to" in the margin.

Clause 3, sub-clause (1).—Under the Bengal Act ocean-going steamers are exempted from the provisions of the Act for the period, to be fixed by rule, necessary for raising steam before proceeding to sea. A similar exemption was not included in this Bill as the Bengal Smoke Commission constituted under the Bengal Act recently reported in favour of the withdrawal of this exemption. We have, however, considered the opinions recorded on this point by the Commissioners of the Port of Calcutta and the Bengal Chamber of Commerce and we are of opinion that some period of exemption during the time required for getting up steam must be allowed to ocean-going steamers. We, therefore, recommend that the proviso which appears in the Bengal Act be now inserted in this clause and that the necessary power to fix the period of exemption by rule be taken in clause 11 (*2*).

Clause 4, sub-clauses (3) and (4).—To make it clear that casual vacancies among the elected members are to be filled up by the elective bodies and not by Government we propose considerable changes of drafting. We also propose to omit the words "officials" and "non-officials" in sub-clause (*3*) as there seems no reason why Government should be prevented from nominating to the Commission a person who is not a Government official, or why the elective bodies should be prevented from electing as their representative a person who is a Government official if they choose to do so.

Clause 8, sub-clause (2).—We recommend a slight amendment of drafting.

Clause 11.—We recommend the addition of the two sub-sections which find a place in the corresponding section 10 of the Bengal Act. These sub-sections provide that a period of three months shall be allowed for the consideration by the public of the draft of any rules which it is proposed to frame under clause 11, and that before any rules are published for general criticism the Commission must have reported on their expediency. We consider these provisions necessary in the special circumstances of this Bill, because most of the details of the restrictions imposed by this Act have to be relegated to rules, and it is right that those whose interests are likely to be affected by them should have ample opportunity of considering the rules before they are finally issued.

This report and the Bill as amended should be translated into Maráthi, Gujaráti, Kánarese and Sindhi.

(Signed) W. T. MORISON.
(„) IBRAHIM RAHIMTOOLA
(subject to a minute).
(„) MANMOHANDAS RAMJI.
(„) FAZULBHOY CURRIMBHOY.
(„) H. R. GREAVES.

Bombay, 30th January 1912.

Minute of dissent by the Honourable Sir Ibrahim Rahimtoola.

I think it should be provided in section 4 that the Executive Health Officer for the Town and Island of Bombay shall be a member of the Bombay Smoke-nuisances Commission either *ex-officio* or by nomination. The proviso to section 10 should, I think, be amended by substituting the words "under the provisions of this Act" for the words "under sub-sections (2), (3) or (4) of section 7".

(Signed) IBRAHIM RAHIMTOOLA.

APPENDIX L.

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER BILL No. VII OF 1911.

(A Bill further to amend the Khoti Settlement Act, 1880.)

We, the undersigned Members of the Select Committee to which the Bill further to amend the Khoti Settlement Act, 1880, was referred, have carefully considered the Bill and have now the honour to report that we approve of the Bill as it stands and that no alterations are necessary in the Bill which we recommend may be passed into law.

2. As the Bill was published in Maráthi in the *Bombay Government Gazette* of the 5th October 1911, we are of opinion that this report should be similarly translated and published.

(Signed) R. A. LAMB.
(„) M. B. CHAUBAL.
(„) ABDUL HUSEIN ADAMJI PEERBHOY.
(„) SHRINIVAS K. RODDA.
(„) D. V. BELVI.
(„) LAKHAMGAUDA BASAVPRABHU.
(„) W. D. SHEPPARD.

Bombay, 29th January 1912.

APPENDIX M.

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER BILL No. VIII OF 1911.

(A Bill further to amend the Bombay District Police Act, 1890.)

We, the members of the Select Committee appointed to report on the provisions of Bill No. VIII of 1911 (A Bill further to amend the Bombay District Police Act, 1890), have the honour after careful consideration of the clauses of the Bill to report as follows:—

Clause 5 (2).—We are of opinion that there is no need to insert the words proposed by this sub-clause. Service as a special police-officer is voluntary and no remuneration can be claimed unless an offer of remuneration has been made and accepted. No difficulty has arisen in the past from the absence of these words. We accordingly recommend the deletion of sub-clause (2).

Clause 6.—To effect the amendments proposed in this clause we think it will be better to make a somewhat different arrangement. There does not seem to be any case for taking power to formulate an entire new set of rules under section 39A, which rules would be likely to overlap the provisions of section 61. The two defects in section 61 (*b*) indicated in the statement of objects and reasons can best be remedied by an amendment of section 61 (*b*). We accordingly recommend that this should be done and that clause (*a*) of proposed section 39A should be dropped. There remains then sub-section (*b*) of proposed section 39A. This deals with matters similar to some of those dealt with in section 39 (1) (*m*) and it will be inconvenient and likely to lead to confusion if these matters are dealt with in separate sections and under separate bodies of rules. We therefore recommend that section 39 (1) (*m*) should be repealed in part, and the repealed portion should be incorporated in proposed section 39A.

2. Finally we observe that although rules are to be framed under the new section 39A, no provision has been made in the Bill, as referred to us, for the imposition of a penalty for the breach of any rule so framed. We therefore recommend an amendment in section 65 of the Act, which will remedy this defect of drafting.

3. The report and the Bill as proposed to be amended by us should be translated into the several languages into which the Bill was translated on introduction.

(Signed) W. T. MORISON.
(„) G. S. CURTIS.
(„) G. K. PAREKH.
(„) R. P. KARANDIKAR *(subject to a minute)*
(„) S. A. EL EDROOS.

Bombay, 15th February 1912.

Minute by the Honourable Mr. R. P. Karandikar.

Since the Committee sitting I have further considered the District Police Act and wish to add the following:—

Paragraph 2 of our Report deals with a defect in drafting and supplies a necessary correction. But in doing that, new offences are made punishable;

and I am tempted to avail myself of the opportunity to introduce a provision similar to the one to be found in Municipal and other Acts. I deem it desirable to control the provisions of section 65 as amended by our recommendation to add section 39A to section 65, by requiring prosecutions to commence within a certain time of the commission of an offence. The time limit in prosecutions is not new to our Legislation and is salutary in its results. I would therefore recommend the addition of the following new section and it will be placed below section 73, *District Police Act*:—

"73A. No prosecution for any offence punishable by indictment by virtue of this Act shall be commenced more than 6 calendar months after the commission of the offence."

R. P. KARANDIKAR.

APPENDIX N.

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER BILL No. IX OF 1911.

(A Bill further to amend the Bombay Civil Courts Act, 1869.)

We the undersigned Members of the Select Committee to which the Bill further to amend the Bombay Civil Courts Act, 1869, was referred, have carefully considered the Bill and have now the honour to report that we approve of the Bill as it stands and that no alterations are necessary in the Bill which we recommend may be passed into law.

2. As the Bill was published in Maráthi, Gujaráti and Kánarese in the *Bombay Government Gazette* of the 19th October 1911 and in Sindhi in the *Sind Official Gazette* of the 16th November 1911, we are of opinion that this report should be similarly translated and published.

(Signed) M. B. CHAUBAL.
(„) T J. STRANGMAN.
(„) G. K. PAREKH.
(„) C. H. SETALVAD.
(„) D. V. BELVI.
(„) S. D. GARUD.

Bombay, 2nd February 1912.

APPENDIX O.

To

THE SECRETARY TO GOVERNMENT
in the Judicial Department.

SIR,

We, the President and Members of the Kutchi Memon Union, beg leave to approach His Excellency the Governor in Council with the following representation in connection with the Bill for the Registration of Charities which has been introduced in the Legislative Council by the Honourable Mr. Ibrahim Rahimtoola.

The Union view with satisfaction the effort to legislate in order to bring about better administration of charitable endowments and trusts and cordially approve the principle and provisions of the Bill. Though numerically our community is a small one consisting of about 5,000 persons in a population of a million in Bombay City, the Kutchi Memons occupy a prominent position in trade, commerce and industry and they are foremost amongst the Mahomedans in founding and endowing Charitable Institutions. Amongst these are several mosques, Musáfarkhánas for Mahomedan pilgrims, Madressas, schools, libraries, orphanages, dispensaries, sanitarium, boarding houses and chawls for the poor, etc.

All the abovementioned institutions and others of the similar kind represent in charity a sum of about a crore of rupees and the administration of many of these endowments is far from satisfactory. Except in one or two cases no accounts are furnished of any of these funds.

The Union beg further to state that, as far as their knowledge goes, there are many other funds which have been declared for charitable purposes amounting in all to about a crore of rupees which are lying dormant and no use has so far been made of these amounts. The Union beg to submit that the moneys of the several trust funds both of a religious and secular character are not only allowed to be dormant and unused but in several cases they are misapplied. As a general rule the trustees do not publish any accounts of the charitable funds in their charge and any attempt on the part of the members of the community to obtain inspection of accounts is deliberately ignored. There have been cases in which proceedings have had to be instituted in the High Court to obtain inspection of accounts, when every conceivable difficulty has been thrown in the way.

The Union beg respectfully to point out that in all cases which have to be taken to the High Court heavy legal costs are incurred which usually fall upon charity funds, thereby reducing the amount available for charitable relief. It is because the Union have extensive experience on the subject that they cordially welcome the Honourable Mr. Ibrahim Rahimtoola's Bill and strongly feel that if passed into law, it will have far reaching effects for good.

The Union cannot help expressing their regret that religious charities are proposed to be excluded from the operation of the measure. The Union is strongly of opinion that the provisions of the Bill should be applied to religious charities also, as charitable endowments for religious purposes are in no way less entitled to protection. The Union beg respectfully to state that during the last three yeras the cost of litigation amongst our community to obtain inspection of accounts of charitable endowments has amounted to about three lacs of rupees and that if some such legislation as the Honourable Mr. Ibrahim Rahimtoola has brought forward had been in force most of this money would have been saved to charity.

The Union view with great satisfaction clause No. 5 of the Bill which requires the filing of accounts annually duly audited by auditors appointed by Government. In this connection the Union beg to invite the attention of Government to the evidence recorded in the High Court Suit No. 981 of 1907. On a perusal of such evidence it will clearly appear how necesssary it is to have the accounts of charity funds audited by persons appointed in the manner provided in the Bill.

In conclusion the Kutchi Memon Union pray that Government may be graciously pleased to support the passage of the Bill through the Legislative Council and thereby confer a lasting benefit upon the people of this Presidency.

We have the honour to be,

Sir,

Your most obedient Servants,

ESMAIL HAJEE YOOSUFF AHMEDABADI,
President.

MOHOMED HAJEE ABDOOLREHIMAN,

HAJEE ABDOOL SATAR OOMER,
Honorary Joint Secretaries.

The Kutchi Memon Union,
Parel Road,
Opposite Nawab Mosque,
Bombay, 17th November 1911.

APPENDIX P.

No. 786.

ANJUMAN IMDADUL ISLAM, JORIA BAZAR,
SETH HAJI MAHOMED HAJI ABDOOLA'S KOTHI:

Karáchi, 5th December 1911.

To

THE SECRETARY TO GOVERNMENT
IN THE JUDICIAL DEPARTMENT,
Bombay.

Sir,

We, the members of the Anjuman Imdadul Islam of Karáchi, beg leave to approach His Excellency the Governor in Council with the following representation in connection with the Bill for the Registration of Charities which has been introduced in the Legislative Council by the Honourable Mr. Ibrahim Rahimtoola.

We fully agree with the views of the Cutchi Memon Union of Bombay and heartily support same.

In conclusion the Anjuman Imdadul Islam prays that Government may be graciously pleased to support the passage of the Bill through the Legislative Council and thereby confer a lasting benefit upon the people of this Presidency.

We have the honour to be,

Sir,

Your most obedient Servants,

હાજી મામદ હાજી એબ્દલ્લા.
(*i.e.*) HAJI MAHOMED HAJI ABDOOLA.

عبد الله عفي عنه
(*i.e.*) MOULVI ABDOOLA of Khada Mohla.

محمد صادق عفي عنه
(*i.e.*) MOULVI MAHOMED SADIQ.

હાજી યુસફ ખમીસા.
(*i.e.*) HAJI YOOSAF KHAMEESA.
ABDOOLSHAKOOR HAJI ABDOOLKADER.

હુસેન હાજી નાથા.
(*i.e.*) MAHOMED HUSAIN HAJI NATHA.

محمد صديق عفي عنه
(*i.e.*) MOULVI MAHOMED SIDIK.

જુમા હાજી એબરાહીમ.
(*i.e.*) JUMA HAJI EBRAHIM.

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 Government House, Mahábaleshwar, on Thursday, the 9th May 1912, at 12 o'clock noon.

PRESENT:

His Excellency the Honourable Sir GEORGE SYDENHAM CLARKE, G.C.S.I., G.C.M.G., 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. MAHADEV BHASKAR CHAUBAL, C.S.I.
The Honourable Mr. CLAUDE HAMILTON ARCHER HILL, C.S.I., C.I.E., I. C. S.
The Honourable MOULVIE RAFIUDDIN AHMAD, Bar.-at-Law.
The Honourable Mr. DATTÁTRAYA VENKATESH BELVI, LL.B.
The Honourable Mr. GULAM MUHAMMAD walad Khán Bahádur WALI MUHAMMAD BHURGRI, Bar.-at-Law.
The Honourable Sardár Ráo Bahádur MOTILAL CHUNILAL.
The Honourable Mr. GEORGE SEYMOUR CURTIS, C.S I., I. C. S.
The Honourable Sardár PURSHOTTAMDA'S VIHA'RIDA'S DESA'I.
The Honourable Mr. FAZULBHOY CURRIMBHOY EBRAHIM.
The Honourable Sardár SYED ALI EL EDROOS.
The Honourable Mr. SIDDHANATH DHONDDEV GARUD.
The Honourable Sardár NAHARSINGHJI ISHWARSINGHJI, Thakor of Amod.
The Honourable Lieutenant-Colonel J. JACKSON, M.B., I. M. S.
The Honourable Sardár SHAMBHUSING AMARSING JA'DHAVRA'O, Ráje of Málegaon.
The Honourable Mr. RAGHUNA'TH PA'NDURANG KARANDIKAR.
The Honourable Mr. W. H. LUCAS, I. C. S.
The Honourable Mr. LALUBHAI SA'MALDA'S MEHTA.
The Honourable Mr. G. P. MILLETT.
The Honourable Sardár Ráo Bahádur YASHAVANTRA'V TRIMBAK MIRIKAR.
The Honourable Sardár Dávar KAIKHOSRO EDALJI MODI.
The Honourable Dr. TEMULJI BHIKÁJI NARIMAN, L.M., F.R.M.S. (London).
The Honourable Mr. J. P. ORR, C S.I., I. C. S.
The Honourable Mr. GOKULDA'S KAHA'NDA'S PAREKH, LL.B.
The Honourable Mr. ABDUL HUSSEIN ADAMJI PEERBHOY.
The Honourable Mr. F. G. PRATT, I. C. S.
The Honourable Mr. R. D. PRIOR.
The Honourable Sir HENRY E. E. PROCTER, Kt.
The Honourable Sir IBRAHIM RAHIMTOOLA, Kt., C.I.E.
The Honourable Mr. MANMOHANDAS RAMJI.
The Honourable Mr. MARSHALL F. REID, C.I.E.

The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.
The Honourable Mr. CHIMANLAL HARILAL SETALVAD, LL.B.
The Honourable Khán Bahádur SYED ALAHANDO YUSIF SHAH.
The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.
The Honourable Surgeon-General H. W. STEVENSON, I. M. S.
The Honourable Mr. W. C. SYMES.
The Honourable Khán Bahádur NOWROJEE PESTONJEE VAKIL, C.I.E.
The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

NEW MEMBERS.

The Honourable Mr. MARSHALL F. REID and the Honourable Mr. W. C. SYMES made the prescribed oath of allegiance to His Majesty the King-Emperor and took their seats in Council.

Observations by His Excellency the President in opening the meeting.

His Excellency the PRESIDENT said:—I trust that Honourable Members have not been inconvenienced in coming to Mahábaleshwar for this meeting today. It was necessary to make progress with our business, and Government thought that a visit to the hills might not be unpleasant to our colleagues who have to work in the heat of Bombay. As time goes on and the business of this Council increases—as it must increase in any case, and will in a marked degree if decentralization becomes a reality—I am not sure that an annual meeting here during the legal vacation may not become desirable and even popular; but that question will be in other hands than mine. Many years have passed since a Council meeting was held here, and the Council of those days was very different from that of these days. I warmly welcome all Honourable Members to Government House, and I trust that they will find benefit from the change to the cool air and the fine scenery of our beautiful hill station.

QUESTIONS AND ANSWERS.

The following is a list of the questions put by Honourable Members with the answers given by Government in each case:—

Questions.	*Answers.*
THE HONOURABLE MR. GOKULDAS KAHANDAS PAREKH.	
1. Will Government be pleased to say—	1.
(*1*) For how many years a primary vernacular school existed at Mádhar in the Jelálpur Táluka of the Surat district?	(*1*) For thirty years.
(*2*) Whether the school continues or has been closed?	(*2*) The school was closed by the District Local Board on the 30th September 1911.

Questions.	*Answers.*
(3) How many transfers of teachers took place in it during the last two years ?	(3) One teacher was transferred.
(4) What was the number of pupils on its rolls at the time it was closed ?	(4) The number on the rolls at the time the school was closed was 25. The average daily attendance for the preceding six months was 9, 10, 3, 2, 2 and 9, respectively.
(5) Whether the recent opening of the missionary school teaching higher standards was one of the causes of the reduction in the numbers ?	(5) There has been no recent opening of a mission school near Mádhar teaching the higher standards.
(6) Whether the missionary school has reduced its teaching to the third vernacular standard ?	(6) The school referred to is apparently the Indigenous Mission School at Bhát, the only mission school near Mádhar. It has been in existence for more than five years and has been teaching the 3 R's only.
[*This question was asked at the meeting held on the 13th March 1912, when an* ad interim *reply was given*]	

THE HONOURABLE Mr. HARCHANDRAI VISHINDAS

1. (*a*) Have Government been pleased to notice that in filling up vacancies of the posts of Inspectors of Police in Sind from 2nd July 1910 onwards, *vide* the last seven appointments, excluding that of Kashiram (being merely one month's local arrangement) at page 103 of the Sind Official List for January 1912—the directions contained in paragraph 23 of the Government of India's Resolution No 248-259, dated 21st March 1905, following the recommendation of the Police Commission to the effect that with the exception of a maximum of 10 per cent. which may be filled up by direct appointment, all such vacancies should go to Sub-Inspectors, have been disregarded inasmuch as during that period only two out of the seven appointments have been given to Sub-Inspectors and all the remaining five to outsiders ?	(*a*) The Honourable Mr. Harchandrai's information is not correct. Of the 7 appointments referred to only 2 are substantive Inspectors while of the remaining five three were already acting before the 2nd July 1910. Leaving out of consideration the appointments which have been made to the post of Prosecuting Inspector, out of the 32 appointments made since the Government of India orders of 1905, only 3 or less than 10 per cent. have been direct.
(*b*) Would Government be pleased to state why two of the five appointments have been conferred on Sergeants ?	(*b*) Of the appointments made since July 1910, only Mr. Crawford was a Sergeant and he was nominated because he was a finger print specialist.
[*This question was asked at the meeting held on the 13th March 1912, when an* ad interim *reply was given.*]	

Questions.	*Answers.*
THE HONOURABLE MR. RAGHUNATH PANDURANG KARANDIKAR.	
1. What is the total number of Village Police Patils clothed with powers under section 15 of the Village Police Act in the three divisions?	1. The number is 127, 140 and 68 in the Northern, Central and Southern Divisions, respectively.
[*This question was asked at the meeting held on the 13th March 1912, when an* ad interim *reply was given.*]	
2. Will Government be pleased to desire inclusion annually of the information collected from the Village Crime Note Book into the Police Administration Report?	2. Government do not think it advisable to make any change.
[*This question was asked at the meeting held on the 13th March 1912, when an* ad interim *reply was given.*]	
3. Is it a fact that the District Judge of Sátára has issued Circular orders to his Subordinate Judges:	
(*a*) Pointing out the desirability of declining to file awards unless there appeared genuine contested matter on the face of the award.	3. (*a*) Yes.
(*b*) Pointing out the importance of the presumption that the older the bond the greater the likelihood of its being satisfied.	(*b*) Yes.
(*c*) Pointing out the necessity of once for all determining the yielding capacity of land generally in the whole district, in order to facilitate the decision of each individual case for redemption of mortgage or in cases where questions about profits of land arise?	(*c*) No.
4. Is Government aware that considerable difficulty is felt by the export and import trade at the G. I. P. Railway station of Sholápur owing to the insufficiency of the goods shed as also deficiency of labour in loading and unloading goods in time?	4. A copy of a letter from the Agent, G. I. P. Railway Company, giving the required information is laid on the Table. Appendix A.
5. (*a*) * * * *	5. (*a*) * * * *
(*b*) Did the Vice-President of the Sátára District Local Board preside over any of the District Board's meetings during the last three years?	(*b*) The Vice-President of the District Local Board, Sátára, did not preside at any of the board's meetings during the last three years, the President himself being present at every meeting.

Questions.	*Answers.*
Were any powers delegated to the Vice-President of the Sátára District Local Board under section 29 of the Act or as directed by Government Resolution No 2833 of 7th May 1887, Revenue Department? What powers does he in fact exercise?	The powers and duties delegated to, and exercised or performed by, the Vice-President are those of presiding at the meetings of the Central Committee of the District Local Board, of signing cheques and the pay-bills of Táluka Local Board kárkúns, peons and maistries and the Dharmsháls establishment, as also those of the Veterinary dispensary establishment, and, in the absence of the President from head-quarters, of signing grant-in-aid bills.
* * * *	* * * *
(*e*) Are papers relating to the questions to come before the District Local Boards in the Central Division circulated among the members or are copies or précis of the same supplied to them?	(*e*) Papers relating to the agenda are not circulated among the members, nor are copies of the same supplied to them. Facilities are, however, afforded to members for seeing all such papers in the office of the Collector (*ex-officio* President), and a note to this effect is made below the agenda paper which is circulated with the notice of the meeting. In the Sátára district the practice has recently been introduced of holding a preliminary and informal meeting at which all papers relating to questions to be discussed at the ensuing general meeting are placed before such members as choose to be present.
6. Under the Municipal Act is it a fact that some municipalities feel difficulty in recovering arrears of house tax and cesses owing to inadequacy of the provisions of the law on the point? For what period can they so recover the arrears through their own agencies?	6. Yes, but the difficulty, in so far as it is a real one, is confined to the case of those defaulters who have removed from the municipal district leaving no property behind them. To overcome this difficulty it is under contemplation to amend sections 83 and 84 of the Bombay District Municipal Act. With regard to the second part of the question attention is invited to section 46 (*i*) and the proviso to section 87 of the Act.
7. Will Government be pleased to consider whether, wherever possible, disforested areas should not be restored under the old tenure to the original occupants or their heirs?	7. The practical difficulties in the way of a general restoration of disforested areas to the original holders or their heirs are such that Government consider it undesirable to issue any instructions in the matter.
8. In Sholápur district, is the decline in cultivated area attributed to deficiency of bullocks and dearth of labour?	8. An opinion that part of the decline was due to the causes stated was quoted by the Director of Agriculture in paragraph 3 of the Season and Crop report

Questions.	*Answers.*
	of the Bombay Presidency for the year 1910-11, a copy of which was supplied to the honourable member.
9. (*a*) Is it a fact the charge per head of the Urban population towards the cost of the District Police is more than Rs. 2 annually?	9. (*a*) No.
(*b*) What is the charge per head of population in respect of the village police?	(*b*) About 10 pies, exclusive of Baluta.
(*c*) Is it a fact that the abolition of all cesses includes the Baluta otherwise available to the Village Police?	(*c*) No.
(*d*) Is the Baluta payable or recoverable at the option of the village rayat or the village police or is its recovery enforceable through Government officers and, if so, under what law?	(*d*) The Honourable Member will find a complete statement of the case in sections 18, 19 and 51 of Act III of 1874.
(*e*) Does land-revenue include and cover charges on account of the liability to pay for protection?	(*e*) and (*f*) Government cannot undertake to answer questions which involve a discussion of the theory of taxation and of Government generally.
(*f*) What is a rayat paying land-revenue to the State ordinarily entitled to obtain from the State in return?	
(*g*) From whom are the duties of "Ghast" or nightly village watch rounds expected in villages at present?	(*g*) Night watch rounds in the village are performed by the police patel or by the village police under his direction.
(*h*) Is it a fact that the number of District Police posts are being increased and the duties of the Police Patils are being reduced to merely reporting occurrence of offences and finding of the property?	(*h*) The proposed reorganization of the police is not intended in any way to affect the existing duties of the police patils.
(*i*) On whom does the duty of protection of life and property and preventing of offences in villages rest?	(*i*) The duties referred to rest on the village police no less than on the district police.
(*j*) What is the lowest and what is the highest pay or remuneration (in value) of a Police Patil?	(*j*) and (*k*) The scales of remuneration of patels are given in Appendices A to G to Volume III of the Survey and Settlement Manual. These scales apply also to police patels invested with powers under section 15, Village Police Act. The figures required by the Honourable Member would involve an enquiry covering every village in the Presidency. In view of the information given in the Survey and Settlement Manual, Government consider such an enquiry unnecessary.
(*k*) What is generally the average yearly remuneration of a Police Patil invested with power under section 15, Village Police Act?	
10. What parts of the Government Gazette are supplied to recognised libraries, Subordinate Courts and Mámlatdárs	10. Subordinate Courts and Mámlatdárs are supplied with such parts of the Government Gazette as are respectively

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Answers.

respectively? Will Government be pleased to say whether they consider it desirable to send to these the parts containing Bills and their translations and the proceedings of the Legislative Councils?

required by them. Many of the Subordinate Courts receive the parts containing Council Proceedings and translations of Bills.

Registered libraries receive Parts I and VII, the latter containing Council Proceedings. The question of supplying them with the parts containing translations of Bills will be taken into consideration.

11. Is the tanning industry at Karáchi capable of utilizing the import and, if so, in what proportion to the import of hides and skins? Is part of it exported from Karáchi to outside countries?

11. So far as Government are able to understand the question, the answer is:—

(*i*) The tanneries at Karáchi are not capable of tanning the whole of the hides and skins imported into Karáchi;

(*ii*) Part of the hides and skins imported into Karáchi is exported.

12. (*a*) Are the Sanadi Gadkari watan lands in the Sátára district liable to forfeiture in consequence of alienation of part only of any survey number?

(*b*) If so, is there any minimum limit to the size of the part or parts the alienation of which incurs forfeiture of the whole survey number?

(*c*) How many lands have been so forfeited?

12. (*a*) and (*b*) Enquiry will be made as to the practice which has been followed.

(*c*) Information will be called for.

13. Are Devasthan Cash Grants in the Sátára district about to be converted into payment of lump sums once for all?

If so, what are the rules framed in that behalf?

13. The answer is in the negative.

14. Has Government decided to allow a high school at Mahad?

14. The question is under consideration.

15. Are there instances in which Government have exercised the powers conferred on it by the proviso to section 18 of the A'bkári Act and, if so, under what circumstances, and when?

15. The answer to the question is in the negative.

16. Is it a fact that toddy is not permitted to be sold in the City of Bombay before 9 p.m.? Is it liable to ferment merely by the compulsory delay and contain more alcohol than fresh toddy?

16. Toddy shops in the Town and Island of Bombay are allowed to be opened at 6-30 a.m.

17. Will Government be pleased to consider the advisability of issuing orders to limit the hours of sale still more, and

17. Government have laid it down as a general rule that 9 p.m. Standard Time should be fixed as the closing

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of directing that liquor shops should not close later than sunset?

18. Will Government be pleased to consider how far the utilization of the services of the Regular Police force can effect saving in the expenditure under A'bkári?

19. (*a*) Will Government, in reference of my Question No. 11 answered on 13th March 1912, be pleased to desire the G. I. P. Ry. to hereafter keep record of the number carried in wagons of passengers from whom ordinary 3rd Class rates are charged by the G. I. P. Ry. and of the charges recovered from such collectively?

(*b*) Will Government be pleased to desire the Madras & S. M. Railway to do likewise, so that in case of a subsequent enquiry, information may be ready at hand?

Answers.

hour for liquor shops, but that where a Local Advisory Committee proposes an earlier hour that earlier hour should be approved provided that it is not earlier than 8 p.m. Standard Time. Acting on the advice of the Local Advisory Committee the closing hour has recently been fixed at 8-30 p.m. for the towns of Dhárwár and Gadag and at 8 p.m. for Surat city. Government do not consider it advisable to make any further changes at present.

18. It is the settled policy of the Government of India that it is inexpedient to leave excise prevention in the hands of the police; that the responsibility both for inspection of shops and prevention of offences should lie solely with the special excise staff; that the police should co-operate only in detection of offences against the Excise laws; and that as soon as a competent excise staff is entertained all prosecutions should be instituted by the Excise Officers without the intervention of the police. The reply to the question is therefore in the negative.

19. (*a*) and (*b*) The reply is in the negative.

In reply to questions put in this Council regarding the carriage of 3rd class passengers in Railway wagons, Government have more than once explained that in cases of absolute necessity, when sufficient coaching stock is not immediately available, the use of wagons for the carriage of passengers, under suitable rules and restrictions, is permitted by order of the Governor General in Council under section 63 of the Indian Railways Act; that the Railway Administrations are continuously increasing their stock of passenger vehicles, but nevertheless it will be necessary on occasions of large gatherings to convey passengers in wagons; and that the Railway Administrations cannot keep stock which will be utilized only on those occasions and remain idle throughout the remainder of the year. In this connection, the Honourable Member is also referred to the question put in the Imperial Legislative Council at its Meeting of 18th September 1911 by the Honourable Mr. Sachchidananda Sinha, and the

Questions.	*Answer.*
	reply to it given by the Honourable Sir T. R. Wynne, President of the Railway Board, printed at pages 652 and 653 of the Gazette of India, Part VI, dated 23rd September 1911. No useful purpose is likely to be served by the Railway Administrations keeping a record of the statistics suggested by the Honourable Member which is calculated to involve considerable trouble and expense.
20. In reference to my question No. 1 put at the Meeting of 21st November 1911, will Government be pleased to call for information for the years 1910-1911, 1911-1912 and 1913 and for subsequent years regarding encouragement of purchase of local manufacture?	20. For the reasons given in the reply to the Honourable Member's former question and in view of the fact that the latest orders on the subject are of such recent date that their effect cannot as yet be estimated, Government are not prepared to order the collection of this information.
21. Will Government be pleased to consider further the proposal involved in my questions Nos. 5 and 6 put at the November Meeting?	21. Government will consider the question further.
22. Can Government state approximately when the Village Punchayat Bill is likely to be introduced into the Council? Will Government be pleased to say what are the difficulties in its way?	22. The approximate date of introduction of the Bill cannot be stated. There are no special difficulties in its way. At present Government are considering the opinions on the provisions of the Bill which have been given by members of the Legislative Council and Government officials.
23. My Question No. 12 at the November sitting. Will Government be pleased to say how far the consideration has progressed?	23. The question of granting to co-operative Credit Societies certain special facilities in litigation is still under the consideration of Government.
24. Is any amendment not covered by the Land-Revenue Code Amendment Bill of 1912 under contemplation? Has any officer been entrusted with the task of recasting the Land-Revenue Code? Is it open to that officer to receive any suggestions from the public?	24. A number of amendments of the Land-Revenue Code not covered by the Land-Revenue Code Amendment Bill of 1912 are under contemplation An officer was entrusted with the task of making the preliminary draft of a Bill embodying the proposed amendments. He completed his work a considerable time ago and the Bill is now under the consideration of the Government of India. The Bill will therefore not be open to criticism before it is introduced in the Legislative Council.
25. *Question No. 27, November sitting.* Will Government be pleased to say to whom applications by gentlemen intending to start new industries may be made for assistance?	25. To Government.

Questions.	*Answers.*
26. How far has scarcity of fodder affected the number of cattle in the Presidency proper, which was 75,30,000 in 1909-10?	26. Figures cannot be given without making a special cattle census and for this the present time is not opportune.
27. Have Government been pleased to further consider my question No. 37 put at the November meeting?	27. The question is still under consideration.
28. What has been the further progress in the matter of the contemplated Bhandup Salt Works referred to in Government reply to my Question No. 75	28. The enquiries referred to in the reply to the Honourable Member's Question No. 75 are still proceeding.
29. What was the realization of judicial fines under the A'bkári Act during the last 3 years?	29. Information has been called for.
30. How many cases during the last 3 years illustrated inconvenience to parties caused by the absence on leave of a first or second Class Magistrate in the matter of cases under the Ábkári Act?	30. Government regret that they are unable to give Mr. Karandikar the information which he desires, and that in their opinion the labour involved in getting it would be out of proportion to its value when obtained.
31. What are the places where beer or so called whisky is manufactured in India and in the Bombay Presidency in particular?	31. In the Bombay Presidency beer is manufactured at the Deccan Brewery at Dápuri near Poona and by the Bombay Beer Company in the City of Bombay. There is no manufacture of whisky in the Bombay Presidency. Information for the rest of India can be obtained by the Honourable Member from the Excise Administration Reports issued by the different Local Governments and Administrations.
32. What is the scope of the survey of Oil Industry for which a sum has been assigned in this year's Budget?	32. The scope and object of these surveys of local industries is to ascertain the obstacles with which the industries have to contend and to devise measures for their removal either by providing improved processes and implements or by such other means as may seem most likely to secure the object in view. As the expression of oil from seeds is one of the most important and widely spread industries of the Presidency, Government propose to have the industry surveyed on the lines indicated above by a suitable expert.
33. Government were pleased to say in reply to question No. 15 at the Council sitting of 20th June 1908, that the question would be considered in connection with that of the village punchayats. What action does Government contemplate in that direction?	33. The question of village panchayats is still under the consideration of Government.

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34. District Local Boards and Inámdárs:—Is it a fact that while Government is to give to District Local Boards the full realizations of Local Funds cess minus collection charges calculated at the fixed percentage, in the case of Inam villages collection charges according to the percentage are ordered to be separately recovered from Inámdárs?

35. (*a*) In the case of Kadim Inámdárs like village officers in Inam villages in respect of whose holdings full assessment has of late come to be levied, is it a fact that the responsibility to collect the full assessment is laid on the shoulders of the Inámdárs while the scale remuneration is actually levied from the Inámdárs?

(*b*) Is it a fact that no debit and credit entries are permitted in respect of the dues on land held by village officers and their remuneration in Inám villages?

(*c*) How do the Inámdárs of villages stand in respect of remuneration so far as holdings of village officers are concerned?

36. In reply to a question by the Honourable Mr. Dixit No. 23 on 19th September 1909 Government were pleased to say that "Government are prepared to consider a reduction of the maximum strength in the Presidency proper from 25° to 30° when they are satisfied that all the Native States are willing to effect the same reduction in their own territories and that adequate precautions can be taken to prevent illicit practices following on the reduc-

Answers.

34. The Honourable Member is referred to the reply given to question No. 6 asked at the Council meeting of 17th February 1906, by the Honourable Meherban Narayanrao Govind *alias* Baba Saheb Ghorpade, Jaghirdar of Ichalkaranji.

35. (*a*) The remuneration of village officers is collected and paid into the Government treasury, and is paid to them by Government out of its treasury and not by the inamdar of the village. This remuneration and all other *kadim* and *watan* allowances form a first charge on the revenue of the village; after this first charge has been satisfied, the inamdar of the village receives the balance of the revenue of the village, less the share of the revenue, if any, which is not alienated to him, and the *jadi*, if any, which is due from him to Government. The answer to (*a*) is therefore that the scale remuneration is levied from the revenue of the village, not from that portion of the revenue of the village which is alienated to the inamdar of the village; and that the inamdar of the village has to collect, through the hereditary village officers, if any, the revenue of the village.

(*b*) Debit and credit entries such as appear to be suggested are not admissible; nor if admissible would they be practicable where the holders of watan lands are not the same persons as the officiators to whom the remuneration is to be paid.

(*c*) Appears, so far as it is understood, to be answered by the foregoing.

36. The question regarding the reduction of the maximum strength of country spirit in the Presidency proper from 25° U. P. to 30° U. P. was considered at a Conference held in January last at Baroda where besides the Commissioner of Customs, Salt, Opium and Abkari and the Collector of Surat the representatives of the Baroda, Bánsda, Dharampur and Sargána States were present. It was resolved at the Conference that there was very little difference between

Questions.

Answers.

tion in strength". Will Government be pleased to say if steps have been taken to ascertain from the Native States their concurrence and, if so, with what result? If not, will Government now be pleased to take steps to carry out the object?

the two strengths and that no case had been made out for the change.

37. (*a*) Is it a fact that a boy named Phansalkar, who was admitted to the middle school scholarship competitive examination held at Sátára about the year 1909-10 and came out first, was subsequently informed that he was not entitled to a scholarship as he came from a school in the native state of Phaltan?

37. (*a*) Under the rules, pupils from the recognised schools in British districts only are eligible for the scholarships. The boy Phansalkar was admitted to the examination by an oversight, and as soon as the mistake was discovered it was corrected and the admission fee was refunded.

(*b*) Will Government be pleased to say whether they consider it desirable to declare that boys educated in Native State institutions recognised by the Educational Department of Government should be eligible for such scholarships equally with boys coming from schools in British territory?

(*b*) The answer to the question is in the negative.

38. Is Government aware that the licensed country liquor shop in the Yádo Gopal peth of the Sátára City continues in opposition to the expressed desire of the people of the ward?

38. Government are not aware of the fact alleged in the question, but inquiry will be made.

39. Has Government received any petitions from the people of Indápur in the district of Poona, in respect of the desirability of looking to the Tarangavádi and Indápur tanks? What action does Government propose to take in connection therewith?

39. No, not since 1902.

The Tarangavádi, Indápur and Shetphal sites were surveyed for a Tank to utilise surplus water of the Nira Canal, the Shetphal site was selected and the tank has been constructed.

No further action is proposed as regards these tanks, which would not provide a reliable supply from their own catchment areas, but the Nira Canal Project now before the Secretary of State provides for the widening of the Nira Left Bank Canal to give more water to the tract under reference.

40. Is it a fact that the Indápur táluka or some parts of it have suffered from drought?

Are any remissions prayed for by the Rayats or allowed by Government?

40. The Indapur táluka is affected by the partial failure of the last monsoon. The following concessions have been made:—

Rs. 21,000 of suspended land-revenue of 1908-09 will be remitted.

Rs. 20,000 of suspended land-revenue of 1909-10 have been re-suspended.

Rs. 90,000 of the current land-revenue demand have been suspended.

Rs. 34,000 of the tagái demand have been suspended.

Questions. *Answers.*

THE HONOURABLE MR. MANMOHANDAS RAMJI.

1. Will the Government be pleased to state—

(*a*) The number of commercial cases decided by the Bombay High Court during the last five years.

(*b*) The probable costs for each case as assessed by the Taxing Master for one party or both the parties, as the case may be?

1. Information will be called for.

THE HONOURABLE MR. DATTATRAYA VENKATESH BELVI.

1. (*a*) Will Government be pleased to state the decision to which they have come as regards the proposal to revise the scales of pay of Subordinate Judges in the Bombay Presidency?

1. (*a*) Government have not yet arrived at any final decision, but the question is under their consideration.

(*b*) Is it a fact that a Subordinate Judge in the Bombay Presidency has to serve for nearly four years on a salary of only Rs. 150 a month whereas in the neighbouring native State of Mysore an officer of the same education and rank begins his service with a pay of Rs. 200 a month?

(*b*) A second class substantive fourth grade Subordinate Judge rarely serves more than a year to rise to the third grade. Government have no information about Mysore conditions.

2. (*a*) Will Government be pleased to take out in future from the gradation list of the Imperial Civil Service in the Bombay Presidency the posts which have been assigned to the Provincial service and include them in the gradation list of the latter service?

2. (*a*) The Government of India have already refused to consider such a proposal.

(*b*) Have any of the senior Subordinate Judges in this Presidency been appointed up till now to posts taken out of the imperial service?

(*b*) No senior Subordinate Judges have been appointed, if by 'senior' the Honourable Member means First Class.

(*c*) If not, will Government be pleased to state their reasons for wholly ignoring seniority?

(*c*) The reason probably is that, as appointments are first made to the scheduled posts of Assistant Judges, the salaries of these posts could hardly be a sufficient inducement to the senior Subordinate Judges looking to their prospects of promotion in their own line.

3. Will Government be pleased to state the number of alienated villages in the Bombay Presidency into which the Bombay Land Record-of-Rights Act (IV of 1908) has been introduced?

3. The Record-of-Rights Act has been introduced in 31 *inám* villages in addition to all Sharakati villages.

Questions.	*Answers.*
4. (*a*) Is it a fact that in the alienated villages of Yadoor and Ingli in the Chikodi táluka of the Belgaum district lands have not been fully surveyed and numbered even once since the advent of British rule?	4. (*a*) Some lands in the two villages were measured in 1862-63 but no maps were prepared. Kadim inám lands in these two villages were surveyed and assessed in 1909. It is not usual to survey inám villages when the inámdárs are unwilling that a survey settlement should be extended to them.
(*b*) Are there any other villages, alienated or otherwise, which are similarly situated in the Southern Division?	(*b*) Out of 518 unsurveyed inám villages in the Presidency proper 203 are situated in the Southern Division.
5. (*a*) Will Government be pleased to state the conditions on which a consolidated land and water tax is levied on agricultural land in the Dhárwár district?	5. Information is being called for.
(*b*) Is it a fact that sufficient water for irrigational purposes has not been supplied during several years past to many holders of land paying the consolidated tax owing to the silting up of many of the public tanks in that district?	

THE HONOURABLE MR. FAZULBHOY CURRIMBHOY.

1. Will Government be pleased to state—	
(*a*) Whether the manual training class at Belgaum, the workshop in the training college at Dhárwár and the carpentry class in the Hyderabad training college are doing good to scholars?	1. (*a*) Yes.
(*b*) What is the number of pupils taking advantage of the manual instruction in those three institutions; and	(*b*) The number of students at present receiving manual instruction at the three institutions named is 396 at Belgaum, 278 at Dhárwár and 44 at Hyderabad.
(*c*) whether there is room for making manual instruction more popular?	(*c*) Government are of opinion that there is room for making manual training more popular, and are enquiring into the possibility of providing more extended facilities for such instruction at Government training colleges and schools.
[*This question was asked at the meeting held on the 13th March 1912, when an* ad interim *reply was given.*]	
2. In view of the steadying influence of Irrigation Works on the Agricultural economy of the people, will Government be good enough to issue Press	2. The attention of the Honourable Member is invited to the Descriptive Accounts of Irrigation Works issued annually to the Press, and to the annual

Questions.	*Answers.*
Notes from time to time showing the progress made by the different Canals under construction in the Deccan, and also the scope and use made of those already constructed by agriculturists for different kinds of crops?	Irrigation Administration and Revenue Reports sent to Honourable Members of the Legislative Council.
3. Will Government be pleased to make a statement whether any, and, if so, what steps have been taken by Government in regard to the scheme for supplying fresh drinking water to the residents of Uran, in connection with which Khán Bahádur Hormasji Bhiwadiwala has given a contribution of one lákh of rupees?	3. Plans and estimates for a water-supply for Uran and for the Salt Works also have been called for and are at present under preparation.
THE HONOURABLE MR. SIDDHANATH DHONDDEV GARUD.	
1. (*a*) Will Government be pleased to state whether they have completed the scheme for the revision of pay of the subordinate clerical establishments in the Revenue and Judicial Departments?	1. (*a*) Yes.
(*b*) If so, when they intend to give effect to it?	(*b*) Steps will be taken to introduce the schemes when the Secretary of State has sanctioned them. The scheme for the Judicial Department has been placed before the Government of India for submission to the Secretary of State; that for the Revenue Department is delayed pending the preparation of statistical forms required by him.
2. (*a*) Will Government be pleased to state whether famine allowances have been granted to Government servants in any district of the Central Division?	2. Government have authorised the payment of grain compensation during the present scarcity to low-paid Government servants in the Taloda, Shahádа, Sindkheda and Shirpur tálukas of the West Khándesh district and in the East Khándesh, Nasik, Poona and Sátára districts of the Central Division. Dole to village servants is being granted under the Famine Relief Code in all the districts of the Division except East Khándesh and Sátára.
(*b*) If so, will Government be pleased to consider the desirability of granting them in the West Khándesh district?	
3. (*a*) Is it true that there have been several petty thefts at Dhulia since the outbreak of the plague?	3. Government have no information but will make enquiries and will then consider whether any special steps should be taken.
(*b*) Will Government be pleased to state what additional precautions they intend to take to afford adequate police protection to the inhabitants who have camped out on account of plague?	

Questions.

4. Will Government be pleased to consider the advisability of maintaining an additional temporary establishment of police officers and men in plague-affected towns to enable the inhabitants when they camp out to obtain the services of armed police watchmen on payment?

Supplementary question:—Will Government be pleased to desire the Inspector General of Police to supply armed police watchmen more freely to private individuals on payment in plague times?

5. Will Government be pleased to state the terms on which the services of armed police watchmen are lent to private individuals in the mofussil?

6. Will Government be pleased to consider the desirability of granting hutting allowances to Government servants who have camped out at Dhulia on account of the plague?

7. (*a*) Is it true that information required in my question No. 5 (ii) put at a meeting of the Council held on the 21st November 1911 has been already collected in the Garud High School, Dhulia?

(*b*) If so, will Government be pleased to lay it on the Table and call for similar information from the Násik and the Sholápur High Schools?

8. In view of the fact that plague has now become permanently established in most towns in the mofussil, will Government be pleased to say whether they consider it desirable to provide suitable camping sites supplied with good drink-

Answers.

4. The Inspector-General of Police is already authorized to entertain extra plague establishments and this is done where necessary. Armed police watchmen are not ordinarily supplied to private individuals.

His Excellency the PRESIDENT:—I am afraid, Mr. GARUD, that is in the nature of a separate question. If you put it at the next meeting, it shall be answered.

5. Unarmed police are supplied on payment of:—

(1) the pay of the policemen;

(2) pension contribution at 1/12th of their pay;

(3) supervision charges at 6 per cent.;

(4) clothing allowance at 8 annas per man per month;

(5) house-rent at Re. 1 per man per month in head-quarters and 8 annas per man per month in tálukas.

6. Government servants on pay not exceeding Rs. 100 per mensem who move from infected areas to healthy localities during the prevalence of an epidemic of plague are allowed hutting grants or house rent allowances, provided that they produce certificates that they have removed and have incurred expenditure in so doing, and provided also that the area from which they have removed has been declared to be infected. There is no necessity for special orders in the case of Dhulia.

7. Inquiries are being made.

8. The provision of such facilities as may be necessary for the evacuation of localities seriously affected by plague is essentially a municipal matter. Government are prepared, however, to afford assistance where such is really required

Questions.	*Answers.*
ing water, shady trees, policing, lighting, and scavenging arrangements to enable the inhabitants to evacuate the towns without great hardships during plague times?	and municipalities have been made aware of the fact.
9. Will Government be pleased to state the amount expended upon physical education in (1) Primary, (2) Secondary and (3) Training Schools in the Central Division in 1909-1910?	
10. (*a*) Will Government be pleased to state the total amount of the Gymnasium fee of two annas per mensem collected in the High Schools of the Central Division during the last year?	
(*b*) The total balance of that fee in the hands of those School authorities in the current year?	
11. (*a*) Will Government be pleased to state whether any proposal was received by the Educational Department about the establishment of a swimming bath for the Dhulia Garud High School?	
(*b*) Is it true that it was strongly supported by the local medical authority?	
(*c*) Has it been considered and if so with what result?	Inquiries are being made.
(*d*) Will Government be pleased to lay the papers in connection with the proposals on the Council Table?	
12. (*a*) Is it true that the scale of marks for approved educational service in "the marks system of promotions" adopted by the Educational Department is different in the case of graduates and non-graduates?	
(*b*) If so, will Government be pleased to state whether, in view of the fact that the qualification required for the marks is the same in both cases, they propose to correct the difference?	
13. (*a*) In view of the annual visitation of plague in most towns in the mofussil, will Government be pleased to state whether they propose to permit students of one Government high school to join during plague times other Government high schools in which the same curriculum is taught without paying fresh admission or tuition fee?	The suggestion will be considered.
(*b*) If not, will Government be pleased to state the reasons?	

Questions.

14. Is it true that at the time of the amalgamation of Circle Inspectors in the táluka Establishments as ordered by Government Resolution, Revenue Department, No. 4617 of 1905, effect was not given in the West Khándesh district to the assurance of Government contained in Government Resolution, Revenue Department, No. 7370 of 1895, that the Revenue Kárkúns after completion of their five years' service as Circle Inspectors would be restored to the place which they would have held in the Revenue line if they had not been appointed Circle Inspectors?

Answers.

14. In Government Resolution No. 7317 of 1895, to which the Honourable Member probably intends to refer, it was ordered that the Collector must not be precluded from retaining on duty as Circle Inspector an officer who had completed a term of five years on such duty.

THE HONOURABLE RAO BAHADUR SHRINIVAS KONHER RODDA.

1. Will Government be pleased to state how far the Company has progressed in removing the wreck of the S.S. *Godáveri*?

[*This question was asked at the meeting held on the 25th July 1911, when an* ad interim *reply was given.*]

1. The Bombay Steam Navigation Company having expressed their inability to remove the wreck of the S.S *Godáveri*, Government arranged for this to be done with the help of His Excellency the Naval Commander-in-Chief. The work was completed on 29th March 1912. The wreck no longer presents any danger to navigation.

2. Will Government be graciously pleased to state the result of the inquiries regarding the water supply at Panvel and the steps which Government will be pleased to take to execute the repairs?

2. The enquiries instituted by Government have not yet been completed. The question of repairs will be considered after the result of the inquiries is known.

3. Will Government be pleased to say whether they propose to plant Karavandi and other bushes in grazing areas and other portions of forest land so that they may be useful for ráb?

3. The Honourable Member is referred to the reply to question No. 12 put by him at the meeting of the Legislative Council held on 26th January 1911.

4. Will Government be pleased to say whether they propose to stop the compulsory registration of agricultural leases which has been introduced in the tálukas of Pen and Panvel of the Kolába district as an experimental measure?

4. Government are unable to give any definite reply until the experiment has been given a fair trial and its results are known.

5. Will Government be pleased to state what has been done with regard to throwing open one collectorship to the provincial service in view of the fact that the Tálukdári Settlement Officer's place is filled up by a covenanted civil servant?

5. The matter is still under consideration.

Questions.

Answers.

6 Will Government be pleased to state whether any action has been taken by them to ensure that all the City municipalities should appoint a Chief Officer without any exception?

6. Of the twenty-three city municipalities seventeen have appointed and two have resolved to appoint Chief Officers. As regards the remaining four municipalities Government have in the case of two of them decided not to require the appointment of Chief Officers at present, but in respect of the other two the general orders recommending such appointments will apply.

THE HONOURABLE SARDAR NARAYANRAO GOVIND ALIAS BABASAHEB GHORPADE, JAGHIRDAR OF ICHALKARANJI.

1. Will Government be pleased to state whether it is a fact that the Madras and Southern Marátha Railway Company charges on goods consigned from the Kolhápur station higher rates than the rates charged on goods booked at Nipáni, with the result that merchants near Kolhápur are forced to send goods to Nipáni in bullock carts in order to consign them from Nipáni and they are thus obliged to incur the additional expense of taking them in bullock carts to Nipáni?

[*This question was asked at the meeting held on the 13th March 1912, when an* ad interim *reply was given.*]

1. A copy of a letter from the Agent, Madras and Southern Marátha Railway Company, giving the required information is laid on the Table.

Appendix B.

2. Will Government be pleased to state whether it is a fact that the Collector of Sholápur insists on acquiring land required for a water course from the rayats of Kautali, an alienated village in the Pandharpur táluka of the Sholápur district, notwithstanding the fact that the owners of the land through which the water course runs are willing to keep the land required for the water course at the disposal of Government, so long as it may be necessary for the said water course?

2. Information on the subject has been called for.

3. Will Government be pleased to state whether orders have been issued that in alienated villages the seal to be impressed on the day-book in which the revenue collections and outgoings of the Inámdár are entered should be the seal of the Mámlatdár and not the seal of the Inámdár as heretofore?

3. The orders of Government, which have been in force since 1845, are that so long as an Inámdár keeps his accounts properly, his seal should be considered sufficient in the village books, but that, when irregularity or mismanagement is discovered, the Collector should direct the Mámlatdár to affix his seal in addition.

Questions.

Answers.

4. Will Government be pleased to state whether the right of giving permit for transporting forest produce such as timber from the forest belonging to the Inámdár has been taken away from the Inámdár of Chaphal and conferred on the village officers?

4. The fact alleged has not been brought to the notice of Government. If the Inámdár considers that he has a grievance it is open to him to make a representation to the local authorities or, if necessary, to Government.

THE HONOURABLE MR LALUBHAI SAMALDAS.

1. Will Government be pleased to lay on the Council Table a statement showing the total number of cattle, and the open area set apart for grazing in the various blocks in Godhra táluka?

1. Information will be called for.

2. Will Government be pleased to state whether they have set apart any open area for grazing for the cattle of Godhra Town? If no open area has been set apart, will Government be pleased to say whether they propose doing so now?

2. No area has been specially set apart but about 200 acres of revenue waste area are being used for grazing for the cattle of Godhra. Large areas of forest kurans in the neighbourhood of Godhra are annually disposed of usually to local residents on favourable terms.

3. Will Government be pleased to state what sum has been set apart by (*a*) Local Boards, and (*b*) by Government, to dig new wells in the Panch Mahál district for supplying the want of drinking water in villages?

3. (*a*) Local Boards spent Rs. 3,167 last year; and have provided Rs. 1,150 in this year's budget for the improvement of water-supply in the Panch Mahál.

(*b*) The Commissioner allotted Rs. 1,500 last year and the same sum this year out of the ordinary provision for village water-supply, and Government sanctioned extraordinary provision of Rs. 28,000 last year and Rs. 30,000 this year for the improvement of water-supply in the Panch Mahál district.

4. Is it a fact that there have been some cases of persons being fined by the Divisional Forest Officer of the Panch Mahál district for cutting green leaves of trees for fodder during the last 6 or 7 months? Will Government be pleased to consider whether such cases should not be prosecuted so long as the present fodder famine continues?

4. Some fines have been imposed in the following circumstances. On account of famine agriculturists in the Panch Mahál have been given every concession in forests which is consistent with the preservation of the forests. Thus they have been permitted to remove the green leaves of all but a few specially valuable trees. Naikdar and others however have abused these privileges by needless hacking and lopping of valuable saplings and trees. The majority of those caught have been let off with warnings but in a few cases fines varying from one to three annas have been imposed. No criminal prosecutions have been undertaken and Government consider it unnecessary to issue any special orders to the District Officers.

Questions. *Answers.*

THE HONOURABLE MOULVIE RAFIUDDIN AHMAD

1. Are Government aware that Mahomedan students in the Ahmedabad training college are obliged to mess with their Hindu fellow students and therefore forego animal food? If so, do Government propose to make separate boarding arrangement for them?

[*This question was asked at the meeting held on the 13th March 1912, when an* ad interim *reply was given.*]

1. It is a fact that both the Mahomedan and the Hindu students partake of the same diet which contains no animal food, but it is the diet to which the Mahomedan as well as the Hindu students are accustomed in their own village homes, and there has been no indication on their part of a desire that it should include animal food. In the circumstances the reply to the latter part of the question is in the negative.

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

(*a*) Whether any District Officers in Gujarát and Káthiáwár have during famine relief operations, this year, handed over any Mohamedan orphans to Christian Missionaries?

(*b*) If so, what is their total number and to whom are they entrusted?

2 Information will be called for.

3. Will Government be pleased to instruct the Collectors of famine-stricken districts, who have Mohamedan orphans to dispose of, to inform the Honorary Secretary of the Bombay Presidency Moslem League, at Poona, before handing them over to any Non-Moslem Missionaries or institutions?

3. Information will be called for.

4. Will Government be pleased to state if any special arrangements exist at Jeddah for the protection of British Indian pilgrims to Mecca?

4. The British Consul at Jeddah watches the interests of the pilgrims there, reports their requirements and, when necessary, makes suggestions for the improvement of the conditions of the pilgrim traffic.

5. Will Government be pleased to state—

(*a*) the total amount of brokerage paid this year by pilgrim ship-owners to the licensed pilgrim brokers in Bombay;

(*b*) whether the amount of brokerage is recovered from the ship-owners by the Protector of Pilgrims for the benefit of the brokers?

5. Inquiries are being made.

Questions. *Answers.*

THE HONOURABLE SARDAR SYED ALI EL EDROOS.

1 Will Government be pleased to say whether they are aware of the serious inconvenience and danger experienced by the bulk of the villagers living on the west side, who have to cross the Olpád Khádi during the monsoon when attending the Mámlatdár's Katchery and the Civil Court, and whether the District Local Board, Surat, are prepared to construct a bridge over the khádi with a view to remove the inconvenience complained of?

[*This question was asked at the meeting held on the 13th March 1912, when an* ad interim *reply was given.*]

1. The creek can be safely crossed at all times except for occasional brief periods during the rains, when a detour of 5 or 6 miles has to be made. The cost of a bridge would be not less than Rs. 11,000, and in view of the above facts and of the limited number of persons who on rare occasions would benefit by it, Government are not prepared to recommend its construction.

2. Will Government be pleased to say whether in districts where the Deputy Educational Inspector is not a Mahomedan, the Mahomedan Assistant Deputy Educational Inspector is invariably consulted by him in respect of Urdu schools within his charge?

[*This question was asked at the meeting held on 13th March 1912, when an* ad interim *reply was given.*]

2. The answer to the question is in the affirmative.

His Excellency the PRESIDENT:—I will now ask the Honourable Mr. HILL to move the second reading of the Bill to provide for the Licensing of Race-courses in Bombay and Poona.

BILL No. V OF 1912 (A BILL TO PROVIDE FOR THE LICENSING OF RACE-COURSES IN THE BOMBAY PRESIDENCY).

The Honourable Mr. C. H. A. HILL said:—Your Excellency,—I beg to move that Bill No. V, a Bill* to provide for the licensing of race-courses in the Presidency by the Government of Bombay, as amended by the Select Committee, be read a second time.

The Honourable Mr. C. H. A. Hill moves the second reading of the Bill to provide for the licensing of Race-Courses in the Bombay Presidency.

The Honourable Mr. CHIMANLAL H. SETALVAD said:—Your Excellency,—On the motion for the second reading of this Bill, it is not necessary to dwell any longer on the desirability of having some measure for restricting gambling on the race-courses. It had been felt for a very long time that the number of race-meetings had increased greatly and that the facilities for betting afforded by the large number of book-makers had

* The report of the Select Committee and the Bill as amended were published in the *Bombay Government Gazette*, Part VII, on the 10th April 1912.

also increased to a very considerable extent, with the result that gambling among all classes of the people had grown to a serious proportion with most demoralising effects. When, therefore, it became known that Your Excellency's Government had made up its mind to deal firmly with this evil, the news was received with entire satisfaction, I may even say with feelings of gratitude, by the entire public. It was hoped that at last the Government were going to deal effectively with the question. We, in the Council, who are familiar with the earnestness and strength that has characterised Your Excellency's administration, hoped that a measure would be produced grappling with the evil in a complete and effective manner. Entertaining as we did that hope I must confess to a feeling of disappointment when the actual Bill was introduced in this Council, because I and others who think with me felt, as we feel now, that unless the essential conditions and restrictions necessary for grappling with this evil are embodied in the Act, the remedy may prove worse than the disease.

Now let us see what is the situation. At present, no doubt, the evil is there and it has grown all these years. But as the law stands at present all that is done now is done in defiance of the law, and if the Government at any time gathered up strength to put the law in motion they could do something to check the nuisance. Gambling on the race-course being contrary to law it can be stopped by instituting prosecutions. That being so, those who are indulging in this form of gambling are conscious that, in what they are doing, they are breaking the law and that Government can swoop down upon them at any moment. They are, therefore, carrying on the present gambling in fear of the law and under conditions that will always be a certain amount of natural limitation on their operations.

Now let us see what the Bill contemplates doing It does not embody in itself the essential conditions and restrictions which we all think are desirable. For instance, it is felt by all that book-makers should be excluded. That essential condition for grappling with the evil is not in the Bill. No doubt it is contemplated to insert that condition in the licenses to be issued under the Act. But after all that is left to the sweet will and discretion of Government. They may or may not do so. I recognise that in the time of Your Excellency there will not be any cause for anxiety on this point, but one can well conceive hereafter a Governor and his administration taking honestly a different view and holding that book-makers are after all not such an evil on the race-courses as they are now taken to be. You can well conceive such a Government issuing a license specifically allowing book-makers at the race-course. I see Your Excellency shaking your head. I take it Your Excellency thinks it next to impossible that any one can take the view I suggested, but we know by experience many more improbable things have happened before now and I find no difficulty in conceiving a Government which may very honestly and conscientiously take a view that book-makers are not an evil. We know how widely views differ on matters of this kind. In the time of Sir RAYMOND WEST in 1890, when the Gambling Amendment Act was introduced, Mr. Latham, the Advocate General of the time, was against the totalisators. Some people honestly think that totalisators afford more facilities for gambling than the book-makers. As views about these matters are always likely to differ very much, there is nothing extravagant or improbable in conceiving a Government in power honestly taking the view that book-makers on the race-courses

are better than totalisators. If we came to that situation what we shall find will be that licenses will be issued allowing book-makers on the race-courses. The result will then be that instead of working in fear of the law, with its natural limitations, they will work under the protection of the law and the whole object of the present Bill will be entirely subverted. That is really the situation which I feel you must guard against by inserting the necessary and essential conditions and restrictions in the Act itself, so that they cannot be eliminated or tampered with so long as the Act remains in force. If that is done it will not be possible to restore the book-makers without repealing the Act, which it is much more difficult to do than issue a new license. You are now leaving it open for Government in power at the time that may take a different view, not only to render nugatory the present measure, but further extend the evil.

My honourable friend Mr. WEBB, who is not here to-day, took an objection to the Bill when it was introduced in Bombay by pointing out that the Bill merely gave power to the Executive Government to do what they liked in the matter. That is really a formidable objection. It cannot be a sound mode of legislation to delegate powers of legislation to the Executive. In the present instance this objection in theory is in reality of much substance, for, as I have pointed out, it leaves it open to the Executive Government to subvert the whole intention of the legislation I think, therefore, that if the Bill is passed by this Council the essential condition, as I have pointed out, should be embodied in the Bill itself. With that view I have given notice of various amendments which I will move after the second reading has passed. I have now indicated what my view is and I have pointed out that there is no dispute as to the existence of the evil and the necessity to remedy it. We have all agreed that we must do something to grapple with the evil. The only question is how to make it completely effective and conducive to the object we have in view. It is desirable that we should not do anything that may subvert in future the very object of this measure. If we do not insert the essential conditions in the Bill, the result may be quite contrary to our intentions if any future Government take a different view of the matter. We should take into consideration all these possibilities and embody the essential condition in the Bill itself.

The Honourable Khán Bahádur NAWROJEE PESTONJEE VAKIL said:—Your Excellency, it is evident that the object of Government in introducing the Bill is merely to regulate horse-racing in this Presidency and not to cripple it. Horse-racing is an old and time-honoured national sport to which thousands of people look forward with pleasure. Besides there is no doubt that it tends to a certain extent to improve the breed of horses. All that Government wishes to do is to eradicate the serious abuses that have crept into racing. But before this can be done, conditions regulating horse-racing will have to be altered from time to time. This can only be done by means of licenses. The Act cannot be amended every time for the purpose. Were it not so there would not be any serious objection to inserting the conditions regulating horse-racing into the body of the Bill itself, as desired by my Honourable friends Sir PHEROZESHAH MEHTA and Mr. SETALVAD. Horse-racing is always associated with betting, and there can be no racing without betting of some sort. Still, I am of opinion that it would be well not to legalise the totalisators. They have been in use up till now and may continue to be so used till Government think it necessary to take any serious notice of them.

I agree with my honourable friend Mr. HILL that every time a license is granted it should be published in the *Bombay Government Gazette* and opportunity given to the public to discuss it. Your Excellency, I do not share with some of my honourable friends the fear that under certain circumstances the conditions of a license may be so modified, in future, as to render this Bill absolutely nugatory. I am confident that Government, as a Government, will always do what is right and proper in the interests of public morality, whatever the leanings of individual members thereof may be.

The Honourable Mr. W. C. SYMES said :—Your Excellency,—As far as the question of the reinstatement of book-makers is concerned, so far as it affects the Bombay Race-course, my honourable friend Mr. SETALVAD need have no fear on that ground, for the very good reason that there will be no room in the enclosures for them. I am glad to observe that certain modifications have been made in the Racing Bill and I take this opportunity of saying that the Stewards of the Western India Turf Club appeciate the way in which Government have finally met their requests. Though the Stewards contended from the commencement that the whole question was one more for reasonable compromise than for legislation at the same time they were not opposed to legislation so long as it did not render racing altogether impossible.

I am sorry to observe Government arbitrarily lay down that there shall be only 30 days of racing in Bombay and Poona during the currency of the License for the one year, as the Stewards were perfectly willing to restriot the number of racing days to that figure if Government had expressed such a wish. They proposed therefore that this matter should be left to the Stewards who would give Government the necessary undertaking. I hope in this connection it will be realised that by cutting down the number of days racing by over 25 per cent. it will involve a heavy financial loss on the Club.

As regards the term for which the license should remain in force I am glad to observe that Government recognise the argument put forward by the Stewards that they were unable to undertake the responsibility of committing the Club for a longer period to conditions which were admittedly experimental.

The question of the abolition of the book-maker has also been a matter over which there has been a certain amount of discussion. The Stewards had every intention of eliminating book-makers from the Turf Club enclosures—in fact it had already been done in the second enclosure—but it was a matter about which they recognised there was some considerable difficulty. This did not consist only in getting rid of the book-makers from the Club's premises. This might be done at the stroke of the pen, but the difficulty arose in preventing them from betting outside and not under the control of the Club. However I have the authority of the Stewards for saying that they will help Government in every way possible to cope with "Bucket shop" betting and I sincerely hope that legislation in this respect, which has proved a failure in other parts of the world, will prove a success in the Bombay Presidency. When I said just now that the Stewards had every intention of abolishing the book-makers I should have added that this was to be achieved gradually.

There are certain citizens of Bombay—and I am sorry to say there are certain Members of this Council—who are apt to take a very narrow view of this question. They associate all that is evil with the race-course and are apt to overlook the benefits that racing brings. There is a good side to every thing, even to racing. Not only

does it afford an honest livelihood for a large number of people both directly and indirectly, but it promotes trade and encourages the breeding and importation into this country of various classes and breeds of horses which would certainly not find their way to India were racing abolished. The Government of India would feel such loss very seriously and I am glad to see that this Government does not take the narrow view I have alluded to.

I should like to say that the Bill as presented will be loyally supported by the Stewards of the Turf Club and Government will find the Stewards always ready to cordially co-operate in carrying out the laws which the Bill provides whenever they are consulted.

The Honourable Sardár Dávar K. E. Modi said:—Your Excellency,—It appears to me that this Council should leave entirely to the discretion of Government as to what conditions they should insert in the license for the proper regulation of horse-racing in this Presidency. I think this Council should not tie down the hands of Government by hard and fast directions. In bringing forward this measure Government have been moved by the beneficent intention of controlling the growing evil of gambling at the race-course and if their present negotiations with the Stewards of the Turf Club fail more or less in achieving the object in view I am quite sure Government would insist upon stricter terms. Government evidently do not wish to stop the noble sport of horse-racing. They want to stop gambling, but that cannot be done by tying down their hands to certain restrictions. It is a matter of negotiations between Government on the one side and the managers of the turf on the other, and in my opinion the utmost liberty should be given to Government to act in the matter. There has been an idea that the discretion of Government should be restricted regarding this act and regarding that act. I am opposed to that radical idea. I think fewer the directions to them from this Council and fewer the restrictions in respect of these negotiations the better and more favourable would be the results. This is a trial measure and I am afraid it will require to be modified after a certain time in one form or other. After all a big principle has been asserted by the Council and that is a great step forward It is absurd to suppose that Government will be dishonest enough to go back upon the principles of this Bill. As to the way of administering those principles that is a matter of detail in regard to which we may safely trust the executive. If, however, it is afterwards found that the Act does not work properly and it is necessary to restrict the powers of Government it would be open to any member of this Council to come forward and bring in a Bill for that purpose. I do not see any reason why we should bind down Government now. It is Government who have taken the initiative to put down gambling at the race-course and we can trust to them to do their best to check the mischief. Why should they be restricted by hard and fast rules? If you lay down the principle that Government shall put a heavy foot on gambling at the races, that is enough. For these reasons I submit that the Bill may be passed as recommended by the Select Committee, with the slight modification as regards the publication of the terms of the license as finally arranged.

The Honourable Sir Ibrahim Rahimtoola said:—Your Excellency,—I have carefully followed the speeches which the Honourable Members have delivered on the Bill. I must say that I have come to the conclusion that the Council will be well-advised to accept the Bill as it came from the Select Committee. As regards

the amendments that stand in the name of the Honourable Mr. SETALVAD and the Honourable Sir PHEROZESHAH MEHTA, it appears to me that they are going beyond what can reasonably be expected of this Council to lay down. I will give you my reasons for saying so. The Honourable Mr. SETALVAD, in his speech, said that he apprehended that the result of allowing licenses under the Bill, without the provision of excluding the book-makers appearing in the Act itself, may be that at some future time the book-makers may triumphantly return to the race-courses. Now, Sir, it appears to me that no practical person can take that view. As the Honourable Mr. SETALVAD has said, the Council are familiar with the reason which led to the introduction of the Bill, namely, to check the evil of gambling, which had been growing for the last few years at the race-courses. No one can dispute the fact that the evil was real. It is gratifying to find that it is due to Your Excellency's Government that a serious effort is now made to remedy the growing evil and to bring gambling at the races within the control of Government. It was a source of great satisfaction to everyone to find that Government were fully alive to their duties and responsibilities in the matter of this evil and were endeavouring to do all that can be reasonably expected of them to do. Whether there may be a change in the *personnel* of the Government or the Members constituting the Government, it cannot be denied that it will always be represented by the ablest officers in an able service fully alive to their responsibilities, and it appears to me that they cannot ignore or overlook the moral effect that would be created in the minds of the Indian public if after the passing of this legislation they ever ventured to slide back and subvert the object of the Bill and allow the book-makers to walk in. No responsible Government can reasonably overlook the moral effect of such a procedure There is one thing which we must all bear in mind, and that is that the present constitution of the Legislative Council and the right of moving resolutions that has been conceded to us enable Councillors to exercise a potent voice in matters of administration. If any Government subverted the object of the Bill in the future we can safely rely upon members bringing in motions and raising an effective discussion in the Council that would undoubtedly have far-reaching results. We must bear in mind also that we are legislating in this direction for the first time and applying it to the Bombay Presidency only. It is therefore necessary that we should carefully watch how the Act actually works before deciding upon what alterations may reasonably be permitted in the form of the license that may be granted from year to year. Mr. SETALVAD has urged that if you insert the provision about book-makers in the Act itself it would be necessary to bring forward a special legislation for the purpose of repealing it, which he said was not easy to do. I quite recognize that there is a distinction between introducing changes in the form of license and amending existing legislation but in effect if Mr. SETALVAD's argument is that an amending Bill can be carried by a majority of this Council I do not see what difference it can make between amending an existing enactment and altering the terms of a license. In the one case discussion takes place on the amending Bill, while in the other it can arise on a resolution. In my opinion there is a greater responsibility upon Government in altering a license by executive authority than by introducing and passing an amending Bill. Sir, I do not apprehend that the principle that is being laid down, namely, that under no circumstances book-makers will be allowed to enter the precincts of race-courses, will ever be departed from in the future.

I do not appprove of the suggestion to legalize totalisators. Mr. SETALVAD rightly pointed out that according to the existing law betting on the race-course is illegal and that it can be put a stop to by prosecutions. Well, Sir, if that is so, the particular effect of his amendment inserting in the Act the provision about totalisators will make the presence of totalisators on the race-courses legal. Now, I ask, is it advisable or expedient to do so before a fuller experince is obtained? On the contrary, it may happen that if the law is left in its present form Government may, at the end of the year, decide whether it is advisable to allow totalisators or not. Why then take away this power from the hands of Government?

As regards the insertion in the Act of the provision restricting the maximum number of race-meetings, I do not think it is advisable to do so. If after gaining experience Government come to the decision that it is necessary to further curtail the number of days of race-meetings they ought not to be hampered by legislation from doing so. The matter should, therefore, be left to the discretion of Government.

We should not forget that it is Government that have come forward to deal with the growing evil of gambling and they are providing a machinery to check the evil. There is no intention of interfering with racing as a sport. Government have laid down certain restrictions in regard to the form in which this machinery is to be worked and we must wait and watch the actual result of the operation before trying to improve upon it.

I am very glad to hear from the Honourable Mr. SYMES that the Stewards of the Turf Club are receiving the proposals in the right spirit. If they do so, greater facilities will be available to Government in dealing effectively with the evil. I think we are all agreed that it is necessary to strengthen the hands of Government by legislation, so that if the Stewards prove unreasonable Government may be in a position to lay down what shall be done in the interests of public morality.

I was really amused at the concluding remarks of the Honourable Mr. SYMES who said that there were members who took a narrow view and did not look to the bright side of racing. If he thinks that the members of this Council are opposed to racing as a sport I can assure him that he is very much mistaken. He also stated that racing provided honest maintenance to many people, directly and indirectly. I may state that the gambling houses in Monte Carlo also provided means of maintenance to a large number of people. It is no exaggeration to say that the town owes its position and prosperity to the Casino. It brings in substantial revenue to the Prince of Monaco. Is there any one who will venture to assert that because of these advantages the Casino is desirable or permissible? Is it not a well known fact that the Casino at Monte Carlo is regarded as a source of great evil and has ruined thousands of people? I do not think it can be seriously argued by anyone that, because the gambling houses at Monte Carlo supplied living to many people, it was desirable to maintain them. With these remarks I support the Bill as it stands.

The Honourable Mr. C. H. A. HILL in reply said:—I greatly regret the absence from this meeting of the Honourable Sir PHEROZESHAH MEHTA, but though he is away, since the Honourable Mr. SETALVAD has pursued somewhat the same line of argument as that

which characterises the minute of dissent recorded on the report of the Select Committee by the Honourable Sir PHEROZESHAH, I think I ought, before dealing with the merits of the Bill and the speeches which have been made, to refer briefly to what I may term the preamble of that minute of dissent. Sir PHEROZESHAH MEHTA apprehends apparently that what Your Excellency in Council may decide upon now may be undone hereafter, and the reason alleged for that apprehension is that one or two highly placed officers of Government, even members of Your Excellency's Council, are members of the Western India Turf Club. I prefer not to take his words too seriously, since to do so would render it somewhat difficult to characterize the suggestion in strictly parliamentary language. But the suggestion itself is based upon a fallacy, which it may be as well here to explode, while the inference to be derived from the suggestion, namely that because Your Excellency's Councillors know something of the Western India Turf Club and of racing they are therefore disqualified from legislating for the removal of abuses which may have crept into racing on this side of India, is one which I hardly expected to have heard put forward by Sir PHEROZESHAH. I recollect very well some years ago at a meeting of the Bombay Legislative Council in Poona listening to a debate in which the Honourable Member took a very prominent, not to say a leading, part. My honourable friend was denouncing the Government of one of Your Excellency's predecessors as pressing through unwarrantable legislation which was unwelcome to the people, and the gist of the Honourable Member's contention was that the Government were out of touch with the people, that Government officials had neither sympathy with nor an understanding of their needs and that therefore they were unable to gauge those needs and were disqualified from legislating wisely for them. Well, the Honourable Member cannot have it both ways.

If the Government, some of whose members have a knowledge of and sympathy with horse-racing and the Western India Turf Club, are *ipso facto* disqualified from regulating those concerns, then a Government which is entirely out of touch with the people is obviously the one best qualified to legislate for them. The Honourable Member can choose which conclusion he will abide by, but I think that even he will find it somewhat difficult to establish both.

But as I have said, the suggestion is based upon a fallacy. The Government are not engaged in a heroic onslaught upon an Augean stable of vice. On the contrary, divested of rhetoric the situation is simply this: the Stewards of the Western India Turf Club have managed racing on this side of India with not inconsiderable success and have, within the limits of their powers, done their best to check the abuses which usually cling to horse-racing. They, as well as the general public, were desirous of purging racing of some of its worst features, and I, being one of those upon whom the stigma of some knowledge of the Western India Turf Club rests, happen to know that even before Government addressed the Stewards on the subject the latter were considering the advisability of instituting precisely those two reforms which it is the object of the Bill before the Council to achieve, namely, a reduction in the number of days' racing and a reform in the arrangements for betting. But the Stewards were doubtful of their powers to deal with the latter. Whatever, therefore, may have been the misapprehension which existed in the mind of the public when Government first moved in the matter, there is now no longer any possibility of misconception, and especially so after the

remarks of the Honourable Mr. SYMES. The object in view is as much the object of the Western India Turf Club as it is of Government, and the Stewards have now agreed with Government to fall in with the methods which Your Excellency has proposed for the achievement of that object. There can, therefore, be no reason to hesitate to adopt the Bill before the Council.

There is one other suggestion which has been made outside this Council from time to time since the Bill was introduced, which I should like to take this opportunity of removing from the minds of everyone, and that is that the subject under discussion was dealt with from the point of view of one in which the European community was ranged against the Indian community. Now, that suggestion can only be characterised as infamous. If there is anything in this Presidency or throughout India in which Europeans and Indians associate jointly and on precisely the same terms and with equal zest it is racing, and the suggestion which has been made in this matter, that we are taking either the one side or the other—it does not matter which—would be beneath contempt except that it has been ventilated in the Press.

Turning now to the specific points dealt with by the Honourable Sir PHEROZESHAH MEHTA, the first important matter is the question of the inclusion in the Bill of the terms which shall appear in the licenses. The Honourable Sir PHEROZESHAH MEHTA with great readiness in his minute of dissent cited the Electricity Act as a precedent for including in the Bill what should appear in the licenses. Well, that is not a precedent at all. That Act only lays down certain particulars which may appear in a license at the discretion of the local Government, and I need not point out that if there is one Act on the Statute Book which bears less analogy than another to the Racing Bill it is the Electricity Act, and it hardly seems necessary to indicate more particularly why the two have no resemblance to one another. The schedule to that Act talks about the "uninsulated metallic returns of low resistance" and things of that sort, not, it may be presumed, the kind of matter designed for discussion in the Legislative Council. And it is presumed that Sir PHEROZESHAH wished to cite it as a precedent as showing the desirability of arranging to discuss in this Council the terms of any license to be issued under the Bill. I congratulate my honourable friend, however, on his readiness in quoting it, despite the very short time available to him for the preparation of his minute of dissent, because the Electricity Act is, so far as careful search in the Legal Department has revealed the facts, practically the only Act in which the Legislature lays down even what may be included by the Executive Government in a license. It seems in fact to be the invariable practice of the Legislature, when empowering an Executive to control by license, to leave the terms of the license, so long as they do not transgress the parent law, to the Executive to determine, and the licensing of a race-course is emphatically a matter for the Executive. As Honourable Members are aware, however, we have decided that the license shall be published in the *Bombay Government Gazette*, and it is hoped that this will satisfy everyone that there is no desire or intention to conceal from Honourable Members or the public the manner in which Government intend to exercise the powers to be conferred on them by this Bill.

I now come to what Sir PHEROZESHAH describes as his real objection to the Bill, although I note that it is a point which the Honourable Mr. SETALVAD has not emphasised very greatly, namely, the fact that it proposes, or at all events contemplates, to give power to Government to issue a license which may include the authorization to perpetrate

an act which may be technically illegal, and the Honourable Member objects to being party to any such measure. In the first place, I should like to explain that the position which will be established by the passing of the Bill is no worse—indeed, we hold it will be very much better—than the position in which the Honourable Member himself, in common with the rest of the public, has acquiesced for years past. All these years, during which unrestricted betting was possible with book-makers both within and without the Western India Turf Club enclosures, it has been open to anyone, including Sir PHEROZESHAH, to lay an information and file a complaint under the Prevention of Gambling Act. The difference after the Bill becomes law will consist in the fact that we shall know that no book-makers are operating within the premises of the Western India Turf Club and that the transactions with totalisators are ready money transactions and transactions strictly circumscribed. It is doubtless still open to objection that those transactions are possibly technically illegal, but we claim that it is better to rid the adjuncts of horse-racing of their really objectionable features than to leave things as they are, even if there is the inevitable appearance of conniving at technical illegality. I was not really quite clear in my mind as to which course Sir PHEROZESHAH would advocate, until notice was received of his and the Honourable Mr. SETALVAD's amendments. I was doubtful whether he wished to oppose the Bill because of this technicality or formally to legalize totalisators, but he evidently prefers the alternative of formally legalizing the totalisator, instead of leaving the matter in rather a nebulous condition. This would be a more attractive course to Government also in some respects, but such a course does not, at the moment seem to Government to be required. This, as I have already explained, is not a heroic measure, designed to modify profoundly the social life of the Presidency, but an endeavour to mitigate some of the objectionable features which recently have gathered round racing on this side of India. It is a tentative measure, the first legislation of its kind in India, and as pioneers in the matter Government prefer not to overload the Bill with detail or to include in it what is not absolutely necessary. Experience will teach us a good deal. We shall after a year's working see how the Bill works out, and I am very glad indeed the Honourable Sir IBRAHIM RAHIMTOOLA has brought out so clearly the desirability of limiting the duration of the license to one year which Government decided upon for the reasons I have just given. I think in the circumstances there need be no hesitation in accepting the Bill as reported on by the Select Committee, and I hope when we come to consider the Bill in detail the Honourable Mr. SETALVAD will see his way, after the explanations I have given, to agree to what is clearly the opinion of the majority of the Council that the Bill, as reported on, should be given a trial and should not be overladen with detail which might be embarrassing hereafter.

His Excellency the PRESIDENT said:—I think it is very important that, if possible, this Bill should pass with unanimity in this Council, and I do believe at heart every member of this Council is perfectly agreed as to its necessity. I am glad to note that in the Honourable Mr. SETALVAD's speech the honourable member committed himself entirely to this proposition. Points of difference have of course arisen. But they are not serious and have regard to matters rather of form than of substance. It has been suggested, and perhaps this is the principal point of objection, that the Bill does not give security against the possible "back-sliding" of future Governments, and this is a point quite rightly raised here which I hope to be able to dispose of. I think all honourable

members who reflect on the genesis of this Bill must see that such a fear could have no solid foundation. The measures we now propose were taken on the sole initiative of Government; there was no public demand for them, and except for occasional letters on the evils of race-gambling, which have appeared in the papers, I have never found anything which could be regarded as an appeal to Government for legislation on this subject. Even the powerful voice of the Honourable Sir PHEROZESHAH MEHTA, who, I am very sorry to see, is not in his place, has been silent in this connection, and yet as we know, he has a very keen eye for the sins of omission as well as the sins of commission, with which Government may, in his opinion, be charged. The other day I read an extract from a newspaper which said that Government had fallen under the influence of a group of anti-racing fanatics, and that this Bill was the result. Nothing could be farther from the truth. No Government which keeps close touch and watch upon affairs, as I hope this Government does, could fail to become aware of the existence of great and increasing evils connected with racing at Bombay and Poona. Nor could we blind ourselves to the fact that large numbers of individuals and families have been ruined as the results of these evils. But it was only after long consideration and inquiry that we came reluctantly to the conclusion that restrictive measures were needed. This Bill is the result. I think the Honourable Sir IBRAHIM RAHIMTOOLA recognized that the introduction of this Bill came on the initiative pure and simple of the Government and not as the response to any popular demand. Government could not even be certain that it would meet with general approval, and we knew that in some quarters it must encounter opposition. The sequel has justified our action, and since I have been in India I have never seen greater unanimity on any subject than on this action taken by Government. Is it really possible that any future Government would wish to go back on that which has received the stamp of public approval? Unless an entire change arises in the views of this Council, I am certain no Government in future will ever dream of taking such a reactionary step. The Honourable Sir IBRAHIM RAHIMTOOLA has put that point very well. He has shown the difference between the enlarged Council and its predecessors, and, as he has said, a resolution passed with the utmost unanimity of the Council would be all powerful in controlling the back-sliding tendencies of any future Government—if they were possible, which I do not believe.

There are some people, I know, who would go further and abolish the totalisator altogether, but the effect would be, as the Honourable MR. SYMES knows, that all racing would be stopped and Government would greatly regret that. We must all remember that there are a large number of people who never see the inside of a racing enclosure. Many of these people occupy humble positions in life and derive pleasure—and legitimate pleasure—in looking on at a race. I should be very sorry to deprive them of that pleasure. We must not forget the other aspects of racing, while concentrating our attention on what may be called its dark side. As to the use of the totalisator itself, I should like to say a few words. Honourable members who understand the working of this machine must be aware that it has some very considerable advantages. In the first place, by automatically fixing the odds it puts a stop to certain grave evils which have not been altogether absent from Bombay and Poona, and then being a machine, and nothing but a machine, it has no interests of its own to serve and no object in inducing people to come and use it. The person who stakes on the totalisator is not backing his opinion against the opinion of an expert of infinitely greater knowledge

than his own, and who moreover has to recoup his own losses and to make his own livelihood out of the public. That seems to me to be a difference of a vital character between betting in the two forms. And then the transactions are in cash only, and no one can get into debt owing to the totalisator. Lastly it has the advantage that it lends itself perfectly to regulation, because if it were found after experience that it was tending unduly to encourage the gambling spirit, its action could easily be modified. These surely you must all regard as great advantages, and I think it may safely be said that no one is likely to be ruined by the totalisator and that the very sad cases of which Government are aware cannot be repeated. Now these are the reasons which have induced Government to countenance the use of the totalisator subject to such conditions as experience may prove to be necessary. These are also the reasons why its employment was never questioned until the Racing Bill was taken in hand. It may be taken that the public has clearly acquiesced up to the present in the use of the totalisator, and the question to be decided by this Council is simply this: "Will you give Government power to control what has hitherto not been under control?"

The Honourable Mr. SETALVAD has said that he agrees with the necessity for the Bill, and was at first inclined to support Government without misgiving; but he was disappointed at the results our action has ultimately produced. But I must remind him that the intentions of Government were known very long ago. We have never varied or wavered in the steps we originally announced so that the honourable member's disappointment must really be of a rather recent nature.

I welcome the maiden speech of the Honourable Mr. SYMES because it shows that if there were any misunderstandings between Government and the Stewards of the Western India Turf Club in the past, these misunderstandings have been removed and we have now arrived at a working understanding for at least a year. I also welcome his promise that the Stewards of the Western India Turf Club will help us in all measures which may be necessary to be taken to put down outside betting if such betting becomes prevalent. I am sure that in the future we shall continue to work with complete harmony with the Stewards.

I think I have answered most of the objections raised, and hope I have succeeded in removing them. I do not for a moment suggest that this Bill is a perfect Bill—there are very few Bills which are that. But we are asking this Council to take a step in the direct interests of public morality and in order to prevent in the future many sad cases of ruin. Except in the United Kingdom, the control of racing by the Government is universal, and where public interests are concerned, I believe this is a distinctly sound principle. I appeal, therefore, to all Honourable Members, who feel with us that there are evils which must be checked, and who want us to be in the fore-front of all movements for the welfare of the people, to vote unanimously for this Bill.

Bill read a second time. The motion for the second reading of the Bill was put and carried and the Bill was considered clause by clause.

Consideration of the Bill in detail.

Clauses Nos. 1 and 2 were passed without discussion.

The Honourable Mr. C. H. A. HILL said:—Your Excellency, I propose the amendment which stands in my name—"To number clause 3 as clause 3 (*1*)" and "to insert after clause 3 (*1*) so numbered the following, *viz.*, '3 (*2*) The terms of such license shall be

published in the *Bombay Government Gazette*.'" I have already explained that Government have come to this conclusion partly out of deference to wishes expressed in this Council, and partly to show to the general public the action which they are taking in accordance with this Bill.

The amendment was put and carried.

The Honourable Mr. CHIMANLAL H. SETALVAD moved to add after sub-clause (2), clause 4, the following sub-clause:—"Every such license shall contain a condition prohibiting book-makers within the enclosures and other precincts of the race-course and shall also specify the maximum number of meetings that can be held in a year at such race-course."

The Honourable Mr. SETALVAD said:—Your Excellency, I have heard with great attention the speeches made by the various honourable members, including the Honourable Mr. HILL and Your Excellency, and I venture to say with great deference that I have heard nothing to show why what I call the essential conditions of the license should not be introduced in the Bill itself. Everybody seems to be agreed on the point that the book-makers ought to be excluded from the precincts of the race-course. And so says the Honourable Mr. SYMES. He says that the Stewards themselves thought of doing so before Government interfered, and Government say that they intend to do the same thing by the license and add that it would be inconsistent on their part to go back upon their decision. Now, I ask, if that is so, if everybody is agreed that the book-makers ought to be excluded from the turf, if Government think that that is a condition which no Government can conceivably go back upon, if it does not prejudice the interests which we all have at heart, and if it strengthens the hands of Government, where is the harm in introducing it in the Bill? As I have said, I have heard nothing against the proposal which I am now making. It is said:—"Do not hamper Government by inserting details in the Act." I do not ask that any details be inserted in the Bill. All the details will have to be worked out by Government themselves. What I want to insert is not a detail, but a matter of essential principle, which, it is admitted on all hands, is necessary to check the evil.

Similarly, with regard to the number of meetings, what I say is that the license should specify the maximum number of meetings that can be held in a year. My amendment leaves it entirely to the discretion of Government to lay down the number of meetings. I do not restrict it. What I say is that the license shall specify the maximum number. What that number should be may be determined from time to time. All that I seek is that the Bill should lay down the essential conditions and restrictions for the license and that every license should contain those conditions—conditions which, everybody agrees, ought to be laid down, and which, we are assured, will be laid down and which no Government will go back upon. If that is so, I ask again, what is the harm in doing what I suggest?

The Honourable Mr. SIDDHANATH DHONDDEV GARUD said:—Your Excellency, the principal evil which the Bill is intended to remedy and for which the Bill was brought forward is the existence of book-makers, and I submit the introduction of the Bill would hardly be justified if the book-makers would continue to be on the race course. The Bill is principally intended to abolish the book-maker, and if that is the object of the Bill

I say it might be included in the Act. As regards the minor details, namely, the number of race meetings to be held in a year, etc., they might well be left to the discretion of the executive. I was personally not much interested in placing restrictions on the number of race meetings, because after all it is universally admitted that these races have a value of their own. I think if the principal evil of gambling is gone, there should not be any restriction on the races and the Council should refrain from interfering with the discretion of Government in dealing with such matters. I therefore support the first part of the amendment which seeks to make clear the principal object of the measure in the Bill itself; but I cannot agree with the second part of the amendment.

The Honourable Moulvie RAFIUDDIN AHMAD :—May I ask if the honourable mover of the amendment agrees to take off the second part of the amendment as regards the number of race-meetings?

The Honourable Mr. CHIMANLAL H. SETALVAD :—Your Excellency, may I make one suggestion? My amendment contains two provisions—one for the number of race meetings and one for the prohibition of the book-makers. I quite see that there are some members who are for one and not for the other. I suggest that the two parts of the amendment be put separately.

His Excellency the PRESIDENT :—Very well.

The Honourable Mr. C. H. A. HILL said :—Your Excellency,—I think I cannot have been sufficiently clear as to the reasons which actuated Government in objecting to the inclusion of the details contained in the proposed amendment in the Bill now under consideration. It is not the case, as the Honourable Mr. GARUD appears to conceive, that the principal object of the Bill is the removal of book-makers from the race-course. The principal object is to bring the race-courses of the Presidency under regulation by the Executive Government. And as I explained in my previous remarks there is absolutely no precedent except in the Electricity Act for the insertion in the body of an enactment by the legislature of the conditions which must be included in a license. This, of all enactments, is not an Act, in which it is desirable to establish such a precedent, and Government are reluctant to accept this amendment Another point to which I have alluded before is that this, as a pioneer effort, may form the model for racing legislation in other parts of India, and if so it is quite conceivable that a measure introduced, say in Bengal, might, in the view of the Executive Government there, not be analogous with our Act, and it would be exceedingly undesirable, when similar conditions for racing obtain all over India, that there should be one Act in Bombay and another in Bengal with conditions not perhaps contradictory, but at all events divergent. For these reasons, and for those which Your Excellency has given, Government are reluctant to insert any more details in the Bill than have already been put in.

His Excellency the PRESIDENT said :—I quite admit that there is a certain amount of plausibility in what the Honourable Mr. SETALVAD has said. He claims that we are nearly all agreed that book-makers should be abolished, and asks why we should not put it in the Act, and have done with it. That seems very simple and natural, but there are very considerable difficulties in the way of taking such a course. It would entirely change the character of the Bill, which we have been empowered by the Secretary of State to bring before the Council. It is not a Bill, as it now stands, for the control

of gambling on horse-racing, but it is a Bill for bringing everything connected with racing under the control of Government. Between the two propositions there is a vital difference, and it may be that our Bill would be in danger of being wrecked, if we changed its whole character as is proposed by the Honourable Mr. SETALVAD. As to the second part of his amendment, I think that is open to objection. We have agreed on this occasion that the maximum number of days on which racing shall be held, shall be thirty, but in some future year it may appear desirable that it should be thirty-one. We cannot tell, this question being so largely experimental. Surely it would be undesirable and clumsy that we should have to go before the Council, if we wanted to add this one day's racing for one license. For these reasons, which, I can assure you, are more weighty than perhaps the honourable member knows, Government must strongly oppose these two amendments.

The Honourable Mr. SETALVAD :—Will Your Excellency allow me to reply ?

His Excellency the PRESIDENT :—Yes. I regret that I forgot to call upon you.

The Honourable Mr. CHIMANLAL H. SETALVAD, replying, said :—Your Excellency,—I am afraid my honourable friend Mr. HILL did not quite grasp what my honourable friend Mr. GABUD said. The Honourable Mr. GABUD quite understands what the principal object of the Bill is, which is, as stated by the Honourable Mr. HILL, to regulate horse-racing in the Bombay Presidency. But what he pointed out was that it was felt and recognised that the racing-bill was rendered necessary on account of the book-makers, and that the essential condition should be put in the Bill itself in order that the measure may be effective. Then the Honourable Mr. HILL repeated what he said before :—"Do not hamper the progress of the Bill by any details." I venture to submit that this is not a detail, but is a matter of essential condition. I am quite willing that all other details might be left to the discretion of Government. But here is an essential condition by the carrying out of which you can effect what you want to effect, and therefore it must form part of the Bill. Then it is said that this is a pioneer Bill which Governments of other provinces may like to follow. I ask, is that a consideration why we should model our Bill in a way so that it may be useful to other provinces ? Cannot the other provinces be left to legislate in the matter according as their own exigencies and circumstances may require ?

With regard to the number of race-meetings to be held in a year, Your Excellency said that it may happen that in some year it may be found necessary to hold more meetings than the number fixed, and if my amendment were carried it would become necessary for Government to come to the Council to get the number changed, and that would make the process a very cumbrous one. But if Your Excellency will look at the wording of my amendment you will find that it asks that the license should specify the maximum number of meetings that can be held in a year. So that in a particular year if Government think that more than the maximum number of meetings should be held, they can do that by changing the number in the license itself without coming to the Council at all. Supposing the maximum number of meetings is fixed at 30 in the year 1913, and in 1914 the number is to be increased to 31 or more, you can do so by merely changing the number in the license without coming to the Council.

The first part of the amendment was put to the vote and lost.

The Honourable Mr. CHIMANLAL H. SETALVAD asked for a division, with the following result:—

Ayes.

The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.

The Honourable Mr. Gulam Muhammad walad Khán Bahádur Wali Muhammad Bhurgri, Bar.-at-Law.

The Honourable Sardár Ráo Bahádur Motilal Chunilal.

The Honourable Mr. Siddhanath Dhonddev Garud.

The Honourable Mr. Raghunath Pandurang Karandikar.

The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.

The Honourable Ráo Bahádur Shriniwas Konher Rodda.

The Honourable Mr. Chimanlal Harilal Setalvad, LL.B.

The Honourable Mr. Harchandrai Vishindas, LL.B.

Noes.

His Excellency the President.

The Honourable Sir Richard Amphlett Lamb, K.C.S.I., C.I.E.

The Honourable Mr. Mahadev Bhaskar Chaubal, C.S.I.

The Honourable Mr. Claude Hamilton Archer Hill, C.S.I., C.I.E.

The Honourable Moulvie Rafiuddin Ahmad, Bar.-at-Law.

The Honourable Mr. George Seymour Curtis, C.S.I.

The Honourable Sardár Purushottamdas Viharidas Desai.

The Honourable Mr. Fazulbhoy Currimbhoy Ebrahim.

The Honourable Sardár Syed Ali El Edroos.

The Honourable Sardár Naharsinghji Ishwarsinghji, Thákor of Amod.

The Honourable Lieutenant-Colonel J. Jackson, M.B., I. M. S.

The Honourable Sardár Shambhusing Amarsing Jadhavrav, Ráje of Málegaon.

The Honourable Mr. W. H. Lucas.

The Honourable Mr. Lalubhai Samaldas Mehta.

The Honourable Mr. G. P. Millett.

The Honourable Sardár Ráo Bahádur Yashavantrav Trimbak Mirikar.

The Honourable Sardár Dávar Kaikhosro Edalji Modi.

The Honourable Dr. Temulji Bhikaji Nariman, L.M., F.R.M.S. (London).

The Honourable Mr. J. P. Orr, C.S.I.

The Honourable Mr. Abdul Husein Adamjee Peerbhoy.

Ayes.	Noes.
	The Honourable Mr. F. G. Pratt.
	The Honourable Mr. R. D. Prior.
	The Honourable Sir Henry E. E. Procter, Kt.
	The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.
	The Honourable Mr. Manmohandas Ramji.
	The Honourable Mr. Marshall F. Reid, C.I.E.
	The Honourable Khán Bahádur Syed Alahando Yusif Shah.
	The Honourable Mr. W. D. Sheppard, C.I.E.
	The Honourable Surgeon-General H. W. Stevenson, I. M. S.
	The Honourable Mr. W. C. Symes.
	The Honourable Khán Bahádur Nowrojee Pestonji Vakil, C.I.E.

This part of the amendment was accordingly lost by 9 votes to 31.

The second part of the amendment was then put and lost.

The Honourable Mr. CHIMANLAL H. SETALVAD next moved to add after sub-clause (*2*), the following sub-clause:—"It shall be lawful for the Governor in Council, notwithstanding any existing law regarding the Prevention of Gambling, to permit by such license the use of totalisators at such race-course."

He said:—Your Excellency,—With regard to this amendment, I understand that Government intend to permit under the license the use of totalisators at race-courses. The question I raise is essentially a legal one. The totalisators under the existing law are instruments of gaming and are not permissible. The question then is, whether it is legal for Government to permit the use of totalisators when the law does not permit it. Under the law, as it stands, it would not be legal for Government to permit by license to do something which is not according to law. I therefore say that Government should put themselves right in law by taking power under the Act to allow the use of totalisators by the license. I am not against permission being given for the use of totalisators, but it is only right that Government should give such permission after putting themselves right in law.

The Honourable Ráo Bahádur SHRINIWAS K. RODDA:—I would rather oppose this amendment. There may be some technical difficulties as suggested by the Honourable Mr. SETALVAD in the way of making a thing legal which is not legal. But I think if at any time in future we find that the totalisators are as bad as the bookmakers, then we can proceed under the Gambling Act to prevent their use. It would be better to leave this point as it is.

The Honourable Moulvie RAFIUDDIN AHMAD:—With due respect to the legal knowledge of the mover of the amendment I beg to state that this Bill as it stands has already been seen by the Law Member of the Viceroy's Council and by the Secretary of State, and had this provision been really illegal, I do not think they would have sanctioned it. I feel rather diffident about the matter.

The Honourable Mr. CHIMANLAL H. SETALVAD:—I should like to say one word as to what has fallen from the Honourable Moulvie RAFIUDDIN. He says the Law Member of the Viceroy's Council must have seen this Bill, and had it been illegal he would not have allowed it. I do not know what was placed before the Law Member of the Viceroy's Council, and whether he knew that totalisators were to be allowed. But whatever may be the view of the Law Member, I say that according to the decided cases both here and in England totalisators are instruments of gaming, and I think Government should put themselves right in law by providing in the manner I suggest.

The Honourable Mr. C. H. A. HILL said:—Your Excellency,—I entirely sympathise with the attitude taken up by the mover of the amendments from the legal point of view, but I would point out that the difficulty is, as stated by the Honourable Mr. RODDA, that we do not want to put in anything which may have to come out. The point is that to legalise the totalisator now would be to modify the substantive law and to affect the provisions of the Gambling Act to a certain extent. On the whole it seems preferable to perpetuate a technical illegality rather than to insert in the Bill a detail which hereafter conceivably may have to come out.

His Excellency the PRESIDENT:—I think the consciences of Honourable Members need not be disturbed by the alleged defect in this Bill. After all, the only question we are here to consider is this:—"Shall the totalisators go on, as they have hitherto gone on, or shall they be brought under the control of Government?" This is really the only question we are asked to decide today. Therefore, although I can quite see the point raised by the Honourable Mr. SETALVAD, I am strongly opposed to the amendment.

The amendment was then put and lost.

His Excellency the PRESIDENT:—Perhaps you do not wish to move your last amendment, Mr. SETALVAD?

The Honourable Mr. SETALVAD:—No, it is already provided for by the amendment of the Honourable Mr. HILL.

Clause 4 was then carried.

Other clauses of the Bill and the preamble were then put to the vote and carried.

The Honourable Mr. C. H. A. HILL said:—Your Excellency,—I now beg to move that the Bill which we have just discussed in detail be read a third time. I do not think it is necessary to go again at length into the arguments for the Bill, or for or against the various suggestions which have been made for its alteration. I think the Honourable Sir PHEROZESHAH MEHTA and the Honourable Mr. SETALVAD may rest assured that the Government have at heart, as much as they have, the desirability of assisting the Stewards of the Western India Turf Club in the regulation of everything which will be licensed under this Act; and that Government are determined, in respect to the details of the licenses, that the principles which have been generally discussed and accepted today shall be acted upon, unless some such violent change shall occur in the condition of social life

generally as cannot be foreseen at present and need not, therefore, be discussed. I think under the circumstances I need say no more, and I move that the Bill to provide for the licensing of race-courses in the Bombay Presidency be read a third time.

His Excellency the PRESIDENT said :—I think the discussion we have had has been eminently satisfactory. It must be said, I think, that every point of objection has been brought out and answered satisfactorily. I am glad to think that we are coming practically to a unanimous opinion. We are all united on the principle of the Bill, and even if we are a little divided regarding some of the details we can unite in passing the third reading of this Bill in the belief that it will raise the standard of the morality of the race-course and will prevent some of the evils of which we are all too painfully aware.

Bill read a third time and passed.

The Bill was then read a third time and passed.

His Excellency the PRESIDENT :—The Council will now adjourn until a quarter to three, and I hope Honourable Members will do me the honour of lunching with me.

BILL No. II OF 1912 (A BILL FURTHER TO AMEND THE BOMBAY LAND-REVENUE CODE, 1879).

When the Council re-assembled after lunch the Honourable Sir RICHARD LAMB moved the second reading of the Bill further to amend the Bombay Land-Revenue Code, 1879.

The Honourable Sir RICHARD LAMB said :—Your Excellency,—I have the honour to move the second reading of this Bill* as amended by the Select Committee. In moving the first reading of the Bill I indicated to the Council that we were quite prepared to consider further the period which was suggested in the Bill as laid before the Council at the first reading. The Select Committee carefully considered the point as to the period which should be allowed, and the conclusion which they arrived at is embodied in the Bill now before the Council. I see there are amendments regarding the period which the Honourable Mr. BELVI proposes to move, and anything I may have to say on those amendments must be deferred until after they have been moved. As to the Bill in its present form, I have nothing further to say, and I move that the Bill be read a second time.

The Honourable Sir RICHARD A. LAMB moves the second reading of the Bill further to amend the Bombay Land-Revenue Code, 1879.

His Excellency the PRESIDENT (after a pause) :—As no Honourable Member appears to speak to the second reading I will put the second reading to the Council.

Bill read a second time.

The Bill was then read a second time and thereafter considered clause by clause.

Consideration of the Bill in detail.

The Honourable Mr. DATTATRAYA VENKATESH BELVI moved an amendment to substitute "three years" for "one year" in sub-section (3) of section 37, clause 1.

He said :—Your Excellency,—I am glad to see that the Select Committee to which the Bill was referred for consideration was pleased to accept the suggestion

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* The report of the Select Committee and the Bill as amended were published in the *Bombay Government Gazette*, Part VII, on the 11th April 1912.

made by the Honourable Sardár Dávar Modi and myself to the effect that the starting point of limitation should be, not the order of the Deputy Collector or Collector, but the order of the final appellate authority. I am thankful to the Select Committee for this small mercy, but I am sorry to say that it has not seen its way to extend the period of limitation from one year to three years or a still longer period during which the man, who is aggrieved by the order of the Collector or his subordinate, has to institute a suit to impugn the correctness of the order by which he is affected. Now, Your Excellency, I submit, as I said at the last sessions of this Council, that it is very hard on a poor cultivator to be forced to bring a suit against a powerful opponent like Government in such a short space of time as one year. My contention is that in matters of law there should be as far as possible an equality of terms between the parties irrespective of the position they occupy. This Council is well aware that the State enjoys in all suits a period of limitation of sixty years. Article 149 of the Indian Limitation Act lays it down that the Secretary of State can bring a suit within sixty years, and the law says that it makes no distinction whatsoever as regards the nature of the suit which is brought in the name of the Secretary of State or on his behalf. That is to say, a suit can be brought in the name of the Secretary of State within sixty years not only for immoveable but also for moveable property. The Secretary of State is assisted by a large number of well trained officers—village officers, circle inspectors, mámlatdárs, Collectors and Revenue Commissioners. He has unlimited financial resources at his command and has highly trained experts in law to advise him. And with all these advantages the State has been given this period of sixty years to institute a suit of even the simplest nature. Coming to private persons, we find that one person can sue another within a period of twelve years, for immoveable property. But under the present Bill, when a private person has to bring a suit against the State he has to do so in one year only. In other words, he is deprived of the privilege which he enjoys when suing a private party. The Select Committee has apparently lost sight of the fact that a private suitor has to fulfil certain conditions before instituting a suit against Government. Section 80 of the Civil Procedure Code makes it compulsory for a man to give two months' notice to the Secretary of State before he brings a suit against him, and in the case of an agriculturist—and in most of the cases which will arise out of the amendment of the Land-Revenue Code the suitors will be from among the agricultural classes—he has also to apply to the conciliator for a certificate under the Dekkhan Agriculturists' Relief Act. Thus, while the Select Committee gives the private suitor a period of twelve months on the one hand, a considerable part of it is taken away by the law on the other. For the law says that unless the plaintiff makes a declaration in the plaint that he has given the Secretary of State a notice as required by law and unless he produces a Conciliator's certificate his plaint will not be received by the judge.

The only argument that has been advanced against my amendment is that the law has been the same ever since the time the Land-Revenue Code was passed. But I submit that, now that the provisions of the Act are to be re-cast, it is necessary to see whether this is a reasonable period of time to give to illiterate people in the mofussil to vindicate their rights against the State. As I understand them, these amendments of the Land-Revenue Code will chiefly affect the rural population, and we can easily imagine the difficulties of people living in villages when we remember that in most cases there

are no public measurements of houses or of roads, no surveys, and no maps to show the title of the poor people. Now, as we know, there are very few villages in India which are not torn by a factious spirit it is quite possible for a member of one faction to make a false report to a mámlatdár that a man belonging to the rival faction has encroached upon Government ground, and in the absence of unimpeachable documentary evidence the oral evidence of the informant is likely to affect prejudicially the interests of the claimant. I submit that considering these difficulties, the period of limitation may be extended from one to three years, which is the period of limitation allowed under Article 47 of the Indian Limitation Act. I need hardly tell the Council that a poor man living in a village will always find it very difficult to launch a suit against Government. In the first place, he has to raise money to embark upon litigation; secondly, he has to obtain legal advice; and thirdly, he has to collect evidence to prove his title. To do all this, I submit, a period of three years is absolutely necessary to him. In this respect the State enjoys very great advantages compared with the private individual. I do admit the principle that the State should enjoy special privileges but that does not mean that the State is everything and the private individual is nothing. Considering that a large proportion of the village population is illiterate I think it is reasonable that they should be given sufficiently long time to prove their claims as against Government. I therefore move that the period of limitation be extended from one year to three years.

The Honourable Mr. R. P. KARANDIKAR said:—Your Excellency,—I rise to support the proposal put forward by my Honourable friend Mr. BELVI. I have always looked upon these limitations as being in a manner arbitrary, whether a limitation is fixed by a Rule or provided for by a Code. It may not be necessary to lay down a particular standard for all those periods of limitation, but there should be certain considerations which should weigh with Government in fixing them. In this case as in the case of limitation generally, I think one year should be the period in cases where there has been some sort of judicial inquiry. In the case of an inquiry contemplated by clause 1 of this Bill I am not inclined to think that it is in any way a judicial inquiry, remembering the fact that it may often happen that when the Secretary of State is sued he is represented by the Collector or his subordinate who passes the order; and in such cases one year's limitation ought not to be fixed, I submit that the reasons advanced by the Honourable Mr. BELVI are strong enough and should justify the legislature in giving a longer period than one year. I think three years is the proper period.

The Honourable Ráo Bahádur SHESHNIWAS K. RODDA said:—Your Excellency,—I was in the Select Committee and I have carefully considered the provisions in the Bill. It was urged by me that a speedy action should be taken in regard to any dispute between the Government and the ryots. As I had remarked on the former occasion, when the contest is between two parties the one of which is strong and the other weak, the result is generally detrimental to the interests of the poor party. But so far as the present Act is concerned, the Honourable Mr. BELVI has not shown any reasons why the limitations should be extended to three years. No injustice has been so far done to any party such being the case it was not right to keep the matter in suspense for three years. Justice should be speedy and it should be justice in itself. There were no cases of large tracts of land or Inam land being encroached upon. It concerned only small plots of land which had been encroached upon for the sake of convenience and in disregard of sanitary and other conditions: and in such case delay was more injurious than the benefit

derived from three years' limitation. There was one full year given in which to appeal. I think one year's time after the copies of decisions and official orders have been obtained is quite sufficient. I beg to oppose the amendment proposed by the Honourable Mr. BELVI and seconded by the Honourable Mr. KABANDIKAR.

The Honourable Sardar DAVAR KAIKHOSRO E. MODI said :—Your Excellency,—I do not wish to object to the limit of one year's time in which to file a suit, but I beg to point out the difficulty caused by the words "due notice". A notice in the *Government Gazette* is considered quite sufficient, but I am afraid there are not very many people who read all these notifications, and this is a hardship on parties concerned. I will give one instance of what happened in Surat. There was a piece of land in the city and its owner resided in Bombay. The land was transferred to the name of his wife. The Municipal assessment was paid in the name of the wife and receipts were passed in her name by the Municipal authorities. The name of the lady was regularly entered as owner in the Municipal books. A notification was published in the *Government Gazette* that the land was required under the Land Acquisition Act for the street improvement scheme. A Hindu, who was in no way connected with that land came forward, and an arrangement was arrived at between him and the Chief Municipal Officer, by which the former got Rs. 100 as the price of the land which was paid from the Mamlatdar's Kutcheri. This came to the knowledge of the lady's agent in Surat and a petition was made on her behalf, stating that the Municipal Chief Officer had no right to negotiate with an unknown Hindu for the purchase of the land belonging to her. No notice was taken of the petition by the Municipal authorities and the matter went up to the Collector, who decided that the value of the land should be repaid to the Mamlatdar's Kutcheri for being handed over to the real owner. The lady declined to receive the money as the price of the land was worth much more than Rs. 100, but the Municipal officer having valued it at Rs. 100, the Collector sanctioned the amount. An appeal was made to the Commissioner, who gave a stereotyped reply that the land was acquired under the Land Acquisition Act, and that its value was assessed at Rs. 100. The Parsi lady claimed a fresh investigation as to the value of the land. She was advised to go to a Court of law, but she did not care to do so, as she knew that after such a decision, it was difficult for her to obtain a redress of her grievance. I think it is advisable to make enquiry and investigation as to the proper party, and registered notices should be served upon them and no action should be taken before a reply is issued. Whether you fix a one year's or three year's period, the real question is that Government officers may be transferred or they may not be on the spot and the Commissioner may be quite ignorant of the merits of the case, and therefore it is a good reason for shortening the period of limitation. That is at the bottom of the amendment of the Act. Due enquiry was to be made after due notice has been served upon the party concerned. I am against the subordinate officers being empowered with the serving of the notices. Even a carefully worded Act is sometimes overlooked by those who are responsible and they carry out the orders in a high-handed manner. Only the Collectors and Assistant Collectors or officers of the rank of the Deputy Collectors should be entrusted with such high offices. It should not be left to the Chief officer of the Municipality to serve due notices. I agree with Mr. RODDA that one year, after the enquiry is made, is sufficient for the preparation of a case for Civil Court. I am therefore not doubtful whether I shall agree to the proposition of the extension of the time to three years.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD said:—Your Excellency,—I am afraid I do not find myself in accord with my Honourable friend Mr. BELVI. The point was considered in the Select Committee, and it was found that the general provision of the Limitation Act provides only one year for the suits against the orders of the revenue officers and the recommendation of the Select Committee was made in conformity with the general Act. Of course, it is quite a different matter where the Limitation Act allows special limitation in a special case. But where no special case is made out, I think it is better in the interests of all to follow the general law of the land. For these reasons I oppose the amendment.

The Honourable Sardar Râo Bahâdur MOTILAL CHUNILAL said:—Your Excellency,—I am unable to support the Honourable Mr. BELVI's proposal to extend the period of limitation from one year to three years. It was fixed by the Select Committee after due deliberation. The main reason advanced by the Honourable Mr. BELVI, in support of his motion to extend the period is that the ryot is a weak party as against Government and that the former requires more time to collect evidence and place his case in the hands of the lawyer. I beg to submit that the ryot must be already in possession of his evidence when the matter is decided by the Collector and the Commissioner on appeal and the Government on special appeal. He has scarcely anything to do in connection therewith. If he has a real claim, it is much better that he should go to the Civil Court as quickly as possible and obtain its decision instead of remaining in suspense.

The Honourable Mr. DATTATRAYA V. BELVI, in reply, said:—Your Excellency,—In the course of the discussion I have found that some of my Honourable colleagues do not look at the amendment from the standpoint from which I look at it. It seems to me that my Honourable friend Mr. RODDA was with me so far as the line of his reasoning was concerned, but his conclusion was strangely against me. He said that the Government pleader is always ready with his case, but I fail to understand how from that premise he has drawn the conclusion that the opposite party is also ready. My contention is that the man, who is aggrieved, is not ready. It is said that one year's time is sufficient for a pleader to get up a case. This may be true but the point is that a pleader's services are not available to the aggrieved cultivator owing to lack of means to retain a pleader.

My Honourable friend Mr. RODDA urges that it is not right to keep the ryot in suspense for a long time. He says that the man should be given the right to impugn the legality of the order of the final revenue authority, but he should not be kept in suspense for more than one year. But if that line of reasoning is pushed to its logical conclusion, it comes to this that the man should not be allowed any period of limitation at all, for why should he be kept in suspense for a single day after the decision of the matter by the final executive authority? My Honourable friend then says that delay would be dangerous to the man himself. I do not see how delay can be dangerous to an aggrieved party who requires time to raise money from the sowcar and to collect evidence before entering upon litigation with the State.

As to the question raised by my Honourable friend Sardar DAVAR K. MODI about serving due notice, I think from the long story he gave us of a case at Surat that he was labouring under a misapprehension. He was evidently referring to the Land Acquisition Act, while we are dealing with the Bombay Land-Revenue Code. Section 191 of the Land-

Revenue Code provides as to how service of notice is to be secured. It runs as follows: [Reads.] This section means that the service of notice should be effected on the man himself, and if that cannot be done the notice should be put up on a prominent part of the property of the party affected. While on this question of notice I may point out that the same Select Committee, that considered the Bill to amend the District Municipal Act also, wishes to depart from the procedure adopted by the Bombay Land Revenue Code and to empower Government under that amending Act to frame special rules so far as the service of notice is concerned. But returning to the present Bill it seems to me that the reasons advanced by the Honourable SARDAR DAVAR K. MODI are very good reasons for extending the period of limitation. It is possible that a man may have property in Bombay and may live in Dhárwár, and yet without his knowledge a notice may be put up on his property in Bombay and he may not know of it for a year, which is the period of limitation now proposed by the Select Committee. In such a case a suit filed by him would be time-barred. The Council must remember that in the case of suits the Court has no right of extending the period of limitation, if it finds that a suit has not been instituted within time. In the case of an appeal or application for a review of judgment or for leave to appeal the Court has power to extend the period of limitation, but this power cannot be extended to suits. As to my honourable friend's remarks about "incompetent" Chief Officers, I submit a discussion of that kind is wholly irrelevant to the Bill under consideration.

I shall now deal with the remarks of another honourable gentleman, who was a member of the Select Committee—I mean my honourable friend Mr. GARUD. He says, "You had better adhere to the general law of the land." If so, I ask, why do you amend sections 47 and 149 of the Land Revenue Code at all? Either let the law remain as it stands and drop the Bill, or consider this amendment in a fair manner. If you think that it affects a large number of people in villages, you should consider whether it would not be in the interests of justice to give people, who will be affected by the orders of the Collector, more time to sue for their civil rights.

It is but natural to expect members of the Select Committee to adhere to their opinion. Another member of the Select Committee—the Honourable SARDAR MOTILAL—says that ordinarily a revenue officer is quite competent to deal with cases of this character. My honourable friend will excuse me when I say that revenue officers are not as a rule as well versed in law as judicial officers. We know that revenue officers include survey officers also, and is it seriously urged that they understand and can administer the law of evidence in the same manner as a judge of the Civil Court can do? Then it is said that the larger the number of his subordinates the longer is the time the Collector takes to get notice of encroachments. It is difficult to follow this argument. The argument seems to be that because the Collector has a large number of subordinates, and as the notice of encroachment has to pass through their hands, it reaches the Collector very late. If that be so, the obvious and simple remedy is to reduce the number of subordinates so that the Collector may get the notice of encroachment as soon as possible.

In concluding my remarks I earnestly appeal to the Council to extend the period of time in favour of the illiterate rural population of this Presidency. I venture to submit that no adequate reasons have been given against my amendment. The only argument that is forthcoming against my amendment is that this period of limitation has been

there ever since 1879. But that is no reason why it should be continued, now that we are amending the law to strengthen the hands of officers in the revenue department.

The Honourable Sardár Davar K. E. Modi :—Your Excellency,—I beg leave to make an explanation regarding what I said about the Land Acquisition Act. Section 37 (2) of the Land-Revenue Code as now amended states : [Reads : "Where any property &c."] It means that the claim is to be published in the *Bombay Government Gazette*, whereas under the Land Acquisition Act—

The Honourable Mr. Setalvad :—Your Excellency,—I rise to a point of order. I submit the honourable member is not entitled to make a second speech.

The Honourable Sardár Modi :—I am explaining the points regarding the Land Acquisition Act.

His Excellency the President :—I think you are quite off the line. We are now discussing the amendment as to the term of years, whether it should be one year or three years. I think what you are saying now is quite irrelevant.

The Honourable Sir Richard Lamb said :—Your Excellency,—I am afraid I cannot accept the amendment moved by the Honourable Mr. Belvi. Touching first on the point raised by the Honourable Sardar Davar K. E. Modi, I wish to agree with Your Excellency that his remarks have been entirely irrelevant to the subject. This is an amendment on sub-clause (2) of clause 1 of the Bill, and his remarks were almost entirely directed to sub-clause (4) of clause 1 of the Bill. The point he was discussing was with regard to the difficulty about notice, and that has nothing whatever to do with the question whether the period after the order of the Collector should be one year or three years. However, I should like to re-assure him on the question of notice—also being irrelevant for a little time myself—and to point out that section 191 of the Code lays down definite instructions as to how a notice should be served, and this clause to which he refers is made with the object of providing that the service of a notice shall be more definite, more exact, and more accurate than is laid down in section 191 of the Code. The object of this clause is even greater accuracy and certainty of service of the notice than is provided by section 191.

As regards the amendment before the Council, I think it should be borne in mind that the Bill itself is merely a repealing of section 135, and its re-enactment embodied in the two sections to which it refers. Section 135 is repealed by clause 3 of the Bill, and its active provisions are re-enacted in the two sections to which it refers—sections 137 and 129. In section 135 the period laid down is one year. [Reads.] It is laid down that the period shall be one year from the date of the order, and that law has been in force for the last 33 years. We propose to re-enact it in the two sections—137 and 129—re-enacting it in such a way as to make clear and definite what the application of the provision is. In Select Committee we have extended the period by making the year run, not from the date of the order, but from the date of the final order which may be made on appeal from the original order. We are dealing with a law which has been in force for 33 years, and if the Honourable Mr. Belvi had produced any definite, concrete instance or case in which during the last 33 years or so this one year period had worked disadvantageously to the claimant we should have been justified in considering whether a period of a year was sufficient or not, but he has failed to do so. Surely if this period was going to work hardly it would have done so in the last 33 years during which

section 135 has been in force. Therefore, Sir, the Select Committee have made quite sufficient provision for the time in which a civil suit can be brought. The man affected has quite a considerable time before any order is passed during which he can collect the materials bearing on his claim. It does not seem to me there is any need for more than one year subsequent to the passing of the final order in which a man may get together all the further material necessary for filing his suit. I think, therefore, that the amendment should be rejected.

The amendment was then put to the vote and declared to have been lost.

The Honourable Mr. BELVI demanded a poll with the following result :—

Ayes.	Noes.
The Honourable Moulvie Rafiuddin Ahmad.	His Excellency the President.
The Honourable Mr. Dattatraya V. Belvi.	The Honourable Sir Richard Lamb.
The Honourable Mr. G. M. Bhurgri.	The Honourable Mr. M. B. Chaubal.
The Honourable Sardár Syed Ali El Edroos.	The Honourable Mr. C. H. A. Hill.
The Honourable Sardár Naharsinghji Ishwarsinghji, Thákor of Ámod.	The Honourable Sardar Ráo Bahádur Motilal Chunilal.
The Honourable Mr. Raghunath P. Karandikar.	The Honourable Mr. G. S. Curtis.
	The Honourable Sardár Purshottamdas Vitharidas Desai.
	The Honourable Mr. Fazulbhoy Currimbhoy.
	The Honourable Mr. Siddhanath Dhonddev Garud.
	The Honourable Lieutenant-Colonel J. Jackson.
	The Honourable Mr. W. H. Lucas.
	The Honourable Mr. Lalubhai Samaldas Mehta.
	The Honourable Mr. G. P. Millett.
	The Honourable Sardár Ráo Bahádur Y. T. Mirikar.
	The Honourable Sardár Dávar Kaikhosro E. Modi.
	The Honourable Dr. T. B. Nariman.
	The Honourable Mr. J. P. Orr.
	The Honourable Mr. Gokuldas K. Parekh.
	The Honourable Mr. Abdul Husein Adamji Peerbhoy.
	The Honourable Mr. F. G. Pratt.

Ayes.

Noes.

The Honourable Mr. R. D. Prior.
The Honourable Sir Henry E. E. Procter.
The Honourable Sir Ibrahim Rahimtoola.
The Honourable Mr. Manmohandas Ramji.
The Honourable Mr. Marshall F. Reid.
The Honourable Ráo Bahádur S. K. Rodda.
The Honourable Mr. C. H. Setalvad.
The Honourable Khán Bahádur Syed A. Y. Shah.
The Honourable Mr. W. D. Sheppard.
The Honourable Surgeon-General H. W. Stevenson.
The Honourable Mr. W. C. Symes.
The Honourable Khán Bahádur Nowrojee P. Vakil.
The Honourable Mr. Harchandrai Vishindas.

The amendment was accordingly lost by 6 votes to 33.

While the division was being taken,

The Honourable Moulvie RAFIUDDIN AHMAD said:—Your Excellency, I ask your ruling on a point which is in dispute. It is whether the mover of an amendment or a member of Government has a right to reply at the end of the debate. This appears to be not quite clear. In the Imperial Legislative Council the mover of the amendment has a right to reply.

His Excellency the PRESIDENT:—I have always given the mover of an amendment the right to reply and the member in charge of a Bill the last word; and that is always done. The Rule says: [Reads.]

Clause 1 was then agreed to.

The Honourable Mr. BELVI withdrew his amendment on clause 2, which was also carried.

Bill read a third time and passed.

On the motion of the Honourable Sir RICHARD LAMB the Bill was then read a third time and passed.

BILL No. I of 1912 (A BILL FURTHER TO AMEND THE BOMBAY DISTRICT MUNICIPAL ACT, 1901).

The Honourable Mr. M. B. CHAUBAL said:—Your Excellency, I beg to move that the Bill* further to amend the Bombay District Municipal Act, 1901, as amended by the Select Committee, be read a second time.

The Honourable Mr. M. B. CHAUBAL moves the second reading of the Bill further to amend the Bombay District Municipal Act, 1901.

In the discussion of this Bill in Council at its first reading the hardship and inconvenience to the suitor who had to launch a suit in the Civil Court within a year from the date of the original order, while his appeal to the higher revenue authorities was still pending and undecided, were referred to. The Select Committee have, on a careful consideration of the proposal, decided to adopt it by providing that the prescribed period of limitation should run from the date of the order passed by the final appellate authority.

I see that the Honourable Mr. BELVI has given notice of an amendment which, if accepted, would make the period of limitation two years instead of one: but I cannot accept it, as it is not calculated to promote diligence, nor do I see any occasion for disturbing a period of limitation which has been on the statute book since 1871. The point was considered in the Select Committee, and it concluded that when the Bill provides for due notice of the original inquiry to the parties affected, such extension of the period would, if anything, mean direct encouragement to supineness.

For these reasons I propose that the Bill as amended by the Select Committee be read a second time.

The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR said:—Your Excellency, I rise with a certain amount of diffidence as I will presently explain. As the District Municipal Act is under amendment I took the opportunity of putting a question whether, in view of the fact that various Municipalities in the different divisions suffered inconvenience owing to the inadequacy of the provisions of the law in respect of recovery of their dues, it was possible to include any further amendment in the Bill. I understand from the answer given that it is contemplated to amend sections 83 and 84 of the District Municipal Act. As I am not quite certain as to the procedure to be adopted, I ask the honourable member in charge of the Bill if it is possible to include any amendment in the Bill as indicated in the answer given to my question. The question and the answer are as follow: [Reads.] It is time, I submit, that the amendment may be incorporated in the amending Bill unless it is extremely inconvenient for Government to postpone the present measure.

The Honourable Mr. CHAUBAL said:—Your Excellency, as regards the observations made by the Honourable Mr. KARANDIKAR I may remind him of what I said at the first reading of this Bill, *viz.*, that this measure was a necessary corollary to the Bill further to amend the Land-Revenue Code which has just been passed. I may assure the honourable member that no less than about a dozen amendments in the District Municipal Act are under contemplation. I have explained why the other amendments cannot be taken up unless you postpone the amendment of the Land-Revenue Code. As a matter of fact this

* The report of the Select Committee and the Bill as amended were published in the *Bombay Government Gazette*, Part VII, on the 11th April 1912.

Bill is entirely confined to those provisions in the District Municipal Act which bear on the corresponding amendments which are just now passed in connection with the Land-Revenue Code. The reply to which the honourable member refers tells him in sufficiently clear terms that there are other amendments on the anvil along with these which await introduction; but that is no reason why further progress of this Bill be in any way hampered.

Bill read a second time. Consideration of the Bill in detail.

The motion for the second reading of the Bill was carried. The Bill was then considered clause by clause.

The Honourable Mr. DATTATRAYA VENKATESH BELVI, who had given notice of an amendment to substitute "two years" for "one year" in sub-section (2) of new section 50-A, in clause 1, said:—Your Excellency, the reasons which I gave in support of my amendment in regard to the Bill to amend the Land-Revenue Code apply to my amendment to this Bill also. I have myself made a distinction in the case of the Municipal Act by proposing a limit of two years because people living in Municipal towns are more educated than people living in villages, for whom I suggested a term of three years. But as it seems to me that the Council is not in a mood to listen to me I see no good in pressing my amendment. I therefore beg to withdraw it.

Bill read a third time and passed.

The Bill having been read clause by clause, the Honourable Mr. CHAUBAL moved that it be read a third time and passed into law. The motion was carried.

BILL No. II OF 1911 (A BILL FOR THE REGISTRATION OF CHARITIES).

The Honourable Sir IBRAHIM RAHIMTOOLA said:—Your Excellency, on the present occasion I have heard from the Legal Remembrancer and not from the Secretary to the Legislative Council that the Government of India have not yet come to a decision and suggesting that the Bill should again be postponed. I have no alternative but to accept the suggestion, and I ask the Council to postpone the consideration of the second reading of the Bill. I further beg to submit that it would be better, for reasons which I will presently mention, to refer the Bill back to the Select Committee, to which the names of Sir RICHARD LAMB, as Chairman, and the Honourable Mr. KARANDIKAR should be added, and that the Committee be requested to report by the 15th of June. The reason why I wish to refer it back to the Select Committee is that Government have obtained the opinions of their officers on the measure and these have been printed a copy of which Sir RICHARD LAMB has been kind enough to show to me. I find some valuable suggestions in it which it is desirable should be considered and, if possible, embodied in the Bill. They do not alter the principle of the Bill, but improve it. The course, I suggest, has many advantages, and I hope the Council will accept it. It is best to utilize the delay which must take place in consequence of the wishes of the Government of India by asking the Select Committee to revise the provisions of the Bill in the light of the opinions received. If a reply had been received from the Government of India to proceed with the measure, some alterations would have had to be introduced by way of amendments. As it is, it is better to refer it back to the Select Committee, who should report by the 15th of June.

The Honourable Sir RICHARD LAMB said:—Your Excellency, I should like to say only a few words to the effect that we accept the suggestion made by the Honourable Sir IBRAHIM RAHIMTOOLA, and to explain very briefly how it is that he is now supplied with the opinions of Government officers on the Bill for the Registration of Charities. When the Bill was first introduced it did not appear to us that it was in such a shape as could conveniently or with advantage, be referred for the opinion of officers of Government. After being dealt with by the Select Committee and brought into its present form it appeared to us that it warranted the calling for opinion of officers on the Bill. Those opinions were therefore called for and have since been received. It is right that the honourable member in charge of the Bill should be made aware of those opinions and should consider them; it is right that Government should consider them and that the Select Committee should consider them; and it therefore seems proper that the Bill should be referred back to the Select Committee with the opinions of the officers and that they should proceed to take into consideration the Bill and to get it ready for that uncertain time when we shall have the orders of the Government of India

Bill referred again to the Select Committee.

The motion to refer the Bill back to the Select Committee was then carried.

The Honourable Sir RICHARD LAMB said:—Your Excellency, I regret to have to ask Your Excellency's permission to allow the Bill for the further amendment of the Bombay Abkári Act to stand over until tomorrow. By some unfortunate oversight the papers have not reached Mahableshwar today, and honourable members will doubtless observe that the Bill is not on the table It is hoped that the papers will be here tomorrow, and with Your Excellency's permission I will ask that this item shall stand over until then.

The permission was granted.

BILL No. VI OF 1912 (A BILL TO PROVIDE FOR THE LEVY OF A CESS FROM THE MUSALMAN LAND-HOLDERS IN SIND FOR THE PROMOTION OF EDUCATION IN THAT COMMUNITY).

The Honourable Mr. G. M. BHURGRI said:—Your Excellency, I rise to move that the Bill for the promotion of education of Mahomedans in Sind be read for the first time. In making this motion, I do not propose to make lengthy remarks as at the last meeting of the Council in Bombay I adequately dealt with the reasons and objects of the measure at some length. I do not intend to take up the time of the Council by traversing the same ground. But I may be allowed to say that after the introduction of the Bill at the last meeting of this Council, it has been discussed in the English as well as Vernacular Press as also by the Zamindars and Jághirdárs. It has been considered by Hindus and Mahomedans in Sind, and I am glad to say that so far not one objection has been heard against it from any side whatever not one dissentient voice has come to my ears. However, after my entering this hall, I have heard one or two members of this Council ask whether the Bill would prejudicially affect the Hindu tenants in Sind. That question I may at once answer by informing honourable members that they are under a misapprehension if they think that any portion of the burden of

The Honourable Mr. G. M. BHURGRI moves the first reading of the Bill to provide for the levy of a cess from the Musalman land-holders in Sind for the promotion of Education in that Community.

the Cess proposed to be levied under this Bill will fall on the tenants. In the first place in Sind we have not got any permanent tenants as Gujarát. In Sind the Zamindars have got tenants at will and have no fixed tenure. There if the Zamindar wished to shift the responsibility of the Cess from his shoulders to the tenants he cannot do so. In the second place, in the case of Jághirdárs, those, who are acquainted with Sind, are aware that they have a system of fixed charges in the shape of Batai, which precludes them from taking a single pie more from the tenants. I, therefore, submit that there is no ground for any apprehension on the point. So far this is the only objection I have heard and I have shown it to be entirely groundless. With these words I move the first reading of the Bill.

The Honourable Mr. HARCHANDRAI VISHINDAS said:—As a Hindu member from Sind I rise to support this motion. Since the Bill was first introduced it has been discussed in Sind and elsewhere, and I find that it has met with universal approval. Not only has there been no dissentient voice against it, but it has been received with favour everywhere. It is extremely desirable that considering the backward condition of Mahomedans in Sind, they should be helped to get a lift in their education. As regards the only objection as to the fear of the burden of the Cess being shifted from the landlords to the tenants—my friend the Honourable Mr. BHURGRI has effectively replied to it. So far as my own knowledge goes, the talk of Hindu tenants being made liable to pay the Cess is a Canard. In the first place the number of Hindu tenants is a small one; in the second place the system of collection from the tenants by the Zamindar is such as to admit of no shifting of any liability. That system is this: At the time the crops are gathered, the Zamindar's due is collected from the tenant in kind in a definite proportion, fixed by custom which does not vary. As a representative of the Sind Hindus I endorse all that has fallen from the Honourable MOVER as to the principle of the Bill. I accord my cordial support to it.

The Honourable Ráo Bahádur SHRINIWAS K. RODDA said:—Your Excellency, I have very great pleasure in supporting the Bill introduced by my friend the Honourable Mr. BHURGRI. It is the bounden duty of every one to support any measure likely to promote or advance the education among the masses, no matter what community they belong to. The Honourable Mr. BHURGRI has done a great service to the Mahomedan Community in bringing forward this Bill, which, I am sure, will set an example to other communities to come forward and help themselves and emulate the good and practical measure of the Mahomedans of Sind in regard to the matter of self-elevation. If every community follows the example of the Mahomedan Community of Sind, it will tend to reduce the burden which lies heavily on the shoulders of Government. This Education Cess Bill is intended to be introduced for the benefit of the Mussalmans of Sind. It is indeed a beneficial measure, and though its benefits will be limited to one community in one Province, I am confident that it will give great impetus to other communities in Sind and other parts of the Presidency in their efforts to promote education. I hope Mr. BHURGRI's efforts will be crowned with success. With these few words, I entirely support the first reading of the Bill.

The Honourable Moulvie RAFIUDDIN AHMAD said:—In heartily supporting this Bill, I must pay a warm tribute of respect to the memory of the gentleman who first conceived the idea of the measure; I refer to the late Shaikh Sadak Ali, the Vazir of Khairpur, who died a few days ago and whose death has been a serious loss to our community.

As a member of the last Legislative Council, he took a responsible and active part in matters affecting the educational interests of his community, and it is but right that we should take into consideration the services which he rendered in the cause of education in Sind. He was the mover of the Resolution on the subject in the Educational Conference that took place in Karáchi five years' ago, and it is but right that we should pay a tribute to the memory of the distinguished officer. I have no doubt whatsoever in my mind as to the necessity of the measure, and the benefits that it promises to the Mahomedans of Sind, and I have great pleasure in supporting it.

The Honourable Mr. CHIMANLAL H. SETALVAD said:—Your Excellency,—I had no intention to take part in this debate, but what has just fallen from my Honourable friend Mr. RODDA impels me to say a few words. My honourable friend says that this Bill is very welcome because it sets an example to other communities to tax themselves for the purpose of education and thereby lessen the increasing burden on Government in the matter of education. I do not want the burden on the shoulders of Government to be shifted or lessened as suggested by the Honourable Member. I wish to see Government spend still larger sums of money on popular education, and I earnestly hope that this Bill will not be used hereafter as an argument or reason for in any manner lightening the burden on the shoulders of Government.

The Honourable Dr. TEMULJI B. NARIMAN said:—Your Excellency,—I am in sympathy with the laudable efforts of my Mahomedan friends for the advancement of the community. I do not wish to deprecate their efforts, and if the Government are willing to undertake the duty imposed upon them by the Bill, there will be no objection in passing the measure. But if I may be permitted to give a bit of my mind, I may say to my Mahomedan brethren that if I were a Mahomedan resident of Sind instead of a Parsi resident of Bombay, and if the Jaghirdárs and Zamindárs were so much in favour of helping the cause, I should never have approached the Government to pass the Bill, but I should have collected a number of willing workers and started an association for carrying out the objects of the Bill. The Mahomedans can very well follow the example of the Parsis. I am sure that the Mahomedans can execute any scheme, if they were agreed upon it, and if monetary aid were forthcoming. If they simply manage to work harmoniously and energetically for this cause, I am sure they can put through the scheme without the intervention of Government, provided they are able to secure monetary aid. One might say that the Parsis are a small community and are half a century ahead of the Mahomedans in education but that would not affect the question. The spirit of revival of progress which has been noticeable in the community of recent years augurs well for their future, and if they persevere and work in the same spirit I am sure the Mahomedans would be better fitted for it than the Parsis were sixty years ago. To illustrate what I mean, I will give you a typical example, why the Parsis have succeeded in promoting education without resorting to any compulsory measure. Long before the Gaekwar was born, a poor Parsi of Navsari came to Bombay, and was much impressed with the educational activity of some of the early pioneers of education in the community. He at once conceived an idea of starting a school at Navsari, though he himself had not received any education. At first, he experienced some difficulty. He secured the support of three or four wealthy Parsis, and the school was started. It was a free school. There was no compulsion, and still the result that

cent per cent. boys and cent per cent. girls of the community were now receiving education. This was due to the efforts of a single man. The school was started in 1856, and at present every boy and every girl of school-going age is attending it. This was brought about by voluntary efforts. If the Mahomedans were to copy their example, the success would be theirs. If every district and every community were to apply for the passing of such a Bill, the situation would be perplexing. I repeat that I do not wish to disparage the efforts of the Mahomedans of Sind. I have only pointed out what self-sacrifice and self-efforts have accomplished without the aid of any legislative measure. I do not wish to oppose the measure. If Government are willing to undertake the duty, we have nothing to urge against it.

The Honourable Sardár Ráo Bahádur MOTILAL CHUNILAL said:—Your Excellency,—I do not oppose the Bill, but I have a few suggestions to make to the Council. I wonder why there should be a Bill of such sectarian character. I quite agree with the principles of the Bill; but I think if the Mahomedan community of Sind has come forward to tax themselves because the income of the District Municipal Boards is not sufficient to supply the educational wants of the Province, then I submit the Hindu community of the Province must also be labouring under a similar disadvantage and must be desirous of having similar facilities. If that is so, and if both the communities are willing to tax themselves for this purpose and to have separate schools for themselves, I beg to suggest that the power of taxation be given to both the communities.

The Honourable Sardár Syed ALI EL EDROOS said:—Your Excellency,—Nothing would give me greater pleasure than to support this Bill. The Mahomedans of Sind are more backward in education than those of other parts in the Presidency, and consequently if this Bill is allowed to pass into law, it would spread education more freely amongst them. In my opinion the Zamindárs of Sind are not at all unwilling to pass this Bill. I, therefore, hope the Government will be pleased to lend their strongest support to this Bill particularly at a time when the Government are at the present moment trying their best to spread education amongst their subjects at a cost from their own coffers. With these words I support the Bill.

The Honourable Sir IBRAHIM RAHMITOOLA said:—Your Excellency,—I think the Mahomedan community will be very gratified to hear the flattering compliment which the Honourable Dr. TEMULJI NARIMAN has paid to them in the matter of their organising powers and their ability to carry through independently of Government a scheme of Mahomedan education in Sind. All that I will say in regard to that compliment is that I hope we Mahomedans deserve it and that we will justify the claim of our community to be able to work harmoniously and together in promoting the best interests of the community. We are, of course, trying to do so, but there is a long way before we can reach the goal. The case in point is very peculiar. Sind is practically a Mahomedan province, having an overwhelmingly large Mahomedan population, and the state of education there has been pronounced by the educational officers of Government to be extremely backward. The question is this, whether the number of schools and the amount of public revenue which the Local Government can devote to each of the Divisions of this Presidency in the matter of education and the educational facilities they provide are sufficient for the needs of Sind. I do not wish to raise any question as regards the adequacy of the provision that Government have made for the educational needs of that Province. But

there is no doubt that if the extent of progress which is desired in Sind is to be attained a great deal of extra effort and extra expenditure is necessary, and I think it would be unreasonable on the part of the Mahomedans of the Province to claim a larger allotment of funds for their special benefit. It is for these reasons that the Mahomedan Zamindárs of Sind have come forward to meet the difficulty by contributing a certain proportion of their income as laid down in the Bill, and I submit if the Council is completely satisfied that these Zamindárs are willing to tax themselves for the purpose, their efforts deserve to be encouraged and they are entitled to get every possible facility to carry out that very laudable object. If Government will have to collect the revenue, I do not think there will be any excessive liability thrown upon them, because they would collect the cess side by side with their own revenue, and the only thing they would have to do would be to keep separate accounts under the two heads. As regards the point that if other communities make similar claims, the same facilities will have to be granted and that a general application of the principle will result in relieving Government of their liability in the matter of making adequate provision for the educational needs of the Presidency I will only say that I have no apprehension on that score. To my mind the policy laid down by the Government of India in the matter is clear and obligatory on the Local Government, and I have no doubt that the Bombay Government will continue to discharge their obligations to the full. But if there is another Division in which an overwhelmingly large proportion of the population is as backward in education as the Mahomedans in Sind, and if the wealthy members of such community are willing to tax themselves in order to carry on an educational propaganda, I hope Government will extend their helping hand to that community also. I hope the measure will be allowed to go before a select committee and a sufficient period of time will be given to it to submit its report.

The matter will have to go to the Government of India and it is undesirable in view of my experience that the Bill should come up for the second reading before the sanction of the Government of India has been received. I warmly support the Bill.

The Honourable Ráo Bahádur Shriniwas K. Rodda:—Your Excellency,—I did not say that the burden should be shifted from the shoulders of Government. I never meant that Government should withdraw their responsibility, but what I submitted was that it would lighten the burden on Government. I do not say that Government should be relieved of their responsibility.

The Honourable Mr. Fazulbhoy Curbimbhoy said:—Your Excellency,—In regard to what has fallen from my friend Dr. Temulji, I may state that Sind is a big province, and if the Mahomedans had to collect the tax, they would be put to a lot of expenditure, whereas it would cost nothing to the Government who had to collect their revenue from the Zamindárs. It is the duty of the Government to promote educational work, and I do not think there can be any objection if the Government collected the tax and saw that it was applied to the educational advancement of the Mahomedans of Sind.

The Honourable Mr. Siddhanath D. Garud said:—Your Excellency,—I am afraid I do not find myself in sympathy with the Bill. Practically every one who preceded me —some of them grudgingly—has given his support to the Bill, though, of course, taking exception to the sectarian character of the Bill which provides for the collection of funds for only a particular community. Sind, it is said, is a Province in which the Mahomedan

population is very large compared with the number of Hindus. But I do not see why the Hindus should not benefit under the scheme. If the Bill is brought forward for the benefit of a particular community, I think that community in asking Government to work for it in collecting the money should be ready to spend a portion of the money on the small minority also. I do not see why the small minority should be excluded from the benefit of the fund when the Government help is asked for. The collection of a tax of this kind must necessarily cause some hardship, and there seems to be no reason why that should be done at the sacrifice of the minor community. If this kind of sectarian legislation is allowed in the case of one community, I ask why should it not be allowed in the case of a small class who have no sympathy with the larger community. Take, for instance, the case of the depressed classes. Why should they not be allowed to collect funds in a similar way and for a similar purpose? I submit in such cases the principle should be that when a very large section of a community in a Province comes forward with a proposal to tax itself for a particular purpose and asks Government to do the work of collecting the tax, the remaining small section of the community should also be given the benefit of the fund.

The Honourable Mr. RAGHUNATH P. KARANDIKAR said:—Your Excellency,—I had no intention to speak on this very important and useful measure, but the remarks which have just fallen from my honourable friend Mr. GARUD induce me to express my views on the subject. I think the present measure deserves the hearty support of everybody, whether he be a Mahomedan or a Hindu, or a member of the depressed classes. I really think that when a certain community comes forward with a proposal to help itself and asks from Government a co-operation of this kind, it is the duty of Government, constituted as it is in this country, to extend its helping hand to it. Co-operation is now the order of the day. For instance, in the case of Co-operative Credit Societies we find people taxing themselves for the benefit of the community, and it is gratifying to find that the so-called backward classes of the Mahomedans are determined to tax themselves for the purpose of promoting education amongst themselves. I think the Mahomedans of Sind have set us a good example of self-help and self-sacrifice, and if it happens that this example spreads like anything and is followed by other communities, I will say, by all means let the other communities come forward with similar proposals. The only assistance which this Bill seeks is competency to recover taxes, and it seems to me that the measure must be commended on principle. Undoubtedly the introduction of such a Bill is a commentary on the inability of the District Local Boards to make adequate provision for education. Possibly the share which Sind would get of the Royal grant of Rs. 50 lákhs will contribute in a measure to the promotion of education among the Mahomedans in that Province, but that ought not in any way to retard the flow of charity. The Mahomedan Zamindárs of Sind have come forward generously and in a spirit of self-sacrifice to tax themselves for the sake of their poor brethern and it does not behove us to say that they are setting an example which is not worthy of imitation. It would be interesting to know what it is in the way of the Mahomedans which makes it difficult for them to get the necessary funds from the District Boards for the purpose of education. The primary object of the Bill is to provide such elementary education as to pave the way for the necessary higher education. In this way the Bill serves as an excellent object-lesson to the District Boards for self-help and co-operation. In conclusion, I will say that this measure has the hearty support of everyone of us.

The Honourable the THAKOR of AMOD said:—I heartily support the Bill. There is not a single piece of evidence before us to show that the people of Sind are against the measure. The Mahomedans of Sind are aware that they are very backward in education; and are quite willing to be taxed in order to obtain their educational emancipation. The Bill is not in any way prejudicial to the interests of the Hindus. There is seldom a perfect harmony to be found in every matter but in this particular instance all the Mahomedans of Sind are agreed; and there is no objection raised by the Hindus. It is a wise policy that such a thing should be left in the hands of Government as this is a novel measure and could be better supervised by Government than by the people.

The Honourable Mr. G. M. BHÚRGRI, replying on the debate, said:—Your Excellency,—I am thankful to the members of the Council for their hearty support of the measure. I find that one or two Honourable Members oppose it on certain grounds. My honourable friend Dr. TEMULJI NARIMAN opposed it, but I think his opposition was due to want of appreciation of the conditions prevailing in Sind. He seems to think that Sind is a small tract like Navsari where a few schools are sufficient for educational purposes. But let me inform my honourable friend that Sind is a large Province containing six districts and stretches from the borders of Baluchistan in the north to Karáchi in the south. Government there employ no less than 900 persons to collect their revenue and pay them on an average Rs. 25 per month per head as salary. Supposing we, Mahomedans, were to employ such a large staff to collect the cess which we propose to impose on ourselves, the cost would come to about Rs. 2,25,000; while the estimated revenue will be about Rs. 1,52,000. In other words, by undertaking the work of collection ourselves we lose everything and get nothing. We, therefore, do hope that Government will show us so much favour as to collect the cess free of charge.

My Honourable friend Mr. GARUD contended that as we are seeking Government agency for the collection of the cess my Hindu brethren in Sind should also get the benefit of the fund. Well, I would make a proposal to my Hindu brethren. Out of the present Local Board educational cess, towards which the Mahomedans contribute $\frac{3}{4}$ths and the Hindus $\frac{1}{4}$th, while the Hindus have derived the greater advantage from it, would my Hindu brethren be content with only $\frac{1}{4}$th share of the fund, and leave the remaining $\frac{3}{4}$ths to the Mahomedans exclusively. But I have reason to fear this would be demurred to, and hence the present measure. It must be remembered that in Sind most of the schools, either primary, middle or secondary, and colleges are in big towns where the Mahomedan population is very small; and thus most of the money that comes out of the pockets of the Mahomedan ratepayers goes to the use of the Hindus. This suggestion, of the reservation of the greater part of the present cess, for Mahomedans, was once raised by an orthodox Mahomedan in support of the educational scheme which I have brought forward, but as it was a suggestion which, if carried into effect, was likely to cause friction between Hindus and Mahomedans and as after all we treat Hindus as our brethren, it was dropped.

Your Excellency, I may explain that out of the proceeds we are going to spend on primary education only in those places where it is absolutely necessary to do so. But most of the money will be used on secondary and higher education, in respect of which the Mahomedans in Sind are very backward. As for instance in the secondary schools, out of every 100 students 17 are Mahomedans, while the remaining 83 are Hindus.

I am glad to say that my Hindu friends in Sind have never come forward to claim any benefit from this fund, and I do not think that the honourable member coming from a different part of the country and not acquainted with the conditions in Sind is justified in saying that the Hindus will claim any benefit from the scheme. As to the apprehension expressed by the Honourable Mr. SETALVAD I may at once say that so far as Government are concerned they have declared their policy in the Imperial Legislative Council that Government would take up the burden of primary education for the general masses upon itself, and no question of a community proposing to tax itself for the purpose would to be feared to arise. In the present case the distinguishing feature is that a substantial majority or rather almost the whole of the Zamindárs' community in Sind want the Bill, and I as their representative here request Government to grant the favour which we seek from them. We do not say that at any future time this should form a sort of precedent.

Bill read a first time. The first reading of the Bill was carried.

The Council then adjourned till 11-30 a.m. on Friday the 10th May.

By order of His Excellency the Honourable the Governor,

L. GRAHAM,
Secretary to the Legislative Council.

Mahábaleshwar, 9th May 1912.

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 Government House, Mahábaleshwar, on Friday, the 10th May 1912, at 11-30 A.M.

PRESENT:

His Excellency the Honourable Sir GEORGE SYDENHAM CLARKE, G.C.S.I., G.C.M.G., 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. MAHADEV BHASKAR CHAUBAL, C.S.I.
The Honourable Mr. CLAUDE HAMILTON ARCHER HILL, C.S.I., 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. GULAM MUHAMMAD-walad Khán Bahádur WALI MUHAMMAD BHURGRI, Bar.-at-Law.
The Honourable Sardár Ráo Bahádur MOTILAL CHUNILAL.
The Honourable Mr. GEORGE SEYMOUR CURTIS, C.S.I., I. C. S.
The Honourable Sardár PURSHOTTAMDAS VIHARIDAS DESAI.
The Honourable Mr. FAZULBHOY CURRIMBHOY EBRAHIM.
The Honourable Sardár SYED ALI EL EDROOS.
The Honourable Mr. SIDDHANATH DHONDDEV GARUD.
The Honourable Sardár NAHARSINGHJI ISHWARSINGHJI, Thákor of Amod.
The Honourable Lieutenant-Colonel J. JACKSON, M.B., I. M. S.
The Honourable Sardár SHAMBHUSING AMARSING JADHAVRAV, Ráje of Málegaon.
The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR.
The Honourable Mr. W. H. LUCAS, I. C. S.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA.
The Honourable Mr. G. P. MILLETT.
The Honourable Sardár Ráo Bahádur YASHAVANTRAV TRIMBAK MIRIKAR.
The Honourable Sardár Dávar KAIKHOSRO EDALJI MODI.
The Honourable Dr. TEMULJI BHIKAJI NARIMAN, L.M., F.R.M.S. (London).
The Honourable Mr. J. P. ORR, C.S.I., I. C. S.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. ABDUL HUSSEIN ADAMJI PEERBHOY.
The Honourable Mr. F. G. PRATT, I. C. S.
The Honourable Mr. R. D. PRIOR.
The Honourable Sir HENRY E. E. PROCTER, Kt.
The Honourable Sir IBRAHIM RAHIMTOOLA, Kt., C.I.E.
The Honourable Mr. MANMOHANDAS RAMJI.
The Honourable Mr. MARSHALL F. REID, C.I.E.
The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.
The Honourable Mr. CHIMANLAL HARILAL SETALVAD, LL.B.

The Honourable Khán Bahádur SYED ALAHANDO YUSIF SHAH.
The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.
The Honourable Surgeon-General H. W. STEVENSON, I. M. S.
The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

The Honourable Mr. G. M. BHURGRI moved that the Bill to provide for the levy of a cess from the Musalmán landholders in Sind for the promotion of education in that community be referred to a Select Committee consisting of the Honourable Mr. PRATT, the Honourable Mr. PRIOR, the Honourable Sir IBRAHIM RAHIMTOOLA, the Honourable Mr. HARCHANDRAI, the Honourable Mr. FAZULBHOY C. EBRAHIM and the mover with instructions to report within six months.

Bill referred to a Select Committee.

The motion was agreed to.

BILL NO. IV OF 1912 (A BILL FURTHER TO AMEND THE BOMBAY A'BKA'RI ACT, 1878).

His Excellency the PRESIDENT said:—We now resume the postponed discussion on the Bill further to amend the Bombay A'bkári Act, which was adjourned from the last meeting.

The Honourable Mr. LALÚBHAI SAMALDAS said:—I must thank the honourable mover of the Bill for having accepted the suggestion of my honourable friend Mr. BELVI and others to postpone the consideration of the Bill till the next sessions so that the members of the Council may have time to study the details of the Bill. My honourable friend Sir RICHARD LAMB said in his opening speech that this Bill was framed to provide for the amendments which were suggested in the report by the Indian Excise Committee, of which the honourable mover was a member as well as others based on the United Provinces Excise Act. From the remarks made in section 309 of the report it can be seen that the Committee have looked at the various questions submitted for their consideration from the point of view of practical administration, which means that their chief goal would be to increase the efficiency of the department so that there may be no loss to the A'bkári revenue and at the same time make the Act as elastic as possible so that "Government may not be tied down to a particular system and specific methods." The present Bill goes still further in the same direction.

If I refer to some details to prove the above statement I do so to bring out the principles underlying the same. "Methylated spirits" are included in the definition of "liquor" in this Bill, while neither the U. P. Act nor the draft Act of the Committee includes the same. That in extreme cases some people use "methylated spirit" instead of liquor is no reason for including an article of every-day use for other purposes to be included in the definition of "liquors." Similarly, while the Excise Committee's suggestion about provision being made in the Act "that no toddy-producing tree shall be tapped" is accepted, the Committee's suggestion, that section 14 of their draft Act should be inserted, is not adopted. Section 12 makes the owner of the land on which the toddy trees stand liable for the duty, while there is no mention of it in the Excise Committee's suggestion for the amendment of the Bombay Act. No reason is given for this amendment in the

Statement of Objects and Reasons, and it is difficult to see any justification for making the owner of the land on which the trees stand responsible for the duty to be levied on the trees even if he is not the owner of these trees. Neither the U. P. Excise Act, nor the Committee's draft Act makes the conviction of any person in the employ of or acting on behalf of a license-holder one of the grounds for the cancellation or suspension of the license. Section 18 of the Bill does so, and no reason is given for this in the Statement of Objects and Reasons. Even if this amendment is introduced for the same reason as the amendment proposed in section 29 of the Bill, referred to in the opening speech of my honourable friend, the wording of section 47 of the Committee's draft Act, *viz*, "any person in the employ and acting on behalf of such holder," should be adopted. It is not fair that all employés of the license-holder, whether they are acting on his behalf in these matters, should be held responsible. I am not going to try the patience of the Council by referring to further details as I believe I have demonstrated to the satisfaction of the Council that the Bill has gone beyond the suggestions of the Excise Committee in increasing the efficiency of the A'bkári administration.

Before referring to sections 24,-26 and 34 of the Bill which are of a very wide nature I would like to congratulate Government in introducing two new sections: section 14A—in accordance with the Committee's suggestion that a specific possessive section should be introduced, and section 64—about the publication of the rules which I think should be slightly altered on the lines of the U. P. Act.

For the reasons given in the Statement of Objects and Reasons the inclusion of village officers and others among officers bound to assist in the prevention of offences under the A'bkári Act seems to be necessary, but one does not understand the necessity of their being obliged to give information "of the intention or preparation to commit any offence." These words do not appear in the U. P. Act and are likely to lead to cases of hardship. Sub-clause (*b*) lays heavy responsibility on the officers bound to assist A'bkári officers and gives them wide powers too. No such responsibility is laid on these officers in the draft Act of the Committee, and I hope the Select Committee will either remove this sub-clause or at least *delete* the words "have reason to believe" from the same.

Section 26 is by far the most important one in the Bill, as it increases to a very great extent the power of A'bkári officers. I do not object to the general outlines of this mendment, as the officers who will get these large powers will not be below the rank of Sub-Inspector, and as the Committee recommended the alteration in their suggestions or amending the Bombay Act on the ground that "it is highly desirable that officers of he Excise Department should be empowered to take Excise cases into Court themselves." A necessary concommitant of such wide powers is a deterrent punishment in case of abuse. Section 34 lays down a maximum fine of Rs. 200 for vexatious delays, etc. The U. P. Act, section 67, provided for a punishment of imprisonment of 3 months and a fine of Rs. 500: I strongly recommend that the maximum should be raised in our amending Act.

I shall now refer to one or two recommendations of a general nature made by the Excise Committee and ask the Honourable Member in charge of the Bill to incorporate the same in the Bill if possible. In section 328 of the report the Committee recommend

that "the employment of women should be prohibited when it is objectionable" and "that sale to children or drunken persons should everywhere be put a stop to." The U. P. Act, section 61, carries out these recommendations. Why should we not make the sale to children penal by substantive law instead of doing so by rules under sub-clause (*g*) of section 39 as it is proposed to amend? The Committee also recommend—section 322—that the limit of retail sale and of possession of country liquor for private consumption should be reduced when possible to one quart. Perhaps it is not possible to insert an amendment of this kind in this Bill, but it can be done by rules to be framed under section 35, and I trust the Honourable the Revenue Member will bear this suggestion in mind at the time of preparing the rules. With these observations I beg to support the first reading of the Bill.

The Honourable Mr. GOKULDAS K. PAREKH said:—Your Excellency,—I submit that there are serious objections to the principle of the Bill. These objections may be placed under four heads. Firstly that it increases the number of articles and processes that come under the scope of the A'bkári Act. Secondly that it considerably curtails the liberty of the people. Thirdly that considerable powers are given to the A'bkári officials; and fourthly that it places judicial powers in the hands of officers who would not command the same confidence for independence and honesty as the officers who now deal with the A'bkári cases. In reference to the first ground, my main objection relates to the definition of "liquor" and the definition of "intoxicating drug" as given in the Bill. In connection with the definition of liquor, Your Excellency will find that after an exhaustive enumeration of all substances which can be included in the term, it gives very wide powers to Government to declare any article liquor for the purposes of the Act. Clause 9 defines intoxicating drug. It empowers Government to include any substance in the definition of intoxicating drug. One can well understand that so far as intoxicants are concerned whether they may be in the form of liquor or drugs, their traffic ought to be in the hands and under the control of Government for the purposes of revenue and public morality. But if there may be drugs or substances which are neither liquors nor intoxicants, there should be no control on their traffic. I submit that the definitions are so wide that Government would be empowered to include any innocent article within them. I think that innocent articles should not be included in the scope of the Act. If we look to the Statement of Objects and Reasons, we do not find any reason given to justify the making of these definitions so wide. The Honourable Mover of the Bill has, in his speech, given a reason for making the definitions so extensive and that reason is that this inclusion is necessary in order to enable Government in cases of doubt to treat a substance either as liquor or intoxicating drug as may appear proper. For such a purpose it is altogether unnecessary to widen the definitions. The definition of liquor is too wide and may be applied to articles which may be liquor or which may not be liquor. The definition of intoxicants may include articles which may or may not be intoxicating. These definitions are much wider than ought to be. Then with reference to processes, Your Excellency will observe that the process of colouring liquor is perfectly innocent. But it is included in the definition of manufacturing liquor. Again in connection with the tapping of toddy trees, the definition is so wide that anything that can be done for the purpose of extracting juice at some future date is included in the definition of tapping. I can very well understand that the preparation of a tree which causes juice to flow immediately may be properly

included in the definition of tapping; but if the juice were to be extracted at any future time, then I submit the definition is far too wide.

As regards my second ground, I beg to submit that public liberty is affected by its provisions. In the first instance, I object to clause 3A under which a person, in whose name or in whose behalf any excisable article is manufactured, sold or kept, is made guilty of the offence in the same way as he who manufactures, keeps or sells. If the ordinary rule of the presumption of innocence which obtains in every other department of law, except the administration of revenue laws, prevailed in such matters, then little objection may be raised to the clause, but when you consider these provisions with the provisions of section 53, either as it stands or as it is proposed to be amended, then I submit it will cause considerable hardship on the people. As it is, under section 53 of the present Act, when a man is charged in connection with any offence under section 43, he is presumed to be guilty without further evidence, until he has proved his innocence. That provision is considered to be a harsh one. But when that is applied to persons on whose behalf the article is said to be manufactured, sold or possessed, it becomes exceedingly unjust and oppressive, as the whole burden of proving his innocence is thrown upon him. Then there is another direction in which the Act will cause a real hardship on the occupants of the land on which the trees stand. Now, whether a tree is tapped or not, at present it is naturally the owner of the tree that is made responsible for the payment of the revenue. The provision in the present Bill makes the owner as well as the occupant of the land responsible for the payment of Government revenue though the occupant may have nothing to do with the tapping of the trees. It is true that there is a provision that he will receive Government help from the A'bkári Department for the recovery of the amount levied from him from the offending party. Yet this provision is likely to create much hardship. A man may have nothing to do with the tapping of the tree and yet he may be made responsible for the act of another man. It may not be possible for him to recover the money from the offending party and the innocent man may have to suffer. Another circumstance which will operate harshly on the people is in connection with the responsibility of the owners on whose property any excisable article is kept or possessed. The owner might have left his land and owing to his absence he may not be able to give information to the authorities. To throw upon him the burden of proving his innocence is very hard indeed. The Bill is likely to cause considerable hardship to innocent people. The next ground on which I oppose this Bill is that it gives a large amount of power in the hands of Abkári-officers in connection with the arrest and detention of suspected persons.

Under the existing law when a man is arrested, the Police or the A'bkári-officer has no right to detain him for more than 24 hours, within which time the arrested person must be placed before a magistrate. But in this present case, it is sought to empower the A'bkári-officers to detain him for any indefinite length of time. The Bill provides that he may be released on bail. We can no doubt well understand how such a provision will work on poor and ignorant men who do not understand what their rights are. There is no provision anywhere under which a person could be kept under detention for an indefinite length of time, and the magistrate having no power to interfere, the same being left in the hands of the A'bkári Department. Such a provision should not be allowed. Now the A'bkári offences were not tried by authorities below the grade of second

class magistrates. The present Bill confers powers upon the third class magistrates who may be selected by the district magistrates as fit for being entrusted with such powers. Now the third class magistrates are generally aval kárkúns, drawing a salary between Rs. 30 and Rs. 60 a month, and they cannot be said to possess the same independence as you find in the magistrates of a higher grade. Many of them, rightly or wrongly, consider it their duty to carry out the wishes of the Revenue officer upon whose goodwill their promotion and advancement depend. They think that their future may be spoiled if they displeased their superior officer. Such a fear may not be well-founded, but such a feeling does prevail among subordinate officers of the class I am referring to. This must have been the reason why in the original Act powers were not conferred upon officers of the lower rank than those who exercise the power of second class magistrates. To put judicial powers in the hands of officers of the rank of the third class magistrates is a step which I think will not command the approval of the general public. The Bill requires considerable improvement before it is read for the first time.

The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR said :—Your Excellency,—The postponement of the discussion on the first reading of this Bill from the 15th March till today was a matter of necessity since its translations were published in the official Gazette only the day previous. But I am indebted to Government for a copy of the admirable speech delivered by the Honourable member in charge of the Bill at the time of its introduction. The postponement of the discussion was a thing much to be desired. It is the general rule that when a non-official member intends to introduce a Bill he has as a preliminary step to obtain leave to do so and then to introduce it at the next sessions of the Council, and in practice the same procedure has been followed in regard to this Bill by the postponement of the discussion on the last occasion. This has enabled the official as well as non-official members to know exactly how the matters stand and the various amendments suggested in the Bill. Indeed, the statement of objects and reasons is hardly sufficient to enable the public to know the details and the reasons for the amendments that have been suggested.

On going through the history of this legislation, Your Excellency, I find that there is some justification for the character that is claimed for the present Bill, that it is the parent of all legislations of the kind throughout India, and that in amending it we should try to maintain that character and not to allow it to lag behind its children, and model it in a manner so as to make the Abkári Department quite successful, both in the interests of revenue and morality. The original Abkári Act of 1878 was introduced in the Bombay Council in 1877 by the Honourable Mr. Rogers. The Bill was amply discussed in the Council occupying several sittings, and the popular side of the question was most ably represented by two of the most honoured leaders of the Indian community, I mean the late Mr. Vishwanath N. Mundlik and Mr. Mahomed Ali Rogay. The object of the Bill as it then stood was principally—I won't say wholly—to make it a revenue measure with due regard to the moral side of the question; whereas various interests vested in the several communities as well as individuals living in the localities lying round about Bombay—Salsette in particular—were also dealt with. Certain matters included in the present Bill were also discussed, as I will soon point out. The Bill was ultimately passed by the Bombay Council and sent up to the Government of India. In the meantime petitions were sent to His Excellency the Viceroy by the persons affected by the taxes proposed to be levied under the Act, and His Excellency, after a consideration of the

whole situation, withheld his assent and returned the Bill to the Bombay Council suggesting certain amendments. A fresh Bill was in consequence introduced in 1878. Suffice it to say that it went through its various stages and was passed into law with such modifications as suggested by His Excellency the Viceroy.

Thirty-four years have elapsed since the passing of that Act, and during the interval numerous things have happened. The Bill has been tested by the High Court decisions principally in respect of the liability of master and servant, the liability of persons who were found to be in possession of small quantities of illicit liquor, the liability of officers connected with the A'bkári Department, and several other things. Now, all these things are in a manner embodied in this Bill in one shape or another, and it is claimed for this Bill that it contains several salutary provisions to be found in the various enactments passed during the interval by the legislatures of the different Provinces in this country. Undoubtedly, as has been pointed out by the Honourable member in charge of this Bill, this measure goes further ahead of those legislative enactments. I believe no legislative measure can be free from the sins of commission and omission. The omissions which are to be found in this Bill are, I think, due to the introduction of certain provisions which are considered to be so salutary. The principal object of the framers of the original Bill of 1877, as I stated in the beginning, was A'bkári revenue, and possibly the discouragement of the vice of drink. But on a previous occasion I ventured to prove to the Council by quoting figures from the various administration reports that not only the vice of drink has not been discouraged in any manner, but is actually on the increase. The question, therefore, is whether the time has not arrived for the Council to consider the advisability of so amending the existing enactment as to effectively check the progress of the evil.

The speech of the Honourable member in charge of the Bill enables us to go through its various provisions at a glance, and the following is a summary of what I consider to be the principal features of the Bill: (*a*) It gives power to Government to declare a substance a liquor; (*b*) it defines foreign liquor; (*c*) it does away with the Excise Spirits Act of 1863; (*d*) it provides for the establishment of bonded warehouses for liquor; (*e*) it makes it an offence to tap a tree for toddy without a licence; (*f*) it makes the possession of even a small quantity of illicit liquor an offence; (*g*) it defines the liability of the master for the offence of his servant; (*h*) it emphasises the duties of officers other than those of the A'bkári Department and enlarges the powers of the A'bkári officers; (*i*) it empowers third class magistrates to try cases under this Act; (*j*) it imposes a liability to interest in cases of non-payment of fee or duty due; and (*k*) it enhances punishment for certain offences. These are the principal features of the Bill. As regards the clause which gives power to Government to declare a substance a liquor, I think the whole difficulty will be solved if instead of the word "substance" the words "any intoxicating substance" are substituted. I hope this matter will be taken into consideration when the Bill is considered in the Select Committee.

Among the principal features of the Bill which I have just enumerated, those relating to third class magistrates and the liability of masters were also discussed at the time of the introduction of the original Bill in 1878. There was then a slight discussion as to whether third class magistrates should be empowered to try cases arising out of the Act. The proposal in the original Bill was to give such power to these magistrates, but it was

due to the arguments urged against it by the late Mr. Mandlik and Mr. Mahomed Ali Rogay that it was modified and the power was given to second class magistrates. If circumstances have improved since, let by all means the change be made, but the experience of many of the Honourable members, who are acquainted with the judicial administration in this country as also with the class of people from whom the third class magistrates are drawn, must tell them what the effect of a Bill of this kind would be. As we know a third class magistrate gets only about Rs. 50 a month as his salary, and if by this Bill an Ábkári officer of a higher grade drawing, say, Rs. 200 a month, comes before him to conduct a prosecution under the Act, we can easily imagine the prejudicial effect which a disparity in position between the magistrate and the prosecuting officer is likely to produce. I think the members of the Council will agree with me that the legislature should hesitate before empowering third class magistrates to try cases under this Act, though they may be selected by the District Magistrate for the purpose. I know that the provision now introduced does not empower all third class magistrates to try these cases, but only those who would be chosen by the District Magistrate. I would, therefore, make a suggestion that the selection of third class magistrates should rest with Government and not with the District Magistrate. Undoubtedly the District Magistrate is in a better position to judge of the qualifications of third class magistrates under him; but he is an officer who is overworked, and would therefore have to rely upon the recommendations made to him by his officers. I do not say that Government themselves may not rely upon the recommendations of their officers, but I would rather prefer Government to exercise this power of appointment in view of the moral effect which such appointments would have in the eyes of the public. This subject was amply discussed when the original Act was introduced in the Bombay Council in 1877 and the proposal to empower third class magistrates to try cases under this Act had to be eventually given up.

In the same way the question of liability of masters for the default of their servants was also fully considered. It was a most intricate question, as the measure dealt with, from the point of view of revenue, the claims of various persons who sought exemption from the taxes. It was not so much to restrict drinking as to raise revenue to meet the growing expenditure of Government that this Act was brought into operation, and consequently no heed was paid to the representations of persons who had vested interests which were interfered with by the Act. Those were some of the points that were dealt with originally. Then as to the tapping of trees and the drawing of toddy, I am not so much familiar with the procedure adopted in these matters. It is a very technical subject, but in view of the discussion that took place in 1877 I should think there is no reason why every process which results in the tapping of trees should be brought under the scope of this Act.

These are the principal features of the amendments. Then the speech of the Honourable member in charge of the Bill deals with some minor details. They refer firstly to the collection in one place of all rule-making powers, their more comprehensive specification and their distribution between Government and the Commissioners; secondly, to facilities for recovering revenue; and, thirdly, to confiscation of property in respect of which an offence has been committed. As to the first point, nothing can be said about it. Government know exactly what they should do and the Commissioners should know what their duties are. But one thing I do not find in the enactment, and it is the non-

recognition of certain other principles, which if introduced would make the A'bkári policy of Government more successful than it has hitherto been. During the discussion on the Racing Bill yesterday, I was interested to find that certain matters in respect of racing had been settled by Government in co-operation with the stewards of the Western India Turf Club. In like manner I think Government can work together with another movement in connection with their A'bkári administration which has sprung into existence through the disinterested efforts of philanthropic and patriotic persons, and in which people of high character and position are taking a sincere part for the welfare of the people. I allude to the Temperance movement in this country.

The Honourable Mr. G. S. CURTIS said:—Your Excellency,—I rise to a point of order. What the Honourable member says does not arise out of the discussion of the principle of the Bill.

His Excellency the PRESIDENT:—I think the Honourable member is going a little bit beyond the requirements of the first reading of the Bill. At the same time it is very difficult for me to distinguish between principles and details. I do not want to curtail the liberty of the speaker, but I think in entering upon a discussion of the Temperance movement the Honourable member is going beyond his tether.

The Honourable Mr. KARANDIKAR said:—Your Excellency,—I only speak on the necessity of recognising the principle involved in the movement. I won't go beyond that. My principal point was that there has been a distinct march in the consumption of liquor in spite of rules and regulations framed under the A'bkári Act. I venture to suggest that powers should be given to Government to make rules and regulations for the purpose of recognising the agencies of the Temperance movement. It is not sufficient to recognise advisory committees such as those which are recognised under the present rules and regulations.

His Excellency the PRESIDENT:—The Honourable member is going quite beyond the scope of the first reading of the Bill. He is introducing quite a new matter in the discussion, and I ask him to confine himself to the Bill which is before the Council.

The Honourable Mr. KARANDIKAR:—I then submit that the amendment of the Act should in a manner be made to work upon the principle of co-operation. There may be a co-operation amongst the various departments of Government. For instance, the Agricultural Department, the Department of Commerce and Industry, etc. Now, we know there is a very large industry which would have thriven, but which has been set back in consequence of certain defects in this Act. I refer to the sugar industry of Western India, which has lagged behind owing to want of proper facilities. What I propose is that when framing the rules Government should have due regard for such interests.

Your Excellency,—I also venture to submit that an amending Bill may easily take notice of the views of medical experts and lay down in the Act a limit as regards the consumption of liquor and its strength. It has been stated in answer to various questions put by the Honourable Mr. SETALVAD and the Honourable Mr. PAREKH that it has not been found expedient yet to deal effectively with the question of the minimum of strength which liquor should possess before it reaches the public. I also think that there should be limits in respect of individual consumption of liquor as well as its total consumption in each district. These are things, which, I submit, are not altogether outside the province

of an amending Bill. Indeed, in regard to an amending measure one is at a disadvantage inasmuch as it is a measure which is limited to the actual amendments before the Council and one would therefore be out of Court if one were to suggest any other amendment which would make the principal amendment more salutary. It is very difficult to make out what the principle should or would be in an amending enactment. For my part I think if there are proposals which would make the amendments suggested more salutary they may be included in the Bill. But I ask Your Excellency's ruling on the point.

These are some of the observations which I wish to lay before the Council and hope that when the Bill is considered by the Select Committee it may be found possible for it to consider some of the suggestions I have made and to give effect to the recommendation made by the original framers of the Act, namely, to keep down drink as much as possible.

The Honourable Mr. G. S. CURTIS said:—Your Excellency,—As has been remarked by the Honourable Member who has just spoken, this Act, passed by the Bombay Legislative Council 34 years ago, was the first of its kind in India. The experience of its working has revealed a certain number of defects and the result is that we have the present Bill, which is necessarily of a complicated and patchwork character. The speakers, who have preceded me, have indicated what they consider to be defects in the Bill. I propose to examine the remarks made and see how far they are justified. The first speaker the Honourable Mr. LALUBHAI found fault with the Bill because in certain of its clauses he detected a departure from the principles laid down in the report of the Excise Committee. I would submit, however, that it is not incumbent on us in this Presidency to follow slavishly the Excise Committee's recommendations. In this particular branch of the administration we gave the lead to India and there is no reason why we should not be independent now if we think that expediency requires it. Moreover the Excise Committee's report was written nearly six years ago. In that time conditions have changed, new methods have been introduced, and it is not surprising therefore that slight modifications in the law have been thought necessary. Mr. LALUBHAI'S other complaints related to the non-inclusion in the Bill of a section making sale to women and children illegal and to the absence of any provision regarding the maximum amount of liquor allowed in an individual's possession at one time (which, he thought, should not exceed one quart). As regards the first of these matters, it is better to provide for it by a clause in the license: as regards the latter, the amount has to be varied from place to place and time to time and cannot be stereotyped by law.

The next speaker was the Honourable Mr. GOKULDAS PAREKH. I confess that some portion of his remarks surprised me. Only at the last meeting of this Council Mr. Parekh advocated local option and complete prohibition of the sale of liquor. "Schedule your area, he said, and from that area drive out the poison of drink. Make your law as strict as possible and forbid all sale." To-day, however, he is all for freedom. "The definition of liquor, he complains, is too wide: the poor man will suffer." In other words, while at the last meeting he posed as the austere and uncompromising apostle of temperance he now appeals to Government to refrain from framing a definition, which will in any way interfere with the liberty of the poor, even though this leaves a loophole for the obtaining of liquor in a cheap and easy manner. But I submit, Sir, that the Honourable Member cannot have it both ways. He cannot be at the same time the ardent temperance

advocate and the denouncer of Government for interfering with irregular sale of cheap liquor. If it be admitted, as I think it is, that the sale of all liquor or drugs, which can by any possibility be considered intoxicating, should be subject to Government control, it is clear that the definition must be as comprehensive as possible; to leave it otherwise would result in positive injustice. The second point touched on by the Honourable Mr. PAREKH, was the liability of the owners of land for the tax on trees standing on their land. I cannot see what there is unnatural in this. It is a principle as old as Roman Law that whatever is rooted in the soil is liable to the same treatment as the soil itself, and the owner of one is necessarily responsible for any State dues leviable from the other. The third point dealt with by Mr. Parekh was the proposal in the Bill that selected third class Magistrates should be empowered to try A'bkári cases. This drew from him the remarkable statement, in which my friend the Honourable Mr. KABANDIKAR concurred, that third class Magistrates as a class had deteriorated since 1878. I cannot help recording my astonishment at this statement, which if true would tend to show that the effects of all the spread of our education since that time had been nil. But I dispute entirely the accuracy of the statement. Out of the third class magistrates in the Central Division by far the largest part have passed the Higher Standard (there are excluding Mámlatdárs no less than 190 persons who have passed this test, two-thirds of whom are graduates). And it is absurd to suppose that the quality of work turned out by men of this class is not superior to that of their predecessors in 1878, scarcely one of whom even knew English. There is, I believe, no question but that the general tone of the proceedings before these magistrates is immeasurably superior to what it was and that there is no reason why the trial of A'bkári cases should any longer be withheld from them.

The fourth point, to which the Honourable Mr. PAREKH took exception, was the change proposed to be introduced by section 41A, by which A'bkári officers are empowered to take accused persons before the magistrate without the intervention of the Police. Now it is important to point out that this is no novelty. In the Salt Act, Forest Act and Sea Customs Act there are express provisions enabling the subordinates of those departments to take cases direct into court: and these provisions, have, it is believed, worked satisfactorily for over thirty years. The reason why these powers were not given to the A'bkári police in 1878 can, I think, be easily guessed. The A'bkári police have only been properly organized during the past ten years, in 1878 they were a heterogeneous body, consisting partly of irregulars supplied by the contractors partly by men lent from the regular force and officered by persons of indifferent intelligence and education. It was only natural in those circumstances that the assistance of police should be insisted on. Now everything has changed. The Excise staff is well paid, intelligent, and carefully supervised, and there is no reason whatever why they should not go direct to the magistrates. A good deal has been said of the possible hardship to the poor ryot. But I contend that the change is all to his advantage. At present a poor man may be arrested at a railway junction for importing a few tolas of illicit opium and may be detained in custody, not because the case is not ready, not because the magistrate is not wanting to try him but because the police Sub-Inspector is away in the táluka investigating a case of his own, and the papers cannot be placed before the Court without his imprimatur. It is obvious that in cases of this sort, which form a very large proportion of the cases placed before the Court, the new procedure will be a very great improvement. I think, Sir, that I have answered the majority of the criticisms made by Honourable

Members. I submit, Sir, that the Bill is a good one, that it will largely improve our present Act, and that the first reading should be proceeded with without delay.

The Honourable Sardar Ráo Bahádur Motilal Chunilal said :—Your Excellency,—As has been pointed out by the Honourable Mr. Curtis, the original Act was passed more than thirty-four years ago, and therefore the revision of it is very necessary. I feel bound to refer to one or two points in regard to which I have to make some suggestions. In clause 1, sub-clause (c) (7) (b) it is stated : [Reads.] I would respectfully submit that the word "intoxicating" should be placed before the word "substance." There are many kinds of tincture which do not contain intoxicants, and yet for some reason or other, say of revenue, they might be taxed, and it would be therefore much better if the word "intoxicating" be inserted before the word "drug." In the same way I think wherever the words "excisable article" occur, the word "intoxicating" should be inserted before the word "article." I do not agree with my Honourable friends, who have preceded me, when they said that the new power which is sought to be given to the A'bkári officers will in any way interfere with the liberty of the subjects, because the section, as framed, gives powers which are already being exercised by inspectors of police, and so there is no fear of the people being interfered with. Section 41 says : [Reads.] The Criminal Procedure Code distinctly lays down that immediately after an accused person is arrested, inquiries should be completed in twenty-four hours, and if the inquiry is not completed within that time he must be put before a magistrate or released on bail. Thus an Abkári officer will not be able to detain a person for more than twenty-four hours, and there is no danger of the man being kept in detention for an indefinite length of time as apprehended by some honourable members.

The Honourable Sardár Dávar K. E. Modi said :—Your Excellency,—I have listened to all the suggestions that have been made by the Honourable members of this Council, and I have come to the conclusion that the old Act requires to be amended, or rather, to be recast entirely, if that should be found necessary. In my opinion, after so many years' working every old Act requires to be recast. This Amending Bill abundantly proves the necessity of recasting the old Act, and I should much prefer if the old Act were to be recast in the light of the amendments embodied in the Bill and one consolidated A'bkári Code was framed. But that is a matter for the Select Committee to decide after carefully threshing out the details. The very way in which objections have been taken shows to my mind the necessity of recasting the old Act. The principles of the old Act, the procedure in the old Act, the definitions in the old Act, in fact everything in the old Act requires to be overhauled and carefully recast. I think the principle underlying all these amendments must be admitted—in fact, has been accepted—by the Honourable members who seem to be groping in the dark. One suggests one amendment, and another suggests another amendment. This shows that not only the first reading of the Bill should be allowed, but also that it is necessary to refer it to a very strong Select Committee—a committee consisting of Honourable members not like myself, but of experts who have intimate acquaintance with the working of the A'bkári Act and of expert lawyers who can find out the flaws in different clauses. And this Select Committee should be given a sufficiently long time to go through the Act thoroughly. Since Government have taken so many years to consider over this amending Bill, I think it is but right and reasonable that the Select Committee should also be given a reasonably long time to report upon it. I further submit that after the Select Committee has made its report it should be in the

hands of the members for a sufficiently long time to think over it and to bring forward new proposals so that no complaint may be made as regards want of time. It appears to me that two things stand out manifestly clear, and they are that the old Act requires to be overhauled and a strong Select Committee consisting of experts is needed to go through it. With these observations I beg to support the first reading of the Bill.

The Honourable Mr. CHIMANLAL SETALVAD said :—Your Excellency,—My Honourable friend Mr. CURTIS was very much shocked at what he conceived to be an unpardonable inconsistency on the part of my Honourable friend Mr. Parekh. My Honourable friend could not possibly conceive how the Honourable Mr. PAREKH, who had on one occasion defended local option, could for a moment be guilty of objecting to the stringent provisions of the A'bkári Act. I confess, Your Excellency, I fail to see any inconsistency in these two things. It appears to me quite consistent that one can be an ardent local option man, and at the same time he may rightly want to safeguard the rights and interests of the subjects and to see that the provisions in the Act are of a just character. I see no inconsistency whatsoever if, on the one hand, you advocate local option as much as you can, and on the other you try to see that the A'bkári Act is so administered as not to oppress innocent people.

Then, again, my honourable friend Mr. CURTIS attacked my honourable friend Mr. PAREKH for having objected to certain definitions in the Act and having not brought forward any constructive suggestions. The Honourable Mr. CURTIS forgets that we are still on the first reading of the Bill and the Select Committee will be the proper place to make constructive proposals with regard to the amendments of the various provisions in the Bill. I do not see why the Honourable member should be so sharp on the attitude taken up by my honourable friend Mr. PAREKH. Then, going through the various provisions of the Bill, the Honourable Mr. CURTIS again failed to realise what the point was that was made by my Honourable friend Mr. KARANDIKAR with regard to the third class magistrates. The Honourable Mr. CURTIS said that ever since 1878 the third class magistrates are there and that there is no reason to suppose that they have deteriorated in any manner. But my honourable friend forgets that under the existing law as it stands the third class magistrates are not empowered to try these cases; so there can be no comparison between the third class magistrates as they were in 1878 and as they are now. The honourable member further says that in 1878 there were no graduates—no educated people—among third class magistrates, but now we have a large number of educated men among them. I admit that that would be an argument for vesting the power in third class magistrates. Before proceeding further, Your Excellency, I may correct a mistake and say that I misunderstood my Honourable friend Mr. CURTIS when I attributed to him a little while ago the statement that ever since 1878 these third class magistrates have been exercising these powers. But still taking his plea to be that nowadays educated people are to be found among third class magistrates, I submit that the objections raised on this point by my Honourable friends Mr. PAREKH and Mr. KARANDIKAR are very substantial ones. It is all very well to talk about educated people and educated magistrates, but after all you must see what their surroundings are. They virtually hold the position of awal kárkúns with a salary of Rs. 50 a month.

The Honourable Mr. CURTIS :—Their minimum salary is Rs. 60 rising to Rs. 80 with full prospects of advancing in the department.

The Honourable Mr. SETALVAD:—Even taking that to be so, I will ask the Council just to imagine the position in which a third class magistrate would be placed when an ábkári officer drawing Rs. 200 or Rs. 300 per month would appear before him to prosecute a person under this Act. Would there not be a better chance of impartial justice being administered in such a case if it was tried by a magistrate of a higher grade, say, by a second class or first class magistrate?

Then, with regard to the sections about the detention of offenders by an ábkári officer, I say if you turn your attention to them for a moment you will find they are open to serious objections. Section 41-B says:. [Reads.] You will see there is no limit laid down there as to the period of detention. Under this section an ábkári officer can in his discretion detain an offender for any length of time, whereas if a police officer arrests any one he has to place him before a magistrate within twenty-four hours. Clause (4) of the same section provides for bail. [Reads.] No doubt, this clause makes it obligatory on the ábkári officer to accept bail, if bail is forthcoming. But then it is pointed out that the person arrested may be innocent and at the same time may not be in a position to give bail, and if that be so, would that be a reason that he should be detained by the ábkári officer for any length of time? But I am not able to understand the provision in this clause (4). Under it the obligation is cast on the ábkári officer, who is exercising his power under section 41, to admit the arrested person to bail. But if the person is arrested by an officer other than an ábkári officer the obligation as to bail does not apply to him at all. Obviously, it appears from the way in which the clause has been framed at present that while it would be obligatory on an ábkári officer to admit an arrested person to bail, it would not be obligatory on him under section 41 (4) to do the same if the man has been sent up by some other officer. But that matter will be dealt with in Select Committee. These are very extensive powers that are proposed to be vested in the ábkári officers, and I submit all these matters require very careful consideration before they pass into law. At present all that can be done is to draw the attention of the Council to the various features of the Bill as they strike the members from different points of view, so that their criticism may be taken into consideration by the Select Committee.

The Honourable Mr. J. P. ORR said:—Your Excellency,—I came to this meeting anxious to hear what the objections were to the first reading of this Bill, because I had heard from some of my Indian friends, for whom I have the greatest respect, that there was an objection, and on sounding them as to what were the grounds for the objection I gathered that there was a general objection to the proposal to place in the hands of subordinate ábkári officers power to prosecute direct without the interference of the police—a power which some of my Indian friends feared might be used in an oppressive manner. From speeches delivered in this Council I gathered that the speakers did not oppose the first reading of the Bill, but thought there were some points which ought to be considered by the Select Committee. Of these speeches the best statement to my mind was the first, *viz.*, that made by the Honourable Mr. PAREKH, who has given his objections under four different headings, and I must say I feel a certain amount of sympathy with him on some of those points, though not so much as to object to the first reading of the Bill. I am sure these points will be considered in due course by the Select Committee. There is one proposal to which the Honourable Mr. CURTIS took exception—and which I should think requires

consideration—and that is the question of the owner of the land being made responsible for trees which he does not own. There are some cases in which the owner of the land is not the owner of the trees; and that, it seems to me, should make a difference in the treatment of the cases.

The point to which I have given the most thought is the power it is proposed to give under clause 26 to ábkári officers. I do not think it would be right to throw out clause 26 merely on the ground that it puts too much power in the hands of ábkári officers. Some of the best of my Indian friends, for whom I have the greatest respect, had told me before I had heard the opinions that have been expressed here that they felt there was force in the popular idea that power to prosecute direct would be a dangerous weapon of oppression in the hands of unscrupulous ábkári officers; but after considering their valuable opinions very carefully I am not prepared to go further with them than to suggest that the powers contemplated should be confined to selected and specially empowered sub-inspectors. I take my stand first of all upon the fact that we are legislating for an advancing people, and that therefore it would be wrong to assume that there is to be no improvement in moral standards. Government, on their side, are doing their best to improve the morale of the ábkári staff by increasing their pay and selecting the best rather than the oldest men, and we may safely forecast, on the other side, a gradual stiffening of the public conscience against corruption and oppression, so that the risk of promoting these evils will have less and less weight among the factors to be considered in the process of legislation.

Even taking things at their worst, my Indian friends have failed to convince me that there is any great check put upon corrupt and oppressive ábkári-officers by the intervention of police officers between them and the magistrates. On the contrary, it seems to me that the intervention may often add to the horrors of the situation for the innocent victim. He may be saved much time and trouble by being taken to the magistrate direct or to an ábkári sub-inspector whose camp may be nearer than the police station, and the corresponding saving to the ábkári officers and all their witnesses (not to mention the police) is a great recommendation to the proposed amendment. The more direct method of administration which the amendment introduces tends to secure prompt justice and to minimise the law's delays, which always minister to opportunities for corruption and demoralisation. We are merely extending to the A'bkári Department the procedure which has been long in force in the Salt Department and has proved quite satisfactory there.

In answer to my question, "What check does the intervention of the police effect?" the most I have got out of my Indian friends is the suggestion that an ábkári official who contemplates bringing a false or frivolous complaint against a licensee who has not taken the usual measures for keeping in the official's good graces will think twice before he gives his evidence to be sifted by a police officer and on the other hand will rejoice to be saved the trouble of going to a police officer and to be able to go to a magistrate direct. But here again we may safely assume an improvement in our magistrates. In any case there is no reason to suppose that magistrates are less capable of sifting evidence than police officers, and a corrupt ábkári officer will know that he runs great risks of dismissal if he is again and again found bringing up cases which the magistrate holds to be false or frivolous. It seems clear to me that while the proposed amendment makes for greater efficiency and prompter justice it also tends to reduce facilities for oppression to dishonest

officials and to afford better protection to their innocent victims. Therefore, I am in favour of the proposals to amend the Bill. I only suggest the modification that the powers of police officers in charge of a station should be given, not to all, but only to selected ábkári sub-inspectors, on the general principle that changes should be introduced gradually and that we cannot yet assume the high moral standard amongst the lower grades of ábkári sub-inspectors that we hope ultimately to attain to, or rely as implicitly on the judgment of untried men, new to their work, as on the men of better training and longer experience who alone will be entrusted with the new powers if my recommendation is accepted.

The Honourable MOULVIE RAFIUDDIN AHMAD said:—Your Excellency,—I am really surprised at the Honourable Mr. PAREKH criticising the conduct and qualifications of the third class magistrates. It really strikes me as absurd that those honourable members who have been clamouring for wider judicial and magisterial powers to be given to Indians, should now come forward and cause a kind of stigma to be placed upon the character of the magistrates of the lower grade. This seems to me to be a most astounding thing. If it is an argument that no magisterial powers should be given to people drawing a salary of Rs. 40 to Rs. 60, it is not an argument that the third class magistrates should not try the offenders under the A'bkári Act. It is really not right to impugn the character and independence of subordinate officers in the way in which Mr. PAREKH has done. I agree with the Honourable Mr. ORR that selected inspectors should be allowed to detect the offenders of this kind, but I do not see any reasonableness in Mr. PAREKH and Mr. SETALVAD finding fault with the magistrates of the third class. As Mr. CURTIS has pointed out, their status has been improved and there has been a marked improvement in the tone of this class of magistrates. With the improvement in their salaries, there has been an improvement in the quality of the officers. If there are any details to be rearranged, the Select Committee is the proper place where they can be discussed. I hope this Bill will receive the support of this Council.

The Honourable Ráo Bahádur SHRINIWAS K. RODDA said:—Your Excellency,—I think there is some misunderstanding about the Bill. The framer of the Bill has wisely put in a clause to the effect that only such of the third class magistrates as are authorised by the District Magistrates may try the ábkári cases. The District Magistrates know their best men and from their experience they are competent to find out the character of the third class magistrates. If a third class magistrate is found who is fitted by experience and qualifications to try the ábkári cases, then the District Magistrate will give him special power to try the cases. If all the third class magistrates were given the power, then possibly it would have been right to raise an objection to the arrangement, but as the provision stands at present I see no objection to powers being given to subordinate magistrates of special ability and qualification under the A'bkári Act.

As regards the sub-inspectors, Mr. ORR has rightly pointed out that if special third class magistrates are authorised by the District Magistrates to try the ábkári cases, it is desirable that special sub-inspectors should be empowered to deal with the cases. They have some experience of ábkári cases, and ábkári Inspectors of a particular grade

of special services should be selected for dealing with the ábkári cases. The Commissioner knows his men and he can be safely relied upon to give the special powers to the right sort of men.

The Honourable Mr. W. D. SHEPPARD said:—I think that most of the points raised by the speakers in connection with this Bill have been so fully replied to by the Honourable Mr. CURTIS that I am not called upon to say anything further about them, but there is just one point raised by the Honourable Mr. SETALVAD in answer to the Honourable Mr. CURTIS' remarks which perhaps calls for a few words. I do not propose to say anything about the inconsistency alleged by my Honourable friend in regard to the Honourable Mr. PAREKH. As regards the provisions of the Act, no particular instance has been given in which it is likely to prove objectionable. Concerning what has been said as to the number of liquors which have been included in the Bill, I think that is a matter which can well go to the Select Committee. I now come to the statement that third class magistrates are not fit to try cases under this Act. The point urged, is that they earn salaries which range from Rs. 40 to Rs. 60, and it is argued that if a third class magistrate drawing that pay does not convict, he is likely to find his future career seriously imperilled. That seems to be the meaning of what was said by the Honourable Mr. SETALVAD. I think that no greater mistake can be made. I think that no more mistaken opinion ever existed than this, that a third class magistrate who does not convict in any cases will have his future imperilled, unless, of course, there is a long series of such cases, which could only occur in exceptional instances. A third class magistrate is not a third class magistrate only; he has been appointed to the post he holds for various other reasons. Not only has he passed through several lower grades before he reaches that position, but he is already an officer of some trust when he becomes a third class magistrate. His promotion will be influenced largely by other points outside his magisterial capacity, and the only point on which his magisterial capacity affects his promotion is purely in regard to his magisterial work, whether he be promoted to be a second class or first class magistrate. I think the suggestion that third class magistrates should not be allowed to try these cases is based upon mistaken ideas. The advantages to be gained by allowing them to try them are very considerable. There may be, and very often there are, third class magistrates where there are no second class or first class magistrates. A second class magistrate in the mofussil is usually travelling about, whereas a third class magistrate is stationary, and it is a great advantage to persons whose cases require to be dealt with with rapidity and without undue delay that they can be taken before a third class magistrate. It is desirable that they should be dealt with in that manner. There is the safeguard that only such magistrates shall try these cases as have been selected by the District Magistrate, and surely that is sufficient to safeguard the interests of accused persons. The next suggestion of the Honourable Mr. SETALVAD is that in consequence of the powers conferred upon ábkári-officers by clause 2 (*a*) it will be possible for ábkári-officers to retain in custody for a longer period than is necessary or desirable persons who have been arrested. As I understand this clause of the Bill, the ábkári-officer is endowed with no greater powers than are given in the Criminal Procedure Code to those officers who are in charge of police stations. Under the provisions of the Criminal Procedure Code no police officer can arrest and retain in custody a person arrested without warrant for a longer period than twenty-four hours in the absence of a special order from a magistrate. It is

this power which as I understand has been given to ábkári-officers under the Bill, and I think it is wrong for people to suggest that because these powers are given to ábkári-officers that people will be kept in custody longer than if the case had been taken over at once by a police officer.

The Honourable Sir RICHARD LAMB, in replying to the debate, said:—Your Excellency, since the motion before the Council is that this Bill be read a first time. I do not think there is anything for me to reply to, because as I understand from the speeches which have been made there is not one member who has spoken who intends to oppose the motion. If, therefore, I restricted myself to absolutely the only point which is relevant, *viz.*, whether this Bill shall be read a first time or not, I might sit down at once. But perhaps it would be more courteous if I expressed my opinion on some of the points which have been raised. Doubtless the fact that no one is opposing the first reading of the Bill shows that the Bill itself does not include any question of principle at all. We do not propose to interfere with, or alter in any way whatever, the principles on which the A'bkári Act was passed and is still in force, and when the Honourable Sardar Davar MODI suggests that we should take up the Act of 1878 and recast it from top to bottom, principles and all, I must say that I dissent very strongly indeed from any such idea. I should be very strongly opposed to re-casting the principles on which the Ábkári Act is based and on which the administration is conducted. The amendments in the Bill only make a few alterations to the wording and phrasing of certain sections, some small differences of definition, and a few points of procedure. The only really important point of procedure is that which gives to ábkári-officers the power of taking before the Magistrates the offenders whom they themselves arrest. It seems to be feared that this is a very dangerous power, and that the liberties of the subject are likely to be endangered. I am bound to confess that I do not in the least share these apprehensions. During the eight years that our re-organised A'bkári establishment has been at work we have been able to satisfy ourselves that the men we now employ are competent to deal with the cases when they take them before the Magistrate, and may be trusted not to exercise their powers improperly. If I were not convinced of this then I should not put forward such a clause, and it is only because we are convinced (and after so many years' experience), that we are doing so. It has been suggested by the Honourable Mr. ORR that we should restrict the power to such inspectors as may be specially authorised and empowered, and that is quite a fair point which may be considered in Select Committee. We will consider whether all A'bkári Sub-Inspectors, of whom the lowest grade is paid Rs. 30 a month, should be entrusted with these powers of taking accused persons before a magistrate. I do not myself attach much importance to the amount of pay a man is drawing as a test of his competency and trustworthiness, but it appears that a certain amount of weight is attached to the point. But I freely admit it is worth while to inquire whether all Sub-Inspectors, even when first taken on, should have these powers, and we will consider that in Select Committee. To me it appears that it must be of immense advantage to the accused that he should not have to go through the double procedure of being arrested by the ábkári-officer, and then taken to a policeman, before being taken to a magistrate. It is to the advantage of the accused person that he should be taken direct to the Magistrate and that there should not be an intermediate inquiry by the police. In moving the first reading I stated that in Bombay very great inconvenience was caused administratively by this necessity of going to the police. The

Honourable Mr. CURTIS has quoted the instance of railway places like Bhusáwal and Manmád, and I am certain if we were to have a close investigation we should find such instances all over the country, and undoubtedly it is a great inconvenience that accused persons cannot be taken direct to the magistrates. It is therefore not in limitation of the liberty of the subject that I bring forward the proposal, but to secure the subject as far as possible from inconvenience and to give him the opportunity of regaining his liberty as soon as possible if he is innocent.

As to the liability of occupiers of land on which toddy trees stand, I agree that the words proposed to be inserted in sections 21 and 22 of the Act will have to be examined carefully in Select Committee, and we shall have to see exactly what the words will have to be which will secure our object without throwing on other persons a liability which ought not to be thrown upon them.

I do not wish to dwell upon the point raised as to the third class Magistrate. I have not the least doubt that it will be extremely advantageous that a man selected by the District Magistrate for competence, independence of character and ability to deal with cases should be allowed to dispose of these cases without waiting for the return of the first or second class magistrates.

Some points have been raised in the speech of the Honourable Mr. KARANDIKAR which seem to indicate that in his opinion the Bill should go further than it does. The object of the Bill is to make better the provisions of the existing Act. The Bill does not contain any provisions for expanding the scope of the Act at present in force, and I do not think it is possible to extend the Act in the direction which seemed to be indicated by my honourable friend. The ideas which seem to prevail as to the functions of Government with regard to temperance seem to be extraordinarily vague. A little while ago the Honourable Mr KARANDIKAR actually sent in a question asking us to say in what manner or way a temperance association should conduct its operations successfully. I need hardly say this question did not appear on the paper, but it indicates an extraordinary attitude of mind that a private person or member of this Council should expect Government to prescribe and lay down the method and manner in which a temperance association should conduct its operations. Yet the question was asked. It is most obviously not a function of Government to conduct or prescribe the method of conducting, or even to indicate the manner in which such an association *might* conduct, its activities. The function of Government is only to control, as strictly as it can, the traffic in liquor, and the object of this Bill is to strengthen our control of liquor. I move, Sir, that the Bill be read a first time.

Bill read a first time

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

The Honourable Sir RICHARD LAMB then moved that the Bill be referred to a Select Committee composed of the following members:—The Honourable Mr. CURTIS, the Honourable Mr. KARANDIKAR, the Honourable Mr. NOWROJEE P. VAKIL, the Honourable Mr. LALUBHAI SAMALDAS, the Honourable Mr. RODDA, and the Honourable Sir RICHARD LAMB; also that the committee be instructed to report by June 15.

Bill referred to a Select Committee.

This was agreed to.

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

His Excellency the PRESIDENT:—We have now finished our legislative programme, and we proceed to the discussion of motions by Honourable Members.

The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR:—Your Excellency, the resolution I propose to place for the acceptance of this Council is this:—"That the Governor in Council may be pleased to give his attention to the betterment of the status, capacity and remuneration of the Village Police." One of the earliest Bills presented to this Restored Council was the Village Police Bill of 1862, which in an altered form became the law of the land as Bombay Act VIII of 1867. It merely declared the existence of the office of the Police Patel, who, the Act contemplated, might be clothed with certain powers. He had more to do with the sanitation and the peace of his own village. His subordinates were not defined, but they were expected to help the Patel in the detection of crime.

Even in early days this subject—that of the Village Police—claimed larger attention. Mr. Earskine in 1875, while complaining of the extra work thrown on Collectors, observed "that the Collectors' time is now almost entirely taken up with detail work and no time is left for considering important general questions, of which there are many, that require careful attention; as for instance, the placing on a better footing the Village Police, etc." The subject is a vexed question, owing to two heterogenous elements—heredity and efficiency of service combining to obstruct a proper grasp of the situation. Heredity, again, in the case of the Village Police is imbeded in land which is held on transmissible tenure and is oftentimes divisible.

The Police Commission, after demonstrating the advantages of securing village co-operation, referred to the attitude of the people and proceeded to compare with the Village Police the English constabulary force as it existed in 1839. They desired strongly to recommend development and fuller utilization of valuable agency—the Village Police. "Its employment," they observed, "will save the people from much unnecessary and vexatious interference while securing an important link between the Police and the people." In Madras there was Reg. 4 and 5 of 1816 (Madras Act of 1889). The village headman is assisted by the Panchayat to dispose of simple civil suits of small value. Under Reg. XI of 1816 there were Taliaris or village watchmen, village magistrates and beat constables. In Bombay the Village Police and village watchmen were placed under the District Magistrate in 1852, and the results were declared most satisfactory. The Village Police Act of 1867 was passed recognizing the Police Patils and village watchmen. In Gujarát they are remunerated by grants of lands or cash allowances; in the Deccan by grants of land and cash allowances. This system is admirably adapted to the conditions of the country and should be retained at all costs. The first and foremost reform required is a thorough revision of the Village Police establishment and their emoluments. Proposals were made in this connection (for revision), but they were too expensive. They referred to the lines adopted by the Collector of Ahmedabad for the gradual readjustment of emoluments and revision of the establishment of that district (*vide* Government Resolution No. 9, dated 3rd January 1900) which they found more reasonable and such as might well be followed *mutatis mutandis* in other districts. They further contemplated appointment of suitable men, a more liberal use

of the Village Police Act for disposal of petty cases and rewarding good work. They remarked: "What is required is to take up the work of reform systematically. It is not desirable that one system should be applied to every district, but it is desirable that reform should not be attempted by fits and starts, but persisted in systematically." The appointments were hereditarily held. In Sind there was a body of zamindars and land-owners who could superintend the work of the Village Police, but one point that must be insisted on in regard to these land-owners, great or small, is that they must not be placed under the Police, burdened with a number of miscellaneous duties or treated with harshness and indignity in respect of their work. The tendency has made the office of a village headman an offence elsewhere. They must be recognized by the District Magistrate and his subordinates as honourable co-adjutors. In another connection the Commissioners observed that the appointment of Panchayat is a matter which demands the closest attention of the District Officer and his subordinates, that failure of Panchayat system was more due to want of interest, and that the main object of the Village Police is to secure the co-operation of the people on the principle of payment for protection to be levied both from land and houses. The commissioners were strongly impressed with the paramount importance of maintaining and fostering the village agencies available for Police work, that the Village Police ought not to be separated from the village organization and placed under the Regular Police. They desired to see not a body of low-paid stipendiaries or subordinate Police scattered over the country but the utilization of the village agency. The village is the unit of administration. The headman's position and influence should be strengthened. The Village Police ought to be a village servant holding his own place in the life of the village and the subordinate of the village headman. To place the Village Police officer under the thumb of the station house officer would be to subvert the system,—often to place the dregs of the people over the respectable classes. The village watchman would become the menial servant of the District Police and probably become unscrupulous in his methods. Revenue and Police duties in one man they considered satisfactory and deprecated grouping of village. The supervision and control of the headman in discharge of their duties should be entrusted to the Head of the District. The Village Accountants have also certain responsibilities thrown on them regarding the reporting of crime by section 45, Criminal Procedure Code. They are, however, merely auxiliary in this matter. The Police Superintendent and his subordinates should treat them with courtesy and consideration. The village officer should not be harassed and good work should be promptly and cordially recognized. In their opinion the Village Police work consisted in carrying reports for the headman, in assisting him in tracing offenders and doing such watch and ward as the village requires and making arrests authorized by law. A great mistake has been made in eliminating the menial classes from the ranks of the village Police. These make the best watchmen better than higher castes. Even members of the criminal classes ought not to be rejected if they are induced to settle down to an honest life and the steady discharge of their duties. It is in accordance with the custom of the country. It is of great advantage that the office of the village watchman should be held by hereditary right as far as is consistent with securing suitable men. As to remuneration no uniform practice can be laid down for all provinces. Local custom shows that it is in part in rent-free land. His remuneration must only be partly in this form so that the people may not be relieved of the duty to bear the main part of the cost of the village police. It is a cheap way of

remunerating him. He gets not only the rent which is remitted but also the profits of the land. If he belongs to the predatory classes he would be induced to return to agriculture.

The difficulty is generally obviated altogether by selecting village watchmen from among the small holders of land and merely remitting the whole or a portion of the rent or by the levying of contributions from ryots since he is the servant of the village community. The commission would like to see the village system consistently developed and improved. They would urge that the standard of the worst should be gradually raised to the standard of the best, not radical change but persistent and patient efforts at improvements. They further recommend: "Improve the standard of education among the agricultural community generally by adopting a suitable curriculum and suitable hours in the day for attendance in village schools and among head men in particular by affording special facilities for the education of their children." They also recommend liberal system of rewarding headmen and watchmen promptly and publicly with money, puggrys, dress of honour, etc. It has been a general defect in the past to reward the regular Police and overlook the claims of the Village Police who may have contributed more largely to the success of the work. They also favour enlargement of the power of the village headmen, who may further be associated with the village Panchayat and will earn popularity in the disposal of cases. The commission regards it as of great importance to maintain and develope among the people a spirit of self-reliance and self-help not only in regard to Police matters but also in regard to other matters of local importance, and District Officers must let the people understand the object of the policy of Government. The subject of Village Police thus was of sufficient magnitude to attract the notice of the Police Commission. In the sanguine hope, that the subject, if left intact and not mixed up with the District Police, might receive attention, Sir Andrew Fraser's Commission decided to keep the subject separate, and desired a separate treatment. Payment for protection is a good principle and the land tax is in the first instance responsible for the peace and protection of the country. Besides the land tax custom exacted at one time the Baluta, but owing to an apparent consolidation of State demands on land, recovery of the Baluta has to be left more to the volition of the villagers. Fines imposed under the various enactments are in a manner indirect taxation, but no definite income is available for the Village Police.

Under these difficulties naturally the subject threatens to lag behind. So much so that, though a subsequent enactment of the year 1889 prefers to deal with village sanitation and in a manner compresses into the Sanitary Committees the authority of the Police Patil for sanitary purposes, our Legislature has not so much as set right the various anomalies pointed out in some of the Local High Court Rulings for fear of having to recast the whole Village Police Act. It, however, presented no uncommon difficulties. The Sind Village Police Act had to be enacted. The case of the Presidency proper is quite different and the subject can no longer be shirked. Government were pleased to call for information from the three Divisions and I can say, in grateful recollection of the opportunity given me by the Departments, that the Northern and the Southern Divisions have supplied the information. In respect of the Central Division, however, in 1908 it was not possible to collect and collate the particulars unless at a disproportionate cost. I appeal to the Honourable Mr. CURTIS to lend the weight of his authority for the purpose of a satisfactory solution of this vexed question in reference to the Central Division where I admit there exist complications. Those who are to be

subordinates of the Village Police Patil are at the same time useful for revenue purposes. The number of such servants has first to be determined in reference to the size and population and the revenue of each particular village. But owing to the chaos, most of the relatives of humble village servants were dragged before the Criminal Courts as vagabonds. If these villagers had been educated people they would have made themselves heard and made it too hot to let the subject be left in the lurch. Undoubtedly, Government is trying to do something, but what that something should be is a matter on which opinion seems divided. The status of the Village Police therefore has to be determined.

As regards their qualification there is yet to be a beginning made. Sums are devoted for the training of the District Police, their equipment, promotions; but none is provided for the Village Police training, no uniform except perhaps a belt and a kamblee. They are blamed for their ignorance which often impedes the cause of investigation. But as a matter of fact I have, during my 30 years' connection with legal work in the mofussil, seen reason to be satisfied that the Village Police play an important part in the early investigations. The Police Patils—many of them—know not how to write their own names or make a mark and there is failure of evidence in consequence of late reporting or incorrect reporting. Illiteracy of the village servants, of the Police Patil in particular, adds to the difficulties of administration. Even in the District Police half the force know not to write their signatures. But these Village Police may be given instruction in the quantum of law necessary for their purpose. The principal question is of their remuneration. By reduction of the number and restricting the holding to those actually serving, efficiency of service can be secured and some bold step is needed. The question of the Village Police is closely allied with that of the village autonomy. Since agriculture at one time formed the principal incentive for grouping together and society in the village developed in furtherance of the unions springing into existence, village autonomy means the history and development of the land tenure. The village unit was a self-contained small Government in which the village managers who have now come to be regarded as village officers and the *bara balutas*, 12 departments of that small state, played an important part.

The Mirasi Tenure, in regard to which a very succinct but pointed description is to be found in the Revenue Letter from Bombay dated 5th November 1823 (page 653 of the appendix to the report from the Select Committee on the affairs of the East India Company). The Miras there described is otherwise called Vatan the existence of which prevailed from the Krishna to the ghâts which divided Gangathadi from Khândesh and the characteristics were the hereditary rights and privileges that seemed occasionally to be the result of long possession and regular uninterrupted payment of the same assessment. Traces of it were discovered in accounts of 150 years standing (before 1823) and the tenure invariably conferred possession from generation to generation as long as the holder or his heir continued to pay the Government assessment according to the established usage of the village.

The privileges of Mirasdars were exemption from several extra charges, Mohtarfa comprehending house and shop taxes, loom taxes, taxes on trades, taxes on professions, and house tax from a few ryots, a voice in the village councils, right of pasture on the village commons, etc. The Mirasdar and his wife were entitled to precedence in village ceremonies and meeting.

These immunities and privileges made his situation superior to that of the *Ooparí*. He possesses personal consequence and not being liable to ejectment is animated to exertion and enterprise in the sure prospect of enjoying the fruits of his labour. From the greater interest felt by a Mirasdar in the improvement of his land, a temporary occupant seldom makes it produce so large a return as the owner; the difference was often found to be 25 per cent.

The Mirasdari land was liable to be split up into very minute shares under the Hindu Law of inheritance. Though divided, it oftentimes remained entered in the name of the original possessor. This seemed to be the *Jutha* or federative system under which a mutual responsibility existed for the payment of the public revenue and for the maintenance of the widows and families of the deceased members of the clan. The Bombay letter concludes this portion of the dépatch by adding "It is beneficial and will be encouraged".

The Village Police then is a relic of this *bara baluta* system, an autonomous Government—a unit, exclusive in its enjoyment of whatever appertained to the village, self-contained, like a self-contained enactment. Hereditary interest prompted continuance of service but afforded no promotions in grades, since no one village Police Officer can be transferred to any other village. But this was more than counterbalanced by small presents and perquisites upholding the dignity of the officer.

With the break up of the joint liability and the introduction of the Ryotwari system and the original objects of the survey operations which did not intend to interfere with the Mirasi tenure but to the regular realization of the state demand, and the consequent development of the Revenue Department, came the disintegration of the village unions and it affected Village Police largely.

The Village Panchâyat scheme as originally conceived would have perhaps enabled the whole subject to be properly handled. There is no prospect of either the Village Panchâyat Bill emerging out of obscurity in its original or useful shape, nor, as has been ascertained by an interpellation, is there any near chance of the Village Police Act being recast, and hence an appeal to Government is necessitated. Even as regards rewards, the Village Police do not seem to be fortunate in scoring a mentionable sum, and unless a definite sum is set apart its appropriation for rewards to Village Police cannot be guaranteed. I have always seen, when a Department is created and there is a recognized head, he does represent the grievances of that Department. If there had been an Inspector General of the *Village Police*, there would have been no need for this Resolution at all, and the Village Police Department too would have been more assertive than the District Police. Section 4 of the Village Police enables the District Magistrate to clothe the Superintendent of Police with power of supervision over the Village Police, and Government should ascertain how many have been so clothed with the necessary power. Even the Reports of the Police Department contain a very scanty notice of the Village Police. No record given of their number, nor notice of their capacity to fill the requisite posts and individual remuneration. Such a state can no longer further Police administration in the villages, which are in India the units of Civil Administration.

Government have already been pleased to review the whole situation in Government Resolutions Nos. 5120 and 5121, both dated 21st July 1905, and have come to the conclusion that if all other means failed the difference between actual and proper remuneration

should be made up from General Revenue proportionate to the work of the Village Police and suitable to their position and dignity.

I have full confidence that Government will be pleased to give effect to those conclusions. Your Excellency, I tried to ascertain the number of the Village Police, but the budget, as the Honourable Members may have noticed, gives no numbers. There is a blank space which shows that the number is not given. I do not know whether it is convenient to the State to furnish information with regard to the remuneration of the Village Police. It would be interesting to know that, so far as I have been able to gather, the highest pay which a police patel gets is Rs. 100 per annum, while some of them receive Rs. 75. It can be easily imagined what their condition must be if their pay is so low.

Now I come to the remuneration of the members of the District Police as given in the budget. According to this, there are 16,254 Constables in the District Police who draw Rs. 4,28,752 on account of their pay, which comes to Rs. 130 per head per annum or Rs. 10 per mensem. The number of Head Constables is 3,430, and the annual amount covered by their salary is Rs. 7,99,488, or Rs. 233 per head per annum or Rs. 20 per month. From another report relating to the working of the Civil Administration, I find that the number of Government villages in the Presidency is 19,758, while the number of Village Police Patels not holding magisterial powers is 15,035. In the budget for the year 1911-12 I find the following figures; The actual amount spent in 1909-10 for allowance to headmen of police and watchmen was Rs. 4,38,067 and the assessment on land was Rs. 4,96,016, the total of which would be Rs. 9,34,083. Now, I know by certain calculation that one rupee of land is equivalent to two rupees in cash, hence by doubling the amount of assessment on land the grand total is worked out at Rs. 14,30,099, which is distributable among those village officers. In this figure I have included Sind and those village officers who are noticed in the budget. The figures I have just given are actuals for the year 1910-11. Coming to the budget estimates for the year 1911-12, I notice that the allowance to headmen of police and watchmen is put down at Rs. 4,26,320, and the assessment on land at Rs. 4,93,000, thus showing a reduction, respectively, of Rs. 11,747 and Rs. 3,016 or rather Rs. 6,032 in cash according to the calculation I have already given. That is the amount of remuneration distributed among the Village Police—a little over Rs. 14 lákhs. The question is, among how many people the amount is distributed? Assuming that there is at least one Police Patel for every village—though I know that there are places where there are two Patels for one village—there must be something over 19,758 Police Patels, which is the number of Government Villages in the Presidency. But this figure merely represents the number of Police Patels. It must be remembered that every Police Patel has under him a village watchman, and in large villages there are two watchmen for every village, so that there are three persons for every village. Taking, however, the number of the whole staff roughly at 40,000 and the remuneration paid to them at Rs. 14 lákhs, the average per head per annum comes to a very trifling sum. It is proverbial, in fact everybody knows, that the pay of the Village Police is too low.

I venture to hope, Your Excellency, that all these facts and figures which I have placed before the Council will be brought to bear on the consideration of this subject, which can no longer be shirked. Therefore the Village Police is not only not well-paid, but it is thoroughly unorganized. Mr. Ellis observed in 1862: "I need hardly remind you

that the existence of a police unsanctioned by law is not desirable and that the discipline of the police must suffer." These considerations were forced upon the mind of the officer in charge of the police department and he has done justice to the whole subject. In the appendix which he has added to his excellent report he has made a reference to the improvement he had made in the Village Police. It is a two years' report. I find the reference in paragraph 49 in the first year's report which deals with the question of the Village Police. [Reads.] The same remarks have been reiterated in the second year's report in which also it is stated that the Inspector General has nothing much to add to what he has already stated in the previous report. In this report he has quoted the remark of the Commissioner of the Northern Division, who forwards observations of the District Magistrate of Broach. He says: [Reads.]

As to the question of rewards I have my own views. Personally, I really think that in the case of persons who are paid per mensem or per annum there should be no rewards; but in the case of persons who are hereditary servants of Government there should be a system of rewards. The salaried men are encouraged in their work by the hope of promotion, but there is no question of promotion in the case of the Village Police and there is consequently no encouragement; and in their cases a system of rewards is desirable. Your Excellency will find from the two reports I have just referred to that only 412 persons were rewarded in 1909-10, and 461 in 1910-11 by money. It was on this ground that at the time of the discussion of the present year's budget I insisted upon having a separate grant for rewards to the Village Police. A sum of Rs. 37,000 has been provided in the budget for the current year, and out of this amount I suggested a large sum should be set aside for rewards to the Village Police, because it was my own view, supported as it was by an ex-police officer, that unless an effort is made to have a separate sum allotted for rewarding the Village Police there would be no encouragement to them in their work. This is one of the points which I submit for the consideration of the Council in support of my argument that Government should raise the status and remuneration of the Village Police as far as possible. I perfectly sympathise with the Government plea that they have no money; but, surely, this is a subject of vast importance and cannot be ignored for any length of time on this ground. The admirable results of the inquiries made in 1905 demonstrate conclusively that it is highly desirable that Government should proceed tentatively, taking up one district or one táluká, or if even that is expensive, groups of villages, and see how the system works. Indeed, the subject has been dealt with piecemeal and not in a systematic manner. There is a scope for improving the Village Police in many other directions too, but I think the one I have just indicated is the most important of them all. With reference to the Central Division—

His Excellency the PRESIDENT:—The Honourable Member has already spoken for more than thirty-five minutes. I do not want to stop him, but I hope he will bring his remarks to a conclusion very soon.

The Honourable Mr. KARANDIKAR:—Your Excellency,—I have finished. I will only ask the Council to support my resolution. I appeal to the Honourable Mr. CURTIS to lend to the consideration of this question all the weight of his influence and to help in giving the resolution a concrete form. I find in one of the reports of the Inspector General that this department of the Village Police is not under him, but is under the Revenue Commissioner. It is hemmed in between two departments,

and I am afraid there will be some difficulty in the way of the question being adequately considered. I will now conclude by requesting Government to be pleased to direct their attention to the consideration of this important question of the betterment of status, qualifications and remuneration of the Village Police, who are the eyes and ears of the administration in the outlying and distant parts of the Presidency.

The Honourable Mr. DATTATRAYA V. BELVI :—Your Excellency,—I confess I have not been able to follow what the Honourable Mr. KARANDIKAR has said. In the first place he read out a long speech that had been written, and in the second place he has supplemented his written remarks with certain observations which he made orally. But I was not able to follow quite fully the trend of his argument and on consulting many of my colleagues I find that their experience was the same as mine. So it is very difficult for Honourable Members of the Council to give their opinions on the resolution that has been moved by the Honourable Mr. KARANDIKAR. I therefore move for an adjournment of the further consideration of this resolution under rule 7 of the Rules of the Council. In the meanwhile I request—if my motion be carried—that the speech of the Honourable Member be printed and copies of it be supplied to Honourable Members before the next sessions of this Council.

The motion was carried.

The Honourable Ráo Bahádur SHRINIWAS K. RODDA :—Your Excellency,—The resolution which I now rise to commend to your acceptance runs thus :—

"That the Governor in Council may be pleased to reconsider the order curtailing the Annual Report of the Director of Public Instruction."

I regret that there should be any occasion for me to move such a resolution. But duty demands this from me inasmuch as I was connected with the Department whose well-being is always at my heart. It might be urged that my experience related to old times and not to the present state of things; I beg to state that it is not full four years since I retired and in the interval my interest in the work remain unabated.

If in any case, detailed reports are necessary, they are surely so in the case of land-revenue and education. As the two departments are the main basis of a good administration, Government should lay before the public all the available information on educational topics in order to elicit intelligent and proper discussion. There was a time when all the reports of the divisional Educational Inspectors were published *in extenso* by Government. Of late, the Director of Public Instruction used to summarise the salient points of the reports of the Educational Inspectors, and when any suggestion was found worth noting, he quoted it in full and appended his own remarks. The Director of Public Instruction used to discuss the educational needs of the Presidency, suggest new measures to suit the exigencies of the day and generally his reports were well-informed, instructive, and interesting. We were not presented then only with dry statistic tables which have their own value but which certainly are not all in all, but we had to put it in short, a review of the educational movements and work in the past year with a forecast of the work to be undertaken during the next year. But all this has been changed for no good reason, whatsoever. The reasons assigned for curtailment are now given in reply to the Honourable Sir PHEROZESHAH's questions. They are not in my humble opinion tenable.

The first reason assigned is that the increasing demand on the time of the Director and the Inspector, etc., make it desirable that more time should be spent in doing things and less in writing reports. I submit that this is fully desirable, but at the same time the curtailing of the writing work to such an extent as would not help the object of the department is certainly injurious to its interests. The Director is a director and not an inspector. Except a few High Schools which he visits on his tour and only such vernaculars as come in his way, if he travels by road. He does not do any inspecting work. He is greatly relieved in all his official writing work by the appointment of an Assistant Director, selected from Indian Educational Service with some experience of Inspector, and the Railway communication between his head-quarters and many of the district towns only some of which he visits, facilitate his travelling and saves considerable amount of his time, which he can conveniently utilize for doing and seeing things.

The second reason assigned is that the Deputies' and the Educational Inspector's time is also saved and they can prolong their touring season for a month. With an increase in the Inspecting staff, with the substitution of inspection for detailed examination, with the convenience of railway communication, which enables these officers to inspect schools on the railway line even during monsoon time, the work can be done more efficiently than before and give ample time for the preparation of the report of the Deputies which ought to give a detailed account of education of the district entrusted to their respective charges. The Inspector's report is only a compilation from the Deputies' reports and much in the matter is done by the Inspector's clerks and the Inspector has only to add his remarks, personal experiences on several points. I myself have had the experience of a Deputy Inspector for nearly a quarter of a century and my reports were lengthy; and I could not help writing lengthy reports in order to satisfy the District Local Board and the Revenue officers and to discuss fully the needs of education and dwell on the progress the districts made during the year for which the report was written. Still my tours were of sufficient length. My inspection work was heavier than most of the other deputies. I don't think that there will be any great inconvenience felt if the Deputies and Inspectors write in their reports in an extended form without rambling on points which do not come within the scope of the Department.

With regard to reasons 3 and 4 in reply to questions 3 and 4, that people only work to the Departmental reports, the remarks of educational officers and any other facilitate for information and discussion of Educational subjects, are not of much use. The quinquennial reports are issued every five years and are only a summary of the past five, does not give the desired opportunity of discussing things at the proper time. A subject that can be discussed and observed in 1912 cannot be conveniently observed in 1915 or 1916 after an interval of three or four years. I humbly beg to point out the reasons, though they may be partly true but are not fully sound for the curtailment of an annual record of a province, which from an educational point of view occupies a very prominent position in British India at a time when so much is done for the expansion of education, its history of a year should be stifled and its extent compressed in only 10 pages in or about 650 lines, printed in bold type, is a matter of much regret to all who are interested in education. Economy of time is a good thing but this is not the way to economize and too much of economy in a place where it is not wanted and where it will tell adversely on the interests of the country is injurious. There are a hundred and one things where Government can afford with profit to be economical and no Government should in its eagerness

to economize time overlook the real and abiding interests of the country. What have Government gained by publishing such a meagre, ill-informed and ill-conceived report that repels the reader and gives him absolutely no information beyond what he can glean from the statistical tables themselves? Take, for instance, the question of Arts Colleges. The Director of Public Instruction says:—(Reads paragraph 4 of the Director of Public Instruction's report.)

Is this all that honourable members would like to know about the Arts Colleges? Do they not want to know anything about the working of each college? Do they not require to be told anything regarding the individual needs of the existing Arts Colleges? Is it not the duty of the Director of Public Instruction to say something, for instance, on the suffocating congestion of the existing Arts Colleges and the urgent necessity of relieving it by planting or inducing the foundation of new colleges? In the whole of India, there are 123 Arts Colleges, but Bombay boasts of having only 11 Arts Colleges. It has no Arts Colleges for females, whereas United Provinces has 4 and Bengal 3 Arts Colleges for females. Of the 11 Arts Colleges, Professor Gajjar's Techno-Chemical Laboratory trains only four students. Three are in Native States, and in Bombay and Bombay districts proper there are only 7 colleges. The congestion of these colleges is getting day by day quite intolerable, and I am not at all exaggerating when I say that there is hardly even standing room in them. My latest information is that there are 657 and 800 students in the Bombay Wilson and the Poona Fergusson Colleges. It is not that, what strikes me as a crying evil which hampers and stunts the growth of collegiate education in our Presidency and which requires immediate attention at the hands of Government, has not struck the Director of Public Instruction but his hands are tied down by the orders of Government. Regarding the University affairs, the Director of Public Instruction remarks that the Government's proposal were further discussed and committees were appointed to draft revised regulations in accordance with the decisions arrived at by the Senate. Is this all what the public ought to know? We want to know something of the leading features of the discussion and the Director's opinion on it. Honourable members must have had now an idea of the nature of the report—I have serious doubts whether it deserves to be called a report—presented to the Government by the Director. Seven lines are devoted to University, ten lines serve Arts Colleges and nine minister to Professional Colleges. Full 51 lines are devoted to High Schools and for this grace we are much thankful to the Director and I hope he will not be so extravagant next time. The report need not be further examined. The defects pointed out regarding the treatment of Colleges and High Schools and University affairs apply also to other topics. Even primary education has not received the share due to it. No notice whatever has been taken of conferences of different classes such as Maráthas, Jains. The diffusion of primary education is not noticed in the report. But is this the way to handle the educational questions of the day? Reports are primarily meant for public information and they are written with a view of inviting discussion, as already noted. But what possible information can even the most brilliant Director give within 10 pages, all told on the educational topics, and what possible discussion can there be on such scanty and poor basis? The new departure has been viewed with extreme concern both by the public and the press, and I trust the honourable members of the Council will realize the difficulties and inconvenience caused by the issuing of meagre and lifeless reports and support the resolution. When I first received the report, I could not make

out what the object of Government might be in calling for such a skeleton report. There is an increasing and lively interest all round in educational matters. Both the people and Government are alive to the duties they have to discharge regarding the educational needs of the country. Everywhere educational topics are debated with interest, and educational schemes launched with enthusiasm. When the whole country is as it were feeling the joy of a new life, when the people are demanding free and compulsory education, when Government are freely giving munificent grants for educational projects, when Government have created a new portfolio, with a full-fledged member for education, the country does not surely expect from Government reports of the type under discussion. This is the time to take the public into increasing confidence and invite co-operation with Government. Is it conducive to public good to deny access to the information available to Government? Is it desirable that public enthusiasm should be damped for want of sufficient information? I glean from the papers that the Government of India have put the screw on the Bombay Government to curtail this report. I have not any official information on the point and I gather it only from the reply to the Honourable Sir PHEROZESHAH M. MEHTA. Under the decentralizing influence of the times, it would be a matter of regret, if the Government of India have interfered with the liberty of Provincial Government in such a minor matter. After all it is immaterial for the purpose of my resolution, whether the Bombay Government has moved in the matter of its own accord or has been forced to do so by the Supreme Government. The result is equally disastrous. It is for us, gentlemen, members of the Council, to express our candid opinion on the measure taken by Government. I sincerely hope that members of the Council will not allow themselves to be in any way influenced that the measure has proceeded from the Government of India, and even if it has, it behoves us to request Government to reconsider their decision to curtail the report. To you, gentlemen, Mr. E. Giles needs no introduction. For 34 years he served under the Bombay Government and was one of the most distinguished Directors of Public Instruction we had the honour to possess. Mr. Giles acted also for some time as the Director General of Education. His opinion on the recent report is extremely important and deserves to be seriously considered. I do not take time by quoting in full his letter to the *Times of India* of 19th January 1912.

The Director of Public Instruction in his report says that he had made the summary a little fuller than it needs be in future years, as before the receipt of the orders of the Government, Educational Inspectors and the heads of the various institutions had sent in the usual detailed reports. It is difficult to know what he means to do, if he is left to himself next year. This year we had the pleasure of reading ten pages and a half letter-press. The Director of Public Instruction seems to grudge the public even this much liberty. I am afraid that in days to come he will content himself only with the presentation of statistical tables and leave the salient points to be inferred by the reader. If Government indeed are content with ten pages of a report, they had better stop the publication altogether. On this point we are safe inasmuch as Government have announced that there can be no further curtailment.

The public does not want to be fed with statistical table and a summary of statistics. It wants something more, and that something more, Sir, it lies in your hand to give to the public and it badly needs it. I trust you will be generous enough to gratify the hearty desire of the public. I appeal to the Bombay Government to lend their kind

support to the Resolution moved with the best of intentions for the welfare of the Department with which I have been connected lifelong and whose best interests will ever be mine.

The Honourable Mr. C. H. A. HILL said:—Your Excellency,—I think that, with Your Excellency's permission, I shall be able to tell the Honourable mover of this resolution some facts which will render it unnecessary for him to press to a division the resolution on the question of cancelling orders formerly issued with regard to the length of the Director of Public Instruction's report. As a matter of fact Government are very largely in sympathy with the resolution proposed by the Honourable member, and are most desirous that no points of interest in matters of education—especially now when education is advancing so rapidly—shall be eliminated from the Director's report. On the other hand, there was some justification for the curtailment of the reports as they had developed under the pre-existing orders. These reports were rapidly becoming stereotyped in form, and were ceasing to give the kind of information that was wanted. It was partly because of this tendency that orders were given for the curtailment of the report. It is greatly to be regretted if in the process of curtailment matters of interest should be left out. At the same time it is hoped, by instructing the Director of Public Instruction to include in his report matters of interest every year without laying down the precise headings and directions in accordance with which the report should be framed, to obtain, without the old stereotyped form, a report more informing than perhaps used to be the case. With the views expressed by the late Director of Public Instruction, Mr. Giles, everyone might not fully agree, but at any rate his experience was unique and his views are entitled to and have received the fullest consideration. The greatest value of the old reports lay perhaps in what the Honourable mover of the resolution has recounted from his own experience. He, as a Deputy Inspector, wrote at great length in his reports to his Inspector, and his reports gave the Director of Public Instruction materials for judging of the capacity and zeal of his Deputy Inspectors. But zeal can be judged in other ways apart from the volume of the annual reports, and the great desideratum in the Director of Public Instruction's report is that there should be a freedom from the trammels of a stereotyped form. The Director of Public Instruction should be given greater freedom as regards the matters he may touch upon and should not have the scope of his report restricted by hard and fast rules and prescribed forms. He has already received instructions to this effect, and, while, therefore, I hope the Honourable mover will not press for the formal cancellation of orders curtailing the report, he may rest assured that the Director will not fail to report on all matters which may have been of interest each year.

His Excellency the PRESIDENT said:—There are only a few words which I should like to say in amplification, if possible, of what has been said by the Honourable Mr. HILL. I sympathise entirely with the Honourable mover's object in bringing his resolution before the Council. It is absolutely necessary that Government, as well as the public, should be in possession of full and adequate knowledge with regard to the proceedings of the Educational Department in all its branches and as to the progress of education generally in the Presidency. Government needs such information to enable it to keep in close touch with the effect of the measures which we have taken, and are taking, and also to learn the nature of the requirements of the education of the people as they arise from time to time. And then the public, as the Honourable Mr. RODDA has said, is taking a

daily increasing interest in educational questions on all sides and naturally expects the Government to supply it with facts indicating what has been done, and with what results in so far as those results can be brought out by statements or can be shown in figures. The whole question is therefore how much detail should be given and in what form it should be presented. That is the real question which Government is now considering. I need not tell the Council that a voluminous report is not always luminous, and I have noticed in reading reports of the past that they contain a good deal of voluminous matter, which is not of importance to Government or to the public, but which was put in because the orders said it must be put in. Government does not wish the Director of Public Instruction to be occupied too long with the preparation of reports, and that is the point which, as the Honourable Mr. RODDA says, should not be pressed too hard. We do not desire matters of importance to be omitted from the annual report, and the modified orders we are considering will very much alter the character of the report, which the Honourable member has criticised, and will bring out all matters of interest connected with education, which occur during the year. We hope the reports in the future will be less formal and more informing than they have been in the past, and I think the Honourable member will be satisfied with the results at which we aim. He can be assured that we are with him, and I think that if there is any defect in the reports of which he complains, it is probable that he will find himself quite satisfied with the reports of the future.

The Honourable Ráo Bahádur SHRINIWAS K. RODDA :—Your Excellency,—After the assurance which has been given by the Honourable Mr. HILL with regard to my resolution I do not wish that there should be any great discussion on the subject, because Government have promised to do what they can to make the annual report of the Director of Public Instruction as attractive as possible and to include in it all subjects of interest. I may say that even the Government resolution reviewing the report of the Director of Public Instruction contains many things which are not embodied in the Director's report. But since instructions have been issued in the direction I have indicated, I am quite satisfied with the assurance given by the Honourable Mr. HILL in that behalf and I do not press for a discussion on this resolution. (Cries of "Withdraw, withdraw".)

His Excellency the PRESIDENT :—I understand that the Honourable Member wishes to withdraw his resolution.

The Honourable Ráo Bahádur SHRINIWAS K. RODDA :—I do not press for any discussion, because the assurance given by the Honourable Mr. HILL amounts to acceptance of my resolution. (Cries of "Withdraw, withdraw".)

His Excellency the PRESIDENT :—If you are satisfied with the assurance, do you wish in that case to withdraw your resolution?

The Honourable Ráo Bahádur SHRINIWAS K. RODDA :—That must appear in the proceedings.

His Excellency the PRESIDENT :—Everything will appear in the proceedings.

The Honourable Ráo Bahádur SHRINIWAS K. RODDA :—Then I am quite content to withdraw my resolution.

The resolution was then allowed to be withdrawn.

The Honourable Ráo Bahádur SHRINIWAS K. RODDA :—Your Excellency,—There is another resolution which stands in my name, but as I have heard from Government that they have generally accepted though in a modified form my resolution, which is resolution No. 3 on the agenda, namely, "That the Governor in Council may be pleased to arrange with the Railway Board for the introduction of an intermediate class of carriage between Poona and Benglore or least on the Poona-Hubli section of the Madrás and Southern Mahratta Railway Company" and as the Railway Board and the Agent of the Southern Mahratta Railway Company are to be addressed by Government, I beg to withdraw it.

The permission to withdraw the resolution was granted.

The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR :—Your Excellency,—The resolution which stands in my name is as follows :—"That as in the case of Honorary Organizers under the Registration of Co-operative Credit Societies, provision should be made for travelling expenses of members of the Works Committees of the District Local Boards."

His Excellency the PRESIDENT :—I think when an answer, which could not be given before to one of the questions put by the Honourable Member, is read out by the Honourable Mr. CHAUBAL, it will perhaps satisfy him.

The Honourable Mr. M. B. CHAUBAL said :—Your Excellency,—The amendment of the Local Boards' Act is under contemplation and the question of expenses of the voluntary workers will have to be considered in connection with the contemplated amendment of the Act. It may be questioned whether such expenses should be allowed to the Táluká Boards Work Committee in view of the fact that the places they have got to inspect and the works they have got to supervise are within easy reach of their places of residence. As regards the District Boards their work is mostly done by the Executive Engineer of the district These are questions which would be fully and adequately considered at the time of the proposed amendment of the Local Boards Act

The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR :—In view of this statement I beg to withdraw my resolution.

The resolution was allowed to be withdrawn.

The Honourable Sir IBRAHIM RAHIMTOOLA then moved the following resolution :—"That Government be requested that the petitions, representations and memorials which may be received by them in connection with any legislation pending before this Council, should be forthwith printed and a copy forwarded to each Councillor."

The Honourable Member said :—Your Excellency,—The resolution, which I have just moved, does not call for many remarks to commend it to the acceptance of this Council. My attention was particularly drawn to this point on the occasion of the last meeting when we were considering the Medical Registration Act. I remember when we came to the Council Hall I found on the table a mass of printed papers, I think over 50 or 60 pages, representing the various memorials and petitions that were addressed to Government in connection with that legislation. It must be apparent to every member here that it is not possible, when the work of the Council is actually going on, for the members of this Council to study these representations and to form a

considered opinion as to the objections raised. It appears to me that the best procedure would be, that as soon as a representation is received in connection with any legislation that may be pending before the Council it should be printed at once and a copy supplied forthwith to each member. The advantage of such a course is obvious. Each councillor when he arrives in the Council Hall will thereby be in full possession of the views of those who may have thought fit to make representations on the subject. The procedure I am advocating involves no extra expenditure, as all these papers are printed and placed on the table when the Council meets. All I desire is that these printed papers should be forwarded to the members in good time. Your Excellency, during your term of office, you have very kindly accepted the suggestions made in the matter of supplying the fullest information to the members of the Council in order to enable them to carefully consider all matters coming before them. The copious supply of Press Notes, the copies of the *Government Gazette* and other official publications and the foundation of the Council Library in the Secretariat are facilities for which the non-official Members of the Council have repeatedly tendered their thanks to Government, and I think the supply of papers relating to pending legislation mentioned in my resolution will prove of still greater value and usefulness. Another instance which occurs to me is with regard to the report of the Select Committee on the Smoke Nuisance Bill. When I attended the meeting of the Select Committee I found on the table a letter from the Municipal Commissioner raising certain points in connection with the Bill. Had it been placed in the hands of the members of the Select Committee in sufficient time beforehand they would have been able to give a better consideration to the subject than they were actually able to give. I do not wish to take up the time of the Council with any further remarks, as I feel confident that the idea is only to be placed before Your Excellency's Government to be accepted.

The Honourable Sir RICHARD A. LAMB:—Perhaps I may shorten the proceedings if I say at once that so far as all papers now printed and laid on the table are concerned there is no objection on the part of Government to cause them to be forwarded to members of the Council instead of being placed on the table. I understand that all the Honourable Member wants is that all papers which are printed and laid on the table should be sent to members by post as soon as they are printed. To that proposal we are perfectly willing to give our assent.

His Excellency the PRESIDENT:—Does this satisfy the Honourable Member?

The Honourable Sir IBRAHIM RAHIMTOOLA:—I am quite satisfied, I hope as the proposal is accepted by Government, it will be declared to have been carried.

His Excellency the PRESIDENT:—Yes.

The Honourable Sir IBRAHIM RAHIMTOOLA then moved:—

> "That Government be requested to notify, under the provisions of the Negotiable Instruments Act, the following two additional public holidays for the next year, *viz.*—the Ramazan Eed and the Bare-Vafat."

He said:—Your Excellency,—My resolution is in the form of a request on a point about which there is considerable feeling amongst the constituency which I represent. The case for desiring that these two additional public holidays may be recognised by Government is to my mind an overwhelming one. Your Excellency will

remember that in April of last year, I raised the point by sending in two interpellations to this Council and at the budget meeting I dealt with the question in my speech, and the reply given was that the matter would be considered and dealt with by a special Committee which sits every year. I was hopeful that the very reasonable request that was made would be accepted in full. Some time last year after the Committee met the Mahomedan member on that Committee wrote and informed me that, at all events, one of the three additional holidays I had asked for had been conceded, and that the Bakri Eed had been declared a public holiday. As regards the other two, the Ramazan Eed and the Bare-Vafat, another member of the same Committee informed me that their idea was to recognise as a public holiday, under the Negotiable Instruments Act, the Ramazan Eed also; but this year it so happens that the day on which the Ramazan Eed falls—it must be remembered that the Mahomedan year is a lunar year—is a day, the preceding two days of which are Parsi public holidays and two or three subsequent days are Hindu public holidays, so that if the Ramazan Eed were recognised as a public holiday this year there would be a whole week of public holidays which cannot be regarded as desirable. It was for that reason, I was told, that the Ramazan Eed was not recognised as a public holiday this year. Speaking to a third member I was given quite a different version. This member informed me that not only there was no idea of granting the Ramazan Eed as a public holiday in the future or for this year, but that even the Bakri Eed was declared a public holiday for this year only, and that it may not be so declared next year. He explained it this way. A Hindu holiday falls on a Sunday, and as that is not required for a public holiday the Bakri Eed was allowed in its stead. It means that if a Hindu holiday had not fallen on a Sunday we would not have had the Bakri Eed as a public holiday. Your Excellency, I have got these three versions from three different members, and it is difficult to ascertain what the actual facts are. The fact that the Ramazan Eed comes between two Parsi holidays and two Hindu holidays is true enough as it appears from the Calendar, and there is reason to believe that that view of the case is correct.

Now, the one thing that I should like to bring to the notice of Government is that the four public holidays which I am asking Government to notify, namely, the Mohurrum, the Ramazan Eed, the Bakri Eed and the Bare-Vafat, are not the holidays of any one section of the Musalman community, but are the public holidays of the entire Musalman world not only in India but also everywhere else. The real question that was raised in this Council on the occasion of the budget debate was, that Government had laid down that there should be only 26 public holidays during a year and that those 26 days should be distributed among the four communities—the Parsi, the Christian, the Mahomedan and the Hindu, and it was found difficult to work in any additional holidays within the number. The Honourable member in giving this information stated that there was no reason why this number should be regarded as absolutely fixed, but that Government considered that as there are 52 Sundays in a year, half of that number, which would bring the total to 78, should be regarded as amply sufficient for public holidays. I beg to submit that one or two days more or less cannot really matter.

In view of this point I have tried to ascertain the number of holidays in different provinces in India, and I find that in the Punjáb the total number of holidays is 27. In 1910 there were 29 public holidays there, but two of them were for the census operations. These, if excluded, would leave a total of 27. In Madrás the total number of holidays is only 24, and the reason for this is that there they have to deal with

practically two communities—Hindu and Christian—the Mahomedan population being very small. In Bengal, as it was in 1911,—not the whole Bengal Presidency, but only the province of Bengal as it was before the recent orders were promulgated—which has Calcutta as a centre of trade claimed by the Calcutta merchants as of greater importance than Bombay, there are 28 public holidays. So that if Calcutta can have 28 public holidays, I do not see why exception should be taken to giving Bombay the same number of holidays. If this is done, my demand can be easily satisfied. In Eastern Bengal and Assam the number is 27. In the United Provinces of Agra and Oudh, where there is another great centre of trade in Delhi, the number of public holidays is 30. But going to a part of our own Presidency itself, namely Sind, for which a separate list of public holidays is issued, you will find that the total number is 29. Now, if the same Government allows 29 holidays to Sind, which has another trade centre—Karachi—I do not see why the number may not be increased from 26 in Bombay. I have also got a list of separate holidays for each province. In the Punjáb, there is one general holiday applying to the whole of India, that is, the King's birthday. There are besides 11 Christian, 8 Hindu and 7 Mahomedan holidays. Of the 7 Mahomedan holidays there are three days for the Mohurrum, one for the Bakri Eed, one for the Ramazan Eed, one for the Bare-Vafat and one for the Sabe-Barat. In Bengal, the arrangement is that out of the 28 holidays one is general, 17 Hindu and 10 Christian. In addition to these a large number of special public holidays are allowed there, and they are 5 Mahomedan, 6 Hindu and 3 Christian holidays. The same may be said of Eastern Bengal and Assam. In the United Provinces there is one general holiday and 10 Christian, 12 Hindu and 7 Mahomedan holidays. These 7 Mahomedan holidays include 3 days for the Mohurrum, 1 for the Ramazan Eed, 1 for the Bakri Eed and 1 for the Bare-Vafat. The 29 holidays in Sind are divided as follows: General 1, Christian 10, Hindu 12, Parsi 3 and Mahomedan 3. The Ramazan Eed is a public holiday in Sind, but not in the Bombay Presidency. It appears to me that the case for the request that I prefer is a very strong one. While the other Provinces have got 27, 28 and 30 public holidays, though they have to deal practically with only three communities—Christian, Mahomedan and Hindu—Bombay which has to deal with four communities—the important Parsi community being the fourth—has only 26. The number 26 can hardly be considered as adequate for a Presidency which has to consider the claims for the public holidays of four important communities. It will thus be obvious to this Council that the request I make is not an unreasonable one. I do not wish that the public holidays of the other communities should be taken away, but I say that in view of the fact that a larger number of public holidays are allowed in other Provinces with trade centres claiming equal, if not greater, importance in matters commercial, I do not see why we should not have the same number especially when we have to meet the requirements of four communities instead of three.

Then there is one aspect of the question of public holidays which has puzzled me a great deal. It is the practice of declaring as a public holiday the day preceding or following if the actual holy day falls on a Sunday in any year. I do not know what principle is involved in this arrangement, for certainly no other day can be regarded as a holy or a religious day and ought not to be declared a public holiday. It appears to me that there is no meaning in giving a public holiday in this way. I submit that if it is made a rule not to declare a holy day as a public holiday when it falls on a Sunday,

the very reasonable demand that I am making can be conceded without increasing the total number of public holidays in every year. At most it may happen on rare occasions that the total number exceeds 26 by one or two. In view however of the reasons I have placed before this Council I feel confident that it will be held that this does not really matter.

As regards the wording of the resolution, it states that Government may be *requested to notify*, under the provisions of the Negotiable Instruments Act, the following two additional public holidays, etc. It is possible that this may be taken as an order to Government. But I beg to point out that under the rules all resolutions which this Council passes are in the form of recommendations, and that being so it is perfectly open to Government, even after a resolution has been passed, to accept it or not as they like. But if that explanation is not satisfactory I would be very glad to amend the resolution by substituting the words "to consider the desirability of notifying" in place of the words "to notify." With these remarks I commend the resolution for the favourable consideration of this Council.

The Honourable Sir RICHARD LAMB said:—Your Excellency,—Perhaps I may save time if I explain the actual position of affairs. During the course of this year it has been felt that there is a good deal of trouble and inconvenience relating to public holidays. It has been decided, therefore, to appoint a special committee, other than the annual committee which meets to recommend the holidays for the ensuing year. The special committee will be instructed to examine the whole question. The orders have not yet been published, but I will read a copy of what it is intended to publish:—

"The Committee appointed by Government in 1911 for the purpose of considering what days in the year 1912 should be recognized as public holidays under section 25 of the Negotiable Instruments Act suggested that, in view of the number of requests for additional holidays which were received from different communities, the whole question of the festivals to be observed as Bank Holidays should be rediscussed. The Governor in Council has therefore decided that a Special Committee representative of the different interests and communities should be formed to consider the question so that when the festivals to be observed as Bank Holidays are decided and approved by Government, the usual Holiday Committee need only fix the dates. The following gentlemen have been nominated to serve on the Committee:—

The Honourable Mr. C. H. Armstrong, Chairman, Chamber of Commerce, Bombay,—Chairman.

The Accountant General.

The Collector of Customs, Bombay.

The Prothonotary and Registrar of His Majesty's High Court of Judicature, Original Side, Bombay.

Mr. R. Aitken (Bank of Bombay).

Mr. J. Greig (Chartered Bank, Limited), Exchange Banks' representative.

The Chairman, Cotton Trade Association, Limited, Bombay.

Mr. F. F. Gordon (Bombay Presidency Trades Association).

The Honourable Mr. Manmohandas Ramji (Indian Merchants' Chamber and Bureau, Bombay).

Mr. Lakhamsi Nappu (Grain Merchants' Association, Bombay).
Sir Dinshah M. Petit, Bart. (Mill-owners' Association, Bombay).
The Honourable Sir Sassoon David, Bart, representing the Jewish community.
Mr. Mahomedbhai Currimbhai Ibrahim, representing the Mahomedan community.
Sir Vasanji Trikamji, Kt., representing the Jain community.
Mr. Purshotamdas Thakordas, representing the Hindu community.
The Under Secretary to Government, Financial Department (without vote).

The Chairman of the Committee has been informed that the maximum number of holidays to be notified under the Negotiable Instruments Act should be 23 in addition to the three prescribed under section 25 of the Act, making 26 in all; that since the holidays are notified under the Negotiable Instruments Act, they should be chosen principally with regard to the banking and mercantile (including trading and shop-keeping) interests, and that since persons of various communities (European, Hindu, Musalman, Parsi, Jain and Jew) are concerned in these interests, regard must necessarily be had to the convenience of these communities as well as to the interests of the bankers, merchants, traders and shop-keepers who are composed of persons from the various communities. The Committee has also been informed that at least one month should elapse before it meets so that the various communities may have an opportunity of submitting suggestions."

That is the order it is intended to issue. The resolution, with the the modification which my honourable friend Sir IBRAHIM RAHIMTOOLA proposes to make—that Government be requested to consider the desirability of adding two additional public holidays for next year—I think may perfectly well be referred to this committee; and also, if my honourable friend would like it, I should have great pleasure in adding him to the committee so that he may have the opportunity of looking after his resolution himself.

The Honourable Sir IBRAHIM:—Very well, Sir, I agree with great pleasure.

The Honourable Moulvi RAFIUDDIN AHMAD said:—In regard to the resolution which stands in my name, *viz.*:—

> "That in view of the great and growing demand for trained teachers in Urdu schools, in all parts of the Presidency, Government should be pleased to establish an Urdu Training College, at an early date."

I have had some conversation with the Honourable Mr. HILL and he has asked me to discuss the matter with him. I shall, therefore, be thankful if you allow me to postpone the resolution.

The motion was agreed to.

The Honourable Mr. SIDDHANATH DHONDEV GARUD moved:—"That this Council recommends to Government the establishment of a model Government Farm at Násik and a Demonstration plot at Málegaon."

The Honourable Member said:—Your Excellency,—You will permit me at the outset to congratulate Government on the advance that has been in the agricultural prosperity of this Presidency under Your Excellency's guidance. I do not think I need say much to commend this resolution to Your Excellency's Government and the Council. In the first place, it may be said that I should have brought this resolution at the time of the

discussion of the financial statement. I may at once say that I did not do so, because I did not wish to press for a grant in this year's budget and I thought it would be sufficient to invite the attention of Government to this important question on some other occasion. Your Excellency, the Násik district is a place which commands vast agricultural facilities, and the town of Násik is the centre where by far the larger portion of the agricultural produce of the district goes for being exported to Bombay. Thus Násik is an important trade centre. In the same way Málegaon holds an important position, being situated between the rivers Girna and Musa, but it is removed from the railway station by nearly twenty miles. Consequently people, who live in these tracts and depend entirely for their income on their lands, do not possess the same facilities to see agricultural demonstrations at the exhibitions which are held from year to year under the auspices of the Agricultural Department. I submit that in consideration of these two important factors the claims of Málegaon for a demonstration plot and of Násik for a model farm may be granted. The model farms have been recently doing a very important work in this Presidency. In the districts they have been found very useful to the agricultural community in the way of teaching them more economical and improved methods of cultivation, and it is generally agreed that the time has now come when Government should establish farms in all districts. But should the present financial condition of Government not permit of undertaking such a general scheme, I think they should at least take up those places where they are most needed. It is particularly desirable to have a model farm at Násik and a demonstration plot at Málegaon in view of the fact that though these centres possess exceptional irrigational facilities, they are not able to take full advantage of them. If the agriculturists there are taught the improved methods of agriculture they would be able to grow on their lands, which possess such advantanges, two crops a year instead of one as they do now and thereby increase their income.

The Honourable Mr. W. H. Lucas said:—Your Excellency,—the proposal of the Honourable Mr. Garud must be considered from three points of view—that of desirability—that of immediate necessity, and that of financial practicability. I think that the Honourable Mr. Garud has shown that his proposal is a desirable one. But it could also be shown that the establishment of experimental farms at other head-quarter stations is equally if not more desirable, and I venture to think that the mere desirability of a proposal is not a sufficient ground for its acceptance The necessity for an agricultural station at Násik must be determined with regard both to the needs of the other districts of the Presidency, including Sind, and to the extent to which the energies of the Agricultural Department are already being expended in the Násik district. At present there are fourteen agricultural stations in the Bombay Presidency—five in the Central Division, three in the Northern Division, three in the Southern Division and three in Sind. Thus the Central Division which the Honourable Mr. Garud represents is better provided than any other Division. Of the five stations in the Central Division, four are in the Poona district and one is at Dhulia in West Khándesh. The Násik district lies between the two districts which contain these five stations, and I therefore think that it can fairly be said that the Násik cultivators already have every facility for studying improved methods of agriculture. The results of the experiments conducted at these five stations have been vigorously demonstrated in the Násik district by the itinerant staff of the Agricultural Department. Experiments in sugarcane, groundnuts and cotton—and a regular campaign

against vine mildew by spraying with Bordeaux mixture have also been undertaken at places in the Násik district. I therefore submit that no case has been made out for the immediate necessity of establishing an agricultural station at Násik, so long as many other large tracts—such as the Eastern Deccan—have no such station.

As to the financial practicability of these proposals I do not think that the Honourable Mr. GARUD can be aware that the Bombay Agricultural Department already spends more than any other Agricultural Department in India, although the population and the area with which it is concerned are less than those of several other Provinces. Nearly seven lákhs of rupees are being spent every year by the Bombay Agricultural Department, of which amount two and-a-half lákhs are devoted to agricultural stations—a sum which exceeds the total annual expenditure of some of the other provincial Agricultural Departments. The initial cost of an agricultural station is about Rs. 25,000 and the annual recurring cost is about Rs. 10,000. It is because the initial cost is so heavy that the opening of the agricultural station at Lárkána in Sind which was sanctioned long ago has been postponed from year to year.

I therefore submit that in view of the large sums which are already being spent on agricultural stations in the Bomby Presidency this Council should not support the Honourable Mr. GARUD'S proposal for the establishment of one at Násik. The request for a demonstration plot at Málegaon is a comparatively modest one and when the Agricultural Department has obtained a sufficient stock of improved varieties of cotton seed, I think that Málegaon might with advantage be selected as one of the centres for experiment. If when the time arrives such a plot is provided at Málegaon, experiments could also be conducted there with vegetables and other kinds of garden produce; but, I venture to think that the Agricultural Department can safely be trusted to see that all that is required in this respect is taken in hand in due course.

The Honourable Mr. HARCHANDRAI VISHINDAS said:—Your Excellency, about two years ago I put a question in this Council as to the desirability of establishing agricultural farms in Sind and elsewhere in almost every district, and the reply I then received was that it was not practicable to do so everywhere, but that it was being done wherever possible. Now, whilst I should not be understood in any way to stand in the way of any legitimate ambition of the Honourable Mr. GARUD to have an agricultural farm and a demonstration plot in the places he has mentioned, I request my honourable friend to have some sense of proportion. After what has just fallen from the Honourable Mr. LUCAS, I think we may safely leave this matter to Government who can be trusted in fulness of time to distribute these farms and demonstration plots in the different districts of the Bombay Presidency in a fair and equitable manner. It is quite plain that the Honourable Mr. GARUD recognises the financial difficulty before his suggestion can be carried into effect, for he tells us that it was for that reason that he did not bring up the question at the time of the budget discussion. Now, after the full explanation that we have had from the Honourable Mr. LUCAS, I think the claims of the two places mentioned by the Honourable Mr. GARUD are in no sense superior to those of the other districts. I therefore suggest to the honourable member to withdraw his resolution and leave it to Government to decide when these farms and demonstration plots should be established in different places. (Cries of "Withdraw, withdraw.")

The Honourable Mr. GARUD, replying, said:—Your Excellency, I do recognise that Government have been spending money liberally on the agricultural advancement of the Presidency and it was that which induced me to offer my congratulations to them. The establishment of a model farm at Násik is urgently needed to show the agriculturists of the district in as easy a manner as possible the best way of producing cheaply the staple crops of the district, namely, bájri and jowári. I venture to submit that my proposal will not cost Government so much as my honourable friend Mr. LUCAS seems to think. In the beginning plots of land can only be rented, and I am sure the rent will not be necessarily very expensive, and it will be very easy to grow these crops on them. I quite believe that Government may have to suffer some loss in conducting these farms, but the loss would be made up to a great extent by a better outturn of crops grown by the agriculturists. I think if a small beginning is made as I suggest, Government will not find itself on the wrong side of the budget. Similarly the establishment of a demonstration plot at Málegaon would also not cost much. But to my mind the financial difficulty is not so formidable as has been tried to make out. I have particularly put forward the claims of Násik and Málegaon, because they command exceptional irrigational facilities and are in a position to grow three crops in a year, and if the people there can be shown the way to do that they would be able to make a material improvement in their income. Again, in the case of Málegaon, which is between two rivers, people do not grow the crop which they ought to grow, and if they get the advice of the expert in charge of the demonstration plot that would materially advance their prosperity. In Málegaon they grow bájri and jowári, but cannot grow sugarcane because they do not know the improved methods of cultivating it—methods which a department like the one I am proposing can alone teach them. I venture to submit that if by these means the income of the agriculturists can be increased it would indirectly conduce to the prosperity of the State. I therefore submit that it is not right to allow exceptional facilities, which these two places possess, to be thrown away. I commend my resolution to the favourable consideration of the Council.

The Honourable Sir RICHARD LAMB said:—Your Excellency,—While fully sympathising with the Honourable Mr. GARUD I am afraid I cannot agree to accept his resolution. It seems to me that it is the wrong method of procedure. As the Honourable Mr. LUCAS has pointed out, the Agricultural Department in the Presidency is already spending 7 lákhs of rupees, that is to say, more than any other local Government in India is spending, more even than the Imperial Government spends during the year. There is no Government, Imperial or Local, or local administration which spends so much on the promotion of agriculture as we do. That is no reason why we should not go on spending more as we find the money if there is the necessity, but the point is that we have to go on distributing the funds according to the best advantage. The Director of Agriculture carefully considers each year what he can do to improve agriculture. That this Council should say to him "You must take up the question of the farm at Násik and of a demonstration station at Málegaon" does not seem to me a right procedure when there are other places as well which need development. The Honourable Mr. GARUD has explained eloquently the advantages which would accrue from the farm at Násik and the demonstration plot at Málegaon, but he has not been able to show that their claims are any greater than those of other places, and unless we are able to deal with all the places claiming

attention, and are able to weigh each one against the other and see which is most in need, I don't think we should lay it down that Násik must be first. I quite agree that it is very desirable there should be demonstration plots and model farms, but I do not think this Council should prescribe that the very next place should be Násik or Málegaon. I do not think, therefore, that we should accept any recommendation in favour of any one place.

His Excellency the PRESIDENT:—Would the Honourable Member like his resolution put to the Council, or would he prefer to withdraw it after what he has heard?

The Honourable Mr. GABUD:—I will ask Your Excellency's permission to withdraw it.

His Excellency the PRESIDENT:—Very well. I think that concludes our business.

PAPERS PRESENTED TO THE COUNCIL.

1. Letter from the Zamindárs of Jamesábád regarding the Bill to provide for the levy of a cess from the Musalmán land-holders in Sind for the promotion of education in that community.

See Appendix C.

2. Letter from the Zamindárs of Pithoro táluká regarding the Bill to provide for the levy of a cess from the Musalmán land-holders in Sind for the promotion of education in that community.

See Appendix D.

3. Letter from the Zamindárs of Tatta táluká regarding the Bill to provide for the levy of a cess from the Musalmán land-holders in Sind for the promotion of education in that community.

See Appendix E.

The Council then adjourned *sine die*.

By order of His Excellency the Honourable the Governor,

L. GRAHAM,

Secretary to the Legislative Council.

Mahábaleshwar, 10th May 1912.