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OF THE

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The following papers which were placed on the Council Table at the meeting of the Legislative Council of the Governor of Bombay held on the 13th March 1917 are published for general information :—

LIST OF BUSINESS TO BE BROUGHT FORWARD AT A MEETING OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF BOMBAY TO BE HELD IN THE COUNCIL HALL, SECRETARIAT, BOMBAY, ON TUESDAY, THE 13TH MARCH 1917, AT 12 NOON.

I. NEW MEMBERS—

Before taking his seat a newly elected or nominated Additional Member should make an oath or affirmation of allegiance to the Crown.

II. QUESTIONS AND ANSWERS—

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

III. RESOLUTION—

By the Honourable Mr. R. P. Paranjpye—

"This Council places on record its sense of the great loss it has sustained in the death of the Honourable Mr. W. H. Sharp, the Director of Public Instruction, who was for many years a member of this Council and endeared himself to all his colleagues by the ability, eloquence and fairness which invariably characterised his work here and elsewhere."

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[13TH MARCH 1917.]

IV. PRESENTATION OF THE REVISED FINANCIAL STATEMENT OF THE GOVERNMENT OF BOMBAY FOR THE YEAR 1917-18—

Financial Resolutions.

The Honourable Mr. Munmohundass Ramji—

(20, Police.)

That the totals of expenditure for the Police Department be reduced by Rs. 33,200, the reduction to be effected by deleting item no. 85 in the statement B, relating to the temporary increase in the staff of the Criminal Investigation Department of the Bombay City Police and providing for a non-recurring grant of Rs. 11,400, and by deleting also the item of secret service money providing for Rs. 21,800.

The Honourable Mr. S. B. Upasani—

(20, Police.)

This Council recommends to His Excellency the Governor that the provision made under item no. 87* in statement B of the Draft Budget Statement be omitted.

The Honourable Mr. S. B. Upasani—

(22, Education.)

This Council recommends to His Excellency the Governor in Council that the provision made under item no. 92† in statement B of the Draft Budget Statement be omitted.

The Honourable Mr. B. S. Kamat—

(22, Education.)

This Council recommends that in the next year's Budget Estimates the provision for building grants for Education (item no. 96 in statement B of new or extraordinary items of expenditure) be increased from Rs. 3,00,000 to Rs. 6,00,000, the additional amount of Rs. 3,00,000 being earmarked for free grants for primary school buildings in the moffusil, and that this expenditure be met by a corresponding reduction in the provision of Rs. 4,00,000 made for Discretionary grants under Head 45, Civil Works—Public Works Department, item no. 217 of the said statement.

The Honourable Mr. S. B. Upasani—

(22, Education.)

This Council recommends to His Excellency the Governor in Council that, out of item no. 116‡ in statement B of the Budget, the trained teachers entertained this year be paid the full face value of their certificate and that provision be made to increase the number of trained teachers and to increase the pay of the untrained head masters of primary schools.

The Honourable Mr. S. B. Upasani—

(24-B, Sanitation (Provincial).)

This Council recommends to His Excellency the Governor in Council that out of the provision under no. 155§ in statement B, the Nandurbar water-works scheme be executed this year.

V. BILLS—

1. A Bill further to amend the Bombay Port Trust Act, 1879 (Bill No. V of 1916)—*Second Reading.*

For Notice of amendments from the Honourable Dewan Bahadur K. R. Godbole, please see items under Head VI.

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* Additional provision for rewards to policemen.
† Entertainment of a lecturer on Geography for the Sydenham College of Commerce and Economics, Bombay.
‡ Lump provision of Rs. 2,00,000.
§ Grants-in-aid of sanitary projects.

LIST OF BUSINESS.

[13TH MARCH 1917.]

2. A Bill to amend the law for the inspection and management of boilers in the Presidency of Bombay (Bill No. VIII of 1916)—*Second Reading.*

For Notice of amendments from the Honourable Mr. S. B. Upasani, please see items under Head VI.

3. A Bill to provide for increasing the number of elective members on district local boards and other matters—*First Reading.*

VI. AMENDMENTS OF WHICH NOTICES HAVE BEEN RECEIVED—

(A).—Under sub-rule (*4*) of rule 35 of the Rules for the conduct of business, notice has been received of the following amendments to Bill No. V of 1916 (a Bill further to amend the Bombay Port Trust Act, 1879), as amended by the Select Committee :—

From the Honourable Dewan Bahadur Kashinath Ramchandra Godbole—

Clause 3.—Insert the word "non-pensionable" before the words "officers and servants."

Clause 6.—Insert the word "non-pensionable" before the words "officers and servants."

Clause 7.—Insert the word "non-pensionable" in the two places before the words "pilots" and "officers and servants."

(B).—Under sub-rule (*4*) of rule 35 of the Rules for the conduct of business, notice has been received of the following amendments to Bill No. VIII of 1916 (a Bill to amend the law for the inspection and management of boilers in the Presidency of Bombay), as amended by the Select Committee :—

From the Honourable Mr. S. B. Upasani—

Clause 3.—After clause 3 (*b*) add the following :—

"(*c*) When the boiler is hired or obtained on loan from the owner by any person using the same he and not the owner shall be liable for acts done and liabilities incurred by him under the Act while the boiler is in his charge."

Clause 9 (1).—At the end of clause 9 (*1*) add the words "of the section."

Clause 16 (1).—Omit the words "unfounded or".

Clause 16 (2).—Omit the words "as an arrear of land-revenue" and substitute "as a debt by attachment and sale of his moveable property."

Clause 18 (1).—Add the words "at the time" in line 6 after the words "being used."

Clause 29.—Omit the words "without fault on his part" in line 5.

Clause 39.—Omit the words "as an arrear of land-revenue" and substitute "as a debt due, by attachment and sale of his moveable property."

Schedule B.—In paragraph 3 after the words "a second fee" add "of Rs. 10."

In the same Schedule omit the last paragraph providing for levy of double fee.

(C).—*Rules for the conduct of business at Meetings of the Legislative Council of the Governor of Bombay—*

From the Honourable Mr. V. J. Patel—

For the words "a copy of such sanction shall be annexed to the notice prescribed in sub-rule (*2*)", in sub-rule (*6*) of rule 28 of the Rules for the conduct of business at meetings of the Legislative Council, substitute the following words :—

"such sanction shall be obtained by the member before he moves at a meeting of the Council for leave to introduce that measure."

LIST OF BUSINESS.

[13TH MARCH 1917.]

VII. DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST—

Resolutions by the Honourable Mr. V. J. Patel—

1. This Council recommends that, in pursuance of the recommendations of the Royal Commission on decentralization, which were commended by the Government of India in their recent Resolution on Local Self Government, steps be taken to constitute village panchayats in this Presidency in select areas and if necessary a mixed committee of officials and non-officials be appointed to suggest and advise Government on the necessary methods of detail to be adopted for the purpose.

2. This Council recommends that His Excellency the Governor in Council may be pleased to take steps to have at least one special training college for primary school teachers and mistresses established in the City of Bombay at an early date.

3. This Council recommends to His Excellency the Governor in Council that the number of elective members on all municipalities constituted under section 10 (*1*) of the Bombay District Municipal Act, 1901, or, in the alternative, on such of them as enjoy the privilege of selecting a president by a two-thirds' majority shall, in future, be not less than two-thirds of the whole number of councillors.

4. This Council recommends to His Excellency the Governor in Council that the number of elective members on all local boards enjoying the franchise of election for the last 25 years or upwards shall, in future, be not less than two-thirds of the total number of members.

5. This Council recommends that His Excellency the Governor in Council may be pleased to rule that no officer of Government shall stand as a candidate for the office of vice-president of any local board of which any other officer of Government is president.

6. This Council recommends that His Excellency the Governor in Council may be pleased to undertake legislation so to amend the Local Boards Act as to provide that presidents and vice-presidents of all local boards in the Presidency proper shall be elected non-officials, with power to the Governor in Council to direct, by a notification in the *Government Gazette*, that the said provision shall not apply to any local board to which for exceptional reasons, which shall be set forth in the said notification, he shall deem such provision unsuitable.

Resolutions by the Honourable Mr. R. P. Paranjpye—

7. This Council recommends that Government be pleased to represent to the Supreme Government that it is desirable to recognise as qualified for Government service students who have passed the Matriculation Examination of the Bombay University provided they have attended a recognised school for two years just before their examination and produce a certificate of satisfactory character and progress from the head of such a school.

8. This Council recommends that in connection with the proposed arrangements for the establishment of an Arts College at Dharwar Government be pleased to remove the condition that the principal of that College is to be a European member of the educational service.

Resolution by the Honourable Sardar Shriniwas Coopooswami Mudliar—

9. This Council recommends that Government be pleased to move the Railway Board to provide railway-platforms and waiting-rooms for passengers on the stations on the Barsi Light Railway, and specially at Barsi.

Resolution by the Honourable Mr. G. M. Bhurgri—

10. That this Council recommends to His Excellency the Governor in Council to consider the advisability of appointing, if or as soon as financial conditions permit, a separate officer to push forward and popularize co-operative credit in Sind.

LIST OF BUSINESS.

[13TH MARCH 1917.]

Resolution by the Honourable Mr. Gokuldas Kahandas Parekh—

11. This Council resolves that His Excellency the Governor in Council may be requested to take early steps so to amend the Bombay Medical Act, 1912, as to render persons who have passed the Sub-Assistant Surgeons' examination, according to the rules prescribed by Government, eligible to be members of the Medical Council, and to bring the Bombay enactment in this behalf into line with the corresponding Acts of other Provincial Governments under the Government of India.

Resolution by the Honourable Dewan Bahadur Kashinath Ramchandra Godbole—

12. This Council recommends that His Excellency the Governor in Council will be pleased to place on special duty at the earliest convenient date a capable officer of the Public Works Department to report upon the development of water-power in this Presidency, both for direct use and for the establishment of hydro-electric plants, the special duty officer being instructed to give approximate costs of the proposed waterpower schemes, the details being left to be worked out by promoters proposing to utilize the power for industrial purposes.

Resolution by the Honourable Mr. Abdul Kadir alias *Fakir Mahomed walad Ibrahim Khan Pathan—*

13. This Council recommends that the Government be pleased to issue a Press Note on the subject of the Karnatak College, giving the public a clear assurance that the Government will, as soon as the financial conditions permit, raise the Second Grade Arts College to be established at Dharwar by the beginning of June next to the status of a First Grade College.

Resolution by the Honourable Mr. V. J. Patel—

14. That this Council recommends that His Excellency the Governor in Council may be pleased to direct an enquiry by a Committee or otherwise on the question of the public expenditure of this Presidency with a view to secure economy whenever possible.

VIII. PAPERS PRESENTED TO THE COUNCIL—

1. Report of the Select Committee appointed to consider Bill No. V of 1916 (a Bill further to amend the Bombay Port Trust Act, 1879).

2. Report of the Select Committee appointed to consider Bill No. VIII of 1916 (a Bill to amend the law for the inspection and management of boilers in the Presidency of Bombay).

3. Letter from the Government of India, Legislative Department, No. 119, dated the 18th January 1917—Returning with the assent of His Excellency the Governor General signified thereon the authentic copy of the Bombay Tramways (Amendment) Law, 1917.

4 Letter from the Government of India, Legislative Department, No. 167, dated the 22nd January 1917—Returning with the assent of His Excellency the Governor General signified thereon the authentic copy of the City of Bombay Police (Amendment) Law, 1917.

5. Letter from the Government of India, Legislative Department, No. 197, dated the 23rd January 1917—Returning with the assent of His Excellency the Governor General signified thereon the authentic copy of the Bombay Abkari (Amendment) Law, 1917.

J. NISSIM,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 10th March 1917.

H 2125—2

LEGISLATIVE COUNCIL, 13th MARCH 1917.

LIST OF QUESTIONS AND ANSWERS.

Questions.	*Answers.*
THE HONOURABLE MR. DATTATRAYA VENKATESH BELVI.	
1. Is it a fact that the Collector of Bijapur has recently issued an order to the Bijapur City Municipality under section 173 (*c*) of the Bombay District Municipal Act, 1901, stopping all "further expenditure of any kind", "except for fixed recurring charges" without the Collector's approval, and that in consequence urgent sanitary works such as drains and improvements to public roads and the like have been suspended? Collector's order to Bijapur Municipality.	1. As the Municipality failed to provide sufficient amount in its budget in order to pay the charges due to Government in connection with the maintenance of the water-works, the Collector pointed out to the Municipality its omission to reserve the amount due to Government before incurring fresh expenditure on other objects, and requested the President of the Municipality to stop further expenditure on works, the liability for which had not already been incurred until an amount of not less than Rs. 30,000 had been accummulated at once and another of Rs. 15,000 before the close of the year. None of the works postponed were of an urgent nature.
2. (*a*) Is it a fact that recently the Collector suspended the execution of four resolutions passed by the Municipality of Bijapur during the month of September 1916 under section 174 (1) of the Act in three of which the Commissioner, S. D., set aside the Collector's order? Collector suspending 4 resolutions of Bijapur Municipality.	2. (*a*) Yes.
(*b*) Will Government be pleased to call for all the papers in that connection and place them on the table of the Council?	(*b*) After reading all the papers in connection with this matter Government do not think that they are of sufficient public interest to be placed on the table of the Council.
3. Will Government be pleased to state if it is a fact that the Municipality of Bijapur are proceeding to provide a temporary but fairly substantial and sanitary school house for their Kanarese School No. 3 on a site a portion of which (20′ × 40′) is Government unoccupied land, in anticipation of the Collector's sanction for occupation, but that the Collector of Bijapur declines to give the sanction? Bijapur Municipality's application to Collector for land for Kanarese School.	3. As the Municipality had ill-advisedly spent money for the provision of temporary accommodation for its Kanarese School which was totally unsuited for the purpose, the Collector declined to recommend the grant to the Municipality of Government land, free of rent, on which a portion of the new building has been constructed, unless steps were taken by the Municipality to get a proper plan and estimate for the building prepared by the Executive Engineer, Bijapur District, and approved by the Educational Inspector, S. D.

QUESTIONS AND ANSWERS.

Questions.	*Answers.*
4. Is it a fact that the Collector of Kolaba has recently demanded a security for Rs. 1,500 for a mere formal change of declaration from the name of an old and decrepit man to his son's name in the case of the "Sudhakar Press"? (Printing presses and newspapers in Kolaba District.)	4. Security was demanded for good and sufficient reasons.
5. Will Government be pleased to state in a tabular form :— (Khoti statistics.)	
(*a*) the total number Khoti villages in each taluka of the Kolaba District?	5. A statement* in a tabular form furnishing the requisite information is placed on the Council table.
(*b*) The total number of Khots who have been called on to pass annual kabulayats in each taluka?	
(*c*) The total number of Khots who accepted leases from Government for a fixed period before the year 1865 in each taluka?	
(*d*) The total number of Khots who accepted such leases after the year 1865 in each taluka?	
6. Is it a fact that there is not a single Jain or Mahomedan gentleman on the District Local Board of Belgaum at present? (Jain or Mahomedan on the District Local Board of Belgaum.)	6. The answer is in the affirmative.
7. Will Government be pleased to give information on the following points :— (Land revenue collections and subscriptions to War Relief Fund at Hanchinal.)	
(*a*) The total amount of land revenue collected at Hanchinal in the Parasgad Taluka of the Belgaum District from January to August 1916?	7. (*a*) Rs. 13,270.
(*b*) The total amount of the Imperial War Relief Fund collected with land revenue in the same village during the abovementioned period of time?	(*b*) Rs. 133-11-8 were received as subscription to the Fund during the period in question. Information of the amount actually paid with land revenue is not available. Some subscriptions were so paid at the request of the subscribers.

* See Appendix J.

QUESTIONS AND ANSWERS.

[*Mr. Dattatraya Venkatesh Belvi.*] [13TH MARCH 1917.]

Questions.	*Answers.*
(*c*) The total amount of penalty exacted from landholders in that village for default to pay land revenue punctually, within the said period of time?	(*c*) Rs. 391-14-2.
[*These questions were asked at the meeting held on the 4th December 1916, when* ad interim *replies were given.*]	
8. (*a*) Will Government be pleased to state the total amount of public money spent on the civil suit recently instituted at Poona by Shri Jagannath Vasudev Pandit for the recovery of his estate from the Court of Wards, Poona? **Recovery of Shri Jagannath's Estate from Court of Wards.**	8. (*a*) The amount cannot be ascertained as the suit is still pending.
(*b*) What were the reasons which led Government to withhold the estate from the said claimant before the institution of a civil suit by him in view of a decision of the Privy Council upholding his title?	(*b*) The matter is *sub judice*.
9. (*a*) Has the attention of Government been drawn to a statement published under the heading "A meeting of the Excise Committee" in column 3 on page 5 of the issue of "The Kesari" newspaper dated the 30th January 1917? **"Kesari" on "a meeting of the Excise Committee."**	9. (*a*) Yes.
(*b*) If so, does the statement set out the facts correctly?	(*b*) The statement does not set out the facts correctly.
10. (*a*) Will Government be pleased to state if any orders were issued during the year 1916 regarding the educational qualifications of watandar kulkarnis for their future appointment as kulkarnis? **Educational qualifications of watandar kulkarnis statistics.**	10. (*a*) Yes.
(*b*) If so, will Government be pleased to lay on the Table of the Council copies of such orders?	(*b*) A copy of the orders* is laid on the table. * See Appendix O.
(*c*) What is the total number of representative watandar kulkarnis in the Presidency at present and how many of them have already officiated at least once and how many of them possess now the qualifications laid down under the recent orders?	(*c*) Government consider that the collection of this information would involve an expenditure of time and labour out of all proportion to any purpose it would be likely to serve.

QUESTIONS AND ANSWERS.

13TH MARCH 1917.] [*Mr. Dattatraya Venkatesh Belvi; Mr. G. M. Bhurgri.*]

Questions.	*Answers.*
11. Will Government be pleased to state—	
Lunatics removed from municipal districts. (*a*) The total amount of money recovered by Government from the municipalities in the Presidency of Bombay as maintenance charges of poor lunatics under orders Nos. 4091, dated 18th May 1915, and 439, dated 19th January 1916, General Department, from the 18th May 1915 to end of the year 1916?	11. (*a*), (*b*) and (*c*) Enquiry is being made.
(*b*) The total amount of money which the municipalities have been able to get refunded to them out of the estate of the lunatics?	
(*c*) The total number of lunatics on whose account the municipalities had to pay to Government maintenance charges from 18th May 1915 to the end of the year 1916?	
12. Will Government be pleased to answer question No. 6 put by the Honourable Mr. Bhurgri at the meeting of the Legislative Council on the 13th March 1916? Cases tried and in arrears in Subordinate Courts.	12. Statements* containing the information have been placed on the Council Table. * See Appendices L and M.
THE HONOURABLE MR. G. M. BHURGRI.	
1. (*a*) Will Government be pleased to state whether the enquiry held by the Collector of Hyderabad, Sind, into an alleged case of Police torture at Husri and Machis village in the Hyderabad District, has been completed? Collector of Hyderabad's enquiry into certain allegations.	1. Yes.
(*b*) If so, will Government be pleased to state what was the result of the enquiry?	The evidence did not in the District Magistrate's opinion prove any act of torture.
(*c*) Will Government be pleased to state whether any identification test of the alleged offenders was held?	No.
(*d*) If so, will Government be pleased to state what was the result of the test?	No necessity for identification arose as no act of torture was proved.
(*e*) If not, will Government be pleased to state why no test was held?	

QUESTIONS AND ANSWERS.

Questions.

(*f*) Will Government be pleased to lay all the papers connected with the matter on the Council table?

2. Will Government be pleased to state—

(*a*) What is the total number of Preventive Officers in the Customs Service at Karachi;

Customs Preventive Service at Karachi.

(*b*) How many of them are Europeans or Anglo-Indians and how many are Indians;

(*c*) How many posts of Preventive Officers of the Customs Service at Karachi, permanent as well as acting, fell vacant since 1912;

(*d*) How many of these vacancies were filled by appointing Indians, and how many by Europeans or Anglo-Indians;

(*e*) What is the number of posts, temporary or permanent, since 1912, which have been filled by conferring them on Europeans or Anglo-Indians brought from outside Sind who had no previous experience of the Preventive Service;

Answers.

The papers of the enquiry are not before Government, but the District Magistrate will be instructed to show the Honourable Member such of the papers as he may ask for.

2.

(*a*) The total number of Preventive Officers in the Customs Service at Karachi is as under:—

Superintendent	... 1
Inspectors	... 2
Preventive Officers	... 19
Total	... 22

(*b*) The total number of Europeans or Anglo-Indians and others is as under:—

Europeans or Anglo-Indians	... 20
Syrian	... 1
Indian	... 1
Total	... 22

(*c*) The number of posts that fell vacant since 1912 is as under:—

Permanent vacancies	... 4
Temporary leave vacancies	51

(*d*) The appointments that fell vacant since 1912 were filled as under:—

Permanent.

Indians	... Nil
Europeans or Anglo-Indians	... 4

Acting.

Indians	... Nil
Europeans or Anglo-Indians	... 22

Note.—The same officer acted twice or oftener in temporary vacancies.

(*e*) The number of posts filled since 1912 from outside and within Sind is as under:—

18 appointments from Sind.
8 appointments from outside Sind.

QUESTIONS AND ANSWERS.

Questions.

(*f*) Were there any Indians in the Preventive Service at the time of each of such appointment and is it a fact that some of these Indians had from 10 to 30 years' experience in the Department;

(*g*) If it is a fact that the Customs authorities in Karachi have approached the Customs authorities in Bombay and other places in India for Europeans and Anglo-Indians to fill the post which have fallen vacant since the outbreak of war;

(*h*) If it is a fact that a scheme for strengthening the Preventive Service at Karachi has been submitted to the Commissioner in Sind, whereby most of the Europeans or Anglo-Indians already holding permanent appointments as Preventive Officers will get still higher salaries than at present and their places filled by appointing Europeans or Anglo-Indians as extra Preventive Officers who are not on the establishment list, but are being paid out of over-time fees;

Answers.

(*f*) The number of Indians in the Preventive Service other than Preventive Officers is as under:—

3 Wharfingers.

One on Rs. 100 appointed to the Preventive Service on 8th April 1904; so had 12½ years' service in that Department though his total length of service is 34 years and 11 months, 2 years and 2 months of which were in the Educational and Salt Departments.

One on Rs. 70 appointed to the Preventive Service on 1st May 1912; so had 4 years and 8 months' service in that Department though his total length of service is 20 years and 9 months.

One on Rs. 60 appointed to Preventive Service on 1st May 1912; so had 4 years and 8 months' service in that Department though his total length of service is 15 years.

Besides there are three clerks and eight tally clerks drawing pays from Rs. 20 to Rs. 50.

(*g*) Suitable candidates not offering themselves, reference was made to the Bombay Custom House for recommendations of suitable candidates on the waiting list.

(*h*) and (*i*) A scheme for strengthening the Preventive Service has been submitted to Government and is under consideration. It is premature to say who will benefit under it, but ordinarily promotion will be granted by seniority and general fitness.

Questions.

Answers.

(*i*) The manner in which Indians in the Preventive Services will benefit by the proposed strengthening of the Preventive Service at Karachi.

3. Will Government be pleased to state—

(*a*) If it is a fact that in the Custom House at Karachi promotions to employees in the different branches, *viz.*, the statistical, the accounts, the manifest, and the correspondence branches, are given not according to the seniority on the general list of the employees, but according to the seniority in each separate branch;

Custom House at Karachi—Promotions in the branches.

3. Clauses (*a*) and (*c*).—The reply is in the negative. Promotions of employees on the ministerial establishment in the different branches of the Karachi Custom House are made with reference to general seniority and merit, and transfers are made from one branch to another.

(*b*) Whether this practice prevails in any other Custom House in India;

Clause (*b*).—The corresponding employees in the Bombay Custom House are borne on, and given promotion according to, one general list.

(*c*) If not, the reasons why this practice has been adopted in Karachi.

4. Will Government be pleased to state—

4.

(*a*) * * * *

(*a*) * * * *

(*b*) How many of these 530 persons had offered security which was rejected, and how many had offered none;

Cases in Sind under Chapter VIII of Code of Criminal Procedure.

(*b*) The District Magistrates now report that 577 persons were imprisoned in 1915, of whom 203 offered security which was rejected, and that 374 offered none.

(*c*) How many of these 530 persons were sent to jail for the first time;

(*c*) 411.

(*d*) Whether persons sent to jail for the first time under Chapter VIII are kept apart from or together with habitual offenders in the jails?

(*d*) They are treated as habituals.

[*These questions were asked at the meeting held on the 4th December 1916, when* ad interim *replies were given.*]

5. Will Government be pleased to state how many Sindhis and how many gentlemen from the Presidency are nominated Fellows of the Bombay University?

Sindhis and others nominated Fellows of the University.

5. One for Sind and 79 for the Presidency proper.

QUESTIONS AND ANSWERS.

Questions.	*Answers.*
6. Will Government be pleased to state— (*a*) What have been the total expenses incurred by Government; (i) on the Karia excavation on the Jamrao Canal, (known as 'Karia Khurch'), (ii) on 'Survey Khurch' on the same Canal; (*b*) what is the total amount so far realized under the above heads from the Zamindars on the same Canal. Certain expenses in connection with the Jamrao Canal.	6. (*a*) and (*b*) Enquiry will be made.
7. With reference to the following statement made by the Honourable Khan Bahadur Pir Baksh in his speech at the last meeting of the Legislative Council, namely, "We tried our best to use compulsion upon the people to send their children to schools", will Government be pleased to state— (*a*) By whom the attempt in question was made? (*b*) With respect to how many and to what persons the attempt was made? (*c*) Whether the attempt was made in the municipal area or not? (*d*) In what manner or by what means the attempt was made? (*e*) Whether the attempt was made by pressure of law or by mere persuasion? (*f*) If the attempt was made under pressure of law, under what law? Remark of the Honourable Khan Bahadur Pir Baksh in the debate on free and compulsory education.	7. Government have no information on the subject.
8. With reference to the reply given by Government to my question No. 4 put at the last meeting of the Legislative Council, will Government be pleased to state— (*a*) Whether they have considered the Report of the Sind Settlement Committee? Sind Settlement Committee's Report.	8. The report is under the consideration of Government.

Questions. *Answers.*

(*b*) If so, whether they propose to publish the Report?

(*c*) If so, when the publication may be expected?

9. Will Government be pleased to state—

Income Tax Assessment in Hyderabad, Sind.

(*a*) Whether their attention has been drawn to the agitation in Hyderabad, Sind, in regard to the present assessment of the people to income tax?

(*b*) Whether an opportunity was given to the people to produce their books, documents or other evidence prior to the assessment?

(*c*) On what basis the assessment was founded?

(*d*) If the answer to (*b*) be in the negative, why the opportunity referred to above was not afforded to the people?

(*e*) The total figures of the income tax levied each year in Hyderabad, Sind, during the last ten years, and the estimated figures of this year.

9. (*a*) Yes.

(*b*) and (*d*) It is open to any assessee to supply this information before assessment, and the Income Tax establishments are always glad to have it.

(*c*) The Honourable Member is referred to Chapter III of the Income Tax Act.

(*e*) Information will be called for.

10. Will Government be pleased to state—

Co-operative Societies in Sind.

(*a*) Whether they have received a report from the Registrar of Co-operative Societies in Sind, Rao Bahadur Gobindram Salamatrai, I.S.O., on the subject of assistance to be given to the Registrar?

(*b*) If so, whether they have considered the report?

(*c*) If so, whether they have taken any action with respect to the report?

(*d*) If so, what action has been taken?

(*e*) If no action has yet been taken, whether they propose to take any action?

(*f*) If so, what action they propose to take, and when?

10. No.

QUESTIONS AND ANSWERS.

[13TH MARCH 1917.] [*Mr. G. M. Bhurgri.*]

Questions.	*Answers.*
11. Will Government be pleased to state—	
(*a*) Whether they have received a memorial from the Karachi Bar Association on the subject of the appointment of an Indian member of the Sind Bar as a third Additional Judicial Commissioner of Sind? (Appointment of Indian as third Additional Judicial Commissioner in Sind.)	11. Yes.
(*b*) If so, whether Government have come to any decision on the subject?	(*b*) No.
(*c*) If so, what is that decision?	
(*d*) If the answer to (*a*) be in the affirmative and to (*b*) in the negative, when the decision of the question may be expected?	This cannot be stated.
12. Will Government be pleased to state— (Registrar of Court of Judicial Commissioner of Sind)	12.
(*a*) Whether a proposal to appoint a European or a member of the Indian Civil Service as Registrar of the Court of the Judicial Commissioner of Sind is under their consideration?	There is no such proposal at present under the consideration of Government. The Registrar's appointment has been graded as a First Class, Third Grade, Subordinate Judgeship.
(*b*) If so, the reasons for the proposed appointment?	
(*c*) Since when the appointment has been filled by Indians recruited from the Subordinate Judiciary or elsewhere?	(*c*) From before 1885.
13. Will Government be pleased to state—	
(*a*) Whether it is a fact that at the time of the publication of the Sind Gazetteer, Government announced in the preface of the Gazetteer that B Volumes would be published for each district in Sind, giving useful statistical and other information? (Sind Gazetteer, B Volumes.)	13. (*a*) Yes.
(*b*) If so, the reasons why these Volumes promised some time ago have not been published?	The Volumes have remained unpublished partly on account of Government's desire to publish the latest available statistics in them and partly on account of the want of a suitable officer intimately acquainted with the several districts of the Pro-

Questions.

Answers.

(*c*) Whether they are in the course of preparation ?

vince who could be appointed to do the work. The question of selecting such an officer is at present under the consideration of Government.

(*d*) If so, when they may be expected to be published ?

(*d*) No definite information can be given on this point.

(*e*) If not, when they will be taken in hand ?

(*e*) As soon as a suitable officer can be found.

14. With reference to a remark made by the Commissioner in Sind, in his letter to Government submitting the Police Administration Report of Sind, quoted in my question No. 13 (*f*) put at the last meeting of the Legislative Council, will Government be pleased to state—

Criminal Procedure Code, Chapter VIII.

(*a*) how long the Magistrate in question held charge of the subdivision, and when ?

(*b*) how many persons were tried by him under section 110 of the Criminal Procedure Code during the tenure of his office ?

(*c*) how many of them were acquitted ?

(*d*) how many of them were convicted ;

(*e*) whether it is a fact that the Magistrate held that some of the cases were deliberately false and concocted ?

(*f*) if so, in how many cases it was so held by the Magistrate ?

(*g*) if the answer to (*e*) be in the affirmative, if any action was taken on the strength of the findings of the Magistrate ?

(*h*) if so, what action was taken ?

(*i*) if not, why no action was taken ?

(*j*) to what cadre of service the Magistrate belonged ?

(*k*) whether the Magistrate was an European or an Indian ?

14. The information has been called for.

15. Will Government be pleased to state—

Home Rule Leagues in the Presidency.

15. (*a*) To the best of Government's belief there are two.

QUESTIONS AND ANSWERS.

[13TH MARCH 1917.] [*Mr. G. M. Bhurgri; Mr. Pandurang Anant Desai.*]

Questions. *Answers.*

(*a*) how many Home Rule Leagues are in existence in the whole Presidency?

(*b*) what is their numerical strength? (*b*) Government have no definite information on the matter.

(*c*) whether it is a fact that the C. I. D. openly enquire about the names and other particulars of the members of these Leagues? (*c*) The answer is in the affirmative.

(*d*) if so, whether this is done under the orders of Government? (*d*) The C. I. D. are acting under the general orders of Government.

16. Will Government be pleased to state:— 16.

(*a*) How many Indians in Sind have been interned under the Defence of India and the Ingress of India Acts? (*a*) 18.

Internment of Indians in Sind.

(*b*) In how many cases subsistence allowance has been given either to them or to their families or other dependents? (*b*) 9.

(*c*) How many of them are kept in regular jails, and how many outside? (*c*) 10 are in gaols; 2 in villages other than their own; the rest have been released.

THE HONOURABLE MR. PANDURANG ANANT DESAI.

1. Is it a fact that the mail and passenger trains on the M. & S. M. Railway line between Gadag and Hotgi are irregular in their arrivals and departures? 1. A copy of letter* from the Agent, M. & S. M. Railway Company, No. 2234/1690-T., dated the 2nd/5th February 1917, is laid on the table.

Railway trains between Gadag and Hotgi.

* See Appendix F.

2. Will Government be pleased to state—

(*a*) whether any proposals have been made by the District Officers of Ratnagiri to certain khots in the Devrukh Taluka to part with their khoti rights in return for pecuniary compensation? 2. The answer to the question is in the negative.

Khoti rights in the Devrukh Taluka of the Ratnagiri District.

(*b*) if so, how may khots have agreed to resign their khoti rights in consideration of the proposed compensation?

QUESTIONS AND ANSWERS.

[*Mr. Pandurang Anant Desai.*] [13TH MARCH 1917.]

Questions.

3. *(*a*): Is it a fact that the people of several villages in the western and northern parts of the Belgaum District have applied to Government to open Marathi Schools?

Application for Marathi schools in Belgaum District.

(*b*) Will Government be pleased to state what steps have been taken in the matter?

[*These questions were asked at the meeting held on the 4th December 1916, when* ad. interim *replies were given.*]

4. Will Government be pleased to make a statement as regards—

War's effect on commerce, trade and labour in the Bombay Presidency.

(*a*) the extent to which the commerce and trade of this Presidency has been affected by the war.

(*b*) and whether the war has in any way affected the labour conditions of this Presidency, and, if so, what steps have been taken by the Government in the matter.

Answers.

3. In July 1915, an application for a Marathi school was received by the Educational Inspector, Southern Division, from the people of Talewadi in the Khanapur Taluka (south-western side of the Belgaum District). As no funds were available the applicants were informed that a school would be provided for the village when funds permitted. Besides it had been ascertained that there was no school at that time which showed such low attendance as to warrant its transfer to Talewadi.

The appended statement* gives the names of villages in the western and northern parts of the Belgaum District, the people of which applied to the Deputy Educational Inspector, Belgaum, for Marathi schools during the last two years. The remarks column shows how the applications were disposed of.

* See Appendix A.

4. No useful purpose would be served by Government making a general statement of the nature suggested at this stage. As regards part (*a*) of the question, reference is requested to the Reports on the Administration of the Presidency for the years 1914-15 and 1915-16, and to the Reports on the Seaborne and the Rail and River borne Trade for these years. These reports give full information of the increases and decreases in the volume of the various branches of trade. As regards part (*b*) of the question, reference may be made to the General Administration Reports of the years mentioned, and for more detail regarding the conditions of labour in the districts to the Land Revenue Administration Reports. Generally speaking, wages have been high, and the demand for labour brisk Except in small classes of skilled labour which have been affected by some particular aspect of the war, labour has not in any way suffered, and no special action by Government has been necessary.

QUESTIONS AND ANSWERS.

[13TH MARCH, 1917.] [*Mr. Pandurang Anant Desai.*]

Questions. *Answers.*

5. Will Government be pleased to call for a statement showing the number of income-tax revision petitions by the assessees of the Bijápur District during the past three years, showing the number of cases in which reductions were either wholly or partially made, with their respective amounts, from the assessments imposed by the Collector?

Income-tax revision petitions in Bijápur District.

5. The following statement gives the information required :—

Year.	Number of petitions.	Number of petitions in which reductions were made either wholly or partially.	Net amount reduced.
			Rs.
1913-14 ..	121	47	1,066
1914-15 ...	149	78	2,478
1915-16 ...	151	68	1,554

6. Is it a fact that abnormal delay takes place in the matter of the execution of decrees of Civil Courts sent to the Collector for execution, under the provisions of Schedule III of the Civil Procedure Code?

Execution of decrees by Collectors.

6. The Honourable Member is referred to the answer given to Question No. 6 put by the Honourable Mr. A. I. Pathan at the meeting of the Legislative Council held on the 4th December 1916. The enquiry promised in that answer will cover the question now asked by the Honourable Member.

7. Will Government be pleased to make a statement showing the number of the decrees sent to the Collector of Bijápur during the last three years, the number of decrees disposed of with their value and their ratio to those unsatisfied and also the ratio of satisfaction by sales of lands as against other modes?

Execution of decrees by Collector of Bijápur.

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

8. Has the attention of Government been called to the incident reported in the *Bombay Chronicle* of the 12th February 1917, under the heading "Hospital Scandal"? What steps does Government propose to take with reference to the two points suggested by the Coroner?

Bombay Chronicle on a "hospital scandal".

8. Enquiry is being made.

9. Will Government be pleased to make a statement as to whether it is a fact that the prices of food-stuffs and other necessaries of life of the poorer and lower classes throughout the Presidency, have gone up? If so, what exactly are the percentages of increase in the case of the articles of food and clothing?

Prices of food-stuffs.

9. If the Honourable Member refers to the rise of prices of recent years, he is referred to Mr. Datta's report on the Rise of Prices in India. If he refers to prices since the war, he is referred to the prices published in the *Bombay Government Gazette* An examination of these prices shows that the common food-grains are cheaper than they were at the outbreak of the war but that

Questions.	*Answers.*
	in respect of wheat, rice, salt and other commodities generally speaking there has been a rise in price.
10. Will Government be pleased to state what amount is spent on the criminal settlements in this Presidency? (Expenditure on criminal settlements.)	10. A provision of Rs. 74,756 has been made in the ensuing year's budget.
11. Will Government be pleased to state whether there are any schools at these criminal settlements for imparting education to the children living in these settlements? (Schools at criminal settlements.)	11. Yes.
What is the number of children of school-going age in these settlements and how many of them actually attend the schools?	Information has been called for.
12. Will Government be pleased to place on the table a statement containing figures as to the number of meetings of the Abkari Committees in the Central, Southern and Northern Divisions held during the last *three* years and the various sub-heads of the Abkari question discussed at such meetings with a note of the action taken thereon by the authorities? (Working of Abkari Committees.)	12. The Honourable Member is referred to the reply to question No. 16 put by the Honourable Mr. Paranjpye at the meeting of the Legislative Council held in December 1916 which will be found on the Council Table.
13. Will Government be pleased to state whether toll is levied on the Poona-Bangalore and the Havanur-Yakkambi roads, within the area but on the outskirts of the Haveri Municipality and on the Poona-Bangalore and the Masur-Mundargi road within the jurisdiction of the Ranebennur Municipality in the Dharwar District? (Tolls on certain roads levied outside certain municipal limits.)	13. Enquiry is being made.
14. Will Government be pleased to state— (*a*) In how many cases of motor car accidents in the City of Bombay in 1916 the drivers were found to be drunk? And what is the propor- (Motor car accidents in Bombay.)	14. (*a*) and (*b*) The information has been called for.

QUESTIONS AND ANSWERS.

[13TH MARCH 1917.] [*Mr. Pandurang Anant Desai.*]

Questions. *Answers.*

tion of persons so found as against persons not so found?

(*b*) Were any steps such as cancelling and suspending their licenses taken in such cases? If so, in how many?

(*c*) What further steps does Government propose to take in this matter?

(*c*) The matter is under consideration.

15. Will Government be pleased to state—

Taxes in notified area of Karjat.

(*a*) Whether the people of Karjat made applications to the Collector of Kolába complaining against the heavy assessment of house tax and conservancy tax in the notified area of Karjat? How many applications were made to the Collector and what was the answer given by the Collector?

5. Government have no information as to how many applications were made by the people of Karjat to the Collector of Kolába. But in November 1914 certain inhabitants petitioned to the Collector agains the assessment of house tax on the basis of the gross market valuation of the houses within the notified area and requested that the basis should be their annual rental value. In response to this request the Collector and the Commissioner recommended modifications in the rules regarding the imposition of taxes in the notified area by which the house tax was made leviable at a prescribed scale on the rental value of every house within the limits of the notified area. Government approved of the proposed modifications and the Collector was asked to publish the requisite proclamation in the public press as required by section 8 of the Bombay District Municipal Act, 1901, and to submit to Government any objections that might be received from the inhabitants. After a careful consideration of these objections the Collector was asked to inform the petitioners that in the opinion of Government the objections afforded no sufficient grounds for negativing the proposed modifications which were finally sanctioned by Government in their Order No. 635, dated 26th January 1916.

(*b*) Whether the people of Karjat made a petition to the Government in this matter? If so, whether steps have been taken or will be taken in the near future in this matter?

2. A petition was also received from the inhabitants of Karjat in February 1914 against the constitution of Karjat as a notified area, in which, among other things, they also complained against the cess on privies. After enquiring into the complaints made by the petitioners they were

QUESTIONS AND ANSWERS.

[*Mr. Pandurang Anant Desai; Sardar Syed Ali El Edroos.*]

Questions.	*Answers.*
	informed that Government did not consider that they (the petitioners) had any reasonable grounds for complaint.
16. Will Government be pleased to state when the Bill modifying the Deccan Agriculturists' Relief Act is to be introduced in the Council? (Bill to amend the Deccan Agriculturists' Relief Act.)	16. The Bill is under the consideration of Government, but Government are not in a position to say when it is likely to be introduced.
THE HONOURABLE SARDAR SYED ALI EL EDROOS.	
1. Will Government be pleased to state—	
(*a*) Whether the vernacular of the district is included, as a second language, in the syllabus for the Urdu Final examination? (Urdu final examination.)	1. Enquiries are being made.
(*b*) How many candidates presented themselves for the examination ever since its introduction?	
(*c*) Whether any text-books were prescribed for the subjects of the examination?	
2. Will Government be pleased to state—	
(*a*) Whether there are any distinct rules or orders in force for regulating the promotion of Persian teachers? (Teachers in Persian.)	2. Enquiries are being made.
(*b*) Whether any scheme for the promotion of Persian teachers is under their consideration?	
3. Will Government be pleased to state what arrangements have been made to secure trained mistresses for Urdu Girls' Schools in the Presidency proper? (Trained mistresses for Urdu girls' schools.)	3. At present there are no arrangements for training Urdu women teachers, but the question of making such arrangements is under consideration.
4. Will Government be pleased to state what progress has been made towards the extension of the P. R. Training College buildings at Ahmedabad for the use of the Urdu Training Class and for the Boarding House for Mahomedan boys? (Extension of P. R. Training College at Ahmedabad)	4. Enquiries are being made.

QUESTIONS AND ANSWERS.

Questions. *Answers.*

5. Will Government be pleased to state whether they have received memorials and representations from the public praying for the retention of the Urdu Training Class?

Urdu training class.

5. The answer to the question is in the affirmative.

6. Will Government be pleased to state whether their attention has been drawn to the protest published in the "Sanj-Vartman" paper of Bombay, dated the 23rd February last, against the fifth line of the poetry in the 8th lesson of the Third Book of the Gujarati Reading Series, as opposed to the tenets of Islam?

A line of poetry in a Gujarati reader.....

6. The answer is in the affirmative.

THE HONOURABLE MR. SHIDDHANATH DHONDDEV GARUD.

1. (1) Is it true:—

(*a*) That the Municipality of Ahmednagar has to pay the maintenance charges of three lunatics who are ascertained not to be residents of that Municipal district?

Municipality of Ahmednagar—Maintenance charges of 3 lunatics.

(*b*) That a representation was submitted to the Collector by the President of the Municipality stating their places of residence and giving further details about them with a view to get the Municipality relieved from that charge?

(*c*) That the Commissioner, Central Division, did not agree to forward it to Government for consideration?

1. Yes. Attention is invited to the answer given to question No. 2 put by the Honourable Mr. R. P. Paranjpye.

Supplementary question to part (b).

The Honourable Mr. GARUD:—Has the Municipality been relieved of that charge?

The Honourable Mr. CURTIS:—I should ask notice of that question. I cannot say at what stage the correspondence is at the present moment.

2. Will Government be pleased to state:—

2. There is no uniform practice, and the matter is largely one for the discretion of the officer, and dependent on the question involved.

QUESTIONS AND ANSWERS.

Questions. *Answers.*

Pleaders' appearances in income-tax, watan and land revenue appeals.

(*a*) In what Divisions pleaders are allowed to appear before Commissioners to argue in appeals under (1) the Income-Tax Act, (2) the Watan Act, (3) the Land Revenue Code, and in what Divisions they are not so allowed?

(*b*) In what Districts they are allowed to appear in similar cases before Collectors and in what Districts they are not so allowed?

Supplementary question.

The Honourable Mr. GARUD :—Will Government be able to state in what divisions pleaders are not allowed and for what reasons?

The Honourable Mr. CURTIS :—If the Honourable Member will give notice of the question, inquiry will be made. Government cannot answer the question off-hand.

3. (1) Is it true —

Municipality of Raver-house-tax

(*a*) That the Municipality of Raver was moved by the Collector of East Khandesh by his letter dated the 7th January 1914 to revise its house-tax assessment on the basis of rent value calculated at four per cent. on the cost value of the house property?

3. (*a*) Yes, as has been done in the case of other Municipalities in the district.

(*b*) That the members of the Municipality expressed to the Assistant Collector in charge of the Taluka their unwillingness to assess the house-tax on the new basis proposed and they desired to continue the old system under which it was assessed on the rent actually received or estimated to be received?

(*b*) This does not appear to be the case.

(*c*) That subsequently at a general meeting of the Municipality a resolution was passed assessing the house-tax on the new basis suggested by the Collector without accepting or putting to the vote an amendment given in writing by a member of the Municipality who opposed the proposal?

(*c*) No amendment to the resolution was given in writing by any member and the proceedings of the Municipality on the subject show that the resolution was not opposed.

QUESTIONS AND ANSWERS.

[13TH MARCH 1917.] [*Mr. Shiddhanath Dhonddev Garud.*]

Questions.	*Answers.*
(*d*) That the Councillor tendered his resignation on the next day stating the circumstances and that a petition was sent to the Collector, East Khandesh, on the 31st May 1915 to which no reply has yet been sent?	(*d*) A Councillor tendered his resignation next day. A petition was sent to the Collector on the 31st May 1915 by a number of persons, which was in regard to the new mode of levying the house-tax. The Collector did not think it necessary to give a reply to it.

Supplementary question to part (d).

The Honourable Mr. GARUD:—Will Government be pleased to state the reasons for the resignation?

The Honourable Mr. CURTIS:—Government are not aware of the reasons for the resignation.

(*e*) That the said member's vacant place has not yet been filled up?	(*e*) Steps are being taken for filling up the vacancy.

Supplementary question to part (e).

The Honourable Mr. GARUD:—Will Government be pleased to state how long this place remained vacant and for what reason?

The Honourable Mr. CURTIS:—The place, I think, has been vacant for about six months. There has been some confusion in filling up the vacancy due to omission in office procedure.

(2) Will Government be pleased to lay on the Table the resignation of the member and state what action has been taken in the matter?	(2) Government do not think that the papers are of sufficient public interest to be placed on the Council Table.
4. Will Government be pleased to place on the Table a list of Irrigation Works taken up during famines but left uncompleted, and state (1) the amount spent on them, and (2) the amount now estimated to be required to complete them?	4. A statement* giving the information required is laid on the Table.
Irrigation Works left uncompleted	**See* Appendix K.
5. Will Government be pleased to lay on the Table a statement showing:—	5. (*a*), (*b*) & (*c*) The accompanying documents† contain the information required by the Honourable Member.
(*a*) The rates charged by the Railway Companies in the Presidency proper for licenses to sell Indian food-stuffs and provisions at railway stations?	†*See* Appendix L.
Railway Companies and refreshment licenses.	
(*b*) The total amount received by the Railway Companies during the last official year from such fees?	

QUESTIONS AND ANSWERS.

[*Mr. Shiddhanath Dhonddev Garud; Dewan Bahadur Kashinath Ramchandra Godbole; Shaikh Ghulam Hussain Hidayatallah.*]

Questions.	*Answers.*
(*c*) The total amount received for licenses for refreshment rooms?	

[*These questions were asked at the meeting held on the 4th December 1916, when* ad interim *replies were given.*]

THE HONOURABLE DEWAN BAHADUR KASHINATH RAMCHANDRA GODBOLE.

1. Has the attention of Government been drawn to the letters published in the "Dnyan Prakash" of Poona of 30th June, 1916 and 6th July 1916 of Mr. Narayan Sitaram Deshpande of Khed, regarding the necessity of giving more liberal "concessions to indigent persons not employed in Public Service" who have to go to Coonoor for anti-rabic treatment? If so, are Government giving consideration to the matter?	No.

Concesssoin to indigent persons going to Coonoor for anti-rabic treatment.

Supplementary question.

The Honourable Dewan Bahadur GODBOLE:—Will Government be pleased to give consideration to the matters referred to in the letter printed in the "Dnyan Prakash"?

The Honourable Mr. CURTIS:—If the Honourable Member will forward a copy of that letter with his views it will receive consideration.

THE HONOURABLE SHAIKH GHULAM HUSSAIN HIDAYATALLAH.

1. (*a*) Will Government be pleased to state how many district bungalows are maintained by the District Local Boards in Sind?	1. Information will be called for.
(*b*) Will Government be pleased to state if it is a fact that these district bungalows are made use of by Government officials?	
(*c*) If so, will Government be pleased to state why such bungalows are not maintained from provincial funds?	

District bungalows in Sind.

QUESTIONS AND ANSWERS.

[13TH MARCH 1917.] [*Shaikh Ghulam Hussain Hidayatallah.*]

Questions.	*Answers.*
2. Will Government be pleased to state how many Anglo-vernacular, and how many primary, schools have been opened in the rural areas in Sind during the last ten years?	2. Information has been called for.
Schools opened in rural areas in Sind during last ten years.	
3. (*a*) Will Government be pleased to state if it is a fact that one Assistant Deputy Educational Inspectorship is assigned to teachers in vernacular schools in the Presidency Proper?	3. (*a*), (*b*) and (*c*) Information has been called for.
Assistant Deputy Educational Inspector.	
(*b*) If so, will Government be pleased to state whether such an appointment is so reserved in each district in Sind?	
(*c*) If not, will Government be pleased to state why no such appointments exist in Sind?	
4. (*a*) Will Government be pleased to state how many Indians have been appointed as permanent Collectors of Revenue districts in the whole Presidency from the various cadres of service during the last twenty years?	4. (*a*) Six.
Indians appointed Collectors during last twenty years.	
(*b*) Will Government be pleased to state how many of them belonged to the Indian Civil Service, how many to the Statutory Civil Service, and how many to the Provincial Civil Service, respectively?	(*b*) One, three and two respectively.
(*c*) Will Government be pleased to state how many of them were Hindus, how many Mahomedans, how many Parsis and how many Native Indian Christians?	(*c*) Two, one, three and none respectively.
5. (*a*) Will Government be pleased to state how many Indians there are in the executive branch of the Indian Civil Service below the rank of Collector of a Revenue district with more than 10 years' service?	5. (*a*) One.
Indians with more than ten years' service below rank of Collectors in I. C S.	

QUESTIONS AND ANSWERS.

[*Shaikh Ghulam Hussain Hidayatallah*] [13TH MARCH 1917.]

Questions.	*Answers.*
(*b*) Will Government be pleased to state how many of such officers, if any, have acted as Collectors of Revenue districts, when and for what length of time?	(*b*) He acted as Collector of Sukkur for one month in addition to his own duties as Superintendent of Land Records and Registration in Sind from 4th July to 3rd August 1912 and again acted as Collector of Nawabshah for a period of five months and six days from 1st November 1912 to 6th April 1913 (both days inclusive).
6. (*a*) Will Government be pleased to state how many Indians have been appointed as Superintendents of Police from the cadre of Deputy Superintendents of Police since the creation of the latter appointments?	6. (*a*), (*b*) and (*c*) Three Indians, Messrs. J. B. Samson, Shapurji Darashah and M. R. Parekh have been given acting appointments as District Superintendents of Police since the creation of the cadre of Deputy Superintendents of Police. Of these, the first is a Jew and the other two are Parsis.
Indians promoted from Deputy to be Superintendents of Police.	
(*b*) If there are any such, will Government be pleased to state how many of them are Hindus, how many Mahomedans, how many Parsis, and how many Native Indian Christians?	
(*c*) Will Government be pleased to give their respective names?	
7. (*a*) Will Government be pleased to state if they have issued any Resolution on the subject of facilities to be afforded to Muhammadan employés in service for their "Juma" prayers?	7. (*a*) Yes.
Muhammadans and "Juma" prayers.	
(*b*) If so, will Government be pleased to state if this Resolution is carried into effect in Sind?	(*b*) The orders of Government on the subject were, on issue, communicated to all heads of offices in Sind and translated into Sindhi and issued as a press note to newspapers and all libraries in that province. As, so far as Government are aware, there has been no complaint on the subject they assume that the orders are being carried into effect.
(*c*) If the answer to (*a*) be in the affirmative, will Government be pleased to lay the Resolution on the Council Table?	(*c*) A copy of Government Resolution* No. 1768, dated the 4th March 1913, on the subject is placed on the Council Table.

* See Appendix P.

QUESTIONS AND ANSWERS

[13TH MARCH 1917.] [*Mr. Ebrahim Haroon Jaffer.*]

Questions. *Answers.*

THE HONOURABLE MR. EBRAHIM HAROON JAFFER.

1. (*a*) Will Government be pleased to state the result of the introduction of new standards for Urdu Full Primary Schools for Boys and Girls sanctioned in Government Notification, Educational Department, No. 3833 of 23rd December 1913?

Urdu Full Primary Schools for Boys and Girls —new standards.

(*b*) Has the experiment proved to be a success or failure? In the latter case, will Government be pleased to state the reasons for the failure?

(*c*) Were any objections taken by the Mahomedan public against this change, and if so, on what grounds? Were the objections inquired into, and if so, with what result?

(*d*) Do Government contemplate making any changes in those standards?

1. As indicated in paragraph 9 of Government Resolution No. 3195, dated the 16th December 1916, reviewing the Report of the Director of Public Instruction for the year 1915-16, the decisions of Government on the recommendations of the Muhammadan Educational Committee will shortly be made public. In the meanwhile, Government regret that they cannot make any statement on the subject.

2. (*a*) Will Government be pleased to state the result of the experiment notified under Press Note No. 2313, Educational Department, of 10th September 1912, relating to the opening of a class for training Urdu Teachers in the Ahmedabad Training College for Men.

Urdu Teachers in the Ahmedabad Training College.

(*b*) Do Government intend to continue the said class in its present or extended form?

2. This question also is still under the consideration of Government in connection with the recommendations of the Muhammadan Educational Committee. In the meanwhile, Government have decided to continue the Training Class on the existing lines for the current year.

3. Will Government be pleased to state—

(*a*) How many teachers are there in the primary schools in the Presidency?

(*b*) How many of them are qualified?

(*c*) Of the latter how many possess 1st year, 2nd year and 3rd year certificates, respectively?

The information should be for Muhammadans and Hindus, respectively.

Muhammadan and Hindu teachers in primary schools.

3. The information has been called for.

Questions.	*Answers.*
4. Will Government be pleased to state— (*a*) How many Muhammadans passed their Urdu Vernacular Final Examination till the end of 1916? (Urdu Training Class at Ahmedabad.) (*b*) How many of these joined the Urdu Training Class at Ahmedabad? (*c*) Out of the Muhammadan teachers who possess 1st year certificates, how many have passed from the Urdu Training Class at Ahmedabad?	4. The information has been called for.
5. Will Government be pleased to state— (*a*) What is the number of unqualified teachers in the Presidency, (i) in Urdu schools, (ii) in other primary schools? (Qualified and unqualified teachers in Urdu and primary schools.) (*b*) What is their percentage to qualified teachers in them?	5. The information has been called for.
6. Will Government be pleased to state— (*a*) What is the number of stipends granted annually during the last five years in the various Training Colleges of the Presidency? (Annual stipends in Training Colleges granted to Muhammadans in last five years.) (*b*) How many of these were granted to Muhammadans?	6. The information has been called for.
7. Will Government be pleased to state— (*a*) What special expenditure has Government to bear at present for the Urdu Training Class at Ahmedabad? (Urdu Training Class at Ahmedabad.)	7. (*a*) The special expenditure which Government have to bear on account of the class referred to is the pay, *viz.*, Rs. 100 per mensem, of the teacher in charge of it.
(*b*) What will be the extra cost of adding a second year course to that class?	(*b*) Enquiries are being made.

QUESTIONS AND ANSWERS.

[13TH MARCH 1917.] [*Mr. Ebrahim Haroon Jaffer.*]

Questions. *Answers.*

(*c*) What was the estimate of the cost in detail framed by the Director of Public Instruction, referred to in his report for the year 1915-16, to remove the class with two years' course to Poona?

(*c*) The accompanying statement* contains the information asked for.

* See Appendix Q.

8. Is it a fact that there has been no Muhammadan Head Master in the Poona Camp Government English School ever since it was started over 50 years ago?

Poona Camp Government English School.

8. Enquiries are being made.

9. Is it a fact that under the present arrangement the Persian Teacher in the Government High School has to teach Persian as second language to standards IV to VII and Urdu as vernacular to all classes?

Teacher in Persian and Urdu at Government High School.

9. It is a fact that there are no separate Urdu Teachers in Government High Schools and that Urdu is taught by the Persian Teacher in addition to his Persian work.

10. Will Government be pleased to place on the Table all the annual reports of the Urdu Central Girls' School, Poona.

Reports of Urdu Girls' School, Poona.

10. The reports have been called for.

11. (*a*) Will Government be pleased to place on the Council Table the recommendations made by the Muhammadan Education Committee appointed by Government in 1914?

(*b*) What steps they have taken so far in giving effect to those recommendations?

Recommendations of Muhammadan Committee in 1914.

11. The attention of the Honourable Member is invited to the reply given by Government to his question No. 1.

12. Have Government come to any decision as to how the sum of Rs. 8 lacs given by Sir Mahomed Yusuf Sowdagar is to be utilized?

Utilization of Sowdagar's gift of 8 lacs.

12. At the instance of Sir Muhmamad Yusuf the question of utilizing his donation has been allowed to stand over till the return to India of His Highness Sir Aga Khan.

13. (*a*) Will Government be pleased to state the number and percentage of Mussalman students in the Presidency as compared with other students in (1) Primary Schools, (2) Middle Schools, (3) High Schools, (4) Colleges?

Number and percentage of Mussalman and other students in Schools and Colleges.

13. (*a*) The information has been called for.

QUESTIONS AND ANSWERS.

[*Mr. Ebrahim Haroon Jaffer; Mr. Balkrishna Sitaram Kamat.*]

[13TH MARCH 1917.]

Questions.	*Answers.*
(*b*) Are Government aware of the causes of the great reduction in the upper stages?	(*b*) and (*c*) Enquiries are being made.
(*c*) If so, will Government state the same?	
14. What is the number of Muhammadan boys who were refused admission in (*a*) Government High Schools of the Presidency and (*b*) those of the Central Division, for want of accommodation? *Number of Muhammadan boys refused admission to High Schools.*	14. The information has been called for.
15. Are Government aware of the proposals submitted by the Honorary Secretary, Poona Islamic School of the Bombay Presidency Muhammadan Educational Conference, to the Director of Public Instruction for raising that school to the status of High School, and of the reply given by the Director of Public Instruction on 4th January 1916? *Poona Islamic School.*	15. The answer is in the negative.

THE HONOURABLE MR. BALKRISHNA SITARAM KAMAT.

1. Will Government be pleased to state the number of emigrants from the Bombay Presidency to Fiji during the years 1914-15, 1915-16 and so far in 1916-17? Are there any arrangements in existence whereby the emigrants could be made to understand in their vernaculars the conditions of indentured labour in Fiji before they embark? *Emigration to Fiji from Bombay Presidency.*	1. So far as Government have been able to ascertain there has been no emigration from the Bombay Presidency to Fiji within recent years.
2. (*a*) Will Government be pleased to state whether the remission of *pátasthal* assessment granted by Government in accordance with the recommendations of the Irrigation Commission has been made applicable to lands irrigated from bandharas in the dry tracts of Indapur and Baramati talukas of the Poona district? *Water-rate on bandharas in Indapur and Baramati talukas.*	2. (*a*) Under the orders passed in Government Resolution No. 2759, dated 15th March 1907, which were published in Press Note No. 3552, dated 8th April 1907, pátasthal assessment was abolished in all undoubtedly precarious tracts in the Deccan, including the Indapur taluka and the Bhimthadi taluka. These orders apply to irrigation from small channels and dams constructed by the enterprise of the cultivator,

QUESTIONS AND ANSWERS.

[13TH MARCH 1917.] [*Mr. Balkrishna Sitaram Kamat; Sardar Dulabawa Raisingji, Thakor of Kerwada*].

Questions. *Answers.*

but not to bandharas taken over by the Public Works Department wherein the water supply is improved by expenditure of Government money or by percolation from Government canals. On these the Irrigation Department charge water-rates.

(*b*) Is it true that the Irrigation Department has been levying a separate water-rate for the lands which are irrigated from these bandharas?

(*c*) Will Government be pleased to supply a list of such bandharas in the Indapur and Baramati talukas, showing for each bandhara the area irrigated, the pátasthal assessment remitted, if any, under the orders of Government, and the amount of water-rate recovered by the Irrigation Department, if any, up to date?

(*b*) and (*c*) The Irrigation Department has not been levying water-rate from bandharas for which remission of pátasthal assessment has been accorded.

3. Referring to the Order No 2761, General Department, dated the 17th April 1916, will Government be pleased to state whether the proposed amendment of the District Municipal Act, enabling district municipalities to create appointments not exceeding Rs. 50 a month without sanction of Government, has been submitted by the Legal Remembrancer to Government?

Amendment to enable district municipalities to create certain appointments without sanction of Government.

3. Yes. In order to avoid the frequent and piecemeal amendment of the Bombay District Municipal Act, the amendment in question has been kept for insertion in the Bill further to amend the Bombay District Municipal Act which has been framed with a view to empowering district municipalities to deal with mosquito-breeding grounds. This Bill is at present under the consideration of Government.

4. Is the question of instruction through the medium of vernaculars being considered by the Department of Public Instruction?

Instruction in vernacular.

4. The question is under consideration.

THE HONOURABLE SARDAR DULABAWA RAISINGJI, THAKOR OF KERWADA.

1. Will Government be pleased to state if any reduction in the rate of interest on the loans

Interest on loans to Thakor of Gamph.

1. Government in view of the exceptional circumstances of the Gamph estate and as a special concession have reduced the rate of

QUESTIONS AND ANSWERS.

[*Sardar Dulabawa Raisingji, Thakor of Kerwada.*] [13TH MARCH 1917.]

Questions. *Answers.*

advanced to the Thakor Saheb of Gamph has been allowed?

interest in respect of Government loans advanced to the estate from $6\frac{1}{4}$ to 5 per cent. per annum.

2. With reference to the proposal to invest certain Talukdars with limited civil jurisdiction, will Government be pleased to state if the matter is under consideration and ripe for orders?

Civil jurisdiction and Talukdars.

2. Government have not yet arrived at a decision in the matter.

3. (*a*) Will Government be pleased to state how many acres of land comprised in relinquished or forfeited sub-divisions of survey numbers have been disposed of in Broach district under section 117B of the Land Revenue Code?

(*b*) Will Government be pleased to state how many acres of such sub-divisions offered were voluntarily taken up by occupants of other sub-divisions?

Disposal of sub-divisions of survey numbers relinquished or forfeited.

3. (*a*) and (*b*) Inquiry will be made.

(*c*) Is it the intention of Government to call upon the occupants of other sub-divisions in all cases to pay the assessment of relinquished or forfeited sub-divisions under the proviso to section 117B, Bombay Land Revenue Code?

(*c*) Except where circumstances exist to justify exceptional action, the provisions of the Land Revenue Code will be applied to such lands.

Supplementary Question.

The Honourable the THAKOR OF KERWADA: Is it the intention of Government to call upon the holders of the sub-division?

His Excellency the PRESIDENT: Order, order. That is a suggestion to Government of action and I cannot allow the question.

4. Is it a fact that a man was run over and killed last year at the railway crossing at Palej station on the B. B. & C. I. Railway? Has Government any information as to whether the Railway administration has considered the question of putting up an overbridge at this crossing?

Railway crossing at Palej

4. Government have no information on the subject. Inquiry will be made.

QUESTIONS AND ANSWERS.

[13TH MARCH 1917.]

[*Khan Bahadur Pir Bux walad Mian Mahmud.*]

Questions.

Answers.

THE HONOURABLE KHAN BAHADUR PIR BUX WALAD MIAN MAHMUD.

1. Will Government be pleased to supply the following information:—

(*a*) How many cases under section 497, Indian Penal Code, were filed during the last five years in the whole of the Presidency?

Offences under sections 497, 498, Indian Penal Code.

(*b*) How many under section 498, Indian Penal Code.

(*c*) How many were convicted, discharged or acquitted under each section separately?

[*This question was asked at the meeting held on the 25th July 1916, when an* ad interim *reply was given.*]

1. A statement* containing the information has been placed on the Council Table.

* See Appendix B.

2. Is it a fact that the text-books in the various standards in High and Anglo-Vernacular Schools are changed from year to year? If so, has the effect of such changes on parents of moderate means been taken into account?

Change of text-books in certain schools.

2. With regard to the first part of the question the attention of the Honourable Member is invited to the reply given by Government to question No. 8 put by the Honourable Mr. G. M. Bhurgri at the meeting of the Council held in March 1916, from which it will be seen that it is the practice to change the English texts from year to year, the subsidiary text-books remaining the same. The answer to the latter part of the question is in the affirmative. Government consider that the inconvenience that may be caused to a comparatively small number of persons by the practice referred to is outweighed by the several advantages derived from it.

3. Are Mukhtiarkars in Sind consulted in the question of distribution of water by the Public Works Department whenever such distribution becomes necessary owing to insufficiency of water?

Consultation of Mukhtiarkars in distribution of water.

3. The Mukhtiarkars are not consulted by the Public Works Department directly but whenever rotation is necessary on any large scale, the matter is always reported to the Collectors concerned who presumably do consult their subordinates before they reply to the Executive Engineer. These remarks do not apply to the Jamrao where a regular system of rotation is in force.

QUESTIONS AND ANSWERS.

[*Mr. Chunilal Vijabhukhandas Mehta; Rao Bahadur Venkatesh Shriniwas Naik.*]

[13TH MARCH 1917.]

Questions.

Answers.

THE HONOURABLE MR. CHUNILAL VIJABHUKHANDAS MEHTA.

1. (*a*) Will Government be pleased to state if they contemplate any changes in the course and curricula of training colleges for primary teachers?

Changes in the curricula of training colleges for primary teachers.

(*b*) If the answer to question (*a*) be in the affirmative, will Government be pleased to state if they intend to publish the proposed new course for general information and discussion before final decision is arrived at?

1. Information is being called for.

2. Will Government be pleased to state if they contemplate any increase in the existing scale of pay of trained and untrained primary teachers and specially in the minimum pay of untrained primary teachers?

Pay of teachers in primary schools.

3. Will Government be pleased to state if they propose to increase the accommodation in the Training Colleges for primary teachers in the Presidency, so as to increase the output of teachers? If so, will Government please state where and to what extent?

Accommodation in training colleges for primary teachers.

2 and 3. The whole question of the training of teachers for primary schools (including the question of improving their remuneration) is under consideration.

THE HONOURABLE RAO BAHADUR VENKATESH SHRINIWAS NAIK.

1. Is it the case that in the Madras Presidency the descriptive memoirs of every village with the village map giving all details about the village, its lands, land revenue, holdings, census and various survey and other information regarding the village are published by Government or under their patronage and such books pertaining to the different villages of the táluka are available for sale in the Mámlatdárs' (Tahasildars') office at the Táluka head-quarters?

Descriptive publications for villages in Madras Presidency.

1. When a district in the Madras Presidency is either settled or resettled, a descriptive memoir in English giving full details of each village, its settlement, the lands held tax-free or on favourable tenure, the crops, sources of irrigation, etc., and an eye-sketch showing the tanks, channels, roads and other topographical details are printed with the diglott register of the village. Out of the thirty copies ordinarily printed for each village, seven copies are intended for sale to the public and the remainder for the use of officers of Government.

QUESTIONS AND ANSWERS.

[13TH MARCH 1917.] [*Rdo Bahádur Venkatesh Shriniwas Naik.*]

Questions.

(*a*) Will Government be pleased to obtain from the Madras Government the information whether the publication of such memoirs during the last 10 or 15 years has been financially self-supporting?

2. Will Government be pleased to say how many Táluka Shirastedárs and Aval-Kárkúns in different districts have been invested with Second Class Magisterial powers?

Magistrates of the Second Class.

Answers.

(*a*) Information has been received from the Madras Government that this publication is not self-supporting.

2. The number of Aval-Kárkúns invested with Second Class Magisterial powers in different districts is as follows:—

Districts.	No. of Aval-Kárkúns invested with Second Class Magisterial powers.
(1) Ahmednagar ...	2
(2) West Khándesh .	2
(3) Násik ...	1
(4) Poona ...	2
(5) Sátára ...	4
(6) Sholápur ...	1
(7) East Khándesh .	...
(8) Ahmedabad ...	4
(9) Kaira ...	4
(10) Panch Maháls ...	1
(11) Broach ...	6
(12) Surat ...	2
(13) Thána ...	2
(14) Belgaum ...	3
(15) Bijápur ...	4
(16) Dhárwár ...	5
(17) Kánara ...	3
(18) Kolába ...	1
(19) Ratnágiri ...	3

2. There are no officers now designated Táluka Shirastedárs.

3. (*a*) Is it a fact that Mr. Ramdas G. Koppikar, Sub-Assistant Surgeon of Navalgund in Dhárwár District, advertises openly in the local papers that he performs all kinds of ophthalmic operations in the Government (municipal grant-in-aid) dispensary at Navalgund, similar to those performed in hospitals at Miraj, Bombay and Madras, and that he treats all kinds of eye complaints?

Assistant Surgeon advertising ophthalmic skill.

3. (*a*) Yes.

(*b*) Is it permissible to the Assistant Surgeon as a Government servant to advertise?

(*b*) He is a registered Medical Practitioner and as such it is not permissible for him to advertise as he has done.

[*These questions were asked at the meeting held on the 4th December 1916, when* ad interim *replies were given.*]

Questions. *Answers.*

4. Will Government be pleased to furnish the following information regarding the constitution and working of the Village Sanitary Committees and Boards under the Village Sanitation Act (Bombay Act I of 1889), in this Presidency for the last five years—

Village Sanitary Committees and Boards.

(*a*) The number of Village Sanitary Committees and Boards newly constituted under sections 8 and 19 of the Village Sanitation Act;

(*b*) In how many cases of such Committees or Boards the Collector has exercised or has been exercising the powers under sections 18 and 30 (*2*) of the Village Sanitation Act, namely, of assessing a rate on the inhabitants residing within the area of village or villages constituting such Sanitary Committees or Boards;

(*c*) The number of Village Sanitary Committees and Boards dissolved;

(*d*) For how many years such Committees or Boards dissolved worked prior to their dissolution;

(*e*) In how many cases was the dissolution due to the failure of the villagers paying voluntary popular contribution;

(*f*) In how many cases of such dissolution due to the failure of the villagers paying voluntary popular contribution did the Collector of the district exercise the powers of levying an assessment under sections 18 and 30 (*2*) of the Village Sanitation Act?

4. The information has been called for.

5. (*a*) Is it a fact that the Assistant Deputy Educational Inspectors are required to tour within their beat throughout the year, not being allowed to return to their headquarters even in the monsoon?

Touring of Assistant Deputy Educational Inspectors.

(*b*) If so, are they given any extra allowance for touring in the monsoon?

5. Enquiries are being made.

QUESTIONS AND ANSWERS.

Questions.

6. (*a*) Has the Department of Agriculture under our Government got any control over the working of the various Agricultural Associations in this Presidency beyond giving advice whenever applied for?

Agricultural Associations.

(*b*) Have Government considered any proposal to provide for departmental sanction before an association is started, as is done in the case of Co-operative Societies?

THE HONOURABLE MR. RAGHUNATH PURSHOTTAM PARANJPYE.

1. Will Government be pleased to state how many Head Masters and Assistant Masters in the various Government High Schools know the languages of the districts concerned sufficiently well to be able to make use of those languages in their teaching, if necessary, and how many are not so familiar with them?

Head Masters and Assistant Masters in Government High Schools—knowledge of the vernacular.

2. (1) Is it a fact that the Municipality of Ahmednagar has been charged with the maintenance of some lunatics who were found by accident within the municipal limits of Ahmednagar but whose real place of residence is known to be quite different?

Maintenance of lunatics from municipal limits.

(2) Will Government be pleased to lay on the Table of the Council all orders of Government bearing on this question?

Answers.

6. (*a*) The object of the Department of Agriculture is to keep in touch with the Associations referred to and to give them advice and assistance. No further control is at present exercised over them.

(*b*) No such proposal has come before Government.

1. The subjoined statement gives the information asked for:—

Familiar with the language of the District.		Not familiar with the language of the District.	
Head Masters.	Assistant Masters.	Head Masters.	Assistant Masters.
20	375	2	16

2. Yes.

(2) The following general order on the question was issued by Government in January 1916:—

> "The enquiry made by the Superintendent of the Central Lunatic Asylum, Yeravda, whether municipalities are liable for the maintenance charges of poor lunatics sent in by Magistrates from municipal areas, no matter where the patients previously resided, is answered in the affirmative."

The above order has now been modified and a municipality is liable only if the lunatic is a habitual resident or a frequent visitor of the municipal district.

QUESTIONS AND ANSWERS.

Questions.

Answers.

3. Will Government be pleased to supply information on the following points :—

Licensing of carriages at Poona.

3.

(1) What is the number of horse-carriages which were examined at the last six-monthly inspection by the Police Department and for which licenses were issued (*a*) within limits of the Poona City Municipality and (*b*) within limits of the Poona Cantonment ?

(1)
(*a*) 396.
(*b*) 124.

(2) By officers of what rank are these carriages examined and licenses issued periodically, and what provision has been made in the rules, and before what superior officers, for an appeal, in cases where the carriages are declared unfit and not passed at the first examination ?

(2) The inspection is now held by the District Superintendent of Police himself, or in his absence by the senior officer in charge, that is, the Assistant Superintendent or Deputy Superintendent of Police. Appeals against orders passed by the Assistant Superintendent of Police or the Deputy Superintendent of Police can be made to the District Superintendent of Police, whose orders are final.

(3) What are the dates fixed for the half-yearly inspection during each year? Have Government noticed that one half-yearly inspection is carried on just about the close of X'mas holidays when the ordinary passenger traffic is heavy ?

(3) The Public Conveyances Act provides that licenses shall usually be granted on the 1st January in each year. The annual inspection accordingly commences at the beginning of January.

The annual inspection last year was spread over a period of 2 months, viz., January and February. The inspection of a fixed number each week was arranged, in order to secure as large a supply of conveyances for the public as possible. This year the annual inspection is being held daily instead of weekly, and it will take about 3 months to complete the work. This, besides preventing any inconvenience to the public through the shortage of conveyances, also protects the owners from the manipulation by shop-keepers of rates of materials required for repairs. Government will, however, consider the question of amending the Act in this connection.

There is a further inspection shortly before the monsoon, to see that the hoods and aprons of the conveyances are in proper condition. This inspection too is held by the District Super-

QUESTIONS AND ANSWERS.

[13TH MARCH 1917.] [*Mr. Raghunath Purshottam Paranjpye.*]

Questions.

Answers.

intendent of Police himself, or in his absence by the Assistant Superintendent or Deputy Superintendent of Police.

(4) After carriages have been passed and licenses issued at the six monthly inspection, have the police Subordinates powers to stop carriages running and to allow them to run again after re-examination; and if so, on what definite grounds could they exercise such powers?

(4) Subordinate Police Officers have no powers whatever to suspend or cancel the license of any public conveyance, nor have they ever exercised such powers. The power of suspension or cancellation of a license lies with the District Superintendent of Police. Sergeants and selected Head Constables were formerly supplied with books to note irregularities that came to their notice, and were authorized to order the driver of such vehicles to attend the District Superintendent of Police's daily inspection. Such books and power are now given to only 3 or 4 specially selected officers.

(5) Will Government be pleased to supply information as to the number of carriages which were stopped running and allowed to run again after re-examination, during each month after the last six monthly inspection, and what were the grounds for such stoppage?

(5) The following statement shows how many licenses were suspended since July last, and in how many of those cases the licenses were restored :—

Month.	Suspended.	Restored.
August ...	93	74
September ...	101	65
October ...	51	66
November ...	67	60
December	31	35
January ...	15	30

The various reasons for the suspension of licenses were :—

1. Want of a licensed driver.
2. Want of a licensed animal.
3. Unfitness of the animal for work.
4. Dilapidated state of the harness or conveyance.

Abkari Committees in three divisions.

4. Will Government be pleased to place on the Table a statement giving the number of the Abkari Committees in the Central, Southern and Northern Divisions and of the meetings held by them during the last three years and also showing the various sub-heads of the Abkari question discussed at such meetings

4. The number of Committees and of meetings was as follows :—

Name of Division.	Number of Committees.			Number of meetings held.		
	1913-14.	1914-15.	1915-16.	1913-14.	1914-15.	1915-16.
Northern ...	26	26	26	34	18	9
Central ..	14	14	14	19	8	6
Southern ...	11	11	11	12	5	4

Questions.

Answers.

with a note of the action taken thereon by the authorities?

[*These questions were asked at the meeting held on the 4th December 1916, when* ad interim *replies were given.*]

Information relating to the questions discussed by the Committees and the action taken thereon is furnished in the statement* placed on the Table.

*See Appendix N.

5. Will Government be pleased to state:—

Medical schools. Lady students.

(*a*) What is the number of lady students studying in the various medical schools in the Presidency?

5. (*a*) Thirteen, *viz.*, 10 at Poona, 2 at Ahmedabad and 1 at Hyderabad (Sind).

(*b*) Are there any special changes in the syllabus of studies suitable for them?

(*b*) No.

(*c*) Are any special facilities provided for them in these schools to specialise in the diseases of women and children either before the final examination or after?

(*c*) Yes, special facilities are given to them (except at Hyderabad (Sind)) to study diseases of women and children before they pass out of the school.

6. (*a*) Is it a fact that all trained teachers in the primary schools of the Presidency do not yet get the pay that is shown on their certificates?

Minimum code pay of trained primary teachers.

(*b*) If so, in what districts are they still receiving less than the code pay?

(*c*) How much more expense would be annually incurred in order to give every trained primary teacher his minimum code pay?

6. Inquiries are being made.

7. Is it a fact (*i*) that Messrs. MacMillan and Co. have recently increased the prices of the Departmental Vernacular Readers and their other sanctioned books with the permission of Government and that this increased price has been allowed to be levied even on the sale of stocks already in their possession and not merely on new editions to be printed hereafter; (*ii*) and that, on the other hand, some other authors and publishers whose books are on the sanctioned list and who asked for permission to increase their prices have been

Increase in price of sanctioned books.

7. (*i*) Permission has not been given to Messrs. MacMillan and Company to increase the price of sanctioned books published by them except in the case of the Departmental Vernacular Readers. With regard to these Readers the attention of the Honourable Member is invited to Press Notes Nos. 3132, dated the 12th December 1916, and 471, dated the 24th February 1917, from which it will be seen that owing to the current high prices of paper and cloth the prices of these Readers, which are to be issued in future in paper-bound editions only, have been increased with effect from

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[13TH MARCH 1917.] [*Mr. Raghunath Purshottam Paranjpye; Mr. Chaubal.*]

Questions.	*Answers.*
allowed to do so only as regards new editions to be printed hereafter and not in the case of existing stocks?	January 1917. As there are considerable stocks of the cloth-bound editions of these Readers either in hand or under orders and as it would be anomalous to sell cloth-bound copies at cheaper rates than paper-bound copies, Messrs. MacMillan and Company have been permitted to sell the former at the same prices as those now sanctioned for the latter. This has had the effect of slightly increasing the prices of the *existing* stocks of the cloth-bound Readers. (*ii*) Other publishers and authors, who have applied for permission to enhance the price of sanctioned books on account of high price of paper and cloth, have also been granted permission to increase, at a reasonable rate, the price of *new editions*, i. e., of editions printed and bound at war prices. These prices are to be reduced again when the edition is exhausted (provided the price of paper has then fallen). It will thus be seen that the principle followed is the same for all, viz., that the stocks to be sold in 1917 would be printed on paper purchased at war prices.

Supplementary Question.

The Hon'ble Mr. PARANJPYE:—Is it a fact that Messrs. MacMillan & Co. had no stock of copies of the paper-bound editions with them?

The Hon'ble Mr. CHAUBAL:—The answer to that supplementary question is contained in the answer which Government have already given. The point is that the price of the paper-bound edition is less than that of the cloth-bound edition and for such copies as they had in stock of the paper-bound issues they have been permitted to add a little higher price.

8. (*a*) Will Government be pleased to lay on the Council Table a copy of the rules which regulate seniority and promotion in the case of those teachers in the primary schools who, after joining the Department with one qualification, get later on a higher qualification, entitling the holder to a higher pay in general? (*b*) Is it a fact that several teachers with second year's certificate and many years' service actually become losers to a considerable amount by	8. Enquiries are being made.

Rules regulating seniority and promotion of certain teachers in primary schools.

QUESTIONS AND ANSWERS.

Questions. *Answers.*

getting a third year's certificate, as all their previous service is altogether left out of account in calculating their pay afterwards?

9. Will Government be pleased to say whether their attention has been drawn to the recent lecture by Dr. Harold H. Mann on village economics, and, if so, whether they propose to take any action upon it?

Dr. Mann's lecture on village economics.

9. The answer to the first part of the question is in the affirmative. As regards the second part, the suggestions contained in the lecture refer to points which are already receiving the careful attention of Government and of the Agricultural Department, and such action as appears possible and advisable will be taken.

10. Will Government be pleased to lay on the Council Table their recent circular to teachers about private tuitions? What were the causes which led the Educational Department to cancel their old orders on the same point?

Circular to teachers about private tuitions.

10. Enquiries are being made.

THE HONOURABLE MR. GOKULDAS KAHANDAS PAREKH.

1. Will Government be pleased to say—

(1) Whether any orders have been passed on my representation submitted to Government in the month of May last, pointing out the serious inconveniences caused to the public by the stationing of the Customs *naka* at Ranpur, a town of the Dhandhuka Taluka?

Customs station at Ranpur.

(2) If any orders have been passed on the representation, will they be pleased to place copies of the orders on the Council Table?

(3) If no final orders have yet been passed on the said representation, has any action been taken by Government on the same and what?

1. (1), (2) and (3) The reports of the officers concerned have been obtained with respect to the representation in question, and the matter is now under the consideration of Government.

2. Are Government aware—

(1) that the Talukdars of the village of Kotda in the Dhandhuka Taluka, on or about the

Customs frontier line at Kotda.

2. (1) The reports received do not specifically mention a petition from the Talukdars of Kotda.

Questions.	*Answers.*
2nd of September last, presented to the Assistant Collector of Salt Revenue, Northern Frontier, a petition praying for the shifting of Customs frontier line from near the vicinity of the village-site to the bank of the river or to the line of boundary between the villages of Kotda and Rungpur?	
(2) Was the said petition submitted for the orders of Government?	(2) No.
(3) Have Government passed any orders on it?	(3) The whole question is under consideration.
3. Will Government be pleased to say—	
(1) Whether in or about the month of November last certain Councillors of the Surat Municipality submitted to Government through the Municipal Commissioner a representation, showing that they had been forced to put off indefinitely some of the necessary works, such as road repairs?	3. (1) Government received a resolution passed by the Surat Municipality by a bare majority at its meeting held on the 21st November 1916, requesting the discontinuation of the appointment of Municipal Commissioner for the City of Surat. In that resolution it was stated that the saving effected in the salary by the appointment of a Chief Officer in place of a Municipal Commissioner could be utilised in making and maintaining roads and carrying out other improvements in the City.
Representation by certain Councillors of the Surat Municipality.	
(2) Whether they have passed any orders, and if so, what orders on the said representation?	(2) In view of the improvements effected in the administration of the Municipality since the appointment of the Municipal Commissioner, Government did not consider it advisable, in the interest of the City, to comply with the request of the Municipality. The papers on the subject have been recorded.
(3) Does it appear in the Administration Report of the Surat Municipality for 1915-16 that nothing could be done for the improvement of roads, etc., for want of funds?	(3) and (4) In the Administration Report of the Municipality for the year 1915-16, it is stated that "the improvement of roads is a matter of time and money, but, so far as is possible, attempts are being made to maintain the main roads in a better condition."
(4) What measures do Government propose to take to remedy the existing unsatisfactory conditions?	

QUESTIONS AND ANSWERS.

Questions. *Answers.*

4. Will Government be pleased to say—

Revolvers and arms licenses.

(1) Whether in the district of Kolaba in the case of several gentlemen who for several years were given licenses for carrying arms including revolvers, the licenses issued last year excluded the permission for carrying revolvers ?

(2) Whether the same practice of excluding revolvers from the licenses of persons who previously used to have permission to carry them has also been adopted in other districts ?

(3) In how many cases throughout the Presidency, in the licenses issued in the year before the last, the licenses included the permission to carry revolvers, and in how many cases in the licenses renewed last year the permission of carrying revolvers was excluded ?

4. (1), (2) and (3) Enquiries are being made.

5. Will Government be pleased to say—

City Survey at Umreth.

(1) If any proposal for the introduction of a City Survey in the town of Umreth has been made to them ?

5. (1) Yes.

(2) Is there any demand for a City Survey for the register of title on the part of the public of Umreth ?

(2) Government have no special information.

(3) Is there any particular necessity for an authentic record of property at Umreth, and if so, what is that necessity ?

(3) Government consider that it is desirable for administrative purposes and for the protection of public and private rights to maintain an authentic record of public and private property in all towns of importance.

6. Will Government be pleased to say—

Railway project to Panvel and Pen.

(*a*) Whether any survey has been made for connecting by railway Belapur, Panvel and Pen with the G. I. P. Railway ?

6. (*a*) and (*b*) The Honourable Member's attention is invited to the answer given to the question No. 9 put by him at the Council meeting held on the 12th July 1915. A detailed survey for a line of Railway on the 2′ 6″ gauge from Mumbra station on the G. I. P. Railway or some other suitable point to Panvel,

Questions.	*Answers.*
(*b*) If such survey has been made, what has been the result of the same?	with a branch from Taloja to Shahabaj (Belapur) was completed in 1915 but the project plans and estimates are still awaited from the Agent, G. I. P. Railway Company. Besides a reconnaissance survey carried out in 1907-08, no further survey has been made for a line connecting Pen with the railway.
(*c*) If such survey has been made, has any decision been arrived at about the agency for doing the construction work, and when is this likely to commence?	(*c*) No. It is not possible at present to say when the construction work is likely to be commenced.
7. Will Government be pleased to say if they propose to stop the export of salt from Thana and to substitute Belapur for Thana for the purpose of salt export? (Salt export from Thana.)	7. Government gave an assurance, subject to certain conditions, to the late Rao Bahadur Narayan Trimbak Vaidya that on the completion of the projected Mumbra-Panvel Railway with a branch to Belapur the Chendni bandar near Thana would be closed for the purposes of salt traffic in favour of a new bandar at Devala near Belapur.
8. Will Government be pleased to say— (1) Whether the Second Class Magistrate of Hansot has issued a large number of notices to persons in possession of fields requiring them to remove the cactus hedges of their fields from their roots, irrespective of their height and width, and whether the said notices purport to have been issued under section 33 of the District Police Act. (Removal of cactus hedges.) (2) Whether these notices were issued by the Magistrate of his own initiative or under orders of superior officers.	8. Enquiry will be made.
9. Will Government be pleased to say— (1) Whether the Collector of Broach has issued orders for sale throughout the district of standing live babul trees belonging to Government which are over 10 feet in height? (Babul trees belonging to Government in Broach District.) (2) Whether the effect of the orders on the average rainfall of the district has been considered?	9. (1) and (2) Information will be called for.

Questions.

Answers.

10. Will Government be pleased to say—

Proposal to enhance estimates of letting values of buildings in notified areas in Salsette.

(1) How many notified area committees there are in Salsette and what are they?

10. (1) There are eleven notified area committees in the Salsette Taluka. Their names are Andheri, Santa Cruz, Vile Parla, Malad, Borivli, Kandivli, Bhayndar, Goregaon, Vikhroli, Bhandup and Mulund. No taxes are levied in the notified areas under the six last named committees.

(2) Is the Assistant Collector their Chairman and does he hold his office at his bungalow at a distance of two miles from Bandra station?

(2) The Salsette Development Officer, who is an Assistant Collector, has been appointed to be Chairman of all the notified area committees in the Salsette Taluka. The office of each of the notified area committees is at Bandra.

(3) Is it a fact that the letting value of numerous buildings within the said notified areas is proposed to be enhanced?

(4) Is it a fact that the Chairman has issued notices calling upon the aggrieved house-owners to submit their objections against the proposed enhancements in person at his office at Palli Hill at 8 or 9-30 a.m. and informed them that their written objections would be rejected as invalid?

(5) How many notices have been issued to the rate-payers in each of the notified areas in question?

(6) Is it a fact that the procedure that used to be followed in the time of the previous Chairman has been departed from on the present occasion? If so, for what reasons?

(7) Were any communications addressed to the Chairman by individual rate-payers against the procedure adopted by him and has he acknowledged or replied to any of them?

(3), (4), (5), (6) and (7). The information is being called for.

11. Will Government be pleased to say—

Irrigation Works at Wangroli and Savli.

(1) If they have got Irrigation works made at the villages of Wangroli and Savli of the Thasra Taluka of the district of Kaira?

11. (1) There is an irrigation tank at Savli in the Kapadwanj Taluka and another at Wangroli in the Thasra Taluka.

QUESTIONS AND ANSWERS.

[13TH MARCH 1917.] [*Mr. Gokuldas Kahandas Parekh; Mr. Vithalbhai Jhaverbhai Patel.*]

Questions.

(2) What is the cost of each of these works?

(3) What revenue each of these works was expected to yield?

(4) What revenue does each of these works actually yield?

(5) Is it true that the water of these works is not suitable for crops, and the water of the Savli works is not used at all; and that of Wangroli is used in very small quantity?

If so is the unfitness of the water of these works for Irrigation due to any cause which also affects the water of the Sedi.

(6) Has not the fact of the unfitness of the Sedi water for irrigational purpose been known for many years to the Revenue and Public Works Departments through the Survey Reports?

Answers.

(2) These works were originally undertaken for the purpose of famine relief in the great famine. They cost—

	Rs.
Savli ...	... 2,34,179
Wangroli	... 2,36,370

(3) The revenue estimates were for—

	Rs.
Savli ...	... 3,500
Wangroli	... 7,000

(4) The average revenue in the five years ending 1915-16 has been—

	Gross Revenue.	Net Revenue.
	Rs.	Rs.
Savli ...	4,128	—8,277
Wangroli ...	4,325	—5,678

(5) Government have no reason to believe that the water of these tanks is in any way unsuitable for irrigation. The average area irrigated in the five years ending 1915-16 has been—

Savli ...	... 965 acres.
Wangroli	... 910 ,,

(6) The point which has attracted the attention of Government with regard to the Sedi river is not the unfitness of its water for irrigational purposes but the damage done by its floods. Government are awaiting a report on the subject which has been called for from an Irrigation Officer of great experience.

THE HONOURABLE MR. VITHALBHAI JHAVERBHAI PATEL.

1. Will Government be pleased to state the number of candidates who sought admission and the number admitted in each of the Vernacular Training Colleges in the presidency during each of the last five years ending March 1916?

Vernacular Training Colleges—admissions to.

1. The accompanying statement* contains the information asked for.

*See Appendix C.

QUESTIONS AND ANSWERS.

Questions.

2. Will Government be pleased to state what the expenditure on public works and the cost of establishment are in each of the districts of the presidency for the year ending March 1916 and for the year ending March 1913?

Expenditure on public works and cost of establishment.

3. (*c*) Will Government be pleased to say what the annual expenditure incurred by Government is (1) on house allowance, and (2) on local allowance in the City of Bombay?

House allowance and local allowance to Government servants in Bombay.

4. (*a*) Will Government be pleased to say whether the Vice-Presidents and Chairmen of Godhra and Kálol Táluka Boards in the Panch Mahál District are officials or non-officials?

Táluka Boards of Godhra and Kálol.

5. Will Government be pleased—

(*a*) to name the municipalities to which the privilege of recommending a Councillor for nomination as President by a two-thirds majority has been granted?

(*b*) to state in respect of each of such municipalities whether it had a Non-official President after the grant of that privilege, and if so, for what particular period or periods?

and

(*c*) to name all such municipalities who have at present Official Presidents.

Official and Non-official Presidents of certain Municipalities.

Answers.

2. A statement† giving the information is appended.

† See Appendix D.

3. The following amounts were paid on account of Bombay house allowance and local allowance in Bombay City during the year 1915-16:—

	Rs.	a.	p.
Bombay house allowance to gazetted officers.	37,284	2	6
Local allowance to members of establishments in superior service in consideration of expensiveness of living	...2,09,471	15	11

4. The Vice-Presidents of the Táluka Local Boards of Godhra and Kálol in the Panch Mahál District are officials.

5. (*a*), (*b*) and (*c*) The accompanying statement‡ gives the information required.

‡ See Appendix E.

QUESTIONS AND ANSWERS.

[13TH MARCH 1917.]

Questions.

6. Will Government be pleased to name the municipalities in the presidency which consist of half the number of elected and half the number of nominated members and yet enjoy the privilege of selecting a President by a two-thirds' majority.

Certain municipalities which may select their Presidents.

[*Mr. Vithalbhai Jhaverbhai Patel.*]

Answers.

6. The following are the municipalities in the presidency proper which consist of half the number of elected and half the number of nominated members and yet enjoy the privilege of selecting a President by a two-thirds' majority:—

NORTHERN DIVISION.

Ahmedabad District.

1. Dholka.
2. Viramgám.
3. Gogha.
4. Sánand.

Kaira District.

5. Umreth.
6. A'nand.
7. Borsad.
8. Kapadvanj.

Broach District.

9. Ankleshwar.
10. Jambusar.

Surat District.

11. Ránder.
12. Bulsár.

Thána District.

13. Thána.
14. Kalyán.
15. Kurla.
16. Máhim.
17. Bhiwndi.

CENTRAL DIVISION.

Ahmednagar District.

1. Bhingár.
2. Kharda.
3. Sangamner.

East Khándesh District.

1. Bhusával.
2. Yával.
3. Faizpur.
4. Ráver.
5. Sávda.
6. Amalner.
7. Párola.
8. Chopda.
9. Dharangaon.

West Khándesh District.

1. Sindkheda.
2. Betávad.
3. Shirpur.
4. Nandurbár.
5. Taloda.
6. Sháháda.

Násik District.

1. Sinnar.

Questions.

Answers.

Poona District.

1. Sásvad.
2. Jejuri.
3. Bárámati.
4. Indápur.
5. Sirur.
6. Telegaon-Dábháde.
7. Khed.
8. A'landi.
9. Jámner.
10. Poona Suburban.

Sátára District.

1. Karád.
2. Rahimatpur.
3. Wái.
4. Mhasvad.
5. Islámpur.
6. Tásgaon.
7. Ashta.

Sholápur District.

1. Karmála.

SOUTHERN DIVISION.

Belgaum District.

1. Athni.
2. Gokák.

Bijápur District.

3. Bágalkot.

Dhárwár District.

4. Gadag-Betigeri.
5. Navalgund.
6. Ránebennur.
7. Saveri.

Kánara District.

8. Kárwár.
9. Sirsi.

Kolába District.

10. Alibág.
11. Roha-Ashtami.
12. Panvel.
13. Uran.
14. Pen.

Ratnágiri District.

15. Chiplun.

There are no such municipalities in Sind.

7. Will Government be pleased to say how many District Local Boards in the Presidency have framed regulations

District Local Boards' regulations.

7. Twenty-three.

QUESTIONS AND ANSWERS.

[13TH MARCH 1917.] [*Mr. Vithalbhai Jhaverbhai P*

Questions. *Answers.*

under section 39 of the Local Boards Act with the approval of Government?

[*These questions were asked at the meeting held on the 4th December 1916, when* ad interim *replies were given.*]

8. Has the attention of Government been drawn to the letter of "A Smypathiser" in the "Indian Education" of January 1917 detailing the hardships caused to candidates seeking admission to Primary Teachers' Training Colleges on account of the fact that they are recently being subjected to two examinations?

Admissions to training colleges for primary teachers.

8. Government have seen the article referred to.

9. (*a*). Will Government be pleased to state the number of boys and girls separately studying in—

(*a*) Government,
(*b*) municipal,
(*c*) aided,
(*d*) unaided but recognized,
and
(*e*) unrecognized,

primary schools in each municipal area in the Presidency at the end of the year 1915-16?

Boys and girls in primary schools in municipal areas.

9. (*a*) and (*b*) Enquiries are being made.

(*b*) Will Government be pleased to say why this information is not included in the Annual Administration Report of the Director of Public Instruction?

10. (*a*) Is it a fact that the expenses on account of the Talukdari Settlement Officer's Department were Rs. 11,443 in 1897-98, Rs. 21,741 in 1907-08 and Rs. 27,318 in 1910-11?

Expenditure on the establishment of the Talukdar Settlement Officer.

10. (*a*) The Honourable Member is referred to the Annual Reports of the Talukdari Settlement Officer for the years specified, copies of which are supplied to Honourable Members and are also available in the Secretariat Library.

(*b*) Will Government be pleased to say what were the expenses of the Department in 1915-16?

(*b*) The required information will be found in the Report for 1915-16 which will shortly be published.

Questions.

(*c*) Will Government be pleased to say what reduction has been effected in the expenditure on the Talukdari Department in consequence of the orders withdrawing the Talukdars of Broach from the supervision of the Talukdari Settlement Officer?

(*d*) Is it a fact that in 1909-10 the Broach Talukdars had paid a contribution of Rs. 2,745 towards the expenses of the Department?

Expenditure on the establishment of the Talukdari Settlement officer.

11. Will Government be pleased to say whether they propose to institute inquiries with a view to find ways and means for reducing the expenditure on this Department?

Talukdars of Ahmedabad and the Collector.

12. Have Government considered the desirability of discontinuing the supervision of the Talukdari Department over the Talukdars of Ahmedabad by putting them under the supervision of the Collector of Ahmedabad as they have recently done in the case of the Talukdars of Broach?

Licensing of liquor shops at fixed fees.

13. Will Government be pleased to say whether they propose to continue the existing system of licensing liquor shops in the Presidency at fees fixed in accordance with the prescribed scale?

Petitions on licensing of liquor shops.

14. Will Government be pleased to say whether they have received any petitions since 1916 in favour of the continuance of the existing system of licensing liquor shops and whether they have any objection to lay them on the Council Table?

Talukdari Settlement Officer's establishment.

15. Will Government be pleased to give a list of the names of persons employed in the Talukdari Department during the last five years with the following details?

Answers.

(*c*) The orders have not been in operation long enough to allow it to be judged whether any reduction in expenditure can be effected in consequence of the change referred to.

(*d*) The reply is in the affirmative.

11. Government do not consider it necessary to make inquiries of the nature specified by the Honourable Member.

12. The conditions of the estates in Ahmedabad differ entirely from those in Broach, while the problems of management are much more difficult. Government consider that the estates in Ahmedabad continue to require special management.

13. Government have under consideration a report regarding the most suitable method of disposal of liquor shops, but there is no intention of immediately altering the existing system.

14. No.

QUESTIONS AND ANSWERS.

Questions. *Answers.*

(1) Name of the person appointed,
(2) Post to which he has been appointed,
(3) Pay on which he has been appointed,
(4) Qualifications of the person so appointed.

15. The preparation of such a list would entail expenditure of time and labour out of proportion to any purpose it would serve.

16. Will Government be pleased to say—

(*a*) if they have received the petition of Thakrani Viruba, widow of Devisinhji Raisinhji, Thakore of Makhiav, dated 10th October 1916, and

Petition of Thakrani Viruba.

(*b*) whether they have made any inquiries regarding the grievances mentioned in the petition, and if so, will Government be pleased to lay on the Council Table the papers of the inquiry?

16. The petition referred to (dated 1st October and not 10th idem) was received and was returned to the writer as she had not complied with all the provisions of No. 11 of the Petition Rules.

17. (*a*) Is it true that the Mamlatdar of Prantij, under orders of the Talukdari Settlement Officer, attached the property of Bai Rukhmani and Bai Suraj of Moyad Vasrupji under Prantij Taluka for recovery of certain alleged arrears on 20th March 1911?

Attachment of certain property in Prantij Taluka by Talukdari Settlement Officer.

(*b*) Is it true that the said two ladies filed suits against the Mamlatdar and others in the District Court of Ahmedabad on the 19th March 1912, and is it true that by order, dated 6th April 1912, the Talukdari Settlement Officer released the property under attachment?

Information will be called for.

18. (*a*) Is it true that the late Thakore Ranmal Sinhji of Sanand agreed to give to his Thakrani Kundan Kunvar Rs. 3,000 in lieu of houses and that the said Thakore got a consent decree passed between himself and the said Thakrani in the Civil Court for the amount?

Affairs of Thakrani Kundan Kunvar of Sanand.

(*b*) Is it true that when, after the death of the said Thakore, the said Thakrani asked the Talukdari

Information will be called for.

Questions.	*Answers.*
Settlement Officer for payment of the amount, the said officer refused to pay the amount ?	
(*c*) Is it true that when, on this refusal, the said Thakrani filed a suit against the Talukdari Settlement Officer for the amount, and when the suit was proceeded with, the Talukdari Settlement Officer entered into a consent decree with the Thakrani for the amount ?	
19. (*a*) Is it true that the Thakore Umedsinhji of Motiboru in his life-time made a will that after his death his widow should enjoy his Jivai lands ? Jivai lands of the late Thakore Umedsinhji of Motiboru.	
(*b*) Is it true that the Talukdari Settlement Officer approved and sanctioned the will ?	
(*c*) Is it true that on the death of the said Umedsinhji the Talukdari Settlement Officer attached and took under management the said Jivai lands referred to in the will ?	Information will be called for.
(*d*) Is it true that the widow filed a suit against the Talukdari Settlement Officer for recovery of the lands and that, after the filing of the suit, the Talukdari Settlement Officer released the lands from his management.	
20. Will Government be pleased to state the reasons why in these two cases were the widows put to the necessity of filing suits against the Talukdari Settlement Officer ? Necessity for suits in these two cases.	Information will be called for.
21. Will Government be pleased to inquire if the farms of the following estates have been given by the Talukdari Settlement Officer after due publication of notifications and by public auction ? Certain farms in certain talukas under the Talukdari Settlement Officer.	
(1) Aghar under Viramgam Taluka, (2) Kunvar and Chal under Sanand Taluka; (3) Rojka under Dhandhuka Taluka.	Information will be called for.

Questions. *Answers.*

Is it true that in the case of each farm the Talukdar protested to the Talukdari Settlement Officer that the farm was being given at low amounts and expressed his readiness to pay a larger amount for the farm?

22. Will Government be pleased to state—

(*a*) The number of primary school-going-age-children and the number of children at school in the City of Bombay at the end of the year 1916-17?

Children at school in Bombay.

(*b*) When was the census of the school-age-children last taken in respect of City of Bombay?

22. The information has been called for.

23. Will Government be pleased to say—

(*a*) When the last meeting of the Schools' Committee of the Bandra Municipality was held?

Disposal of work by Schools and Dispensary Committees in Bandra.

(*b*) How many meetings of the Dispensary Committee were held during the course of the last twelve months?

(*c*) And whether it is true that the said two committees have resorted to the expedient of disposing of their work by circulars?

23. The information is being obtained.

24. (*a*) What is the amount of the recurring grant by the Government of India to the Government of Bombay in the years 1912-13, 1913-14, 1914-15 and 1915-16 on primary and secondary education?

Expenditure of recurring and non-recurring grants made by Government of India for primary and secondary schools.

(*b*) What is the amount which has been granted therefrom by the Government of Bombay to primary and secondary schools, year by year—

(1) In increasing grants-in-aid of Government schools?

(2) In increasing grants-in-aid to privately managed schools, division by division?

24. The specific information required by the Honourable Member has been called for. In the meanwhile his attention is invited to Chapter VII of the Reports of the Director of Public Instruction for the years 1913-14, 1914-15 and 1915-16, which give a general comprehensive account of the utilization of the several recurring and non-recurring imperial grants for education made to this Presidency.

Questions.

(3) In increasing the supervision staff, buildings, etc., of Government schools?

(c) How have the sums granted by the Government of India to the Government of Bombay as non-recurring grants on primary and secondary education in the same four years been spent?

Answers.

25. Will the Government be pleased to lay on the table full information as to how the election of the President by the Karad Municipality fell through and that office had to be filled up by the Government?

President of Karad Municipality.

25. In 1914, Government issued orders to the effect that whenever an election of its President is held by a municipality to which the privilege of selecting its President by a majority of two-thirds of the total number of its councillors is conceded, the result should be reported to Government, whether or not it is conclusive having regard to the condition as to a two-thirds majority, and that in cases where the election is inconclusive, it would be for Government to decide who should be appointed President. The Karad Municipality at its meeting held on the 23rd July 1916, at which only seven out of twelve members were present, made a selection of its President by the votes of five members, the other two members not voting. The Municipality therefore failed to exercise the privilege of selecting its President by a majority of two-thirds of its total number of councillors. Government thereupon made the appointment under section 23 (2) (*a*) of the Bombay District Municipal Act, 1901.

26. Will the Government be pleased to say whether there is in the Bombay Presidency a depôt or depôts under the Indentured Labour Act and how many labourers were sent away from the Bombay Harbour during the year 1916 and whether any reports have reached Government about the treatment experienced by the labourers so sent?

Emigration from Bombay depôt under Indentured Labour Act, etc.

26. There are no depôts in the Bombay Presidency under the Indian Emigration Act, 1908. No indentured labourers were sent from the Bombay Harbour in 1916.

27. Are Government aware that there were large and influential

Indentured Labour.

27. Yes.

QUESTIONS AND ANSWERS.

[13TH MARCH 1917.] [*Mr. Vithalbhai Jhaverbhai Patel; Mr. Abdul Kadir* alias *Fakir Mahomed walad Ibrahim Khan Pathan.*]

Questions.	*Answers.*
meetings held in the Presidency protesting against the retention on the statute-book of the Indentured Labour Act?	
Will Government be pleased to say whether they are in communication with the Government of India on the subject?	No.
THE HONOURABLE MR. ABDUL KADIR *alias* FAKIR MAHOMED WALAD IBRAHIM KHAN PATHAN.	
1. Will Government be pleased to state if it is a fact that Muhammadan students are not admitted into and trained in the Dhárwár and Poona Training Colleges as teachers for non-Urdu Primary Schools? (Training Colleges at Dhárwár and Poona—Muhammadan students at —)	1. The answer is in the negative
2. Will Government be pleased to state the number of Muhammadan students that appeared for admission into the several Training Institutions in the Presidency, and the number admitted in each Training Institution for training as teachers for Urdu Primary Schools in 1911, 1912, 1913, 1914, 1915 and 1916? (Training Institutions—Admission of Muhammadans from 1911 to 1916.)	2. The accompanying statement* contains the information asked for. * See Appendix G.
3. Will Government be pleased to state how many new Urdu Schools were applied for, and how many were opened in the Southern, Central and Northern Divisions in 1914-15 and 1915-16? (Urdu Schools opened in three divisions from 1914 to 1916.)	3. The accompanying statement* contains the information asked for. * See Appendix H.
[*These questions were asked at the meeting held on the 4th December 1916, when* ad interim *replies were given.*]	
4. (*a*) Will Government be pleased to state if the Honourable the Judges of the High Court have requested Government to remove the Registration Office, now located on the ground-floor of the High Court premises? (Accommodation for pleaders on Appellate Side in High Court.)	4. (*a*) Yes.

QUESTIONS AND ANSWERS.

[*Mr. Abdul Kadir* alias *Fakir Mahomed walad Ibrahim Khan Pathan.*] [13TH MARCH 1917.]

Questions.	*Answers.*
(*b*) Has the attention of Government been drawn to the fact that the accommodation at present provided for the pleaders practising on the Appellate Side of the High Court is inadequate?	(*b*) No.
5. Will Government be pleased to state—	
(*a*) the number of Kanarese primary schools in the Dharwar district and the number of pupils attending them—boys and girls separately;	5. (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*) The information has been called for.
Kanarese and Urdu schools in Dharwar district.	
(*b*) the number of Urdu schools in this district and the number of pupils attending them—boys and girls separately;	
(*c*) the general considerations which regulate the strength of the Educational inspecting staff of that district;	
(*d*) the number of pupils the Deputy Inspector and his Assistants are each expected to examine or inspect in a year;	
(*e*) if it is a fact that the Dharwar district has been divided into several beats, each beat being assigned to an Educational Inspecting Officer;	
(*f*) if so, whether the one Mahomedan Assistant Deputy Inspector attached to the district is required not only to examine or inspect schools (Kanarese and Urdu) within his beat but also to examine or inspect schools scattered over the district and beyond his beat?	
6. (*a*) Will Government be pleased to state if the posts of the special Mahomedan Deputy Educational Inspectors for Urdu schools, S. D. and C. D., are on the cadre of the District Deputy Educational Inspectors?	6. (*a*) and (*b*) Enquiries are being made.
Mahomedan Deputy Educational Inspectors, S. D. and C. D.	
(*b*) If not, whether Government proposes to place these posts on that cadre?	

QUESTIONS AND ANSWERS.

[13TH MARCH 1917.]

[*Mr. Abdul Kadir* alias *Fakir Mahomed walad Ibrahim Khan Pathan.*]

Questions.	*Answers.*
7. Will Government be pleased to state the number of suits which have been stayed in the different districts of the Presidency on account of one or the other of the parties to the suit being engaged on active war service?	7. The information will be obtained.
Suits stayed on account of a party being engaged on active war service.	
8. Have any applications been received by Government wherein it is prayed that the period for which such suits have been stayed may be excluded whenever a question of limitation may crop up so far as the Revenue Officers are concerned, *e. g.*, in the calculation of 12 years' period of attachment of khoti villages in the Ratnagiri and Kolaba districts for failure to pass kabulayats or some such cause?	8. One such application has been received.
Exemption from limitation in revenue courts.	
9. (*a*) Has the attention of Government been drawn to the recent murder of a landlord in the Deogad Taluka of the Ratnagiri District?	9. (*a*) The answer is in the negative.
(*b*) Will Government be pleased to state if any proposal is laid before Government by any of its officers that the occupants of the soil in the Ratnagiri District who prove their possession for a certain number of years should be treated as Dharekaris of the lands they hold?	(*b*) No such proposal is before Government.
10. Will Government be pleased to state—	
(*a*) The amount credited to Government in 1914-15 and 1915-16 on account of cattle-pound fees and charges in respect of cattle sent by the Forest Officers in the Belgaum Division to several cattle-pounds in that division?	10. (*a*) and (*b*) Information will be called for.
Impounding of cattle by Forest Officers in Belgaum Division.	
(*b*) The amount collected in the same years by the Forest Officers in that division as penalty or compensation in respect of trespass by cattle, independently of	

Questions.	*Answers.*
the fees and charges that the owners had to pay to the cattle-pounds?	
(*c*) If there are any rules sanctioned by Government authorizing the Forest Officers to levy penalty in cases of trespass by cattle and laying down the rates of penalty varying according to kinds of animals?	(*c*) The Honourable Member is referred to sections 286, 287, 316, 317 and 342 of the Standing Orders of the Forest Department of the Bombay Presidency, 1912, copies of which are kept for sale at the Government Book Depôt, Poona, and to Government Notifications No. 8185, dated 10th September 1910, and No. 8524, dated 11th September 1911, published respectively at pages 1481 and 1649 of the *Bombay Government Gazette*, Part I of 15th September 1910 and 14th September 1911.
(*d*) If it is a fact that the Forest guards or Officers who catch hold of trespassing animals and put them into cattle-pounds are given rewards by the Forest Department and, if so, whether there are any rules sanctioned by Government in that behalf?	(*d*) There are no such rules. Information will be called for as to departmental practice.
11. If answers to questions in 10 (*c*) and (*d*) above are in the affirmative, will Government be pleased to place the rules referred to therein on the Table?	11. Attention is invited to the reply to question No. 10 (*c*) put by the Honourable Member.
12. With reference to my question (No. 10) put at the last meeting, if the answer to it is in the negative, will Government be pleased to state the number of candidates that appeared and the number admitted in each Training Institution for training as teachers for non-Urdu schools during the last five years, the number being given separately for each year?	12. The answer to the previous question referred to being in the negative, the information now required by the Honourable Member has been called for.
Mahomedan students at Training Colleges at Dharwar and Poona.	
13. Has the attention of Government been drawn to the leading article in the issue of the 25th February 1917 of "Satya Shodhaka" of Ratnagiri on the scarcity of salt, and to the article in "Kanara News" of the	13. Government have noticed the articles referred to.
Articles in certain newspapers on salt.	

QUESTIONS AND ANSWERS.

[13TH MARCH 1917.]

[*Mr. Abdul Kadir* alias *Fakir Mahomed walad Ibrahim Khan Pathan*; *Mr. Munmohundass Ramji*; *Mr. Phiroze C. Sethna.*]

Questions.

Answers.

21st February 1917 with the heading "A request to the salt owners' society."

14. (*a*) Will Government be pleased to state if it is a fact that salt is selling dear in Ratnagiri and other places in the Presidency ?

Price of salt.

14. (*a*) Government have received no complaints about dearness of salt at Ratnagiri. Prices of salt are reported generally to have risen.

(*b*) If so, will Government be pleased to state whether it is proposed to take any action in the matter ?

(*b*) The situation is being carefully watched, but no necessity for taking special action has yet appeared to exist. In Sind the Commissioner has been authorized to allow municipalities to open depôts for the retail sale of salt.

THE HONOURABLE MR. MUNMOHUNDASS RAMJI.

1. Will Government be pleased to state whether cheques are accepted for revenue dues at Government offices ?

Cheques in payment of taxes.

1. The payment of the revenue dues of Government by cheque is not contemplated in the Civil Account Code, but cheques on account of customs and income tax payments are accepted in Bombay.

THE HONOURABLE MR. PHIROZE C. SETHNA.

1. Will Government be pleased to say if the statement made in the Vernacular press is correct that they contemplate the removal to Deolali of the steam distilleries at Uran ?

Distilleries at Uran.

1. Yes.

2. Will Government be pleased to say if the statement made in the Vernacular press is correct that it is their intention to auction the licenses of liquor shops in the City of Bombay, instead of continuing them on the existing system, from the next official year commencing 1st April 1917 ?

Liquor shops in Bombay.

2. The statement is not correct.

3. Will Government be pleased to say—

(*a*) For what further period it is proposed to keep closed to the public the portion of the Esplanade Road, Bombay, which lies between the two maidans ?

Esplanade Road, Bombay.

3. (*a*) The road is used by the Military authorities, who occupy both sides of it, and it is impossible to say at present when it will be thrown open to the public.

Questions.	*Answers.*
(*b*) Whether the opening of this road to vehicular traffic at least has been considered?	(*b*) Yes.
4. In regard to the Military Area between Queen's Road and Marine Lines, Bombay, particularly that part where houses are reserved for the occupation of officers, will Government be pleased to say:—	
(*a*) Whether it is a fact that some of the outhouses are occupied by persons who are not in the employ of the officer tenants?	4. (*a*), (*b*), (*c*) and (*f*) It is extremely likely that from time to time outhouses are occupied by persons not in the employ of officer tenants. The Military authorities find it necessary at frequent intervals to inspect these quarters in order to turn out such people. These generally come in under the guise of relations of servants. Washing is known to be done in some of the compounds, but this is for most of the civil residents living in Marine Lines.
(*b*) Whether such persons pay rent to the officer tenants or their servants?	
(*c*) Whether parts of the compounds of the bungalows are let to dhobies with permission to wash the clothes of outsiders?	
(*d*) Whether complaints have been officially or unofficially made to the Military authorities by the occupants of private houses in Marine Lines in regard to this state of affairs?	(*d*) Only one official complaint was received by the Military authorities during the last two years.
(*e*) Has the matter been considered by the Military authorities from the point of view of the occupants of these private houses?	(*e*) and (*g*) Every effort is made by the Military officers occupying quarters in the Queen's Road to keep their compounds tidy and be as little nuisance as possible to their neighbours whether living in Queen's Road or Marine Lines.
(*f*) Whether the officer tenants are permitted to utilize their out-houses and compounds in the manner referred to in parts (*a*), (*b*) and (*c*)?	
(*g*) If there are no orders on the subject, is the matter under the consideration of the Military authorities?	

Military Area between Queen's Road and Marine Lines, Bombay.

Supplementary Question No. 4 by the Honourable Mr. Phiroze C. Sethna.

The Honourable Mr. SETHNA:—With regard to question no. 4, may I be permitted to draw the attention of Government to the fact that, though parts (*a*), (*b*), (*c*) and (*f*) are replied together, there is no answer to part (*b*). Would it be right to infer, therefore, that the tenants who rent these places do so with the permission or knowledge of the military authorities?

The Honourable Mr. CURTIS:—Government have no information on the point. If the Honourable Member desires, information will be called for.

QUESTIONS AND ANSWERS.

[13TH MARCH 1917.]

[*Ráo Bahádur Tekchand Udhavadas; Mr. S. B. Upasani.*]

Questions.

Answers.

THE HON'BLE RAO BAHADUR TEKCHAND UDHAVADAS.

1. Will Government be pleased to give the following information:—

Trial by Jury in Sessions Court at Karáchi.

(*a*) How many cases were tried by Jury in the Sessions Court at Karáchi during the years 1913, 1914 and 1915?

1. (*a*) 28 cases in 1913, 48 in 1914 and 33 in 1915.

(*b*) In how many of these cases did the Judge disagree with the verdict of the Jury and submit the case to the Court of the Judicial Commissioner of Sind under section 307 of the Criminal Procedure Code?

(*b*) In 3 cases in 1913, 1 in 1914 and 2 in 1915.

(*c*) In how many of the cases so submitted was the verdict of the Jury upheld by the Court of the Judicial Commissioner of Sind?

(*c*) In no case in 1913, in 1 case in 1914 and in 1 case in 1915. In the case of 1915 there were 6 accused persons; out of these 3 were acquitted by the Sessions Court, and as to the other 3 reference was made under section 307, Criminal Procedure Code. The Court of the Judicial Commissioner of Sind upheld the verdict of the Jury as to 2 of the 3 accused persons only.

[*This question was asked at the meeting held on the 4th December 1916, when an* ad interim *reply was given.*]

THE HONOURABLE MR. S. B. UPASANI.

1. (*a*) Will Government be pleased to lay on the Table the Report submitted by the Advisory Committee appointed to inquire into the condition of indigenous industries and to suggest means for establishing new ones?

Advisory Committee on indigenous industries—Karad Match Factory.

(*b*) What action has been taken to give effect to their recommendations and what new industries have been started in the Presidency since the war?

1. (*a*) and (*b*) Besides advising on various points referred to them for an opinion the Indigenous Industries Committee has submitted recommendations relating to the following industries:—

(1) Bamboo pulp;
(2) Matches;
(3) Sugar;
(4) Oil pressing;
(5) Glass;
(6) Silver and gold thread.

Under (1) the recommendations dealt with an application for a specific concession and the matter is under reference to the Government of India. Under (6) the disabilities pointed out have been removed by separate action taken by the Government of India. In

Questions.	*Answers.*
	the other cases the extent to which effect can be given to the recommendations will largely depend on the action taken on the report of the Indian Industrial Commission. The Bombay Advisory Committee has submitted a full report to the Indian Industrial Commission which however cannot be published until it has been considered by that body.
(*c*) Has any action been taken to enable the Karad Match Factory to work profitably and with what success?	(*c*) No special action is proposed to be taken with regard to the Karad Match Factory. The Committee reported that the first step needed with regard to the match industry was to ascertain whether a suitable wood was available or could be grown in suitable quantities, and they recommended that a special officer should be appointed to investigate this problem. Government are unable at present to spare an officer for the purpose.
2. Will Government be pleased to state if a detailed survey of the mineral, forest, and other productive resources of the several districts in this Presidency has been made with a view to ascertain the possibility of their economic development? Survey of economic resources of districts.	2. No special survey of the mineral resources of the Presidency has been made, but enquiry has from time to time been carried on wherever minerals have been found or believed to exist. As regards the resources of the Forests, measures of enquiry and action for their more extended utilization are now under consideration. If by other productive resources is meant the possibility of industrial expansion, this will be considered by the Industrial Commission when it visits this Presidency.
3. (*a*) Have Government any information whether successful experiments have been made by the Nizam's Government for manufacturing valuable commercial products from mhowra flowers and their seeds? Mhowra flowers and seeds for industrial purposes.	3. (*a*) Government are aware that the utilization of mhowra flowers for the manufacture of acetone has been enquired into by the Nizam's Government. They have no information about any other experiments.
(*b*) Have similar experiments been made in this Presidency and, if so, what are the prospects of starting any industries for utilizing these flowers and seeds in the districts in which their supply is available in large quantities.	(*b*) Similar experiments for the use of mhowra flowers for the manufacture of acetone are being made elsewhere and if successful will be applied in this Presidency.

QUESTIONS AND ANSWERS.

[13TH MARCH 1917.] [*Mr. S. B. Upasani.*]

Questions.	*Answers.*
4. Have any efforts been made by the Agricultural Department to encourage the local manufacture of the improved agricultural implements which are exhibited at agricultural exhibitions; and as regards which of the implements have such efforts been successful and at what places?	4. Information will be called for.
Local manufacture of improved agricultural implements.	
5. (*a*) Will Government be pleased to state what action has been taken with reference to my Resolution for the introduction of the first three English Standards in the higher Vernacular Schools, which was accepted by Government at the March sitting of the Council last year?	5. (*a*) The question is still under consideration.
Introduction of English standards in higher vernacular schools.	
(*b*) Is it a fact that applications were made to the Educational authorities to allow the experiment to be introduced in the schools at Jamner and Islámpur in the Central Division and at Avas in Alibag District, but the permission was refused on the ground that the matter was under consideration of Government?	(*b*) Enquiries are being made.
(*c*) If so, will Government be pleased to say if there is any prospect of the experiment being introduced this year before the English schools reopen after the summer vacation	(*c*) The answer to this part of the question is in the negative.
6. Will Government be pleased to state what action has been taken with reference to my Resolution as regards the retention of the Modi script in official correspondence, which was accepted by Government?	6. The Honourable Member's attention is invited to Press Note, Revenue Department, No. 2853, dated 8th March 1917, a copy of which has been separately supplied to him.
Modi script in official correspondence.	
7. (*a*) Will Government be pleased to state the total cost of the Dhulia City Survey?	7. (*a*) Rs. 17,633.
Dhulia City Survey.	
(*b*) What was the total area surveyed and how much of it was covered (1) by private houses, (2) by Government buildings and open sites and (3) by buildings, open sites and roads belonging to the Municipality?	(*b*) and (*c*) Enquiry will be made.

Questions. *Answers.*

(*c*) Was the cost apportioned according to the respective areas surveyed or was the whole of it charged on the owners of the private houses alone?

8. (*a*) Will Government be pleased to state if it is a fact that the Educational Inspector, Central Division, has issued orders that the new 1st, 2nd and 3rd year trained teachers will this year be paid at only Rs. 11, 12 and 15—20 instead of at Rs. 12, 15 and 20—25 due according to the face value of their certificates?

Pay of trained teachers. Admissions to Vernacular Training Colleges.

(*b*) What is the number of the new trained teachers who will be affected by this reduction and what will be the saving resulting from it?

(*c*) Is it true that the number of fresh admissions to the Vernacular Training Colleges is also ordered to be reduced this year and if so to what extent?

8. Enquiries are being made.

9. (*a*) Will Government be pleased to state whether the Sloyd School at Dharwar has been closed and if so why?

Sloyd School at Dharwar.

9. (*a*) Owing to the financial stringency Government found it necessary to restrict very largely the programme for the introduction of Sloyd teaching in schools and the special Sloyd Class at Dharwar was accordingly closed after the completion of the training of the first batch of Sloyd Teachers.

(*b*) Has it proved a success or failure and what amount has been spent thereon?

(*b*) Enquiries are being made.

10. (*a*) Will Government be pleased to state what amount of money was spent on the scheme of physical culture based on breathing principles which was started by Mr. Wren?

Mr. Wren's scheme of physical culture.

10. (*a*) The expenditure incurred on Mr. Wren's physical culture class referred to was Rs. 2,708-10-3.

(*b*) Has that scheme been stopped and why?

(*b*) Enquiries are being made.

11. (*a*) Will Government be pleased to state the cost per copy of publishing the Blue Book Quarterly and its translation and the total number of copies of either which were issued?

Cost of Blue Book Quarterly. Distribution of *Government Gazette.*

11. Enquiries are being made.

QUESTIONS AND ANSWERS.

[13TH MARCH 1917.] [*Mr. S. B. Upasani.*]

Questions. *Answers.*

(*b*) How many copies of the several parts of the *Government Gazette* are issued to Libraries and paying private subscriptions?

(*b*) Copies of the several parts of the *Bombay Government Gazette* supplied to libraries and private subscriptions are as follows :—

	Libraries.	Private Subscribers.
I	... 294	283
IA	... 297	283
Supplement.	298	283
II	... 140	...
III	... 105	..
IV	... 184	..
V	... 166	283
VI	... 26	...
VII	... 24	...
VIII	... 43	152
IX	... 95	110
X	... 6	21
XI	... 3	...

12. (*a*) With reference to the scheme for the appointment of personal assistants in place of Sheristedars to 15 District Judges in the Presidency, will Government be pleased to state the average pay of the present Sheristedars and that proposed to be paid to the personal assistants?

Scheme for appointment of personal assistants to District Judges.

12. (*a*) A final scheme has not yet been formulated.

(*b*) What was the average number of minors' estates under the District Judge's management in each of those districts during the last five years?

(*b*) Information will be obtained.

13. (*a*) Is there a sufficiency of Civil Courts in East and West Khandesh?

Civil Courts in East and West Khandesh.

13. (*a*) Government have no reason to believe that there is an insufficiency of Civil Courts in these districts.

(*b*) How many courts in those districts required assistance for disposal of their arrears during the last five years?

(*b*) Two.

(*c*) How many of the appeals filed in the District Court at Dhulia and of the special jurisdiction cases filed in the First Class Sub-Judge's Court there during the last five years, were from East Khandesh?

(*c*) Information will be obtained.

14. Has Government's attention been drawn to the complaints referred to in the *Kesari* of the 17th October 1916 about the proceedings of the village

Proceedings of village officers of Ropla.

14. The answer to the first part of the question is in the affirmative. As regards its second part, the complaints have been found, on enquiry, to be substantially incorrect.

Questions.	*Answers.*
officers of Roplan taluka Karmala of the Sholapur District and if so will Government be pleased to state how far the complaints are true?	
15. (*a*) Will Government be pleased to state the total amount of the Police Fund raised in East and West Khandesh? **Police Fund in East and West Khandesh.**	15. Enquiry will be made.
(*b*) Is it not a fact that in these districts the fund was collected by Police Sub-Inspectors in each taluka?	
(*c*) Is it true that contributions for the fund were levied from poor Bhils at Dhadgaum in taluka Taloda in West Khandesh and the amount collected subsequently returned. What was the amount thus collected and returned?	
(*d*) Will Government be pleased to say if any action has been taken to discourage the levy of such private contribution for subordinates of any public Department?	Yes.
16. Will Government be pleased to state the number of hands engaged for the Bhil Chowkies established in West Khandesh and the amount which would be required for their remuneration if they were engaged as paid Government servants instead of being allowed to pay themselves by levying toll on the carts passing by the chowkies? **Bhil Chowkies in West Khandesh.**	16. Enquiry will be made.
17. Will Government be pleased to state the total number of liquor shops in each district and the number of them which are located at villages where there are no police posts? **Liquor shops in each district.**	17. The Honourable Member is referred to Imperial Form No. 3 appended to Excise Administration Reports which gives the number of liquor shops in each district. As regards the latter part of the question Government consider that the collection of the information would involve an amount of correspondence incommensurate with any purpose to be served.
18. (*a*). Is it true that the cultivators of Bagayit lands under the Jamda **Administration of Jamda Canals.**	18. (*a*) No. The cultivators are being offered a supply of water for rabi guaranteed for a period of six years.

QUESTIONS AND ANSWERS.

Questions.

Canals are required by the Irrigation and Revenue authorities to pass agreements binding them to take water from the canal for a period of six years for a minimum area to be fixed by the canal officer though no supply is guaranteed for perennial or the winter and summer crops?

(*b*) Will Government be pleased to place on the table a copy of the rules and the six yearly agreement form and its terms?

Answers.

(*b*) The form of application with a note of the conditions applicable will be found on pages 46 and 47 of the publication "The Bombay Irrigation Act, 1879, with a complete set of rules framed thereunder", which was published at the Government Central Press in 1914.

Certain information about head karkuns and munshis, mamlatdars and LL.B.s in Police.

19. (*a*) Will Government be pleased to state the number of the head karkuns and head munshis who exercise second and third class magisterial powers and their average pay?

(*b*) How many of them and of the Mamlatdars who exercise magisterial powers are law graduates?

(*c*) How many LL.B.s are employed in the Police Department?

19. Information will be obtained.

Pass for removal of timber of a private owner.

20. (*a*) Has Government's attention been drawn to the complaint referred to in the *Kesari* of the 27th August 1916 about one Shermahamadkhan and Jabarkhan of Panvel being required by the Forest authorities to obtain a pass from the village talati for taking a cart-load of rafters belonging to a private owner from his malki land to Panvel, a distance of $2\frac{1}{2}$ miles, though he had the owner's pass with him?

(*b*) Is a pass from the village officer necessary for transit of wood which is not Government property?

20. (*a*) The answer is in the affirmative.

(*b*) Under certain conditions the rules for transit of forest produce were published under Notification No. 4133 of 9th August 1880 at page 689 of Part I of *Bombay Government Gazette* of 1880.

Recognition by educational authorities of publications printed in a press in Poona.

21. Is it true that books, maps and other publications printed in a certain private press

21. The answer to both parts of the question is in the affirmative.

Questions. *Answers.*

in Poona which were once recognized by the Educational authorities are not now accepted for use in schools and if so, is the prohibition necessary?

22. (*a*) Will Government be pleased to state whether the petitions and memorials submitted by the Kulkarnis in the several districts of the Central Division with regard to their complaints as to their consent to the commutation agreements being not voluntary were referred for inquiry to the Commissioner or only filed?

Commutation of watans of Kulkarnis.

22. (*a*) The Honourable Member is referred to the answer given to question No. 9 (*a*) and (*b*) put by him at the meeting of the Legislative Council held on 7th December 1915.

(*b*) Are the Kulkarnis now asked to receive the one-third amount due under the agreement? How many of them have refused to receive the same until their complaints are inquired into and final orders passed on them by Government and how many have received it under protest?

(*c*) How many of them have returned the money orders by which the money was remitted to them?

(*b*) and (*c*) Enquiry will be made.

23. (*a*) Will Government be pleased to state from which of the villages in East Khandesh contributions have been received for school buildings and which of them have not yet been provided with the buildings for which they were levied?

Contributions for School Buildings in East Khandesh.

23. Enquiries are being made.

(*b*) What contributions were paid by the villagers of Bahal in taluka Chalisgaon and how long ago and is it true that the school building for which they were paid is not yet provided?

24. (*a*) Will Government be pleased to state the total amount of the sanitary grants received by it from the Government of India since 1908 and the amount spent by it on sanitation in urban and in rural areas and the balance of those grants now remaining available?

Sanitary grants from Government of India since 1908.

24. The information is being collected.

QUESTIONS AND ANSWERS.

[13TH MARCH 1917.] [*Mr. S. B. Upasani.*]

Questions.	*Answers.*
(*b*) What amount has been spent on plague expenditure by Government, Municipalities and by the Local Boards, respectively, since 1908 and what has been the number of plague deaths in the Presidency since then?	The Honourable Member's attention is invited to the appended statement.*
Plague expenditure.	* See Appendix R.
(*c*) Is any help given by Government to poor people in plague-infected areas similar to the hutting allowance granted to Government servants when they have to evacuate the infected area and camp out?	No.
25. Will Government be pleased to state how far the Nandurbar water works scheme has advanced and whether provision is made for its execution this year?	25. Revised plans and estimates for the water-supply of the town of Nandurbar were sanctioned in May 1915 and the work was ordered to be carried out when funds became available. The necessary provision for a grant-in-aid and a loan in connection with the scheme has been made for the year 1917-1918.
Progress of water works scheme for Nandurbar.	
26. (*a*) Has Government's attention been drawn to the serious inconvenience which the LL.B. students, numbering over 350, experience for want of a hostel for them?	26. Yes.
Hostel for students for the LL.B. degree.	
(*b*) Is it true that the fees which these students have to pay cover the entire expense of their education and leave a surplus to Government of over Rs. 10,000 a year?	Yes.
(*c*) Will Government be pleased to say if it has considered any scheme for suitable hostel accommodation for these students in rented buildings with the surplus available out of their fees and with reasonable room rent which may be charged to them?	The question is under consideration.

APPENDIX A.

List showing the names of villages in the western and northern parts of the District of Belgaum the people of which have applied for Marathi schools.

No.	Name of village.	Taluka.	Remarks.
1	Chandur	Chikodi ...	The sanction of the Taluka Local Board has been obtained for the establishment of new schools in these villages, but for want of funds they are not opened.
2	Lakhamapur	Do. ...	
3	Nandikurli	Do. ...	
4	Managutti	Hukeri ...	
5	Kot	Do. ...	
6	Tudiye	Belgaum ...	
7	Bhoj	Chikodi ...	The people want a Marathi class attached to the Kanarese school. No class is given for want of funds.
8	Nerli	Hukeri ...	There is already a Kanarese school. The people desire that the Kanarese school should be converted into a Marathi school. The Mamlatdar has been asked to get the sanction of the Taluka Local Board.

APPENDIX B.

Statement showing the number of cases filed under sections 497 and 498, Indian Penal Code, and the number of cases ending in conviction, discharge or acquittal under each section separately during the last five years, 1911—15, in the whole of the Bombay Presidency (including Sind).

Cases under Section 497, Indian Penal Code.			Cases under Section 498, Indian Penal Code.		
Total number of cases filed during the last five years, 1911—15.	Number of cases ending in conviction.	Number of cases ending in discharge o acquittal.	Total number of cases filed during the last five years, 1911—15.	Number of cases ending in conviction.	Number of cases ending in discharge or acquittal.
666	64	602	4,508	379	4,129

APPENDIX C.

Name of the Vernacular Training College.	1911-12.		1912-13.		1913-14.		1914-15.		1915-16.		Remarks.
	Number for admission.†	Number admitted.	Number for admission.†	Number admitted.	Number for admission.†	Number admitted.	Number for admission.†	Number admitted.	Number for admission.†	Number admitted.	
Training College for Men, Poona.	243	96	359	117	320	116	363	119	432	119	
Premchand Raichand Training College for Men, Ahmedabad.	548	97	565	107	546	108	651	122	836	130	
Training College for Men, Dharwar.	311	148	514	134	494	157	548	124	505	153	
Training College for Men, Hyderabad	205	53	241	64	339	78	346	58	*	*	* Admission not made owing to the change of terms.
Training School, Dhulia.	200	62	216	83	228	86	205	85	237	85	
Training College for Women, Poona.	37*	37	40*	38	46	46	47	42	27	24	* This shows the number of applications received. There was no entrance examination in force till 1913-14.
Mahalaxmi Training College for Women, Ahmedabad.	67	35	90	52	97	55	84	47	104	58	
Training College for Women, Dharwar.	18	11	26	39*	34	15	19	18	40	35	* 13 admitted without appearing for the entrance examination.
Training College for Women, Hyderabad.	10	10	15	15	17	17	15	15	32	32	

† This number represents the number of candidates who sought admission.

APPENDIX D.

Statement of expenditure on Works and Repairs and cost of Establishment in each of the districts for the years 1912-13 and 1915-16.

Division.	Districts.	1912-13.		1915-16.	
		Outlay on Works and Repairs.	Establishment.	Outlay on Works and Repairs.	Establishment.
		Rs.	Rs	Rs.	Rs
Northern	Presidency	13,86,595	1,04,482	8,99,489	1,15,887
	Kolaba	.....	.....	2,37,375	41,374
	Ahmedabad	4,84,151	68,770	3,64,458	66,362
	Gujarat Irrigation	(c) 3,83,820	(g) 74,839	1,82,669	59,737
	Surat and Broach . . .	3,97,394	50,072	3,16,981	59,054
	Kaira and Panch Mahals .	(b) 3,04,002	(f) 68,521	4,00,553	51,714
	Thana District	5,79,213	63,314	4,31,677	66,657
	Panch Mahals District ..	(a) 4,26,071	(e) 40,394	.....	.....
	Total, Northern Division ...	39,61,246	4,70,392	28,33,202	4,60,785
entral	East Khandesh	4,27,439	61,905	3,00,018	59,754
	West Khandesh	2,40,930	49,955	2,77,175	57,116
	Sholapur	3,35,418	64,287	3,99,770	68,257
	Nasik	3,68,818	55,978	4,23,769	59,139
	Ahmedabad	(d) 2,92,205	53,109	4,51,015	83,544
	Poona	11,61,023	77,097	7,76,120	96 981
	Total, Central Division ..	28,25,833	3,62,331	26,27,867	4,24,791

(a) Includes outlay on "33, Famine" Rs. 4,25,386.
(b) Do. do. „ 28,101.
(c) Do. do. „ 1,14,004.
(d) Do. do. „ 2,322
(e) Do. do. „ 34,232.
(f) Do. do. „ 8,943
(g) Do. do. „ 13,549.

APPENDIX D—*continued.*

Division.	Districts.	1912-13. Outlay on Works and Repairs.	1912-13. Establishment.	1915-16. Outlay on Works and Repairs.	1915-16. Establishment.
		Rs.	Rs.	Rs.	Rs.
Southern	Satara	6,20,439	77,089	4,86,695	69,674
	Kanara	1,81,670	41,479	2,19,393	43,955
	Dharwar Irrigation ...	2,25,255	52,350	42,009	42,351
	Dharwar District ...	3,22,236	46,168	3,25,656	54,312
	Ratnagiri	2,96,265	56,533	1,74,041	33,521
	Bijapur	3,78,672	48,473	2,23,138	51,393
	Belgaum	3,59,905	63,499	3,88,715	68,019
	Total, Southern Division ...	23,84,442	3,85,591	18,59,647	3,63,225
Deccan Irrigation ...	Pravara Canal District ...	10,72,840	1,62,048	5,48,461	1,87,399
	Poona Irrigation	1,70,434	88,209	4,11,788	1,31,734
	Nasik and Ahmednagar ...	4,01,695	65,106	4,62,766	92,288
	Lonand District	57,560	16,758	8,03,607	88,858
	Malsiras District	1,82,037	22,417	6,39,950	1,06,850
	Lake Whiting District ...	33,306	15,182	7,09,152	76,686
	Godavari Irrigation District ...	2,30,052	33,450	.....	.....
	Total, Deccan Irrigation Division ...	21,47,924	4,03,170	35,75,724	6,83,815
Sanitary Engineer ...	Southern Sanitary ...	.....	.....	72,676	56,944
	Northern Sanitary ...	.....	.....	38,817	85,838
	Poona Drainage	10,09,657	1,32,735	1,15,934	1,21,634
	Total, Sanitary Engineering Division ..	10,09,657	1,32,735	2,27,427	2,64,416
Chief Engineer ...	Electrical District	.....	.....	1,81,067	1,17,819
Consulting Architect ...	Architectural	.....	.....	11,91,070	36,288
Superintending Engineer, Indus Right Bank ...	Begari Canals	6,12,026	82,260	3,25,438	83,171
	Western Nara District ...	3,16,072	56,460	4,12,255	59,350
	Karachi Buildings District ...	4,63,554	1,73,178	5,41,338	1,90,931
	Ghar Canals	2,41,708	48,824	2,74,765	54,530
	Shikarpur Canals	4,17,849	62,783	5,87,368	57,087
	Karachi Canals	5,02,729	75,461	4,59,923	70,732
	Total, Indus Right Bank Division ...	25,53,938	4,98,966	26,01,087	5,15,801
Superintending Engineer, Indus Left Bank Division ...	Fuleli Canals District ...	3,32,537	82,962	3,19,012	77,736
	Hyderabad Canals	2,04,248	52,781	2,33,585	61,036
	Jamrao Canals	2,23,048	1,45,411	1,68,270	1,40,768
	Nasrat Canals	5,15,628	74,869	3,72,302	77,542
	Eastern Nara District ...	2,72,648	61,267	3,41,431	58,327
	Total, Indus Left Bank Division ...	15,48,109	4,17,290	14,34,600	4,15,409
Aden Brigade ...	Aden	64,195	11,342	76,749	16,312
Civil Officers ...	Kathiawar	10,449	1,258	15,623	2,187
	Mint	10,237	.....	8,454	.....
	Cutch	3,369	.....	.....	.....
	Bhuj	99	794	.....	.....
	Total, Civil Officers ...	24,154	2,052	24,077	2,187
	Grand Total ...	1,65,19,498	26,83,869	1,66,32,517	33,00,848

APPENDIX E.

District.	Names of the municipalities to which the privilege of selecting their Presidents by a majority of two-thirds of the members has been granted.	The period or periods during which such municipalities had a non-official President after the grant of that privilege.	Municipalities which have at present official President.	Remarks.
1	2	3	4	5
		Northern Division.		
Ahmedabad ...	Dholka ...	1st September 1909 to 31st March 1916.	.....	The post of the President of the Dholka Municipality is at present vacant pending selection.
	Viramgam ...	1st September 1909 to 31st March 1912.	Viramgam.	
	Gogha ...	Since the grant of the privilege	.....	
	Sanand ...	1st April 1910 to 31st March 1914.	.....	The post of the President of the Sanand Municipality is at present vacant pending selection.
Kaira	Anand	1st April 1911 to 5th March 1914.	Anand.	
	Borsad	8th March 1911 to 11th April 1915.	Borsad.	
	Dakor	.....	Dakor.	
	Mehmadabad ...	.....	Mehmadabad.	
	Kapadvanj ...	20th October 1910 to 26th March 1914 and 11th May 1915 up to date.	.....	
	Nadiad	1st April 1915 up to date.	.....	The municipality of Nadiad has recently been granted the privilege of electing its own President under section 23 (2) (c) of the Bombay District Municipal Act, 1901.
	Umreth	1st April 1911 to 31st March 1912.	Umreth.	
Broach	Broach	Since the grant of the privilege.	.....	The municipality of Broach has recently been granted the privilege of electing its own President under section 23 (2) (c) of the Bombay District Municipal Act, 1901.
	Ankleshwar ...			
	Jambusar			
Surat	Surat	1st April 1911 to date	.....	The municipality of Surat has recently been granted the privilege of electing its own President under section 23 (2) (c) of the Bombay District Municipal Act, 1901.
Thana	Rander	2nd September 1909 to 31st March 1914 and 18th September 1915 to date		
	Bulsar ...	1st April 1911 to date.		
	Kurla	6th February 1912 to 15th April 1912	Kurla.	
	Kalyan ...	Since the grant of privilege		
	Mahim			
	Bhiwndi ...			
	Thana	1st April 1912 to date.		
	Bandra	15th June 1916 to date.		
		Central Division.		
Ahmednagar ...	Sangamner ...	Since the grant of the privilege.		
	Vambori ...	.....	Vambori.	
	Kharda ...	... ..	Kharda.	
	Ahmednagar ...	Since the grant of the privilege.	.....	The municipality of Ahmednagar has recently been granted the privilege of electing its own President under section 23 (2) (c) of the Bombay District Municipal Act, 1901.

District.	Names of the municipalities to which the privilege of selecting their Presidents by a majority of two-thirds of the members has been granted.	The period or periods during which such municipalities had a non-official President after the grant of that privilege.	Municipalities which have at present official President.	Remarks.
1	2	3	4	5
		Central Division—contd.		
East Khandesh ...	Jalgaon	1st April 1909 up to date...	.....	
	Bhusaval	.....	Bhusaval.	
	Yaval	1st April 1909 up to date...	.....	
	Raver	1st April 1909 to 5th May 1914.	Raver.	
	Savda	1st April 1909 to 15th May 1913.	Savda.	
	Chopda	.....	Chopda.	
	Amalner	1st April 1909 to 2nd May 1910 and 1912 1913 up to date.	.....	
	Parola	.....	Parola.	
	Erandol	1st April 1909 to 6th September 1911 (under supersession).	.....	
	Faizpur	3rd May 1915 up to date...	.....	
	Dharangaon ...	28th July 1915 up to date.	.....	
West Khandesh ...	Dhulia	Since the grant of the privilege.	.....	The municipality of Dhulia has recently been granted the privilege of electing its own President under section 23 (2) (c) of the Bombay District Municipal Act, 1901.
	Sindkheda... ...	Since the grant of the privilege.	.....	
	Shirpur			
	Nandurbar ...			
	Taloda			
	Shahada	1st April 1909 to 31st March 1912.	Shahada.	
	Betavad	.....	Betavad.	
Nasik	Nasik	Since the grant of the privilege.	.....	The municipality of Nasik has recently been granted the privilege of electing its own President under section 23 (2) (c) of the Bombay District Municipal Act, 1901.
	Yeola	1st April 1910 to 31st March 1913.	Yeola.	
	Malegaon	25th March 1915 to 20th May 1915.	Malegaon.	
	Sinnar	Since the grant of the privilege.	.....	
Poona	Saswad	15th January 1912 to 1st October 1914 and 15th December 1915 up to date.	.....	
	Jejuri ...	.....	Jejuri.	
	Baramati	1st April 1909 to 12th January 1915	Baramati.	
	Indapur	.....	Indapur.	
	Sirur	20th June 1911 to 29th May 1914.	Sirur.	
	Talegaon Dabhada.	8th April 1909 to 21st January 1915 and 31st May 1915 up to date.	.....	
	Khed	July 1916 up to date ...	.....	
	Alandi	.....	Alandi.	
	Junnar	April 1909 to 1st April 1914 and 2nd July 1914 up to date.	.....	
	Poona Suburban ...	2nd September 1915 up to date.	.....	

District.	Names of the municipalities to which the privilege of selecting their Presidents by a majority of the two-thirds of the membe s has been granted.	The period or periods during which such municipalities had a non-official President after the grant of that privilege.	Municipalities which have at present official President.	Remarks.
1	2	3	4	5
		Central Division—contd.		
Satara	Satara	1st April 1909 up to date	.....	
	Ashta	.....	Ashta.	
	Islampur	1st April 1909 to 11th March 1912.	Islampur.	
	Tasgaon	1st April 1909 up to date	.....	
	Karad	1st April 1909 to 31st March 1916.	Karad.	
	Mhaswad	.....	Mhaswad.	
	Rahimatpur ...	1st April 1909 up to date...	.....	
	Wai	1st October 1910 up to date	.....	
Sholapur	Sholapur	Since the grant of the privilege.	.....	The municipality of Sholapur has recently been granted the privilege of electing its own President under section 23 (2) (c) of the Bombay District municipal Act, 1901.
	Barsi			
	Pandharpur ...			
	Karmala	27th April 1911 up to date	.....	
		Southern Division.		
Belgaum	Belgaum	July 1909 to date (except from 6th May 1913 to 4th June 1914 when Mr. Miller, Head Master, Sardars' High School, was President.	.....	The municipality of Belgaum has recently been granted the privilege of electing its own President under section 23 (2) (c) of the Bombay District Municipal Act, 1901.
	Athni	July 1909 to date ...	.....	
	Gokak	.....	Gokak.	
Bijapur	Bijapur	August 1909 to date ...	.....	The municipality of Bijapur has recently been granted the privilege of electing its own President under section 23 (2) (c) of the Bombay District Municipal Act, 1901.
	Bagalkot	6th July 1915 to date ...	.....	
Dharwar	Dharwar	1st April 1912 to date ...	.....	The municipality of Dharwar has recently been granted the privilege of electing its own President under section 23 (2) (c) of the Bombay District Municipal Act, 1901.
	Hubli	July 1909 to date	.....	The municipality of Hubli has recently been granted the privilege of electing its own President under section 23 (2) (c) of the Bombay District Municipal Act, 1901.
	Gadag-Bettigeri ...	.....	Gadag-Bettigeri ...	The municipality of Gadag-Bettigeri has recently been granted the privilege of electing its own President under section 23 (2) (c) of the Bombay District Municipal Act, 1901.
	Navalgund ...	.....	Navalgund.	
	Ranebennur ...	July 1909 to date ...	.....	
	Haveri	July 1909 to date ...	.....	

District.	Names of the municipalities to which the privilege of selecting their Presidents by a majority of two-thirds of the members has been granted.	The period or periods during which such municipalities had a non-official President after the grant of that privilege.	Municipalities which have at present official President.	Remarks.
1	2	3	4	5
		Southern Division—contd.		
Kanara	Karwar	August 1909 to date ...	.....	
	Sirsi	Do. ...		
	Kumta	August 1909 to June 1910 .	.....	The privilege of selecting the President has been withdrawn.
Kolaba	Alibag	August 1909 to date ...	.....	
	Pen	Do. ...	.....	
	Roha-Ashtami ...	Do. ...	.....	
	Panvel	November 1909 to date ...	.....	
	Uran	August 1909 to date ...	.....	
Ratnagiri	Chiplun	July 1909 to date	.....	
	Ratnagiri	July 1909	.....	The privilege of selecting the President has been withdrawn.
		SIND.		
Karachi	Karachi	Since the grant of the privilege.	.....	
Hyderabad	Hyderabad ...	Since the grant of the privilege.	.....	The Hyderabad Municipality has been recently superseded.
Sukkur	Sukkur	Since the grant of the privilege.	.....	
	Shikarpur			

APPENDIX F.

The Madras and Southern Mahratta Railway Company, Limited.

(Incorporated in England.)

AGENT'S OFFICE.
Rayapuram, Madras, N. E.,
2nd/5th February 1917.

No. 2234/1690—T.

To

The Secretary to the Government of Bombay,
Public Works Department, Bombay.

Sir,

Your No. 92-Ry., dated 24th January 1917.

With reference to your letter No. 1522-Ry. dated the 14th December 1916, forwarding a copy of question No. 2 put by the Honourable Mr. P. A. Desai at the Meeting of the Legislative Council held in Bombay on the 4th December 1916 and of the answer given thereto, on the subject of irregular arrivals and departures of passenger trains between Gadag and Hotgi, I have the honour to inform you that, in the majority of cases, the late arrivals of trains at Gadag were mainly due to late connections with the G. I. P. Railway, and for which this Company's trains were detained at Hotgi Station. The attention of the G. I. P. Railway has been drawn to the late arrivals of their trains.

2. As regards the late arrivals of trains in the opposite direction in November and December last, they were principally due to Engineering speed restrictions rendered necessary by breaches of the line and were therefore unavoidable.

3. The running of these trains is receiving careful attention.

I have, etc.,
(Signed) A. B. STRANGE,
Agent.

APPENDIX G.

Name of the Institution	1911.		1912.		1913.		1914.		1915.		1916.		Remarks.
	Number* for admission.	Number admitted.	Number* for admission.	Number admitted.	Number* for admission.	Number admitted.	Number* for admission.	Number admitted.	Number* for admission.	Number admitted.	Number* for admission.	Number admitted.	
Training College for Men, Poona.	15	10	17	11	22	19	21	17	22	18	15	6	
Training School, Dhulia ...	10	9	24	18	29	13	16	9	29	12	18	+	+Admissions have yet to be made as the school is closed for plague.
Premchand Raichand Training College for Men, Ahmedabad.	24	16	30	17	23	13	32	14	56	32	62	33	
Training College for Men, Dharwar.	15	10	22	13	22	15	17	12	46	12	24	9	
Training College for Men, Hyderabad.	...	...	...	...	...	...	...	...	...	...	...	...	This institution does not train teachers for Urdu Primary Schools. In Sind there are Mulla schools.
Training College for Women, Poona.	...	...	...	...	...	...	...	...	...	...	...	...	Training in this College is in Marathi only.
Mahalaxmi Training College for Women, Ahmedabad.	3	2	3	3	1	1	2	1	1	1	3	2	
Training College for Women, Dharwar.	...	...	...	...	...	...	...	...	...	...	...	...	There is no Urdu Training Class.
Training College for Women, Hyderabad.	...	...	...	...	...	...	...	...	...	...	...	...	This institution does not teach Urdu.

* This number represents the number of Mahomedan students that appeared for admission.

APPENDIX H.

Name of the Division.	Number of new Urdu Schools or classes applied for in		Number of new Urdu Schools or classes opened in		Remarks.
	1914-15.	1915-16.	1914-15.	1915-16.	
Central ...	25	11	23	5	
Northern ...	8	2	7	2 classes.	
Southern ...	13	7	1 school *plus* 2 classes.	1 school *plus* 3 classes.	

APPENDIX I.

THE BARSI LIGHT RAILWAY COMPANY LIMITED.

(Incorporated in England.)

Kurduvadi, Deccan, No. 2755 of 23rd December 1916.

From

Mr. W. C. Hickie,
Agent,
Barsi Light Railway;

To

The Secretary to Government,
Public Works Department, Bomba,.

Sir,

Railway Companies and Refreshment Licenses.

With reference to your letter No. 1545-Ry., dated 20th December 1916, I have the honour to reply to questions, as below :—

(*a*) The grant of licenses is not regulated by any fixed rates of charges. Tenders are invited and the most desirable one is accepted.

(*b*) Rs. 810 received as License fee during last official year.

(*c*) There are no Refreshment Rooms on this Line.

I have the honour to be,
Sir,
Your most obedient servant,
(Sd.) W. C. HICKIE,
Agent.

Home Street, Fort,
Bombay, 5th January 1917.

No. R. C./N. 3368.

From

Killick, Nixon & Co.,
Agents,
The Guzerat Railways Company, Limited;

To

The Under Secretary to Government,
Public Works Department, Bombay.

Sir,

With reference to your letter No. 1545-Ry., dated 20th December 1916, we have the honour to give below the information called for in the enclosure thereto:—

(*a*) Rates charged for License to sell Indian food-stuffs and provisions at Railway Stations	... Re. 1 per mensem.	
(*b*) The total amount received during 1915-16	... Rs. 120.	
(*c*) The total amount received for Licenses for Refreshment Rooms.	*Nil.*	We have no Refreshment Rooms on our Lines.

We have the honour to be,
Sir,
Your most obedient servants,
per pro Killick, Nixon & Co.,
(Sd.) R. C. LOWNDES,
Agents.

APPENDIX I—*continued.*

Statement showing the rates charged by the Madras and Southern Mahratta Railway Company at the undermentioned stations situated in the Bombay Presidency for Licenses to sell Indian food-stuffs and provisions for the year 1916.

Serial No.	Names of Stations.	Amount.			Remarks.
		Rs.	a.	p.	
1	Ranibennur	55	0	0	
2	Devaragudda	7	0	0	
3	Byadgi	20	0	0	
4	Haveri	225	0	0	
5	Karajgi	7	0	0	
6	Hattimattur	150	0	0	
7	Yalvigi	170	0	0	
8	Gudgeri	25	0	0	
9	Saunchi	15	0	0	
10	Kundgol	15	0	0	
11	Hubli	800	0	0	
12	Dharwar	410	0	0	
13	Mugad	5	0	0	
14	Alnawar	205	0	0	
15	Tavargatti	6	0	0	
16	Londa	360	0	0	
17	Gunji	2	0	0	
18	Khanapur	91	0	0	
19	Belgaum	322	0	0	
20	Sulebhavi	15	0	0	
21	Suldhal	20	0	0	
22	Pachapur	80	0	0	
23	Gokak Road	166	0	0	
24	Hukeri Road	105	0	0	
25	Chikodi Road	50	0	0	
26	Raibag	25	0	0	
27	Chinchili	26	0	0	
28	Kudchi	90	0	0	
29	Shedbal	40	0	0	
30	Miraj	725	0	0	
31	Budhgaon	12	0	0	
32	Tasgaon Road	29	0	0	
33	Kundal Road	19	8	0	
34	Takari	10	0	0	
35	Shenoli	9	0	0	
36	Karad	100	0	0	
37	Masur	20	0	0	
38	Rahimatpur	21	0	0	
39	Koregaon	515	0	0	
40	Satara Road	81	0	0	
41	Wathar	250	0	0	
42	Salpa	20	0	0	
43	Lonand	72	0	0	
44	Nira	70	0	0	
45	Walhe	275	0	0	
46	Jejuri	95	0	0	
47	Rajewadi	625	0	0	
48	Guroli	12	0	0	
49	Alandi	310	0	0	
50	Phursangi	15	0	0	
51	Sasvad Road	47	0	0	
52	Castle Rock	41	0	0	
53	Kusugal	5	0	0	
54	Dundur	17	0	0	
55	Annigeri	150	0	0	
56	Halkoti	5	0	0	
57	Gadag	850	0	0	
58	Harlapur	3	0	0	
59	Banikoppa	6	0	0	

APPENDIX I—*continued.*

Serial No.	Names of Stations.	Amount.	Remarks.
		Rs. a. p.	
60	Bhanapur	35 0 0	
61	Kopbal	39 0 0	
62	Ginigera	6 0 0	
63	Mallapur	20 0 0	
64	Alur	40 0 0	
65	Badami	8 0 0	
66	Katgeri	5 0 0	
67	Bagalkot	40 0 0	
68	Sitimani	5 0 0	
69	Alimati	17 0 0	
70	Telgi	150 0 0	
71	Mulvad	26 0 0	
72	Bijapur	150 0 0	
73	Minchnal	11 0 0	
74	Nimbol	3 0 0	
75	Indi Road	10 0 0	
76	Tadval	10 0 0	
	Total ...	8,491 8 0	

Indian Refreshment Rooms.

1	Hubli	120 0 0	
2	Londa	100 0 0	
3	Miraj	100 0 0	
4	Wathar	50 0 0	
	Total ...	370 0 0	
	Grand Total ...	.....	Rs. 8,861-8-0.

THE MADRAS AND SOUTHERN MAHRATTA RAILWAY COMPANY, LIMITED.

(Incorporated in England.)

Agent's Office,
Rayapuram, Madras, N. E.,
19th/20th January 1917.

No. 4361—M.

To

The Under Secretary to Government of Bombay,
Public Works Department, Bombay.

Sir,

Referring to your letter No. 1545-Ry. of 1916, dated the 20th December 1916, I have the honour to give below the information called for:—

(*a*) The rates charged by the M. & S. M. Railway for licenses to sell Indian food-stuffs and provisions at Railway stations in the Bombay Presidency are shown in the attached statement.

(*b*) The total amount received for the year 1916 at these stations both for platform and Indian Refreshment Room Licenses is Rs. 8,861-8-0.

(*c*) The total amount received for Licenses for Indian Refreshment Rooms alone is Rs. 370-0-0.

I have the honour to be,
Sir,
Your most obedient servant,
(Signed) A. R. STUART,
for Agent.

APPENDIX I—*continued.*

List showing G. I. P. Railway stations in the Bombay Presidency at which licenses have been granted for the sale of Indian food-stuffs, tea, coffee aerated waters, etc., and the fees received during the official year ended 31st March 1916.

Name of Station.	Nature of license.	Amount received.
		Rs.
Victoria Terminus ...	Fruit and sweetmeat ...	1,200
Do. ...	Tea and coffee ...	60
Musjid ...	Tea and coffee and aerated waters and English sweets.	55
Byculla ..	Fruit and sweetmeat ...	200
Do. ...	Tea and coffee ...	60
Dadar ...	Do. and aerated waters ...	100
Do. ...	Fruit and sweetmeat ...	150
Kurla ..	Do. ...	225
Thana ...	Do. ...	430
Do. ...	Tea and coffee and aerated waters ...	105
Kalyan ...	Fruit and sweetmeat ...	750
Do. ...	Tea and coffee ...	60
Kasara ...	Do. ...	30
Igatpuri ...	Do. ...	30
Do. ...	Fruit and sweetmeat ...	185
Deolali ..	Do. ...	75
Do. ...	Tea and coffee, English sweets ...	40
Nasik ...	Tea and coffee, aerated waters ...	45
Do. ...	Fruit and sweetmeat ...	80
Lasalgaon ...	Do. ...	16
Manmad ..	Do. ...	2 300
Do. ...	Tea and coffee ...	60
Do.	Md. food, tea and coffee ...	60
Nandgaon ...	Fruit and sweetmeat ...	130
Chalisgaon ..	Do. ...	205
Do. ...	Tea and coffee ...	30
Pachora ...	Fruit and sweetmeat ...	150
Jalgaon ...	Do. ...	105
Do. ...	Tea and coffee ...	30
Bhusawal ...	Do. ...	60
Do. ...	Md. food, tea and coffee ..	675
Do. ...	Fruit and sweetmeat ...	3,470
Erandol Road ...	Do.	18
Amalner ...	Do. ...	75
Do. ...	Tea and coffee ...	35
Neral ...	Do. ...	15
Do. ...	Fruit and sweetmeat ...	17
Karjat ...	Do. ...	210
Do. ...	Tea and coffee ...	30
Lonavla	Do. ..	30
Do. ...	Fruit and sweetmeat ...	225
Talegaon ...	Do. ..	155
Do. ...	Tea and coffee	30
Kirkee ...	Fruit and sweetmeat ..	25
Poona ...	Do. ...	1,355
Do. ...	Tea and coffee	60
Do. ...	Md. food, tea and coffee ...	60
Loni ...	Fruit and sweetmeat ..	36
Dhond ...	Do. ...	1,710
Do. ...	Tea and coffee ...	60
Do. ...	Md. food, tea and coffee ...	60
Jeur ...	Fruit and sweetmeat ...	20
Kurduwadi ...	Do. ...	240
Do. ...	Tea and coffee ...	60
Sholapur ...	Fruit and sweetmeat ...	600
Do. ...	Tea and coffee ...	60
Do. ...	Md. food, tea, coffee and aerated waters	50

APPENDIX I—*continued.*

Name of Station.	Nature of license.	Amount received.
		Rs.
Hotgi ...	Fruit and sweetmeat ...	150
Do. ...	Tea and coffee ...	30
Kadabgaon ...	Fruit and sweetmeat ...	30
Visapur ...	Do. ...	31
Ahmednagar ...	Do. ...	247
Do. ...	Tea and coffee ...	30
Vambori ...	Fruit and sweetmeat ...	50
Rahuri ...	Do. ...	30
Puntamba ...	Do. ...	75
	Total ...	17,080

GREAT INDIAN PENINSULA RAILWAY COMPANY.

(Incorporated in England.)

Agent's Office,
Victoria Terminus,
Bombay, 24th January 1917.

No. 20—Q-2.

The Secretary to Government,
Public Works Department (Railway),
Bombay.

Sir,

Regarding Indian food licenses and Refreshment Rooms at stations.

With reference to your letter No. 1545-Railway, dated the 20th December 1916, I give below the reply to question No. 12 put by the Honourable Mr. S. D. Garud at the meeting of the Legislative Council held in Bombay on the 4th December 1916:—

(*a*) Attached is a statement showing the G. I. P. Railway stations in the Bombay Presidency at which licenses have been granted for the sale of Indian food-stuffs, tea, coffee, aerated waters, etc., and the fees charged per annum for the same. The G. I. P. Railway has no fixed scale of rates to be charged for licenses to sell Indian food-stuffs and provisions at Railway stations.

Some years ago it was the custom to put the license up to auction every year; this had a tendency to raise the fees owing to rival tenderers bidding against one another, and it was decided to continue the licenses from year to year to the holders provided they gave satisfaction. When a license falls vacant, tenders are invited. On receipt of these, preference is given to local residents, and a reference as to their status and suitability for the post of licensees is then made to the Civil authorities and the best man is then selected, irrespective as to whether his tender is the highest or not, the fee being the same as was previously paid.

If in renewing a license there is reason to believe that the fee previously charged was such as was liable to affect the quality of the articles sold, a lower fee is fixed.

(*b*) The total amount received from Indian Lessees at G. I. P. Railway stations in the Bombay Presidency for 66 licenses for the sale of food, fruit, sweetmeats, tea, coffee, etc., during the last official year is Rs. 17,080.

(*c*) The total amount received for licenses from 13 Refreshment Rooms was Rs. 6,379.

I have the honour to be,
Sir,
Your most obedient servant,
(Sd.) FRANK J. CLARK,
Secretary.

Document accompanying—
Statement referred to.

APPENDIX I—*continued.*

Statement shewing rates charged in the Bombay Presidency for licenses to sell Indian food-stuffs and provisions at Railway stations and the total amount received during the official year 1915-16.

Rates charged for licenses to sell Indian food-stuffs and provisions at Railway stations.	Total amount received during the official year 1915-1916 from such fees.	Total amount received for licenses for European Refreshment Rooms.
Platform vendors Re. 1 per mensem each.	Rs. 3,723-0-0 from platform vendors.	Rs. 761.
Tea, Fruit and Sweetmeat Stall keepers Rs. 2 to Rs. 10 per mensem per stall. In Bombay special rates apply.	Rs. 5,250-0-0 from stall keepers.	
Indian Refreshment Room keepers Rs. 50 to Rs. 100 per annum.	Rs. 300 from Indian Refreshment Room keepers.	

BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

Agent's Office,
Bombay, 28th February 1917.

No. 3253—T.-137.

The Under Secretary to the Government of Bombay,
Public Works Department, Bombay.

Dear Sir,

Rates charged to Refreshment Rooms and Fruit and food vendors.

With reference to your letter No. 1545-Ry., dated 20th December 1916 regarding the above, I beg to enclose a statement which contains the information called for.

Yours faithfully,
(Sd.) R. WOOLLCOMBE,
Agent.

Accompaniments—
1 statement.

APPENDIX J.

Statement giving information required in clauses (a), (b) and (d) of question No. 11 put by the Honourable Mr. D. V. Belvi at the meeting of the Legislative Council held on 4th December 1916.

Taluka or Mahal of the Kolaba District.	(a) (Total number of Khoti villages in each taluka.)	(b) (Total number of Khots who have been called upon to pass annual kabulayats in each taluka.)	(c) (Total number of Khots who accepted leases from Government for a fixed period before the year 1865 in each taluka.)	(d) (Total number of Khots who accepted such leases after the year 1865 in each taluka.)
1	2	3	4	5
Pen taluka	8	8	* Nil.	.....
Nagothna mahal	21	21	„	.....
Roha taluka	78	77	„	1
Mangaon taluka	186	165	„	21
Mahad taluka	167	91	„	76
	460	362	.....	98

†Pen taluka ... 8
Nagothna mahal ... 21
Roha taluka ... 74
Mangaon taluka ... 56
159

* The Khots of 159 † villages passed kararnamas for a fixed period before the year 1865.

APPENDIX K.

List of Irrigation Works which were taken up during the Famines of 1899-02, 1905-06 and 1911-12 but have remained uncompleted.

Serial No.	Name of Irrigation Work.	The amount spent on the work. Cost at normal rates.	The amount now estimated to be required to complete the work.
1	2	3	4
	Ahmedabad Collectorate.	Rs.	Rs.
1	Gam tank at Taloda in Prantij Taluka ...	76,542	2,500
2	Timba tank at Harsol in Prantij Taluka ...	20,650	20,000
3	Gam tank at Fatepura Mota, Táluka Prantij	Not known.	15,000
	Kaira Collectorate.		
4	Pariej tank, Taluka Matar	44,195	20,000
5	Kanbha tank, Taluka Borsad	1,11,300	Abandoned as an irrigation work.
6	Kantharia tank in Borsad Taluka ...	67,554	Do. do.
7	Matewal tank at Salun, Taluka Thasra ...	5,000	20,000
8	Phudsar tank at Lasundra, Taluka Kapadwanj.	950	20,000
	Panch Mahals Collectorate.		
9	Bodidra tank, Taluka Godhra	8,685	10,000
10	Dangaria tank, Taluka Godhra	37,716	6,800
11	Orwada tank in Godhra Taluka	500	12,500
12	Kanelao tank, Taluka Godhra	500	17,600
13	Wada Talao, Halol Mahal	16,414	13,936
14	Guneli tank, Taluka Godhra	24,368	66,898
15	Rajaita Wandeli tank, Taluka Godhra ...	25,890	83,231
16	Ambli Chharchoda tank, Taluka Dohad ...	42,875	61,843
17	Sukhi river project, Táluka Dobad ...	31,225	1,85,730
	Sholapur District.		
18	Hotgi tank in Sholapur Taluka	1,78,233	2,72,600
19	Mangi tank in Karmala Taluka ...	7,14,847 famine cost.	8,32,704
20	Budhihal tank in the Sangola Taluka ...	5,09,167	9,45,444
21	Bhamburdi tank	4,28,615	5,06,734
	West Khandesh District.		
22	Purmapada tank	1,04,142	3,65,000
	East Khandesh District.		
23	Raipur tank	12,120	4,67,910
	Belgaum District.		
24	Heggeri tank at Murgod	58,166	14,154
	Bijapur District.		
25	Hullur tank	97,719	5,31,062
26	Sangogi tank	2,73,000	Project abandoned.
	Satara District.		
27	Goregaon tank	1,63,661	8,52,548
	Poona District.		
28	Khamgaon tank	45,168	2,37,069
29	Victoria tank at Varwand	58,911	4,02,092
	Nasik District.		
30	Constructing Odal tank in Chandor Taluka ...	42,977	3,06,340

APPENDIX L.

Statement showing the numbers of cases disposed of and of those in arrears in each Subordinate Civil Court in the Bombay Presidency Proper during the years 1911 to 1915.

Name of Courts.	1911.		1912.		1913.		1914.		1915.	
	Cases disposed of.	Cases pending at the end of the year.	Cases disposed of.	Cases pending at the end of the year.	Cases disposed of.	Cases pending at the end of the year.	Cases disposed of.	Cases pending at the end of the year.	Cases disposed of.	Cases pending at the end of the year.
Ahmedabad (including Kaira and Panch Mahals.)										
Court of the F. C. Sub-Judge, Ahmedabad ...	113	1,041	341	879	310	928	247	1,053	252	1,013
Do. Judge, Small Causes, with Appellate Powers.	...	...	...	...	...	...	...	...	...	...
Do. Additional F. C. Sub-Judge, Ahmedabad.	...	...	242	...	272	...	245	...	235	...
Do. Joint Sub-Judge, Ahmedabad ...	389	...	394	...	412	...	485	...	409	...
Do. Additional Joint Sub-Judge, Ahmedabad.	457	...	205	...	237	...	218	...	281	...
Do. Sub-Judge, Viramgam ...	474	189	600	239	594	586	1,597	333	1,020	161
Do. do. Dholka ...	605	265	607	196	744	316	973	177	695	214
Do. do. Dhandhuka and Gogo .	403	100	282	113	532	89	511	83	355	87
Do. do. Kaira ...	771	60	525	65	759	150	867	536	1,294	237
Do. do. Nadiad ...	713	150	309	260	658	236	538	330	473	381
Do. do. Borsad ...	1,067	240	937	227	1,598	562	1,969	344	1,555	354
Do. do. Umreth ...	963	269	933	230	1,563	336	1,543	370	1,580	385
Do. do. Kapadvanj ...	330	78	295	72	383	210	629	327	859	148
Do. do. Godhra ...	479	140	538	151	851	342	1,232	279	846	359
Do. do. Dohad ...	521	83	619	85	645	200	978	67	582	116
Do. Cantonment Magistrate, Ahmedabad.	9	...	7	...	23	...	14	1	18	1
Do. Small Causes, Ahmedabad ...	3,357	616	3,565	627	3,618	620	3,615	859	3,013	1,396
Do. do. Nadiad ...	553	102	604	165	888	178	838	162	625	252
Do. Registrar, Small Cause Court, Nadiad.	222	84	387	68	582	108	673	110	487	106
Ahmednagar.										
Court of the F. C. Sub-Judge, Ahmednagar ...	1,402	551	1,215	479	1,215	707	1,698	551	1,369	603
Do. Sub-Judge, Sangamner ...	2,077	342	1,288	316	1,301	409	1,519	482	1,442	485
Do. do. Shevgaon ...	1,104	423	596	157	427	294	628	335	678	268
Do. do. Nevasa ...	600	345	474	154	378	157	383	139	297	157
Do. do. Rahuri ...	460	453	382	320	493	196	391	138	342	209
Do. do. Kopargaon ...	412	747	800	399	1,000	147	519	178	530	284
Do. do. Párner ...	951	680	775	273	613	326	582	152	390	178
Do. do. Karjat ...	510	207	295	50	190	129	216	102	252	76
Do. do. Jamkhed ...	243	184	197	169	221	188	239	141	158	158
Do. Jaghirdar of Akolner ...	35	14	8	...	...	...	...	...	...	...
Do. do. Miri ...	6	...	3	...	...	...	6	6	13	2
Do. Cantonment Magistrate, Ahmednagar.	50	11	58	4	50	9	45	5	34	5
Belgaum.										
Court of the F. C. Sub-Judge, Belgaum ...	717	680	1,027	735	1,144	829	1,314	593	1,162	662
Do. Sub-Judge, Chikodi ...	670	494	688	399	591	498	681	445	678	393
Do. do. Bail-Hongal ...	435	408	537	503	570	611	837	443	731	480
Do. do. Athni	713	416	574	428	760	433	762	281	566	220
Do. do Gokak	763	377	596	491	912	392	617	409	730	304
Do. Desai of Vantmuri	20	3	8	6	13	3	14	...	1	2
Do. do. Heré	1	4	4	4	4	3	3	...	2	...
Do. Cantonment Magistrate, Belgaum...	154	25	173	22	145	32	180	8	148	7
Bijapur.										
Court of the F. C. Sub-Judge, Bijapur Regular ..	266	286	334	223	265	247	277	200	182	283
Do. do. with Small Cause Powers.	220	96	313	78	284	107	442	119	489	257
Do. S. C. Sub-Judge, Bagalkot Regular .	626	429	705	435	471	685	660	640	604	676
Do. do. with Small Cause Powers.	265	45	233	103	456	179	670	227	642	258
Do. do. Muddebihal Regular.	463	283	315	341	701	372	856	582	758	299
Do. do. with Small Cause powers.	92	...	...	...	...	...	...	...	327	152
Broach.										
Court of the F. C. Sub-Judge, with A. P. at Broach.	...	...	...	...	...	...	...	...	...	...
Do. do. Broach ...	1,320	402	1,101	434	1,191	524	1,309	584	1,427	441
Do. do. Ankleshwar ...	526	87	518	86	636	119	705	157	619	193
Do. do. Jambusar ...	613	135	509	160	875	148	820	115	666	137
Do. do. Vagra ...	262	104	219	102	360	157	427	111	340	69

APPENDIX L—*continued.*

Name of Courts.	1911.		1912.		1913.		1914.		
	Cases disposed of.	Cases pending at the end of the year.	Cases disposed of.	Cases pending at the end of the year.	Cases disposed of.	Cases pending at the end of the year.	Cases disposed of.	Cases pending at the end of the year.	Cases disposed of.
Dharwar.									
Court of the F. C. Sub-Judge, Dharwar Regular.	784	504	641	391	531	638	441	721	580
Do. do. Dharwar Small Causes.	445	197	547	110	489	195	616	172	656
Do. S. C. Sub-Judge, Hubli, Regular ...	571	344	571	300	550	424	645	530	627
Do. do. Hubli, Small Causes.	390	85	385	94	502	120	426	83	380
Do. do. Gadag Regular ...	413	469	617	340	626	379	517	435	666
Do. do. Gadag Small Causes.	189	77	242	77	282	111	304	90	369
Do. do. Haveri Regular	991	348	490	347	571	702	748	566	587
Do. do. Haveri Small Causes.	73	68	164	97	268	171	338	78	268
Kanara.									
Court of the F. C. Sub-Judge, Karwar Regular .	195	458	366	336	139	124	179	133	208
Do. do. Karwar Small Causes.	287	211	580	167	583	105	497	148	645
Do. Additional F. C. Sub-Judge, Karwar Regular.	...	...	...	...	267	...	...	...	...
Do. S. C. Sub-Judge, Kumta Regular ...	345	203	240	179	255	212	431	247	464
Do. do. Kumta Small Causes.	205	49	257	99	303	61	61	...	152
Do. do. Honavar Regular.	402	359	297	463	362	466	405	203	439
Do. do. Honavar Small Causes.	161	40	166	129	297	73	223	31	207
Do. Additional Sub-Judge, Honavar Regular.	...	...	...	...	...	...	298	...	...
Do. do. Sirsi Regular ...	352	270	580	180	639	201	574	204	499
Do. do. Sirsi Small Causes..	72	5	6	...	...	...	...	...	...
Khandesh.									
Court of the F. C. Sub-Judge, Dhulia, with A. P.	...	...	..	...	...	...	...	...	...
Do. do. Dhulia Regular ...	721	451	492	332	394	360	452	320	420
Do. do. Dhulia Small Causes.	1,108	389	1,007	226	1,059	480	1,829	417	1,852
Do. S. C. Sub-Judge, Yawal Regular ...	1,317	453	829	329	1,003	240	696	358	738
Do. do. Yawal Small Causes.	1,118	189	894	113	931	182	756	297	919
Do. do. Bhusaval Regular.	510	412	889	418	673	474	992	265	796
Do. do. Bhusaval Small Causes.	1,184	265	701	292	1,070	410	1,683	277	1,269
Do. do. Jalgaon, Regular...	728	341	678	198	644	377	642	346	669
Do. do. Jalgaon Small Causes.	692	105	546	87	621	198	1,035	339	1,199
Do. do. Chalisgaon Regular.	817	558	996	393	697	706	1,207	683	1,187
Do. do. Chalisgaon Small Causes.	452	310	507	152	437	171	482	78	513
Do. do. Amalner Regular .	860	579	904	323	1,021	474	1,276	497	1,233
Do. do. Amalner Small Causes.	181	7	7	...	...	...	...	...	...
Do. do. Erandol Regular ...	682	709	1,229	446	693	202	363	195	594
Do. do. Erandol Small Causes.	514	74	74	134	577	181	574	246	551
Do. do. Shirpur Regular ...	1,282	534	1,129	310	1,292	397	1,030	557	1,020
Do. do. Shirpur Small Causes.	...	...	...	...	...	...	...	...	196
Do. do. Nandurbar Regular.	571	419	626	392	727	484	815	473	1,296
Do. do. Nandurbar Small Causes.	332	134	396	99	413	187	778	296	778
Kolaba.									
Court of the F. C. Sub-Judge, with A. P. at Thana..	...	...	...	...	...	...	...	...	...
Do. do. Alibag ...	393	344	852	189	548	272	651	292	844
Do. do. Pen ...	436	258	473	191	438	147	397	225	521
Court of the Sub-Judge, Roha	633	132	468	179	557	161	861	283	873
Do. do. Mahad	1,035	394	927	325	802	506	1,143	338	967

APPENDIX. L—*continued.*

Name of Courts.	1911.		1912.		1913.		1914.		1915.	
	Cases disposed of.	Cases pending at the end of the year.	Cases disposed of.	Cases pending at the end of the year.	Cases disposed of.	Cases pending at the end of the year.	Cases disposed of.	Cases pending at the end of the year.	Cases disposed of.	Cases pending at the end of the year.
Nasik.										
Court of the Additional F. C. Sub-Judge, A. P....	...	...	...	...	...	...	...	...	...	...
Do. F. C. Sub-Judge, Nasik, Regular ...	938	323	502	272	442	241	416	188	361	174
Do. do. Nasik Small Causes.	1,322	341	1,730	404	1,775	514	1,901	385	1,892	335
Do. Sub-Judge, Satana, Regular ...	1,097	295	1 276	200	922	257	1,157	242	421	147
Do. do. Satana, Small Causes ...	286	4	4	..	...	...	60	61	608	247
Do. do. Pimpalgaon, Regular ...	885	266	613	352	821	406	571	357	404	294
Do. do. Pimpalgaon Small Causes.	696	86	719	99	682	156	710	293	776	328
Do. do. Malegaon, Regular.	791	305	575	233	557	139	473	195	802	287
Do. do. Malegaon Small Causes.	575	258	693	200	748	118	676	151	563	140
Do. do. Yeola, Regular ...	967	356	695	215	424	211	439	265	578	284
Do. do. Yeola Small Causes ...	479	122	545	166	697	137	766	205	672	294
Do. do. Sinnar, Regular ...	1,399	274	495	311	661	199	694	351	737	322
Do. do. Sinnar Small Causes ...	533	110	584	160	701	126	402	72	397	57
Do. do. Jaghirdar of Vinchur ...	111	41	149	35	134	37	136	40	104	59
Poona.										
Court of the Judge of Small Causes, Poona ...	3,930	1,325	4,643	1,591	5,259	1,530	5,457	1,762	5,416	2,027
Do. F. C., Sub-Judge, Poona ...	480	487	532	461	456	491	499	604	629	657
Do. Sub-Judge, Haveli ...	1,345	775	890	430	636	585	805	566	842	455
Do do. Vadgaon ...	716	301	601	374	698	389	650	412	667	279
Do. do. Talegaon ...	665	651	769	258	571	505	818	364	612	242
Do. do. Sasvad ...	430	499	741	168	511	291	532	288	530	195
Do. do. Khed ...	1,379	334	693	313	1,134	140	641	326	885	399
Do. do. Junnar ...	1,887	514.	1,182	255	893	398	1,035	314	855	388
Do. do. Baramati ...	1,086	400	616	291	1,012	341	997	342	877	373
Do. Jaghirdar of Malegaon ...	12	10	17	3	·15	3	18	8	20	5
Do. do. Sasvad and Purandhar .	36	53	49	36	26	53	52	47	27	58
Ratnagiri.										
Court of the F. C. Sub-Judge, Ratnagiri ...	589	233	307	124	392	236	545	222	428	225
Do. Additional F. C. Sub-Judge, A. P., at Ratnagiri.	3	...	...	...	...	...	...	...	...	...
Do. do. Sub-Judge, Ratnagiri ...	...	...	97	...	...	...	...	...	109	...
Do. do. do. Dapoli ...	657	219	671	308	802	435	677	369	805	318
Do. Additional Sub-Judge, Dapoli ...	183	...	...	...	...	...	289	...	62	...
Do. Sub-Judge, Chiplun ...	635	181	437	406	508	426.	591	421	838	316
Do. Additional Sub-Judge, Chiplun ...	...	...	61	...	377	..	329	...	287	...
Do. Sub-Judge, Samgameshwar. ...	408	243	568	219	652	370	...	...	...	...
Do. do. Rajapur ...	384	326	386	347	585	436	523	443	819	412
Do Additional Sub-Judge, Rajapur ...	14	..	83	...	78	...	156	...	64	...
Do Sub-Judge, Devgad ...	397	235	430	270	509	529	560	342	423	321
Do. do Malvan ...	277	230	502	252	625	290	535	302	586	351
Do Additional Sub-Judge, Malvan ...	156	...	...	...	...	...	...	...	34	...
Do. Sub-Judge, Vengurla ...	302	209	419	282	639	260	512	228	440	215
Do do. Devrukh ...	...	...	...	...	...	...	840	294	718	222
Do. Additional Sub-Judge, Devgad ...	...	...	...	...	...	...	317	...	138	...
Satara.										
Court of the F. C. Sub-Judge, Satara ...	822	391	712	435	555	1,152	1,090	771	1,068	681
Do. S. C. do Wai ...	606	1,025	925	590	824	497	791	447	802	390
Do. do. do. Karad ...	1,349	1,313	1,199	845	844	1,038	797	963	774	729
Do. do. do. Patan ...	633	571	512	351	479	440	312	478	294	394
Do. do do Rahimatpur ...	338	983	1,104	206	437	261	425	160	284	130
Do. do. do. Khatav ...	338	809	483	538	1,319	243	336	218	245	214
Do do do. Dahivadi ...	176	243	206	152	242	124	186	90	116	66
Do. do. do. Tasgaon ...	698	446	413	377	332	832	879	413	609	206
Do. do. do. Vita ...	436	157	236	186	313	1,355	914	753	712	329
Do. do. do. Islampur ...	1,755	1,784	1,730	790	729	991	796	822	840	668
Sholapur.										
Court of the F. C. Sub-Judge, Sholapur ...	1,211	650	1,466	577.	1,363	815	921	1,004	838	1,135
Do. Joint do. do. ...	...	...	...	...	...	...	889	...	889	...
Do. S. C. do. Barsi ...	6-9	630	818	642	977	426	673	491	790	456
Do. do do. Pandharpur ...	672	202	565	182	660	253	656	285	772	353
Do. do. do. Madha ...	316	116	241	93	207	137	386	107	408	110

APPENDIX L—*concluded.*

Name of Courts.	1911.		1912.		1913.		1914.		19
	Cases disposed of.	Cases pending at the end of the year.	Cases disposed of.	Cases pending at the end of the year.	Cases disposed of.	Cases pending at the end of the year.	Cases disposed of.	Cases pending at the end of the year.	Cases disposed of.
Sholapur—continued.									
Court of the S. C. Sub-Judge, Karmala ...	482	82	178	81	206	174	427	171	335
Do. do. do. Sangola ...	203	120	194	91	140	80	157	69	103
Do. do. do. Malsiras ...	594	132	289	92	222	95	191	85	196
Surat.									
Court of the Judge of Small Causes of Surat ...	1,348	222	1,457	294	1,704	261	2,215	343	1,961
Do. F. C. Sub-Judge of Surat ...	298	214	333	212	322	235	252	314	352
Do. S. C. do. Surat ...	654	123	462	153	627	138	628	257	725
Do. do. do. Bulsar ...	1,056	278	941	245	1,097	339	1,123	485	1,354
Do. do. do. Olpad ...	356	113	276	116	344	137	403	185	490
Thana.									
Court of the F. C. Sub-Judge, Thana ...	1,261	1,123	1,710	966	1,973	630	1,550	811	1,707
Do. Sub-Judge, Kalyan	441	317	822	126	592	130	573	181	672
Do. do. Bhiwndi	560	289	588	264	655	422	903	227	588
Do. do. Murbad	637	203	299	229	454	148	278	219	309
Do. do. Bassein	218	201	198	239	426	133	303	159	235
Do. do. Dahanu	722	221	484	228	660	256	696	224	634
Do. do. Panvel	889	313	953	357	1,011	246	880	307	1,067
Do. Small Causes at Bombay ...	25,965	3,155	29,249	2,908	25,769	3,439	29,531	3,699	30,964

APPENDIX M.

Statement showing the numbers of cases disposed of and of those in arrears in each Subordinate Civil Court in Sind during the years 1911 to 1915.

Name of Court.	1911.						1912.						1913.					
	First Class Suits		2nd Class Suits.		Small Cause Court Suits.		First Class Suits.		2nd Class Suits.		Small Cause Court Suits		First Class Court Suits.		2nd Class Suits.		Small Cause Court Suits.	
	Disposed of.	Arrears.	Disposed of.	Arrears.	Disposed of.	Arrears.	Disposed of.	Arrears.	Disposed of	Arrears.	Disposed of.	Arrears.	Disposed of.	Arrears.	Disposed of.	Arrears.	Disposed of.	Arrears.
Subordinate Civil Court, *Kotri	...	...	819	182	166	109	...	...	409	111	805	56	...	...	...	...	...	...
Do.* Mirpur-Bathoro.	...	...	475	282	29	68	...	...	520	102	435	5	...	...	...	...	...	...
Do.* † Tatta ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	610	214	924	155
FirstClassCivilCourt, Larkana.	...	...	2,200	367	735	61	...	...	2,168	387	724	58	27	17	2,073	295	746	18
Subordinate Civil Court, Mehar.	...	...	3,409	245	...	...	...	...	2,410	163	...	...	...	...	1,831	176	...	...
Do. Sehwan.	...	...	810	99	637	46	...	...	979	116	821	39	...	...	957	123	574	36
First Class Subordinate Civil Court, Sukkur.	140	50	243	69	722	63	112	63	225	57	693	47	83	58	268	107	714	75
Subordinate Civil Court, Shikarpur.	...	...	908	226	442	44	...	...	722	197	464	50	...	...	955	251	580	48
Do Rohri...	...	...	1,725	149	530	41	...	...	1,753	192	850	43	...	...	1,906	183	1,088	50
Do. Jacobabad	...	...	1,399	177	...	...	...	...	1,313	191	...	...	...	...	1,216	88	...	...
First Class Subordinate Civil Court, Hyderabad.	46	29	474	180	730	65	41	40	438	195	888	93	48	48	422	137	898	76
Subordinate Civil Court, Tando.	...	...	356	234	169	37	...	...	553	132	246	19	...	...	465	221	179	30
Do. Shahdadpur.	...	...	1,337	292	582	53	...	...	1,071	301	502	56	...	...	1 088	101	436	33
Do. Mirpurkhas	...	...	...	...	...	...	...	...	...	...	...	...	...	...	621	149	278	67
Do. Nawabshah	...	...	...	...	...	...	...	...	...	...	...	...	...	...	674	109	340	35
Do. Naushahro	...	...	1,298	165	907	42	...	...	946	124	634	45	...	...	751	98	473	30
Total	186	79	15,453	2,667	5,649	629	153	103	13,507	2,268	7,062	551	158	123	13,837	2,252	7,230	653

Name of Court.	1914.						1915.					
	First Class Suits.		2nd Class Suits.		Small Cause Court Suits.		First Class Suits.		2nd Class Suits.		Small Cause Court Suits.	
	Disposed of.	Arrears.	Disposed of.	Arrears.	Disposed of.	Arrears.	Disposed of.	Arrears.	Disposed of.	Arrears.	Disposed of.	Arrears.
Subordinate Civil Court, *Kotri	...	...	...	...	...	...	...	...	...	...	...	...
Do.* Mirpur-Bathoro.	...	...	...	...	...	...	...	...	...	...	...	...
Do.* † Tatta ...	...	...	839	189	1,058	62	...	...	657	310	832	128
FirstClassCivilCourt, Larkana.	...	...	2,075	212	608	29	26	15	2,300	249	698	26
Subordinate Civil Court, Mehar.	...	...	1,745	128	176	17	...	...	1,583	197	381	39
Do. Sehwan.	...	...	1,275	258	457	18	..	...	1,279	284	698	96
First Class Subordinate Civil Court, Sukkur.	103	60	306	129	935	88	101	51	306	93	773	93
Subordinate Civil Court, Shikarpur.	...	...	1,267	203	780	30	...	...	1,149	332	742	64
Do Rohri...	...	...	1,175	223	863	122	...	...	1,692	382	1,057	134
Do. Jacobabad	...	...	1,389	80	...	...	...	...	1,389	80	...	...
First Class Subordinate Civil Court, Hyderabad.	61	35	283	115	951	101	44	32	399	315	1,022	211
Subordinate Civil Court, Tando.	...	...	673	280	263	59	...	...	910	118	202	...
Do. Shahdadpur.	...	...	729	256	424	63	...	...	1,299	241	555	40
Do. Mirpurkhas	...	...	740	162	440	44	...	...	1,010	207	522	63
Do. Nawabshah	...	...	‡832	...§	410	...	...	...	‖828	.. ¶	316	...
Do. Naushahro	...	...	1,025	168	532	81	...	...	1,600	253	813	69
Total	108	62	14,353	2,403	7,897	714	171	98	16,401	3,061	8,611	963

* Abolished in 1913.

† Subordinate Court, Tatta, establishment in 1913.

‡ 832 includes 233 transferred to Nausharo and Shahdadpur Courts on the temporary abolition of Nawabshah Court.

§ All pending cases were transferred to Naushahro and Shahdadpur Courts, owing to temporary abolition of Nawabshah Court.

‖ Includes 101 cases transferred to Naushahro, Shahdadpur and Mirpurkhas Courts on its amalgamation with the Shahdadpur Court.

¶ The Court being amalgamated with that of Shahdadpur, all pending cases were transferred to different Courts as shown above.

APPENDIX N.

Serial No.	District.	Questions discussed by the Excise Advisory Committees.	Action taken by the authorities.	Remarks.
		Northern Division.		
1	Ahmedabad	Closing hours of liquor shops.	The Committee did not make any recommendation.	
		Removal of certain country liquor shops to other localities.		
2	Broach ...	Closure of 4 country liquor shops.	The Committee's recommendations were adopted and acted upon.	
		Proposal not to re-open 2 country liquor shops.		
		Removal of a toddy shop to another site.		
		Removal of 4 country liquor shops to other localities.		
		Opening of a new country liquor shop.	The shop was not opened as the local residents were against it.	
		Reconversion of a 60° U. P. shop into one of 25° U. P.	The proposal was negatived by the Commissioner.	
		Closing of a toddy booth and establishment in its place of the toddy shop existing in the locality.	Effect was given to the Committee's recommendations.	
		Discontinuance of the sale of masala liquor in bulk at a shop selling 60° U. P. liquor.		
3	Panch Mahals	Only one meeting was held and the subjects discussed were not of any importance.		
4	Surat ...	Determination of the closing hours of liquor shops in the different talukas.	Orders issued in accordance with Press Note No. 3330, dated 8th April 1914.	
		Closing of 21 country liquor shops.	19 shops were closed.	
		Closing of 7 toddy shops ...	The Committee's recommendations were accepted.	
		Removal of 2 country liquor shops to other sites.	The sites were not changed.	
		Restriction to the sale of 60° U. P. liquor at 13 shops.	The recommendation was adopted.	
5	Thana ...	Closure of 50 country liquor shops.	44 shops were closed and 1 ordered to be closed when the licensee (an aged lady) retired from business.	
		Shifting of 8 country liquor shops to other sites.	7 shops were ordered to be shifted.	
		Opening of 2 country liquor shops which were ordered to be closed.	The Committee's recommendations were accepted.	
		Refusal of a foreign liquor "OFF" license.		
		Central Division—contd.		
6	Ahmednagar.	Closing hour of the country liquor shop in Nagar Cantonment to be fixed an hour earlier.	The proposal was negatived (*vide* Press Note No. 3330, dated 8th April 1914).	

Serial No.	District.	Questions discussed by the Excise Advisory Committees.	Action taken by the authorities.	Remarks.
		Central Division—contd.		
		Opening of 2 foreign liquor shops.	The recommendation was approved.	
		Curtailment of the hours of sale of country liquor in the City and Cantonment.	The opening hour was fixed at 9-30 A.M. (*vide* Press Note No. 3330, dated 8th April 1914).	
7	West Khandesh.	Closing of 18 country liquor shops.	17 shops were closed.	
		Shifting of 3 country liquor shops to other sites.	2 shops were removed to other sites.	
		Opening of a new country liquor shop.	The Committee's recommendation was accepted.	
8	Nasik ...	Conversion of 2 shops from 25° to 60° U. P. shops.	One shop was converted into a 60° U. P. shop.	
		Change in the closing hour of 2 country liquor shops.	The Committee's recommendation was accepted in the case of one of the shops.	
		Closing of 4 country liquor shops.	One of the shops was closed.	
9	Poona ...	Removal of a country liquor shop to another site.	These questions were discussed by the Committees, but no recommendations were made; hence no action was taken.	
		Abolition of certain country liquor shops.		
		Prohibition of shops on thoroughfares.		
		Location of all liquor shops in one place in the middle of the city.		
		Fixing of 12 noon as the opening hour and sunset as closing hour of liquor shops.		
		Closing of liquor shops during the 5 days of Shimga and on Sundays.		
		Closing and opening hours to be the same for foreign and country liquor shops.		
		Closing of a foreign liquor shop.		
		Convening of a meeting of the Committee every year.		
		Refusal of liquor to women, girls or males less than 18 years of age.		
		Curtailment of the hours of liquor shops.		
		Discontinuance of the sale of 60° U. P. liquor.		
		Sale of nothing but foreign liquor at foreign liquor shops.	The Committee's recommendation was accepted.	
		Removal of 2 country liquor shops to other localities.	Effect was given to the Committee's recommendations.	
		Removal of 2 toddy shops to other suitable sites.		
		Curtailment of the hours of sale at country liquor shops.	Orders were passed in accordance with Press Note No. 3330, dated 8th April 1914.	
		Closing of 2 country liquor shops.	The Committee's recommendation was accepted in the case of one shop.	

Serial No.	District.	Questions discussed by the Excise Advisory Committees.	Action taken by the authorities.	Remarks.
		Central Division—contd.		
10	Satara ...	Closing of a country liquor shop.	Recommendation was adopted.	
		Closing hours of shops ...	Do. do.	
		Conversion of 16 country liquor shops into 60° U. P. shops.	Do. do.	Subsequently 2 of these shops were reconverted into 30° U. P. shops owing to the proximity of State shops selling 30° U. P.
11	Sholapur ...	Inspection of liquor shops by members of the Committee.	No recommendation was made.	
		Change of site of a country liquor shop.	The recommendation was accepted and the site changed.	
		Southern Division.		
12	Belgaum ...	Opening of a new toddy shop.	The Committee's recommendations were adopted.	
		Removal of a country liquor shop to another site.		
		Removal of a country liquor shop to another site.	The shop was not removed as the majority of the Committee considered the new site more objectionable than the existing one.	
13	Bijapur ...	Removal of a toddy shop to another site.	No action was necessary as the Committee did not consider the removal of the shop necessary.	
		Removal of the country liquor shops in Khudanpur Peth to other sites.	Removal of the shops is pending selection of the sites by the Committees.	
14	Dharwar ...	Closure of a country liquor shop.	The Committee did not approve of the suggestion made by a member.	
		Selection of new sites for 5 country liquor shops.	In the case of 2 shops it was decided that no change was necessary, in that of 2 others certain alterations were ordered and the local residents were satisfied, while in the case of the remaining shop a suitable site could not be found.	
15	Kolaba ...	Closing of 38 country liquor shops.	26 shops were closed.	
		Closing hour of shops ...	This recommendation was not approved.	
		Conversion of 3 shops into 60° U. P. shops.	2 of the shops were converted.	
16	Ratnagiri ...	Closing of a country liquor shop.	Both the recommendations were accepted.	
		Removal of a country liquor shop to another site.		

APPENDIX O.

Watans.

Prescription of the Vernacular (or English) School Final Examination as an additional qualifying educational test for officiators in kulkarni—.

GOVERNMENT OF BOMBAY.

REVENUE DEPARTMENT.

Order No. 10676.

Bombay Castle, 8th November 1916.

Letter from the Commissioner, S. D., No. 3705 dated 7th September 1916 :—

Commissioner, S. D.'s No. 5656 dated 30th December 1915.
Belgaum Collector's No. W. T. N.—12 dated 28th August 1916.
Bijápur Collector's No. C.—1510 dated 13th March 1916.
Dhárwár Collector's No. T.—433 dated 1st April 1916.

"I have the honour to forward herewith copies of the marginally noted correspondence* and to recommend that the Vernacular (or English) School Final Examination should be prescribed as an additional qualifying educational test for kulkarnis.

"2. In Government Resolution, Revenue Department, No. 7688 dated 18th August 1914 Government have remarked that, in addition to watandárs who have passed the kulkarnis' test, all persons who have passed any examination down to and including the Vernacular Final Examination are qualified to officiate. The kulkarnis' test prescribed under Government Resolutions Nos. 6031 dated 15th August 1883, 8420 dated 15th November 1883 and 3686 dated 8th May 1884 is as follows:—

(*a*) Reading and writing the vernacular of the district;

(*b*) Mathematics up to simple interest;

(*c*) Knowledge of account forms;

(*d*) Capability to draft a short report regarding something that has taken place in the village;

(*e*) A knowledge of the rules for the inspection of field boundary marks;

(*f*) A knowledge of Cattle Trespass Act and rules thereunder;

(*g*) A paper on that part of the Land Revenue Code and subsidiary rules which concern the duties of the village officers at the discretion of the Collector.

Of these (*c*), (*e*), (*f*) and (*g*) are departmental subjects: the rest of the present test is, as will be seen above, extremely light and is not sufficient to secure men sufficiently educated for the proper performance of Government duties in the best interests of Government and the rayats. The test so far as it covers departmental knowledge is useful, but it exacts no standard of intelligence and I consider that no kulkarni should be considered fit unless he has also passed the Vernacular (or English) School Final Examination. We should find very few English School Final men, but a large number pass the Vernacular School Final each year, and where we have such materials to our hand, I consider we should make use of them in the interest of efficient administration.

"3. It is essential that we should have educated men in the future and not the half-educated men whom we have accepted in the past, who have been able to pass the simple test which is still enforced and is no longer suitable to present conditions."

ORDER.—The recommendation made by the Commissioner, S. D., in paragraph 1 of his letter is sanctioned. The proposed test should be made obligatory with effect from 1st January 1918 in the case of appointments of representative watandár kulkarnis serving in person, but for deputies it should be adopted from 1st January 1917.

A. F. L. BRAYNE,
Under Secretary to Government.

* Not printed.

To

The Commissioner, S. D.,
The Commissioner, N. D.,
The Commissioner, C. D.,
The Collectors of Belgaum, Bijápur and Dhárwár,
All other Collectors in the Central and Southern Divisions,
The Settlement Commissioner and Director of Land Records,
The Director of Agriculture,
The Remembrancer of Legal Affairs,
The Resident, Kolhápur, and Political Agent, Southern Marátha Country States.

No. of 1916.

Copy forwarded for information and guidance to

APPENDIX P.

Holidays.—

Grant of permission to Muhammadan employés of Government to say *Juma* prayers on Fridays.

No. 1768.

GENERAL DEPARTMENT.

Bombay Castle, 4th March 1913.

RESOLUTION OF GOVERNMENT.

The question whether it is necessary to allow leave for an hour or two on Fridays to Muhammadan employés of Government to enable them to say their Juma prayers has recently been under the consideration of Government.

2. The Governor in Council is of opinion that no hard and fast rule need be laid down, as the conditions prevailing in different parts of the Presidency vary, and any general direction may interfere with the satisfactory working of the machinery of Government. At the same time it is desirable that reasonable facilities should be granted to all communities to perform their religious duties, and His Excellency in Council is accordingly pleased to direct that permission should be given on Fridays to such Muhammadan employés of Government as ask for it to say their Juma prayers on the understanding that they make up the time by working extra hours during the week, if necessary. The imposition of this condition is, in the opinion of Government, necessary in the best interests of the Muhammadan community at large.

J. L. RIEU,
Secretary to Government.

To

The Commissioner in Sind,
The Commissioner, N. D.,
The Commissioner, C. D.,
The Commissioner, S. D.,
The Commissioner of Customs, Salt, Opium and Abkari,
The Accountant General, Bombay,
The Private Secretary to His Excellency the Governor,
The Director, Government Observatory, Colaba,
The Meteorologist, Bombay,
The Commissioner of Paper Currency,

The Protector of Emigrants, Bombay,
The Protector of Emigrants, Karachi,
The Government Examiner of Accounts, B. B. & C. I. Railway,
The Government Examiner of Accounts, G. I. P. Railway,
The Government Examiner of Accounts, Madras and S. M. Railway,
The Postmaster General, Bombay,
The Mint Master, Bombay,
The Assay Master, Bombay Mint,
All other Heads of Offices under the several Departments of the Secretariat,
The Separate Department (for the reading room of the Members of the Legislative Council),
All other Departments of the Secretariat,
The Registrar of His Majesty's High Court of Judicature, Appellate Side, Bombay,
The Prothonotary and Registrar of His Majesty's High Court of Judicature, Original Side, Bombay,
} By letter.
The Editors' Tables and Editors of Newspapers,
The Non-official Members of the Legislative Council,
All Registered Libraries.

No. of 1913.

Copy forwarded for information and guidance to

APPENDIX Q.

Statement referred to in the reply to question No. 7 (c) put by the Honourable Mr. E. H. Jaffer.

		Rs.	Rs.
Non-recurring charges—			
School furniture	...	1,000	
Books, maps, etc.	...	300	
			1,300
Hostel equipment	...	800	
Cooking and dining shed	...	3,000	
			3,800
	Total ...		5,100

	Expenditure Per mensem.	Per annum.	
	Rs.	Rs.	Rs.
Recurring charges—			
Head Master ...	200	2,400	
1st Assistant ...	100	1,200	
Clerk ...	25	300	
Peon ...	10	120	
Hamal ...	9	108	
Rent ...	200	2,400	
Repairs ...	...	225	
Rates and taxes ...	...	90	
Contingencies ...	25	300	
Postage ...	...	40	
Travelling allowance ...	...	300	
Trained teacher in Urdu School ...	40	480	
Do. do. ...	33	360	
			8,323
Hostel—			
Cooks at Rs. 12 and Rs. 10 ...	22	264	
Hostel servants at Rs. 9 and Rs. 7 ...	16	192	
Watchman ...	9	108	
			564
Stipends, 24 at Rs. 8½ ...	204	2,448	
Stipends, 24 at Rs. 9 ...	216	2,592	5,040
		Total ...	13,997

APPENDIX R.

	Plague expenditure by			Plague deaths.*	Remarks.
	Government.	Municipalities.	Local Boards.		
1908-09 ...	1,45,393	92,512	9,982	33,642	* The figures of plague deaths are tabulated from June to May.
1909-10 ...	1,24,749	68,041	13,439	33,563	
1910-11 ...	1,11,409	68,169	8,092	51,307	
1911-12 ...	74,301	96,709†	8,552	107,061	† Inclusive of cholera charges.
1912-13 ...	44,646	58,669†	14,086‡	20,393	‡ Include other epidemic charges also.
1913-14 ...	62,347	66,336	13,200‡	37,344	
1914-15 ...	54,796	76,540	9,160‡	25,902§	§ Exclusive of Baroda State.

REPORT OF THE SELECT COMMITTEE ON BILL No. V OF 1916.

We, the members of the Select Committee appointed to consider and report on the Bill further to amend the Bombay Port Trust Act, 1879 (Bill No. V of 1916), have the honour to report as follows :—

2. In our opinion the scope of the amendment proposed to be made in the proviso to section 21 of the Act by clause 2 of the Bill, extending its operation to persons in temporary employment, should be restricted so as to exclude such persons in temporary employment as are in receipt of a monthly salary exceeding a certain pecuniary limit or are engaged for a definite period exceeding a certain limit of time. We recommend that the pecuniary limit should be fixed at one hundred and fifty rupees and the limit of time at six months.

3. We have no observations to make on the rest of the Bill and consider that it may be passed into law accordingly.

G. S. CURTIS.
PURSHOTAMDAS THAKURDAS.
PHIROZE C. SETHNA.
K. R. GODBOLE *(subject to the minute of dissent).*
M. N. HOGG.
W. C. SHEPHERD.
MUNMOHUNDASS RAMJI.

(Minute of dissent of the Honourable Dewan Bahadur K. R. Godbole.)

I think the word "non-pensionable" should be inserted before the words "officers and servants" in clauses 3 and 6 and before the words "pilots" and "officers and servants" in clause 7 of this Bill. The gratuities for widows and children referred to in these clauses are evidently intended to be given with the object of placing the subscribers to the Bombay Port Trust Provident Fund on the same footing as Railway Provident Funds. Such gratuities to widows and children are not allowed in the case of pensionable officers and servants of Government and it is certainly not intended to place the pensionable officers and servants of the Port Trust on a more favourable footing than the pensionable officers and servants of Government. Though the Bombay Port Trust has stopped pensions and started a Provident Fund instead for its employés, the Board still have powers to grant pensions, etc., *vide* sections 22 (5) and 50 (3) of the Act. Hence I think that it is necessary to insert the word "non-pensionable" in the manner proposed by me.

K. R. GODBOLE.

23th December 1916.

REPORT OF THE SELECT COMMITTEE ON BILL No. VIII OF 1916.

We, the members of the Select Committee appointed to consider and report on the Bill to amend the law for the inspection and management of boilers and prime-movers in the Presidency of Bombay (Bill No. VIII of 1916), have the honour to report as follows :—

2. The principal alteration which we have to suggest is in respect of the examining agency for engineers' certificates (clauses 22, 23 and 27 of the Bill as introduced). The Bill makes provision for the appointment of one or more examiners and it is explained in the Statement of Objects and Reasons that the amendment was intended to facilitate the appointment of a full-time examiner in the place of the board of examiners, constituted by the present Act (Bom. Act II of 1891), which is convened from time to time as occasion may require. The main objects with which the appointment of a full-time examiner was proposed were to enable the examiner to scrutinise the candidates' applications and to inspect registered workshops, and it was also desired to secure a more uniform standard of examination. The examination can merely ensure that a candidate has a thorough theoretical knowledge of his subject. That it does so at present is proved by the value attached both here and elsewhere to certificates granted in the Bombay Presidency. The simultaneous examination at Karachi under the present system is no doubt a disadvantage but the committee appointed in 1909 perhaps gave undue weight to this point. The variation in standard resulting from the periodical changes in the personnel of the board of examiners is an objection which could be urged with equal force against many examinations held in this country. The defects in the *viva-voce* examination which existed in 1909 have now been removed and ample time is allowed. The scrutiny of candidates' applications is now efficiently performed, and as regards the examination of workshops, there is no reason why the Chief Inspector should not visit them and report to the examining board whether the training is satisfactory. Indeed it seems undesirable that the examiner should inspect them. We consider therefore that the examination as now conducted satisfactorily serves its purpose. We find however that the present tendency is to attach far less importance than formerly to examination as a test of the practical knowledge of a candidate and his competency to be in charge of a boiler. The important point is that he should receive training at an institution where he will have the opportunity of acquiring that knowledge. This object will however be secured to some extent if the recommendations made by the committee on the subject are embodied in the rules, and would not be facilitated by altering the examining body. We understand that public opinion is not in favour of a full-time examiner. On the whole therefore we are not convinced of the need for appointing a full-time officer and we doubt whether the extra expense involved would be justified. We have accordingly restored the provisions relating to the board of examiners. The appeal which was newly introduced by clause 27 (of the Bill as published), in view of the fact that decisions would be passed by a single examiner, will no longer be required and we have accordingly omitted that clause.

3. The existing Act and the Bill as introduced are designed to apply of their own force to boilers, but both contain provisions enabling Government by notification to make them applicable to prime-movers. The existing Act has never in fact, we understand, been applied to prime-movers and from the information at our command we gather that there is no likelihood that any occasion will arise for such extension of the law. We therefore propose that clause 42 (of the Bill as introduced) should be deleted and the necessary consequential changes made in clauses 2 and 3, the preamble and title.

4. The definition of owner in clause 3 has been expanded to include persons who may hold boilers on loan: the United Provinces Act No. III of 1915, section 2 (2), provides for this contingency, which may occur.

5. *Clause 10 (1), (b).*—As it is not always possible to obtain from the makers of boilers the original certificates of tests of the material out of which

the boilers are made, such as steel plates, provision has been made for the acceptance of signed copies of these certificates.

6. *Clause 26, sub-clauses (1), (2) and (3) of the Bill as introduced.*—It is no longer necessary to retain these sub-clauses, as the persons who are likely to be affected by these provisions must be very few and diminishing in number, and under the slightly amended proviso to clause 43 of the original Bill (now clause 40), certificates granted under the Bombay Boiler Inspection Acts of 1873, 1887 and 1891 are to be deemed to have been granted under the provisions of the new Act. A consequential amendment has been made in clause 31 (now clause 30).

7. *Clause 39 of the Bill as introduced.*—This provision may be repealed as the Bombay Boiler Inspection Act, 1891, has been extended throughout the Presidency.

8. The remaining alterations which we have made are formal and do not require explanation.

G. S. CURTIS.
W. C. SHEPHERD.
DINSHAW M. PETIT.
MUNMOHUNDASS RAMJI.
PURSHOTAMDAS THAKURDAS.
G. H. THISELTON-DYER.
TEKCHAND UDHAVDAS.
S. D. GARUD.

No. 119.

From

THE HON'BLE MR. A. P. MUDDIMAN, C.I.E., I.C.S.,

Secretary to the Government of India, Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,

Legal Department.

Delhi, the 18th January 1917.

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. 1241, dated the 29th December 1916.

The Bombay Tramways (Amendment) Law.

I have the honour to be,

Sir,

Your most obedient Servant,

(Sd.) A. P. MUDDIMAN,

Secretary to the Government of India.

No. 167.

From

THE HON'BLE MR. A. P. MUDDIMAN, C.I.E., I.C.S.,
Secretary to the Government of India, Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
LEGAL DEPARTMENT.

Delhi, the 22nd January 1917.

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. 1242, dated the 30th December 1916.

The City of Bombay Police (Amendment) Law, 1917.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd.) A. P. MUDDIMAN,
Secretary to the Government of India.

No. 197.

From

THE HONOURABLE Mr. A. P. MUDDIMAN, C.I.E., I.C.S.,
Secretary to the Government of India, Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
LEGAL DEPARTMENT.

Delhi, the 23rd January 1917.

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. 1, dated the 3rd January 1917.

The Bombay Abkari (Amendment) Law, 1917.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd.) A. P. MUDDIMAN,
Secretary to the Government of India.

Proceedings of the Council of the Governor of Bombay.

Journal of the Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915 (5 and 6 Geo. V, Ch. 61).

The Council assembled at 12 noon on Tuesday, the 13th March 1917, in the Council Hall, Secretariat, Bombay.

PRESENT.

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

The Honourable Mr. M. B. CHAUBAL, C.S.I., *Vice-President.*

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

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

The Honourable the ADVOCATE GENERAL (Mr. T. J. STRANGMAN).

The Honourable Mr. S. R. ARTHUR, I. C. S.

The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.

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

The Honourable Mr. GHULAM MUHAMMAD walad Khan Bahadur WALI MUHAMMAD BHURGRI, Bar.-at-Law.

The Honourable Mr. P. R. CADELL, C.I.E., I. C. S.

The Honourable Mr. SHERRIFF DEVJI CANJI.

The Honourable Mr. ALFRED LAWRENCE COVERNTON.

The Honourable Mr. PANDURANG ANANT DESAI, LL.B.

MR. SHARP'S DEATH.

[*The President; Mr. Raghunath Purushottam Paranjpye.*] [13TH MARCH 1917.]

The Honourable Dr. C. FERNANDES, M.D.
The Honourable Mr. SIDDHANATH DHONDDEV GARUD.
The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE.
The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Mr. MALCOLM N. HOGG.
The Honourable Lieut.-Colonel JAMES JACKSON, C.I.E., M.B., I. M. S.
The Honourable Mr. EBRAHIM HAROON JAFFER.
The Honourable Mr. J. D. JENKINS.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Mr. G. F. KEATINGE, C.I.E., I. C. S.
The Honourable Sardar DULABAWA RAISINGJI, Thakor of Kerwada.
The Honourable Mr. MAHOMEDBHOY HAJEEBHOY LALJI.
The Honourable Mr. H. S. LAWRENCE, I. C. S.
The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
The Honourable Khan Bahadur PIR BAKSH walad MIAN MAHMUD.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Sardar SHRINIWAS COOPOOSWAMI MUDLIAR.
The Honourable Rao Bahadur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. F. G. PRATT, I. C. S.
The Honourable Mr. MUNMOHANDAS RAMJI.
The Honourable Rao Bahadur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. PHIROZE C. SETHNA.
The Honourable Mr. W. C. SHEPHERD, I. C. S.
The Honourable Mr. PURSHOTAMDAS THAKURDAS.
The Honourable Mr. G. H. THISELTON-DYER, A.M.I.C.E.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

The Honourable Mr. ALFRED LAWRENCE COVERNTON and the Honourable Mr. MAHOMEDBHOY HAJEEBHOY LALJI took the oaths of allegiance to the Crown.

His Excellency the PRESIDENT:—The Honourable Mr. PARANJPYE.

The Honourable Mr. RAGHUNATH PURUSHOTTAM PARANJPYE:—My Lord,—I wish to move that **"this Council places on record its sense of the great loss it has sustained in the death of the Honourable Mr. W. H. Sharp, the Director of Public Instruction, who was for many years a member of this Council and endeared himself to all his colleagues by the ability, eloquence and fairness which invariably characterised his work here and elsewhere."**

My Lord, when last December we met in this Council none of us thought for a moment that we were not to meet him for the next meeting also. His death

MR. SHARP'S DEATH.

[13TH MARCH 1917.] [*Mr. Raghunath Purushottam Paranjpye; Mr. Vithalbhai Jhaverbhai Patel; Mr. Ebrahim Haroon Jaffer.*]

came so suddenly upon us that all of us felt that the presidency and this Council in particular had sustained a very great loss. Mr. Sharp's career in this presidency was a long and distinguished one. Coming to this presidency as a Professor in the Elphinstone College he endeared himself to all his pupils by his great sympathy with the student world and their aspirations. He was a very efficient Professsor of Logic and Moral Philosophy in the first place and afterwards of English Literature, and the very fine humour with which he was gifted made his teaching both interesting and instructive. He was afforded a wider sphere of action when eight years ago he was appointed Director of Public Instruction and in this position he made a mark on the whole department the effect of which will remain for a considerable time to come. He was almost, one might say, too efficient as a Director of Public Instruction, leaving nothing for his assistants to do. He knew his whole department through and through, and on any question which you might put to him on any point he was always ready with a detailed answer. I myself had occasion to differ from him on several points, and to cross swords with him both in the University Senate and in this Council, and I can bear witness to the very great fairness with which he always replied to any question or discussed any subject. He was in this Council, as everybody will agree with me, probably the most eloquent speaker of this assembly and the way in which he put things before the Council left nothing to be desired. He was, as I said, gifted with a very great fund of humour which made the most dry subjects lively, and in fine the death of Mr. Sharp has left a great void in the educational world of this presidency. I am sure the Members of the Council will echo the feelings which I have at the great loss which this Council has sustained and I hope this Council will accept this resolution.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I rise to support the proposition so ably put before the Council by my honourable friend Mr. PARANJPYE.

The Honourable Mr. EBRAHIM HAROON JAFFER:—Your Excellency,—I associate myself wholeheartedly with all that has been said by the Hon'ble Mover with regard to the loss the presidency has sustained by the untimely and sad death of Mr. Sharp. Those who came in close contact with the late Director of Public Instruction or had opportunities of watching his work could not but be struck by the many estimable qualities of the head and the heart he possessed.

The arduous administrative duties the Director of Public Instruction is called upon to perform do not often suit the temperament and the habits of men long accustomed to the work of the professorial chair. But Mr. Sharp when he became Director threw himself heart and soul into his new work and soon acquainted himself with the ins and outs of it. His singleness of purpose, his devotion to duty, and his untiring energy made him an admirable head of the Educational Department. His penetrating eyes detected evils which might escape other observers and he hated sham as he discerned and rewarded merit.

Mr. Sharp carefully examined every proposition of educational reform that was placed before him and if it was sound and concerned in the interests of progress, one could always count upon his sympathy. He realised that the question of the education of the Mahomedan community required special treatment and was ever ready to render help in promoting it. Mr. Sharp warmly supported the cause of the several Mahomedan Educational Conferences held in Poona, and complied with the wishes of the Mahomedan community in many ways, especially in the matter of the appointment of four Mahomedan Deputy Inspectors, two of whom were for Urdu schools and an Inspectress for Urdu Girls' schools. Had he been spared, I feel sure, Mr. Sharp would have done more for the spread and improvement of Moslem education and I hope his traditions will be maintained by the Educational Department. It is really the misfortune of the presidency that Mr. Sharp should have been snatched away from it by death long before his time.

MR. SHARP'S DEATH.

[13TH MARCH 1917.] [*Mr. Pheroze C. Sethna; Mr. Siddhanath Dhonddev Garud; the President; Mr. Vithalbhai Jhaverbhai Patel.*]

The Honourable Mr. PHEROZE C. SETHNA:—Your Excellency,—I crave permission to say a few words in support of this resolution. I had only known the late Honourable Mr. Sharp since my nomination to this Council, but as we chanced to occupy adjoining seats during the Council Meetings I claim that I had perhaps more opportunities of coming into contact with him than most of the other non-official members. He was somewhat of a retiring disposition but one's liking for him and respect for his many admirable qualities steadily increased on closer acquaintance. There was a composedness about him which no petty irritations could ruffle and under a calm and courteous exterior and behind that innate modesty so characteristic of him there lay the utmost warmth of heart. The Department over which he presided was at times subjected to severe criticism in this Council but he was always a host in himself and a disputant whose power in debate we fully recognised. His speeches always displayed a close grasp of the questions he handled and as the Honourable Mr. PARANJPYE has observed he possessed besides that rare and happy gift of humour in his remarks heightened with the touch of sarcasm which was nonetheless successful because such remarks never carried the sting of malignity in them. His premature death is undoubtedly a loss to this Council which I deplore in common with the previous speakers.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD:—Your Excellency,—I rise to support the resolution put before the Council by the Honourable Mr. PARANJPYE. I had the privilege of knowing Mr. Sharp from the time when he was one of my professors in the Deccan College and it is difficult to forget his invariable kindness and courtesy as a professor. I knew him afterwards in several walks of life and I always found him very courteous, very kind and always willing to advance the educational interests of the presidency.

His Excellency the PRESIDENT:—It only remains for me on behalf of Government to endorse every word which the Honourable Mover of the resolution and other Honourable Members have said with regard to the loss that Government, and I am sure non-official members too as personal friends, will feel at the death of Mr. Sharp. May I say that it has been a very particular satisfaction to me to feel that this resolution has been proposed by an Honourable Member who is a non-official member of this Council and who, as Head of one of the greatest colleges in this presidency, used to come into very continual touch with Mr. Sharp? It is a very great satisfaction indeed to learn that, notwithstanding some differences of opinion between them, the Honourable Mr. PARANJPYE always held such a very high opinion of the late lamented Director of Public Instruction. I can only say on behalf of Government that we feel very strongly indeed that we have lost one who was a most devoted servant of Government, who gave his best years and his best services for the education of the youths of this country, and whose skill in debate we all knew so well. Those of us who were, as many of us were, personally acquainted with Mr. Sharp will, I feel sure, miss and miss deeply his personal friendship, his kindly personality and that sense of humour which we all used to expect from him. Government have lost a servant of whom it can be truly said that he died doing his best service for the young students of this country and I am certain each and every one of us feels that by his death we have lost a real and true personal friend. I will ask Honourable Members to pass this resolution by rising in their seats.

The resolution was unanimously passed, the members rising in their seats.

His Excellency the PRESIDENT:—Presentation of the Revised Financial Statement of the Government of Bombay for 1917-18. The Honourable Mr. CARMICHAEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL.—Your Excellency,—Before we proceed further, I beg to move, under rule 7 of the Rules for the

conduct of business in the Legislative Council that the business of presentation of the revised financial statement of the Government of Bombay for the year 1917-18 be adjourned.

My Lord, I must at the start ask Your Excellency's Government and the members of this Council to approach the consideration of this motion as they do in respect of all other motions. No doubt, the motion is of a rather unusual character and should not be brought forward if one could help it, but when you know the circumstances I shall in a moment tell you which have compelled me to put it before you, every one of you will agree with me that the course which I am pursuing is the only course left to me.

I am one of those who believe that the expenditure on the administration of this presidency is top-heavy and ways and means must be found to reduce it at an early date. I have given some thought and time to the question and I have my own views in the matter. When I was elected by the non-official members of this Council to the Finance Committee, the very first idea that struck me was that I should bring my proposals in a concrete form for the consideration of that Committee. I, therefore, got several proposals ready and attempted in my humble way to put them one by one before the Committee at one of its meetings in January last. The first proposal that I made was that the Committee should recommend to Government to abolish the post of Resident First Class Magistrate of Bandra and thus reduce the expenditure on one of the major heads by Rs. 400 to Rs. 500 a month. In support of my proposal I pointed out to the Committee that the number of first class cases tried by the Bandra Resident Magistrate ranged approximately between 30 to 40 annually and that there were already two other First Class Magistrates who could do all the work. I also suggested that as the bulk of the work consisted of 2nd and 3rd class cases, a bench of honorary magistrates if created or an officer of a lower grade with second class powers could easily cope with it. The Chairman of the Finance Committee, the Honourable Mr. CARMICHAEL, ruled my proposition out on the ground that it was not within the competence of the Committee to consider such proposals. I thought the Honourable the Chairman was making a mistake in ruling my proposition out and he would soon correct himself if I brought another similar proposal. I, therefore, proposed that by way of war economy Government should ask the five Collectors in the presidency who enjoyed the privilege of having personal assistants to get on without them and thus secure a handsome saving. To my surprise I was at once told by the Chairman that my proposal was out of order on the ground on which my first proposal was disposed of. I could not then dare to put other proposals of a similar kind and take similar rulings, as I thought my colleagues would think I was worrying some of them unnecessarily as I am now worrying you. I then proceeded to lay before the Committee some other proposals which I had formulated on Budget Notes for the Government of Bombay, a copy of which is usually supplied to the members of the Finance Committee only 2 or 3 days before the last meeting of the Committee. It will astonish Your Excellency to learn that the Honourable the Chairman ruled that I had better confine myself to the draft financial statement and not to go into the details contained in the Budget Notes which he added were supplied to the *members for their information only.*

My Lord, with due deference to the opinion of the Honourable the Chairman of that Committee, I submit that the rulings are entirely wrong. I do not know whether the majority of this Council will support me in my view of these rulings, but if they do, it follows as a matter of course that the Finance Committee was prevented from considering various legitimate and important proposals and making their recommendations on them to Government. If that be so, the revised financial statement which the Honourable the Finance Member desires to present today must go back to the Finance Committee for reconsideration and report to Government after considering my humble suggestions. I invite the

attention of this Council in the first place to rule 4 of the Financial Rules at page 206 of the Council Manual. Under this rule the Chairman of the Committee has a second or casting vote in the case of the equality of votes on any matter. Neither this rule nor any other rule that I know of empowers the Chairman as such to rule any proposal out without taking votes of the members present on the question whether the proposal should be allowed for discussion or not. I submit therefore that the Chairman having acted without authority in ruling my proposals out, his rulings are entirely irregular. Apart from this and assuming that the Chairman has under the rules the power to rule out a proposal falling outside the scope of the Committee's functions, I maintain that the rulings were wrong inasmuch as the proposals in respect of which they were given were proposals which the Committee is not only empowered but is bound to consider. May I invite the attention of this Council to sub-rule (2) of rule 6 of the Financial Rules which makes it obligatory on the Committee to consider the estimates of revenue and expenditure referred to in clauses (*b*) and (*c*) of sub-rule (2) of rule 5 and recommend such amendments in them as seem to it to be advisable? Now, clause (*c*) of sub-rule (2) of rule 5 says as follows :—

"The draft shall comprise tabular statements showing the estimated provincial expenditure, under specific major heads, on existing establishments and schemes and on new schemes the cost of which is not considerable or which the local Government considers to be of an absolutely obligatory character."

The Council will thus see that it is not only the right but it is the duty of the Finance Committee to consider the expenditure on existing establishments and schemes and make recommendations in regard to them. That being so, it was perfectly competent for the Finance Committee to consider the proposals I was making.

My Lord, I have brought forward this proposal simply with a view to vindicate the rights of the non-official members of the Finance Committee. After all said and done, what is the amount of control that we non-official members possess over the financial proposals of the Government of Bombay? A non-official member could be elected to the Finance Committee. There he may bring proposals and if the Finance Committee by a majority agree and the majority is the Government majority—then it goes in the form of a recommendation to the Executive Government which is not at all bound to accept that recommendation. Then again, a non-official member—an official member also—may bring in a financial resolution before the Legislative Council. If that resolution is carried—though under the present constitution of the Council there is hardly any chance—the Executive Government is not bound to carry it out. The sole and entire control over the finances is thus vested in Government. We non-official members have merely the privilege of bringing forward proposals and moving resolutions, and even if this small privilege is thus encroached upon, then no wonder the Morley-Minto Reform Scheme is regarded as a failure. I have read the despatches of both Lord Morley and Lord Minto on which these Financial Rules are based and I can confidently assert to this Council that the liberal spirit pervading throughout these documents is certainly lacking in practice. I take leave of this Council to refer to some passages in those despatches bearing on the question. I shall first read an extract from Lord Minto's despatch to Lord Morley, dated 1st October 1908 :—

"We are clearly of opinion that it is advisable that the Council should be afforded increased facilities for expressing their views upon the Budget and that these facilities should be given at a sufficiently early stage to enable the Government to take advantage of any advice that may be tendered and to adopt and give effect to such suggestions as may be practicable. The ultimate control must, however, rest with the Government and no useful purpose would be served by affecting to ignore this essential fact. It is the Government and not the Council

that decide any question arising on the Budget and the utmost concession that can be made is to give the Council ample opportunities of making recommendations to the Government in respect of particular items. But without departing from this principle we think that the Council may properly be empowered to record its opinion by vote on the greater part of the Budget proposals. The Indian public have long desired an opportunity of this kind and we think that the time has come when it may properly be given in the manner and to the extent which we shall presently explain in our letter to Local Governments. We did not put forward any plan by which members of Legislative Councils would vote on the Budget but we are anxious to meet the public demand, and we trust that our proposals in the matter both in regard to the Imperial and to the Provincial Councils may obtain Your Lordship's approval.

"In regulating the new system of discussion whether in the Imperial or Provincial Councils one of the first points for consideration is the range of subjects on which resolutions and voting will be permitted. Since we propose taking our stand on the practice of the House of Commons, and to lay down that no recommendation will be binding upon the Government, the limits within which the resolutions may be proposed can be very materially enlarged without running any risk of causing an embarrassment or misunderstanding."

To that Lord Morley in paragraph 32 says :—

"As in the case of the Imperial Budget, so with respect to Provincial finances, I observe with satisfaction that provision is made for full and free discussion and for the consideration by Government of the results of such discussion before the final proposals for the year are framed; and I believe that under the system suggested by you the Local Governments will retain that ultimate control over the financial policy of their provinces without which not only the authority of the Government of India but also that of the Secretary of State in Council and of Parliament will inevitably disappear."

My Lord, the rules are perfectly clear. The despatches on which they are based are a guide to their correct interpretation. But in this case the question of interpretation of the rules does not at all arise. In fact, the rulings are entirely outside the scope of the rules that I have quoted, and if this Council agrees with me, it is perfectly clear that the draft Budget has not been properly considered by the Finance Committee and therefore the revised Budget framed, as it is, must go back to it. It may be argued that any number of resolutions may be moved in this Council. The reply is that they could be very easily disposed of in the Finance Committee. There is absolutely no reason why the time of this Council should be taken up in that way. That is one of the reasons why the Finance Committee is constituted.

Before I close I have to make one more observation. Honourable Members will pardon me if they are told by the Honourable Mr. CARMICHAEL that I am not quite exact in the statement of my proposals to the Finance Committee or of the rulings of the Chairman of the Committee. I wish I could read to you *verbatim* the notes taken by our Secretary in regard to those proposals and rulings. After the meetings of the Finance Committee were over I wrote to the Secretary of this Council for copies. A few days afterwards I got a reply, not from Mr. Nissim, the Secretary to the Legislative Council, to whom I had addressed my letter, but from Mr. French, to say that it is not the practice to give copies of the minutes of the meetings of the Finance Committee to outsiders. The meetings of the Finance Committee are private and therefore no copies can be given. I submit that a member of the Finance Committee—I myself was a member of the Finance Committee—when he applies to the Secretary for a copy of the proceedings, he is entitled to get the copies of the notes. I say that it amounts to nothing more than distrust on the part of Government towards non-official members in this regard. However, I ask Your Excellency's Government

and the members of this Council to consider whether the rulings of the Chairman of the Finance Committee prevent a due consideration of the financial statement. With these few words I put my proposition before Honourable Members in full confidence that they will accept it.

His Excellency the PRESIDENT:—I should like before going any further to know what exactly is the motion the Honourable Member proposes to move.

The Honourable Mr. PATEL:—Your Excellency,—My motion is that the business of the presentation of the Revised Financial Statement for 1917-18 be adjourned under rule 7.

His Excellency the PRESIDENT:—Then I should like to draw the Honourable Member's attention to rule No. 10 of the Financial Rules which lays down that the Revised Financial Statement shall be presented to the Council on a day not later than the 13th day of March.

The Honourable Mr. PATEL:—I am aware of it, but the trouble is not of my creation and I think the presentation of the Revised Financial Statement can be adjourned and a meeting of the Finance Committee called again.

His Excellency the PRESIDENT:—Is the Honourable Member of opinion that we can over-rule the rules?

The Honourable Mr. PATEL:—I say that the Honourable the Finance Member has ignored the rules and, therefore, there is no other course for me but to move an adjournment.

His Excellency the PRESIDENT:—The first proposition is entirely a matter of opinion. But as President of the Council I am entirely disinclined to ignore the standing rules. If the Honourable Member wants to move an adjournment I must ask him to move another resolution.

The Honourable Mr. PATEL:—Do I understand that Your Excellency suspends rule 7 of the rules under which I am entitled to bring this motion? Under rule 7 I am entitled to move this proposition but Your Excellency has got power to suspend the rules. Rule 45 says that the President may, for sufficient reasons, suspend any of the foregoing rules, and if Your Excellency wishes to suspend this rule, of course, I have nothing to say.

His Excellency the PRESIDENT:—But the Honourable Member must remember that in this discussion we must go by the Financial Rules, and under rule 37 of the Financial Rules, the President may, for sufficient reasons, suspend any of the foregoing rules. I must tell the Honourable Member that I think he has raised entirely a new proposition in the Legislative Council which is peculiarly interesting. I think it would, perhaps, be interesting to Honourable Members if they were to hear the reply of my Honourable Colleague to the Honourable Member, and then I will consider the suggestion which my Honourable friend has made.

The Honourable Mr. G. CARMICHAEL:—May it please Your Excellency,—I am quite prepared to admit that the Honourable Mr. PATEL has stated his case very fairly but I think he has omitted to remember one particular condition of the Finance Committee and that is it is an informal body and the discussions in it are informal. Rule 6 says that the first business of the Finance Committee is to consider the provision made under the head "unallotted expenditure." In Bombay we have taken pride in the fact that we have gone beyond this particular rule in the discussions of the Finance Committee and made modifications in our proposals in accordance with the recommendations of the Finance Committee not only with regard to unallotted expenditure but with regard also to what is put down as obligatory. Our meeting this year considered the whole of

the new proposals which were very extensive, because this year we were in the fortunate position of having rather more money than we could dispose of and at the end of that discussion when all the items had been discussed and the details settled, the Honourable Mr. PATEL, as he has told us, brought forward certain propositions and intimated that he wished to discuss certain items which have been in the budget for several years past. Personal assistants to the Collectors, for instance, have been provided for in the budget for years past and also Resident Magistrates. Now, it did not seem to me to be fair on the Finance Committee to impose on it the task of the discussion of the whole of the expenditure of the Bombay presidency. The Honourable Mr. PATEL has told us that it was open to him to bring specific resolutions in regard to any item in the budget, and for these reasons in the exercise of what I thought was the power given to the Chairman of the Finance Committee under the rules I disallowed the discussion of the proposals he brought forward.

His Excellency the PRESIDENT:—I think in regard to the particular motion that the Honourable Member has moved I must lay down this ruling that he will observe, as Honourable Members will all observe, that there are particular rules for particular discussions in this Council. There are particular rules with regard to discussions of financial propositions and particular rules with regard to discussions of resolutions; the discussions of financial matters must be governed by the financial rules and the discussions of resolutions by the Resolution rules. The general rules for the conduct of business must be for the guidance of Honourable Members generally and of the President in particular. So I must ask the Honourable Member that, if he wishes to bring forward a motion now on this particular matter, he must move it under some clause in the financial rules.

The Honourable Mr. PATEL:—I bow to Your Excellency's ruling, but I find that under the financial rules I cannot bring forward any such motion.

His Excellency the PRESIDENT:—I quite see the Honourable Member's difficulty, but we are under certain orders with regard to the sending up of our Financial Statement and we must abide by the financial rules in regard to that matter.

The Honourable Mr. PATEL:—Am I to take it that it is Your Excellency's ruling that I cannot bring this motion?

His Excellency the PRESIDENT:—Yes, that is my ruling.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE:—Your Excellency,—Will it not be possible to get the Honourable Member in charge of the Finance Committee to move his Financial Statement first and then allow the Honourable Mr. PATEL to move that further discussion of the Financial Statement may be postponed?

His Excellency the PRESIDENT:—The same difficulty will arise then also. We have to get through our Revised Financial Statement on a particular day according to the rules, and if we are going to postpone the discussion of that we will get into difficulties as Honourable Members will see.

The Honourable Mr. BHURGRI:—Is it the ruling, Sir, that the rules for the conduct of Council business do not apply when the Financial Statement is under consideration?

His Excellency the PRESIDENT:—My general position is this, that when we are discussing Finance, the Financial Rules are to be observed and they do take precedence over the general rules for the conduct of Council business, for the purpose of discussion of Finance.

His Excellency the PRESIDENT:—The Honourable Mr. CARMICHAEL.

The Honourable Mr. G. CARMICHAEL:—May it please Your Excellency,—I have the honour of presenting to this Council the Revised Financial Statement

for the year 1917-18. Copies of the Statement were supplied to Honourable Members last week but the figures therein shown require amendment in accordance with the amending memorandum issued yesterday, the 12th of March, copies of which and of the Financial Statement have been placed on the table.

The budget has been prepared on the assumption that the war will continue throughout the year and for the third year in succession expenditure has to be restricted in the interests of Imperial finance. We have to adjust our expenditure so as to leave with our bankers, the Government of India, as large a balance as possible in order that they may more readily finance the heavy demands upon them arising out of the war. When last year's budget was under preparation drastic retrenchments had to be made to bring the proposed expenditure within the limits of the expected revenue. This year the financial conditions are considerably easier. A most welcome expansion of revenue, coupled with the effect of the economy which we have been practising in the past two years and more, has removed the excessive stringency of which my Honourable colleagues complained so bitterly last year. It is therefore proposed to take advantage of the improvement in our financial position by making good again past retrenchments where these seem likely to have a deleterious effect on the progress of the presidency and by making some provision for the further development of our resources. Financial help is needed too for the scheme for the advance in local self-government and the opportunity has been taken to provide for some long delayed improvement in pay in some of the lower ranks in Government service. It has been found possible to propose new expenditure in these directions and at the same time to keep well within the estimated revenue. A surplus is not usually a satisfactory or legitimate feature in a Provincial budget, but the case is, I submit, entirely different when it is the result of restrictions on expenditure imposed on us in the interests of imperial finance.

The Finance Committee, as I have just said, in reference to the Honourable Mr. PATEL'S motion, had this year greater scope for their labours than they had last year, and I take this opportunity of expressing my appreciation of the great assistance they rendered in weighing the various proposals for new expenditure and in settling the details of the Draft Financial Statement. I must also thank the Honourable the Chief Secretary and the staff working under him for the invaluable help they rendered.

Taking first the revised estimates for the current year, it will be seen that when the actuals for 1915-16 became available the estimated balance of Rs. 1,43,65,000 to be carried over from that year into the current year was converted into an actual opening balance of Rs. 1,77,01,000—an improvement of Rs. 33,36,000. The revenue budget of the current year was for a revenue of Rs. 7,51,60,000. On the basis of actual receipts up to date it is now estimated that the revenue will reach the figure of Rs. 8,01,25,000. The important variations are a decrease of $5\frac{1}{2}$ lakhs under Land Revenue and large increases under Stamps ($6\frac{3}{4}$ lakhs), Excise (32 lakhs), Income-tax (Rs. 13,85,000) and Forest ($5\frac{1}{2}$ lakhs). Under Land Revenue the receipts were affected by larger recoveries in the closing months of last year, leaving less than was anticipated for recovery in the current year. It has further been necessary to provide for some suspension of revenue owing to the damage done by the excessive rain in parts of the Southern Maratha Country. A Press Note giving an account of this misfortune has just been published at the instance of the Honourable member representing the Local Boards of the Southern Division. The head "Stamps" was one of those directly affected by the war and the improvement under the minor head "Sale of General Stamps" indicates a return to at least the normal amount of business. The "Excise" head also suffered when war broke out, and a cautious estimate seemed necessary last year, but the increased rate of taxation and the good season have more than made good the set-back. Under Forests a good demand and greater activity in exploitation of timber have been responsible for the improvement. Out of the

increases, 40,000 under Excise and 8 lakhs under Income Tax are to be transferred to Imperial as being due on account of the new taxation brought into force in March 1916. These adjustments are made under Transfers between Imperial and Provincial, in which ledger there is another entry which may be mentioned, namely, the sum of Rs. 1,25,000 which is refunded to Provincial, being one half of the expenditure in connection with purchases of fodder for famine in 1915-16 which were made in anticipation, happily unrealized, of a fodder famine in Gujarat. The Government of India have undertaken to bear half the total expenditure incurred on this account.

On the expenditure side of the budget the total budgeted for in the current year was Rs. 7,54,10,000. It is now anticipated that not more than Rs. 7,36,05,000 will be spent before the end of the current year. This saving is due mainly to an under-estimate of the savings likely to accrue on account of the salaries of civil officers who have gone on military duty and also to the fact that the Police force, owing to difficulties of recruitment, is considerably under sanctioned strength.

Thus instead of closing the current year with a deficit of 2½ lakhs, it is expected that the revenue will exceed the expenditure by Rs. 65,20,000. Adding this to the opening balance of the year, the estimated closing balance on 31st March 1917 is Rs. 2,42,21,000.

The revenue budget estimates for 1917-18 follow fairly closely the revised estimates for 1916-17. The estimate is for a revenue of Rs. 8,05,34,000 allowing for two Imperial assignments totalling 4 lakhs altogether—a recurring assignment of 2½ lakhs for improving the pay and for the training of teachers and a non-recurring assignment of 1½ lakhs out of the profits of the Government of India's wheat purchase scheme. This latter assignment is earmarked for expenditure for the improvement of agriculture. On the other hand Imperial revenues take through the Transfer head another 1½ lakhs on account of receipts from the graduated Income Tax which was introduced in March last. The total amount which they propose to take under this head is thus raised from Rs. 18,40,000 of the budget estimates for 1916-17 to Rs. 26,40,000 in the revised estimates and to Rs. 27,90,000 for next year.

On the other side of the account we budget for an expenditure of Rs. 7,88,24,000 an increase of 52 lakhs over the amount which it is calculated will be spent in 1916-17. This leaves a surplus of revenue over expenditure amounting to Rs. 17,10,000 and brings our closing balance to Rs. 2,59,31,000. We are very fortunate that in the midst of the great struggle which is going on we have so far had good seasons. The war has not affected the prosperity which good harvests bring to our trade and industries. It has on the contrary stimulated effort both on the part of private enterprise and of Government to develop our resources. This, together with the economy which the war has enforced, will place us in a favourable position when we have to face a series of lean years such as we know from the past are likely to come upon us.

I now proceed with the detailed consideration of the budget heads relating to the departments of which I am in charge. These heads will be taken in the order given under section 3 of the Revised Financial Statement, page 25. Under "Refunds" and "Assignments and Compensations" there is nothing to add to the information given in paragraphs 23 and 24 of the Revised Financial Statement. Under "Land Revenue" we budget as usual on the assumption of a normal monsoon and the figure adopted is practically the same as was adopted for the budget of the current year. The revision settlements which came into force from the beginning of the current year will have a fuller effect next year. I may also notice the effect of the breaking up of considerable areas of waste land for cotton cultivation which is taking place in Gujarat. On the other hand, as will be seen from the table in paragraph 10 of the Revised Financial Statement the outstanding balance from previous years is no longer at a high figure even allowing for

the suspensions granted on account of damage by floods in the Southern Maratha Country. On the expenditure side, we take account of a saving of Rs. 2,78,000 due to the large number of officers who have gone on military duty and provision is made for a larger expenditure on the construction and repair of village chávdis. This particular item was cut down very drastically last year and this year we are able to make fortunately provision for this very necessary purpose. We also provide money for the long deferred scheme of improving the pay of village accountants in the Kanara, Kolaba, Ratnagiri and Darwar districts in order to make their position equal to that of the village accountants in the other districts of the presidency.

Under Stamps I have nothing to add to the note in paragraph 26 of the Revised Financial Statement.

Under Excise the decrease in the receipts which occurred after the outbreak of the war and the seemingly slow rate of recovery in 1915-16 necessarily induced a cautious estimate for the revenue in 1916-17. The budget for that year was put somewhat below the revised for 1915-16 but the revenue of 1915-16 was better than the revised by over 7 lakhs and the revised for 1916-17 is now 32 lakhs more than was estimated in the budget. Out of the increase, Rs. 40,000, realised from increased taxation imposed last year on Indian beers excised at tariff rates, is passed on to Imperial through the transfer head. The Excise administration report for 1915-16 shows that the increased revenue in that year was obtained on a markedly lower consumption of country spirit and that the policy of encouraging the sale of weaker at the expense of the stronger spirit had met with considerable success. Further measures will be taken in the same direction from the beginning of 1917-18. I may mention one fact, namely, that leaving out of account the number of liquor shops in Bombay city, of the remainder in the presidency proper one-fourth are now selling nothing but the weaker spirit.

On the expenditure side provision is made for the scheme which has been worked out for the amalgamation of the Salt and Excise departments, proposals for which have been submitted to the Government of India and we are awaiting final orders in the matter. The Honourable Mr. UPASANI has intimated by letter that he does not think there is immediate necessity for the amalgamation scheme or for the creation of three new Deputy Commissioners. I may take this opportunity to reply to him. The point about the scheme is that the cost, after amalgamation, will not be greater than the total present cost of the two departments, one of which is paid for by Imperial and the other by Provincial. In the adjustment of the combined cost, for facility of division, a proportion is taken which gives some advantage to Imperial. This is not unfair when it is remembered that the amalgamation is designed to improve the morale of the Excise Department which at the present moment, there is reason to believe, is not so good as it should be. I am confident that the scheme will greatly improve the Department and bring it to the same level of efficiency as has been attained by the Salt Department.

Under Assessed Taxes I again may take the Honourable Mr. UPASANI'S letter as a text. He points out that the Income Tax for 1917-18 is taken at 66 lakhs as against Rs. 33,46,000 the actuals for 1913-14, and he fears that the increase of 100 per cent. is excessive in view of the dislocation of trade and commerce during the last three years owing to the war. As the amending memorandum shows the budget for next year has now been raised to Rs. 67,50,000. It is not in our province to impose this additional taxation. Additional taxation has been imposed for the benefit of the Imperial Government. Even if the taxation had been assessed at the old rates there is no doubt that there would have been an increase. Out of the Rs. 67,50,000 which is entered in the budget for next year Rs. 27,90,000 is due to the new taxation on the graduated scale introduced in March last. The balance Rs. 39,60,000 may be taken as the figure which would have been reached if the old rates had remained in force. This is Rs. 6,14,000 in advance of the accounts for 1913-14 the year which the Honour-

able Mr. UPASANI takes as his starting point, and as Income Tax is a divided head to get the total increased taxation under the old rates we have to double the amount, arriving at the figure Rs. 12,28,000 which will represent the increase and as we know this increase is assessed on incomes actually received it follows that there has been a considerable improvement in the trade and commerce in our presidency in spite of the war.

On the expenditure side under Assessed Taxes we provide a very small increase compared to the very large increase in revenue—a small increase that has been found necessary to deal with the greater volume of business transacted in the Income Tax Collector's office.

Under Forests the revised estimates show a substantial increase in receipts over the budget for the current year and it is expected that the increase will be maintained next year. Increased provision is proposed for additional staff and new works required for the development of the valuable forest properties which we possess. His Excellency visited Kanara during the year and stimulated the attention which is being directed to the measures required for improving the means of extracting timber, transporting it and putting it on the market. One of the best of our young engineers in the Public Works Department is at present in Kanara doing the work of a forest engineer. The Inspector General of Forests has just completed a tour of the forests in the Presidency proper, and we shall shortly have the advantage of seeing his report. I am confident it will prove to be full of useful and stimulating suggestions which will assist us in laying down a broad policy for future development. Again, in order to assist the Army, Department, who have to provide very large quantities of timber for the army, in obtaining from the Bombay forests as much of their timber requirements as these forests can supply we have lately lent that department the services of one of our Forest officers.

Under Registration I have no remarks to add to those that appear in paragraph 30.

Under Interest the noticeable feature is the steadily decreasing balance in the Provincial loan account due to the smaller demands we are making on Imperial for money to lend to cultivators and to local bodies.

Under General Administration, save for one item, the changes are merely matters of accounting. The new item is the provision for the deputation of an officer to work out detailed proposals for the revision of the Municipal and Local Board Acts which is required in view of the advance being made in the sphere of local self-government.

The Honourable Mr. MAHADEV BHASKAR CHAUBAL :—Your Excellency,—I now rise to deal with the next head of the budget, which is Law and Justice and Courts of Law. Honourable Members will find the main features of this head for 1917-18 dealt with in paragraph 34 of the Revised Financial Statement at page 30 and on page 9 of the introductory remarks of that Statement in paragraphs (*e*) and (*f*).

On the Revenue side it is dealt with under head XVI-A. The only feature worth noting on this side is that the anticipated revenue is better for the next year than the budget provision for the current year by Rs. 50,000. This increase is anticipated mainly under the sub-head "Magisterial Fines," as explained in paragraph (*a*).

On the expenditure side it is dealt with under head 19-A. Here you will see that the budget provision for the next year (1917-18) is more than that for the current year (1916-17) by Rs. 18,000. That for the current year was Rs. 57,55,000 while for the next year Rs. 57,73,000 has been provided for the estimated expenditure. This increase of Rs. 18,000 is due partly to some new provisions and partly to slightly larger provisions on account of some of the older and usual items of expenditure.

Two of the items which have caused this increase perhaps deserve mention. The first relates to the improvement in the remuneration of Public Prosecutors and their assistants in Criminal cases. Members of this Council are probably aware that at present the ordinary scale of remuneration to these officers is only Rs. 10 a day, in the Bombay Presidency excluding the Karachi District of Sind, where the scale of fees for the Public Prosecutor and his assistants was raised to Rs. 50 and Rs. 25 per diem in the year 1914. I may mention here that the scale of fees paid to these officers for criminal work varies in different provinces of India from Rs. 16 to 50 a day, so that you will realise that it is nowhere so low as in Bombay where it is only, Rs. 10 a day. This remuneration of Rs. 10 a day is given to persons who are generally senior practitioners in the district and bears no comparison whatever with the fees which their brethren at the Bar even junior to them who are engaged on behalf of the defence charge. Another feature which necessitates this provision is that on account of the feeling that this payment is too low Government have very frequent applications for sanctioning enhanced fees. Directly there is any case of importance conducted by any Public Prosecutor, an application is sent up to Government, with the support of the Sessions Judge, and District Magistrate, proposing payment of enhanced fees to the Public Prosecutor. Personally I would not say that even the proposed increase is liberal or even adequate, but it would go some way to relieve a standing grievance of these officers, that, if we make this provision for giving with this increase, Government at any rate will be in a position to scrutinise these applications for enhanced fees much more rigidly and we expect a corresponding diminution in the amount of remuneration which Government has to provide for on account of special enhanced fees to these officers. That is one of the items for which it has been considered desirable to make a provision of Rs. 20,000 in the next year's budget.

The other item is the provision of Rs. 8,088 for Personal Assistant Subordinate Judges. I might mention for the information of my honourable friend Mr. Upasani, who I find has alluded to this item in the letter which he has written to my honourable colleague Mr. CARMICHAEL, that this is not a scheme which is yet complete and finally sanctioned. It is a scheme yet under consideration between Government and the High Court, and the provision has been made on the assumption that the scheme if passed after consultation with the High Court, would probably have to be worked out at least partially during the next year. Though it is under consideration between the High Court and the Government, I have no objection to explain to this Council in short the main features of that scheme. You are aware that there used to be only one Inspecting Subordinate Judge for the four Deccan districts in which the Deccan Agriculturists' Relief Act was originally in force. Subsequently when the Act was extended to the whole presidency, three more Inspecting Subordinate Judges had to be appointed to cope with the work of the whole Presidency, and each of these Inspecting Subordinate Judges was placed in charge of four or more districts. Such of you as are conversant with the history of that piece of legislation, the Deccan Agriculturists' Relief Act, are probably aware that later on on account of the abolition of conciliators and village registrars and other changes in that Act, the main work which these officers used to do ceased, and the High Court under its powers utilised their services for other work of inspection and supervision over subordinate courts. One of their principal duties then became the supervision over and the inspection of the management of minors' estates. I cannot give this Council detailed figures, but when I looked into the matter I found that in addition to the minors' estates which are under the orders of a Court under the care and management of private persons Nazirs and Deputy Nazirs were frequently put in charge of these estates by Courts of Law. The number of such estates no doubt varies in different districts. In some districts they come to something like 200 or 300. Roughly I found that one Inspecting Subordinate Judge, taking only the estates which were under the management of Deputy Nazirs, had to deal with

something like 1,000 estates between the four districts in his charge and you can readily understand what a difficult, practically impossible, task it must be for one man to inspect, supervise, and look into the management carried on by a private manager or a Deputy Nazir in regard to so many estates. Government therefore concluded that these Inspecting Subordinate Judges could not efficiently cope with all the work involved, though no doubt these gentlemen were doing valuable work particularly in connection with minors and their estates which are in every civilized country the object of special solicitude and care on the part of the state and its Courts of Law. Again in every Judicial District there is an officer who is in charge of the District Judge's office establishment who is called the Sheristedar, or in some places the Clerk of the Court. In the staff of the District and Sessions Judge he is an important officer and is entrusted with important duties, but he is an officer who is generally selected, from the ranks and rises from a low position in the subordinate staff. It was thought that if these Sheristedars' places were abolished and also those of the Inspecting Subordinate Judges' particularly the latter with their travelling allowances, and that of their establishments and a Personal Assistant Subordinate Judge was given to each District Judge in his Judicial District it might be possible to get the work which the present officers carry on done much more efficiently and carefully than at present. It is therefore proposed to abolish these two sets of officers and substitute in their place fifteen Personal Assistants, one for each District. They would all be Subordinate Judges of the 2nd class but in different grades with an allowance in consideration of their having to live at a Sadar Station instead of a Taluka town. The advantage of the arrangement will be that the District Judge, who always complains of want of time for the administrative work of his district, will have a responsible officer of 5 or 6 years' experience to whom he can look for the performance of the more important duties now discharged by the Sheristedar and Inspecting Subordinate Judge. If you have one man who is in charge of one district, he can, I think, look more efficiently into the management of the minors' estates in that district and he can also be of use to the District Judge in taking charge of the more important work which the Clerk of the Court of the Sheristedar does now, and in order that there should not be a burden upon the rest of the staff provision is attempted to be made for slightly adding to the subordinate staff. One more clerk will probably have to be added. The cost of the present officers to Government which will be saved goes substantially towards meeting the cost of the new scheme.

That is the outline of the scheme which is under contemplation and which is under consideration between Government and the High Court. The Honourable Mr. UPASANI, I find, in his letter written to my Honourable Colleague proposes that this should not be done at once and should be tried as an experiment in some districts. Well, my answer is that, the scheme if sanctioned will in all probability have to be worked out gradually, if vested interests have to be safeguarded.

Well, these are the two main provisions which, as I said, are new.

Then with regard to the slightly larger provisions, for old items to which I have referred, these are, firstly, of Rs. 26,000 for the salaries of District Judges and Assistant Judges owing to more senior officers of the Indian Civil Service being on Judicial duty, and, secondly, of Rs. 10,000 for the entertainment of temporary Subordinate Judges and their establishments.

The increase in the expenditure budget for the next year is partially counterbalanced, in the first place, by the debit to the Major Head " 18-General Administration " of a 3/10 share (about Rs. 30,000) of the total cost of the combined office of the Secretary to Government in the Legal Department and the Remembrancer of Legal Affairs, since this is done in other Indian Provinces

and is considered to be a proper way of debiting these charges; and, secondly, by a lump deduction of Rs. 20,000 for probable savings in the salaries of District and Assistant Judges; and, thirdly, by a smaller provision of Rs. 8,000 being made for payments to officers of other provinces.

These are the main features of the budget estimates for the ensuing year. The estimates have been framed on the assumption of the continuance of the war throughout the year; and owing to the financial stringency strict economy has had to be observed and all expenditure which can be postponed without grave inconvenience has been postponed till after the conclusion of the war. I need not detain the Council long on this Major Head, as, with the exception of the items I have already mentioned, no provisions of any importance have been made. A few other items have no doubt been entered, but they are of minor importance and I need not trouble the Council with the recital thereof here beyond mentioning the fact that even in their case the only standard followed in providing them is their immediate necessity. The current year's provisions have generally been repeated with slight increases, where necessary, either on the basis of actuals or because the increases were of pressing urgency.

The Honourable Mr. G. S. CURTIS:—May it please your Excellency,—The next head of accounts is Law and Justice—Jails 19-B. On the revenue budget it is to be noted that the decrease occurs chiefly under "Hire of Convicts" due to the withdrawal of prisoners for enlistment in the Prisoners' Labour Corps at Busra.

On the expenditure side there is slight increase. The main causes are due to the great rise in prices of certain articles of diet and constant increase in the cost of raw materials required by certain jails for manufacturing purposes; also to certain other special grants. Among these the following are of interest:—

The provision of Rs. 2,596 for increase in the allowances of the Assistant and Sub-Assistant Surgeons attached to prisons and convicts' gangs. These officers have to work longer and harder and their allowances are smaller than in any other form of service in which they are usually engaged.

The provision of Rs. 1,296 for the grant of local allowances at the rate of Rs. 2 each per month to 54 warders of the Thána Special Prison. These allowances are intended to compensate the men for the high prices of the necessaries of life in Thána.

The third item of special interest is the grant of Rs. 9,000 to the Juvenile Jail at Dhárwár. The fourth is the grant-in-aid of Rs. 8,000 to the American Maráthi Mission in connection with the proposed transfer to it of the management of the criminal tribes' settlement at Sholápur. The Council will remember that these criminal tribes for a long time have been under the management and control of Mr. STARTE with great success. This proposed transfer is the result of a settlement arrived at by Mr. STARTE. It is hoped that if the non-official agency in this instance proves a success it may be possible to hand over other similar settlements to similar agencies.

The increase on the expenditure side is partly counterbalanced by the absence of the current year's non-recurring grant to the Salvation Army in connection with the Industrial Home for Released Prisoners in the Bombay City. In this connection it will be convenient to deal with an item of special interest under 32, Miscellaneous. Under this head a provision of Rs. 24,600 has been made as a grant to the Salvation Army in aid of the construction of a new building for the European Workhouse for Males, Bombay. The present Workhouse being housed in an insanitary building, it is to be replaced by a new Workhouse which is to be built by the Salvation Army, the expenditure for running the institution being borne by Government as hitherto.

REVISED FINANCIAL STATEMENT: REDUCTION FOR C. I. D. AND SECRET SERVICE.

[*Mr. G. S. Curtis; Mr. Munmohandas Ramji.*] [13TH APRIL 1917.]

The next head of account is No. 20-Police. The figures of total expenditure under this head of account in the current and ensuing years' budgets are—

	Rs.
1916-17	1,10,09,000
1917-18	1,12,49,000

The increase in the expenditure budget as compared with the current year's budget is thus 2,40,000. The items which have contributed to this increase will be found enumerated at page 32 of the revised financial statement. Of those the grant of the local and hutting allowances is urgently necessary in view of the numerous vacancies and the difficulty of recruiting. Larger provisions are also considered necessary for clothing charges, petty construction, contingent charges and rewards to policemen in the interests of police efficiency. The provisions for the revision of the Prince's and Victoria Dock Police and rent of sites leased for buildings for that police amount to Rs. 40,000. The Prince's and Victoria Dock Police Scheme which has been sanctioned by the Secretary of State for India is estimated to cost Rs. 1,10,600 a year. A portion of it, involving an expenditure of Rs. 56,561 a year, has been already introduced. A provision of Rs. 20,000 is made in the budget for a further instalment of the scheme. One-half of the expenditure is recoverable from the Port Trust.

A further item of interest is the establishment of the Criminal Settlement of Berads at Khanapur which has been sanctioned with the view of reclaiming this criminal tribe. It has been located at Khanapur because it is conveniently situated with regard to certain forests, the extraction of fuel from which will afford ample employment. The measure is expected to bring in a revenue which will more than cover the expense incurred on it.

An increased provision of Rs. 11,400 is made for the staff of the Bombay Criminal Investigation Department which has been necessitated by the enormous volume of extra work due to the war.

Lastly, it is proposed to grant free diet to sick policemen entitled to hospital leave. The excess expenditure entitled by the above measures has been partially counterbalanced by the omission of provisions for the Police Training School and further police reorganization and reduction in the strength of the Criminal Investigation Department of the Bombay Presidency, and smaller provision for mounted police.

Under sub-heads Ports and Pilotage—21, I have no remarks to make.

The Honourable Mr. MUNMOHANDAS RAMJI:—Your Excellency,—I beg to move an amendment to the Financial Statement:—

"That the totals of expenditure for the Police Department be reduced by Rs. 33,200, the reduction to be effected by deleting item No. 85 in the statement B relating to the temporary increase in the staff of the Criminal Investigation Department of the Bombay City Police and providing for a non-recurring grant of Rs. 11,400 and by deleting also the item of secret service money providing for Rs. 21,800."

The ever increasing expenditure of the Government, specially expenditure for what may be called the spending Departments, has called forth on not a few occasions in the past strong protest from non-official members of the Council. The concern of these representatives of the public is particularly great as this expenditure proves a retarding factor in the way of the progress of education and sanitation. The Police Department is one of these Departments which are favoured with big increases and in this Department itself the section of the Criminal Investigation Department claims an ever growing expenditure. From the *statistical tables which I have annexed to my speech it will be seen that the expenditure for the Criminal Investigation Department was Rs. 69,923 in 1909-10

* *Vide* Appendix.

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from which it rose upto Rs. 3,44,000 in the Budget estimates of 1915-16 and to Rs. 3,50,000 in 1916-17, the increase being almost 500 per cent. The percentage of this increase is the largest of all the different Provinces, a fact on which we cannot congratulate ourselves. I cannot understand why with the heavy annual expenditure allotted to it we should have a proposal for an incresse of Rs. 11,400, though temporary. Cannot two or three Inspectors be released from the large staff for the temporary war work for which increase is wanted! As to the work which is being done by this Department, remarks will be found in a paragraph dealing with it in the Administration Report of the Presidency of Bombay, for 1915-16 which runs thus:—"This Department, which included a temporary staff for dealing with Pathans, dealt with 85 criminal cases during the year, besides scrutinising plays, seizing proscribed books and pamphlets and rendering assistance to the Mofussil Police and the Police of other Presidencies." This works out at Rs. 4,046 per one Criminal inquiry. The specific amount of work for all these sundry things is not mentioned from which, it can be inferred that it must not have been of an abnormal nature. It amounts to this then that for the investigation of 85 criminal cases this costly expenditure of Rs. 3,44,000 is maintained. I hope I have sufficiently shown the justifiability of the first part of my amendment.

Coming to the second part of my amendment about the secret service money the allotment for this too has increased from Rs. 10,539 in 1911-12 to 21,800 in the estimates of 1915-16 and 1916-17 though here Bombay does not top the list, this place being taken by Bengal. I need not, I think, refer to the fact that this secret service money acts often as an inducement to the unscrupulous to trump up false charges against some people and bring them into trouble. No other section of the Police Department like the Railway Police, the District Police, etc., needs this secret service money for carrying on its investigations. I cannot understand why the Criminal Investigation Department only should require it and that too to such a large amount. I hope that on the grounds I have shown my amendment will be accepted by this Council

The Honourable Mr. GOKULDAS KAHANDAS PAREKH:—May it please your Excellency,—I beg to support the resolution that has been moved by my Honourable friend Mr. MUNMOHANDAS I will state briefly the grounds upon which I support this resolution. I have not the slightest doubt in saying that the Criminal Investigation Department is a very useful department. There are circumstances under which the trained help of people of that department is absolutely necessary, thus for instance the case like the Bhamta case where there was a network of conspiracy all over the country. For the detection of offences of that kind and bringing criminal gangs of offenders to justice I should think a department of that kind is absolutely necessary. Numbers of cases may be mentioned which would show the necessity for a department of police of this description. But like all departments, one has to see that it is not over-manned or over-officered, and if it is over-officered and over-manned, the result would be that these people will create work for themselves for the purpose of justifying their existence. There have been many instances which show that this department is really over-manned and over-officered, and therefore the members of this department apply themselves to work which I should think is altogether unnecessary. We had before us the example of my late friend the Honourable Mr. GOKHALE. He had to say in the Imperial Council that he himself had been shadowed. The fact had to be admitted and the excuse, which I do not think any man will accept as a right excuse, in reference to Mr. GOKHALE was that it was more for the purpose of his protection than for the purpose of shadowing him. Further there have been cases like the case of the Honourable Mr. WACHA and the case of my friend the late Honourable Mr. KHARE who were shadowed from time to time, and the humble person who now addresses this Council has not been below their attention (laughter). I should consider that they have so little

to do that it becomes necessary for them to go after people whose honesty, whose loyalty and whose love for the country could hardly be doubted. I think there is one great additional harm which the excess of men and the excess of officers in this department is likely to cause. It will create bad feelings between Government and the public men of the country. It will create in the minds of the officers of Government a suspicion about the public men which they would not be able to answer and will leave a bad impression on Government about them. I think that the engagement of an excessively large number of employés in the Criminal Investigation Department is highly injurious to the public interest and I think the over-officering and over-manning of that department ought to be stopped as much as possible.

The Honourable Mr. G. S. CURTIS:—May it please your Excellency,—I call the attention of the Council to the resolution which runs as follows:—That the totals of expenditure for the Police Department be reduced by Rs. 33,200, the reduction to be effected by *deleting* item no. 85 in the statement B, relating to the temporary increase in the staff of the Criminal Investigation Department of the Bombay City Police and providing for a non-recurring grant of Rs. 11,400, and by *deleting* also the item of secret service money providing for Rs. 21,800.

Now, Sir, in a matter of this sort it is always difficult to speak in defence of the grant, and the difficulty is increased in this particular case, because, whereas the Resolution purports to continue the grant for the whole Presidency, the detailed reductions proposed are entirely those in the grant for Bombay City.

With the permission of this Council, I will deal first with the provision for Bombay City. The provision of Rs. 11,400 which is proposed for the Criminal Investigation Department of the Bombay City only, is, I should like to inform this Council, entirely necessitated by the large increase of work involved by the war. It would probably be realised by Hon'ble Members of this Council that there is an immense amount of work which has devolved upon the police in consequence of the despatch from Bombay of three big expeditions, one to the Persian Gulf and Mesopotamia, and the other two to East Africa and Arabia. It is consequently necessary to keep a very close watch on foreigners of all nationalities, European and others who are in Bombay, lest untoward accidents might occur which might affect the safe despatch of troops to the head-quarters of war operations. I think, Sir, I need not say more as Hon'ble Members will realise at once the immense amount of harm that evil disposed persons might cause if the vigilance of the police was relaxed, having regard to the number of steamers which leave the Bombay harbour almost every day for different theatres of war.

The Commissioner of Police has so far asked for this small sum of Rs. 11,400 for expenditure. I think, Sir, that this Council will agree with me that this demand is extremely moderate and had it not been for the high level of efficiency at which the force is maintained and the great devotion with which they work, it would probably be necessary to raise this amount five-fold. Remembering that Bombay is the second city of the Empire and the head-quarter port for the embarkation of troops, I doubt whether there is any other city in the world where, with the vastness of the war at present in progress, such a small addition to the expenditure on the police would be complained of.

We have seen, Sir, from our telegrams and from what we have read in London newspapers, what has been happening in England. Well, Sir, so far, we have been spared anything similar here in Bombay, and I hope we may long be so spared. But, Sir, it is necessary having regard to the existence of the war and the fact, as I said, that Bombay is the head-quarters for large warlike operations, that the police should be continually strengthened, and for this purpose separate establishment will have to be granted.

REVISED FINANCIAL STATEMENT: REDUCTION FOR C. I. D. AND SECRET SERVICE.

[*Mr. G. S. Curtis; Mr. Munmohandas Ramji.*] [13TH MARCH 1917.]

Now, Sir, as regards the grant for the Criminal Investigation Department for the Presidency in general, the Honourable Member (the Honourable Mr. MUNMOHANDAS RAMJI) has not been quite fair in the figures which he has quoted in the statement which he has placed before the Council. He has mentioned that the estimate for 1916-17 is 3½ lakhs. As a matter of fact if he will turn to the revised estimate, he will see on page 52 of the Revised Financial Statement that the revised estimate for 1916-17 amounts to 3 lakhs, 22 thousand only. This, I think, shows—what is a fact—that very great care has been taken to keep down as far as possible, the expenditure incurred on this department and to see that it is not over-manned or over-officered. I was very pleased to see the Honourable Mr. PAREKH getting up and paying a tribute to the usefulness of the Criminal Investigation Department. But he mentioned only the Bhamta cases. I was somewhat surprised that he had no knowledge of the very interesting and good work which was effected during the past few years in his native city. The Honourable Member is not probably unaware of the Umreth forgery cases which, after five years of investigation and careful inquiry by the Criminal Investigation Department, have now been brought to a successful issue, and in the case of the last one of which the experienced Judge of Ahmedabad has specially commended the skill and industry with which the investigation had been carried out. In that case at any rate, the Criminal Investigation Department have accomplished work of very great usefulness to Umreth in particular and to society in general.

As regards the secret service money, to which the resolution refers, it will be seen that the grant is Rs. 12,000 for the Presidency proper and Rs. 9,000 for the Bombay City. Once more I trust the Council will agree with me that in the City of Bombay a grant of Rs. 9,000, *i.e.*, £600, for secret service money, when a great war is in progress, is extremely moderate. I think it may be necessary to increase it later in the year. But, Sir, for the present it is a matter of the greatest congratulation, a fact which, I think, we as members of this Council and citizens of Bombay have every reason to be proud that the police in Bombay have managed to get through this year with £600 for secret service money.

As regards the cost and efficiency of the department in the Presidency in general, it is rather difficult for me to meet insinuations of the Honourable Member with regard to the shadowing of various persons. I was not aware till this moment that the Criminal Investigation Department were devoting any of their attention to his movements, and I will certainly arrange that in future he shall not be shadowed. His Excellency the Governor is also, I believe, watched carefully when he moves about, and if Honourable Members find that they are also subject to the attention of the police, they must remember that after all they are in distinguished company. But, Sir, in general I venture to dispute the proposition that the scale of our Criminal Investigation Department is at all out of proportion to the size of the Presidency or the importance of the work that is entrusted to them. As 'civilization' develops it is necessary that the police department should be furnished with detective staff who are fully equipped by training and by skill to deal with cases such as the Bhamta and the Umreth forgery cases and others occurring from time to time.

I submit, therefore, that the grant at present allowed to the Criminal Investigation Department in this Presidency, the revised estimate for which is only Rs. 3,22,000, the actuals for 1915-1916 being Rs. 3,36,000, is extremely moderate, and I move, Sir, that this resolution be rejected.

The Honourable Mr. MUNMOHANDAS RAMJI:—Your Excellency,—In reply I have to say that I do not object to the grant of this expenditure to this department. I appreciate the work but my suggestion is simply this, that it is only intended for the maintenance of two new officers during war time, and if the police had a mind they could have spared two officers from other departments and saved this amount of Rs. 11,400 which is proposed as a non-recurring grant.

REVISED FINANCIAL STATEMENT: REWARDS TO POLICEMEN.

[13TH MARCH 1917.] [*Mr. Munmohandas Ramji; Mr. Shridhar Balkrishna Upasani*]

My object in bringing before this Council this resolution was that, knowing as I do that the Education Department and other useful Departments suffer owing to want of adequate grants on account of the curtailment of expenditure during the course of war, I thought that this Department might make its own arrangement to cope with the additional work and save this sum of Rs. 11,400. The reason for suggesting the other item the deletion of which I have advocated is this, that this money is not well spent and the Department is going on increasing every year, and therefore, with a view to check the Department I brought this resolution. After hearing the explanation given by the Honourable Member in charge of Police I beg to withdraw this resolution.

The resolution was by leave withdrawn.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—May it please your Excellency,—The resolution which I have the honour to move runs as follows:—

"This Council recommends to His Excellency the Governor that the provision made under item No. 87* in statement B of the draft budget statement be omitted."

My Lord, this item No. 87, which forms the subject of my resolution, refers to a provision of Rs. 10,000 made for rewards to policemen. This amount is proposed in addition to a sum of Rs. 30,000 which is usually sanctioned for that purpose. The question is whether it is necessary to increase that amount. The reasons given are that the amount was fixed some years ago and is found insufficient to meet all the rewards recommended, and that it is necessary to increase that amount to meet the increase in the constabulary since sanctioned. My Lord, on reference to the last year's Police Administration Report we find that, out of the actual number of 1,056 officers and 23,863 men in the service, not less than 80 officers and 9,039 men were given rewards in that year. We further see that in the Southern Division the number of rewards during the year increased from 1,461 to 1,756 and in Sind from 1,652 to 1,742 and that, though there was a decrease in other Divisions, there was an increase of 62 in Ahmedabad District and that the percentage of officers and men rewarded to the actual force was 36·25 against 37 in 1914-15. These figures, my Lord, will show that even with the existing grant it is possible to provide for rewards for more than one-third of the actual strength of the force and this provision seems sufficiently reasonable. We have now to see whether the proposed additional grant is needed. This will depend upon a case being made out for recognizing the work of this constabulary in a more liberal manner than it is possible to do with the funds that have been sanctioned at present. Now as to the actual nature of the work of this force I beg leave to only refer to the observations recorded in the Government's own last Administration Report for 1915-16. This is what is said there. "The figures of punishments and rewards denote a distinct falling off in the discipline of the force both in the City (of Bombay) and in the mofussil. There was an appreciable increase in crime compared with the two previous years..... The most unsatisfactory features of the year, apart from the deterioration of the standard of discipline and conduct, were the fall in the percentage of the value of property recovered and the rise in the number of undetected cases." My Lord, in the face of this unsatisfactory work, is it desirable to increase the amount for rewards? My Lord, this unsatisfactory state of things is due to the manner in which the police re-organization scheme has been carried out so far. Complaints have been frequently made on this account not only by the outside public but even in this Council and the matter was the subject of a resolution moved by the Honourable Mr. KAMAT and again by the Honourable Mr PATEL in this connection. Looking to the large recurring and non-recurring expenditure to which Government is already committed on account of the police re-organization, I

* Additional provision for rewards to policemen.

REVISED FINANCIAL STATEMENT: REWARDS TO POLICEMEN.

[*Mr. Shridhar Balkrishna Upasani; Mr. Curtis, The President.*] [13TH MARCH 1917.]

submit it is high time to stop any further unnecessary expenditure under this head. The extent to which the police expenditure has increased will be seen, my Lord, from the fact that in 1907-08 the figure was Rs. 71,45,000 and last year it came to Rs. 1,02,81,000. This year that has been increased to Rs. 1,08,41,000, and in view of this large increase I particularly wish to draw Government's attention to the urgent need for close supervision and check over the ever increasing expenditure on this branch of the public service. Along with the item of Rs. 10,000 which forms the subject of my resolution, there is another item of Rs. 50,000.

The Honourable Mr. CURTIS:—I rise to a point of order, Sir. The Honourable Member is moving a resolution tor a reduction in the amount allotted for the grant of rewards. He is not entitled to go outside the immediate item to which he refers. The Honourable Member is referring to another item altogether.

His Excellency the PRESIDENT:—The Honourable Member must speak to his resolution.

The Honourable Mr. UPASANI:—I refer to the other item as part of my argument, not with a view to move that as part of my resolution. I want to point out that as a result of the re-organization, which has been carried out, there has been a serious increase in the expenditure without any corresponding improvement in the service and that being the case to ask what good will the proposed increase in the grant for rewards bring about? The total strength of the service is over 20,000 and rewards are only to be given for meritorious services but they are already being given to more than 33 per cent. of the force and th effect of this has been that instead of improving the service it has probably impaired its efficiency. We have seen that the prospects held out to the constabulary are so poor that it is not possible easily to get the right sort of men for it There has been difficulty in recruiting. Few people now come forward and we do not get men of the required standard. Men who are unfit have to be taken on and it affects not only the disciplinebut also the health of the service. Out of the total force not less than 2,762 men were below standard requirements at the end of last year. The entertainment of so many recruits below the required standard has added to the sickness and other failings in the force. In not less than 10 districts you will find the percentage of attendance in hospitals gone up to over a hundred and even to 195. Even in the best of districts, Dhárwár and Sátára, where the climate is known to be reputably the best, the health of the men is not good. It is, therefore, a question whether we can go on with the same policy. We find from the last report that out of 19,702 men who formed the actual strength of the constabulary, 2,795 individuals were recruits enlisted during the year; 4,070 of less than 3 years' standing; 6,954 of 3 to 10 years' service, and only the rest 5,883 of above that standing. Then as against 2,795 recruited during the year so many as 1,818 resigned, 225 were dismissed, 500 otherwise discharged, 58 deserted, 229 died and only 445 retired on pension, leaving 901 vacancies to be filled up at the end of the year. These figures show that the enlistment that now goes on is not satisfactory and we ought not to spend more money on further recruitment of unfit persons or on additional rewards to the force especially when its work has been so unsatisfactory as to call for unfavourable comment from Government. The best way would be to stop further recruiting of unfit persons and to go on with the improvement of the village police on whom the initial responsibility of preventing and detecting crime rests so far as the mofussil is concerned. There we have a service.

The Honourable Mr. CURTIS:—I rise to a point of order, Sir. The relative superiority of the village police and the district police is not a point for discussion under the resolution.

His Excellency the PRESIDENT:—I would ask the Honourable Member really to adhere entirely to the subject of his resolution.

REVISED FINANCIAL STATEMENT: REWARDS TO POLICEMEN.

[13TH MARCH 1917.] [*Mr. Shridhar Balkrishna Upasani; Mr. Kashinath Ramchandra Godbole; Mr. Balkrishna Sitaram Kamat.*]

The Honourable Mr UPASANI:—What I have been driving at is that, rather than spend sums which are not calculated to improve the service, save them and find a way to utilise them to improve the service, and that it is possible to do it if we begin with the village police. You will get in that force recruits of the right type of men at less cost than is incurred at present and we have no reason to doubt that all the proposed additional expenditure for rewards and recruiting would be saved. I do not want to take up more time, my Lord, but I say that if all these factors are taken into consideration it will be seen that the spending of this sum would not be in the best interests of the department or of the public and I think it would be much better to change the policy. Let us not go on with the present policy which I have endeavoured to show does not benefit the department or the public either.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE: Your Excellency,—I beg to give my support to the resolution which has been moved by the Honourable Mr. UPASANI. I hold, Sir, that in the case of all Government servants, the salaries that we give them are adequate for the performance of their duties and no public servant should expect any reward for doing his work well. It would be a wrong policy if Government were to give rewards to servants that do their work efficiently. I very much wish that the Honourable Mr. UPASANI'S resolution had gone further than it does. Instead of cutting down the proposed grant by Rs. 10,000, I wish he had put down in his resolution that the whole of the grant, which with the increment will amount to Rs. 40,000, should be struck out from the budget. It may be argued that in the case of low paid policemen who do their work properly, some special consideration should be shown. I think that the proper way of rewarding good work in such cases would be to give the men special promotions out of their turn. On the whole, considering that the police department has been recently re-organized and that the pays of constables, head constables and the whole constabulary have been lately revised, I think these rewards should be abolished altogether, on the principle that every public servant is supposed to do his work efficiently and satisfactorily for the salary that he gets.

With these remarks, Sir, I support the resolution that has been brought forward by the Honourable Mr. UPASANI.

The Honourable Mr. BALKRISHNA SITARAM KAMAT:—Your Excellency,—I should like to supplement the remarks of my Honourable friend Dewan Bahadur GODBOLE by a few figures drawn from the latest administration report of the Police Department. The Honourable Mr. UPASANI has more or less anticipated me by quoting from the latest administration report certain remarks made by Government themselves with regard to the discipline of the police force, namely, the figures of punishments and rewards, in which there is a distinct falling off. The Honourable Mr. UPASANI told us only the percentage of rewards, as given in paragraph 36 of the Police Administration Report. Here the Inspector-General of Police points out that the percentage of officers and men rewarded to the actual force stood at 36·25 per cent., which means that in this force every third man, or nearly so, got a reward in the year, either by money grant or by promotion. Now I shall give the other side of the picture so far as the efficiency of the police is concerned in the detection of crime; I turn to the same police report. I find that in the Northern Division the proportion of undetected crimes to real cases is something like 35 per cent.; in the Central Division it is 38 per cent.; in the Southern Division it is 25 per cent., and taking the percentage for the whole Presidency, the percentage of undetected crime to real cases works out at 39·1 per cent. Now, if according to the opinion of the Inspector-General of Police, every third man in the force is deserving of a reward, I really fail to understand why such a large percentage of crime should go undetected. I shall now

turn to the figures published in paragraph 35 of the same report. Taking Northern Division, Ahmedabad alone is responsible for 331 punishments in the force out of a total of 8,099. This shows, for instance, that Ahmedabad fairly heads the list. In the Central Division, Poona returns the largest number of punishments, namely 277. I do not mean to say that these figures are conclusive in showing that these rewards should not be given. I do not want to say that no rewards should be given to any one at all. As far as I can see the proportion of punishments dealt out by the department is very small, while the proportion of rewards is exceedingly liberal. Therefore I say that the increase of this provision for rewards to the police from Rs. 30,000 to Rs. 40,000 is entirely unjustifiable. If there are cases where Government think it necessary to reward the police for heroic work, I would rather stick to Rs. 30,000, a provision that seems to me to be ample. I am not prepared to go the whole length of my Honourable friend Dewan Bahadur GODBOLE when he says that no Government servant, especially in the police department, should get any rewards at all. There are occasions when a particular behaviour require some sort of encouragement, but the proportion of rewards should be kept down as low as possible, and if we judge by the figures dealt with, it seems to me that Government is over-liberal in making provision for rewards, especially money rewards to the police department.

The Honourable Mr. G. S. CURTIS:—Your Excellency,—As I understand it, the supporters of this Resolution have urged two main principles. First of all, that no Government servant should, under any circumstances, get more than his monthly salary. Secondly, that where the number of punishments happens to be rather large the number of rewards should be correspondingly reduced. Now, as to the first proposition, which was enunciated by the Honourable Dewan Bahadur GODBOLE, I am sure, Sir, this Council will not accept it. There are certain circumstances which require the exhibition of qualities, which can only be remunerated by money rewards. It must be remembered that under the re-organization scheme the scope of promotion and advancement for the lower ranks of the police department is exceedingly small. Under that scheme practically no armed policeman can get above the grade of a head constable. Consequently, if good and heroic work is done by the members of the armed force as well as members of the lower ranks of the unarmed force; monetary reward is the only form of encouragement which it is possible to give. It must be remembered, moreover, that a large section of the police are engaged on a quasi-military basis and that with regard to them pecuniary rewards are at the present moment and have always been recognized as extremely suitable. I do not know whether the Honourable Dewan Bahadur GODBOLE will urge that the Commander and crew of a submarine, for instance, who go every day out to sea at the peril of their lives, cannot be rewarded suitably by money, or, for instance, that the members of a fighting force, who are habitually rewarded by money for bravery shown, are unsuitably treated. Anyhow, I would ask this Council to agree with me that monetary rewards are a very suitable form of reward where great physical courage is shown. In the next place, Sir, as regards the argument put forward by the Honourable Mr. UPASANI, his argument seems to be this. The force is in a very bad way, recruitment is falling off, the stamp of recruits who are forthcoming is not very satisfactory, the percentage of property recovered is bad, the discipline is not satisfactory, and the investigations done do not generally result in success. Now, Sir, what is the remedy that he proposes. Stop their pay? Stop their reward?. Well, Sir, that according to my experience is not a sound way of treating them. Most of us here who have been heads of large establishments will know probably by experience that the best way of stimulating good work and honesty in their subordinates, is to reward them. Mr. UPASANI'S way is apparently different. When a force by its dwindling numbers and deterioration in the standard of recruits shows that it is not attracting the right class of men, when moreover, the general fall in the value of money and general

rise in the cost of living makes the rewards hitherto given inadequate, he recommends that the whole system of rewards should be stopped, or, at any rate, that the sum hitherto granted should be maintained at as low a figure as possible. The Inspector-General says that it is not possible. He contends that the best way, one very small way, of improving the efficiency of the force is to reward good work. Of course, it is a lamentable fact that a very considerable number of punishments have been inflicted but because 30 men out of a 100 have been punished it does not follow that 10 men should not be rewarded. On the contrary it seems to me to make for discipline and improvement in efficiency. If there be black sheep in the force they must be made to see that those who have done well are rewarded. The actual grant of Rs. 30,000 has been in the budget for the past 7 years. If I remember right, it was placed at the suggestion of the Inspector-General of Police. In the seven years the value of money has shrunk a good deal, and the number of the forces has gone up. Therefore, Sir, I think that this request of the Inspector-General for increase from Rs. 30,000 to Rs. 40,000 is not ill-timed. I would therefore ask the Council to reject the resolution.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—My Lord,—I am afraid my Honourable friend Mr. CURTIS has not quite realized the point of my argument. What I want to make clear is that this small sum of Rs. 10,000 for rewarding 20,000 people is not calculated to secure the interests of the men whom it is intended to encourage. The best way to acknowledge their merit is to give them far better reward than a few rupees here and there. Well, rather than give petty rewards of a few rupees in this way at the pleasure of certain officers, it would certainly be better to make a permanent provision to improve the service and give rewards to only those who really deserve them. That would be a step in the right direction. A large number of deserving individuals would benefit by it, and, therefore, I ask that instead of providing Rs. 10,000 for additional rewards and Rs. 50,000 for recruiting, it would be better to have this amount of Rs. 60,000 reserved or ear-marked for special promotion to those men who may prove themselves to be really deserving? We have not proposed that there should be no rewards. I have already pointed out that I do allow that the sum already sanctioned for them be retained and only urged that it be better utilised. It is not that we urge that there is no need for encouraging these people. The suggestion is to give encouragement in a more substantial way than is being done now. The proposed additional provision may therefore be reserved for improving the service, by providing for more substantial encouragement and in a more definite and effective manner than by mere petty rewards. With these remarks I commend the resolution to the Council.

The resolution was then put to the vote, 13 members voting for it and 30 against it. The Council divided as follows:—

Ayes.	Noes.
The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.	His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E., Governor of Bombay.
The Honourable Mr. Ghulam Muhammad walad Khan Bahadur Wali Muhammad Bhurgri, Bar.-at-Law.	The Honourable Mr. M. B. Chaubal, C.S.I.
The Honourable Mr. Sherriff Devji Canji.	The Honourable Mr. G. Carmichael, C.S.I., I. C. S.
The Honourable Mr. Pandurang Anant Desai, LL.B.	The Honourable Mr. G. S. Curtis, C.S.I., I. C. S.
The Honourable Mr. Siddhanath Dhonddev Garud.	The Honourable the Advocate General (Mr. T. J. Strangman).
The Honourable Dewan Bahadur Kashinath Ramchandra Godbole.	The Honourable Mr. S. R. Arthur, I. C. S.

Ayes.

The Honourable Mr. Balkrishna Sitaram Kamat.
The Honourable Sirdar Shriniwas Coopooswami Mudliar.
The Honourable Mr. Raghunath Purshottam Paranjpye.
The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.
The Honourable Mr. Munmohundas Ramji.
The Honourable Mr. Shridhar Balkrishna Upasani.
The Honourable Mr. Harchandrai Vishindas.

Noes.

The Honourable Mr. Salebhoy Karimji Barodawalla.
The Honourable Mr. P. R. Cadell, C.I.E., I. C. S.
The Honourable Mr. Alfred Lawrence Covernton.
The Honourable Dr. C. Fernandes, M.D.
The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.
The Honourable Mr. Malcolm N. Hogg.
The Honourable Lt.-Col. James Jackson, C.I.E., M.B., I.M.S.
The Honourable Mr. Ebrahim Haroon Jaffer.
The Honourable Mr. J. D. Jenkins.
The Honourable Mr. G. F. Keatinge, C.I.E., I. C. S.
The Honourable Mr. Mahomedbhoy Hajeebhoy Lalji.
The Honourable Mr. H. S. Lawrence, I. C. S.
The Honourable Surgeon-General R. W. S. Lyons, M.D., I.M.S.
The Honourable Khan Bahadur Pir Baksh walad Mian Mahmud.
The Honourable Mr. Lalubhai Samaldas Mehta.
The Honourable Rao Bahadur Venkatesh Shriniwas Naik.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
The Honourable Mr. F. G. Pratt, I. C. S.
The Honourable Rao Bahadur Ganesh Krishna Sathe, C.I.E.
The Honourable Mr. Phiroze C. Sethna.
The Honourable Mr. W. C. Shepherd, I. C. S.
The Honourable Mr. Purshotamdas Thakurdas.
The Honourable Mr. G. H. Thiselton-Dyer, A.M.I.C.E.
The Honourable Sardar Dulabawa Raisingji, Thakor of Kerwada.

The Honourable Mr. MAHADEV BHASKAR CHAUBAL :—Your Excellency,—The next head is Education. On the Revenue side the income expected during the year, as you will find on page 48 of the Revised Financial Statement, is Rs. 6,28,000, *i. e.*, Rs. 19,000 better than the budget provision for the current year, which was Rs. 6,09,000. This increase is anticipated partly from the fees expected from the students joining the proposed Arts College at Dharwar and

from those attending the Ranchhodlal Chhotalal Technical Institute at Ahmedabad now taken over by Government: partly due also to the enhancement of fees in the Gujarat College from Rs. 30 to Rs. 40 a term, and to the contributions from local bodies towards the cost of the Technical Institute at Ahmedabad.

On the expenditure side, in 1914-15 the budget provision for education was 103 lakhs, but only 83 lakhs were actually spent. Owing to the financial situation arising out of the war, the provision for 1915-16 was less than 77 lakhs and the expenditure amounted to Rs. 75,30,000. In the current year, 1916-17, the educational budget stands at Rs. 77,54,000. For next year it has been found possible to provide Rs. 85,89,000, *i. e.*, an increase of Rs. 8,35,000 over the current year. It must be noted that the provision of Rs. 85,89,000 is exclusive of the items which you will find referred to in paragraph 39 of the Financial Statement, which taken together total up Rs. 8,47,000; so that the total Provincial expenditure on educational objects in 1917-18 is estimated at Rs. 94,36,000 Then, in addition, I might mention a couple of items which will increase the other side of the expenditure, because we have not thought it necessary to repeat the provision of Rs, 27,000 or Rs. 28,000 for the Deputy Director of Public Instruction, which has been omitted, and for a non-recurring grant to the Salvation Army for a boys' in lustrial home, which has been dropped again during the next year. The increase, as you will see, is chiefly due to the provisions made for the eleven items specified in paragraph 38, sub-paragraph (*b*), on page 33 of the Financial Statement. The details about these items, which I do not think I need repeat, Honourable Members will find in paragraph 13, sub-paragraphs (*g*), (*h*), (*i*), (*j*), (*k*) and (*l*). I think it would be better to refer shortly to the heads which refer to these different items and you will find those stated in short at page 6 of the introductory remarks. You will see there item No. (vii) Establishment of an Arts College at Dharwar; No. (viii) Grant-in-aid for primary school buildings in Bombay City; No. (ix) Grant of scholarships to Mahomedan students in secondary schools in the Presidency prop r; No. (x) Improvement of Mahomedan education in Sind; No. (xi) Opening of new primary schools, giving code-pay to trained teachers, and entertainment of additional teachers in undermanned primary schools; No (xii) Entertainment of an Inspectress of shools in the Southern Division; No. (xiii) Grant of special assistance to the Roman Catholic Mission on account of the withdrawal from the staff of their schools and colleges of teachers of German and Austrian nationality. Well, these are the major heads and I do not think I need detain you long except by making supplementary remarks on one or two items. With regard to the first, the proposed second grade Arts College at Dharwar, I may observe that Government promised to open it, assuming the sanction of the Government of India, by the beginning of June 1917, on condition that the full amount of Rs. 2,00,000 undertaken to be collected for that purpose by Rao Bahadur S. K. Rodda and Rao Bahadur R. C. Artal was paid into the Government Treasury before the end of March 1917. I am glad to state that Rao Bahadur Rodda has already redeemed his promise, but the other lakh undertaken to be collected by Rao Bahadur Artal from the Lingayats has not yet been received by Government, so I am not able to make any definite statement, but I have full confidence in the enthusiasm of Rao Bahadur Artal for higher education in the Karnatak generally and of his own important community in particular and feel sure that the promised amount would be forthcoming within the time mentined in the press note on the subject. In the meantime Government are taking steps to apply to the University for the affiliation of the College and to settle all preliminaries as the college has to be opened in June, and in any event this Council might take the establishment of the second grade Arts College at Dharwar, if the application for the affiliation is granted by the University, as accomplished.

Then the other item, namely, annual provision for building grants is Rs. 2,50,000 but owing to financial stringency this was reduced to Rs. 1,50,000 in 1915-16 and to Rs. 2,00,000 in the current year. In November 1915 Govern-

ment issued a circular notifying to the public that for the present and until further notice no educational institution can be newly placed on the aided list, nor can any building or equipment grant be promised to an institution already on such list. The pending claims for grants for buildings commenced before the issue of the circular, however, aggregate Rs. 2,70,000 and for meeting these liabilities and other urgent and unforeseen claims Rs 3,00,000 have been provided in next year's budget for building grants.

In my speech on the budget last year I had remarked that pending the acquisition of a site and the construction of buildings temporary arrangement had been made for the separation of the Training College for Women, Poona, and the Practising School attached to it from the High School for Indian Girls, Poona. Government consider it desirable that a new home should be found for the institution. A sum of Rs. 30,000 has therefore been provided for the acquisition of the site and commencement of the building during the next year. The total cost of this project is to be debited to imperial grants.

Then before the war it was usual to provide from provincial revenues Rs. 2,00,000 for the improvement and extension of primary education. In pursuance of this policy the following figures have been entered in the educational budget for grants to local boards and municipalities :—

Additional grants to local boards for opening new primary schools, Rs. 4,66,000 ; additional grants to local and municipal boards for the improvement of the pay of primary school teachers, Rs. 9,41,500 ; totalling Rs. 14,07,500

As explained in paragraph 13 (*j*) of the Financial Statement, this policy has remained in abeyance for the last three years owing to the urgent necessity for curtailing expenditure, but a provision of Rs. 2,00,000 has been made for this purpose in the ensuing year's budget, having regard to the paramount claims of primary education on the resources of the State This brings up the total provision for the improvement and extension of primary education to Rs. 16,00,000. Out of Rs. 1,00,000 for opening new primary schools, 450 schools are usually opened in the Presidency proper and 50 in Sind

Among several schemes which I referred to in introducing the educational section of the budget last year as having been postponed on account of the war the appointment of an Inspectress of Girls' Schools for the Kanarese Districts was included In view of the importance which female education has recently assumed Government have decided to create the appointment and the requisite provision has been made on its account. Other important measures, such as the schemes for the medical inspection of school children, for the creation in the Provincial Educational Service of an inspectorate for Bombay City and adjoining districts, for the creation of two appointments of Inspectors for technical schools under the Committee of Direction for Technical Education, await the advent of better times. As pointed out in my speech on the budget last year, savings from the imperial recurring grants are being accumulated for constructing additional buildings for training colleges and secondary schools. The savings from those grants for the last year have not been earmarked for any specific purpose.

Another item which is referred to has reference to the appointment of Dr. C. J. Fox. The Secretary of State has sanctioned the proposal for the transfer of Dr. Fox and his appointment as Professor of Chemistry from the College of Engineering, Poona, to the Royal Institute of Science, Bombay ; for the revision of his emoluments when the transfer takes place ; and for the creation at the College of Engineering, Poona, of a post in the Provincial Educational Service on Rs. 600 rising by annual increments of Rs. 20 to Rs. 700 per mensem to provide for a Professor of Chemistry and Geology. As the buildings of the Royal Institute are being utilized at present for hospital purposes, the transfer of Dr. Fox and his appointment will remain in abeyance until the buildings are available for educational purposes. In the meantime it is proposed to select a man on probation for the professorship of chemistry and geology at the College

of Engineering (to take the place of Dr. Fox as soon as the latter is transferred to the Royal Institute of Science) and to place him under the Geological Survey of India for at least two years to obtain practical experience in geology, being paid Rs. 350 per mensem during the first year and Rs. 400 per mensem during the second year. The requisite provision has been made on this account in the ensuing year's budget.

The existing arrangements in regard to the character and control of the Ranchhodlal Chhotalal Technical Institute, Ahmedabad, having been found unsatisfactory, Government have taken over its control with effect from the 1st January 1917. The expenditure on this account will be covered almost wholly by the existing Government grant, contributions from local bodies, interest on endowment funds, fees, etc.

Another item which I think the Honourable Mr. UPASANI will be specially pleased to note is that Government have been able in this year to give to the gymnasts the rise of pay for which at one time he so passionately and eloquently pleaded in this Council last year. This measure involves an extra expenditure of Rs. 4,290, rising ultimately to Rs. 12,960.

Then it is generally admitted that the training of teachers for primary and secondary schools is one of the most urgent educational reforms. The inadequacy of the existing arrangements for this purpose in the several provinces as well as the question of the provision of adequate pay for teachers has recently engaged the serious attention of the Government of India and it is very gratifying that they have been able, without awaiting the return of normal conditions, to make a recurring assignment of Rs. 2,50,000 per annum to this presidency from imperial revenues for the purpose of improving the pay and training of teachers in secondary and primary schools. As regards this subject, I might be permitted to mention, as there are some resolutions coming on on these points, that the proposers of those resolutions should note that the Government of India are very anxious that a regular programme for the next five years should be laid out providing at least for getting out the requisite number of trained teachers according to the number that will be required in each year, owing to men either dying or retiring or on account of the extension of primary education. They have asked us to find out exactly and compute how many men would be required to be trained each year—not for general purposes, because that is a very huge task, but at least for the purpose of supplying trained teachers and trained mistresses so far as those that are expected to retire or so far as primary education is extended to new places that will have to be created are concerned, and Government have at present been collecting, in consultation with the Director of Public Instruction, information on these points. Therefore the movers of the resolutions on this subject will know that the Government of India have, notwithstanding the present financial stringency, granted us Rs. 2,50,000 for the training of teachers in primary and secondary schools. In addition to that, as usual we have a provision of Rs. 2,00,000 from our provincial budget and how to utilise the whole amount shall have to be determined and settled after we receive the information and forecast which the Director of Public Instruction has been asked to submit to Government, and therefore at this stage if any resolutions which are brought forward in this Council for allocating or distributing any amount out of these 4 lakhs or 2 lakhs, any definite amount for any one purpose in preference to another, I do not think there is the material either before the Government or before the Honourable Members which can justify them in saying or recommending that out of these Rs. 2,50,000 so much should be given for this purpose and so much for another. We have not got the material at present and when it comes Government will have to consider the number of persons who are required to be trained. For instance, the Honourable Mr. UPASANI has given notice of a motion that all the trained teachers who are entertained this year should be given the full face value of their certificates. Now I think Mr. UPASANI will himself see that on account of the

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financial conditions the trained teachers whom we have entertained during the last two years have not got the face value of their certificates, and therefore if any amout is available to Government for the purpose of giving to trained teachers the face value of their certificates, on what grounds does Mr. UPASANI recommend that those persons who were taken last year or the year before that should not be given the full face value of their certificates and only those taken over this year should be given preference? I think the whole thing will have to be gone into in detail by the department. I think the concern of this Council should be to see that provision is made by Government, adequate provision so far as circumstances will permit, for the promotion of elementary education, and they ought to leave the distribution to the department and by the officers of the department who alone can be in a position to know which item required to be attended to first and which item could conveniently stand over for some time. It can only be after the information that I have referred to is received that Government will be in a position to settle the allocation and distribution of the provision made. I mention this as notice has been given of one or two resolutions on the subject and perhaps if the remarks that I make now are considered, the Honourable Members concerned will see that it would serve no useful purpose to take up the time of the Council over a discussion of these resolutions.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—May it please Your Excellency, the reslution which I wish to move runs as follows:—

This Council recommends to His Excellency the Governor in Council that the provision made under No. 92 (Entertainment of a Lecturer on Geography for the Sydenham College of Commerce and Economics, Bombay) in statement B of the Draft Budget statement be omitted.

This item No. 92 refers to a sum of Rs. 4,200 provided for the entertainment of a lecturer on geography in the Sydenham College of Commerce and Economics. When I propose to omit the item, I hope Honourable Members will not be led to think that I am making a proposal which will in any way interfere with the efficient working of the college. What I wish to point out is that it is possible to arrange for more efficient teaching of the subject of geography by the existing staff, and that there is no need for the additional lecturer for whom this grant is provided.

It will be remembered that this appointment of an additional lecturer was asked for and sanctioned last year for only one term between June and October 1916. It was then stated to be necessary for special reasons for only four months. Now the present proposal is to make this appointment a permanent one and on an increased salary of Rs. 350 per mensem. And why? The reason as given in the Revised Estimate is: "This appointment of a lecturer on geography on Rs. 300 per mensem was sanctioned for a period of four months only to cope with the additional teaching work between June and October 1916 when there were four batches of students working in the college simultaneously instead of the normal three. It is proposed that the appointment should be continued and that the incumbent of the post should be paid at the rate of Rs. 350 per mensem."

My Lord, when the appointment was sanctioned temporarily for four months, Mr. Kazi, who held that appointment, had to do only a few hours work, and I fail to see why some of the other professors should not be made to take up this work in addition to their own work.

I fully appreciate that this subject is not to be taught in the college in the way in which it is taught in the high-schools, and that higher and more scientific knowledge of the subject is required to be given in the College of Commerce and Economics. It is for that very reason that I desire that instruction in that subject should be given by those professors who have the advantage of possessing high qualification in that subject. There are on the staff of the College three or

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rather four Professors, namely, Mr. Anstey, Mr. Burnett Hurst, Mr. Shah and Mr. Tannan, who possess such qualification. Three of them are Bachelors of the London Economic Institute, and the fourth of the Birmingham Institute. The subject of geography formed part of the necessary subjects of the courses of study at those Institutes. These gentlemen, therefore, would be far better able to teach the subject than one who has not had the advantage of the special training received by them under specialists in British Institutions.

Then there is another point which I want to urge, and it is that these Professors have ample time to teach this subject. In other colleges Professors have to teach for at least 10 or 11 hours a week but the Principal of the Sydenham College of Commerce and Economics has to teach for only 5 hours a week, Mr. Burnett Hurst, another Professor, for 4 hours a week, and the other Professors for 7 to 9 hours a week only. Now I do not see why these Professors to whom we pay large salaries should not spare 2 or 3 hours more to do this additional work of teaching Geography Last year we were called upon to sanction the pay for an additional hand in the Deccan College and that was not sanctioned although we knew that the Professors there had to do 15 hours' work a week. The Honourable Mr. PARANJPYE may be in a better position than myself to tell you how many hours a week the Professors in the Ferguson College have to lecture. But I am informed that the Professors in the Deccan College are at present working for 15 hours a week excluding some extra hours for the B.A. class.

Now in the College of Commerce we have two full-time Professors working for only four and five hours a week, and I do not know why we should not ask one of them to teach this subject in which they, I mean, Mr. Anstey and Mr. Burnett Hurst, have received instruction from specialists in England.

With these few words I beg to move the resolution and I have no doubt that Your Excellency's Government will see its way to accept it.

The Honourable Mr. RAGHUNATH PURUSHOTAM PARANJPYE:—Your Excellency,—I support the resolution moved by my Honourable friend Mr. UPASANI. So far as I can gather, this appointment of lecturer in Geography did not appear at any rate to some Members of the Finance Committee as quite necessary. The Honourable Mr. UPASANI has given the hours of work performed by the members of the College of Commerce. Now my friend the Director of Public Instruction will, perhaps, be able to tell us of the ordinary amount of work that is expected of the College Professors in a Government College. The Professors of the Sydenham College do not come at all near that level. The Principal works 5 hours a week, out of which 3 hours are taken up in teaching English Composition. Another teacher, who is a specialist in Statistics is engaged to a small extent only in the teaching that is imparted in the College. But we are told that the gentleman who is now proposed to be appointed for a permanent post is a specialist in Geography. I do not know what his special qualifications are, but he is only an M.A. of this University. At any rate there are several members on the staff of the College who ought to be able to teach Geography as well. Mr. Muzumdar did it and Mr. Tannan was teaching it. Both of them had been teaching it properly so far as I can gather. I am certain that by this new appointment we are increasing the establishment of the College of Commerce unnecessarily. It is a subject in which the present gentleman is a specialist no doubt but at any rate it is a subject which a person who has gone through the complete course of the London School of Economics is quite fit to teach. I therefore do not think that public money should be expended on a matter for which it is not at all necessary. The Professors of a College to do their full work ought to teach at least 12 hours a week. Even in other Government Colleges they all work for 12 hours. In private colleges like the Wilson College I know that they have even more than 12 hours'—generally about eighteen hours'—work to do. I do not see why we should be so very partial to the Professors of the College

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of Commerce and give them a handsome salary only for 5 or 6 hours' work. I think they are quite competent to undertake the teaching of Geography without this new addition and I therefore support this resolution.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I am glad my Honourable friend Mr. UPASANI has brought forward this resolution. I mooted this very question in the Finance Committee and requested the Chairman of the Finance Committee to get certain information from the Principal of the College of Commerce. Subsequently when I wrote to Government to allow me to see the correspondence that followed, Government told me that they regretted that they could not show me the correspondence that passed between the Chairman of the Finance Committee—of which I was a Member—and the Principal of the College of Commerce. The Honourable Mover, Mr. UPASANI, just now told us——

The Honourable Mr. GEORGE CARMICHAEL:—May I interrupt the Honourable Member? The correspondence had not passed between myself and the Principal of the College of Commerce, but the information was, at the request of the Honourable Mr. PATEL, obtained from the department in the control of my Honourable colleague Mr. CHAUBAL.

The Honourable Mr. PATEL:—In order to be quite accurate, I will read the very reply that I got from Government:

"From

J. NISSIM, Esq., I. C. S.,

Secretary to the Legislative Council;

"To

The Honourable Mr. V. J. PATEL.

"Sir,

With reference to paragraph 3 of your letter, dated the 11th February 1917, requesting that all correspondence between the Honourable the Chairman of the Finance Committee and the Principal of the Sydenham College of Commerce regarding the appointment of Mr Kazi may be shown to you, I am directed to state that Government regret that your request cannot be complied with."

However, all I can say is this, that if Government do not choose to show the correspondence relevant to a resolution before this Council to the Honourable Members of this Council, an inference adverse to Government should be drawn. There can be no question that there must be something wrong and it is therefore that Government is not willing to show that correspondence to members of the Finance Committee. I now proceed to place before the Council the information I have been able to gather in reference to this question. Mr. Kazi was brought on the staff of the college as a temporary measure for four months last year and the proposal now is that Mr. Kazi should be made permanent. At present, if I understand aright, there are three gentlemen who are on the permanent staff—Principal Anstey, Professor Burnett Hurst and Mr. Tannan. Now according to my information Principal Anstey works for 5 hours in a week, Professor Burnett Hurst 4 hours and Mr. Tannan 9 hours. Before Mr. Kazi joined it appears that Mr. Mazumdar used to take the subject of Geography which Mr. Kazi now takes. After the resignation of Mr. Mazumdar Mr. Kazi joined and took Geography for 3 hours a week. So his whole work consisted of 3 hours only and for that he was paid Rs. 300 per month. The point, my Lord, is this: We have brought a gentleman from Junagadh as a temporary measure for four months on Rs. 300 per month and we are now asked to confirm him on Rs. 350 permanently. It may be argued that Mr. Burnett Hurst, although he works only four hours in a week, has to attend to the library also. Well, I may point

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out to Your Excellency and to Members of this Council that we have in this very year's budget made a provision for a librarian on a pay of Rs. 75 or Rs. 100, I believe. Therefore that part of the work which Mr. Burnett Hurst does goes away. Then again it may be argued that Professor Burnett Hurst has to do research work. I do not know if he has to do that work, but if he has, why not all the other professors? I cannot understand why public money amounting to Rs. 11,000 a year should be spent in paying a professor who engages most of his time in research work. Every professor may say "I want to do research work, I want to know something new". Why should Professor Burnett Hurst alone be allowed this special facility and should be paid Rs. 900 per month for 4 hours' work a week? I respectfully submit to Your Excellency that if Principal Anstey, Mr. Burnett Hurst and Mr. Tannan who are really full-time servants of Government, take up the work which Mr. Kazi does now, there will not be the slightest difficulty. These are the three permanent men there according to the information that I have placed before this Council. Under these circumstances, I have no hesitation in supporting the resolution brought forward by my Honourable friend Mr. UPASANI.

The Honourable Mr. ALFRED LAWRENCE COVERNTON:—Your Excellency,—It was with some surprise that I found yesterday from the agenda that a proposal of this sort was going to be placed before this Council. The College of Commerce is a new institution and it is an institution that has no parallel in India. It is a credit to this Presidency that a College of Commerce has been started here in advance of several other provinces. It is very necessary and advisable that such a college should be kept and maintained in a thorough state of efficiency as regards equipment and staff. The college was started, I believe, in response to a demand not from students merely or those directly interested in education, but also from the residents of Bombay connected with business circles, and if there is any city where a college of commerce is likely to be useful, it is the city of Bombay. The college is actually in close relations with business men and it is assisted in its management by an advisory committee which consists of a number of gentlemen who have large interests in business and commerce. These men on the Committee are concerned in maintaining the college with strict efficiency and in seeing that it is provided with all that it wants. The proposal for a lecturer on Geography has had the support not only of the Principal, but also of this Advisory Board. The Advisory Board consists, as I say, mostly of business men of Bombay and they have agreed with the Principal that the appointment for which this provision has been made in the budget is really necessary for the college. The Honourable Mover of this motion stated that, in moving the motion, he did not wish to be thought that he desired in any way to interfere with the efficiency of the college. I believe myself that the refusal of this provision would interfere with the efficiency of the college. The subject of Geography, as has been pointed out, is a very important one. It is true that you cannot have a curriculum in a college of commerce without including Geography. The teaching of Geography in the College of Commerce is not Geography as we learn it in schools, treating of rivers, mountains, etc. That is elementary geography. It is a subject of a highly scientific character and is taught for the purpose of teaching the relation of the physical features of the world to the social, economic, political and commercial facts of life. That is a subject which requires a close study and intimate acquaintance with statistics and details, and therefore demands one who has made a special study of the subject. As regards the importance of the subject, it cannot be denied that it ranks equally with, if not superior to, many of the other subjects in the syllabus of the College of Commerce. With regard to the work of the lecturers, the Honourable Mr. PATEL has said that various lecturers work only for 4 or 5 hours a week and he has protested against their receiving the salaries they do for the small amount of work that they do. Well, Sir, a great deal will depend upon what you mean by work. I have sat for two or three hours

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in this Council and I consider that in listening to the speeches I have been doing work. The work of the lecturers and professors of a college is not to be estimated by the number of lectures they give any more than that the work of a Member of the Legislative Council can be estimated by the number and duration of the speeches which he utters. The task of lecturers is not merely to lecture, but it is also to give instruction to students in the classes, to go through their exercises with them, to sit with them and give guidance to them in selecting their books; and pointing out passages in the books which require special attention and to correct exercises or essays or themes they may have done and a number of other comparatively small items of work which will not appear in any way in the time-table of any college. In addition to that, every college has a number of societies, the participation in the work of which is incumbent upon the members of the staff. There are the debating societies and other similar societies which involve for the lecturers a very considerable amount of work. They have not only to preside, but they have to take part and they have to guide the students taking part in those societies. All that, again, is work which does not appear in the time table of any college. I have been assured by Principal Anstey that the work of a lecturer at the College of Commerce could by no means be estimated by the number of hours that appeared on the time table. From my own experience of work in a college I can say that that is exactly what I myself should say.

There is a further consideration in this matter. Owing to the changes of terms of the University there was last year, and there will be this year also, an extra class in the college. The presence of that extra class, which implies a number of students, will involve a considerable addition to the labour of the institution. Last year that additional work was met by a temporary provision of an extra lecturer and by certain distribution of lecturers' work among the others, but the Principal assured me that the result of the arrangements that were made last year was not satisfactory, and that if this year they had to face giving instruction to this extra class it would be necessary seriously to consider whether they should not limit the number of admissions in June next. This is a point which was brought up at the last meeting of the Advisory Committee of the College of Commerce and it was discussed at some length, and the Advisory Committee came to the conclusion that, if an extra lecturer was not available it would be necessary not only to provide for extra work in various ways, such as distributing the work among the lecturers, but also to limit the number of admissions into the College for the coming term. Well, that, I think, would be a very regrettable thing for various reasons and if the deletion of this item from the budget is going to be insisted on, it would inevitably bring about this result which I think would be a very great pity indeed. As regards the particular incumbent who is to hold the post of lecturer on Geography, I do not think that is a point in question at all. The subject before the Council is whether the appointment is necessary, not who is to be the incumbent. The present holder of the appointment is thoroughly qualified for the work, but whoever the holder of the appointment, the Department is to, and will, see that he is well qualified.

His Excellency the PRESIDENT:—I think perhaps Honourable Members would like to adjourn now till half past eleven to-morrow.

The Council then adjourned till 11-30 a. m. on Wednesday the 14th March 1917.

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,
Secretary to the Legislative Council of
the Governor of Bombay.

APPENDIX.

Accompaniment to the speech of the Honourable Mr. Munmohundass Ramji on reduction for C. I. D. and Secret Service.

CRIMINAL INVESTIGATION DEPARTMENT.

Expenditure on Secret Service Money.

	Estimate.	Estimate.	Accounts.	Accounts.	Accounts.	Accounts.	Accounts.	Accounts.
	1915-16.	1914-15.	1913-14.	1912-13.	1911-12.	1910-11.	1909-10.	1908-09.
United Provinces of Agra & Oudh.	12,000	12,800	11,355	...	...	...	...	...
Punjab Criminal Investigation allowance	21,012	14,000	11,814	10,128	10,596	12,411	7,467	...
Burma	3,500	3,400	3,446	2,441	4,388	4,996	...	...
Bihar & Orissa ...	5,000	5,000	2,051	1,039	...	...	...	...
Assam	2,800	1,000	2,027	303	...	19,746	...	...
North-West Frontier Province Criminal Inv. allowance.	...	7,240	7,739	8,058	8,457	8,852	8,973	...
	Estimate 1916-17.	Accounts.						
Bombay ...	21,800	21,800	18,959	13,367	12,150	10,539	...	...
			Estimate.					
Bengal	40,000	62,000	51,416	32,860	52,939	22,773	...	...

POLICE.

Expenditure on Criminal Investigation Department.

	Estimate.	Estimate	Accounts	Accounts.	Accounts.	Accounts.	Accounts	Accounts.
	1915-16.	1914-15.	1913-14.	1912-13.	1911-12	1910-11.	1909-10	1908-09.
	Estimate 1916-17.							
Bombay ...	3,50,000	3,44,000	3,39,000	2,73,912	2,86,475	1,32,541	90,324	69,923	...
North-West Frontier Province.		55,100	49,700	45,084	43,861	47,605	45,416	50,681	42,122
Madras		1,53,400	1,52,700	1,52,263	1,50,744	1,47,021	1,24,006	1,20,000	1,06,178
Bengal		5,31,000	5,56,000	4,78,209	4,06,163	3,27,181	3,47,067	...	...
United Provinces of Agra & Oudh.		2,36,500	2,58,600	2,40,074	2,09,423	2,21,871	1,74 954	1,72,157	1,36,134
Punjab		2,60,500	2,01,200	1,57,523	1,19 665	1,21,610	1,05,564	96,274	92,040
Burma		1,27,400	1,23,600	1,12,367	1,06,863	1,07,121	1,08,686	...	...
Bihar & Orissa ...		1,80,300	1,50,200	1,35,727	82,655	2,874	...	...	...
Central Provinces ...		1,13,500	1,14,100	1,15,490	1,04,028	1,00,592	84,563	...	...
Assam		67,300	76,100	39,339	19,288	2,012	2,74,082	...	...

Journal of the Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915 (5 and 6 Geo. V, Ch. 61).

The Council re-assembled on Wednesday, the 14th March 1917, at 11-30 a. m., at the Council Hall, Secretariat, Bombay.

PRESENT:

His Excellency the Right Honourable Lord WILLINGDON OF RATTON, G.C.I.E., Governor of Bombay, *President.*
The Honourable Mr. M. B. CHAUBAL, C.S.I., *Vice-President.*
The Honourable Mr. G. CARMICHAEL, C.S.I., I. C. S.
The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.
The Honourable the ADVOCATE GENERAL (Mr. T. J. STRANGMAN).
The Honourable Mr. S. R. ARTHUR, I. C. S.
The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.
The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.
The Honourable Mr. GHULAM MUHAMMAD walad Khán Bahádur WALI MUHAMMAD BHURGRI, Bar.-at-Law.
The Honourable Mr. P. R. CADELL, C.I.E., I. C. S.
The Honourable Mr. SHERRIFF DEVJI CANJI.
The Honourable Mr. ALFRED LAWRENCE COVERNTON.
The Honourable Mr. PANDURANG ANANT DESAI, LL.B.
The Honourable Dr. C. FERNANDES, M.D.
The Honourable Mr. SIDDHANATH DHONDDEV GARUD.

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[*The President; Dewán Bahádur Kashinàth Ramchandra Godbole.*] [14TH MARCH 1917.]

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.
The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Mr. MALCOLM N. HOGG.
The Honourable Lieut.-Colonel JAMES JACKSON, C.I.E., M.B., I. M. S.
The Honourable Mr. EBRAHIM HAROON JAFFER.
The Honourable Mr. J. D. JENKINS.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Mr. G. F. KEATINGE, C.I.E., I. C. S.
The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwada.
The Honourable Mr. MAHOMEDBHOY HAJEEBHOY LALJI.
The Honourable Mr. H. S. LAWRENCE, I. C. S.
The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
The Honourable Khán Bahádur PIR BAKSH walad MIAN MAHMUD.
The Honourable Mr. CHUNILAL VIJBUKHANDAS MEHTA, LL.B.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Sardár SHRINIWAS COOPOOSWAMI MUDLIAR.
The Honourable Ráo Bahádur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. RAGHUNATH PURSHOTAM PARÁNJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. F. G. PRATT, I. C. S.
The Honourable Mr. MUNMOHUNDASS RAMJI.
The Honourable Ráo Bahádur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. PHIROZE C. SETHNA.
The Honourable Mr. W. C. SHEPHERD, I. C. S.
The Honourable Mr. PURSHOTAMDAS THAKURDAS.
The Honourable Mr. G. H. THISELTON-DYER, A.M.I.C.E.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

His Excellency the President:—Order, order. Further consideration of resolution by the Honourable Mr. UPASANI, 22, Education.

The Honourable Dewan Bahádur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency.—After hearing the debate that we had yesterday I am inclined to accord my support to the resolution that has been brought forward by the Honourable Mr. UPASANI. It seems that there are at present three full-time Professors in the College of Commerce and they are doing teaching work to the extent of 4, 5 and 7 hours a week only. It seems to me, Sir, that this amount of teaching work, even taking into consideration the other work that the Professors do for the college, is too small. The Professors of the Fergusson College, as we were told by the Honourable Mr. PARANJPYE, work for about 15 hours a week, and I know that the Professors of Science of that college, including the laboratory work that they do, work for about 30 hours a week. And similarly the Professors of other Government and aided colleges, I think, work for not less that 12 hours a week.

The Honourable Mr. COVERNTON told us yesterday that in addition to the teaching work the Professors of the Sydenham College have to do other work, such as presiding over students' debates and looking after sports and so on. But I submit to the Council that Professors of the other colleges also do similar work. The Council has also to bear in mind that for keeping touch with the subjects which they are to teach in the colleges, all Government and aided College Professors have vacations of from 4 to 5 months in the year.

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I think, therefore, that the Honourable Mover of the resolution is quite justified in asking the Commerce College Professors to work 12 hours a week, the amount of teaching work that is done in other colleges.

The Professors in the Sydenham College will be setting a bad commercial example to their students if they do not give to the college full value for the payment that they receive. I, therefore, support the proposition that has been placed before us by the Honourable Mr. UPASANI, namely, that instead of appointing a separate Professor to teach the subject of Geography, his work should be divided amongst the existing professorial staff of the college and that the provision made for the Lecturer of Geography for the Sydenham College of Commerce and Economics should be deleted from the Budget.

The Honourable Mr. PURSHOTAMDAS THAKURDAS:—Your Excellency.—In rising to speak on this resolution I must say at the outset that I rise to do it with considerable diffidence. My diffidence is based, my Lord, on one thing, and that is that this proposition primarily concerns the question of educational progress of the Presidency. We find two experts in matters educational differing very widely. On the one hand, we have the Honourable Mr. PARANJPYE, whom I am quite prepared to accept as an expert in matters educational as far as I am concerned, saying that the expenditure is unnecessary. The Honourable Mr. PARANJPYE'S career in this Council all along has been marked by advocacy of further expenditure on matters educational. If, therefore, the Honourable Mr. PARANJPYE rises in this Council to speak against any expenditure incurred on behalf of matters educational, I personally would look at the matter with diffidence.

On the other hand, the Honourable the Director of Public Instruction told us yesterday why this educational expenditure is absolutely necessary. My diffidence is further increased by the fact that unfortunately I was not present in the Council when the Honourable Mr. PARANJPYE and other Honourable Members spoke on this resolution. I propose, Sir, however, to look at this matter, not only from the point of view whether the professorial staff are working for enough number of hours as dealt with by the Honourable Dewán Bahádur GODBOLE, but from a wider view.

To begin with, I would like to mention to this Council the way in which the three items of extra expenditure were put before us in the Finance Committee. I am reading from excerpts of the minutes supplied to the Honourable Members of the Finance Committee:—"Item No. 66, Entertainment of a Lecturer on Geography on Rs. 350 per mensem for the Sydenham College of Commerce and Economics, Bombay. By a majority of 7 to 5 we approve of this proposal."

"Item No. 82, Extra Lecturer on Rs. 300 per mensem for four months for the Sydenham College of Commerce and Economics, Bombay. By the casting vote of the Chairman we have decided to recommend that the proposed expenditure may be omitted as the majority of us are of opinion that the ordinary staff of the college should be able to cope with the additional teaching work."

The Council will see that the Finance Committee did try to exercise economy in providing for the staff of the Sydenham College of Commerce and Economics whenever it was justified by the information that had been put before the Finance Committee. I may also say that at the first meeting of the Finance Committee in December last even the consideration of this very item to which the present proposition before the Council relates, was put off for further information being collected and put before the Finance Committee, and when the Finance Committee passed the proposition that is now before the Council, they passed it after knowing fully the various counts on which this item was supported by Government.

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The Honourable Mr. COVERNTON is reported to have said in this Council yesterday that this expenditure of Rs. 4,000 a year has been approved of by the Advisory Board of the Sydenham College of Commerce and Economics. Now, if the Principal of the College has recommended this expenditure, and the Advisory Board consisting of officials as well as non-officials of the type of the Honourable Mr. WACHA, the Honourable Mr. WARDLAW MILNE and the Honourable Mr. MUNMOHANDAS RAMJI have approved of this and if, after that, Government, in spite of their anxiety to cut down expenditure in view of the present circumstances, have deemed it fit to put this item before the Finance Committee and if the Finance Committee have by a majority passed it, bearing in mind at the same time that in the Finance Committee another similar proposition was vetoed by the casting vote of the Honourable Member presiding there, I submit, Sir, that this Council will accept this item which has had the support of so many persons.

As I said at the outset, Sir, I am quite prepared to take the view of the Honourable Mr. PARANJPYE in matters educational, but I hope that even the Honourable Mr. PARANJPYE will not mind my saying that the College of Commerce in India is a new institution and that the course of the College of Commerce is not identical on all fours with the course in other Colleges of Arts. Of course, the lectures in Arts Colleges are mere routine work. Commerce and industry are expanding from day to day, and if Professors of the College of Commerce have to keep abreast of the times, I would submit, Sir, with some hesitation—I am aware of the fact that I am not an expert in educational matters myself—but I would still submit that it is not absurd to hold that the Professors lecturing in the College of Commerce should have more time at their disposal to keep in touch with what is going on from day to day in the commercial world.

There is one more aspect of the case that I would like to place before the Council. Unfortunately the commencement of the work of the College of Commerce has not been at an auspicious moment. I suppose the starting of the college coincided with the outbreak of war and Government have not been able to give as free grants as they should have liked to the College of Commerce. Then next came the very unfortunate discussion regarding the appointment of a Professor. On the top of it now we have had three items before the Finance Committee, one of which the Finance Committee have themselves disallowed and the other two were allowed by them to stand; and after that if we now go on and allow another item of expenditure to be dropped, I do not hesitate, Sir, to express my fear that we would be materially interfering with the efficiency of the College of Commerce. I attach very much importance to the approval of the Advisory Board to this item. I also draw attention of the Council to the very impartial way in which the Honourable Member presiding on the Finance Committee voted with the members who wished to disallow the item of Rs. 1,200 expenditure.

I submit, Sir, that the College of Commerce in this Presidency is an institution that is only getting on in course of time and I am quite prepared to admit that it is not an ideal institution, but so are none of the other institutions which have been existing for years together. But we do not wish in any way to handicap the progress of the College of Commerce, and I do wish that both Government and this Council will not interfere with this small item and will accept the same more or less unanimously.

The Honourable Mr. PHIROZE C. SETHNA:—Your Excellency.—I labour under the very same disadvantage as the Honourable Mr. PURSHOTAMDAS in not being present to hear the Mover of this resolution and the others who followed him. I also agree with the Honourable Mr. PURSHOTAMDAS that this question was amply threshed out in the Finance Committee and after having considered it

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from all points of view the majority in the Finance Committee came to the conclusion that this item should be passed.

It has been contended, as I see from the report of the speeches appearing in this morning's papers, that much importance was attached to the fact that the Professors of the College of Commerce devote only five to seven hours a week to lectures on the different subjects they handle. But, Sir, the teaching in the College of Commerce, at any rate in its present early career, is conducted on different lines than is the case in Arts Colleges. Education in Arts Colleges is mainly imparted by means of lectures. Education in the College of Commerce, besides being imparted by means of lectures, also consists in home work which the Professors are required to carefully go through and which in its turn means their spending many more hours on such examination. Again, my Lord, there is another point, namely, that in addition to their college work these Professors are expected in the near future to attend to other duties for which they are not to be paid any extras. I believe that the Principal of the College of Commerce has announced on different occasions that it has been arranged for the Professors of the College to give lectures outside their college hours for the benefit of the commercial community at large. This will necessarily take up a good deal of their time. There is yet another point to which I would also like to draw the attention of this Council. It has been rightly held that the number of pupils to whom a Professor lectures must not be unduly large. I understand that this proportion is very greatly in favour of the Arts Colleges. In the Elphinstone College the ratio is one Professor to 14 pupils and in the Deccan College it is 1 to 15. The ratio in the College of Commerce was 1 to 27 in the last term and 1 to 33 in the previous term. Further, Your Excellency, what one has to bear in mind is the special qualification which is necessary for this particular appointment. What they ask for is a Professor in Geography. Now, it is not Geography as we understood it in our school days. Geography as taught today in the College of Commerce is the science of the physical and regional conditions of life and economic activity and it is a subject which, as it were, is quite new and requires special training and I understand that the individual who has been selected for this post is specially qualified to discharge the duties. In view of this I hope the Council will reject the motion of the Honourable Mr. UPASANI.

The Honourable Mr. MAHADEV BHASKAR CHAUBAL:—Your Excellency.—The motion before the Council is that Item No. 92 in the Draft Financial Statement, which is a provision of Rs. 4,200 for entertainment of a Lecturer on Geography on Rs. 350 per mensem for the Sydenham College of Commerce and Economics, Bombay, be deleted. Honourable Members have addressed the Council for and against the motion and the question appears to have been sufficiently threshed out: so I need not detain the Council long. But it appears to me that the discussion has been rather clouded by the introduction of irrelevant considerations. The sole question before the Council is whether in the Financial Statement for the year 1917-18 this provision for the entertainment of a Lecturer on Geography should be retained or not. I do not see much connection between this question and the question whether the existing staff of Professors and Lecturers work for a sufficient number of hours during the week. The latter question appears to me to be absolutely irrelevant on the point whether the retention of this item in the Financial Statement is necessary or not. Assuming for a moment that the staff of the College do not do enough work—there may be other appropriate ways of raising the question, or of remedying the evil if any exists, but there is no necessary connection between the provision of a lecturer in a particular subject in that college and the assumed evil of the staff taking an easy time of it and not working for as many hours as Professors in other colleges do. On the issue before the Council the only relevant question in my opinion is:—

1. Whether a Lecturership in Commercial Geography is necessary at the Bombay College of Commerce?

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2. If it is necessary, whether provision for it requires to be made in the next year's Budget?

On the first point it is only enough to state that the University has prescribed that subject for the Intermediate Examination in Commerce, and for this reason it is absolutely necessary that lectures on that subject should be given to the students.

It follows therefore that if these lectures have to be given and if adequate instruction in the subject must be imparted to students, provision therefore must be made in the Budget.

It may no doubt be incidentally urged here that no provision need be made, as the subject can be taught by any of the present staff; and as it is contended that the present staff are not as fully occupied as they ought to be or rather as fully as Professors and Lecturers in other colleges are, it was not necessary to devote any portion of the provincial revenues on this item.

Now, let me clear the ground by frankly confessing that so far as I am personally concerned I am perfectly innocent of any acquaintance with the subject of Commercial Geography. At the same time I confess I am ignorant of any special claims to a knowledge of that subject that my Honourable friends Messrs. UPASANI, PARANJPYE and PATEL and the Honourable Dewán Bahádur GODBOLE may have. I only say this that there is a certain amount and a certain kind of geography which all the boys who are admitted into this college are presumed to know. But notwithstanding this the University has prescribed Commercial Geography as a subject for the University Examination. With my limitations of knowledge of the subject I confess I did attach importance to the report and opinion of the Principal of the College, supported as he was on the point by the Advisory Board, specially constituted to advise in the organization and administration of this college, the first of its kind in India.

When therefore the Principal of the College assured Government that Commercial Geography, as taught in the College of Commerce, is not the old-fashioned school geography, but the science of the physical and regional conditions of life and economic activity treated according to the methods introduced into English Universities by men like Mackinder, Geddes, Lyde and others, and that there was no one really capable of doing justice to that subject in the existing staff, that such arrangements as he had hitherto made for instruction in that subject were mere makeshifts until he could find the right man for the post, Government naturally attached the weight due to this opinion and it could not run away as this Council is asked to do by the Honourable Mover and his supporters with the supposition that the Director of Public Instruction, the Professors at the Commercial College and the Advisory Board had all formed a huge conspiracy to allowing the Professors and Lecturers at this College to enjoy holidays. Now you have been told, and I think it is important to note, that in the Finance Committee there were two days on which this subject was considered, and a special reference was made as to whether it was possible for any of the existing staff in the College to be able to teach this subject as it was one which was specially prescribed in the University curriculum for the Intermediate Examination of Commerce, and they were told that out of the present staff there was nobody who could teach the subject.

The Honourable Mr. V. J. PATEL:—I must say that we were not told so.

The Honourable Mr. CHAUBAL:—Well, I was not a member of the Finance Committee and was not present at its meeting, but at any rate this is the information on the point contained in a letter of the Principal of the College which I think I am entitled to place before the Council. The Principal reported that, so far as the present staff went, there was nobody who could teach the subject according to the required standard. For a certain number of months the Principal had asked Mr. Antia to take the students in Physical and Regional Geography

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and his reason for selecting him was mainly that he was less hard pressed with work than the other Lecturers, and all that the Principal asked Mr. Antia to do was to take a text-book and go through it with the students, explaining difficulties and adding comments as he went along. In other words, the arrangement was a makeshift. The Principal no doubt reports that when Mr. Mazumdar was there he lectured partly in this subject. I mention this point because the Honourable Mr. PARANJPYE and the Honourable Mr. UPASANI have said that there are so many Professors and they are not working as many hours as they could and any one of them could be put on to teach this subject. Well, I do not think that ought to carry any weight with the Council, for this report shows that out of the present Professors and Lecturers there was nobody who could efficiently take up this subject. I think there was also an enquiry as to whether Professor Burnett Hurst was capable of teaching this subject or not, and the Principal reported that he was not able to do it. Therefore, the observations which were made here that any one of these seven or eight men on the College staff could be put on to teach this subject ought not, I think, to have any importance attached to them. The fact is that from December 1916 to now this subject has been taught in the College by Mr. Kazi. He has a lien on a permanent appointment at Rajkot. The Principal says that Mr. Kazi was agreeable to work on Rs. 300 while he was on probation, but that if he was to be continued permanently he declined to give up his Rajkot appointment unless he was given a salary of Rs. 350. The Principal reports that with all his enquiries he found that there was no other man whom he could possibly get. This is what he says on the subject:—"Mr. Mazumdar was able to undertake the work because he happened to have had the advantage of studying under Messrs. Mackinder and Sargent at the London School of Economics." He must therefore be regarded as having specialised in it. After Mr. Mazumdar had left, Mr. Anstey goes on to report that "There was, as the Director of Public Instruction knows, the greatest difficulty in finding anyone to replace him; and it was a lucky chance that we secured Mr. Kazi, whose map work for Messrs. Blackie & Sons was the best that was submitted to them in India." And he further says:—"Mr. Kazi's work here has since fully come up to my expectations: and he has certainly made good his claim to the permanent confirmation which, with the concurrence of the Director of Public Instruction, was promised him in the event of his services proving as valuable as was hoped."

Well, the Council has to choose between amateur impressions that it was only a subject like Geography and that any Professor or Lecturer at the College ought to be able to deal with it on the one hand and on the other the assurance of the expert who is responsible for the management of the whole institution, for its starting, organizing and development that Commercial Geography was a highly technical and scientific subject, absolutely necessary according to the curriculum prescribed by the University, and that there was no other man available to teach it as it should be taught and that the only man available had to be entertained for the reasons given. I think this Council will give adequate importance to the fact that this appointment has been approved by the Advisory Board—a consideration which was pointed out by the Honourable Mr. PURSHOTAMDAS THAKURDAS—and to the further fact that it had the support of the late Director of Public Instruction. I heard the Honourable Mr. PARANJPYE yesterday to say that any student who has studied at the London School of Economics ought to be able to teach Commercial Geography. I suppose he ought to know that in this institution different students specialise in different subjects. Mr. Mazumdar, who was a Lecturer in the College of Commerce a short time ago, may be said to have specialised in geography, having had the advantage of studying it under the great experts named above, and there was no person on the present staff who could do justice to the subject. If therefore this subject which has been prescribed in the University curriculum is to be taught satisfactorily, the entertainment of this Professor is absolutely necessary. I do not think that the

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majority in this Council will run away with the impression that Government and the Department are only keen upon throwing away the public revenues without any solicitude and care. I can assure them that the subject has been very carefully considered and it was only when the late Director of Public Instruction was satisfied that the entertainment, at one time only temporary and continued only for the current year, was necessary during the next financial year that Government entered this item in the Financial Statement. As a matter of fact, as has been pointed out, out of the several suggestions for omitting different items as regards the College of Commerce there was one which was negatived by the Finance Committee, and that item was omitted from the Financial Statement. As to the item now under discussion the majority agreed. Of course, there was a difference of opinion, but the differing members must have consisted of those who thought that commercial geography was not a subject of such great importance and that it could be taught by anybody on the staff of the college. With these remarks, I suppose Honourable Members ought not to find any difficulty in making up their minds as to whether to accept this motion or to reject it.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI :—May it please your Excellency,—I am sorry that several Honourable Members were not present in the Council yesterday while we addressed the Council on this subject and that we have to repeat some of the arguments which we advanced in support of my resolution. I yesterday made it very clear that in moving this resolution I had at heart only the interests of the college, that I desired that the teaching of such an important subject as regional and commercial geography should be given in this institution by those who had received special education in it. We have on the staff of the college four gentlemen who have received such education. We have been told that these gentlemen were not able to teach this subject of geography. I am surprised to hear this. This subject, my Lord, formed a necessary subject in the curriculum of the examinations which all these gentlemen have passed in English institutions. Mr. Anstey is a graduate of the London School of Economics. Mr. Burnett-Hurst is also a graduate of the same institution, as also Mr. Shah, while Mr. Tannan is a graduate of the Birmingham institute. Well, this subject of higher geography was not only a necessary part of their curriculum of studies but was studied by them under the expert professors named by the Honourable Member in charge of Education, such as Professor Geddes, Mackinder, and others who were specialists in that subject. Are we really to believe that these gentlemen who had thus studied this subject under these specialists were not able to teach it and are we at the same time to believe seriously that a gentleman who had not received any such special instruction in this subject in the local university of which he was a graduate, was better able to teach the same. My Lord, we should seriously consider the interests of the college and not certainly subordinate them to any individual personal considerations. What I say is that in the first place was it right that the Principal and the Second Professor who were the most highly paid officers in the college should have contented for themselves with only four and five hours' work in a week and while they had so little work for themselves should have asked for an additional hand to teach for three hours a week a subject which they were well qualified to teach and for teaching which they had ample leisure. In the next place was it proper that after the appointment was sanctioned to meet temporary inconvenience they should have selected for it a gentleman who had not the needful special qualifications to teach the subject which they themselves possessed. Next the wonder of it is that after having expressly stated that the additional hand was wanted temporarily for only four months they should have continued his appointment longer and now asked sanction for making it permanent; what would appear to be still more surprising is that while this additional hand, thus entertained temporarily for a term had no special qualification for teaching regional

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geography, he should have been made to teach in addition commercial geography and even Economic History of England, both important subjects, in which he had received no training whatever and which he was still less qualified to teach. These subjects used to be taught by Mr. Tannan and others who had studied them under specialists in England. You take away these subjects from professors who had specialised in them and give them to a gentleman who has not received any special training in them and want to keep him permanently to teach them and we are seriously told that this is in the best interests of the institution and are seriously asked to believe it. I hope, Honourable Members will not attach any importance to this sort of argument and will not accept it. Next we are told that this proposed appointment is recommended by the Advisory Board of the college. We have in this Council one Honourable Member who is also a member of the Advisory Board, I mean the Honourable Mr. MUNMOHANDAS RAMJI. If the Board had special reasons, he certainly would have been the last man to keep those reasons from the Council. We want the reasons. We know that big names did once carry weight even for directorates of banks, but with the exposures during recent years in connection with mismanagement of certain Banks the mystic charm of big names has gone and in educational matters such things should not be allowed. Members of the Finance Committee wanted to know the reasons which it was stated Principal Anstey had given for the proposed appointment but his letter was not shown them and the papers are not placed before the Council. It is in the interests of the students of the college, my Lord, that we should insist upon the more highly paid professors, who receive handsome salaries to do work in proportion to their salaries, and it would not be wise policy to let them work for only 4—5 hours a week and require temporary hands to work for 11 hours or more and the other half-time lecturers to work 7, 8 or 9 hours and to ask for additional permanent hands. The college itself is a half-time college. For a half-time college we have given seven professors and we pay them handsomely. Four of the permanent men, as already stated, are well qualified to teach this subject of higher geography and have ample leisure to teach it. That being the case would it be, I ask, in the best interests of the institution to engage an additional and less qualified hand to teach the subject and is this Council to sanction a proposal like that now before us on the mere assurance that the Principal thinks so and so? I say the Principal should not have asked for even the temporary appointment he did last year and he should certainly not have proposed it to be made permanent as he had now done. The Honourable the Director of Public Instruction was pleased to think that this appointment was absolutely necessary. Is it absolutely necessary under the above circumstances that we should provide the college with an additional teacher for geography and one who has not specialised in that subject and is it in the interest of the students to allow that teacher to teach also other subjects with which he is not particularly familiar? Honourable Members are aware that most Government Officers have to work ordinarily from 11 A.M. to 5 P.M. and even their Lordships the Judges of the High Court from half-past eleven to half-past five. That being the case it would, I submit, be no serious hardship for these professors who work only for four and five hours *a week* to work for 2—3 hours more weekly if the same be at all necessary. It is admitted that Mr. Mazumdar, who had passed the same examination as Principal Anstey and Mr. Burnett-Hurst was able to teach this subject very efficiently. If so, I do not know why these professors should not be able to do the same. I do not mind if you spend even Rs. 2,000 for any professor if absolutely necessary, but I do object and most strongly to any additional unnecessary expenditure on a new appointment when the existing staff is more than sufficient and has ample time to cope with the work and is far better qualified to do the work efficiently than the new hand proposed to be entertained. With these remarks I hope the Council will accept my resolution.

His Excellency the PRESIDENT:—I only want to add one word to what has been said by various Honourable Members and my Honourable Colleague and

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the Director of Public Instruction who have opposed the resolution of my honourable friend. The sole argument of those who support the resolution, as clearly stated by my honourable friend Mr. UPASANI, is that the professors at the college are a lazy lot and do not do nearly enough work. Government is perfectly satisfied, and I should think most Honourable Members of this Council are perfectly satisfied, that the Professors at the College of Commerce are doing much work, doing extremely good work, are not sparing themselves in doing their work, and that they have got very little time for doing any other work. I can assure my honourable friend Mr. UPASANI and other Honourable Members that at this very moment lectures are proposed to be held in the college on the cotton industry. No extra staff is going to be asked for and they are going to take up this extra series of lectures, which will be of the greatest importance to the commerce of India, without any extra staff at all. I am inclined to think, with all possible respect, that this particular argument which has been advanced is rather a poor one. After listening to some of the speeches of those who support the resolution I can't help feeling that some Honourable Members have at the back of their minds a certain personal incident with regard to the professorial appointments in the college, and that this in the main is the reason that this resolution has been brought forward. What I want to urge on Honourable Members of this Council is that we have nothing whatever to do with that incident. Our purpose here is to provide such means as will ensure the thorough efficiency of the College of Commerce in every possible way. The Principal of the College tells us that Mr. Kazi is a specialist in geography and he considers that he is the only man available who can teach that subject on really up to date lines. That is the opinion of the Principal of the College, and from the Government's point of view we are inclined to accept that. This opinion is fortified by the strong recommendation of the Advisory Board, and by the approval of the majority of the Finance Committee. I say with all seriousness that those Honourable Members who are inclined to support this resolution will be taking on themselves a very serious responsibility by so doing.

His Excellency the PRESIDENT:—Resolution on "21 Education." The Honourable Mr. KAMAT.

The Honourable Mr. BALKRISHNA SITARAM KAMAT:—Your Excellency,—The resolution which I have the honour to move is as follows:—

"This Council recommends that in the next year's Budget Estimates the provision for Building Grants for Education (Item No. 96 in statement B of new or Extraordinary Items of expenditure) be increased from Rs. 3,00,000 to Rs. 6,00,000, the additional amount of Rs. 3,00,000 being earmarked for free grants for Primary School Buildings in the Mofussil, and that this expenditure be met by a corresponding reduction in the provision of Rs. 4,00,000 made for Discretionary grants under head 45, Civil Works—Public Works Department, Item No. 217 of the said statement."

At the outset let me make myself clear that I propose that this additional amount of Rs. 3,00,000 should be for *free* grants and that this should be specially for primary school buildings and not for hostels and other buildings. Before I come to the main resolution, I should like to refer very briefly to the remarks which fell yesterday from the Honourable Mr. CHAUBAL while he introduced the head of "Education". The Honourable Mr. CHAUBAL said that probably my resolution need not be moved at this stage as the Local Government was in correspondence with the Government of India on the subject of educational reform during the next 5 years and until such material was collected by the Honourable Member in charge of "Education" perhaps he would not be able to spend the amount as proposed by me. But in answer to that I submit, Sir, that my proposition simply at this stage is that in a year of improved finance like this we

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should take the opportunity of providing and earmarking this amount; we need not necessarily spend it if there is no such material or if a comprehensive programme is not ready, but there is no reason why we should not come to a decision so far as this grant is concerned when we have the funds available. Otherwise, what I apprehend might happen is this: that while we have got the funds this year we have not the material, and while perhaps by the time the material is ready we may not have the funds. I should therefore think that we should proceed to come to a decision—a decision which is simply whether we should allow these Discretionary grants to the Public Works Department or whether we should not lay by that particular sum for a better purpose from my point of view, namely, the purpose of education. Having made these observations regarding the Honourable Mr. CHAUBAL'S remarks, I shall consider the main proposition itself.

The effect of the resolution which I move, Sir, would be to transfer a sum of three lakhs of rupees from the Discretionary grants of the Public Works Department to "Education," specially buildings required for schools. I think I need only establish in the first place that the grants allowed to the Public Works Department are excessive, and secondly that they could be better utilised for the purpose of school buildings. Some of my honourable colleagues might contend that in a year of financial stringency I should not propose that such a large additional grant of Rs. 3,00,000 should be made for school buildings when there is already a provision in the Budget of three lakhs, but I think that the lump sum provision of Rs. 3,00,000 is not specially for primary school buildings, but is intended for buildings of various educational purpose and therefore this lump sum provision cannot cover the purpose I have in view, namely, setting apart a *special* grant of Rs. 3,00,000 earmarked for primary school buildings. Now I contend that this transfer of Rs. 3,00,000 from the Public Works Department should be made mainly on the ground that this year when the finances have improved we have to consider the head of "Education" liberally as compared with the previous years. I think the department of Education has not fared as well as it should have fared in this year's increase of revenue as compared with the Public Works Department. I will endeavour to prove this by reading some facts and figures from the financial statement.

Now, those of us who have gone through the figures of the financial statement carefully will see that this year there is an advance of Rs. 53,00,000 in the revenue of the presidency as compared with the previous year. If we have Rs. 53,00,000 more of revenue during the next year, it is only fair to see how it has been distributed under the different heads. Analysing these, I find that out of this Rs. 53,00,000 which is an advance over the current year's provision, a large share—I may call it the lion's share,—no less than Rs. 21,00,000 has gone to the Public Works Department, the Educational Department, as compared with the current year, getting out of this Rs. 53,00,000 only Rs. 5,85,000; that is to say, in a year when fortunately our finances have improved, instead of keeping the two departments level so far as the distribution of the excess funds is concerned, we have treated the Public Works Department much more liberally than the Education Department; I venture to submit that the distribution of this amount is not fair so far as the Education Department is concerned. I shall read to the Council the figures of the comparative expenditure for the two heads during the last two years, when perhaps the curtailments and the retrenchments were very heavy. During 1915-16 and also during 1916-17 we allotted to these two departments as follows:—

Education in 1915 got Rs. 75,00,000 and the Public Works Department also got Rs. 75,00,000. They were on a level. In 1916-17, while the Education Department got Rs. 77,00,000, the Public Works Department were allotted Rs. 69,00,000, that is to say, during the current year the Education Department, so far as the total expenditure was concerned, was ahead of the Public Works Department and the expenditure for the Public Works

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Department was thus cut down considerably. But immediately our finances improve what do we see for the next year? The Public Works Department is to get next year Rs. 91,00,000 as compared with Rs. 83,00,000 to the head of Education. Now we are all agreed, I suppose, and I also have the authority of the Government of India, in thinking that we must put in the forefront of our progress the department of Education and any other department must wait. I have the authority in this regard of the Honourable Mr. CARMICHAEL, who in his concluding remarks on the Draft Financial Statement.....

His Excellency the PRESIDENT:—The Honourable Member has given the figures for the Public Works Department for the years 1915-16, 1916-17 and 1917-18. Will he give them for the years before?

The Honourable Mr. KAMAT:—I have only taken the last two years for my purpose. During the last two years there was curtailment, and now that the finances have improved, we want to see how the increases in the revenue for the current year's Budget have been distributed. So far as I am concerned, the years previous to the last two years before the days of retrenchments do not bear on the subject to the same extent as the last two years of retrenchments do and, therefore, I have not gone into the previous years. Coming to the subject again, so far as Education is concerned, I believe the Honourable Finance Member also has, in his concluding remarks on the Financial Statement, stated that although a certain amount of caution is necessary, although the restrictions on expenditure which will have to be imposed on account of the war will remain in force, still "it would be unwise to hold up progress too long and in view of the great improvement in revenue it was recognised that larger provision for Education was necessary." Now I admit there is no doubt a larger provision of something like Rs. 8,00,000 next year for Education as compared with the current year, but as between the Public Works Department and Education, the expenditure for Education is not larger at all. Comparing the two departments between themselves, Education does not compare favourably at all and that is the chief cause of my complaint. We have heard two days ago, in the reports of the Imperial Legislative Council published in the papers, that the Government of India have, in spite of the financial difficulty created by the war, been very liberal towards Education and have allotted no less than Rs. 30,00,000 to the head of Education, and those that have read the speech of the Honourable Sir SHANKARAM NAIR will have noticed the high testimony and regard in which the Government of India hold Education even in these troublous times. If that is the case, I venture to submit, Sir, that the head of Education ought to have been treated much more liberally by this Government than the Public Works Department.

Coming now to the Discretionary grants, this year the Discretionary grants are something like Rs. 6,00,000 in all. I have taken the total as Rs. 4,00,000, but in addition to that there is the normal provision of Rs. 2,00,000, total Rs. 6,00,000. During the last two years these Discretionary grants were not so great, that is to say, in 1915-16 the Public Works Department had a grant of Rs. 3,00,000 only at their disposal for Discretionary grants; so also in 1916-17, that is the current year, they had not more than Rs. 3,00,000, and I think if the presidency could go on during the last two years with only a Discretionary grant of Rs. 3,00,000, I do not see why all of a sudden the heads of departments should have at their disposal by way of Discretionary grants such a large amount as Rs. 6,00,000. This Council will also bear in mind that in addition to the Rs. 6,00,000 this year there is also a reserve in the hands of Government, namely the reserve of Rs. 2,85,000, so that these Discretionary grants amount to something like Rs. 8,85,000, in all for the purposes of the Public Works Department. I contend that this is rather an excessive amount as compared with the last two years and as compared also with the grants for the Education Department. Now, if we just turn for a minute to see how these allotments are distributed, I think we shall find that a considerable amount of latitude has been allowed in

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their expenditure. For the year 1915-16, I find that out of this Discretionary grant of Rs. 3,00,000, the province of Sind had no less than Rs. 75,000 as purely Discretionary grant for itself. It may have no doubt been utilised for certain improvements, but all the same what I want to show is this: these are rather excessive grants, and they are spent on certain minor improvements here and there, whereas I contend that the improvement of school buildings is far more important and far more deserving an object than to place at the disposal of the heads of departments such large grants, purely for the purpose of minor improvements.

Reverting to the question of primary school buildings, I believe it is agreed and there is no doubt about the fact that so far as grants to Education are concerned, Government as well as the non-official members of this Council have one and the same object at heart. Government in their different reviews of the annual reports of the Department of Public Instruction have from time to time announced that the subject of primary school buildings has their best and serious attention. To make this clear I wish to quote from Press Note No. 2150, dated the 20th July 1913. It says:—

"The Governor in Council is accordingly pleased to direct that the system of *free* grants for the building and equipment of schools should be extended to municipalities also, for he considers that the need of good school buildings in municipal areas is as great as is the case with the District Local Board."

In the last paragraph of this Press Note we are told that:—

"For the present the existing annual provision of Rs. 1,00,000 referred to above will continue to be distributed on the same terms as before. The question of drawing upon it for the purpose of free grants will be considered when the allotment of Rs. 12,50,000 has been fully expended."

In this connection I must invite the attention of the Council and the Honourable Member in charge of Education to the grant of Rs. 12,50,000 given by the Government of India specially for primary school buildings, and I must also invite the attention of this Council to the fact that although this grant of Rs. 12,50,000 has been with us for the last four or five years, only a very small amount out of this, namely Rs. 2,85,000 has been actually expended during the last four years. In 1913-14 only Rs. 58,000 were spent and Government had something like Rs. 8,00,000 at their disposal for primary school buildings. What I wish to point out is this, that although the Government of India have given us this grant it has not been expended and it has remained with this Government for some time. What I fear would probably happen is this: in years of financial stringency all moneys which are not actually spent by us may probably lapse to the Government of India and we shall find ourselves in a difficulty to finance this particular purpose, when perhaps good times like this vanish away. Although therefore the Press Note of 1913 announced the good intentions of Government in this behalf what has been done since then is this: in the year 1915, somewhere towards the close of that year, Government issued another Press Note by which they practically stopped all building grants not only to primary schools, but to all educational institutions. After referring to the financial stringency what Government have declared in this Press Note is this: that "the payment of any grant which may have been promised by Government to educational buildings, not actually commenced, or of sites not actually purchased will be suspended until the financial situation improves."

Now, I confess when there was a stringency on account of the war two years ago, it was perfectly justifiable on the part of Government to issue a note that no more of these grants would be issued and no applications would be entertained from the managers of schools for building grants. But fortunately for the presidency this year we are in easier circumstances, and the object of my resolution is, if possible, to remove the embargo which Government have placed

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upon the distribution of these grants by the Press Note of 1915, and if possible to set apart and earmark during this year, this good year of prosperity, a certain amount for the purposes of grants for primary school buildings.

I will now describe to the Council in what state the school-houses in rural areas and villages are. Most of us who have gone down to these villages know that these school buildings are practically all of them ill-ventilated and scarcely roomy and spacious enough. In fact, in most of the villages, temples, dharamsalas and chavdis are doing the duty of school buildings. If at all we are to have any progress in primary education, we have to provide decent surroundings and decent school buildings as they are of certain educative value to the students. There can be no difference of opinion on that subject whatever. I venture to think, Sir, that during a time like this it is advisable to set apart a small amount of something like Rs. 3,00,000 for so deserving an object, namely, the building of the primary schools, and I trust this Council will accord a very sympathetic consideration to the resolution which I have placed before them.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI :—My Lord,—The resolution which the Honourable Mr. KAMAT has moved is one which ought to meet with sympathy from Government. The inconvenience felt by students for want of school buildings is too well known. Government itself is going to take action in that direction, but Government moves too slowly, and I think the object of the Honourable mover of the resolution is to expedite their action in this matter. What we want is that at least those villages which have themselves offered contributions ought to be provided with school buildings. I have particularly to urge that the claims of those villagers who have made voluntary contributions may be considered first. There are in my district several villages from which such contributions have been made but they have remained unutilised for the last so many years. In my own village contributions were made some 10 years ago and again 2 years ago, but the new school-house is not yet provided though the existing school-house is far too incommodious and in a very unsatisfactory condition. Then I have to point out that most of the larger schools are within municipal towns and the municipalities have to bear a larger burden than the local boards for them. On the other hand, many of the smaller municipalities are not in a position to spend large amounts on schools, and unless they contribute half the cost themselves they do not get contributions from Government. For these municipalities I think provision on a more liberal scale ought to be made by Government and unless some definite provision is earmarked for these school buildings, I fear the desired action will be as slow as ever. Large grants have been given to us by the Imperial Government for this purpose, but we have not been able to utilise them and our grants have remained unused for a long time for want of prompt action in the matter.

With these few words I support the resolution of my Honourable friend Mr. KAMAT.

The Honourable Mr. HARCHANDRAI VISHINDAS :—Your Excellency,—I have very great pleasure in supporting the resolution that has been put forward by the Honourable Mr. KAMAT in his characteristically lucid and exhaustive manner. There was one remark which fell from Your Excellency in the midst of the Honourable Mr. KAMAT'S speech which I wish to refer to. Your Excellency said that the Honourable Mr. KAMAT was quoting the figures for the last two years and he was asked to quote figures for the previous years. Probably the underlying idea was that whereas the comparison between the two departments in the years instanced by the Honourable Mr. KAMAT may have been favourable from his point of view, the reverse was the case from the Government's point of view when figures for other years were considered. What I want to say is that the Honourable Mr. KAMAT would not go so far as to say that there was any

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question of competition or race between the two departments. I would certainly go in for any expenditure which on its merits has better claims than any other item.

Now with regard to the two items which have been relatively put forward, I can certainly say that the Honourable Mr. KAMAT has made out a very strong case for his proposal in regard to Education. During the time that I have been in this Council, whenever any question on education was raised or whenever any motions came from Honourable Members with a view to increase the grants towards Education or towards the extension of Education, we had always a very wise and judicious suggestion from the late Honourable Mr. SHARP, whose loss is deplored by nobody more than myself, to the effect that whilst Honourable Members had the development of education so much at heart, they should not so much think of multiplying schools as of having more efficient teachers, having them better paid and having more well ventilated schools. That being so, I think the Honourable Mr. KAMAT has struck a very sound and wise note in inviting Your Excellency's and this Council's attention to the unsatisfactory state of the school buildings in the moffusil he has so graphically described, which requires to be urgently remedied. On the other hand, we are staking our money on "a dark horse". We give large discretionary grants to the Public Works Department. We do not know how these discretionary grants are utilized. I would certainly say that we can very easily trust the Public Works Department, and I have not the slightest hesitation in saying that they would be reasonably spending these grants, but in the absence of any explanation, any detailed information as to what these discretionary grants are intended for, how they are going to be utilised and for whom, we may fairly presume that we would not be far wrong in making them stand over for some time. They can be very easily curtailed without any strain on the works themselves, whereas, on the other hand, it appears that the work for which the Honourable Mr. KAMAT has moved this proposition is more important, especially considering the very easy nature of the finances at the present time. The Honourable Mr. KAMAT has placed before you all these points with great force and eloquence, and I have nothing to add to them, but simply to ask that this Council will be good enough to offer their most serious consideration to this question and support this resolution.

The Honourable Lieutenant-Colonel JAMES JACKSON:—Your Excellency,—I certainly do not rise to oppose any grants for the buildings of primary schools, but I only demur to the head from which the Honourable Mr. KAMAT proposes to take the money. Now, this is the head, I think, of grants to heads of departments. The Honourable Mr. HARCHANDRAI has very forcibly said just now that these discretionary grants might stand over for an indefinite period, but I can tell him, as the Honourable Khan Bahadur PIR BAKSH would also be able to tell the Council, that if I do not get any discretionary grant this year, the town of Sukkur will continue to suffer from mosquitos. We must remember that these discretionary grants are the only money that heads of departments have got to deal with all sorts of minor works costing under Rs. 5,000. If the drain of a Government building goes wrong and I have no discretionary grant at my disposal, the outside people who are in close proximity must suffer. The grants that go to the Surgeon General, the Commissioners and to all the various heads of departments are very much more than mine. They go in the direction of sanitation and many other useful and necessary objects. The Honourable Members of the Council need not be in the least afraid that Government will be extravagant in allotments under this head. For the whole of the jails in the Bombay Presidency and Sind last year I got only Rs. 5,000. If the discretionary grant is to be cut down by Rs. 3,00,000, then I fancy my grant in the coming year will be brought down to an infinitesimal point.

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The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE :—Your Excellency,—The proposition that has been placed before the Council by the Honourable Mr. KAMAT has my sympathy and warm support. At the same time, I must tell the Council that with the discretionary grants provided for in the Public Works Budget, many very useful small local works, the necessity for which is brought forward by the heads of departments, are carried out every year. The Honourable Mr. ARTHUR tells me that the discretionary grants that have been placed at his disposal during current year are Rs. 15,000 for Salt, Rs. 10,000 for Customs, and Rs. 13,000 for Excise. All these amounts are, as we have been told by Lieutenant-Colonel JACKSON spent on very useful works. But we have to bear in mind that the amount of these discretionary grants provided in the last year's budget was Rs. 3,00,000 and it has now been increased to Rs. 6,00,000. I think that the increased amount is capable of reduction. Some reduction should be made in the grant, and the amount thus reduced should be earmarked for the construction of primary schools in the local boards and municipalities of this Presidency. With this explanation I would suggest a modification of the Honourable Mr. KAMAT'S resolution to the effect that the Public Works Budget discretionary grants be reduced from Rs. 6,00,000 to Rs. 4,00,000, the saving of Rs. 2,00,000 being assigned for the construction of local board and municipal schools for primary education.

His Excellency the PRESIDENT :—The amendment proposed by the Honourable Dewan Bahadur GODBOLE to the resolution moved by the Honourable Mr. KAMAT is—

> "that the amount of Rs. 6,00,000 provided for the Public Works Department for 1917-18 be reduced to Rs. 4,00,000 and the saving of Rs. 2,00,000 be distributed among the local boards and municipalities of this presidency for the construction of primary schools."

This amendment is now before the Council.

The Honourable Surgeon General R. W. S. LYONS :—Your Excellency,—I have no objection to grants being made as far as improving the conditions of primary schools go but I object most strongly to any reduction of the discretionary grants placed at the disposal of the heads of departments. Before the war the discretionary grant for the Surgeon General was Rs. 62,000. Last year it was reduced to Rs. 17,000. As a result, many of the small works such as the roofing and tiling of hospitals and other sanitary provisions had, either to be postponed or only partly done. I will give a few instances to show how severely the stress is felt in the medical department and how badly it will be affected if there is to be any reduction of the small sum to be given in the coming year. The house of a sub-assistant surgeon at Jacobabad has fallen down, so he has to go and live in the bazaar. At Satara the roof of one of the hospital wards was unsound and as it was going to fall it had to be renewed. In order to do this I promised Rs. 1,000 out of the discretionary grant of this year and the balance from the next year's. At Sassoon Hospital a small room was required to be got ready for some Indian nurses. The preparation cost only Rs. 500, but I could only give Rs. 300 this year and promise the balance next year. Now these are all most necessary things and to my mind these grants are necessary for the small repairs some of which must be done. Another item that comes to my mind is in regard to improvements in the J. J. Hospital. The Municipality complained that the sanitary connections were not good. For these sanitary connections I gave them only half this year and promised the balance next year. For these reasons, I oppose most strongly the reduction of these grants which are shown as made to the Public Works Department. They are not really Public Works grants as they do not go to the Public Works Department at all but go for the building and repairs of the different departments. These grants have been cut down now for the last two years to the minimum and unless I get money in the

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coming year for these purposes, the dilapidations to buildings will upset the working of the Medical Department very greatly and undoubtedly cause extra expenditure hereafter.

The Honourable Mr. BALKRISHNA SITARAM KAMAT:—Your Excellency,—I shall speak only on the amendment moved by the Honourable Dewan Bahadur GODBOLE. He wants to have recourse to a *via media* as it were by cutting down the discretionary grants from Rs. 6,00,000 to Rs. 4,00,000. I wish to point out to him that already this year there is in the hands of Government in the shape of reserve one lakh of rupees more than last sear. I always look at this question from one point of view, namely, that for purposes of comparison, only the years *during* the war must be taken into consideration, not pre-war days. Taking these 3 years into consideration, I want to emphasise it once again that this year Government have kept in their own hands one lakh of rupees more as a reserve (that is to say, last year they had a reserve of Rs. 1,20,000 and this year they have a total reserve of Rs. 2,20,000 in addition to the 6 lakhs.) So, if there is anything which the Honourable Lieutenant-Colonel JACKSON or Surgeon General LYONS requires, those items could be met out of that additional Rs. 1,00,000, that is to say, out of this year's total of Rs. 2,20,000 which Government have already kept in their hands in addition to the 6 lakhs. There is another thing, which I wish to point out and it is this: that the Public Works Department make a separate provision for miscellaneous public improvements, which this year is Rs. 4,93,000. Now when there is this provision of nearly 5 lakhs of rupees for small miscellaneous works, I think the small works which the Surgeon-General wants to have done might be done out of these funds which are separately in the hands of the Public Works Department for miscellaneous expenditure and he need not draw upon the discretionary grants at all. These are the only things that I have to say on the amendment brought forward by the Honourable Dewan Bahadur GODBOLE.

The Honourable Mr. P. R. CADELL:—Your Excellency,—I think this debate has had one useful result in revealing to us that there is one perfect optimist among the members of this Council. To most of us the present war is so horrible that optimism is impossible. That happy condition the Honourable Mr. KAMAT has however very nearly reached. He is not unaware of the war, he occasionally mentions its existence, but he talks of these happy times, this easy year, and anybody listening to his speech would imagine that we are at the height of prosperity. Of course, that is not so. The times are still difficult and they will be difficult and Government will want all the money that they can get. Government cannot draw unduly upon their reserve. It is obvious that we cannot do all that we want. If we had the money I am quite sure that the Members of Government would be as ready as anybody else to provide all that was available for school accommodation. Everyone is aware that everywhere the school accommodation at present is insufficient and unsatisfactory, but we have not got all the money which we want for the purpose and the comparison which the Honourable Mr. KAMAT has drawn is unfair for this reason, that he draws it between one department, the Public Works Department, and another department, the Education Department. Of course, that is not a true comparison. His comparison is between one branch, the building branch of the Education Department and the corresponding branches of every other department of the Government, because the money allotted to the Public Works Department is to meet the minor works of every other department. The Surgeon General and the Inspector General of Prisons have told you all the minor requirements of their departments. There are several others. The Honourable Mr. KAMAT has told you of the extremely inefficient way in which schools are housed in the villages. That is perfectly true. But the Honourable Mr. KAMAT

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is no doubt aware that the karkuns in taluka and civil cutcheries are housed in equally bad offices. In many places these people have to do very long hours of office work, and the same applies to many other branches of work. A portion of this grant to the Public Works Department is for repairing small bridges and roadways, which are works of the greatest utility to the people themselves. The Honourable Mr. HARCHANDRAI has said that in giving these grants to the Public Works Department we may be spending money on a dark horse. There is no mystery really about the money that is spent. Any Honourable Member can perfectly well ask for details. Honourable Members who have listened to the speeches might go away with the impression that the Public Works Department has been provided with funds for all the purposes that they need. That is not so. We all know as regards major heads the Public Works Department every year call upon all the Commissioners and the heads of other departments to send up a list of their works, and I do not suppose that 10 per cent. of these works is done in the year in which they are sent up. They are sent up year after year until sanction is ultimately obtained. The same applies to minor works also. The Public Works Department can really meet only a very few of the demands that are made on them and in many cases the repairs that are due are delayed until they become absolutely uneconomical. Therefore, much as we may sympathise with the Honourable Mr. KAMAT'S objects, I think the answer to him must be simply that we have not got the funds. These discretionary grants to the different departments are absolutely necessary for the administration, not only for the convenience of Government or Government officers but for the convenience of the people themselves. I therefore trust that the Council will realize that it is impossible to agree to the requests made in this resolution.

The Honourable Mr. ALFRED LAWRENCE COVERNTON:—It is not for me to oppose a proposal of this nature and when the Honourable Member proposes to give a larger grants to education I ought to receive it, if it is granted, with gratification. I do not like to look a gift horse in the mouth, but at the same time I ought to point this out. The grant is proposed to be a free grant for the building of primary schools. I presume by that is meant that the district local board or the municipality which has to erect a school building will apply to Government for a grant equal to the whole cost of the school building, so that the local board or the municipality incurs no expense for itself. Well, these are times in which building operations are difficult and expensive and it seems to me that it ought to be remembered that if Government are to be asked to incur a large additional expenditure on this account, an expenditure to which the local board or the municipality would contribute nothing, then Government should not be asked to do so at a time most unsuitable and unfavourable for building when it will get the smallest return for its money. It seems to me therefore that it should be borne in mind whether this is the best time for a large additional expenditure in this manner on primary school buildings. We have of course great need of them and the Educational Department do want them and any addition for the improvement of educational facilities is quite welcome. There is one other point. The erection of buildings is necessarily governed by procedure imposed by the conditions of the Grant-in-aid Code. The erection of school buildings takes some time to accomplish and it requires to be seen whether it is possible to spend the whole of this additional amount in the current year. That is a point which I have been unable to go into in the time at my disposal.

The Honourable Mr. GHULAM MUHAMMAD *walad* KHAN BAHADUR WALI MUHAMMAD BHURGRI.—I strongly support the resolution of my Honourable friend Mr. KAMAT. As far as the Director ot Public Instruction's argument,

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viz., that this time is very inopportune because if we spend money on school buildings now when things are dear we will not get a proper return on them. May I ask whether this very argument would not apply in the case of money given to the Public Works Department for hospitals and other purposes. I think that an argument of that sort will not generally hold good. With these remarks, Sir, I support the amendment.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE :—Your Excellency,—I rise to support the Honourable Mr. KAMAT'S resolution but on the chance of Government's accepting the Honourable Dewan Bahadur GODBOLE'S amendment I am prepared to support that also. I was rather surprised to see that while the Inspector General of Prisons and the Surgeon General have stood up for their departments, in the case of the Education Department the Honourable the Director of Public Instruction was rather luke-warm. I may only say that the state of primary schools in all parts of the presidency is so unsatisfactory that we should not wait for doing our best to improve their condition and that this bad state of primary schools is seen not only in the villages and small places alone, but I am almost tempted to say that the same or worse is the case even in some of the bigger municipalities. I have had occasion to visit all the schools in connection with the Poona Municipality and I may say that I did not see any more lamentable sight than the schools in which thousands of boys had to study for the major portion of the day, say, 5 or 6 hours, in most insanitary and ill-ventilated places. Further the municipality is not very much to blame. They have to maintain a large number of schools in Poona and it is a great strain on the present finances of the municipality already; and while the municipalities ought to do a great deal more than they do at present, the only radical cure is to offer these free grants for the purpose of helping the municipalities where it is absolutely necessary. Again from the general point of view it is rather more important that boys in the municipal schools should have proper buildings than even schools in villages; as, when boys go out of school in the villages, they get the benefit of fresh air, but in larger towns the school is the only decent building in which the students can spend some parts of day, the other hours of the day being generally spent in unhealthy places where they cannot get fresh air; and, therefore, I welcome the idea of a free grant for school buildings especially for municipal area. It is only then that the grant will be spent immediately and for this particular purpose. The question in this case is as to the relative merits of grants for civil works and grants for school buildings, and I have not the least hesitation in saying that the necessity for building primary school is a very much more pressing necessity than the civil works. With these remarks I have great pleasure in supporting the resolution.

The Honourable Mr. G. CARMICHAEL :—Your Excellency,—I think the Honourable Mr. KAMAT who has moved this resolution said he had gone through the Financial Statement with very great care. In connection with the provision to which my Honourable friend refers I think he has overlooked one item in particular. My Honourable Colleague Mr. CHAUBAL will, I believe, point out to him what Government are actually doing in the matter and will point out the references in the Revised Financial Statement which the Honourable Mr. KAMAT appears to overlook. I think that in the present case the Honourable Mr. KAMAT might well, in fairness to the Council, have accepted His Excellency's suggestion and given us the figures of expenditure under the Educational heads and of the Public Works Department in 1913-14, the year before the war. I am afraid they did not entirely suit his argument, for you will find that the Public Works' actual

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expenditure under Civil Works in 1913-14 was Rs. 1,04,00,000 and under education Rs. 72,76,000. Now the figures for education in the war years are as follows :—

	Rs.
First war year actual expenditure	83 Lakhs.
Second war year actual expenditure ...	75 „
Budget for current year	77 „
Budget for next year	83 „

If you look to Public Works on the other hand you will find that the expenditure budget for the current year has gone down to 69 lakhs of rupees and out of that 2 lakhs of rupees were taken over for other purposes out of the Public Works grant leaving only Rs. 67 lakhs to spend. As I said last year the Public Works Department is the Department to which the shears are applied most drastically whenever any financial stringency occurs. The cutting amounted to one-third under Public Works Department. Under the Education Department head all that happened was that expenditure was deferred. There was no drastic retrenchment. With regard to discretionary grants the Honourable Colonel Jackson and Surgeon-General Lyons who know and have to utilize these grants have told us how very useful they are. The amount actually applied for by the officers and heads of departments concerned was as much as 9 lakhs of rupees but it was reduced in the Budget under consideration and brought down to 6 lakhs of rupees. I think I may safely say that under the Education Department head everything that the Director of Public Instruction asked for has been provided. The Honourable Mr. KAMAT suggests that as the Public Works Department has a very large reserve, the money required for the discretionary grant should be supplemented from that reserve, but we have a large programme in progress and we require a correspondingly large reserve. The discretionary grants for the last two years have been kept down to a very low figure indeed that is, 3 lakhs of rupees and there is no doubt that unless we give proper facilities to the officers who use these grants the efficiency of their work will be impaired. I am rather surprised to see the Honourable Dewan Bahadur GODBOLE objecting and saying that the Public Works Department grants might easily be cut down. I think he must have a very clear idea of how useful these grants are for the various purposes for which they are allotted and I think he should have been the last person to raise this objection.

The Honourable Mr. MAHADEV BHASKAR CHAUBAL :—Your Excellency,—I find it necessary to direct the attention of the Council to exactly what the budget proposes on the subject of the present resolution. The resolution is :—

"This Council recommends that in the next year's Budget Estimates the provision for building grants for Education (item no. 96 in statement B of new or extraordinary items of expenditure) be increased from Rs. 300,000 to Rs. 600,000, the additional amount of Rs. 300,000 being earmarked for free grants for primary school buildings in the moffusil, and that this expenditure be met by a corresponding reduction in the provision of Rs. 400,000 made for Discretionary grants under Head 45, Civil Works—Public Works Department, item no. 217 of the said statement."

The resolution has, therefore, two aspects—one the Educational aspect of it and the other the Public Works Department aspect of it. Now as regards the educational aspect of it, Honourable Members will have noticed that the budget does already make a provision, which is referred to in the resolution itself as Rs. 300,000, for building grants. The Honourable Mr. KAMAT says that these are building grants and might include primary schools as well as other things, but in order to earmark free grants for merely primary schools he wants a large slice like Rs. 300,000 cut away from the discretionary grants of the Public Works

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Department and allocated or added on to the Rs. 300,000 in item 96. Now his object is that after you have taken away three lakhs from the Public Works Department and put it on to the item 96 these three lakhs taken from the Public Works should be a free grant for primary school buildings, as he puts it. Now on this question you will note that the three lakhs which are put down in item 96 are to be given under the usual conditions for the grants for buildings. As regards the free equipment grant, I would ask the Council to look to item No. 113 of the Draft Financial Statement. Item No. 113 runs:—"Lump provision from the Imperial non-recurring grant of Rs. 31 lakhs and certain balances of the Darbar grant for 1912-13 added to it." Now I will tell you the previous history about this grant. In 1913 the Director of Public Instruction had proposed that the ordinary annual provision of one lakh for building grants to primary schools should be given as a free grant for the next five years. Government considered that and they thought that it was not necessary to reserve the sum of one lakh for free grants, but what they did is worth noticing. They made the following observations:—"Out of the non-recurring Imperial grant of Rs. 31 lakhs for the general improvement of education the Government of India have made an allotment of Rs. 12½ lakhs for the erection and equipment of schools, mainly of the vernacular elementary class, and Government will be glad to see the whole or a larger portion of this allotment devoted to the payment of free building and equipment grants, not only to local boards, but also to those municipalities which are in the greatest need of suitable school buildings but whose financial circumstances do not admit of their constructing them on the terms laid down in the ordinary grant in aid rules."

Now this item No. 113, which is a grant of Rs. 3,77,934, is a grant out of this grant of 31 lakhs, and out of this grant I might mention if you look to the distribution of it that Rs. 3,15,625 have been provided for this express purpose of free building and equipment grants; so that it is not only item No. 96 which stands and which has got to be utilised partly for the purpose of hostels, primary schools &c., but we have also got to look to item No. 113 and out of that item of Rs. 3,77,934 (I think the latest figure stands at Rs. 3,96,000 and odd) Rs 3,15,625 have been already ear-marked in the next year's budget for free building and equipment grants. Therefore you have the provision of Rs. 300,000 under item 96 plus a provision of Rs. 3,15,625 out of the provision of Rs. 3,77,934 under item No. 113. Well, it will depend upon the authorities no doubt to decide what they spend on primary schools and what they spend on hostels and other things out of item 96, but so far as item 113 goes, the Rs. 3,15,625 is specifically ear-marked for the purpose of free building and equipment grants. Therefore the result of what the Honourable Mr. KAMAT proposes would be that in addition to the three lakhs and odd out of item 113 he wants three lakhs taken away from the Public Works Discretionary Grant, so that it will be Rs. 300,000 under item 96, Rs. 315,625 under item 113 plus Rs. 300,000 which he intends to take away from the Public Works Department. As a matter of fact, we shall have a part of the three lakhs utilised for hostels and primary schools, and over and above that Rs. 315,625 is absolutely free grant for primary schools and their equipment; so that there is really, roughly speaking, an item of six lakhs already for the purpose for which the Honourable Mr. KAMAT is so anxious and in support of which other members have spoken so eloquently. Again here is an important aspect of the question which was touched upon by the Honourable the Director of Public Instruction which Honourable Members will kindly bear in mind when voting on this question When a sum like three lakhs or six lakhs is put down for building purposes you have got to consider the spending capacity or the capacity to utilise it. Nobody disputes that buildings for primary schools are necessary. The question is, is it necessary to put down in the budget a large amount like five or six lakhs in one year if you are only able to spend one or two lakhs out of it during that year. But that is what the Honourable Mr. KAMAT exactly asks you to do. As a matter of fact, I do not think—and those who have experience of

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the working of the Public Works Department will agree with me—that they will be able to utilise even the three lakhs and fifteen thousand and odd and the three lakhs provided under item 96 for the purpose throughout one year. You will always find from experience that at the end of the year grants of some lakhs come back again because they have not been utilised during the year and they have to lapse. Honourable Members perhaps remember the passage in "Martin Chuzzelwit" where in answer to Mr. Martin's anxious inquiries about artizans and labourers in the garden of Eden, his Lieutenant Mr. Tapley remarked: "The soil is so fruitful that public buildings grow spontaneously." Nor has the Public Works Department got any Aladdin's wonderful lamp to create a thousand buildings in a night. Buildings require time and men to bring them into existence out of brick and mortar', they won't grow like mushrooms. Therefore you have got to see that, so far as the Educational aspect of it goes, there is ample provision for the erection of school buildings and for their equipment in the provisions which have already been made.

While, therefore, on the one hand looking at it from the educational point of view nothing is likely to be gained to secure the object which educationists have in view, on the other hand, if you look to the Public Works Department aspect of it, as the heads of Departments have already told you they will be very materially hampered and crippled in providing many and sundry useful necessities if you cut down the provision made for discretionary grants to heads of Departments. On that point I ought to mention to you that it has been ascertained that the total demands of the various officers for these discretionary grants for 1917-18 amount to Rs. 9,76,000 against which Government have made a provision of 6 lakhs only Government have, therefore, already cut down their demand by over 3 lakhs and cutting down another 3 lakhs out of it would be simply disastrous. Well, you will see, therefore, what is likely to be gained by acceding to the resolution which has been moved. The Educational Department would no doubt, as the Honourable the Director of Public Instruction has said, be very glad to have the amount, but without being able to utilise it. On the other hand, the Public Works Department will be immensely crippled and all the heads of Departments will find themselves short of money for many useful purposes in the administration of the different districts. That is really the main issue before the Council. Dewan Bahadur GODBOLE moved an amendment for reducing the Public Works Discretionary Grant by 2 lakhs and giving those 2 lakhs to local boards and municipalities. As a matter of fact, I have read to you the wording of the resolution which reserves 12½ lakhs out of the non-recurring grant of 31 lakhs from the Government of India for the purpose of free building and equipment, grants to local boards as well as to municipalities and it was out of that the provision of Rs. 3,15,625 has been made, and therefore even looking at the amendment from that point of view, there is the same objection to taking away 2 lakhs as there is to taking away 3 lakhs. The simple issue before you, therefore, is whether the Educational Department should have the satisfaction of seeing a lot of money lying with the Accountant General which they are not able to utilise in the year and the Public Works Department finding themselves crippled and handicapped on account of the want of necessary funds in the coming year. That, it seems to me, is the plain and clear issue before the Council.

The Honourable Mr. BALKRISHNA SITARAM KAMAT:—Your Excellency,—I would beg the Council not confuse the issues. The Honourable Mr. CADELL while referring to my remarks suggested that I was rather too optimistic; but I must point out to him that the financial circumstances have no doubt improved; let me assure him that I am fully conscious of the extreme necessity for caution but at the same time I will say this much that while Government should put their hands on the handle of the brake, I do not think they should press the handle too far. He said that clerks of the Revenue Department also have to work in

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insanitary office buildings. Well, in that case I submit it is for the authorities concerned to press for grants for that department, but so far as primary schools are concerned I have the authority of a Revenue Officer, namely, Mr. Mountford who when he was the Collector of the Poona District, had described in one of his reports that in the primary schools every year the eye-sight of a great many pupils was being ruined owing to bad school houses, and that it was no use having more schools unless we had decent school houses. The Honourable Mr. COVERNTON, as my Honourable friend Mr. PARANJPYE said, was rather lukewarm in his remarks He did not say that he did not want this grant but he said that he would be rather in a difficulty how to spend it. If that is his difficulty I can assure him that if he is prepared to admit the applications of municipalities and local boards, my municipality, the municipality of Poona will be the first to come and apply for a very large share of the grant, and he will see that a good deal of the grant is spent during the year. Coming to the remarks of the Honourable Mr CARMICHAEL he referred to the fact that I have not quoted figures for the year 1913-14 or the previous years As I have just explained I have compared how the different departments are faring at the hands of Government during the war-time only. I think any comparison during pre-war days would be more or less beside the point. If I wanted to compare the last 5 or 6 years' expenditure surely I would have brought in the figures for 1913-14. My purpose is to show how far during the war retrenchments have affected the different departments and I think the comparison with figures for 1913-14 is entirely beside the point. Coming now to the remarks of the Honourable Mr. CHAUBAL, he drew my attention to the fact that item 96, namely, the provision of 3 lakhs of rupees was intended for building grants for primary schools.

The Honourable Mr. CHAUBAL:—I did not say that. I said that the grant was for hostels and other things also and that primary schools were only a part of the item.

The Honourable Mr. KAMAT:—That is exactly the conclusion that I drew, because if you turn to page 8 of the Draft Financial Statement in paragraph (j) this grant of 3 lakhs of rupees is described as follows:—"A larger provision is entered for building grants to educational institutions". That supports my inference that the whole of this grant of 3 lakhs of rupees will *not* go to primary school buildings as the Honourable Member has just now explained. I think I must explain to the Council why I sent in my resolution. The reason was that the Draft Financial Statement did not specify that there was so much provision for the primary school buildings. In other words the 3 lakhs referred to were to cover a larger ground than the ground I wanted to cover. Then again the Honourable Mr. CHAUBAL referred to another provision of Rs. 3,15,625, namely, item No. 113. Here again the description given by the Honourable Member in charge of the Revised Financial Statement is like this. (Page 34 of the Revised Financial Statement, first paragraph, concluding portion). "The lump provision of Rs. 3,96,000 from the non-recurring imperial assignments is intended chiefly for (*i*) building and equipment grants to local boards, municipalities and European schools and (*ii*) grants for the provision of hostel accommodation at certain aided schools". As I explained in my preliminary remark this covers much larger ground; the distinction between my resolution and the provision already shown in the budget is this: The item provides a lump sum for hostel accommodation *and* primary school buildings together and what I wanted was that a distinct and separate provision should be ear-marked for primary schools alone. If the Honourable Member assures me that out of the Rs. 3,96,000 a lump sum of Rs. 3,15,000 is to go to primary school buildings and if he also assures me that the other sum of Rs. 3,00,000 which he quoted as making up the total sum of Rs. 6,15,000 will be allotted for buildings not necessarily for primary schools; if he is prepared to commit Government to the statement that this year there would be specifically ear-marked a lump sum provision of Rs. 3,00,000 and also

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another amouut of Rs. 3,15,000 as contained in item No. 113 making up a total provision for primary school buildings of Rs. 6,15,000, then I think every member of this Council will be partially satisfied, if not wholly satisfied, with the provision as shown in the budget. But both the Draft Financial Statement and the Revised Financial Statement as presented to Honourable Members do not make it perfectly clear that the provision made this year was to be Rs. 6,15,000, as has been told to the Council by the Honourable Member just now. There is one thing again to which I would like to refer. This item No. 113 which the Honourable Member in charge quotes, amounting to Rs. 3,77,000 is from the imperial assignment of Rs. 31 lakhs; it is a lump sum provision from the imperial non-recurring grant of Rs. 31 lakhs and certain balances of the Darbar grant for 1912-13 added to it. Naturally, the conclusion to which any Honourable Member would come to from the wording of item 113 would be this, that this grant is a saving from the Imperial grant of 31 lakhs, and in the last report of the Education Department on page 30 we are told about this grant of Rs. 31 lakhs is for technical education, and not school buildings. The note says:—"At the end of March 1915 there was a total unpledged balance of Rs. 29,727 available for technical education." I wish only to refer to this to show the confusion caused to the Honourable Members with regard to this item No. 113. This item is described as a provision from the grant of Rs. 31 lakhs, and if we refer to the description of that grant as given in the Report of the Director of Public Instruction, there we are told that it is for technical education. We are referred further on by the Director to paragraph 146 of his previous year's report; but tracing back the history of this grant to the previous report I find that it does not show (if I understand aright) that this grant of Rs. 31 lakhs is meant for primary school buildings at all. If it does, I shall certainly be glad if the Honourable Member will assure the Council.

His Excellency the PRESIDENT:—I really think that my Honourable friend may take my Honourable Colleagues assurance that this amount of Rs. 3,15,000 is to be given as a free grant for expenditure on primary school buildings.

The Honourable Mr. KAMAT:—If the Honourable Mr. CHAUBAL can assure us that out of these grants . . . . . .

His Excellency the PRESIDENT:—I have informed the Honourable Member that this Rs. 3,15,000 is to be utilized for primary school buildings.

The Honourable Mr. KAMAT:—I would be perfectly satisfied to know if the Rs. 6,15,000 is for primary school buildings alone, but from the announcement made by the Honourable Member in charge I gather that Rs. 3,15,000 only is for primary school buildings. If I am right . . . . . .

His Excellency the PRESIDENT:—Really the Honourable Member is extraordinarily difficult to explain. I have told him twice in the clearest language possible that this Rs. 3,15,000 is to be given as a free grant for primary school buildings and equipment.

The Honourable Mr. KAMAT:—I accept the assurance. In that case there is nothing further to be said.

His Excellency the PRESIDENT:—I wish to emphasise the remarks that have fallen from my Honourable Colleague that Honourable Members should be very careful in altering this grant in any way. As Honourable Members are perfectly aware this amount of Rs. 6,00,000 is given in discretionary grants which are to supply all departments with small amounts up to Rs. 5,000 throughout the whole of the Presidency. The object of the Honourable Member's resolution, and, I rather regret to find that of my Honourable friend DEWAN Bahadur GODBOLE'S amendment, is to reduce this particular grant. The obvious result of this would be that the various amounts allotted for the various repairs and minor works in various parts of the Presidency will have to be cut down which seems to me an extremely false economy. The Honourable Mr. KAMAT, I agree with my

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Honourable Colleague Mr. CARMICHAEL, was, I won't say unfair, but he put forward a version of the reduction in expenditure, actuals with regard to Education and the Public Works Department which entirely suited his own case. Let me inform Honourable Members that my honourable friend has suggested that we must only consider war years. Well, that is exactly what I propose to do. In the year 1914-15 the actuals for Education stood at 83 lakhs and those for the Public Works at Rs. 1,04,00,000. In 1915-16 Education went down by 8 lakhs to 75 lakhs, and the Public Works went down by 29 lakhs to 75 lakhs. In the present year we have gone up again as Honourable Members will see in Education by 8 lakhs to 83 lakhs but we have gone up in Public Works to 90 lakhs only and the amount we have cut down with regard to Public Works is very much more than that we have ever done for education. We are trying to do what we can for the Public Works Department and at the same time we are increasing our expenditure on Education. I should like to urge on Honourable Members that Government do feel that it is important to hold these discretionary grants for the purposes of these various objects of which Honourable Members are perfectly aware, and as my Honourable Colleague has said, having regard to the fact that Rs. 3,15,000 are to be spent in free grants this year on buildings and equipment of primary schools and a part of a further sum of Rs. 3,00,000 will go also to primary schools, Government are inclined to think that they have made a very fair provision for this particular purpose this year and I therefore trust that this Council will not accept either the amendment or the resolution.

The Honourable Mr. BALKRISHNA SITARAM KAMAT:—Your Excellency, I think I might withdraw the resolution in view of the statement made by the Honourable Mr. CHAUBAL.

The Honourable Dewan Bahadur GODBOLE:—I also want to withdraw my amendment, Sir.

The amendment and resolution were both by leave withdrawn.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—My Lord.—The resolution which I wish to move reads thus:—

"This Council recommends to His Excellency the Governor in Council that, out of item No. 116 in statement B of the budget, the trained teachers entertained this year be paid the full face value of their certificates and that provision be made to increase the number of trained teachers and to increase the pay of the untrained head masters of primary schools."

My Lord, my attention was drawn yesterday by the Honourable Mr. CHAUBAL to the difficulty he experienced in meeting this proposal owing to the fact that if teachers entertained this year were given the face value of their certificates, those entertained last year and the year previous would also have to be paid the same. My Lord, I was under the impression that under the orders issued two years ago all the trained teachers were being paid according to the face value of their certificates. In fact municipalities were asked to give retrospective effect to the orders of Government on this point, from the date that the orders were issued. I do not know if those orders were not carried out in any Districts during the last two years but I think when we have introduced code pay for these teachers, we must not stop the operation of those orders as even the code pay that the trained teachers are to get is so low. As regards untrained teachers, the matter is still more unsatisfactory. Your Excellency, on a reference to only the last year's report of the Director of Public Instruction you will find that out of a total of 2,700 and odd teachers we have got only 791 trained teachers and 1,981 untrained teachers. The proportion of untrained teachers to trained is about 3 to 1 and the proportion of untrained headmasters to trained headmasters is 2 to 1 or more. Now, that is not at all a satisfactory state of

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things. The average pay of an untrained head master is only Rs. 11. My Lord, even police constables who do not know much of the three R's are paid Rs. 12 and is it satisfactory that teachers who are far better educated should even when appointed as head masters of schools after several year's service should only get Rs. 11 a month. That is their average pay. That is the pay also in the case of trained assistant teachers. My suggestion, therefore, is that in the case of trained teachers they should all be paid according to the face value of their certificates. They join the training Colleges, my Lord, on the expectation that after completing their training they will get their pay according to the face value of their certificates. In all the Government departments the minimum pay of the clerical staff is raised from Rs. 12 to Rs. 15 and the same should be done in the case of the Educational Department. At any rate in the case of head masters Rs. 12 or Rs. 15 ought to be the minimum. When we have grants made by the Government of India for this very purpose, it is high time that this matter should be attended to and in the present hard war times, at any rate, this matter should receive immediate attention. Therefore, I have brought in this resolution with a view that all trained teachers, whether they may have joined this year or last year may receive the code pay and that in the case of untrained head-masters their minimum pay be raised to Rs. 15 or at any rate to Rs. 12. That is the gist of my resolution which I now place before the Council.

The Honourable Mr. MAHADEV BHASKAR CHAUBAL :—Your Excellency,—From some conversation I had with the Honourable Mr. UPASANI before the Council met I was in hopes that he would see his way to withdraw this resolution in view of the remarks which I had made yesterday and I was fully expecting him to do so. But I suppose he considers that his second thoughts are the best and therefore he has decided to move the resolution standing in his name. Now if you look to item 116, you will see that it is a lump provision of 2 lakhs for three different objects, namely, for opening of new primary schools, giving code pay to trained teachers, and entertainment of additional teachers in undermanned primary schools. Now the Honourable Mr. UPASANI does not say that any specific amounts should be allotted to any of these purposes. He does not propose that new primary schools should not be opened or that code pay should not be given to trained teachers: but his resolution recommends that the trained teachers entertained this year be paid the full face value of their certificates. My honourable friend says not only that these 2 lakhs should be appropriated for only one purpose, giving code pay to teachers, but that special preference should be given to the teachers that will be entertained during this year. I suppose he implies that new primary schools need not be opened. Well, I do not know how far Honourable Members would look upon this proposal with favour after they heard the speeches on the resolution preceding this one, when everybody was proclaiming the importance of having buildings for primary schools. I suppose nobody will be much gratified with a mere building, if a school is not opened in it and elementary instruction imparted to children in it. But that is apparently the result of Mr. UPASANI'S advocacy on these two resolutions. This Rs. 2,00,000 is partly for the purpose of opening new schools. Honourable Members are aware that when a new school has to be opened we do not at once erect a building and put the school into it. We originally start in a village, we see how the boys get into it and whether there is really a demand, and when we are satisfied on those points then the next idea is to furnish a school with a building. Therefore the opening of new schools ought to be as important an object in the view of educationists as the building of primary schools. Now I cannot understand why the Honourable Mr. UPASANI, with all his enthusiasm for primary education, should omit this item of opening new schools. The item to which he gives importance is giving code pay to the trained teachers who will be entertained this year. Now I have only to repeat what I said in the Council yesterday. On what grounds are you going to give preference to the teachers who have been

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entertained this year, as compared with those entertained last year and the year previous? It is admitted that those entertained during the last two years are not getting the face value of their certificates. Mr. UPASANI wants that the teachers entertained this year should have the preference and should get the face value of their certificates.

The Honourable Mr. UPASANI:—I have cleared that doubt in my speech to-day. I said that I was under the impression that under the orders of Government code pay was already being given to the trained teachers entertained last year. I do not want that the teachers entertained this year only should be given preference. I wish that all teachers entertained this year or last year should be given their code pay as soon as possible.

The Honourable Mr. CHAUBAL:—Well, I must beg my honourable friend's pardon. I was referring to the Resolution as he moved it. I certainly did not hear him move it in any amended form: and if as he says he made the point clear in his speech to-day he did not make it so as to be audible and intelligible at this distance. But my objection to his proposals does not end there. As I said yesterday, Government are enquiring into this subject at the instance of the Government of India. One of the objects as stated in the letter from the Government of India is to give adequate pay to teachers who are entertained, and they have asked a programme to be drawn up for the next five years, to ascertain exactly what teachers will be wanted and to have the necessary buildings or the necessary provisions for increasing the output of the trained teachers and to give them the code pay according to their certificates. That is the effect of the orders from the Government of India that I explained to the Honourable Mr. UPASANI yesterday. I told him that we have asked for information, on the different heads contained in this letter, from the Director of Public Instruction and when this information comes we shall be in a position to ascertain how many masters there are who have not been getting their code pay, how many of them we could afford to pay this year and in whose case it would have to be postponed to the next or succeeding years. Similarly with respect to the second item—to increase the number of trained teachers and to increase the pay of untrained head masters of primary schools. These are all subjects which will come in incidentally in considering the question of increasing the number of trained teachers. As a matter of fact, we have got to consider what we should do for opening new training colleges or whether there is a way of adding to the equipment of the existing colleges so that they will be able to give a larger output of trained teachers and what would be the best way to effect that. Those are the instructions which the Government of India have sent and which we are considering at present. I think this resolution as it stands at present is absolutely unworkable. The only difference I see between item 116 as it stands and what the Honourable Mr. UPASANI proposes is that no portion of these two lakhs should be utilised for the purpose of opening new schools, so that I submit the only question before the Council on the resolution moved by the Honourable Mr. UPASANI is this, that out of item 116 he wishes to confine those two lakhs purely to the two items of giving code pay to trained teachers and increasing the pay of untrained headmasters. Those are the items on which he wants the whole of this amount to be spent, and not in opening new primary schools. As I have already submitted to the Council, it is premature to discuss this question on the information which Government have at the present moment, and I think the assurance ought to be enough that this Government as well as the Government of India are doing their best to put things on as sound basis as possible during the next five years taking into consideration the present financial stringency. Notwithstanding the financial stringency the Government of India think that we cannot allow this question to stand over and that we must make such provision as we can during the next five years. This I think is enough to enable Honourable Members to decide whether they will accept or reject this resolution.

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The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency,—I think I ought to clear up my position by a few words. I want that this item should have special attention. New schools are wanted no doubt, but, as the late Director of Public Instruction pointed out, there is greater necessity to have efficient teachers for those that exist. However, with the assurance which the Honourable Mr. CHAUBAL has given in this matter, I would not press my resolution and I would beg to withdraw it.

His Excellency the PRESIDENT:—Resolution by leave withdrawn.

I think it will perhaps be to the convenience of Honourable Members if we adjourn now till a quarter to three.

(*The Council then adjourned for Lunch.*)

(*After Lunch.*)

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

His Excellency the PRESIDENT.—Order, order. The Honourable Mr. CURTIS.

The Honourable Mr. G. S. CURTIS:—Your Excellency,—The next head of expenditure is, 24 A, Medical. This head of expenditure has suffered considerably owing to the items of expenditure which have to be deleted on account of the financial stringency due to war. In 1917-18 a few of these items have been restored.

The usual provision on account of the Government grants for the opening of new dispensaries which had been reduced to half the amount since the outbreak of the war has been restored to the original figure of Rs. 30,000—Rs. 20,000 for non-recurring grants and Rs. 10,000 for recurring grants. A special provision of Rs. 30,000 has also been made on account of the treatment at the several Civil Hospitals of sick and wounded returning from the front. A special feature of the budget is the proposed Government grant-in-aid (Rs. 1,916 being half the estimated annual expenditure) to Seva Sadan Society, Poona, for the training of Indian women as nurses at the Sassoon Hospital, Poona. Owing to the continuance of the financial stringency the following schemes which have met with the approval of the Secretary of State have not been introduced:—(1) Separation of the combined post of Chemical Analyser, Sind, and Port Health Officer, Karachi; and (2) Abolition of the post of Principal of the Grant Medical College and the creation in its stead of a Dean for the better administration of the College and the Jamsetji Jejeebhoy Hospital.

I proceed at once to the head 24 B, a head which has been now separated from Medical and deals entirely with Sanitation. In view of the financial situation created by the war, a provision of Rs. 1,80,000 only was made in the current year's budget under the head "24 B—Sanitation" on account of grants-in-aid to local bodies for sanitary projects. Last year a grant-in-aid of Rs. 1,34,760 was sanctioned for the Alandi water supply scheme, but partly in view of the necessity for stringent economy at this juncture and partly on account of the success which appears to have attended the temporary water supply arrangements made at the last Kartiki fair, the execution of the sanctioned scheme has, for the present, been held in abeyance. The grant-in-aid on account of this scheme has been withdrawn during the current year. The total provision in the current year on account of grants for sanitary projects thus amounted to Rs. 1,80,000 plus Rs. 1,34,760, that is, Rs. 3,14,760 in all. Out of this amount, grants aggregating Rs. 1,92,241 have been sanctioned the principal grants being those of Rs. 30,481 towards the cost of the scheme for providing piped water supply for the Poona sewage effluent area, and Rs. 14,286 towards the cost of the scheme for treating Poona City water supply with alum and chlorine. A fresh grant-in-aid of the amount of Rs. 20,000, which had lapsed to Government was sanctioned to the Lonavla Municipality for its water supply scheme. An allotment of Rs. 20,434 was sanctioned for the purchase of boring

REVISED FINANCIAL STATEMENT: NANDURBAR WATER-WORKS.

[14TH MARCH 1917.] [*Mr. G. S. Curtis; the President; Mr. Shridhar Balkrishna Upasani; Mr. G. Carmichael.*]

tools and plant in connection with the improvement of water supply. A sum of Rs. 20,000 was also sanctioned for expenditure on original works in connection with the development of Salsette as a residential area, and has been fully utilized. The Sanitary Board have been authorised to sanction projects costing up to Rs. 20,000 and to make grants up to a limit of Rs. 10,000 for any one work. For the latter purpose a lakh of rupees was allotted to the Board every year up to 1915-16. In the current year, in view of the financial situation created by the war, a sum of Rs. 50,000 only was placed at the disposal of the Board for the purpose, which has been completely utilized by that body. In view of the urgency of the project for the improvement of the water supply at Sukkur, we have ordered that the execution of this project, which was already sanctioned by Government and estimated to cost Rs. 4,34,317, should be undertaken, leaving to the end such items as can be temporarily postponed. The whole charge on this account has, for the present, been ordered to be met from the Sukkur Municipality's cash balance which amounts to over three lakhs of rupees, and the question as to what contribution Government should make towards the cost of the scheme will be considered when the financial situation improves.

In the next year's budget estimates, a sum of Rs. 4,85,000 has been provided on account of grants-in-aid to local bodies for sanitary projects. This provision includes; (i) Rs. 1,25,000 for a grant-in-aid in connection with the Nandurbar water supply scheme, (ii) Rs. 1,00,000 for allotment to the Sanitary Board to enable that body to make grants for minor sanitary projects, and (iii) Rs. 1,00,000 for a subvention in connection with the undertaking of improvements to the Hyderabad water works.

The provision made in the current year's budget on account of the entertainment of Health Officers and Sanitary Inspectors by municipalities amounts to Rs. 30,000. This provision consists of (i) an imperial recurring grant of Rs. 20,000 and (ii) a provincial allotment Rs. 10,000. Out of this provision, grants aggregating Rs. 27,000 approximately have already been sanctioned. The Sanitary Commissioner for the Government of Bombay submitted a fresh scheme which contained proposals for the regrouping of municipalities for the purpose of appointment of Health Officers and Sanitary Inspectors and for the improvement of their pay and prospects. As this scheme involves a considerable increase in expenditure, it has been postponed until the financial situation improves. The ensuing year's provision on account of the entertainment of Health Officers and Sanitary Inspectors has been raised to Rs. 40,000 the additional Rs. 10,000 being provided from provincial revenues.

His Excellency the PRESIDENT:—24-B, Sanitation (Provincial). The Honourable Mr. UPASANI.

24-B, Sanitation (Provincial).

This Council recommends to His Excellency the Governor in Council that out of the provision under No. 155 (grants-in-aid of sanitary projects) in statement B, the Nandurbar water-works scheme be executed this year.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency,—As provision has been made for this work in this year's budget I do not wish to press my resolution. I only hope that the work will be commenced soon. I, therefore, beg leave to withdraw the resolution.

His Excellency the PRESIDENT:—Resolution by leave withdrawn.

The Honourable Mr. G. CARMICHAEL:—Your Excellency,—Under the head "Agriculture", the expenditure proposed is Rs. 15,71,000 against Rs. 12,66,000 in the revised estimate. Of the total Rs. 1½ lakhs is on account of Bombay's share of the profits arising out of the Government wheat purchase scheme opera-

tions carried on in 1915. The amount has been entered in lump because intimation of the assignment was received after the details of the new items for inclusion in the budget had been considered. The new items to which I may invite the attention of the Council are Rs. 5,000 in aid of a scheme for organizing a supply of pure milk for Poona city. It is intended that the scheme should serve as an experiment and as an example of what can be done in this direction in the interests of public health, particularly the health of infants and children.

Another item of importance is the provision to enable the Agricultural Engineer, who is doing most useful work, to extend his work-shop and his operations generally. The buildings for the Agricultural School at Jambul in the Thana district are almost complete and it is now necessary to provide for the teaching staff. A new sub-station is proposed for demonstration in connection with the cultivation of warkas lands in Ratnagiri district. It will also be noticed that larger provision has been made for extension of the experimental farm which was opened last year in Broach district for the supply of pure cotton seed of the most profitable variety. Lastly there are two items totalling Rs. 30,000 for an object in which His Excellency takes a special interest, namely the improvement of the breeds of cattle of this presidency. It is proposed to open a cattle farm for the Deccan at Sholapur and another for the preservation and improvement of the famous Karachi stock. The Honourable Mr. KEATINGE, the Director of Agriculture, has not yet sent up details and we are awaiting them.

Under "Scientific and Miscellaneous" it has been decided to provincialise the Steam Boilers Inspection Department which previously was financed as a Fund. Of late years the fund has tended towards insolvency, and it becomes necessary for Government to undertake the responsibility for the deficit. It is possible that something may be done to improve the receipts which ordinarily may be expected to balance this expenditure. Careful attention is being directed to this point.

Another item which calls for notice is the provision of Rs. 50,000 for the Imperial Science Institute, Bangalore, in-aid of a scheme for the investigation of oil, fat, and allied industries. The Honourable Mr. UPASANI in his letter, to which I referred yesterday, suggests that instead of spending more money on buildings at Bangalore, the contribution should be given for scholarships to students undertaking research work, and advanced study in oils and fats. The scheme and its origin is fully explained on page 15 of the Revised Financial Statement and from the description of it given there it will be seen that it has been worked out after a very full discussion by a committee appointed by the Council of the Institute for the purpose and I think we may safely assume that from the business point of view it is calculated to lead more directly to the solution of the problem than the method suggested by the Honourable Mr. UPASANI. Again, I may mention that the provision has been recommended by our own Advisory Committee who after careful consideration have advised that subject to certain conditions we should be ready to take a share in this work. I am glad to have this opportunity of thanking on behalf of Government the Chairman and Members of our Advisory Committee on Industries for the invaluable service they have rendered. Their honorary task has been a very laborious one and we as Government warmly appreciate the readiness with which the burden of it was undertaken and the efficiency with which it has been discharged. As a result of their labours not only have we obtained a valuable record of advice, suggestions and information relating to industries and possibilities of industrial progress, but we hope to see some new enterprises successfully launched in the near future. I may add that they have also dealt very fully with all the questions raised by the Indian Industrial Commission and the Bombay memorandum will, I am confident, be very helpful to that body.

Under the head "Superannuation Allowances and Pensions," there is no special feature upon which I need comment.

REVISED FINANCIAL STATEMENT.

The Honourable Mr. G. S. CURTIS:—Your Excellency,—The next head is XXIII, Stationery and Printing,—30. The only item of interest is the reduction in the budget grant which stands at Rs. 12,80,000 as against Rs. 14,05,000 in the current year. This reduction is due to considerable economy in the management of the Central Press and in the Central Stationery Stores.

The next item is Miscellaneous, the following items of which are of importance:—

(i) Government propose to appoint as an experimental measure, in lieu of official Presidents, namely, the Collectors, non-official Presidents for selected district local boards in the Presidency, *viz.*, one in the Northern Division and two in each of the Central and Southern Divisions, and to give them the powers which the official Presidents exercise at present. In order, however, to separate the ordinary administration of the boards from the Collector's office of which it is now practically one branch, it is necessary that a self-contained office, together with the services of a Chief Officer, should be placed at the disposal of the non-official Presidents. As the district local boards are unable to meet the expenditure on this account, it is proposed to grant them subventions equivalent in amount to the cost of the entertainment of the Chief Officer and of the present local fund establishment in the Collector's office. A provision of Rs. 30,000 for this purpose has been made in the ensuing year's budget under the head "32, Miscellaneous"; and

(ii) in 1915, Government approved a scheme for the abolition of tolls on local board roads (exclusive of tolls on bridges and ferries). Under this scheme the district local board concerned is to be granted an annual contribution equal to the average of its receipts from tolls, on the condition that the whole amount is spent by the board on the consideration and maintenance of roads exclusively. As in the case of abolition of tolls on provincial roads the scheme is to be introduced gradually and as speedily as the state of provincial finances permits. The district local boards of Ahmedabad, Satara, Kanara, Bijapur, Poona, Ahmednagar, Nasik, West Khandesh, Belgaum and Dharwar accepted this offer of Government. The district local boards of Ahmedabad, Satara, Kanara and Bijapur have been granted the concession with effect from the year 1915-16 at an annual cost of Rs. 19,800. A provision of Rs. 20,000 was accordingly made for the purpose in the current year's budget under the head "32, Miscellaneous". The amount required for making the necessary subventions to the remaining six district local boards is estimated at Rs. 1,20,000 approximately. An additional lump provision of Rs. 25,000 is made for the purpose in the ensuing year's budget under the head "32, Miscellaneous", so that the total provision for the scheme during next year amounts to Rs. 45,000.

I have one more remark to make with reference to 24-B as I thought it came under "Miscellaneous". An additional provision of Rs. 4,864 has been made for grants to new village sanitary committees in this Presidency as follows:—

	Rs.
Northern Division	688
Southern Division	3,000
Sind	1,176

and Rs. 5,000 have been provided for the establishment of a laboratory at Karachi for the examination of drinking waters in Sind. Rs. 50,000 have been provided in connection with the development of Salsette. Of this, Rs. 45,000 are for grants to local bodies for town-planning schemes and Rs. 5,000 are for ordinary development work. Provision for the grant of Rs. 15,000 to the Bombay Municipality for anti-malarial measures in the City has also been made. As only Rs. 9,000 out of Rs. 16,000 provided in the current year for a motor launch for the Port Health Officer are likely to be expended, a provision of Rs. 7,000 has been made on that account in next year's budget. Half of the charges are payable by the Port Trust. Rs. 56,000, which include Rs. 25,000 for charges in connection with inoculation, have been provided for plague expenditure. This amount is in excess

of the current year's provision by about Rs. 5,000. The excess is to meet a severer outbreak of plague anticipated next year. A provision of Rs. 62,000 for the village water-supply and boring and jumper experiments has been made. In consequence of the great rise in the prices of articles an additional provision of Rs. 22,000 has been made for the purchase of bottles, syringes, medicines and disinfectants required by the Parel Laboratory. A large portion of the extra expenditure will be recovered from the military and other departments to whom the articles will be supplied.

The Honourable Mr. GEORGE CARMICHAEL:—Your Excellency,—The next head is "Reduction or Avoidance of Debt", now disappears from the budget under the arrangement which has been approved of by the Government of India. The old arrangement was that every year we were given a credit of Rs. 13,70,000. This amount minus the actual expenditure incurred on direct famine relief from year to year was allowed to accumulate until the credit reached a total of Rs. 80,00,000. The direct expenditure on famine was met out of the accumulated balance of the money thus placed at our credit by the Government of India and was accounted for under the item 33, Imperial. If the expenditure exceeded Rs. 80,00,000, then the Provincial had to bear the excess. The revised arrangement is that Provincial pays for one-fourth of famine expenditure and the Imperial three-fourths. It is a simpler arrangement from the accounts point of view and I do not think it will prove unfavourable for the Provincial, we have asked that account should be taken not merely of the direct famine expenditure, but of some of the indirect items also. We have not heard so far what conditions the Government of India have made or how far they have accepted our view with regard to this particular proposal of classification of the expenditure, but I gather from what Sir WILLIAM MEYER said in the Imperial Council that our proposals have been favourably considered.

Under "Irrigation", which is the next head, there is no special feature of which I need take notice. An increase of revenue is expected from the Sind canals, while the proposals for expenditure are very much on the same basis as the budget for the current year.

Under "Civil Works" a total grant of 90 lakhs has been proposed. One reason for adopting this figure was that before the war it was laid down, not as a definite rule but as a rule for guidance, that 90 lakhs would be an appropriate sum to allow out of our revenues, as they then were, for Civil Works. Since the war, as you are aware, our expenditure has had to be restricted, so a very drastic retrenchment was made under this head. The result is that our programme has been very seriously delayed and in some respects, I think, with regard to our roads for example, there has been an actual deterioration. Of the new works which are proposed for inclusion for provision out of this 90 lakhs of rupees I may mention that it has seemed specially desirable to undertake a large programme of works for police buildings. We are very far behind in providing for our policemen the accommodation which it is our duty to give. We must provide free quarters for our policemen or, if we do not provide free quarters, we have to give them hutting allowances. It is very much better that the police should be properly housed. It undoubtedly promotes the efficiency of the force if they are well housed and expenditure for this purpose is justifiable even in this present time of stringency, because it enables us to save the increasing expenditure on hutting allowances. Another small item to which I may refer under new works is the provision which is being made for developing some of the sites in Bombay City which belong to Government. These have for some years been unutilised and it is now proposed to make a beginning in utilising them.

And, lastly, considerable expenditure is being undertaken on our roads to bring them up to the proper condition. The Honourable Mr. CURTIS has explained what is being done with regard to the abolition of tolls on local board

roads. We are, in addition to the provision of Rs. 25,000 which has been made for that purpose, undertaking to provincialise a certain road belonging to one of the District Local Boards did not accept the proposal to abolish their tolls. On that road there are tolls which are a great burden to the people. They bring in a considerable revenue, I think, rather more than the District Local Board are actually spending on the road in question. In any case we propose to take over the road as a provincial road, and to keep it in repair as a provincial road and thus be able to abolish the toll thereon.

That concludes all the heads in the Revised Financial Statement.

His Excellency the PRESIDENT:—A Bill further to amend the Bombay Port Trust Act, 1879 (Bill No. V of 1916), Second Reading. The Honourable Mr. CURTIS.

The Honourable Mr. G. S. CURTIS:—May it please your Excellency,—I rise to propose the second reading of the Bill to amend the Port Trust Act, 1879.

Motion for the Second Reading of the Bill.

The Select Committee which was appointed at the last sitting of this Council have given careful consideration to the Bill as a whole and their report has been printed and is now on the table. As a result of their careful consideration the Select Committee have recommended that a slight amendment should be made in clause 2, the effect of which will be to limit the application of proviso (*b*) to section 21 of the main Act to persons in temporary employment other than those in receipt of a monthly salary of Rs. 150 or who are engaged for a definite period of over six months.

This amendment will get over the difficulty to which allusion was made at the last meeting, which is at present occasioned by the necessity of submitting schedules or proposition statements for tally clerks and similar temporary hands, without unduly enlarging the powers of heads of departments. As regards the rest of the Bill the Committee with the exception of one Honourable Member have no remarks to make.

The Honourable Member in question is the Honourable Dewan Bahadur GODBOLE whose minute of dissent is attached to the Committee's report.

The Honourable gentleman proposes to insert the word "non-pensionable" before the words "officers and servants" in clauses 3 and 6, and before the words "pilots and officers and servants" in clause 7 of the Bill. When I first read the Honourable Member's amendment I was reminded of a story I heard in my youth. There was written, I believe, a natural history of Iceland and a special chapter was devoted to snakes. The chapter started with a long description of the snake, how the animal lived under grass, drank milk and bit human beings if they came too near to it. After proceeding over two pages to explain the natural characteristics of the snake the chapter wound up by saying that there were no snakes in Iceland. Now, Sir, the effect of the proposed amendment is to empower the Port Trust to grant gratuities with the sanction of Government to the widows and children of persons who die in its employ. What does the Honourable Member say? He says that it is very wrong that the widow and children of any pensionable servant of the Port Trust should receive a gratuity and that Government's rules do not allow it being done. But he finishes up at the end by saying that there are no pensionable servants in the Bombay Port Trust.

Well, Sir, I should have been content to leave matters there. But the Honourable Member quite rightly points out that under the law as it stands the Board have power to appoint pensionable servants and that they may exercise the right in future. And in order to guard against the possibility of the Board

using their powers and giving them pensionable servants gratuity, the Honourable Member wishes to insert the word "non-pensionable" before the words "officers and servants."

Now, Sir, we will examine the Honourable Member's arguments. The whole of his argument turns on a sweeping assertion made by the Honourable Member to the effect that such gratuities to widows and children are not allowed in the case of officers and servants of Government. That statement is not accurate. In Article 924-B of the Civil Service Regulations it is provided that the Government of India have power to grant pensions up to Rs. 10 and gratuities in lieu of those pensions, provided they do not conflict with the rules. And I have here a list of 29 cases which occurred in the past few years. In these cases the Secretary of State has sanctioned special gratuities to the widows and children of deceased officers when special circumstances such as great distress, indigence and so forth necessitates. Of course it must be understood that such gratuities are not a usual feature of our administration, but it is a fact nevertheless that in certain special cases gratuities are given. I could mention some which I know must be well known to the Honourable Member—certainly one case of an officer in Khandesh in which the circumstances of the widow and children were held in the opinion of the Secretary of State to justify a gratuity. As I said there are over 20 other cases where gratuities amounting to a few months' pay and that sort have been given by Government, when the circumstances were distressing, to enable the widow to keep the wolf from the door until some better arrangement could be made.

Now, Sir, as the Honourable Member rightly points out, the Port Trust have no pensionable servants at present and they work on the principle of the provident fund. When a subscriber dies his widow and children will have the amount which he has contributed to the fund and he is not so badly off as a pensionable servant. At the same time it is possible that the servant may be subscribing only for a year or two and consequently the amount to his credit may be small. Also it is possible that the Port Trust might, just as a Municipality or a local board or a Native State does, borrow the services of a pensionable servant of Government. The Port Trust might want to start a school for the training of naval apprentices. They might borrow a Government servant and become liable for his pension in the same way as local boards and municipalities are. If that school-master should by chance die and if he should leave a widow and children who were in a state of real indigence, I am quite sure the Honourable Member, if he were a member of the Board himself, would not have the heart to refuse that widow and children a competence which is all that any Government would sanction to carry them over that awful time which may succeed for six months or so after the bread-winner's death. Therefore, I ask the Council to hold that the clause as at present drafted can do no harm.

The Council will notice that clause (7) of section 22 of the existing Act says:—"The Board shall from time to time frame regulations, with the previous sanction of Government, for determining the conditions under which pensions, gratuities or compassionate allowances may be paid to any of such officers and servants injured, or to the surviving relatives of any of such officers and servants killed in the execution of their duty". And we propose to insert after clause (7) of section 22 of the existing Act, the following clause as clause (8), namely, "(8) with the previous sanction of Government, for determining the conditions under which gratuities may be paid to the widows or children of any such officers and servants who may die in the service of the Board".

Well, Sir, the Honourable Member is perfectly right in saying that it is not desirable that any local body should be able to offer more desirable and better terms than Government. But I can assure him that he may trust Government to see to that. Government will always take very great care to see that no local body shall deal with undue liberality towards its employees. But, Sir, there is no reason why the converse should be the case. Why should an employee of the

Port Trust who might have been in the early years of his service also an employee of Government be worse treated than if he had passed his time wholly in Government service".

As I said the point is a very small one and it seems really rather absurd that a body like the Port Trust consisting of business men dealing with very large sums of money should not be trusted to grant gratuities of a very small sum on obtaining the sanction of Government in every case. Government and the Port Trust between them can at any rate be trusted not to waste the resources of the Trust and it is not desirable to impose any such restrictions as that proposed by the Honourable Member.

With these words I beg to move the Second Reading of the Bill.

Bill read a second time.

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

Bill read clause by clause

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

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency,—The amendment to clause 3 of which I have given notice runs as follows:—

"Insert the word 'non-pensionable' before the words 'officers and servants'".

The small amendment which I want to effect was put forward by me during the deliberations of the Select Committee. The Honourable Member in charge of the Bill then said I believe that the Local Government had instructions from the Government of India not to make the conditions of Port Trust service more attractive than Government service. If that is the view of the Government of India the words that I have proposed to insert seem to be necessary. In the case of the widows and children of Government employees there is no provision which authorizes the giving of a gratuity. Clause 3 as put down in the Bill will authorize the grant of a gratuity in the case of the pensionable servants of the Port Trust. As pointed out by the Honourable Mr. CURTIS the Port Trustees have power under section 22, clause (5), of the Port Trust Act of giving pensions to their servants. If they give such pensions to their servants, clause 3 of the Bill will place them in a better position than the servants of Government, and the instructions of the Government of India will not be fulfilled. I therefore propose to insert the word "non-pensionable" before the words "officers and servants". If the member in charge of the Bill gives me an assurance that the Government of India have no objection to a provision of this character I am prepared to withdraw my amendment.

The Honourable Mr. CURTIS:—I may put it in this way. The rules were sent up to the Government of India and they were returned with the request that the general tenor of the rules should be altered so as to make it clear that the condition of service in the Port Trust must not be more favourable than Government service.

The Honourable Dewan Bahadur GODBOLE:—Then I adhere to my amendment because I think that the clause as worded in the Bill makes the position of the pensionable servants of Port Trust more favourable than the pensionable servants of Government.

The Honourable Mr. CURTIS:—Has the Honourable Member seen rule 249 of the Civil Service Regulations?

The Honourable Dewan Bahadur GODBOLE:—Yes, I have.

Amendment to clause 3 was then put to the vote and lost.

Clauses 3 to 5 were then put to the vote and carried.

PORT TRUST BILL: BOILERS BILL.

[*Mr. Kashinath Ramchandra Godbole; Mr. G. S. Curtis; the President; Mr. Purshotamdas Thakurdas.*] [14TH MARCH 1917.]

Clause 6.—The Honourable Dewan Bahadur GODBOLE :—This amendment is exactly similar to my previous amendment and I do not want another rebuff from Government and I therefore withdraw this and my amendment to clause 7 also.

Amendments to clauses 6 and 7 were by leave withdrawn.

Clauses 6 and 7 were then put to the vote and carried.

The preamble was then put to the vote and carried.

The Honourable Mr. G. S. CURTIS :—Your Excellency,—I now rise to move that the Bill be read a third time and passed into law.

Bill read a third time.

The motion for the third reading was then put to the vote and carried.

His Excellency the PRESIDENT :—A Bill to amend the law for the inspection and management of boilers in the Presidency of Bombay (Bill No. VIII of 1916), Second Reading. The Honourable Mr. CURTIS.

The Honourable Mr. G. S. CURTIS :—May it please your Excellency,—I rise to propose the second reading of the Bill to amend the Act (Bombay Act II of 1891) for the inspection and management of boilers and prime movers in the Presidency of Bombay.

The Honourable Mr. CURTIS moves the Second Reading of the Bill.

The Bill has been carefully considered by the Select Committee whose report is a somewhat lengthy one and has been printed and placed on the table; and will have been read by Honourable Members.

I have little to add to it. It will be noticed that the Select Committee has for reasons given at length in their Report decided to delete the provisions proposed in the Bill for the appointment of a whole-time examiner. They have also decided to delete section 42 which empowers the Governor in Council to apply certain provisions of the Act to prime movers. This section was, it will be remembered by older members of the Council, the subject of prolonged discussion in 1891 when the original Act was passed. Experience however now shows that the section is now no longer required, and it may now disappear from the Act.

In other respects the Committee have decided to retain the clauses relating to the Chief Inspector and other changes but they have made some slight modifications which are very important and the Bill as now finally drafted, I think, will effect an improvement in the existing Act in point of clauses.

I would now move that it be read a second time.

The Honourable Mr. PURSHOTAMDAS THAKURDAS :—In rising to support the second reading of this Bill I would, at the outset, express, on behalf of the industrial interests concerned, our grateful appreciation of the impartial and unbiassed manner in which Government have treated this Bill in the Select Committee. It is not questioned that the main reason of the introduction of this Bill was the proposed change in the constitution of the examining body for issue of certificates. The Bill has emerged from the Select Committee totally shorn of this clause, and the Select Committee are quite right when they observe that public opinion is not in favour of a full time examiner. This, and the other ground-mentioned in paragraph 2 of the Select Committee's report, will, I am sure, commend themselves to this Council and it is unnecessary at this stage to speak at further length on this matter. May I express the hope that in future too in legislation affecting industrial interests Government will be able to show similar consideration for the opinion and views of the mercantile communities concerned in such legislation.

BOILERS BILL.

[14TH MARCH 1917.] [*Mr. Purshotamdas Thakurdas; Mr. Patel; the President.*]

The first omission to attract one's notice, next, is the omission of the enabling clause regarding prime-movers. This omission was very strongly urged by the mercantile communities in 1879, but the clause was kept on in spite of their protest. I take it as a sign of the time that this omission should have been so readily accepted by Government even though forty years later than was suggested by the mercantile communities.

My Lord, the course of the Boiler Bill legislation in and out of the Council during the early eighties was not very smooth. Act V of 1873 was strongly opposed in this Council by the Honourable Mr. BYTHELL, and what was called the Boiler Inspection Act of 1876, subsequently substituted by Bill No. 9 of 1878, had scathing criticism from the Bombay Chamber. In 1876 the Chamber said:—

"The Chamber considers that examinations are altogether unnecessary but, if insisted on, that oral examination would be sufficient, and that questions should be of a practical character, relating only to the working of boilers, instead of technical questions implying knowledge of the business of mill-wrights and engine-builders, which it is quite unnecessary for a person placed in charge of a factory boiler or engine to possess. The examination should not extend beyond a few simple questions touching the safe use of boilers."

and it also said:—

"The Chamber considers it quite unnecessary to have certificates of different classes: a man who can work one boiler can work any."

All this holds good today, and it is gratifying to see that Government have dropped the proposed change in the examining body.

My Lord, from the report on the administration of the Boiler Inspection Department for the year 1915-16 I see that the working of the said Department shows a loss of Rs. 22,000 roughly, which is made good from the fund of Rs. 1,00,000 Government paper to the credit of the fund. From the year 1917-18 Government are taking over the Boiler Department as a regular Government Department, and this means that the deficit in working this Department will be met from the general revenue. It is unanimously believed that it is not possible to raise the Boiler Inspection fees beyond the present scale, and, I am afraid, chances of this Department ever being safe-supporting are remote. I personally think that legislation in future should be in the direction indicated by the Bombay Chamber of Commerce in 1876 in the extracts just read by me, a direction which will ensure considerable reduction in the cost of upkeep of the Department.

In September 1873, on the second reading of the Boiler Inspection Bill (No. 7) of 1873, subsequently Act V of 1873, the Honourable Mr. BYTHELL said——

The Honourable Mr. PATEL:—Your Excellency,—I rise to a point of order. Is this not irrelevant to the motion of the second reading of the Bill?

His Excellency the PRESIDENT:—The Honourable Member can speak on the general principles of the Bill on second reading.

The Honourable Mr. PURSHOTAMDAS THAKURDAS (continuing):—My Lord,—Speaking on the Bill before the then Council the Honourable Mr. BYTHELL dwelt at great length on the risks to which the industry would be exposed by what he called unscrupulous inspectors of boilers. Now, the inconveniences to trade and temptations to inspectors, mentioned by Mr. BYTHELL in 1873, still exist but the factory owners have accommodated themselves to the existing circumstances admirably. I would, however, like to express my gratification at

the very sensible and sympathetic manner in which Mr. MACKINTOSH, the Chief Inspector of Boiler Department, has been working his Department since his appointment with as much consideration for the convenience of boiler owners as permissible under the Act. But there are bound to be harrassments similar to those mentioned by Mr. BYTHELL, which do not come to his knowledge. Until, however, Government decide to look at their responsibility regarding the inspection of boilers on those lines, I would like to bring to the notice of Government a few of the hardships at present experienced by a few gin and press owners.

The Honourable Mr. CURTIS:—Your Excellency,—I rise to a point of order. The Honourable Member is not dealing with the general principles of the Bill but he is dealing with facts and grievances.

His Excellency the PRESIDENT:—The Honourable Member is entitled to deal with the general principles of the Bill but he should not go into details.

The Honourable Mr. PURSHOTAMDAS THAKURDAS:—Does Your Excellency rule that I am not entitled to go into details on the clauses?

His Excellency the PRESIDENT:—The Honourable Member can go on with his speech.

The Honourable Mr. PURSHOTAMDAS THAKURDAS (continuing):—I have never been able to understand why there should not be one uniform Act for Inspection of Boilers all over India. At present various Presidencies have their own Boiler Inspection Acts and these, together with their departmental rules, vary rather considerably. The rules regarding admeasurements and quantities to be used in determining the nominal horse power of boilers, for instance, differ in some instances widely and are a cause of lasting worry to gin and press owners. I hope, Sir Thomas Holland's Commission will pronounce a definite opinion in this matter, favourable to factory owners.

Sub-section B of section 32——

His Excellency the PRESIDENT:—I think really the Honourable Member is going into details of the Bill on sections and sub-sections. I only want to hear him on the general principles.

The Honourable Mr. PURSHOTAMDAS THAKURDAS:—In view of Your Excellency's ruling I have nothing more to say than what I have said already and I support the second reading of the Bill.

The Honourable Sir DINSHAW MONOCKJI PETIT:—Your Excellency,—I rise to support the Bill. It is a matter of great gratification that on a Bill which at one time appeared as though it would cause a lot of difference of opinion there has been a unanimous report of the Select Committee to which it was referred and this is due to a great extent to the fair spirit and the open mind with which the discussions were carried out both by the officials and non-officials who were members of that Committee. Representing the Mill-owners' Association, my Lord, the body which is very much concerned with the working of this Bill in the City of Bombay, it gives me great pleasure to express my satisfaction at the manner in which the discussion was carried out in the Select Committee and also on the result that the clauses which were considered obnoxious by the Association have been dropped and some of the objections have been provided for in the body of the Bill. I therefore have great pleasure in supporting it.

The Honourable Mr. G. H. THISELTON DYER:—Your Excellency,—I think it is a matter for congratulation that so much progress has been made in this Presidency that the clauses dealing with the inspection of prime-movers can now be cut out.

BOILERS BILL.

[14TH MARCH 1917.] [*Mr. G. H. Thiselton Dyer; Mr. Shridhar Balkrishna Upasani; Mr. Curtis; the President.*]

I am glad to think also that the time has now arrived when some modifications might be introduced in the qualifications for certificated engineers in charge of boilers of various powers when the rules made under this Act are considered.

I do not know whether it is permissible to speak on the subject of such rules, but as they are possibly among the most important provisions in the Act I may express a hope that as these rules deal with very technical matters—matters which pertain to the interests of so many different people, trades and professions—it might be possible for Government to consider the appointment of a small committee to finally revise them, either before they are published in the *Gazette* or soon after publication. With these words I beg to support the second reading.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency,—As our discussion is now limited to only general principles I will only say a few words. The tendency of this legislation, as my Honourable friend has said, should be in the direction of consulting the convenience of factory owners in up-country and I am glad that the object has been kept in view by the Select Committee in the amendments already made by them. There are, however, a few more provisions which I think require to be amended and I have sent amendments with reference to these and they will be dealt with fully when I move those amendments. With these few remarks I beg to support the second reading.

Bill read clause by clause.

The Honourable Mr. CURTIS:—I now move, Sir, that the Bill be read clause by clause.

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

His Excellency the PRESIDENT:—Clause 3. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—My Lord,—The amendment which I have to move to clause 3 runs as follows:—

"(c) When the Boiler is hired or obtained on loan from the owner by any person using the same he and not the owner shall be liable for acts done and liabilities incurred by him under the Act while the boiler is in his charge."

My Lord, what I wish to submit is that the responsibility under the Act should rest with only the owner for the time being. It should not be the owner who owns the boiler but the man who is in charge of the boiler as owner for the time being that should be responsible for the boiler. The original owner, in my opinion, should not continue to be liable when he has lent or let on hire the boiler to another person and is not himself in charge of it. If he is held liable for the acts of his own agent over whom he has control it would not be very hard, but when he has let or lent the boiler to another person over whom he has no immediate control his own responsibility should cease and the man in actual charge though he be only the temporary owner should alone be liable as owner for the time being. Under the Act as it stands "owner" includes "agent," but under the Bill it is proposed to include in that term also the person to whom the boiler is let or lent; well, the owner may be held liable for acts of his agent as he has control over him and continues himself to be the owner, though even in that case the liability ought strictly speaking to be confined only to the agent himself, but with reference to the acts of the man who has hired or obtained the boiler on loan there is no reason to hold the owner liable and I think the liability should in that case be only on the person who has so hired or borrowed and not on the owner when he has ceased to be in charge of the boiler and has no control over the person in actual charge.

That is the object of my amendment, my Lord.

BOILERS BILL.

[*Mr. Ghulam Muhammad walad Khan Bahadur Wali Muhammad Bhurgri; the President; Mr. Upasani; Mr. Siddhanath Dhonddev Garud; Mr. Gokuldas Kahandas Parekh.*] [14TH MARCH 1917.]

The Honourable Mr. GHULAM MUHAMMAD, walad KHAN BAHADUR WALI MUHAMMAD BHURGRI:—Your Excellency,—I rise to support the amendment moved by the Honourable Mr. UPASANI. It is very rarely in cities and big towns that anybody lets his boiler on hire. But in the mofussil such cases do occur. I think that if the present clause 3 (*b*) is amended by omitting the word "also" in the section as it stands and substituting the word "or" for "and" the purpose for which the Honourable Mr. UPASANI brought forward his amendment will be served. With these words, Sir, I support the amendment.

His Excellency the PRESIDENT:—I think it would be convenient if the Honourable Member could get the Honourable Mr. UPASANI to agree to his view. Will the Honourable Mr. UPASANI accept the suggestion?

The Honourable Mr. UPASANI:—Yes, my Lord, I accept the suggestion.

His Excellency the PRESIDENT:—I understand the Honourable Member is willing instead of moving his original amendment to move this one that sub-clause (*b*) of clause 3 should read as follows:—

"'Owner' includes any person using a boiler as agent of the owner thereof or any person using a boiler which he has hired or obtained on loan from the owner thereof";

and in that case what he proposes under sub-section (*c*) is withdrawn, I suppose.

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

His Excellency the PRESIDENT:—Honourable Members will understand that the amendment now merely becomes the alteration of sub-section (*b*) of clause 3.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD:—Your Excellency,—I beg to accord my support to the amendment which has been proposed by the Honourable Mr. BHURGRI. The Honourable Mr. UPASANI'S amendment aimed at making the hirer and the person who obtained the boiler on loan liable for his acts when he was in charge of that boiler. The definition of the word 'owner' was widened in the Select Committee to include the hirer and the person who took the boiler on loan from the owner. They were included in this definition to make them liable for their acts when they were in charge of the boiler for which ordinarily the owner would have been liable. I think this amendment, though it does not go quite so far as the original amendment suggested by the Honourable Mr. UPASANI, would still, I think, be useful in practice in making the person in immediate charge of the boiler responsible for his acts when he was in charge of the boiler.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH:—May it please Your Excellency,—In my opinion neither the original amendment proposed by the Honourable Mr. UPASANI nor the amended one will meet the intention of either of my Honourable friends. I understand that their object is that in case the owner has nothing whatever to do with the use of the boiler and has given it on hire he ought not to remain responsible. That I understand to be their intention, and in certain cases I think it would be but justice that the owner should not be responsible. But looking to the clause as it would be after either of the amendments, I submit that that intention is not at all carried out. The section says:—"Owner includes also any person using a boiler as agent of the owner thereof and any person using a boiler which he has hired or obtained on loan from the

owner thereof." That is, the owner himself is not at all excluded from responsibility and the owner being not excluded from the definition he would remain liable notwithstanding the amendments that are proposed and I therefore submit that there should be an alteration in some other direction in order that the intention may be carried out, and I suggest that the amendment should be in this direction. "Owner includes——"

His Excellency the PRESIDENT:—Order, order. I cannot allow any more amendments as I think I have gone a long way already.

The Honourable Mr. G. S. CURTIS:—Your Excellency,—I think, perhaps it will be convenient if first of all I take the original amendment proposed by the Honourable Mr. UPASANI and withdrawn by him.

Sub-clause (*b*) of clause 3 in the original Bill ran as follows:—"Owner includes any agent or hirer using any boiler."

When the Select Committee went through that clause they thought the English was bad and was very indefinite and they also noticed that no provision was made for the borrower. They accordingly turned to the Central Provinces Act of 1907 and took the present definition from that Act which runs as follows:—"Owner includes also any person using a boiler as an agent of the owner thereof and any person using a boiler which he has hired or obtained on loan from the owner thereof." I must say it does not take the original definition very much further except in cases where the boiler has been borrowed.

On that clause (*b*) the Honourable Mr. UPASANI originally proposed an amendment like this:—"After clause 3 (*b*) add the following:—(*c*) When the boiler is hired or obtained on loan from the owner by any person using the same he and not the owner shall be liable for acts done and liabilities incurred by him under the Act while the boiler is in his charge."

Now, Sir, that amendment has been withdrawn and the Honourable Mr. BHURGRI, with Honourable Mr. UPASANI'S consent, has proposed another. The effect of this amendment is to omit in line 2 the word "also" and to substitute the word "or" for the word "and."

Well, Sir, honestly and frankly, so far as Government are concerned, our view is that it makes no difference whatever and the binding effect of the clause as originally provided by the Select Committee will remain the same.

I will now proceed to explain why it is necessary to keep the double penalty. Honourable Members will turn to sub-clause (1) of clause 8 of the Bill. It reads thus:—"The owner of any boiler who desires to use the same shall, if it is unregistered, cause it to be registered." That is the basis of all the operations of the Boiler Department; that is to say, the list of boilers, their numbers and the names of their owners.

Now, Sir, I think, Honourable Members will see why it is important that that list should always show the real owners. Honourable Members are probably familiar with the problem of motor-cars. Owners of motor-cars all have their numbers and the list of the owners of motor-cars is published in the "Times of India Calendar" and other books of public reference. Therefore, if any accident happens, the injured person can take note of the number and report it to the police and he finds at once who the owner is. It is possible that the owner can say "I keep that car for hire and I have leased it out to somebody else. It will then be for the Court to decide whether he has been able to shift the liability or not. But the original register must show who is the proprietor of the car. Now, the Collector of Bombay keeps a register of the whole of the boilers in the Bombay Presidency proper in the same way as the Commissioner of Police in Bombay keeps a register of the whole of the motor-cars in the Bombay Presidency. That list must be kept upto date to show who is responsible in the first instance for boilers. Later, clause 9 of the Bill may apply

to owner or it may apply according to the circumstances to the lessor. This point was considered in the Select Committee and we had occasion to inquire what were the statistics of prosecutions under the Act with reference to owners and lessors and whether it was really necessary to go into any great niceties of drafting in reference to this particular clause; and I find from the figures supplied that in 1911-12 the total number of boilers was 2,067: there was one prosecution and no conviction. In 1912-13 the number of boilers was 2,176: no prosecutions, no conviction. In 1913-14 the number of boilers was 2,268 and there were 2 prosecutions and 2 convictions. In 1914-15 the number of boilers registered was 2,253: 2 prosecutions and 2 convictions; and in 1915-16 the number of boilers was 2,009: no prosecutions; no convictions.

Well, Sir, the general conclusion that the Select Committee came to was that the wording of this sub-clause (*b*) required the amendment which they have suggested. I think, Sir, that having regard to the fact that sub-clause (*b*) has been in force now for 26 years in regard to the definition of owner, agent or hirer, and that no trouble has ensued from the form of the clause, I think, we may assume that the persons or Courts trying the cases exercise their common sense and where the owner can shift the liability on to the lessee the Court will refrain from convicting him. At any rate, there is no record as far as we know of any complaints whatever in regard to the unsatisfactory working of this clause.

I would, therefore, urge that the amendment moved by the Honourable Mr. BHURGRI and supported by the Honourable Mr. UPASANI for the omission of the word "also" and substitution of the word "or" for "and" should be negatived.

The amendment was then put to the vote and lost.

Clauses 3 to 8 were then put to the vote and carried.

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

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency,—The amendment which I have suggested is as follows:—

"At the end of clause 9 (1) add the words 'of the section'."

My Lord, with reference to this amendment——

The Honourable Mr. G. S. CURTIS:—Your Excellency,—With reference to this amendment I may at once say that the Honourable Member wishes to add the words "of the section" at the end of clause 9 (*1*). But the addition is unnecessary under the General Clauses Act. If the Council will turn to the General Clauses Act, section 91, the Council will see that the draft amendment is unnecessary.

The Honourable Mr. UPASANI:—Your Excellency,—In that case I will withdraw that amendment.

Amendment was by leave withdrawn.

Clauses 9 to 15 were then put to the vote and carried.

His Excellency the President:—Clause 16. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—May it please Your Excellency,—Clause 16 (*1*) runs thus:—"If the commission is of opinion that the appeal is unfounded or frivolous, it may award any sum not exceeding one hundred and fifty rupees to be paid by the owner as costs."

My amendment is to omit the words "unfounded or."

My reasons for that omission are these. If the appeal succeeds the owner is not to get any compensation. But if the appeal fails the owner is placed at a disadvantage in having to pay a penalty. It should be remembered that the

appeal of the owner is to be not only against the order of the inspector refusing to give a certificate to the owner of the boiler but also against his orders with regard to the other matters referred to in the section. It has also to be borne in mind that the owners in the mofussil have to file their appeals on the advice which they get there. If the owner desires to consult some people in the towns they ought to have time to do it. If the owner wishes to appeal he ought to be allowed an opportunity for freely doing it and there ought to be nothing in the statute to discourage him in any way from seeking redress. The operation of this section should, therefore, be limited to only those cases where the appeal is altogether frivolous. This is the main purpose of my amendment.

The Honourable Mr. G. S. CURTIS:—May it please your Excellency,—The Honourable Member desires to change the wording of the clause that has been in existence for the last 26 years. The wording of the clause is: "If the commission is of opinion that the appeal is unfounded or frivolous, it may award any sum not exceeding one hundred and fifty rupees to be paid by the owner as costs."

It is rather hard to define exactly in what circumstances the appeal would be unfounded and when it would be frivolous and when not frivolous. But I think it is desirable that the expression should be as inclusive as possible, and I am not aware that any fault has been found with the original wording of the section as rendering cases liable to punishment which ought not to be punished.

I think experience has shown that no hardship has been done by the present clause. The Honourable Member has narrated no facts so far as I am aware and it is only his individual opinion that this wording is unhappy and I think, Sir, that we should as far as possible stick to phrases which have satisfied the users of boilers for a generation.

I, therefore, suggest that this amendment should be negatived.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency,—Unfortunately I am not in a position to state the cases because they are not reported. But I think in making this amendment we have to look to the statute as it stands. If the statute is in any way likely to cause injustice or hardship we ought to avoid that contingency and there should be some safeguard. Therefore, I think that it is necessary that we should leave no room for doubt. As the wording of the clause stands it might cause hardship in some cases where there may be difference of opinion.

The amendment was then put to the vote and lost.

His Excellency the PRESIDENT:—Clause 16 (2). The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency,—The amendment that I propose reads thus:—

Clause 16 (2).—Omit the words "as an arrear of Land Revenue" and substitute "as a debt by attachment and sale of his moveable property".

What I desire is that these amounts which are due for fees or penalty should not be put on the same level as arrears due on account of assessment. There are special provisions for arrears under the Land Revenue Code. That is the reason why I have moved this amendment.

The Honourable Mr. G. S. CURTIS:—Your Excellency,—Once more I call attention to the fact that under the existing law, section 13, sub-section (2), which is identically the same with clause 16 (2), and which has been in force for six and twenty years, there has been, as far as I am aware, no complaint which has come up with regard to the method of recovery of arrears of revenue. The

expression " as an arrear of land-revenue " is one which is in ordinary use in many Acts of this presidency and elsewhere.

The procedure which the Honourable Member proposes to substitute is " as a debt by attachment and sale of his moveable property ". I am not clear whether it is under the Civil Procedure Code, Land Revenue Code or what. It is usual to recover arrears of Government as land-revenue and the procedure is perfectly well known and I think, Sir, it should be continued.

With these words I ask that this amendment be negatived.

The amendment was then put to the vote and lost.

Clauses 16 and 17 were then put to the vote and carried.

His Excellency the PRESIDENT :—Clause 18 (1).

The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI :—Your Excellency,—In this clause I have suggested to

" Add the words ' at the time ' in line 6 after the words ' being used ' ".

In this clause power is now being given to the inspector to enter a factory building at any time. Under the Act as it stands he is allowed to enter only from morning to sunset and only also to inspect boilers for which certificates have been obtained. Now it is proposed to allow him to enter at any hour and even to inspect boilers for which certificates have not been obtained. Well, in that case I think there should be some safeguard to show that the inspector had reason to believe that the boiler was being used " at the time " especially if he propose to enter at an unusual hour. If the boiler is working at night you may allow him to enter but if it is not worked at night there is no reason to let him enter after sunset.

The Honourable Mr. G. S. CURTIS :—It seems to me that the addition proposed by the Honourable Member is either superfluous or else it contradicts with the rest of the section. The clause says " it shall be lawful for an inspector at any time—those are the words—to enter any place or building, in which he has reason to believe that a boiler is being used ". The wording as given in the amendment is entirely superfluous and I submit, Sir, that the amendment should be negatived.

The amendment was then put to the vote and lost.

Clauses 18 to 28 were then put to the vote and carried.

His Excellency the PRESIDENT :—Clause 29. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI :—My amendment to clause 29, my Lord, runs as follows :—

" Omit the words ' without fault on his part ' in line 5 ".

Well, this provision refers only to the duplicate certificates that are to be given in case the original is lost. I do not know why it is necessary to restrict the grant of the duplicate to only cases where the loss has been " without fault on his part ". Whenever there is an actual loss of the certificate the Engineer should get a copy of it if he pays the requisite fee for it. It is immaterial whether the loss was due to his fault or was accidental and it is not necessary to go into the question as to how far he was at fault for the loss; so the words " without fault on his part " appear to me to be unnecessary. He must be given a duplicate whenever he loses it, on the payment of fees to the authorities of the institution where he qualified himself for the certificate.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—I do not know what cases are proposed to be met by the words " without fault on his part ". If there are any cases which Government have in view, well, I shall not support

the Honourable Mr. UPASANI's amendment. But as it is I do not see why a man who loses a certificate should not be entitled to get another on payment of fees. Presumably it seems to me that Mr. UPASANI'S amendment is perfectly justified Unless we hear to the contrary from the Honourable Mr. CURTIS I think the Council should support the amendment of the Honourable Mr. UPASANI. If a man loses his certificate let him have another on payment of fixed charges. Why ask him to prove that the loss is without any fault on his part. However, I should like to hear the Honourable Mr. CURTIS on the point.

The Honourable Mr. G. S. CURTIS:—Your Excellency,—I might explain that the matter of production of certificate cannot be considered entirely from the owner's point of view. I understand in practice the holders of third class certificates very often trade out their certificates. The third class engineers have not very often a very high standard of morality and they hire out their certificates to other people who are anxious to go upcountry and get a two months job. Therefore, the practice in the Collector's office is, when these people come and ask for a duplicate, first of all, an advertisement is put in the papers saying that such and such a certificate has been lost and then a summary enquiry is held by the Collector as to the circumstances under which the certificate has been lost. In cases where the man shows reasonable grounds such as that the certificate was burnt perhaps in the boiler or perhaps it had been spoiled by oil and coal dust, then a fresh certificate is granted. The words "without fault on his part" are merely meant to indicate that the supply of copies of existing certificates will not be granted as a matter of course. The words in question to which the Honourable Mr. UPASANI takes exception like so many others have been in force under the Act for the last 26 years and as far as is known there have been no complaints arising from them. I trust that with this explanation the Council will allow the wording of the section to remain as it is at present drafted.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency,—I have not been able to follow my honourable friend and I think he has not given us any satisfactory reasons as to why he insists on those words being retained. If a man has qualified himself and happens to lose his certificate and wants another I don't see any reason why he should not be granted a duplicate. I think there should be only one condition, viz., that he should satisfy the authorities that he has really lost the certificate and if he satisfies as regards that fact, then I submit he must be given a fresh certificate without any inquiry as to whether the loss was due to his fault or otherwise. Any inquiry in that direction is I think irrelevant and may only entail a waste of public time and money. When there is satisfactory evidence of the loss I do not think that any man should be refused a copy of the certificate when he has qualified himself to hold it. Therefore, I say that these words are unnecessary and must be deleted.

The amendment was then put to the vote and lost with 6 members voting for and 36 against it.

The Council divided as follows :—

Ayes.	Noes.
The Honourable Mr. Siddanath Dhonddev Garud.	His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E., Governor of Bombay.
The Honourable Sardar Shriniwas Coopooswami Mudliar.	The Honourable Mr. M. B. Chaubal, C.S.I.
The Honourable Mr. Raghunath Purshottam Paranjpye.	The Honourable Mr. G. Carmichael, C.S.I., I. C. S.
The Honourable Rao Bahadur Ganesh Krishna Sathe.	The Honourable Mr. G. S. Curtis, C.S.I., I. C. S.
The Honourable Mr. Shridhar Balkrishna Upasani.	The Honourable Mr. S. R. Arthur, I. C. S.
The Honourable Mr. Harchandrai Vishindas.	

Ayes.

Noes.

The Honourable Mr. Salebhoy Karim-ji Barodawalla.
The Honourable Mr. Ghulam Muhammad walad Khan Bahadur Wali Muhammad Bhurgri.
The Honourable Mr. P. R. Cadell, C.I.E., I. C. S.
The Honourable Mr. Sherriff Devji Canji.
The Honourable Mr. Alfred Lawrence Covernton.
The Honourable Mr. Pandurang Anant Desai.
The Honourable Dr. C. Fernandes, M.D.
The Honourable Dewan Bahadur Kashinath Ramchandra Godbole.
The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.
The Honourable Malcolm N. Hogg.
The Honourable Lieut.-Col. James Jackson, C.I.E., M.B., I.M. S.
The Honourable Mr. Ebrahim Haroon Jaffer.
The Honourable Mr. J. D. Jenkins.
The Honourable Mr. Balkrishna Sitaram Kamat.
The Honourable Mr. G. F. Keatinge, C.I.E., I. C. S.
The Honourable Mr. H. S. Lawrence, I. C. S.
The Honourable Mr. Mahomedbhoy Hajibhoy Lalji.
The Honourable Rao Bahadur Venkatesh Shrinivas Naik.
The Honourable Surgeon-General R. W. S. Lyons, M.D., I. M. S.
The Honourable Khan Bahadur Pir Baksh walad Miān Mahmud.
The Honourable Mr. Chunilal Vijbhukandas Mehta.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
The Honourable Mr. Abdul Kadir *alias* Fakir Mahomed walad Ibrahim Khan Pathan.
The Honourable Sir Dinshaw Manekji Petit, Bart.
The Honourable Mr. F. G. Pratt, I. C. S.
The Honourable Mr. Munmohundas Ramji.
The Honourable Mr. Phiroze C. Sethna.
The Honourable Mr. W. C. Sheppard, I. C. S.

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Ayes. Noes.

The Honourable Mr. Purshotamdas Thakurdas.
The Honourable Mr. G. H. Thiselton-Dyer, A.M I.C.E.
The Honourable Dulabawa Raisingji, Thakor of Kerwada.

Clauses 29 to 38 were then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 39. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—My Lord,—I beg leave to withdraw my amendment:—

Omit the words "as an arrear of land-revenue" and substitute "as a debt due by attachment and sale of his moveable property".

Amendment was then by leave withdrawn.

Clauses 39 and 40 were then put to the vote and carried.

Schedule A was then put to the vote and carried.

His Excellency the PRESIDENT:—Schedule B. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—With reference to this Schedule, your Excellency, my amendment is as follows:—

"In paragraph 3 after the words 'a second fee' add 'of Rs. 10'".

"In the same Schedule omit the last paragraph 'providing for levy of double fee.'"

My Lord, the fee for inspection now has been increased and ranges from Rs. 20 to Rs. 50. What I propose is that an additional fee of only Rs. 10 should be charged when a second visit is necessary. If the work is not finished, then you might charge more fee but it should be only Rs. 10 and not a second fee of Rs. 20 to 50. Therefore, the words I have proposed in my amendment should be added after the words "second fee."

In the last clause it is stated that "a double fee will be leviable for the inspection of a boiler that is not situate in a place for "which an inspector has been expressly appointed by the Governor in Council, if the owner or person in charge, after due notification, fails to avail himself of the services of the inspector during the usual periods for visiting the district." This period, my Lord, will no doubt be fixed by Government with due regard to the convenience of the factory owners but without their having any voice in the matter, and some latitude is required for those people who may have to make these applications at a time which might be either before or after the time specified by Government. There will be cases in which there will be no need to pay a double fee and an additional fee of Rs. 10 would be quite sufficient. I, therefore, propose my amendment and hope it will be accepted by the Council.

The Honourable Mr. G. S. CURTIS:—May it please your Excellency,—I submit to this Council that the provisions of this Schedule are eminently moderate and in the public interests necessary. One provision to which the Honourable Member has taken exception is as follows:—

"A second fee will be leviable for re-inspection in any case where the inspection of a boiler is begun, but, owing to the fault or neglect of the owner or person in charge, is not completed within a period of six months from the date of commencement of inspection."

The practical effect of it is this, that an Inspector starts to open a boiler and he goes the next day but finds the owner has gone away and locked the door. He cannot continue his inspection. The door remains locked for six months and is then opened. What the Schedule says is that he should pay a second fee in such cases. I submit, Sir, that is reasonable.

BOILERS BILL.

[*The President; Mr. Shridhar Balkrishna Upasani; Mr. G. S. Curtis.*] [14TH MARCH 1917.]

His Excellency the PRESIDENT:—Does the Honourable Member (Mr. UPASANI) want to reply?

The Honourable Mr. UPASANI:—I do not want to reply, your Excellency. I have already said what I wanted to say and I have spoken on both the amendments.

His Excellency the PRESIDENT:—I cannot allow the Honourable Member to move both the amendments at once. He must take them one by one.

The first amendment was then put to the vote and lost.

His Excellency the PRESIDENT:—The Honourable Member may now move his second amendment.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—In regard to my second amendment, My Lord, I have already said that it would be a great hardship to pay a double fee. Instead of that, it would be better if Government could see its way to reduce the amount. People in the mofussil do not always know the dates fixed by Government. There are Marwaris and other people who do not generally understand the rules and do not read the Gazettes in which these publications are made, and, therefore, it will be in their interests if my amendment is accepted.

The Honourable Mr. CURTIS:—May it please your Excellency,—My answer to the Honourable Member's amendment in regard to this particular provision is that it is eminently necessary in the public interests. As no doubt members of this Council are aware, the season for the inspection of these boilers falls practically for three or four months in the year—September, October and November. The inspector has to travel over a large area and it is absolutely necessary that when he does visit a place that all the boilers in the vicinity should be presented for inspection. Particular care is always taken to notify the visit of the inspector, and when that fact is notified, it is necessary that every possible inducement should be given to the owners of boilers to let the inspector know that they have their boilers ready for inspection. It has been mentioned by several speakers that the boiler fund involves a loss on the State funds. It need hardly be observed that the most economical arrangement for the boiler inspection is that the inspector should be able to see all the boilers when he visits a certain place. For instance, it should not be necessary for him to go to East Khandesh, then go to Surat for inspecting one boiler 30 miles from the station and then come back again to West Khandesh Such a course would pile up expenditure. It is much better that every possible provision should be made to see that all work in a certain locality will be inspected by one man at one time. Therefore I move that this provision be maintained.

The amendment was then put to the vote and lost.

Schedule B was put to the vote and carried.

The preamble was put to the vote and carried.

The Honourable Mr. CURTIS moves the Third Reading of the Bill

The Honourable Mr. G. S. CURTIS:—I now move, Sir, that the Bill be read a third time and passed into law.

Bill read a third time.

The motion for third reading was put to the vote and carried.

His Excellency the PRESIDENT:—I think it will perhaps be to the convenience of the Council if we adjourn now till half-past eleven to-morrow morning.

The Council then adjourned till 11-30 a.m. on Thursday the 15th March 1917.

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,
Secretary to the Legislative Council of
His Excellency the Governor of Bombay.

The Council re-assembled at 11-30 a.m., on Thursday the 15th March 1917, in the Council Hall, Secretariat, Bombay.

PRESENT:

His Excellency the Right Honourable Lord WILLINGDON OF RATTON, G.C.I.E., Governor of Bombay, *President.*
The Honourable Mr. M. B. CHAUBAL, C.S.I., *Vice-President.*
The Honourable Mr. G. CARMICHAEL, C.S.I., I. C. S.
The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.
The Honourable the ADVOCATE GENERAL (Mr. T. J. STRANGMAN).
The Honourable Mr. S. R. ARTHUR, I. C. S.
The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.
The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.
The Honourable Mr. GHULAM MUHAMMAD walad Khan Bahadur WALI MUHAMMAD BHURGRI, Bar.-at-Law.
The Honourable Mr. P. R. CADELL, C.I.E., I. C. S.
The Honourable Mr. SHERRIFF DEVJI CANJI.
The Honourable Mr. ALFRED LAWRENCE COVERNTON.
The Honourable Mr. PANDURANG ANANT DESAI, LL.B.
The Honourable Dr. C. FERNANDES, M.D.

LOCAL BOARDS BILL.

[*The President; Mr. Vithalbhai Jhaverbhai Patel.*] [15TH MARCH 1917.]

The Honourable Mr. SIDDHANATH DHONDDEV GARUD.
The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE.
The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Mr. MALCOLM N. HOGG.
The Honourable Lieut.-Colonel JAMES JACKSON, C.I.E., M.B., I. M. S.
The Honourable Mr. EBRAHIM HAROON JAFFER.
The Honourable Mr. J. D. JENKINS.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Mr. G. F. KEATINGE, C.I.E., I. C. S.
The Honourable Sardar DULABAWA RAISINGJI, Thakor of Kerwada.
The Honourable Mr. MAHOMEDBHOY HAJEEBHOY LALJI.
The Honourable Mr. H. S. LAWRENCE, I. C. S.
The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
The Honourable Khan Bahadur PIR BAKSH walad MIAN MAHMUD.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Sardar SHRINIWAS COOPOOSWAMI MUDLIAR.
The Honourable Rao Bahadur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. F. G. PRATT, I. C. S.
The Honourable Mr. MANMOHANDAS RAMJI.
The Honourable Rao Bahadur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. PHIROZE C. SETHNA.
The Honourable Mr. W. C. SHEPHERD, I. C. S.
The Honourable Mr. PURSHOTAMDAS THAKURDAS.
The Honourable Mr. G. H. THISELTON-DYER, A.M.I.C.E.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

His Excellency the PRESIDENT:—Order, order. A Bill to provide for increasing the number of elective members on district local boards and other matters. The Honourable Mr. CURTIS.

The Honourable Mr. VITHALBHAI JAVERBHAI PATEL:—Your Excellency,—In conformity with section 80 of the Government of India Act, 1915, and with Your Excellency's permission I move that this Bill be shelved.

His Excellency the PRESIDENT:—I do not quite understand the Honourable Member's point. Would he kindly explain the matter further?

The Honourable Mr. PATEL:—My Lord,—I desire to move that this Bill be entirely shelved. I do not want the Council to go on with the discussion of this Bill.

His Excellency the PRESIDENT:—Then I would suggest to the Honourable Member that he should oppose the first reading and if he gets a majority he will succeed in his object.

The Honourable Mr. PATEL:—I want Your Excellency's clear ruling whether I can move that this Bill be shelved.

His Excellency the PRESIDENT:—What I want to get quite clearly from the Honourable Member is this: he refers me to section 80 of the Government of

India Act, 1915. I want to know the particular portion in that particular section of the Act that gives the Honourable Member the right he suggests.

The Honourable Mr. PATEL:—Your Excellency,—Clause 1 of section 80 of the Government of India Act provides:—

"At a meeting of a local legislative council no motion shall be entertained other than a motion for leave to introduce a measure into the Council for the purpose of enactment, or having reference to a measure introduced or proposed to be introduced into the Council for that purpose, etc."

Under this clause I move that the Bill be shelved, and I want Your Excellency's ruling whether this motion of mine is in order.

His Excellency the PRESIDENT:—Under rule 7 of the rules for conduct of Council Business I rule that the Honourable Mr. PATEL's motion is a direct negative of the Honourable Mr. CURTIS' motion for the first reading of the Bill and I therefore rule it out of order. The Honourable Member must conform to the ordinary procedure of the Council. I do not want any discussion on the point whether this Bill should be shelved.

The Honourable Mr. PATEL:—I then move under rule 7 of the rules for conduct of Council Business that the consideration of the Bill be postponed.

His Excellency the PRESIDENT:—Order, order. The Honourable Member must make his speech after the Honourable Mover in charge of the Bill moves the first reading of the Bill. I cannot allow any discussion before the first reading of the Bill is moved.

The Honourable Mr. PATEL:—Your Excellency,—My present motion is under rule 7 of the rules for the conduct of Council Business and I desire to move that the Council do pass to the consideration of the business next in order in the list of business.

His Excellency the PRESIDENT:—Do I understand the Honourable Member to say that he wishes to bring his motion under rule 7 of the rules of business?

The Honourable Mr. PATEL:—Yes, Your Excellency,—I beg to move under that rule that the Council do pass to the consideration of the business next in order.

Your Excellency,—It is my misfortune that at this very session of the Council I have to bring forward this second extraordinary motion. I am thoroughly convinced, my Lord, that the interests of local self-government demand that this motion should be placed for the consideration of this Council. The Bill before the Council, Your Excellency will see, proposes to give to district local boards an elective majority.

His Excellency the PRESIDENT:—I should like to inquire from the Honourable Member if he proposes on this motion of his to discuss the merits of this particular measure which my Honourable colleague is going to move the first reading of?

The Honourable Mr. PATEL:—In giving my reasons why this motion should commend itself to this Council I must place before the Council the reasons why I consider this measure an obnoxious one.

His Excellency the PRESIDENT:—I am bound to say that in order not to waste the time of the Council I cannot allow the Honourable Member to go into general details. But I see no healthy object in the Honourable Member making a long speech on the main principles of the measure.

The Honourable Mr. PATEL:—Your Excellency,—The question of local self-government so far as this Presidency is concerned is full of disappointment for the people. It consists of chapter and verse of hopes held out but frustrated, of promises made but ignored or lost sight of and of pledges given but not

redeemed. Your Excellency, local self-government as applied to rural areas was started in this Presidency in the year 1863 by Sir Bartle Frere as a result of——

His Excellency the PRESIDENT:—Order, order. I want to know what are the specific reasons the Honourable Member wants to put forward for the adjournment of the debate on the first reading of this Bill.

The Honourable Mr. PATEL:—Your Excellency,—I hold that this is a retrograde and obnoxious measure and should not be proceeded with.

His Excellency the PRESIDENT:—I think the Honourable Member can safely say that on the first reading. I want to know why he is so anxious to pass to the next business of the day and put forward his motion for adjournment. I want the Honourable Member's specific reasons.

The Honourable Mr. PATEL:—Your Excellency,—I do not want this Council to consider the first reading of this Bill at all and my reasons are briefly these.

In the first place I may bring to Your Excellency's notice the fact that Sir Bartle Frere laid it down distinctly when local self-government was started that its success would depend on the degree of——

His Excellency the PRESIDENT:—Order, order. I cannot allow the Honourable Member to discuss the Bill that is coming forward. I cannot allow the Honourable Member to discuss the general terms of local self-government. That will be done if Government is defeated on the Honourable Member's motion. Indeed, he has told us very clearly that the reason for his motion for adjournment is that he does not like the Bill at all. I have suggested to him already that the best means for him to take would be to oppose the motion for the first reading of the Bill in the ordinary way. He has thought fit to move this adjournment and he has stated quite clearly in a few words his reasons, but I cannot allow him to go into a long dissertation on local self-government or district local boards at all.

The Honourable Mr. PATEL:—I do not know how I should support my motion if I am not allowed to discuss the merits of the Bill. Your Excellency is right in observing that I do not like the Bill at all; but I must be allowed to say why I do not like it. Of course, I shall be brief. I shall not go into a long dissertation on local self-government.

There are in this Presidency as many as 241 local boards.

His Excellency the PRESIDENT:—Order, order. I do urge upon my Honourable friend very strongly indeed that he is not only wasting the time of the Council, but he is taking an entirely wrong step in this matter which makes it extremely difficult for me to deal with the situation. It is quite obvious—I should like to have a sense of the Council on this point—that if he disapproves of this particular measure, the ordinary parliamentary procedure, the ordinary procedure in any Council, would be that my Honourable colleague who moves this Bill will state his views and the Honourable Member will oppose this Bill on first reading, and the Council will say aye or no as the case may be. This motion for adjournment is a purely dilatory proceeding in every possible way.

The Honourable Mr. PATEL:—What course then am I asked to pursue? I assure the Council that I am doing all this in the best interests of local self-government. It is a pity Your Excellency thinks I am wasting the time of the Council.

His Excellency the PRESIDENT:—What I venture to suggest—I really think I am consulting the best interests of the Council in this matter—is to allow my Honourable colleague to move the first reading of the Bill and my Honourable friend will then have every opportunity to oppose it at such length as he pleases and when the division arises either he will be successful or Government will be successful.

LOCAL BOARDS BILL.

[15TH MARCH 1917.] [*Mr. Vithalbhai Jhaverbhai Patel; Mr. G. S. Curtis.*]

The Honourable Mr. PATEL:—Very well, my Lord, I have to bow to Your Excellency's ruling.

The Honourable Mr. G. S. CURTIS:—May it please Your Excellency,—I rise to propose the first reading of the Bill to amend the Bombay Local Boards Act, 1884.

The Honourable Mr. CURTIS moves the first reading of the Bill.

In their report on the question of the extension of the principles of local self-government the Committee presided over by the Honourable Mr. H. S. LAWRENCE recommended as regards district local boards or as they termed them district councils:—

(1) that the proportion of elected members should not be less than two-thirds of the whole,

(2) that the remainder of the members shall be nominated, provided that the number of nominated officials shall not exceed one-sixth of the whole board,

(3) not less than one-half of the persons elected shall be elected by territorial constituencies including the more important municipalities or a group of minor municipalities,

(4) the remainder of the persons should be elected by special constituencies.

In paragraph 13 they proceeded to give instances of the special constituencies whose creation they suggested. They added that certain hostile critics anticipated difficulties, but that they considered it sufficient to point to the system of special elections in force in other provinces as justifying their suggestion. So much for the recommendations as regards the district boards or as the Committee termed them district councils.

On receipt of the Committee's report—I may mention that the Honourable Member who has just spoken was a member of the Committee—Government decided that steps should be taken to give effect to the main recommendations with reference to district councils as speedily as possible and Government have accordingly directed by executive order under section 5 of the Act with reference to all such boards whose term of office has expired under section 14 that the number of nominated members shall be reduced That process was begun in May and June last and has been steadily continued. At the present moment there are still four* boards whose terms of office do not expire for some considerable time. For the sake of uniformity and to ensure that all boards shall start a new term of office on the same footing it is necessary to suspend the provisions of section 14 of the original Act. Hence clause 3 of the present Bill.

*Kaira, 30th September 1917
Broach, 30th April 1917.
Poona, 31st October 1917.
Ratnagiri, 31st December 1917.

But, Sir, a suspension of the term of office is not the only matter with regard to which immediate legislation is necessary. It is obvious that with the substantial reduction in the number of nominated members and the increase in the importance and influence of the elected element it is imperatively necessary that the constituencies who are to elect the members should be re-modelled. In certain cases electorates, for instance large land owners, talukdars, khots and so forth, not being inamdars within the meaning of section 10 of the Act, the Mahomedan community and others, have been accustomed to rely on nomination as a means of securing representation on the boards, which representation by the reduction in the number of nominated members will now be largely diminished or withdrawn. Accordingly it is necessary to take steps at once to reform the electorates in order to give all interests a chance of being adequately represented.

Having regard, however, to the fact that the electorate will differ largely in various districts (in some, for instance, associations such as those mentioned by the Committee, namely, notified areas, sanitary committees, district sanitary

associations, co-operative societies and so forth have attained considerable importance, in others they have not: in some there are special classes such as khots and talukdars who are to be provided for, in others there are not: in some there are special classes of population, such as Mahomedans, whose interests have to be considered and in others there are not) it will be impossible to lay down specifically in the body of the Act what the constitution of the electorates will be. Consequently the Committee came to the conclusion, with which I think the Honourable Mr. PATEL disagreed, that as regards Mahomedans only it would be impossible to lay down by statute——

The Honourable Mr. PATEL:—Not 'only'.

The Honourable Mr. CURTIS (continuing):—I beg the Honourable Member's pardon. There was one other, I think. The Committee, subject to the Honourable Mr. PATEL'S minute of dissent, came to the conclusion that it would be impossible to stereotype by statute for every district in the Presidency what the electorate should be. Accordingly they recommended that power should be taken for Government to prescribe by rules what the electorate should be in every district. Hence clause 3A of Schedule, Part I. The rules framed under this clause will be drawn up by the local authorities in consultation with local opinion. They will be published for general criticism before final sanction is accorded.

That, Sir, is the scope of the Bill roughly. Suspension of section 14 and taking of legal power to form new electorates under section 7 in lieu of those prescribed by the existing Act, section 7.

It may perhaps be asked why no steps have been taken to deal with many other thorny questions which arise out of the Local Boards Act. In the first place, as regards the question of control; I mention that because the Honourable Member has already referred to it. That has already adequately been provided for by the existing Act and Government have shown by the discussion on the budget yesterday that they are prepared to appoint at once from the 1st of April non-official Presidents for five local boards. Not only are they prepared to appoint those gentlemen, but they have agreed at considerable expense to provincial revenues to provide for funds that were necessary for the equipment of those non-official gentlemen with adequate office staff. As Honourable Members who may have read the budget yesterday will remember, a sum of Rs. 30,000 has been provided for in the budget for the five local boards where these Presidents are to be appointed, and that sum will be increased as time goes on when experience has been gained and suitable gentlemen of position come forward. There are 19 boards in the Presidency proper: so it will be at once apparent to Honourable Members that the expenditure involved is no mere trifle.

A further question will be asked—I am anticipating the objection—as to why this Bill does not deal with the still more thorny question of taluka local boards and panchayats. The answer to that is simple. The task of dealing with these bodies is proving a difficult one. There are certain fundamental questions which require solution before a new law can be framed. For instance, whether taluka local boards or panchayats should exist side by side and whether, as in Madras, the panchayats should be affiliated to the local boards: whether the panchayats should be formed in a single village or groups of villages: whether in certain cases the taluka local boards should be dispensed with and their place taken by Committees of district councils and, above all, how funds are to be provided and how the financial relations of these bodies are to be regulated: On these points, though as regards panchayats the question is not specifically referred to the Committee, the Committee have made remarks which disclose a very marked difference of opinion.

Moreover, the question of finance is extremely difficult to solve under the present conditions. The Committee practically came round to the conclusion

that a substantial portion of the funds to be disbursed by the various local bodies must be obtained by grants-in-aid from the public treasury. In the present state of war and uncertainty as regards the future of provincial finance, it is practically impossible to estimate what subventions will be forthcoming. In any case the legal problem itself is one of extreme difficulty and Government have accordingly decided that further inquiry is necessary. They have recently appointed an officer who was a member of the Committee presided over by the Hon'ble Mr. LAWRENCE to study the whole subject and on receipt of his report they propose to proceed further with the amendment of the law. In the meantime, however, for the reasons given above, the present Bill has been introduced with the object of ratifying the action which has already been taken by an executive order, further for broadening the basis of the franchise and curing the defects inherent in the existing section 7.

Before going further I may refer to section 7 of the existing Act. It says :—

"The elective members of district local boards shall be as follows :—

(*a*) One member or, if Government so direct, two or more members for each taluka local board in the district, or one member for two or more taluka local boards in the district, united for this purpose into a joint board, elected by the members of such board or joint board from amongst their own number ;

(*b*) one member for each municipal district within the district containing not less than eighteen thousand inhabitants, elected by the commissioners of such district from among their own number ;

(*c*) one member elected by the holders of entire alienated villages, if any, within the district, from amongst their own number, or if there is but one such holder in the district, such holder himself, or any person whom he nominates as his representative."

Then follows the proviso.

Now, Sir, it will not need many remarks from me, I think, to convince the representatives of the local boards that these electorates are not at present very satisfactory. As regards municipalities, the limit of 18,000 population is in many cases far too high. In some districts it results in the local municipalities having no representative at all. For instance, Ratnagiri. Further, the definition in clause 7 (*c*) of "holders of entire alienated villages" rules out the khots, talukdars and may rule out a large and influential class of land-owners. Further, the section as it stands omits altogether any provision for the classes referred to in paragraph 14 of Mr. Lawrence's Committee's report. The Committee suggested that special constituencies might be represented as follows :—inamdars, 2 ; persons holding degrees and diplomas of the University, barristers and pleaders, 2 ; title-holders and honorary magistrates, 2 ; recognized associations, such as the Co-operative Credit Societies, District Sanitary Association, District Agricultural Association, 3 ; the Mahomedan community, 2 : total 11. As I have already indicated, these special constituencies must vary according to the circumstances existing in that district ; and accordingly power has been taken to prescribe by rules what these constituencies shall be for each district. The prescribing of rules will only be made as far as possible after full consultation of the local public opinion.

I am perfectly conscious that the measure is only an *ad interim* one. But, Sir, at any rate, it least deserves the description given to it that it is a retrograde measure. Nothing would have been easier for Government than to wait until they have legal power for giving effect to the most important recommendations of Mr. Lawrence's Committee with reference to the increase in the elective element on these district councils to two-thirds. Government did not take that action. I think that within something like six weeks of the Committee's report being received action was taken first of all with reference to the first board and it was consistently persevered with with regard to the other boards as their period came to an end.

With reference to the recommendation of the Committee about official control, Government have shown by the appointments which are to take effect from the 1st of April next that they are perfectly willing, in places and on occasions where suitable holders for the offices are forthcoming and subject to the provision of requisite funds, to appoint non-official gentlemen to hold the important posts of Presidents of these local boards.

But as regards the frame-work of local self-government, whether the foundation should be the panchayat or the notified area, and above all the financial measures necessary to establish this frame work on a satisfactory footing, Government are of opinion after careful consideration that some time must elapse before a more elaborate measure can be framed and presented to this Council. In the meantime the present measure will furnish a useful opportunity for experiment, for testing public opinion and for, above all, arousing greater local interest in the elections for these district councils, an interest which, I think, there is only too much reason to think has not been as keen as is desirable.

With these remarks I move the first reading of this Bill.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—We are told that the whole question of local self-government has been under the consideration of Government and a special officer has been appointed to draft a Bill to be introduced into this Council. We know that in this year's budget Government have provided a sum of Rs. 10,000 on that account and I understand the special officer has already commenced his work. The Bill probably will be ready in 2, 3 or 4 months' time and I feel sure it will be before us in December next at the latest. The question then is whether there is any real urgency about the proposed measure. Your Excellency, I do think and I also know that some of my non-official colleagues think as I do that the Bill is of a very controversial character and it is for Your Excellency's Government to consider whether it is advisable to allow this Bill to be discussed at all.

The position, Your Excellency, is this. There are at present 241 local boards in the Presidency: 215 of these boards are taluka boards and 26 are district boards. We have been just told by the Honourable Mover of this Bill that the question whether the taluka boards shall be allowed to exist side by side with the village panchayats to be constituted is under the consideration of Government. Let me tell this Council for its information that this aspect of the question was considered by the Committee which met under the presidency of my Honourable friend Mr. LAWRENCE. That Committee has recommended in very emphatic terms that the taluka boards must exist, side by side, with village panchayats. It is curious, however, that in spite of that recommendation Government say that they are considering the question. These taluka boards have been in existence for the last 32 or 33 years. Government have no power to abolish them. They are constituted under the Act passed by this Council. Let Government come forward with their proposal to repeal that Act in so far as it constitutes these boards and we shall then consider the proposal on its merits. For the moment, let us approach the consideration of this measure on facts as they are. What does the Bill provide? It proposes to empower the Governor in Council to give elective majority to such of the district boards as may be considered fit for it. I have already told the Council that there are only 26 district boards in the Presidency. The Bill leaves out at one stroke all taluka boards which number 215. The Council is aware that the Local Board Committee recently appointed by Government has unanimously recommended that all the taluka local boards should also have a two-third majority. In spite of that recommendation Government now come forward with this Bill which deals with the question of elective majority on district boards only. Even as regards district boards, the Bill says that the provisions of the schedule which deal with elective majority shall be applied by the Governor in Council by notification to such of the district boards as he considers fit for the exercise of such extended franchise. It further

empowers the Governor in Council to withdraw the notification once issued. The Executive Government is thus free under the Bill to grant, or take away from, any District Board elective majority at its sweet will and pleasure. Proceeding further the Council will please note that section 7 of the existing Local Boards Act provides that three constituencies, *viz.*, taluka boards, municipalities and inamdars, shall return members to District Board. The Local Board Committee recommend that there should be some more constituencies. They suggest special constituencies for (1) persons holding degrees and diplomas of the University, Barristers and pleaders, (2) Title-holders and Honorary Magistrates and (3) the Mahomedan community.

These three constituencies have been recommended by the Local Board Committee.

The Honourable Mr. CURTIS :—Associations also.

The Honourable Mr. PATEL :—Yes, I beg your pardon. The fourth constituency is suggested by the Committee for Co-operative Credit Societies and other associations. Now so far as the Mahomedans are concerned it has already been decided by Government that they should not have separate representation on local boards if I mistake not. Now let us see how the proposed Bill attempts to solve this question. Under its provisions, the statutory constituencies provided by section 7 of the existing Act are to be entirely abolished and power is given to the Governor in Council instead, to determine by rules constituencies entitled to return members to District Board. I submit that this is a very serious matter. It is proposed to deprive Taluka Boards, Municipalities and Inamdars of the right which they have been enjoying for over 32 years under statutory provision. If the Bill passes into law, the executive Government will be entitled to say by whom and in what manner members to District Board shall be returned. If more constituencies are needed, why not provide them in the Bill itself? We might then consider the case of each constituency on its merits and determine whether it shall return a member or members to District Board. I for one am perfectly against having any such constituency as that of titleholders and honorary Magistrates, who are entirely, I may say, at the mercy of Government. The Honorary Magistrates are appointed by Government and titles are also granted by them. We know in what mysterious manner these appointments are made and titles granted. If the determination of constituencies is left to Government, I strongly feel that the interests of local self-government will suffer. What justification is alleged or even suggested by Government in support of their proposal to do away with the three constituencies existing for so many years past? How can it then be contended that this measure is intended for the advancement of local self-government? I submit that it is in every possible way a retrograde measure. Your Excellency, the Local Board Committee, of which my Honourable friend Mr. LAWRENCE was chairman, recommend the grant of $\frac{2}{3}$rd elective majority to all local boards of the Presidency. Why is this Bill confined to district boards only? What is the object of Government in letting alone every one of the Taluka Boards which, as I have already observed, number 241? Does this not mean that, in the opinion of Government, Taluka Boards are not yet fit for elective majority? I respectfully ask your Excellency's Government to say clearly what is the idea underlying this conduct on the part of Government? Why is Government so illiberal and narrow-minded in their treatment of the question of local self-government? The whole local self-government, as applied to rural areas, my Lord, has been a failure and I repeat that it has been a failure. Well may the officials say that it has not been a failure as regards administrative and executive efficiency. In the name of this "blessed efficiency," the object with which the local self-government was started has been consciously or unconsciously killed outright. Sir Bartle Frere who projected the scheme for local self-government in this Presidency as early as 1863 laid it down distinctly that "the success of local self-government will depend upon the degree of freedom allowed

to the local managers of the funds". For 20 years thereafter officials became office-bearers of Committees of management and the funds that were collected were disposed of on the principle of everything for the people and nothing by them. This state of affairs attracted the attention of Lord Ripon's Government who in the year 1882 issued the well-known resolution which my Honourable friend Babu Surendranath Banerji of the Bengal Council characterized as the *magna charta* of local self-government in this country. That resolution distinctly laid down that there should be a substantial preponderance of elected members on local boards. Thereupon a Bill was introduced in this Council which was strongly opposed by non-official members of those days on the ground that it did not either fulfil the requirements of the resolution of the Government of India or satisfy the legitimate aspirations of the people. Assurances were given that the clause dealing with the constitution would be liberally construed and the elective majority would follow very shortly. If my memory serves me right, His Excellency the then President went so far as to say that it would hardly be his pleasure but that it would certainly be the pleasure of his successor to extend elective majority to rural boards of this Presidency. On the assurances so given the opposition was withdrawn by the then non-official members. It is now 33 years since these assurances were given and I may say 54 years since Sir Bartle Frere laid it down that the success of local self-government would depend on the degree of control which the local managers would be allowed to exercise; and what do we find? Not a single Taluka Board out of a total of 215 enjoys even bare elective majority, let alone an elected non-official President. Now let us compare the position of this Presidency with that obtaining in other Presidencies in regard to this question. We are told, in season and out of season, by officials and some non-officials too, that this Presidency is the foremost of all the Indian Provinces. My Lord, is it the advancement of political constitutions on democratic lines that is really the test of advancement in these civilized days? If that is so, we have to acknowledge with our heads down that our Presidency is behind every important Province in British India. What is the position in other Provinces? Take

(1) *Central Provinces Local Self-Government Act.*—There are Local Boards and District Councils. In every Local Board and District Council constituted under the Act, the proportion of elected members shall not be less than two-thirds of the whole (*vide* section 5).

No provision empowering Local Government to exclude any Board or Council from the operation of section 5.

(2) *United Provinces District Boards Act.*—There are District Boards only.

The proportion of elected members shall not be less than two-thirds of the whole (*vide* section 4).

Local Government, with the previous sanction of the *Governor General in Council* may exclude any District Board from the operation of section 4 (*vide* section 5).

(3) *Assam Local Self-Government Act.*—There are Local Boards only. Each comprises a sub-division.

The number of elected members shall be greater than that of appointed members (*vide* section 4).

No provision empowering Local Government to exclude any Board from the operation of section 4.

(4) *Bengal Local Self-Government Act.*—There are Local Boards and District Boards.

The proportion of elected members of Local Boards established in a district mentioned in the 3rd schedule of the Act shall not be less than two-thirds of the whole (*vide* section 9).

The proportion of elected members of District Boards shall not be less than one-half of the whole (*vide* section 7).

No provision empowering Local Government to exclude any Local or District Board from the operation of section 9 or 7.

(5) *Madras Local Boards Act.*—There are Taluka Boards and District Boards.

District Board to consist of members wholly appointed or partly elected and partly appointed (*vide* section 11); but where members are partly elected, the number of persons so elected shall, unless the Governor in Council otherwise directs, be three-fourths of the whole number (*vide* section 13).

Taluka Board to consist of members wholly appointed or partly elected and partly appointed (*vide* section 16); but where members are partly elected the number of persons so elected shall, unless the Governor in Council otherwise directs, be two-thirds of the whole number (*vide* section 18).

You will thus see that United Provinces, Central Provinces, Madras, Bengal and even Assam are far ahead of us. What is then the cause of our backwardness for which we have to hang down our heads in the presence of non-official members of other Provincial Legislative Councils? It is no use concealing facts. The truth is that our Government from the start have assumed a wholly unsympathetic attitude towards Lord Ripon's large-hearted and statesmanlike resolution on this all-important question. When the resolution of the 18th May 1 82 was communicated to the Bombay Government for guidance and necessary action, they placed on record their emphatic opinion on it in their resolution of the 19th September 1882, in these terms:

"*19th September 1882.*

"RESOLUTION OF THE BOMBAY GOVERNMENT.

"Political education is a tender plant of very slow growth and it cannot wisely be forced into a premature development. Before subverting a system which has been found in practice to work so well, this Government would have preferred to proceed more cautiously, to create and educate a public spirit and to ascertain the fitness of the Municipal and Local Fund Committees to exercise more extended powers. Such powers are often abused even in countries where the people have been accustomed to free institutions, the growth of centuries, and His Excellency the Governor in Council cannot but regard with uncertainty and anxiety the bestowal by one step of unlimited powers on communities so new to their exercise. In its recent orders, however, the Government of India insists on the introduction without delay of very radical measures of self-government and having placed on record his opinion that measures so extensive are somewhat premature it will now be the duty of His Excellency the Governor in Council to carry out those measures to the utmost extent which he considers compatible with safety."

After the expression of these views the Bombay Government introduced a measure called the Local Boards Bill to carry into effect, so far as it was then possible according to their ideas of safety, the recommendations contained in the resolution of the Government of India. The Bill, I have already submitted, was strongly opposed by the non-official members of the Council and the opposition was subsequently withdrawn on the unqualified assurances of Government.

Then came the Royal Decentralization Commission charged with the duty of carefully examining, *inter alia,* the question of the extension of local self-government. The Commissioners, after an elaborate examination of the question, recorded in paragraph 789 of their report their opinion in the following unequivocal terms:

"The resolution of Lord Ripon's Government in 1832 laid down that there should be a large preponderance of non-official members on the rural boards and that is our view also. We consider that the nominated element in a sub-district Board should not exceed the strength sufficient to secure the due representation of minorities and of official experience and that the District Board should also

contain an elective majority. In other words the proportion of official and nominated members should be substantially diminished."

Under these circumstances one should have thought that 30 years were long enough for any civilized Government to redeem its pledges solemnly made to the responsible representatives of its subjects. But the Bombay Government did not seem to think so when its views were sought for by the Government of India with a view to make some further advance in local self-government in this Presidency. It appears that of all the Provincial Governments in India it stood alone in thinking that the time was not still ripe to give effect in this Presidency to the wish of the Government of India. They said that it was inadvisable, in present conditions, to provide for an elective majority.

The Bombay Government in expressing that opinion was merely voicing entirely the one-sided opinion of some of its officials and not either of its head nor of the public of this Presidecny. My Lord, neither I nor any other non-official members of this Council have any information as to when and on what materials your Excellency's Government submitted such opinion to the Government of India. It is a matter of great regret that *your Excellency's Government* should have expressed such opinion. On reading this opinion in May 1915 in the Government of India's resolution on local self-government, I felt so much grieved that I at once gave notice of a resolution asking for ⅔rd elected majority, not on all local Boards in the Presidency but on those which were in existence for 25 years or upwards. The resolution was discussed in the July meeting of that year. Government's attitude was very sympathetic and the Hon'ble Sir P. D. PATTANI, then in charge of the local self-government portfolio, in asking me to move my resolution in a slightly modified form observed :

"These Local Boards came into existence soon after the Local Boards Act of 1884 was passed. These bodies have thus existed for over 30 years without making any advance whatever as regards their constitution. The proportion of nominated and elected members has remained where it was at the inception of this branch of local self-government. The Decentralisation Commission have recommended an elective majority and Government have the power under the Act to grant such a privilege by executive orders. We are conscious that we cannot afford to stand still with regard to these Local Bodies, when we are almost every day making substantial progress with regard to Municipalities."

Your Excellency as President of this Council then asked me to accept the suggested amendment in order that the Government may have a free hand in dealing with the whole question of local self-government. I accepted the suggestion and the resolution was carried in modified form. The question was regarded by your Excellency's Government as so important and urgent that in a few days' time your Excellency's Government issued a Press Note appointing a Committee to consider and report on the whole question of the extension of the principle of local self-government to Local Boards, not later than the end of October. The Press Note, after mentioning some of the causes for the disappointingly slow development of local self-government in the case of Local Boards, went on to say :

"It is difficult to avoid the conclusion that this state of affairs is to a large extent attributable to the fact that the system of administration of Local Bodies still remains what it was when these bodies were first constituted under the present Act some thirty years ago and that during all that time there has been no movement in the direction of endowing them with a more liberal organization and releasing them from the guiding strings of official control."

Further, the object of the Governor in Council in appointing the Committee is emphatically stated in these terms :

"The object which he has in contemplation is the infusion of a more vital and real spirit into the principles of local self-government as applied to the administration of the rural Boards of this Presidency."

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It may also be noted that among the questions which under the Press Note the Committee was asked to consider, that relating to the elective majority stands first. In fact the Note was so overflowing with genuine sympathy for public aspirations in this matter, that it created an impression that in reporting to the Government of India that the Bombay Presidency was still unfit for elective majority on rural Boards there was some mistake on the part of the Secretariat. The Press Note delighted all lovers of local self-government in the Presidency and every one of them was anxiously awaiting the Report of the Committee. The report was submitted to Government in or about the month of January 1916. It showed that whatever differences of opinion there were amongst the members of the Committee on other points considered by them, they were all—official and non-official—unanimous on the question of the grant of $\frac{2}{3}$rd elective majority to Local Boards. This recommendation was based on the evidence of witnesses examined by the Committee. They numbered 292. Among them were Collectors and Assistant Collectors in this Presidency, all of whom with perhaps some rare exception supported the grant of $\frac{2}{3}$rd elected majority to Local Boards. In fact both the official and the non-official evidence was almost unanimous on this point. The recommendation of the Committee was under the consideration of Government. All people concerned were perfectly sanguine that a Press Note would issue granting $\frac{2}{3}$rd elective majority to all Local Boards in the Presidency. To their surprise, regret and disappointment there issued in May last a Resolution instead directing the grant of elective majority to a few of the District Boards leaving alone all the Taluka Boards numbering 215 out of a total of 241 Local Boards in the Presidency. I do not know what to say or what to think of this Resolution. Perhaps I had better say nothing.

On the top of all this, comes this Bill, purporting to empower Local Government to extend the provisions of elective majority, to such of the 26 District Boards as they consider fit for such privilege, leaving out of consideration all the 215 Taluka Boards.

My Lord, is it to bring forth this mouse that the mountain was in labor so long? Why does not the Government say straight "having reported to the Government of India in the way we did, Committee or no Committee, we cannot stultify ourselves by at once conceding the elected majority"? We can quite understand that position, for who does not know that a Doctor who has diagnosed the patient's malady egregiously could not be expected to prescribe a dose which would betray his learned mistake?

Under these circumstances, I earnestly appeal to this Council not to allow this measure to be placed on the statute book as it virtually amounts to an insult to the intelligence of the whole people of this Presidency.

The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA:—May it please your Excellency,—The Honourable Mr. PATEL declared in his speech that he understood that Government have decided that separate representation is not to be granted by Government to Mahomedans.

The Honourable Mr. PATEL:—I corrected myself, Mr. BARODAWALLA.

The Honourable Mr. BARODAWALLA:—My Lord, in time to come I wanted to bring before this Council for your Excellency's kind consideration a Bill for the election of Mahomedans, but it is happy indeed that Government themselves have brought out a Bill on this occasion. My Lord, on the first reading of this Bill, I would make only a few observations on its principle indicating if possible the directions in which it could be improved. In the objects and reasons of the Bill it is plainly stated that Government fully intend to revise the whole of the Bombay Local Boards Act as soon as circumstances would permit them to do so. Perhaps it would have been better to take the whole Act as a whole than to revise it piecemeal, especially if the sections now proposed to be revised are to be left imperfect or to be so amended as to work harmfully for certain classes. This Bill is brought professedly to modify the constitution of the Local Boards in

accordance with the recommendations of the Committee recently appointed to report on the extension of local self-government in this Presidency. One of the chief recommendations of that Committee is to form separate constituencies for the Mahomedan community and this recommendation is strongly supported by a very large majority of its members including Commissioners of Divisions who are the most experienced District officers. The Committee quotes for its support the recommendation of the Royal Commission on Decentralization for giving special constituencies for the Mahomedans in the local bodies. Since the publication of the report we all know that the Government of the United Provinces has passed a Municipal Act granting communal representation to the Mahomedans; and while the Act was under discussion in the United Provinces Legislative Council His Honour Sir James Meston declared that a distinct promise was given to the Indian Mahomedans by Lords Minto and Morley in favour of granting separate representation to them in the Municipalities and District Boards and his Government was bound to redeem the pledge. Under these circumstances, it is inexplicable to me why the Government of Bombay have not made provision in the Bill for special constituencies for Mahomedans in District Boards. I am thankful to the Honourable mover of this Bill for the declaration that Government will make provisions for the Mahomedans in all such district boards where there is need for their interests to be looked after. But, my Lord, such a provision is halting and would be very inconvenient both to Mahomedans and the officials. What I desire is that once for all legislative sanction should be given to the principle of separate representation for the Mahomedans in local bodies, as it is given in the Councils; the details can be considered in the Select Committee and on the second reading of the Bill. I hope Government will bear in mind this humble suggestion of mine in the later stages of this Bill.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH:—Your Excellency,—The whole question so far as this Bill is concerned is whether in the public interests it is desirable that we should accept the small mercies that Government are pleased to offer us or we should refuse the small mercies in order that hereafter a more comprehensive and more liberal measure may be introduced. It is a matter of pleasure that Government have come to recognize that it is desirable that in some District Boards the elective members should have a larger voice, but I really fail to see why the selection of these boards should be left to the discretion of Government. If the working of the Local Boards has proved efficient or if the elective element of the local boards has shown itself more efficient than of members brought upon the board otherwise than by election it would be exceedingly desirable that, instead of empowering Government to make a selection of such Boards as ought to have a majority of elected members generally to constitute Boards with a majority of elected members subject to the rights of Government to refuse such elective majority, in the case of backward Districts, Government ought to authorize that the local boards be so constituted that the elective members may have a majority. Though I do not believe that there is any portion of the Presidency where the giving of a majority to the elective members is likely to prove injurious, still I would not have the slightest objection to Government reserving for themselves the right of refusing this majority to such local boards as are backward; but to act upon the presumption that, except those few Boards to which Government are pleased to give the privilege, the others would not be able to procure a majority of elected members competent to carry on their work efficiently, does not appear to me to be a very reasonable course for Government to take. I submit that the placing of discretion in the hands of Government to give or refuse an elective majority except for backwardness is most objectionable. The other thing to which I should object is the disenfranchisement of bodies or persons who have hitherto enjoyed the privilege of returning members to local Boards. I do not think it can be said in any case that the enjoyment of this privilege has ever resulted injuriously or has had harmful

effect on the working of the local boards and I therefore think that the creation of other elective bodies or the non-recognition of elective bodies which have been hitherto recognized must be regarded as a very retrograde step. For these reasons I consider the measure exceedingly unsatisfactory. I should also consider that the omission of taluka boards from this measure will considerably impair its usefulness. I should think that the taluka boards deserve the same consideration as the district boards and the privilege which is extended to the district boards ought not to be withheld from the taluka boards. Another question that I put forward for the consideration of Government for the development of the efficiency of these local boards is this that they should make the elective members and non-official nominated members feel that they have some power and responsibility, and unless they feel that they possess such power, they would not take interest in their work; the feeling is general that on most of these boards non-official members do not take the same interest as in Municipal Boards; this is due to the circumstance that they find themselves in a helpless condition as against officials members and I should ask Government to take steps to remove that feeling of helplessness altogether. The present Bill as it is would not serve any good purpose because the conditions remain all the same. Government do not ordinarily give substantial majority to the elective portion of the municipalities. What took place in the case of municipalities for a number of years was that the elective members and nominated non-official and official members are almost equal, and where the Government officials take one view the other members generally found that constituted as the municipalities were it would be impossible to make any opposition success. Under these circumstances, I think the idea of giving a majority, which is within the intention of Government and for which Government take this power, would not be useful unless it is exercised in a spirit different from the one which has hitherto been shown.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH:—Your Excellency,—The object of the Bill is to provide for the increase of the elective members of district local boards and the formation of special constituencies. In the wording of the Bill, your Excellency, I find the expression "a majority of the members of the whole board". The words "a majority" are too vague and indefinite. It may mean a bare majority. That means if there are 30 members on a board, under this clause there can be 16 elected and 14 nominated. But, your Excellency, the time has come when district local boards as well as taluka local boards ought to have a majority of two-thirds elected members. That is the recommendation of the Committee appointed by your Excellency's Government to report on local self-government. From the proceedings of the Committee and its recommendations I find that the opinion of a large majority of official and non-official members is that two-thirds elected members should be given to the taluka as well as the district local boards. Under the Act taluka local boards, municipalities and inamdars and jahagirdas have a right to return members to the district local boards. Under the old system of half elected and half nominated taluka local boards and municipalities, inamdars and jahagirdars used to return half the members of the entire board; but under the new change I find that these three constituencies will return only one-third, and these are the people who directly contribute to the maintenance of the district local boards. I cannot therefore understand why there should be a decrease in their number owing to the change that is being introduced by this Bill. Therefore I request that instead of one-third being given to the taluka boards and municipalities and inamdars and jahagirdars a larger number should be given to them because they pay local cess and they have a direct interest in the administration and management of these boards.

LOCAL BOARDS BILL.

[*Sheikh Ghulam Hussein Hidayat-allah.*] [15TH MARCH 1917.]

Again, I find from the recommendations of the Committee that some new constituencies are to be created. These are the constituencies of honorary magistrates, title holders and educated people. I think, your Excellency, these three constituencies have absolutely no interest in the district local boards. They do not contribute a single pie to the district local boards. Therefore, I request, your Excellency, that these educated people, title holders and honorary magistrates ought not to be given any seat on the district local boards, but the number of the three constituencies of taluka local boards, the municipalities and jahagirdars and inamdars on the district local boards ought to be increased.

I find in the recommendations of the Committee that separate representation is given to the minority, but at the same time find in the Press Note issued by your Excellency's Government that your Excellency has expressed the opinion that unless the necessity is shown for the creation of separate electorates for the minorities, it will not be given. I would very much like to show to your Excellency the necessity of granting separate representation to the minorities. My Honourable friend Mr. PATEL as well as I would like to have a very large majority of elected members. Now an increase in the elected members means a decrease in the nominated members and a decrease in the nominated members means a decrease in the members of the minorities who, as a rule, come by nomination on these boards. Now, the minorities under the present system when there are half elected and half nominated, have no effective voice in the administration of these boards. When the number will be increased, they shall have absolutely no voice. Therefore, it is very necessary for the protection of the minorities that they ought to have separate representation. I will make my position here very clear. Your Excellency, in my province it is not the Mahomedans who are in minority, but my Hindu friends. I have not the least objection to your Excellency's Government granting them separate representation, because they are in the minority.

I would like, your Excellency, to dispose of some of the usual objections that are raised against separate representation. It is said that the interest of the minorities should be protected by nomination. I have shown that every increase in the elected members means a decrease in the nominated members and consequently a decrease in the representation of the minorities. Again when I read my Honourable friend Mr. PATEL'S note of dissent I find that he condemns nomination. He says that nominated members are the nominees of Government and they look eye to eye with Government. If liberal-minded and advanced members of this Council like the Honourable Mr. PATEL do not like nomination for their advanced community, much less ought they to like nomination for the backward community like that of the Mahomedans. Again it is said that if separate representation is given to the minorities, it will be scarcely conducive to the development of local self-government. I submit to your Excellency that it is the mixed elections, when one community is pitted against another that produce bad blood and communal antagonism. Another plea that is raised against separate representation is that it narrows the angle of vision, but the experience of this Council in which there are the representatives of the minorities must have convinced the members of this Council that they are as independent and as liberal in their views as other members of this Council and they have been working very harmoniously with the rest of the members of the Council for the good of the country.

Above all, your Excellency, these boards have to deal with very important matters such as educational problems, etc. Unless therefore there are the chosen representatives of the minorities on these boards, I submit that the decisions of these boards, however equitable and just they may be, will not inspire confidence amongst the minorities. Now the principle of separate representation has been already accepted by the Government of India by granting to the minorities separate representation in the Councils, and I see that Lord Minto actually

promised the Mahomedans separate representation on the local bodies such as municipalities and local boards, and I feel confident that your Excellency's Government will carry out that pledge. Even in the sister provinces of the United Provinces and the Punjab, and even in the Corporation of Calcutta the principle of separate representation is recognised. Only in December last two august bodies, the Congress and the Moslem League, recognised the principle of separate representation to the minorities. Under these circumstances, I feel confident that your Excellency's Government will not have the least objection in recognising the principle of separate representation

Further, I find that the clause in this Bill has been borrowed from the Municipal Act, section 11. That section has been in the Municipal Act for a very long time, but has never been made use of. It has been more or less a dead letter. Therefore my desire is that unless this clause be a dead letter, your Excellency's Government by legislation and enactment should fix the number of seats that will be allotted to the minorities.

With these remarks I support the first reading of the Bill.

The Honourable Rao Bahadur VENKATESH SHRINIVAS NAIK:—May it please your Excellency,—From the statement of objects and reasons it is seen that the present Bill has been introduced with two objects, namely to increase the proportion of elected members and secondly to give facilities to Government for the creation of special constituencies as per recommendations of the Committee appointed by Government to consider and report on the question of the extension of local self-government in regard to the Local Boards. The present Bill concerns only the District Local Boards. In the old Local Boards Act, I mean Act No. 1 of 1884, which deals both with Taluka and District Local Boards, there are provisions for elected members and for nominated members, only if His Excellency the Governor in Council or any other officer duly authorised in this behalf deems it necessary according to different areas and individual circumstances. It may at the outset look rather strange that the present Bill which is introduced solely with the object of giving elective majority compulsorily provides for the nomination of certain persons either by name or by the virtue of the office they hold, whereas according to the old Act nominations were entirely at the discretion of Government. It must be admitted that under the existing Act purely elective Boards could have been formed, but since 1884 neither a single District nor a Taluka Local Board has been so constituted nor any Boards have been given elective majority except in a few cases during this and the latter part of the last year, and that too after the recommendations of the Local Boards Committee. From the existing state of affairs in the mofussil with regard to the constitution of the Local Boards and their working, if these Bodies were to be constituted entirely of elected members, I doubt if different castes and communities forming the minorities would be represented on such Bodies, and such Bodies would properly work. The Committee therefore have rightly recommended that in the constitution of the District Local Boards, there should be a class of persons to be nominated by Government. Though according to the old Act the whole of the Local Boards could have been constituted entirely of elected members, all the Boards that were in existence up till very recently had nominated majority at least by one member. The Bill, as has been now drafted, *though it* compulsorily provides for nomination, the nominated members cannot exceed the elected members and therefore the public have no reasons to apprehend any fears on the score of nomination being made compulsory under the present Bill. Moreover the Bill gives wide powers to His Excellency the Governor in Council to create special constituencies and to prescribe the number of elected members for such constituencies according to the circumstances of individual district or part of the district. Such of the communities as cannot get representation through others can have their grievances redressed by

satisfying Government that they deserve special constituency and representation through it. I hope that the constitution of our District Boards under this new Bill, when it becomes an Act, will be more healthy and greatly representing the popular views and the people will come forward to take greater interest in the local affairs and gain higher and greater experience and training in the affairs of the local self-government.

With these remarks I support the first reading of the Bill.

The Honourable Mr. PANDURANG ANANT DESAI:—Your Excellency,—I cannot see my way to support the first reading of this Bill. In this connection I fully endorse the remarks made by the Honourable Mr. PATEL. The Bill involves an important question of local self-government and therefore anxious consideration should be paid to everything in this connection. The Bill cancels or suspends section 5 of the old Act of 1884.

The Honourable Mr. G. S. CURTIS:—Your Excellency,—I rise to a point of order for the purpose of correction. The Bill does not cancel.

The Honourable Mr. DESAI:—It suspends as far as district local boards are concerned. Now that section 5 runs thus:—"Every District and Taluka Local Board shall consist of—

(*a*) elective members and

(*b*) such persons if any as the Governor in Council or any officer whom he authorises in this behalf from time to time appoints who shall be called 'nominated members'; 'provided'—I call special attention to this proviso—" that the number of elective members shall not be less than one-half of the whole board exclusive of the president and that not more than one-half of the nominated members shall be salaried servants of Government." So under the old Act of 1884 we have this privilege of having not less than one-half of the members as elected members. Now what more is given by the present Bill? That is to be seen. Part I, Rule 1, of the Schedule of the present Bill, says:—

"(1) A district local board shall consist of—

(*a*) elective members, and

(*b*) nominated members, that is to say, such persons as may from time to time be appointed, by name or in virtue of office, by the Commissioner.

(2) A majority of the members of the whole board, inclusive of the president, shall be elective members and not more than one-half of the nominated members shall be salaried servants of Government."

Therefore what more we get by the present Bill is a bare majority which we would not have by the old section 5 of the old Act, and your Excellency's Government should take into consideration the strong recommendations which were made by Mr. LAWRENCE'S Committee after careful and anxious consideration given to the aspirations of the people and the representations which were made from time to time to Government and their officers. My Honourable friend Mr. PATEL, who was a member of that committee, has told us that about 292 witnesses were examined in the enquiry by that committee and that the majority—nearly three-fourths—of those witnesses were of opinion that the majority which is to be given to the district local boards and to the taluka local boards must not be less than two-third. When we have such a strong recommendation from the committee appointed by Government, of which the chairman was a trusted officer of Government, and when the committee is strongly of opinion that the majority should not be less than two-third, I cannot understand why Government is now unwilling to give full effect to that recommendation. The Government's unwillingness clearly shows that they consider that we are not fit to exercise that right. In the remarks made by my Honourable friend

Mr. PATEL he has told us that in several provinces this two-third majority has been granted and I cannot understand why Government should be unwilling to grant two-third majority to us. Is Government of opinion that we, people of this province, are backward in education, are backward in intelligence, or are backward in the capacity which is required for the management of district or taluka local boards? Even the most backward province in India, namely, Assam, has got the privilege of having a strong majority of elected members. I submit, under these circumstances, that the Bill certainly does not satisfy the aspirations of the people and therefore I strongly request Government that this Bill should be withdrawn.

Now it has been pointed out that Government has assumed power of creating constituencies, and in that connection section 7 of the old Act has been suspended only in the case of district local boards. Now the member in charge of the Bill has given us to understand that the educated classes and certain allied interests should be looked after and therefore new constituencies are to be formed. Now in that connection the Honourable Sheikh GHULAM HUSSEIN HIDAYATALLAH raised an objection. He says: "why should the educated people who are not contributing a single pie towards the funds of the local boards have any voice in this matter? Why should they be given representation?" I cannot understand his reason. Even though the educated classes may not be contributing largely to the district local board funds, still the educated classes are the brains of the people. People who are actually paying the taxes and the cesses are not in a position to understand things properly, and therefore if in the management of the local boards the brains of the people, the best talents, are available, I cannot understand why they should be excluded. Then it is said that, if the elective principle is brought into force to the fullest extent, that means the reduction of nominated men. No doubt it is so, but if we have got two-third elective members there is room for one-third nominated members, and in making nominations Government has got full power to look to the interests of the minorities. The interests and rights of the minorities or the minor communities can be recognised by Government; also Government has got the power of making provisions for such people who are unwilling to come forward and stand as candidates for election. So both these interests, namely, of minorities as well as of persons who do not come forward to stand as candidates, are served even when one-third is reserved for nomination by Government. I therefore submit, under the circumstances, that this Bill as it comes before the Council, perfectly disappoints the aspirations of the people and therefore the best thing, I think, that Government should do is to withdraw it. Now perhaps it might be said in reply to me that all these questions can be discussed in the Select Committee. Then I certainly would have no objection to the first reading of the Bill.

The point is that the present Bill, as it is, simply says "a bare majority"; I want to know whether it is open to the Select Committee to say that instead of a bare majority two-third majority should be inserted in this clause.

The Honourable Mr. CURTIS:—Certainly.

The Honourable Mr. DESAI:—If that could be done by the Select Committee I shall be satisfied and also as regards the other principle, namely, that contained in section 7 of the Act which has been suspended so far as the district local boards are concerned, could the Select Committee specify the constituencies as mentioned in section 7? In section 7 three classes have been mentioned, namely, landholders, municipalities and inamdars. In the same way if it is possible to specify the new constituencies, then I have no objection to the first reading of the Bill.

The Honourable Mr. CURTIS:—I think I can assure the Honourable Member that it is open to the Select Committee to move any amendments they like.

LOCAL BOARDS BILL.

[*Mr. V. J. Patel; Mr. Curtis; Rao Bahadur Ganesh Krishna Sathe.*] [15TH MARCH 1917.]

The Honourable Mr. V. J. PATEL:—Can I understand that even taluka boards can be included?

The Honourable Mr. CURTIS:—No. That, of course, cannot be. The Honourable Mr. DESAI asked me a question as regards section 7 and section 5. Section 5 has been proposed to be suspended with reference to district local boards only Section 7, *per se*, applies to district local boards. It will be within the purview of the Select Committee to move amendments with reference to those sections, but not as regards taluka local boards.

The Honourable Rao Bahadur GANESH KRISHNA SATHE:—Your Excellency,—When I rise to make some observations I do not see what position I should adopt, whether I should support the first reading or oppose it. However, I wish to make a few remarks. The first course that I would adopt would be to suggest certain modifications for the information of the Select Committee which will discuss all the sections of this Bill and then I propose to give in short my reason for asking your Excellency's Government to postpone this measure until a future date. The Committee which had met towards the close of 1915 made its recommendations and much has been said about it by my Honourable friend Mr. PATEL. Being one of the members of that Committee I think it is much better to avoid any personal references on a subject like this. But one thing need be emphatically said that all the members of that Committee including official members were unanimously of opinion that there should be a majority of the elective members in the proportion of 2 to 1.

The Honourable Mr. CURTIS:—May I interrupt the Honourable Member? Will he kindly make it clear whether the recommendations of that Committee apply to the whole of the Presidency including Sind or not?

The Honourable Rao Bahadur SATHE:—If the Honourable Member in charge of the Bill wants me to be distinct I may say at the outset that Sind has been separately considered and that for the Presidency proper, namely the three Divisions, certain recommendations have been made, *viz.*, there should be two-third elective members both in taluka boards and district local boards. So far as the district local board question is cloncerned I find from a satement made in the Statement of Objects and Reasons that Government do want to respect the recommendations of the Committee. The Bill does provide for an increase. This is what it says: "The object of this Bill is to make legislative provision for modifying the constitution of district local boards, so far as circumstances at present admit, in accordance with the recommendations of the Committee recently appointed in the Bombay Presidency to report on the extension of local self-government. The Bill provides for the increase of the proportion of elective members of such boards." The only apprehension in the mind of some of our friends and in my own mind is because the words "for the increase of the proportion of elective members" occur. Does it really mean the acceptance of the recommendations of the Committee in its entirety or would it depend upon the rules which would be made under Schedule I and which would be made applicable to each district according to the conditions of each district? What is really required is that at least in the case of district boards where men of greater independence and greater intelligence come forward to serve, there ought to be a substantial majority of the elective members and if I have rightly understood the Statement of Objects and Reasons, and if I have correctly understood the position of Government that it wants to adopt the recommendation of the Committee, then what would meet the wishes of all people would be to incorporate the section in the statute itself rather than leave it to be worked out by rules under Schedule I. That means that in the case of district boards there would be an assurance in the Act itself that all these boards would get a two-third majority; but instead of that we are asked to depend on rules which may or may not be made applicable to all districts.

The Honourable Mr. CURTIS:—Will the Honourable Member say how he proposes to deal with Sind?

The Honourable Rao Bahadur SATHE:—Sind is only one-fourth part of the Presidency and if I am able to point out that there is hardship in the case of three-fourths of the Presidency I think I will be perfectly justified in saying, that if conditions in Sind differ it may be separately treated. I am not here speaking on behalf of Sind with the conditions of which I am not familiar. Then, Sir, as regards the other point, namely, two-thirds majority of elective members on taluka local boards, the position of Government seems to me to be clear that they are not at present prepared to accept the unanimous recommendation of the Committee. In that case I would respectfully submit that as a special officer has been appointed to investigate and report on the whole system of local self-government including district local boards and municipalities, why should we not wait until that report is out and until Government makes up its mind finally whether to give two-thirds majority to taluka boards or not? I say this because this is not an urgent measure which should be ushered into this Council pending the disposal of the report of this special officer. Then, Sir, there is another point, namely, whether certain portions of the schedule could not very well be included in the Bill itself, and when I am referring to this point I refer to section 3 of Schedule I I can quite understand the provision for rules for matters coming under clauses (*b*), (*c*), (*d*) and (*e*) which require treatment by rules, but so far as prescribing the number and character of the constituencies which will elect members of the district boards is concerned, I think there should be no objection to make a general provision in the Act itself rather than leave it to the discretion of Government to make rules under the Act. Then it was suggested by the Honourable Member in charge of the Bill that this measure was adopted with a view to give opportunities to people in the mofussil to show greater competency and to enable them to exhibit greater interest in local board affairs. Then, Sir, the question is if we are liberal in giving a better constitution to district local boards, would that alone secure the results which are contemplated by the Honourable Member in charge of the Bill? On this point I want only to refer to one paragraph in the Report of the Royal Commission on Decentralization. At page 264, last part of paragraph 789, they say:—

"The want of success of the existing system seems to us to be mainly due to two reasons. First, the boards, especially the sub-district boards have hitherto not possessed any real powers or responsibility owing to want of funds and excessive control." So we are not, as the Honourable Member in charge of the Bill suggests, in a position to finance the boards in question at present or to put these boards on a more substantial financial footing. Similarly, we are not dealing with the question of control. Then in the absence of any provision on these important subjects are we really to believe that local self-government interests will advance, and materially advance, by having such piece-meal legislation and only in this question of elective majority? My submission, Your Excellency, is that it would be better, both in the interest of those who want greater rights in the local boards (district and taluka boards), and in the interest of Government also to wait for the report of the special officer. If such a step is taken then we shall be in a position to tell Government what we really want and what really ought to be given. Now with the piece-meal legislation as brought forward we are bound to enter into minor details and discuss cognate questions. So far as the present Bill is concerned the only point to be considered is with respect to district boards; however, one is tempted to make general observations on the whole working of local self-government in rural areas and that is a position which I would not commend and I think it would be better in the interest of public and Government to wait until Government is in a position to grant us substantially what we really want or at least till Government is in a position to state its reasons why it is not in a position to grant us exactly what we want. With these remarks I oppose the first reading.

LOCAL BOARDS BILL.

[*Mr. Phiroze C. Sethna; the President.*] [15TH MARCH 1917.]

The Honourable Mr. PHIROZE C. SETHNA:—Your Excellency,—I propose to take my cue from the Honourable Member (Mr. SATHE) who has just resumed his seat. He has suggested a postponement, but has not actually moved it. From the remarks that fell from him as also from the other speakers it seems to me that there is great doubt in the minds of Members of this Council as to the intention that Government have in regard to the extension of the two-thirds majority to taluka boards. The Honourable Mr. PATEL has laid great stress on the point and I believe that the fear at the back of his mind is that while Government in the present Bill only deal with 26 district local boards they have not said one word with regard to the 215 taluka boards, and consequently that question might be shelved indefinitely. The Honourable Mr. PATEL has mentioned and so has the Honourable Mr. SATHE—and the Honourable Member in charge of the Bill has not contradicted that statement,—that so far as we know, Government have deputed a special officer to fully consider and report on the question of elective members, etc., in all municipalities in the Presidency. If that be so, it is not unlikely that his report will be out in the course of a few weeks or months, and perhaps under these circumstances it would be very advisable if a consolidated Bill, as suggested by the Honourable Mr. SATHE dealing both with the district local boards and taluka boards were taken up together. Your Excellency, I would therefore propose an amendment and will take shelter under rule No. 7 of the Rules for the Conduct of Council Business. I know, Sir, that the Honourable Mr. PATEL was ruled out of order, but I may point out to the Council that he proposed an adjournment under this rule prior to the Bill being actually placed before the Council by the Honourable Member in charge. The position at the present stage is different, for the Bill has now been formally placed before the Council and I contend, Sir, that under rule 7 I am entitled to ask for an adjournment. The rule says:—

"A motion that any business before the Council be adjourned or that the Council pass to the consideration of the business next in order in the list of business or that the business under consideration be referred to a Select Committee (in accordance with the rules hereinafter in that behalf contained), may be moved by any member at any time as a distinct question."

If Your Excellency will permit my amendment, you will not be establishing a precedent, for so far as I know a similar course was adopted some years ago in connection with the Town Planning Bill, which was laid before the Council by the member in charge and further discussion on it postponed. I therefore move that further discussion on the reading of the Bill now under discussion be adjourned to the December session of this Council.

His Excellency the PRESIDENT:—I should like to define our position on the whole question raised by this motion for adjournment. I would say at the outset that it is absolutely impossible for Government to agree to tie themselves down definitely or to give any absolute undertaking to bring forward this Bill by December, but in order to place the position of Government perfectly clearly before Honourable Members I should like to review the whole situation regarding this question of local self-government as far as Government are concerned. I rather deprecate the extraordinary amount of heat that my Honourable friend Mr. PATEL endeavoured to engender in the course of his speech finishing up by the remark that he thought that this particular measure was an insult to this presidency. I really think that somewhat more restrained language is desirable. I would, first of all, refer to a particular point that my Honourable friend Mr. PATEL made. I am sure he meant to be fair, but I think he gave the impression to Honourable Members of this Council, when he alluded to a certain resolution of the Government of India in the year 1915, in which they made a reference to a statement made by the Government of Bombay,—that that statement of the Government of Bombay was also made in the year 1915. I should like to inform Honourable Members of this Council that that particular reference was

sent up to the Government of India in October 1913—a very few months after my Government came into existence—and I am perfectly prepared to state on behalf of my Government that in the time that has since elapsed and after due consideration of the position we were entitled to change our views on the matter of local self-government. Now with regard to this actual question on which my Honourable friend has moved the motion of adjournment, what is this terrible Bill that has been brought up for the Council to consider and what are the circumstances which have led up to its introduction? I object rather strongly to the Honourable Mr. PATEL dubbing this Government as a reactionary and retrograde Government as far as local self-government is concerned. For what are the facts? Government came to the conclusion that the District Local Board Act had been in force for a great number of years, that it probably wanted considerable amendment and that a good deal more latitude was necessary in the matter of local self-government. We then formed a Committee. The Committee reported and on that Committee's report we did two things. We took action at once with regard to fifteen of the district local boards with regard to the two-third majority, and we considered and finally decided that the whole question of local self-government should be examined by Government at the hands of a special officer, who after full consideration would report on the whole matter in order that we might work out a comprehensive scheme to include panchayats, taluka boards and district local boards. We did not put in taluka local boards into this Bill, because the whole matter was to be dealt with under the main Bill. But we wanted to show the sincerity of our desire to advance in the matter of local self-government and we therefore took steps at once with regard to the matter of district local boards. Now with regard to this Bill, what is it that it wants to do? The executive action we took had this effect that a local board went on to the end of its three years of office and then it got its two-third majority. There are four local boards at this moment which have not come to the end of that period and therefore have not got this privilege. The action which we wish to take by this Bill is to be able, by executive order, at once to give these four local boards the opportunity of having their two-third majority without waiting till they come to the end of their period of three years.

With regard to the matter of constituencies, personally I am perfectly free to admit that instinctively I am not one of those who uphold very strongly the matter of communal representation, but I do say and I have always felt that in this country it is extremely difficult, in the present circumstances and under the present conditions, to get away from the fact that communities must have representation and we feel on this point that if we are going to give a two-thirds majority to the district local boards we ought to ensure as far as we can that particular interests are represented, and that is why we propose to take action by executive order with regard to constituencies, and take into our confidence local gentlemen who have authority and influence in their various districts and endeavour to deal with this particular matter in the fairest way we can. After these remarks I trust that my Honourable friend (Mr. SETHNA) will withdraw his motion for adjournment. It does seem to me a very great pity that we should delay giving these district local boards the chance of having the immediate advantage of having a two-thirds majority and that we should postpone—I think one of them does not come to the end of its period till the year 1918—action which may be of very great use and advantage to these particular boards. Under these circumstances, I very much hope that my Honourable friend will feel inclined to withdraw his motion.

The Honourable Mr. PHIROZE C. SETHNA:—I accept Your Excellency's advice and withdraw my motion.

His Excellency the PRESIDENT:—I am very much obliged to the Honourable Member.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency,—We are grateful for the assurance which Your Excellency so kindly gave

us just now with regard to the object with which this Bill is brought forward. But, my Lord, the Bill does not reflect that assurance. The question of electoral reform, my Lord, does not concern particularly only these four districts for which it is said the Bill is needed, but it concerns all the local boards in the Presidency as a whole, and as we have waited for so long a period as 34 years to get this reform, these four district local boards which Government have in view can very well afford to wait till next December, especially when a special officer is appointed to go into the whole question and when the whole question is going to be liberally dealt with by Government.

My Lord, there was a motion for the adjournment of this Bill which could well have been accepted, but that motion is withdrawn and I do not wish to move it again myself. But as against the first reading of this Bill, I submit, there are several points that we have to take into consideration. In the first place this Bill has been very imperfectly drawn up and it does not deal with the objects for which it is mainly intended. In the Statement of Objects and Reasons it is stated, my Lord, that the object is to provide for the increase of the proportion of elected members. The Bill as it stands does not, however, actually increase the proportion in the case of any boards, and the position is clearly the same as it is under the existing Act as pointed out by the Honourable Mr. DESAI. If I may be permitted to speak more freely the position I am afraid is made even worse, as I think the present Act gives far greater facilities than the Bill contemplates for doing what Government has in view. Section 5 of the present Act runs thus:— "Every district and taluka local board shall consist of elected members and such persons, if any, as the Governor in Council or any officer whom he authorizes in this behalf from time to time appoints, who shall be called 'nominated members'." Now, it is open to Government under this section to appoint any nominated members or not as it may please or to have a wholly elected district board or taluka board. In the Bill as it stands Government is deprived of this discretion and is bound to have at least some nominated members for every board, even in the case of district local boards, for the Bill provides that these boards shall consist of elected members and nominated members. In the Bill as at present drafted the words "if any" which appear in the existing Act have been omitted. These words gave the Government the option to appoint nominated members or not and gave it also the power to constitute wholly elective local boards if it pleased to do so as in the case of municipalities. There is for instance the Ahmednagar Municipality which consists wholly of elected members. I ask why this power to appoint wholly elected boards should be withdrawn. Is it necessary to do it to increase the proportion of elected members when under the law as it stands all members may be elected if the Government choose to allow it?

Then I might point out that while the Bill omits the words "if any" which indicated that the appointment of nominated members was meant to be an exception rather than the rule and requires them as a rule it further provides for the nominations to be made by name or "in virtue of office." These last words do not appear in the existing Act as it stands. So this Bill would appear to be meant to extend nomination rather than the elective franchise and to be in that respect a retrograde measure.

Another point to be noted is that in section 7 of the present Act as it stands we have elaborate provision for regular constitution for the district as well as the taluka boards. Now it is proposed in the Bill to give Government the power to suspend the operation of that section which has worked for 34 years and to leave it to Government to frame any constitution under rules as it may deem proper for any particular board. I am always opposed to this policy of legislation by rules. The rules may take away all that we get under the Act. Why supersede the existing statutary provision by rules which will not be discussed or passed in the Council? What is the necessity for having the constitution fixed by rules when it is already fixed by the statute? This Council will have no control over

the framing of the rules. I beg most humbly to submit that that is a move not in the right direction. If Government want to make any improvement in the constitution of the boards as provided in the Act let it be embodied in the Act itself and not left to be done by rules. If any more constituencies are to be added let them be added by the statute and not under the rules.

Then the present Bill does not provide for the taluka boards. In fact, though the taluka boards form the majority of the boards they are not touched by the Bill. Moreover, the operation of the Bill is not limited to the four district boards in which Government contemplate to increase the proportion of elected members but power is given to Government to notify the boards to which the Bill should apply. Again, Government are also given the power to withdraw the notification at any time. This is not a state of things which we ought to allow under any serious legislation. The Bill is thus open to various objections and should I think be kept back, especially if another Bill is to be brought forward shortly, dealing with all these matters. Therefore, I pray that if six months or even one year is allowed to pass it will not affect the case but the Bill in its present form should not be pressed on the Council.

Your Excellency assured us that this Bill is for the promotion of local self-government. If it is the desire of Government to promote local self-government it may very well be done under the existing provisions by making any number of the boards wholly elective or by reducing the proportion of nominated members on them, and there is no need for the present Bill in its unsatisfactory form which has aroused all this alarm and evoked the remarks which fell from my Honourable friend Mr. PATEL. That is the reason why we say that to press forward this Bill will be doing injustice to Government itself, injustice to the boards and injustice to public opinion. And this Bill can very well be kept back in the interests of Government as well as in the interests of the public. I submit, my Lord, it is but proper to postpone this Bill for a short time. Why should Government not wait for a few months more? Why should it make any invidious distinction between the several district boards as also between taluka and district local boards which so far have been governed by the same law and rules and based on the same constitution? I submit that there should be no distinction, so far at least as the constitution of these boards is concerned. Considering all these matters I would pray that this measure be kept back until the report of the special officer appointed to investigate the question of local self-government is received.

With these remarks I oppose the first reading of the Bill.

The Honourable Mr. F. G. PRATT:—Your Excellency,—I do not want to detain the Council for more than a few minutes. After the statement which Your Excellency made about the history of this question and about the attitude of this Government towards local self-government it will not be necessary for me to speak for more than a very few minutes. The Honourable Mr. PATEL made a very great point about the opinion of the Bombay Government which was quoted in the despatch of the Government of India which he referred to but as Your Excellency pointed out a great many things have changed in this world since the pre-war days and I should have thought the Honourable Mr. PATEL would have been more inclined to forget the past opinion of the Government of Bombay about the local self-government question in view of the distinct and definite advance which has been made since Your Excellency's Government came into power in the treatment of this question, particularly, I refer to the appointment of the Local Board Committee and the recent action in taking the important step of appointing non-official Presidents to some of the district boards in the Presidency who will assume office from the 1st of April this year. Then as regards the taluka boards question, I should have thought that the action that has already been taken by Government in the matter of developing non-official agency in the

carrying out of local self-government would have been some guarantee, and might fairly be regarded as giving some guarantee, that when the time comes to deal with the constitution of taluka boards the question will similarly be treated in a liberal manner. As regards the majority in district boards, the Honourable Mover of the Bill has already informed the Council that the Select Committee would go the whole length which was desired by the Honourable Mr. PATEL and in fact would discuss the question of giving a two-thirds majority to the boards in the Bill itself. The Local Boards Committee recommended that for the district boards there should be a full two-thirds majority: this Bill so far as it stands in the draft now in my hand only provides for a bare majority. Well, that is in itself an advance from the existing state of the law, which shows that not less than half shall be elected, but if the Select Committee will be free to take the further step into consideration I think that it should satisfy Honourable Members that this Bill may fairly be passed now for first reading. There are one or two other matters which perhaps I might take a minute or two in mentioning and those are connected with the constitution of district local boards. In some districts, particularly in some districts of the Northern Division, it is not altogether satisfactory. In some districts of the Northern Division, in Ahmedabad district for instance, we have a great number of talukdars, great land-owners owning large tracts of country and several villages. They have no special status in the present constitution of the district local boards. Take Dhanduka taluka, for instance; that is a taluka perhaps of 200 villages, of which there are only 12 which are Government villages—ordinary Government ryotwari khalsa villages; the remainder are all talukdari villages. Now, among those 12 Government villages there is only one alienated village belonging to one inamdar. That inamdar would, as the constitution now stands, have to elect himself. Then the whole body of the other village proprietors of the other talukas would have no position, no franchise, no special rights whatever under the provisions of the existing Local Boards Act. Now, that is a matter which, I am sure my Honourable friend the Thakor of Kerwada will agree with me, might very reasonably be amended in the legislation which we are now going to pass. Lastly, before I resume my seat I would like to emphasise that after all the Bill now before us is admittedly not more than an *ad interim* provisional measure, intended to take some little step in advance, in anticipation, of the time when we hope that a considerable advance will be made. That considerable advance cannot be made until various problems have been cleared up, especially the problem of finance. We made a great many recommendations in our report but every one of our proposals was found to be full of difficulties and it was very difficult to secure any degree of unanimity about them—the one thing certain was that in order to make the machinery work and to secure a real advance in local self-government, it would be necessary to get some substantial subventions from the provincial revenues in aid of the boards' finances. I think it is obvious that this is not the time in which Government can be expected to bind themselves to any great financial commitments. This matter must wait until a more favourable time for consideration arises but that is no reason why we should not accept the very definite advance which this Bill proposes and I therefore support the first reading of the Bill.

The Honourable Sardar DULABAWA RAISINGJI, Thakor of Kerwada:—Your Excellency,—I do not wish to detain the Council very long, but I would just like to make one or two observations in support of this Bill. I support this Bill because I take it to be the first instalment of a new policy in the development of local self-government. This is the first step and as such I accord my hearty support to the first reading of the Bill. The whole situation has been explained by Your Excellency, and the Honourable Mover of the Bill has told us that a consolidated Bill will be brought forward soon. In the meantime I think this Bill tends to widen the scope of election for those local boards which, in the opinion of the Governor in Council, seem fit to exercise larger powers. As Honourable

LOCAL BOARDS BILL.

[15TH MARCH 1917.] [*Sardar Dulabawa Raisingji; Mr. Sherriff Devji Kanji.*]

Members of this Council might perhaps remember, at the last July meeting of the Council in Poona, I myself had brought a resolution before this Council for due representation of talukdars on local boards, and I am thankful to the Honourable Mover that he has taken that into consideration and he has fulfilled the promise that he gave me then that the interests of the talukdars would not be neglected.

With these few words I beg to support the first reading of the Bill.

The Honourable Mr. SHERRIFF DEVJI KANJI:—Your Excellency,—When the original Press Note was issued by Government in 1915, appointing the Committee to consider and report on the question of the extension of the principles of local self-government in regard to local boards, great hopes were raised that the time had at last come when the Government would take a great step forward to advance the cause of local self-government in this Presidency. But when the report of the Committee was published with the resolution of the Government thereon, I need hardly say that considerable disappointment was caused with regard to the resolution of the Government. And now, when one considers the very narrow scope of the measure before the Council, one cannot feel any great enthusiasm for it. My Lord, it is very humiliating that when other parts of the country have been fortunate to secure a more liberal measure of local self-government, our Presidency with all its education and public spirit should lag behind.

It is highly disappointing to see that the taluka boards have not been included in this Bill, even after the acceptance by the Government of the Honourable Mr. PATEL'S resolution in 1915 recommending that not less than two-thirds shall be the number of elective members on such of the district and taluka boards as the Government may think fit and the unanimous recommendation of the Committee to the same effect for all the local boards. The Bill now before the Council as I have said is very narrow in its scope and does not advance the cause of local self-government much. It provides for elective majority on selected district boards and for the creation of special constituencies. Here, again, the proportion of the elective majority is not definitely fixed by the Bill, but is left to the discretion of the Government. It is now recognized on all hands that if these boards are to be freed from the domination of official control, and if local men are to be made to evince keener interest in local affairs, a substantial elective majority should be provided for on these boards. I, therefore, hold that if the elective majority is to be made a real majority, its proportion should be definitely laid down in the statute. I, therefore, venture to say that unless it is definitely laid down in the statute as unanimously recommended by the Committee that not less than two-thirds of the whole Board shall be elected, it would not satisfy public opinion in this matter. Unless such a substantial elective majority is definitely fixed there will be hardly any real improvement in its present constitution and consequent working of these boards.

With regard to the question of the special constituencies, I welcome the principle of creating special constituencies. And here I wish to bring to the notice of Your Excellency the intensity of the feeling of the Mahomedans in this matter. Looking to the poor strength of their number on these boards, they very naturally and rightly feel that their interests are not adequately represented. I am, however, glad to say that it is very fortunate that the majority of the Committee have recognized and recommended the principle of communal representation. I know that some of my Hindu friends honestly hold different views on this subject. My Lord, whateve opinion we may have in theory about the principle of communal representation, we must all note that it has now come to be recognized in our present political life. It matters very little by which door they come: whether a few seats are reserved for them and they are sent there by a mixed electorate or whether they come there as the representatives of a separate Mahomedan constituency. I would, therefore, request the Government to see if this Bill is at all referred to the Select Committee that an adequate provision should

be made for the representation of the Mahomedan interests, having regard to their numerical strength and position in different places. I hope these remarks will receive the sympathetic consideration of this Council.

The Honourable Mr. EBRAHIM HAROON JAFFER :—Your Excellency,—I have very great pleasure in supporting the first reading of the Bill, but would like to point out that when this Bill is referred to a Select Committee the interests of the minorities must be taken into consideration. I do not say that the interests of the Mahomedans only should be considered, but those of any other community in a place where they may be in a minority.

With these words I support the first reading of the Bill.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD:—Your Excellency,—I do think that this Bill is a very unsatisfactory measure, because it leaves out a very large number of taluka local boards which should have benefited by this measure, if Government had only decided to wait for the recommendations and report of the officer who was appointed to investigate this question. I submit, Sir, that in bringing up this question at this stage, only a very small number of district local boards are provided for. The large majority of taluka local boards and district local boards cannot come under the operation of this Bill. We could have waited till that report had been received. Now, in this Bill, the recommendations of the Committee which had been appointed by Government are not being given effect to and I therefore submit that Government should consider the question of keeping back this Bill till the report of the special officer is received.

The Honourable Mr. H. S. LAWRENCE :—Your Excellency,—I would recommend to this Council that they should not on this occasion follow the insidious counsels of the Honourable Mr. PATEL. I call them insidious, because they must have more in them than meets the eye; for the reasons and the arguments which he has put forward in no way lead to the conclusion which he asks the Council to accept.

The Honourable Mr. PATEL has made a vigorous attack on the whole history of local self-government in this Presidency. His views have been already recorded in the report of the Local Boards Committee in the dissenting minute which he added to that report; but no doubt he has done well to lay emphasis again on his position, because I am sorry to learn that various members of this Council have never yet read this report.

Now, Sir, this Bill deals with a very small matter in accordance with the recommendations of the Local Boards Committee. It is a Bill to provide for increasing the number of elected members of district local boards. I cannot understand how any member of this Council can seriously object to this aim—the increase of the number of elected members of district local boards. When this Bill goes to the Select Committee, it will be open to the Committee to make various recommendations for the improvement of the Bill.

The Honourable Mr. CURTIS has explained that it is not open to them to extend the Bill to taluka local boards. This, I may say, is due to the fact that this Bill has been approved by the Government of India, and that an alteration on this point must be subjected again to the approval of the Government of India. But there is nothing to prevent them from recording a recommendation that the Bill should be re-cast in such a way as to extend it to taluka local boards; and though this would delay the execution of the measure, yet if the Council consider the delay unobjectionable, the approval of the Government of India will then be obtained.

In regard to various detailed objections which have been put forward, I take the point raised by the Honourable Sheikh GHULAM HUSSEIN from Sind, that territorial constituencies which have now a representation of one-half of the

members will be cut down to one-third. There is no such necessity arising from the Bill. The Bill gives the Government power to adapt the rules and regulations to the conditions of every portion of the Presidency, and if in those districts in which the Honourable Sheikh GHULAM HUSSEIN is interested territorial constituencies require a wider representation, this can be provided by the rules and regulations. This point forms no objection to the acceptance of this Bill.

He also objects to the presence of "educated representatives." But in certain portions of the Presidency "educated representatives" would be most valuable; and again under the discretion left to Government they can be so admitted.

Certain members, I am aware, express great distrust of rules and regulations framed by this Government; amongst them the Honourable Mr. PATEL. I think that this apprehension arises from the undue modesty and want of self-confidence of the Honourable Member. It will always be open to him to use his influence for the modification of any rules and regulations to which he objects, and if he secures support in this Council his views will carry full weight.

There is one point in this Bill to which little attention has been paid in the speeches so far; and that is, the Governor in Council may make rules prescribing the qualifications for voters. There is perhaps no question of greater importance to the establishment of a sound political system in India than the decision of the system on which electoral qualifications should be based or electoral colleges formed. I was glad to see in the papers recently that the Honourable Mr. PARANJPYE delivered a lecture on "Political Representation." The more the difficult problems involved in such representation are studied by the members of this Council, the better is the hope of the political advance of this Presidency on sound lines.

It may be of interest to the Council to be reminded that other countries are experimenting in similar circumstances in this matter. In Egypt only four years ago a new Organic and Electoral Law was passed, determining the methods of election to the Legislative Assembly. There they have a form of adult suffrage, under which every 50 adult males elect an Elector-Delegate, and every 800 Elector-Delegates elect a member of the Legislative Assembly, thus each member representing 40,000 males or roughly 200,000 people. Provision is also made that the election should be by an absolute and not a relative majority; and various other useful devices have been introduced to ensure a sound political system.

Now, under the existing law, no variations are possible to meet the varying needs of different portions of the Presidency and no experiments can be made with different measures; the constitution of every body must be on one model; whereas our progress will depend on the comparison of different models and the adoption of the best. When one considers the immense importance of local self-government to the people, when one considers the aims of every self-governing body—to reduce injustice, to help the unfortunate, to improve social conditions, and generally to raise and strengthen the social and economic standard of life—one must appreciate the necessity of the harmonious representation of all interests. It is because this Bill enables provision to be made for all the varied circumstances of the conditions of life of this Presidency that I submit to this Council that we should pass the first reading of the Bill and refer it to the consideration of the Select Committee.

The Honourable Mr. BALKRISHNA SITARAM KAMTAT:—Your Excellency,—After the statement which Your Excellency has just been pleased to make, I think there can be no harm in sending this Bill to the Select Committee. The despatch of the Government of Bombay to the Government of India in 1915 to which Your Excellency just now referred, the appointment of the Lawrence's Committee for the extension of local self-government, and coming on

the top of that the executive action taken by Government: all these three things ought to leave no doubt in the minds of the members of this Council about the sincere desire of this Government to extend the principles of local self-government. But the only difference seems to be how far Government want to extend the principle and how far the people will be able to realise the hopes created by the various measures. I have no doubt that when this Bill is threshed out in the Select Committee, probably the hopes of the Honourable Mr. PATEL will be fully realised; when I say this in supporting the Bill, I would like to make one observation and that is this. The Honourable Mr. LAWRENCE just now asked us what it is that has aroused the fears, rather the attitude of suspicion, on the part of the Honourable Members of this Council with regard to this measure. My only answer is that his Committee has led people in the Presidency to entertain hopes of certain things and probably, unintentionally perhaps, in drafting out this Bill these hopes have not been fully satisfied; that is to say, the drafting of this Bill falls short of the hopes created, rightly or wrongly, by the report of his Committee. In order to show how these hopes were created, I want to refer to one Government resolution before I resume my seat. After the recommendations made by this Committee, Government issued a resolution in May 1916, and although Government have certainly made certain reservations in that resolution regarding local boards, they have at least declared that in determining the constitution of the board under the law as it is proposed to be amended, Government will, with due regard to local circumstances, be guided generally by the principles laid down in paragraph 13 of the Local Boards Committee's report. Now, the drafting of this Bill does not follow any principle of the recommendations contained in paragraph 13 of the report. The Lawrence Committee made 4 recommendations in paragraph 13. The first recommendation was that the proportion of elected members should not be less than two-thirds of the whole. In the drafting of this Bill this principle has not been followed. The second recommendation was that the remainder of the members should be nominated, provided that the number of nominated officials shall not exceed one-sixth of the whole board. That is to say, the recommendation of the Committee is that the number of nominated members shall not be more than one-sixth. In the present Bill it is possible that more than one-sixth could be nominated members. That is to say, the second recommendation of this Committee is also not followed.

The Honourable Mr. CURTIS:—Will the Honourable Member kindly explain in detail?

The Honourable Mr. KAMAT:—In paragraph 13 it is recommended that two-thirds should be elected and half of the remainder, that is, one-sixth, should be nominated officials . . . . [Reads] . . . . I beg your pardon. I see I am wrong. I withdraw that statement which was due to misreading the paragraph.

The third recommendation was that not less than one-half of the persons elected shall be elected by territorial constituencies, including the more important municipalities or a group of minor municipalities. I do not see how the Bill follows this recommendation if Government reserve to themselves the right to make rules instead of embodying in the statute the constituencies. What I wish therefore to point out is that although hopes were created that these three or four recommendations would be generally followed, not specifically, still the majority of us feel that instead of embodying these recommendations in the statute, a good deal of power has been reserved by Government to themselves only, under the rues which they will make.

If however all these points are rectified in Select Committee, which I think can be done, there should not be the least reason why we should not accept the principles of this Bill and send it to the Select Committee.

LOCAL BOARDS BILL.

[15TH MARCH 1917.] [*Mr. G. S. Curtis ; Mr. Patel.*]

The Honourable Mr. G. S. CURTIS :—May it please Your Excellency,—It is a matter of some regret to me personally that this somewhat humble measure should have aroused so much heat on the part of my Honourable friend Mr. PATEL and some other gentlemen who have criticised it so severely. Speaking personally, one is quite prepared to accept responsibility for one's failings and omissions, but it is a little hard to be beaten with a stick because of something that a past Government did in 1882, or, coming to a later period, in 1913. The position I would remind the Council as far as the deeds of this Government are concerned is clear. Fifteen out of 19 district councils have the elected two-thirds majority. Out of the remaining 4, one is the important board of Poona of which the new President is to be nominated from the 1st of April next, and another is the board of which the Honourable Mr. DESAI is the representative, whose term does not expire till 31st December 1918. It is in order to ensure that the elective element shall be increased in the four boards, of which these are two, that the present power is taken to suspend section 14.

First of all as regards the vagueness of the reference in Part I as to rules, I may remind the Council that in paragraph 4 of the Committee's (I mean the Committee presided over by the Honourable Mr. LAWRENCE) report, the words are these: "The recommendations of the Committee are necessarily and purposely elastic. They recognize that the proposed reforms cannot be introduced everywhere and at once. These considerations apply with special force to the province of Sind where circumstances are admittedly very different from those of the Presidency proper. These local pecularities demand local consideration, and the extent of the applicability of the principles and proposals of the Committee's report to that province must be determined there." Now, Sir——

The Honourable Mr. PATEL :—Does the Honourable Member read this as meaning that the recommendations of the Committee do not apply to Sind and that the two-thirds majority does not apply to Sind?

The Honourable Mr. CURTIS (continuing) :—My answer to the Honourable Member's question is in the terms of the report itself :—"They recognize that the proposed reforms cannot be introduced everywhere and at once." If the Honourable Member has a little patience he will see the point I am trying to make upon. Part I of the schedule relates to the constitution of the board. Paragraph 3 of Part I relates to the constitution of the constituencies. Now, Sir, it is perfectly possible that it may be necessary to prescribe by rules for the formation of certain peculiar constituencies before you prescribe by rules whether the majority on a new board should or should not be as elective. For instance, it was pointed out by the Honourable Mr. GHULAM HUSEIN HIDAYATALLAH that it may be necessary to pass rules prescribing special constituencies in certain districts in Sind or certain backward districts in the Presidency proper in which the prescription of a two-thirds elective majority would be unsuitable. In the peculiar circumstances of some districts in this Presidency which are not homogenous with the more advanced districts to which the Honourable Mr. PATEL has referred, it is impossible to lay down at once by rules that the elective majority shall be in definite proportion to the board. It is advisable, as the Committee have said, to make the recommendations elastic, and it is with that object that this schedule has been framed.

Once more I would emphasize the fact that, if proof of the *bona fides* of Government in framing this schedule is wanted, that proof is found in the fact that Government has introduced this reform into 15 boards out of 19. I cannot think what more satisfactory guarantee or what more assurance the Honourable Members will want. So much as regards the particular measure that is before us now.

As regards the taluka boards, we have no objection whatever to the principle that the taluka boards should have a two-thirds majority. But the divergency as between one taluka board and another, even in the same district, is very much

LOCAL BOARDS BILL: COUNCIL BUSINESS RULES.

greater than as between district boards. It is possible for instance that the taluka boards in the West Khandesh would not be suitable for the immediate application of the elective element.

The Honourable Mr. PATEL:—For that Government have got power to exclude any taluka boards under section 8.

The Honourable Mr. CURTIS (continuing):—I am fully aware of that provision of the law. What I say is that these points have to be taken into consideration and it is one of the points which has added to the difficulty of the task of remodelling this law as applied to (1) taluka boards, (2) district local boards, (3) panchayats of single villages, (4) panchayats of union villages, (5) notified areas under the Local Boards Act, and (6) notified areas under the Municipal Act. The Honourable Member will see if he thinks over it that the task is a difficult one and if as he indicates with emphasis the object of Government was to delay any advance until some complicated measure could be brought forward, nothing would have been easier than to have hung up the whole thing. What did Government do? They did not delay. They did not even wait for this extremely modest measure. They took action by an executive order to give effect to the most important recommendations of the Committee and that effect has already taken place in 15 boards out of 19. It will take effect immediately next month in Bijapur Local Board which is represented by the Honourable Mr. DESAI. There are three more coming in and from the 1st of April there will be in all four, that is, in all four districts will have non-official Presidents.

I think that I have said enough to make it clear that there is nothing in this particular measure to arouse any ill-feeling or suspicion. I would ask therefore that the Bill be read a first time.

[Bill read a first time.] Motion for the first reading of the Bill was then put to the vote and carried.

His Excellency the PRESIDENT:—I think it will be convenient to the Honourable Members if we adjourn till 3-15.

The Council then adjourned for lunch.

[After lunch.]

The Council re-assembled at 3-15 p. m.

His Excellency the PRESIDENT:—Order, order. The Honourable Mr. CURTIS.

The Honourable Mr. G. S. CURTIS:—Your Excellency,—As the motion for the first reading has been passed I rise to move that the Bill be referred to the Select Committee consisting of the following Honourable Members:—

The Honourable Mr. F. G. PRATT, the Honourable Mr. W. C. SHEPHERD, the Honourable Mr. V. J. PATEL, the Honourable Mr. P. A. DESAI, the Honourable Rao Bahadur G. K. SATHE, the Honourable Mr. PURSHOTAMDAS THAKURDAS, the Honourable Khan Bahadur PIR BAKSH walad MIAN MAHMUD, the Honourable the THAKOR of KERWADA, the Honourable Mr. S. K. BARODAWALLA, and the Mover, with instructions to report by the 15th June next.

The Honourable Mr. PARANJPYE:—Your Excellency,—I propose to add the name of the Honourable Mr. GARUD who is the member for the local boards in the Central Division.

His Excellency the PRESIDENT:—Yes, with the inclusion of the name of the Honourable Mr. GARUD.

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

His Excellency the PRESIDENT:—Rules for the conduct of business at Meetings of the Legislative Council of the Governor of Bombay. The Honourable Mr. PATEL.

COUNCIL BUSINESS RULES.

[15TH MARCH 1917.] [*Mr. Vithalbhai Jhaverbhai Patel.*]

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—The particular rule which I move should be amended is on page 200 of the Council Manual. It is sub-rule 6 of rule 28. It says:—

"Where the previous sanction of the Governor is required, by section 38 of the Indian Councils Act, 1861, to the introduction of any measure because it affects the public revenues, or imposes any charge on such revenues, a copy of such sanction shall be annexed to the notice prescribed in sub-rule (2)."

Now, sub-rule (2) says :—

"Any member desiring to move for leave to introduce a Bill as aforesaid shall give the Secretary at least two months' previous notice of his intention and shall, together with the notice, send a copy of the Bill and a full Statement of Objects and Reasons, and any other necessary papers".

The amendment which I propose is this :—

"For the words 'a copy of such sanction shall be annexed to the notice prescribed in sub-rule (2)' in sub-rule (6) of rule 28 of the Rules for the conduct of business at meetings of the Legislative Council, substitute the following words :

'such sanction shall be obtained by the member before he moves at a meeting of the Council for leave to introduce that measure'."

The amended sub-rule will read thus :—

"Where the previous sanction of the Governor is required, by section 38 of the Indian Councils Act, 1861, to the introduction of any measure because it affects the public revenues, or imposes any charge on such revenues, such sanction shall be obtained by the member before he moves at a meeting of the Council for leave to introduce that measure".

The Council will see that all I require by this amendment is that the obligation of annexing a copy of the Governor's sanction to the notice under sub-rule (2) of rule 28 should be done away with. The circumstances which have given rise to this motion are briefly these :—

On the 31st of January last I gave notice, under rule 28 (2) of the Rules for the conduct of Council Business that I intended to move at the July Sessions of this Council for leave to introduce two Bills, copies of which I had annexed. I did not hear for some time as to what became of those Bills in the Secretariat. Three weeks later, that is on the 21st of January 1917, I got a reply from the Secretary to the Legislative Council, which I read with your permission. I shall not read the first part of that letter as it has got nothing to do with the present amendment. In the second part, the Secretary says :

"With reference to your second Bill for amending the City of Bombay Municipal Act, 1888, as the proposed new section 62(*e*) affects the public revenue of the province and imposes a charge on those revenues, the previous sanction of the Government is required under the Government of India Act, 1915, section 80, sub-section (2). I am to observe that this sanction has not been obtained and I am therefore to return herewith your second Bill and to inform you that if you should feel disposed to proceed with this Bill, you may obtain the previous sanction of the Governor and annex a copy of such sanction to the notice for leave to move the Bill in accordance with sub-rule (2) of rule 28 of the rules for the conduct of Council business".

I now invite the attention of this Council to page 41 of the Council Manual. Sub-clause (2) of section 80 of the Government of India Act on that page says :—

"(2) It shall not be lawful for any member of any Local Legislative Council to introduce, without the previous sanction of the Governor, Lieutenant-Governor or Chief Commissioner, any measure affecting the public revenues of the province or imposing any charge on those revenues."

This section, Your Excellency will agree, does not require a member of a Local Legislative Council to obtain the Governor's sanction prior to notice of

motion for leave to introduce any Bill. It merely makes it unlawful for him to introduce it without the previous sanction. He is not bound to apply for and obtain sanction before notice. He may obtain it at any time before actual introduction of the Bill in the Council. When his motion for leave appears on the aggenda for discussion and if he has not obtained the sanction till then, the Council is perfectly at liberty to say "Well, under section 80 the sanction of the Governor is required as the Bill affects the provincial finances and as it has not been obtained, we refuse leave". But rule 28 (*b*) goes further than this and requires that a copy of the sanction should be attached to the notice of motion for leave. Then there is another practical difficulty in the way of a member desiring to introduce a private Bill if your Excellency's Government were to enforce the observation of this rule.

According to my reading of the introductions regarding legislation in local councils the Governor has no power to grant sanction at all until the expiry of two months from the date of notice for leave to introduce a Bill. I would ask the Council to turn to page 234 of the Council Manual. The proviso to rule 4 on that page says :—

"Provided further that in the case of Bills of non-official Members which require the previous sanction of the Governor under section 80 (2) of the Government of India Act, 1915, such sanction shall not be given until the expiry of two months from the date of the notice of intention to introduce, unless the orders of the Secretary of State and the Government of India have been received sooner."

This proviso assumes that as soon as Local Government receives notice of motion for leave to introduce a private Bill under rule 28 (2) it becomes the duty of that Government to communicate the Bill to the Secretary of State and the Government of India and wait for their orders for two months and then the Governor should proceed to consider any application for sanction. May I now ask you to turn your attention to page 232 of the Council Manual. Rule 2 on that page says :—

"(1) Save as otherwise provided in these rules, every draft Bill, with all necessary papers connected therewith, shall before introduction be transmitted with a despatch to the Secretary of State.

"(2) In the case of a Madras, Bombay or Bengal draft Bill, the despatch shall be addressed by the Local Government to the Secretary of State direct, a copy thereof and of its enclosures being forwarded for information with a covering letter to the Legislative Department of the Government of India."

Now this rule requires the Government receiving notice of a Bill to communicate it to the Secretary of State and the Government of India, and under the proviso to rule 4 which I just read to you the Governor has got to wait for two months from the date of such notice and then proceed to consider whether he should grant or refuse sanction. If rule 28 (6) is enforced it becomes practically impossible for any member of this Council to bring in a Bill which requires the sanction of His Excellency the Governor because the rule says that a member must annex a copy of the sanction to the notice under section 28 (2) and that sanction could not be had until the expiry of two months from the date of that notice.

Under these circumstances, all I ask is that sub-rule 6 of rule 28 of the rules for the conduct of Council business be so amended as to dispense with the obligation imposed on a member to annex a copy of the Governor's sanction to notice under sub-rule (2) of that section ; the motion is the outcome of the experience I have had very recently in connection with a Bill of which I gave notice. It has been returned by the Secretary on the ground that no copy of the Governor's sanction was annexed to the notice. The Governor could not grant me the sanction even if he willed to do so and I do not know what to do. It is therefore that I have brought this motion and I trust Government will read the rule as I read them and accept the amendment.

COUNCIL BUSINESS RULES.

[15TH MARCH 1917.] [*Mr. Mahadev Bhaskar Chaubal*]

The Honourable Mr. MAHADEV BHASKAR CHAUBAL :—Your Excellency,—This Council will remember that clause (6) of rule 28, to which the Honourable Member has referred, was amended to its present form only so recently as January last year—1916. It was published by Government Notification, Legal Department, No. 51, dated 15th January 1916, having been passed in this Council at its meeting in the previous December. The first amendment then made was in clause (2). A member could previously introduce a Bill with only seven days' notice: the inconvenience of this very short period was felt, and the amendment in clause (2) was made so that it read as under:—

"Any member desiring to move for leave to introduce a Bill as aforesaid shall give the Secretary at least two months' previous notice of his intention and shall, together with the notice, send copy of the Bill and a full Statement of Objects and Reasons, and any *other necessary papers.*"

Now there is no motion before the Council for the amendment of this clause (2) and I do not yet see how the Honourable Member's will improve assuming for a moment that his amendment is carried. Because even if you delete the word proposed in clause (6) clause (2) will still make it necessary that the sanction should accompany the notice, unless it is held that the order giving the necessary sanction is not one of the necessary papers. And on that point section 80 of the Government of India Act, 1915, is, I think, quite clear. It distinctly says that it shall not be lawful for any member of any local Legislative Council to introduce any measure affecting the public revenues without such sanction. Now I think that a motion for leave to introduce is "a measure," and that measure shall not be undertaken in any Local Legislative Council unless the previous sanction of the Governor has been obtained. It corresponds practically to the wording of section 67 which relates to the Government of India legislation, and if you look to clause (2) of section 67, it says:—

"It shall not be lawful, without the previous sanction of the Governor-General, to introduce at any meeting of the council any measure affecting—

(*a*) the public debt or public revenues of India or imposing any charge on the revenues of India", etc.

so that it is quite clear, whatever measure it be, whether it is leave to introduce or anything else, one of the most necessary things for the introduction of a measure which comes under (*a*), (*b*), (*c*) or (*d*) of section 67 which affects the public revenues of the province under section 80 must have the previous sanction of the Governor attached to it. Therefore there can be no question that in considering clause (2) of rule 28 this sanction must be considered to be one of the necessary papers, and therefore even if the amendment which my Honourable friend wants is carried, it will not exonerate him from the liability of attaching the sanction to the notice unless it is held that this sanction, which is under the Government of India Act an indispensable and necessary condition, is done away with. If it is one of the necessary papers—and as to which section 80 is clear—then such necessary paper must be attached to the notice which is given under clause (2). I am only pointing out at present that the amendment in clause (6) as desired will be unavailing so long as clause (2) remains as at present. Further I may state for the information of the Honourable Member that these amendments were expressly undertaken at the instance of the Secretary of State. The Secretary of State first deals with a similar clause in the Government of India rules, where the provision was for three days' notice like seven days in our former rule. Then referring to our legislation the Secretary of State says:—

"Similarly, rule 28 of the rules for the Bombay Council requires 'subject to the provisions of the Indian Councils Acts, 1861 and 1892,' seven clear days' notice of the title and subject of a Bill". Until he has received the sanction I ask the Honourable Member's special attention to this wording—"it is not open to an Additional Member to move for leave to introduce a Bill covered by the

proviso to section 19 of the Indian Councils Act in Your Excellency's Council. Rule 16 of the rules of the legislative business confers upon him no power of giving notice to the Secretary until he is in a position to act in accordance with the provisions of section 19 by having obtained the previous sanction of Government. It was on account of this pronouncement of the Secretary of State that these amendments were undertaken in December 1915 and were published by Legal Department Notification of January 1916.

Again the only hardship which the Honourable Member can probably complain of would perhaps be that instead of two months which is specified as the period in clause (2) of rule 28 it would practically work out to four months if the provisional rule in the instructions is attempted to be worked out. But it may be doubted if this is a real hardship. If a member undertakes the solemn task of introducing legislation on any subject in this Council, I do not think that four months' previous time for his thinking and enabling the other people—the Government of India and the Secretary of State—to think about it is a very long period and that it introduces any considerable difficulty in the way of introducing any private legislation. Some obscurity is no doubt caused owing to the provision in the instructions which the Honourable Member has referred to, but that instruction is only a provisional one and ought not to be construed as making all introduction of private bills impossible. It has not yet been definitely ruled by the Government of India that that instruction will stand. It is being tried as an experiment perhaps, and if found inconvenient may have to disappear. It will have to be further noticed that this time is required for the purpose of the Government of India and the Secretary of State for considering the general principles of the Bill before they determine as to whether to accord sanction or not, and you will see that when a Bill, with the Statement of Objects and Reasons, is received by this Government, as the Honourable Member has pointed out, it has got to be forwarded to the Government of India and to the Secretary of State; and they have got to consider the questions of policy involved if any and the question about how it would affect the public revenues, etc. It is not, you must know, in all cases that this period will be four months. It will continue to be two months in the cases of other Bills except those affecting public revenues. In those cases only the period is likely to be increased to four months. Under these circumstances, seeing that this amendment was introduced only so recently as January 1916 and has worked only for one year, without causing any considerable difficulty or without working any hardship in the way of Honourable Members, I do not think that the amendment now proposed should be accepted. The Honourable Member points out that he felt difficulty in connection with his own Bill. That may be. He seems to have applied for leave to introduce the Bill early in January. Instead of doing so, if he had thought of it in October, I think he would have been able to introduce the Bill in the session that he originally wanted to move it in. But, for the reason that this amendment in clause (6) and the corresponding amendment in clause (2) were introduced at the direct instance of the Secretary of State, I do not think that this Council will be in a position to adopt the present motion for changing the amendment which was brought about only in January 1916.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I must say at once that the remarks of my Honourable friend Mr. CHAUBAL are quite wide of the mark. They evade instead of answering the real point at issue, namely, that His Excellency the President has no power to grant sanction until the expiry of two months from the date of notice for leave to introduce a Bill. I will read to this Council once more the proviso to rule 4 which is at page 234 and I hope the Honourable Members will kindly look into it very carefully:—

"Provided further that in the case of Bills of non-official members which require the previous sanction of the Governor under section 80 (2) of the Government of India Act, 1915, such sanction shall not be given until the expiry

of two months from the date of the notice of intention to introduce, unless the orders of the Secretary of State and the Government of India have been received sooner."

Now I gave notice on the 31st January last. I ask this Council to say whether His Excellency the Governor has any power to grant the necessary sanction until the expiry of two months from that date. The Bill is lying with me, returned by the Secretary on the ground that I had not annexed a copy of the sanction. I am asked to do what is impossible. I ask your Excellency to please read the rules for yourself and then if your Excellency assures me that you would entertain and dispose of my application for your sanction—and I am prepared to give my application to-morrow—I shall withdraw my motion at once.

The Honourable Mr. CHAUBAL:—Will the Honourable Member note the proviso as it is given. Perhaps it was not correct to publish it. If he refers to the foot-note at page 234 he will understand it. This proviso was provisionally inserted. It is only a provisional arrangement. It is not definitely said whether it would stand as a permanent arrangement or not.

The Honourable Mr. PATEL:—Is it in force or not at present?

The Honourable Mr. CHAUBAL:—Of course it is.

His Excellency the PRESIDENT:—After some consideration I think I must agree that the Honourable Member has raised a very difficult and rather interesting point, but Government cannot agree with his amendment at present. Perhaps if I can give the assurance that Government will go into the point he raises and make suggestions and alterations that may seem necessary, will that satisfy the Honourable Member?

The Honourable Mr. PATEL:—Your Excellency, what will happen to the Bill which the Secretary has returned to me on the ground that I had not annexed a copy of your sanction.

His Excellency the PRESIDENT:—We cannot go into it now. Just within the next two or three days I assure the Honourable Member that steps will be taken as I indicated.

The Honourable Mr. PATEL:—Under the circumstances I ask your Excellency's permission to allow me to postpone further consideration of this amendment.

His Excellency the PRESIDENT:—Would not the Honourable Member be generous enough to withdraw his amendment?

The Honourable Mr. PATEL:—I would certainly and I do.

Discussion of matters of General Public Interest.

His Excellency the PRESIDENT:—Discussion of matters of General Public Interest. Resolution No. 1. The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency, the resolution which I have the honour and privilege to move reads thus:—

"This Council recommends that, in pursuance of the recommendations of the Royal Commission on Decentralization which were commended by the Government of India in their recent Resolution on Local Self-Government, steps be taken to constitute village panchayats in this Presidency in select areas and if necessary a mixed committee of officials and non-officials be appointed to suggest and advise Government on the necessary methods of detail to be adopted for the purpose."

Now Your Excellency knows that this institution of village panchayat existed in this country from time immemorial. History tells us that at a time when the idea of corporate organisation was not even born in any of the new civilized countries in the world, at a time when the cult of individuals was the order of the day, almost every village in this great country was a Government in itself, self-contained,

self-governed and self-defended. Eminent men like Sir Henry Maine, Sir Thomas Munro, Sir Charles Metcalfe and others have testified in very glowing terms to the existence and usefulness of this institution. Unfortunately, however, the policy on the part of earlier British Rulers centralized the judicial and executive powers in their own hands and those village republics were killed out partly through ignorance and partly through a desire to get a firm grip on the land. Every Indian who lives and moves among the people, knows how deep-rooted this instinct of self-Government is in villages. It is still living though there is no scope for it. It is now universally recognised that their destruction was wrong.

Lord Morley, in his immortal despatch of the 27th November 1908, observes: "Your Excellency will recall that the resolution from which I have quoted treats the sub-division, taluq or tehesil, as the smallest administrative unit. It is a question whether it would not be a wise policy to go further. The village in India (generally) has been the fundamental and indestructible unit of the social system surviving the downfall of dynasty. I desire Your Excellency in Council to consider the best way of carrying out a policy that would make the village the starting point of public life."

The Decentralization Commission has after elaborate inquiry recommended that in the interest of Decentralization as well as for the purpose of associating the people with local administration, an attempt should be made to constitute and develop village panchayats for the administration of local village affairs.

The Government of India have in their recent resolution on local self-Government expressed their approval of the recommendations of the commission and stated their views thus: "Throughout the greater part of India the word Panchayat is familiar. The lower castes have voluntarily constituted panchayats to whom they allow *quasi*-judicial authority in social matters. The mere artificial administrative committees such as Choukidari Panchayats, Local Fund Unions and village Sanitation and Education Committees and in places even village panchayats already exist. The spread of Co-operative Societies and the distribution of Government advances in times of famine and scarcity on joint security are educative influences. Village tribunals for the disposal of petty civil suits have got beyond the experimental in some places and are in the experimental stage in others. There is, therefore, some material with which to build."

My Lord, it is thus clear that the desirability of the constitution of village panchayats is universally admitted. The sole question which remains is of the form which such panchayats should take. On this question the Decentralization Commission has made certain recommendations. The Government of India have chosen to leave the matter in the hands of local governments and administrations. The official and non-official opinion is widely divergent on the question of the manner and the method in which the constitution of the panchayat can be usefully and successfully advanced. One view is that the legislation in this matter should be permissive and general, the other is that it should be compulsory. Some think that the experiment should be made in selected villages in areas larger than a village where the people in general agree and others say that the panchayats should be introduced into as many villages as possible irrespective of their area or population.

There is also divergence of view as to whether these panchayats should be under the District Collector or the District Board. Then again, some people advocate the appointment of a special officer as in the case of Co-operative Society for the establishment and supervision of panchayats. There is also a difference of opinion on the question whether there should be general panchayats with both administrative and judicial functions or that these two functions should be vested in separate bodies of panchayats.

So also there is the question of jurisdiction of panchayats in civil and criminal cases. Some people are of opinion that such jurisdiction should be exclusive; others hold a different view. In connection with this question minor points such as court-fees procedure and the rest have also to be settled.

The following other questions will also arise for consideration and settlement :—

(1) Whether the existing village communities such as those of village sanitation and education should be merged in the village panchayats.

(2) Whether these panchayats should have powers of taxation and, if so, to what extent.

(3) What should be the relations of the panchayats with other administrative bodies.

(4) What should be the financial relations between the Local Boards and the village panchayats.

(5) What should be the constitution of the panchayats and whether the village head-man should be made *ex-officio* Chairman or the Chairman should be elected by the members of the panchayat.

(6) What should the powers and duties of the panchayats.

(7) Whether Taluka Boards or District Boards should not be abolished after the establishment of panchayats.

My Lord, if those questions are to be satisfactorily settled before any Bill is introduced into this Council, the only way, I submit, is to appoint a small committee of officials and non-officials to go through the whole question and make recommendations to Government as to the lines on which such Bill should be drafted. The importance of the question cannot be gainsaid. The village panchayat is to constitute the lowest rung of the ladder of self-Government. As Lord Morley has observed in his despatch, the village ought to be the starting point of our public life in India. My Lord, I respectfully submit that in a matter of such great importance, it is the wiser policy to ascertain what the representatives of the people want. This resolution proposes nothing more. Instead of discussing all these points in the whole Council I say let us have a Committee to discuss the matter and frame a sound scheme before proceeding further. If we want these panchayats, we would rather wait and have proper panchayats, then hurry up and get unsatisfactory panchayats. Government have waited so long since the report of the Decentralization Commission. We, non-official members, have all along repeatedly pressed the question on the attention on Government. The only reply was that the matter was under their consideration. The consideration has not yet ended. This Resolution puts the best possible interpretation on it and assumes that the delay is due to the difficulty of solving all the points above indicated and all I ask now is "wait and let us non-officials help you in the consideration of this question; take us into confidence, talk the matter over with us and then prepare the necessary draft Bill". We offer our co-operation in this difficult task in the hope that it will be accepted at once with the same cordiality as it is offered with. When I gave notice of this resolution Government wrote to me that this matter was under their consideration and that no useful purpose would be served by any discussion on it. I at once pointed out that the subject was of very great importance and had reached a stage when the advice of non-official members of the Council would be very useful to Government. Your Excellency thereupon graciously admitted the resolution for discussion and I now appeal to your Excellency's Government to accept it.

His Excellency the PRESIDENT :—The Honourable member would, I suppose, have a Committee for panchayats, a Committee for Taluka Local Boards and a Committee for District Local Boards.

The Honourable Mr. PATEL : —In reply to this remark of your Excellency, I should like to point out that when your Excellency's Government very recently appointed a Committee to consider the question of the advancement of local self-Government as applied to rural areas, I was the first man to suggest to my Honourable friend Mr. LAWRENCE, the Chairman of this Committee, that

VILLAGE PANCHAYATS.

[*Mr. Vithalbhai Jhaverbhai Patel; the President; Mr. Gokuldas Kahandas Parekh; Mr. Pandurang Anant Desai.*] [15TH MARCH 1917.]

Government should be moved to allow the Committee to consider the whole question of local self-Government beginning with the Panchayats. The Chairman agreed with me and at once wrote to Government for the necessary powers in that behalf. Government however refused to accede to our request. Why should I be blamed if I ask for a separate Committee for the Panchayats?

His Excellency the President.—The Honourable Member gave very interesting information on Panchayats notwithstanding.

The Honourable Mr. PATEL.—I did not. The Committee made certain recommendations in regard to village Panchayats and I had to record my minutes on them pointing out that it was no business of the Committee to make any such recommendations in view of the fact that Government had definitely refused to allow the Committee to consider the question of village Panchayats.

Now to proceed further. I sincerely believe, my Lord, that the acceptance of this resolution will materially assist Government in the preparation of the Bill and expedite its inauguration which is so urgently needed to arrest the present disintegration which is proceeding so fast in the rural manhood of this country and I trust Your Excellency will see your way to take the representatives of the people into confidence before any Bill on this important subject is introduced into this Council.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH.—Your Excellency,—I and my friend Mr. PATEL come from a part of the country where village Panchayats at one time existed in an exceedingly developed condition. We have had all over Gujrath at one time the village coparcenary system under which there were a large number of joint land proprietors who always formed a body and some reminiscence of the powers that they enjoyed can be well seen both in the village constitution of Kaira and Broach. The system appears to have been brought from Punjab and there is a large body of evidence to show that this system was not confined to the two districts but also existed in Surat and in Ahmedabad. The Talukdari tenure appears to have worked to destroy the system in the Ahmedabad district and other conditions which it is not necessary for me to mention here interfered with the success of the institution in the district of Surat. What I would submit is that if any experiments have to be tried the districts of Kaira and Broach would afford the most favourable conditions for their success. I cannot believe that the same system will be suitable for all places. Local conditions may require changes, but some main principles will remain the same, and a Committee is absolutely necessary for determining these main principles. As a matter of fact the success of District Local Boards or Taluka Local Boards would depend upon constitution of the village communities and I think it is most desirable that there should be an inquiry. Such a Committee would lay down the principles upon which the experiments are to be made and the legislation which should be undertaken, if necessary. In my opinion the experiments ought to be tried in areas where there are conditions most favourable to its development and such areas should be selected in the first instance for them.

The Honourable Mr. PANDURANG ANANT DESAI:—Your Excellency,—I rise to support the resolution which has been moved by the Honourable Mr. PATEL. It is admitted on all hands, by the Secretary of State, by the Government of India and by the Decentralisation Commission that the village panchayat, which was once in existence in this country, should be revived as soon as possible. In ancient days these village Panchayats were in existence in almost every part of India and each village was on a miniature scale a republic in itself. It was self-contained. It had its own accountant, the kulkarni, it had the astrologer, the joshi, the carpenter, the blacksmith, the goldsmith and all persons who could

supply the wants of each village. Each village had no necessity of depending for its wants on the neighbouring village. Therefore the propriety and the usefulness of the village Panchayats was recognised in the olden days. The village Panchayats came to an end after the advent of the British rule, and now our rulers have understood that the village Panchayats are necessary to be revived. Some of the advantages of the village Panchayats are obvious. If the village Panchayats are invested with the power of deciding civil matters or deciding criminal matters of lesser importance, the advantage will be that these members of the Panchayats, being persons living in the same village where the disputes arise, know the parties who come for the decision of the village Panchayat. They know which party is truthful and which party is untruthful. They know the witnesses who are to give evidence and practically everything that would be useful in comming to a decision. As they live in the same village, they know the local conditions and, more than this, is the fact that the cases can be decided with speed. Now we find in taluka stations decisions are not given sometimes for four or six months; but if the decision is to be given by a village Panchayat, the matter would be speedily disposed of and with lesser cost. There will be no stamps, there will be no costs, there will be no *bhatta*, there will be no process fees. There will be nothing of that sort and the witnesses living in the same locality might come in and give their evidence. So the distinct advantage would be a speedy despatch of the disputes and there would be no costs in the bargain. Therefore I submit that this would be a valuable advantage to the people who are always burdened with unnecessary costs in litigation. At the same time I am alive to the difficulty which Government would find in having suitable and competent men to form these bodies. In my part of the country in about 50 per cent. of the villages there are factions, and in a village where there are factions it is very difficult for us to have suitable men, but I think in a factious village if you do not find men suitable to serve as members of the Panchayat, men could be found in the neighbouring village where there are no factions or in the neighbouring villages where they have no connection with the factions. But this principle which has been recognised, namely, the propriety and the usefulness of the village Panchayats, when it has been admitted on all hands, I think, should be brought into force as soon as possible and, as the Honourable Mr. CURTIS said that Government has already appointed Mr. Martin—one of its officers—to make the necessary enquiries into these matters, I think if a small committee is appointed to help him in the matter that would be desirable. I therefore heartily support the resolution which has been moved by the Honourable Mr. PATEL.

The Honourable Rao Bahadur VENKATESH SHRINIVAS NAIK:—May it please Your Excellency,—I have very great pleasure in supporting the resolution moved by my Hon'ble friend Mr. PATEL. He asks our Government, in his resolution, to take steps to constitute Village Panchayets in this Presidency in pursuance of the recommendations made by the Royal Commission upon decentralization and commended by the Government of India in their resolution of 1915 on Local Self Government and, if necessary, to appoint a committee of officials and non-officials to suggest and advise Government on the necessary methods of detail to be adopted for the purpose.

Villages in this country are the units of administration and the administrative reform in the organization of village life itself is most needed and is one of the most important and urgent duties which Government have to do. Since the administration of the country has been assumed by the centralized Government, the machinery of administration at the bottom has been much clogged by the minute Government control in every department. The position of the village officers, who are responsible to carry on the administration of the village, by their being required to be subordinate to so many minor officials and even petty clerks of different departments, has become so very deplorable that they command very

little respect in the village. The villager generally has become helpless. The subordinate officials of Government in different departments dealing directly with individual villagers have disintegrated all corporate life in the village, while education and public spirit have not so far advanced as to make the villager assert his individual rights, and the local autonomy has entirely disappeared. The whole question was examined by the Royal Commission upon decentralization, who alike in the interests of decentralization and in order to associate the people with the task of local administration and thus give an impetus to the starting point in public life, have recommended that an attempt should be made to constitute and develop the village Panchayets for the administration of the village affairs. There is no doubt that these Panchayets once existed and played a most important part in the administration of the country and formed the lowest rung of the administrative ladder. The Commissioners have stated, in their report, that the Indian villages formerly possessed large degree of local autonomy. These Panchayets in olden days were the most useful institutions for improving the condition of the villagers and for giving them proper training in the affairs of Local Self Government. In olden days the villagers managed their affairs with maximum common sense and minimum technicalities, and possessed the greatest confidence of the community. The cohesive effect of the old communal system has to a great extent disappeared and the revivification of this most useful institution under the fostering care and guidance of our benign Government and the hearty co-operation of all the patriotic and thoughtful subjects of the country is most essential both in the interests of the well being of the people as well as in the interests of the good name of our administration The villagers like the idea of Panchayets and they venerate them as sacred and honour and obey their commands as if coming from the Divine Body. The very name itself is beloved to them and the colloquial saying "Panchamukhi Brahma" exists in almost all the Indian languages in some form or the other. I do not entirely agree and believe in the stock argument that the people are not yet ready and are not fit to exercise, if powers are given to the Panchayets. In rural villages even to-day there are certain headmen whom the illiterate mass venerate and in the case of social and caste disputes and even in some cases of civil and criminal disputes their decisions are blindly obeyed. Now that the corporate life of these Panchayets has been completely disintegrated by the individual dealings of the villagers with the subordinate officers of Government, and by the so called independence of each other, a single obstinate person in a village is enough to make the efforts of all the other people absolutely useless and since the break of even communial organization we very often find factions in almost every village and one or two mischievous touts can render the efforts of the remnants of Panchayets wherever they exist practically futile and nugatory. I do not think that the villagers in most cases are not capable enough to manage the affairs of the Panchayets although I must confess that illiteracy may hinder their progress considerably. All that is needed is a sufficient number of disinterested selfless hard-working educated non-officials willing to devote sufficient portion of their leisure towards the organization and working of the Panchayets. Where such people are available and are ready to realise the responsibility which Government even in the smallest degree would place on them, Government should help them to learn the art of taking interest in the protection of their village and in the administration of the country. Generally the villagers have an aptitude to work in their own villages and the success of Panchayets mostly depends upon the selection as Panchayetdars of persons of good moral character possessing confidence amongst the villagers. These Panchayets when established will have considerable educative effect in developing a sense of public duty amongst the villagers and greatly improve their moral and social character. The effect of the centralized administration has been hitherto to destroy all communal and social distinctions with the consequence that the public opinion has ceased to exercise any influence as an incentive to good behaviour or a check

upon wrongful acts and the society itself will be driven into still more unhealthy working order.

I do not wish to detain this Council by an enumeration of the manifold advantages resulting from the revival of the Panchayet system since they are almost axiomatic, but will direct my gaze at our sister provinces as to what they have done in this direction. In the Madras Presidency and in United and Central Provinces the question has long been taken up and they have advanced a great deal ahead of us in the formation of the Panchayets. The other provinces also I believe have discussed the matter seriously and our Government with the reputation of being a progressive one should remain behind the race in grappling so important a subject does not at all seem befitting the reputation we have earned up till now and therefore I earnestly appeal to Your Excellency's Government to take the matter urgently on hand and make a beginning. An examination of the whole machinery of the Government with a view to see how much of the work of the subordinate officers may safely be decentralized and entrusted to the Panchayets is most important and is urgently needed in the beginning. This question cannot thoroughly be gone into and sifted except by a committee of officials and non-officials with the experience of village life and their habits, such as is suggested by my friend in the resolution. The Government of India also have said in their resolution that these things are to be done as far as possible in consultation with the people and the idea of appointing a committee is not a suggestion in any way violating the principles laid down by the Supreme Government in their resolution.

The Honourable Mr. BALKRISHNA SITARAM KAMAT.—Your Excellency,—In rising to support the resolution which is before the Council, I wish to say only a few words. I take the opportunity of telling the Council that in December last I happened to give notice of a similar resolution which I wished to move and the Honourable Mr. PATEL had also given a similar notice. We were then told that Government already had in their hands a Panchayet Bill and so I withdrew that resolution. I had looked into this matter at that time and I wish to draw the attention of the Council to the fact that it is not only the Decentralization Commission that has recommended village Panchayets and the Government of India have endorsed that view, but there is another province which has taken a step further the example of which I wish to quote, namely the United Provinces. Government there appointed a similar committee to the one which the Honourable Mr. PATEL wants to have, and that Committee went exhaustively into the whole question and now I suppose a similar Bill is being passed there. I have in my hands a copy of the report of that Committee. I think this fact supports the Honourable Mr. PATEL'S contention that there is a good deal of scope for enquiry for a mixed Committee.

I am not one of those who entirely agree in thinking that the whole Panchayat institution should be revived in its old form, and I very much doubt whether it will suit the present times and conditions of a modern village. But I think there is a case for enquiry, and the points to be exhaustively gone into are so many that before Government finally draft out a Bill I think it would be advisable if they take the non-official members into their confidence and thresh out certain points before the actual Bill is drafted. At present what we know of the subject on behalf of Government is only this, that the Governor in Council has decided to prepare two separate Bills—one dealing with civil jurisdiction and the other with the administration of criminal justice. These measures are still under consideration. The Committee appointed in the United Provinces went into various questions a few of which I might cite for the sake of example; the questions are whether a single village or a group of villages should be the unit; how many members should constitute a Panchayet, five or more; whether that Panchayet should be

appointed solely by the Collector or whether there should be a sort of general election in the village, though not with all the paraphernalia of electoral lists and voting boxes and all those sorts of things; then with regard to jurisdiction, whether we should have concurrent jurisdiction or whether it should be absolutely exclusive; then again with regard to the question of procedure, whether the procedure should be simple, whether the record should be kept in as short and simple a manner as possible, or whether it should be exceedingly technical or elaborate as in the ordinary course. Then again there is the question whether to allow the village Panchayats to have some hand in the administration of sanitation or village education or whether they should have nothing to do with it. These are all things which require looking into, both from the official and non-official point of view. There are certain other points which are carefully and exhaustively dealt with in the United Provinces report with me, namely whether members of the Panchayats should be removeable at the instance of the Government; secondly whether there should be panels of juries as it were from which members of the Panchayats could be chosen for the occasion; that is whether the Panchayat should be a standing body or whether it should be constituted for any particular occasion; whether it should have powers to fine up to so many rupees or not. All these details have been very exhaustively dealt with by the United Provinces Committee. I therefore urge that if a similar committee is appointed here as required by the Honourable Mr. PATEL and if all the points that have been suggested are gone into, I think it would be showing a consideration for the suggestions and for the opinions of the non-official members of this Council. With these words I support the resolution.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—May it please Your Excellency,—I have very great pleasure in supporting the resolution moved by my Honourable friend Mr. PATEL. The resolution, my Lord, is a very modest one. It does not commit Government to any particular action. It only asks for the appointment of a committee in a matter of vital importance to the interests of the rural community. I have stated before that if local self-government has failed on our side, it has failed more on account of our having commenced at the top rather than at the bottom; in fact, if we had started with the village communities and if we had allowed the people to help themselves in matters of local self-government, it would have been a greater success than it has been at present. The District and Taluka Boards at present do spend a lot of money for administrative matters, but they cannot give actual relief to the majority of the villagers who pay for it. In fact, in matters of sanitation and of medical relief and in many cases even of education the villagers are left to themselves. In the matter of even petty disputes, petty civil causes and petty criminal cases they are compelled to have recourse to courts of law, where they have to spend time and money which are disproportionate to the matters to be disposed of. Even in the matter of police administration the initial responsibility rests with the village police, but little has been done to improve it. The village patels who are responsible for the investigation into crimes are known to be illiterate people and the powers given to them are far too wide. I think it would be much better in the interests of the people if we agree to appoint a small committee of select people to consider the question of reconstituting the old village Panchayats. We do not say what particular action should be taken, but when other presidencies, other provinces, have moved faster, we might also take a leaf from what they have done and see as to how far they have succeeded in several places, like Madras for instance, and what should be done in this direction here. I submit, therefore, that the resolution of my honourable friend should be accepted by the Council.

The Honourable Mr. LALLUBHAI SAMALDAS MEHTA:—Your Excellency,—This question was referred in 1912 in the speech made by the Honourable Mr. FAZULBHAI CHINOY, and Sir RICHARD LAMB in reply said that the matter was

under the consideration of Government, and that the papers had then been passed on to the Honourable Mr. CHAUBAL who was then in charge of the local board portfolio. Four years have passed since then without anything being done possibly due to the difficulties which the Honourable Mr. PATEL and the Honourable Mr. KAMAT suggested. One of the difficulties perhaps is whether village Panchayats should be given criminal powers or whether they should only be given the power of trying civil cases. The second question is about the exemption from the Stamp Act; if plaints are not to be stamped under the Stamp Act, how are the expenses to be met. All these questions must be considered. We have also been told that a special officer has been appointed to consider not only the question of village Panchayats, but to suggest the best method of co-ordinating the villages with the taluka local boards and the district local boards.

All these matters for which a special officer has been appointed will be required to be gone through. The question now is, as the Honourable Mr. PATEL suggests by his resolution, that village Panchayats should be started in selected areas. The Honourable Mr. PATEL wants a committee. Instead of doing that I beg to suggest that the experiment may well be tried in villages where there are co-operative societies. People in those villages have had experience in managing their affairs in one matter, and they may well be entrusted with powers under a Village Panchayat Act. I am in favour of the first portion of the Honourable Mr. PATEL'S resolution but not in favour of second, and I would like to move an amendment, namely that the second portion of the resolution be dropped, because so far as that portion of the resolution goes, the Honourable Mr. PATEL himself has doubts about the necessity of it. He says in the second part of the resolution "and if necessary a mixed committee of officials and non-officials be appointed to suggest and advise Government on the necessary methods of detail to be adopted for the purpose." This shows that the Honourable Mr. PATEL himself is not quite sure of its necessity. If the resolution as it stands be accepted the preliminary work, which the officer specially appointed for this purpose is doing, would perhaps be somewhat hampered as the Honourable Mr. PATEL himself says that the work might be delayed by the appointment of a committee. It is better that all this work should be done by one man who should go through all these details and who if he thinks it necessary will surely consult non-official opinion, either of the members of this Council or of the local people. But for the present I would ask the Honourable Mr. PATEL to accept my amendment that all the words from "and" in line 4 of the resolution to the end be dropped.

The Honourable Mr. PATEL:—I do not accept the amendment.

The Honourable Mr. LALLUBHAI SAMALDAS MEHTA:—Your Excellency,—I move my amendment that the second portion of the resolution as pointed out by me be dropped.

The Honourable Mr. GHULAM MUHAMMAD *walad* Khan Bahadur WALI MUHAMMAD BHURGRI:—Your Excellency,—I want to move a further amendment that the words "if necessary" in line 5 of the original resolution proposed by the Honourable Mr. PATEL be dropped.

The Honourable Mr. PATEL:—I do not want to trouble the Council with the discussion of the Honourable Mr. BHURGRI'S amendment, and I therefore accept it and would move my resolution as amended, deleting the words "if necessary."

The Honourable Mr. BHURGRI:—Your Excellency,—The object of the Honourable Mr. PATEL'S resolution is that there should be co-operation between officials and non-officials, otherwise early steps could not be taken. The main object of the resolution is this, that before Government finally moves a Bill they

should take into their confidence the non-official opinion and discuss with the non-officials their views. I am therefore very sorry that the Honourable Mr. PATEL should ever have thought of inserting the words "if necessary."

With these words I move my amendment.

The Honourable Mr. PATEL:—Your Excellency.—I can speak on the amendment of the Honourable Mr. LALLUBHAI and I therefore rise to oppose his amendment.

His Excellency the PRESIDENT:—Order, order. I do not think the Honourable Member has got the right of speaking. He has got the right of reply only. The Honourable Member can speak with my permission, no doubt, but I think that if he gets the right of reply it will be sufficient for him.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency,—We understand from the Honourable Mr. LALLUBHAI that the matter referred to by the Honourable Mr. PATEL has been under the consideration of Government for some time. He told us that it has been under consideration since 1912 and that at present an officer of Government has been specially deputed to report upon this question after consideration of all the points raised in the report of the Honourable Mr. LAWRENCE'S Committee. I think, Sir, that after the report of the special officer is published, there will be time to consider whether the proposed Committee should be appointed. Otherwise the proposed Committee will be considering matters which have been already considered by the previous officers of Government and by the present special officer. Therefore I think it would be desirable to wait until we have the report of the special officer in our hands after he completes his enquiry.

The Honourable Mr. PATEL:—Your Excellency,—May I ask whether Mr. Martin is appointed to make a report or to draft a Bill.

His Excellency the PRESIDENT:—Mr. Martin who is appointed as special officer in this connection is getting all particulars with regard to the franchise of the taluka local boards and district local boards and he will inform Government by report or otherwise and he will assist in getting out a Bill on the whole question.

The Honourable Dewán Bahádur GODBOLE (continuing):—I think what I have said to the Council is confirmed by the remarks which have been made by His Excellency the President. Mr. Martin is making enquiries into these matters and I think we should not duplicate the enquiries. Let us wait till we get the report of Mr. Martin in our hands, and if we afterwards find it necessary that a special Committee should be appointed, then it will be time to appoint it as suggested by the Honourable Mr. PATEL. I am therefore going to vote against the proposition and also against the amendment that has been brought forward by the Honourable Mr. LALLUBHAI. I think it is premature to bring before the Council a motion of this sort until the report that is being prepared by Mr. Martin is in our hands.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD:—Your Excellency,—I rise to support the amendment proposed by Mr. Bhurgri. I do not think that the appointment of a Committee will be premature. Your Excellency's Government has already given an opportunity to the public and the non-official members of this Council to express their opinion upon the constitution of district and taluka local boards, and I think it is in the fitness of things that they should be allowed to record their views on this important question of village Panchayats. It will facilitate the work of the special officer if this public opinion is placed before him. This question has been before the public and before Government almost since

1910, and I think a Bill was also under preparation at about that time, and it was going to be placed in the time of Lord Sydenham before this Council. The consideration of this question has already taken much time, and I hope an effort will be made to place the views of the public and the opinions of a strong Committee before the Council as soon as practicable.

The Honourable Rao Bahadur GANESH KRISHNA SATHE :—Your Excellency.—I rise to support the amendment put forward by my Honourable friend Mr. LALLUBHAI SAMALDAS MEHTA. It may strike my Honourable friend Mr. PATEL as to how I oppose his resolution. In the first place I do not wish to enter into the question as to the necessity for the revival of the institution of village Panchayats, because I find from the resolution which Government have issued in 1915 that the last paragraph of the resolution says " with regard to that portion of the resolution which deals with village organization the Governor in Council has decided to prepare two separate bil s in place of the existing draft of the Village Panchayat Bill, the one dealing with the question of civil jurisdiction and the other providing for village administration. These measures are still under consideration ", and further than this the Local Board Committee though it was not authorized to deal with the matter have made certain suggestions in two paragraphs of their report. So it is quite evident that Government is alive to the necessity of the revival of the Village Panchayats and the matter has received the closest attention of Government. So as regards the first part of the resolution of the Honourable Mr. PATEL no further argument is necessary to convince Government of the reasonableness of it. As regards the second part of it, it is practically opposed by the Honourable Mr. LALLUBHAI when he asks to delete it. I may submit for the information of the Members of this Council that a Committee on such a complex question would not be useful to my mind. Firstly, because the conditions vary in different districts and I think that many members of this Council have read the recommendations of the Royal Commission on Decentralization about Village Panchayats and there they have stated that though it was found necessary to revive this institution still progress must be made cautiously in view of the fact that there are factions in villages and that there are other elements which do not really conduce to the well-being of such institutions. It is a matter of common knowledge that in the mofussil there are factions for one reason or another in small villages, and it will be necessary for Government to formulate union Panchayats or Panchayats in such form as would avoid the evil of the factious spirit entering into the administration of these institutions. In short let us have the report of the special officer who has been appointed and then it will be for the District Officers in consultation with those who are considered to be the representatives of the people of the district to see in what parts of the district such measures could be made applicable, and if they are to be made applicable to what extent they are to be made applicable. So to my mind it appears that a Committee at this stage instead of being of use would hamper the progress of the inquiry which Government is intending to make. I understand, or at least that is always the machinery of Government, that this officer who has been asked to look into the question will necessarily get the opinions of district officers and such representatives of the people as can enlighten him on the question. The village Panchayat question is one on which representatives of each district will have to say something peculiar to that district, and therefore a mixed committee of officials and non-officials as asked for by Mr. Patel will not advance the real cause which he advocates. The officer who is appointed of course will be at liberty to take the opinions of such people as wish or have a desire to make suggestions on points affecting the question of village Panchayats and there is nothing in the way of any one of us to make particular or general suggestions. So in my opinion a Committee is not required and I think a greater purpose will be served if our attention is concentrated to the efforts of organizing Panchayats

for each district and for each taluka. The conditions vary materially and, therefore, a committee to enquire into the question for the whole Presidency would not be useful. I oppose the resolution of my Honourable friend Mr. PATEL so far as it asks for the appointment of a mixed committee

The Honourable Mr. PANDURANG ANANT DESAI :—Your Excellency,—I oppose the amendment of the Honourable Mr. LALUBHAI. The first part of the resolution does not admit of much discussion. The only thing that is desirable is that a committee of officials and non-officials should be appointed to suggest and advise Government in the measures to be adopted for the purpose. Government has already appointed its officer to make the necessary inquiry in this connection. The Honourable Rao Bahadur SATHE says that it is no use to appoint a mixed committee consisting of Government officers and non-official members because he thinks the matter is very complicated. I say it is for that very reason, as the matter is very complicated, that it is better if instead of one head, four or five heads work together in order to decide the matter more satisfactorily. Therefore I say that, as the inquiry by the Government officer is in its initial stage, it is advisable that a committee of officials and non-officials should be appointed as soon as possible. If non-official members are appointed to this committee, the non-official view will be clearly placed before Government and I think the difficulty which has been pointed out by the Honourable Rao Bahadur SATHE has no substance in it. He says the local conditions of each district and each taluka are different. Well, the local conditions may be different, but if non-official members are appointed from these districts, they have better knowledge of the local conditions and they would be the proper persons to give their opinions, and I think if such a committee is appointed the matter would be very easy for Government to decide ultimately. Therefore I think the amendment which has been made by the Honourable Mr. LALUBHAI should not be adopted.

The Honourable Mr. G. S. CURTIS :—May it please your Excellency,—I think Government may be grateful to Honourable Members for having raised and started this important question this afternoon.

If this Council will consider what has been said this afternoon, they will find that it proves to the hilt everything that I have said on behalf of Government this morning. The Honourable Mr. PATEL asks : "Why has not Government dealt with taluka local boards and panchayats? Government are insulting this presidency and are insulting its independent public opinion." I ventured to anticipate the objection knowing that it would be raised and I pleaded somewhat mildly that the question was rather a difficult one, as taluka local boards and panchayats might or might not exist side by side. There was the question moreover of notified area committees and of the committees of the district local boards and the constitution of the panchayats. All these questions were somewhat difficult and interdependent, and we wanted to see what was being done elsewhere particularly having regard to the fact that legislation has been passed in other provinces. What does the Honourable Mr. PATEL say? "Nonsense, Government are insulting the public opinion of this presidency."

Now, Sir, as regards the appointment of the committee proposed by this resolution, the Honourable Mr. LALUBHAI, I think, correctly summed up the position. About 5 years ago the Bombay Government sent up a somewhat elaborate Bill to the Government of India. It dealt with panchayats not only from the point of view of local self-government, sanitation and so forth, but also with questions of civil jurisdiction, and I think there were some provisions connected with the application of the Deccan Agriculturists' Relief Act. The Government of India considered the Bill for some time. I think they took some exception to the elaborate nature of the provisions and sent the Bill back again. We have now appointed a special officer and Government have undertaken to

examine, what I may call, the purely local self-government part of it with reference to matters ordinarily falling within the purview of municipal and local board administration. Well, Sir, that is an extremely complex task and why it is complex at the present moment will be seen from what I am going to say now. I notice from the Honourable Mr. PATEL's remarks that he has stated that important financial questions are involved in this matter. Members of this Council will have gathered this morning that the question of village panchayats was not specifically referred to Mr. Lawrence's committee. But that committee did, as a matter of fact, consider this question with the other questions and the Honourable Mr. PATEL himself, while deploring that the committee had not been instructed to consider it, dealt with it on a still greater length. Now the committee made certain definite proposals of a financial nature. The committee suggested, for instance, that tolls should be re-imposed. They suggested that the one-anna cess should be raised to two annas. They recommended the levy of house-tax, cess on excise and forest revenue. The Honourable Mr. PATEL, in the course of a lengthy minute of dissent, negatived every one of the suggestions with two exceptions. I would ask this Council to remember what the acceptance of this resolution necessarily involves, namely that if real business is meant it means a very large and substantial addition to the expenditure side of the budget and that money has to come from somewhere. Now I will read the Honourable Mr. PATEL'S opinion :—

The committee in paragraph 85 of their report request Government to assent to the proposition that self-taxation is necessary to the success of local self-government. Without disputing this proposition I should like to impress on the attention of Government the desirability of not associating local self-government with local taxation to any considerable extent and of the use of great discrimination in the selection of heads for such taxation. Local taxation on any conceivable object or on objects selected without careful inquiry is bound to make local self-government unpopular. I hope I shall not be misunderstood. I am not opposed to all local taxation. I recognise that circumstances beyond the control of the people have brought about a state of things in the administration of Local Boards which call for some additional local taxation. The point that I really desire to emphasise is, that the best interests of local self-government require that it should not be associated with excessive taxation and that the heads of taxation should be very carefully selected.

How did the Honourable Mr. PATEL apply these principles? If you constitute village panchayats, there are certain very limited items of revenue, one of them is the house-tax in the villages in which village panchayats may be established. That form of taxation is already in practice in Madras.

The Honourable Mr. PATEL, in his minute of dissent, goes on to say :—

"I cannot join in that recommendation * * * * * * in view of the express opinion recorded by the Royal Commission in this respect."

There is one other point. The suggestion of the committee to increase the one-anna local fund cess to two annas has also been condemned wholesale by the Honourable Mr. PATEL and the Honourable Mr. SATHE.

The third item, the re-imposition of tolls, is entirely disapproved by the Honourable Member. He considers it a retrograde measure. So that is gone.

Finally we come down practically to the cess on Abkari revenue, forest cess and subventions to local resources

Well, Sir, as regards the forest cess, even if it is accepted it is perfectly obvious that Government cannot raise the cess in Kanara and employ it at Sholapur were there are no forests. Forest cess must be spent where it is raised. Finally, there is Excise cess. It is the Excise cess which is the only form of taxation left to meet the requirements. Finally, Sir, the whole matter goes down

to subventions from provincial revenue. Now, Sir, I think this Council will agree with me that any officer who sets himself down to try and estimate what subvention the provincial revenues can afford in the years to come after the war is over, will find his attempt a very difficult task indeed and until we know a little more what the balance of our provincial revenues is likely to be, it is no use trying to sketch out a big plan of operations of village panchayats. No, Sir. The method at present adopted seems to be the best. Government are endeavouring to collate as much as possible such information as is available and inquiries will be made from local sources, official and non-official, as to the best form which the panchayats shall take and also what system of raising revenue on their behalf can be adopted with the minimum of unpopularity. I think probably there can be no doubt that the system of raising house-tax and an optional increase of the one-anna cess will be eventually adopted. But of course local inquiry will be made first and it is better that it should be made by one officer than by a committee.

I have not gathered from the Honourable Mr. PATEL'S speech whether he wishes to include village panchayats established for judicial purposes in the purview of his resolution. Now anyhow I would suggest to him and to this Council that, to use a homely expression, there is no good biting off more than one can chew; that the problem connected with the municipal and local self-government in relation to the panchayats is quite sufficient to occupy one Secretariat and one set of heads burdened as they are with a good many other problems connected with the war that this Council will be well advised to use patience and to let the problems be tackled piecemeal.

For these reasons, Sir, I would ask the Council to reject this resolution.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I have heard with very great interest the speech of my Honourable friend Mr. CURTIS. He has pointed out to us the serious difficulties of this problem, and I entirely associate myself with the view expressed by him that the questions involved in the constitution of village *panchayats* are indeed very intricate. Now let us see how Government propose to satisfactorily solve them. It is officially admitted that some form of village panchayat has to be introduced into the rural areas of this presideney. Government say that they have appointed an officer, one Mr. Martin, for the purpose of preparing a draft Bill to be introduced into this Council. Now after hearing my friend the Honourable Mr. CURTIS and several speakers in support of and against my resolution, members of this Council, I have not the slightest doubt, will agree that the whole question of village panchayat requires to be thoroughly threshed out, not by an officer of Government, but by a committee of persons who have moved among the masses and who know really what is wanted. I do not know whether Mr. Martin is in touch with the masses or not. I have great respect for him. We have rubbed shoulders together for nearly a couple of months on the Local Board Committee, I have great regard for him, but I think this is a matter in which a few experienced officials and non-officials should put their heads together and discuss matters and come to a definite agreement on the various questions involved before any Bill is introduced into this Council. I have been vehemently attacked by my Honourable friend Mr. CURTIS on the ground that I have said nothing with regard to the financial difficulty that is likely to arise in connection with the formation of panchayats. Not only that, but he quotes in his speech my own minutes of dissent to show to this Council that I am opposed to the levy of house-tax in villages. Well, let me make it perfectly clear to this Council that when the matter of village panchayat was discussed by the members of the committee, I opposed it on the ground that Government had not authorised us to go into that question at all. The Chairman, Mr. Lawrence, as I have pointed out, wrote to Government asking them to empower the committee to go into the whole question of local self-government including the panchayats. Government, however, refused to do so and yet the committee thought of going into the

question without consulting any witnesses on it. 292 witnesses were examined by the committee. In the questions formulated by the committee no question with regard to village panchayats found place, and yet the committee went out of its way and made a report on the desirability or otherwise of the establishment of village panchayats and the levy of house-tax and other taxes. In my minute of dissent I do not say that the taxation is not necessary. My Honourable friend Mr. CURTIS has conveniently omitted to read one or two words from my minute of dissent. He merely read that part of my minute of dissent where I have said "I cannot join in the recommendation of the committee about house-tax." I have further said that I cannot join in the recommendation because *of the absence of any materials before the committee to support it.* The committee had no materials before them to come to the conclusion that in any scheme for the formation of a village panchayat house-tax was a necessary thing. I was insisting all along, in the committee, that if we were going to make any recommendations in the matter of village panchayats in spite of the orders of Government to the contrary then we must ask the people, we must have their view as to what they think about it and we must record evidence. In my humble opinion, therefore, it was not right for the committee that they should have gone out of their way and made recommendations suggesting house-tax, etc. I dissented on the ground that there were no materials before the committee to justify them to record the conclusion that in the scheme for the formation of village panchayats house-tax was a necessary thing.

The Honourable Mr. CURTIS:—Will the Honourable Member please go on with the quotation?

The Honourable Mr. PATEL:—Yes, certainly. "I cannot join in that recommendation 'in the absence of any materials before the committee to support it'"—words omitted by the Honourable Mr. CURTIS—"and in view of the emphatic opinion recorded by the Royal Commission in this respect." These are the two points on which I attacked the recommendation of the committee as regards house-tax. The Commissioners in their report on this point say "We consider it essential to the popularity and efficiency of the panchayat system that it should not be associated with any new form of local taxation, for the evidence shows that the imposition of taxation of this character has made such bodies as the existing unions and sanitary committees unpopular." So on the ground that there were no materials before the committee, as the committee had not examined a single witness on that question and on the further ground that there was the emphatic opinion already recorded by the Commissioners on Decentralisation I said that I would not join in their recommendation that there should be any taxation in the form of house-tax. The fact, however, remains that the question of village panchayat is so intricate and important that it is absolutely necessary that we should have a committee to go into it. My Honourable friend Rao Bahadur SATHE has just told us that the conditions in different areas vary so widely that it is difficult to see how a committee would serve any useful purpose. I say because the conditions in different areas vary that a committee should be appointed. How is one gentleman to ascertain the different conditions obtaining in different parts of the presidency and draft a Bill and place it before you. I say, your Excellency, that it is absolutely necessary that every representative of local boards in this Council as well as a couple of officials should be asked to serve on the committee which I propose should be appointed and they should be empowered to take evidence and make necessary recommendations. I think it is because the conditions, as my Honourable friend Rao Bahadur SATHE put it, vary that non-official opinion should be freely consulted. My Honourable friend Dewan Bahadur GODBOLE tells us "let us wait and let us have the report of Mr. Martin." Are we going to have that report in our hands before the Bill is introduced into this

Council? Government does not say that the report of Mr. Martin would be published and non-official opinion invited thereon before the Bill appears on the Council agenda. So far as I understand the attitude of Government, it is this: Mr. Martin is appointed on special duty in connection with this business. He will prepare a draft Bill in the light of his experience and on such materials he could get hold of or collect. The Bill will then be before the Council. I am sure, the Bill so drafted will evoke a good deal of controversy in this Council. By this resolution we non-officials offer our co-operation to Government in order to enable them to deal with this difficult subject in a manner that would be satisfactory to the people as well as Government. I earnestly trust therefore that Your Excellency's Government will cheerfully accept that offer.

His Excellency the PRESIDENT:—While I agree with my Honourable Colleague that we have had a very interesting discussion of this matter of panchayats, I think it must be perfectly obvious to every Honourable Member of this Council that it is under the circumstances absolutely impossible for Government to accept the resolution as amended or in its original form. I am quite clear that my Honourable friend Mr. PATEL has brought forward this resolution as originally standing owing to his keenness and earnestness as regards local self-government, but I do wish to say to him that I wish that he had taken the suggestion that I made to him not very long ago, when I informed him that we were hard at work and endeavouring to work out the position of panchayats in the main scheme of local self-government, and that it would be, as I thought, a waste of the time of the Council to bring up this question now and suggest to Government that they should take executive action with regard to this matter. Let me inform him why we cannot do it. The Honourable Member wants us to appoint a committee of officials and non-officials to go into the question of panchayats. My answer to that is: Government some months ago appointed a special officer to go into the whole question, who will go about into the districts and get all information from official and non-official sources, and we consider in the circumstances that that is a better plan in order to get the necessary information. Further than that, Government in years gone by did get much information with regard to the question of panchayats for, as Honourable Members are aware, a Panchayat Bill was under consideration by the Government only a few years ago. So there is a considerable amount of information collected already on the question with regard to panchayats. I must say that I entirely agree with the remarks of my Honourable friend Dewan Bahadur GODBOLE, when he suggested—and I should have thought that Honourable Members might think it a reasonable suggestion—that it is putting Government into an extraordinary difficulty to bring up this question of local self-government at the present time when Honourable Members know perfectly well that Government are going closely into the matter, with the object of bringing out a Bill on the whole question of local self-government for the full discussion of every Honourable Member of this Council at the earliest opportunity. Now, my Honourable friend Mr. PATEL has raised another point. He wants to know whether the special officer appointed, Mr. Martin, is going to produce a report and whether that report is going to be sent round to Honourable Members. Does he propose that the Council should have an academic discussion on that report? This is surely a matter of procedure. The report is for the information of Government in drafting their Bill which will be brought before the Legislative Council, and Honourable Members will have full opportunity of discussing it when it comes under debate. I do say to my Honourable friend with regard to both his resolution and two or three others which are on the paper, although Government felt bound to admit them, that it is very difficult—and I think he must realise that we are doing our very best to produce this general Bill on local self-government—if we have these resolutions continually brought up which, under

the circumstances, it is absolutely impossible for us to accept, because our mind is not clear as to what the particular line of policy should be.

Now, with regard to the amendment proposed by my Honourable friend Mr. LALUBHAI, the same difficulty arises. I must inform him in reply that he suggests to Government at this moment a definite step.

The Honourable Mr. LALUBHAI SAMALDAS :—I do not say that it should be done at once.

His Excellency the PRESIDENT :—His amendment reads as follows :—

"This Council recommends that, in pursuance of the recommendations of the Royal Commission on decentralization, which were commended by the Government of India in their recent resolution on local self-government, steps be taken to constitute village panchayats in this Presidency in select areas."

I can only take the amendment as it reads, and again I give him exactly the same answer. A Bill is being worked out and we cannot possibly agree to take any steps to establish village panchayats in this Presidency, for the reason that a Bill is being worked out, which we hope to put before the Honourable Members of this Council, dealing with the whole question of local self-government. I think it must be obvious to Honourable Members, and I hope they will support my view, that neither the resolution as amended nor the resolution itself are acceptable to Government. I will put the amendment first to the Honourable Members, and then the original resolution.

The amendment was then put to the vote and lost.

The original resolution of the Honourable Mr. PATEL was then put to the vote and lost, 18 members voting for it and 27 against it. The Council divided as follows :—

Ayes.	Noes.
The Honourable Mr. D. V. Belvi.	His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E.
The Honourable Mr. G. M. Bhurgri.	The Honourable Mr. M. B. Chaubal.
The Honourable Mr. Sherriff Devji Kanji.	The Honourable Mr. G. Carmichael.
The Honourable Mr. P. A. Desai.	The Honourable Mr. G. S. Curtis.
The Honourable Mr. S. D. Garud.	The Honourable the Advocate General (Mr. T. J. Strangman).
The Honourable Sheikh Ghulam Hussein Hidavatallah.	The Honourable Mr. S. R. Arthur.
The Honourable Mr. E. H. Jaffer.	The Honourable Mr. S. K. Barodawalla.
The Honourable Sardar Dulabawa Raisingji, Thakor of Kerwada.	The Honourable Mr. P. R. Cadell.
The Honourable Mr. C. V. Mehta.	The Honourable Mr. A. L. Covernton.
The Honourable Sardar Shriniwas Coopooswami Mudliar.	The Honourable Dewan Bahadur K. R. Godbole.
The Honourable Rao Bahadur V. S. Naik.	The Honourable Mr. M. N. Hogg.
The Honourable Mr. R. P. Paranjpye.	The Honourable Lieutenant-Colonel J. Jackson.
The Honourable Mr. G. K. Parekh.	The Honourable Mr. J. D. Jenkins.
The Honourable Mr. V. J. Patel.	The Honourable Mr. B. S. Kamat.
The Honourable Mr. A. K. Pathan.	The Honourable Mr. G. F. Keatinge.
The Honourable Mr. Purshotamdas Thakurdas.	The Honourable Mr. M. H. Lalji.
The Honourable Mr. S. B. Upasani.	The Honourable Mr. H. S. Lawrence.
The Honourable Mr. Harchandrai Vishindas.	The Honourable Surgeon-General R. W. S. Lyons.

Ayes.

Noes.

The Honourable Khan Bahadur Pir Baksh walad Mian Mahmud.
The Honourable Mr. L. S. Mehta.
The Honourable Sir Dinshaw M. Petit.
The Honourable Mr. F. G. Pratt.
The Honourable Mr. Munmohundas Ramji.
The Honourable Rao Bahadur G. K. Sathe.
The Honourable Mr. P. C. Sethna.
The Honourable Mr. W. C. Shepherd.
The Honourable Mr. G. H. Thiselton-Dyer.

His Excellency the PRESIDENT:—The Council will now adjourn till 11-30 a. m. to-morrow.

The Council then adjourned to 11-30 a. m. on Friday, the 16th March 1917.

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,
Secretary to the Legislative Council
of His Excellency the Governor of Bombay.

Journal of the Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915 (5 and 6, Geo. V, Ch. 61).

The Council re-assembled at 11-30 a.m. on Friday, the 16th March 1917, in the Council Hall, Secretariat, Bombay.

PRESENT:

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

The Honourable Mr. M. B. CHAUBAL, C.S.I., *Vice-President.*

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

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

The Honourable Mr. S. R. ARTHUR, I. C. S.

The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.

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

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

The Honourable Mr. P. R. CADELL, C.I.E., I. C. S.

The Honourable Mr. SHERIFF DEVJI CANJI.

The Honourable Mr. ALFRED LAWRENCE COVERNTON.

The Honourable Mr. PANDURANG ANANT DESAI, LL.B.

The Honourable Dr. C. FERNANDES, M.D.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.

The Honourable Mr. MALCOLM N. HOGG.

The Honourable Lieut.-Col. JAMES JACKSON, C.I.E., M.B., I. M. S.

The Honourable Mr. EBRAHIM HAROON JAFFER.

The Honourable Mr. J. D. JENKINS.

The Honourable Mr. BALKRISHNA SITARAM KAMAT.

The Honourable Mr. G. F. KEATINGE, C.I.E., I. C. S.

The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwada.

The Honourable Mr. MAHOMEDBHOY HAJEEBHOY LALJI.

The Honourable Mr. H. S. LAWRENCE, I. C. S.

The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.

The Honourable Khan Bahadur PIR BAKSH walad MIAN MAHMUD.

The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL B.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.

The Honourable Sardár SHRINIWAS COOPOOSWAMI MUDLIAR.

COUNCIL BUSINESS RULES: TRAINING COLLEGE FOR THE BOMBAY CITY: TWO-THIRDS TO BE ELECTED DISTRICT MUNICIPALITIES.

[*The President*; *Mr. Patel.*] [16TH MARCH 1917.]

The Honourable Ráo Bahádur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. F. G. PRATT, I. C. S.
The Honourable Mr. MUNMOHUNDASS RAMJI.
The Honourable Ráo Bahádur GANESH KRISHNA SATHE, C.I.E
The Honourable Mr. PHIROZE C. SETHNA.
The Honourable Mr. W. C. SHEPHERD, I.C.S.
The Honourable Mr. PURSHOTAMDAS THAKURDAS.
The Honourable Mr. G. H. THISELTON-DYER, A.M.I.C.E.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

His Excellency the PRESIDENT:—Order, order. Before we go on with the ordinary business of the day, I want to inform my Honourable friend Mr. PATEL that in pursuance of a promise I gave him that Government would take an early opportunity of considering the point he raised yesterday, we have been considering the matter this morning and we have come to the conclusion that he has raised a point of substance and of some difficulty.

With regard to the exact reading of rule 28, sub-rules (2) and (6), of the rules for the conduct of Council business, and rule 1, sub-rule (3), of the instructions regarding legislation in Local Councils, it is impossible for Government at such a short notice to decide exactly what is the correct interpretation of these rules. But in order to facilitate as far as possible the desire of my friend the Honourable Mr. PATEL to go forward with his Bill, I propose to suspend, under rule 45 of the rules for the conduct of Council business, sub-rules (2) and (6) of rule 28, and I would suggest to my Honourable friend that under section 80, sub-section (2), of the Government of India Act, 1915, he should apply for leave to introduce his Bill, and Government will forward it to the Secretary of State and after the two months that are necessary have elapsed will consider whether sanction for the introduction of the Bill should be given.

The Honourable Mr. PATEL:—I am very much obliged to your Excellency.

His Excellency the PRESIDENT:—Resolution No. 2, the Honourable Mr. PATEL:—

This Council recommend that His Excellency the Governor in Council may be pleased to take steps to have at least one specia Training College for primary school teachers and mistresses esta blished in the City of Bombay at an early date.

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[16TH MARCH 1917.] [*Mr. Vithalbhai Jhaverbhai Patel; the President; Mr. G. S. Curtis.*]

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—With regard to this Resolution I have to observe that my friends the Honourable Mr. PARANJPYE, the Honourable Mr. CHUNILAL V. MEHTA, the President of the Bombay Municipal Corporation, and myself had an interview with the member in charge of the education portfolio and he assured us that Government were seriously considering the whole question about the desirability of starting more training colleges for the training of teachers. If by the next meeting of this Council I am not satisfied with what Government does in that behalf, I propose to move my Resolution then. I therefore request your Excellency to allow me to postpone the consideration of this Resolution.

Resolution by leave postponed.

His Excellency the PRESIDENT:—Resolution No. 3, the Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—The Resolution that I have the honour to move reads thus:

This Council recommends to His Excellency the Governor in Council that the number of elective members on all municipalities constituted under section 10 (1) of the Bombay District Municipal Act, or, in the alternative on such of them as enjoy the privilege of selecting a President by a two-thirds majority shall, in future, be not less than two-thirds of the whole number of Councillors.

Your Excellency, we had some very interesting discussion on one branch of local self-government yesterday. To-day I propose to deal with another branch of local self-government in this Presidency which is equally important, *viz.*, Municipality.

My Lord, only the other day your Excellency spoke of the Bombay Presidency as the foremost of the Indian Provinces and we all accepted the compliment with cheers. In these civilized days, is not the advancement of Political Institutions on democratic lines regarded as the test of advancement in civilization, my Lord?

It is not then a legitimate cause for complaint for the people of this Presidency that it should be the last, the very last in local self-government? Bombay is behind every important province in British India, behind the Central and North-Western Provinces, the Punjab, and even Burma, the youngest of all Indian Provinces.

The Honourable Mr. CURTIS:—May I ask the Honourable Member the details for his last statement?

The Honourable Mr. PATEL (continuing):—In response to my Honourable friend Mr. CURTIS' invitation and with the Council's permission I shall give here a short history of the question in this Presidency so far as it bears on this Resolution, which I am endeavouring to put before the Council and compare the position of Bombay with those of other provinces. My Lord, the figures I have to give may be somewhat wearisome but your Excellency will find that history interesting as giving the Council a striking illustration of the masterly methods which the executive adopt in order to render a Resolution of the Home Government or Government of India dead letter when they feel that it runs counter to their cherished traditions.

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According to the Review of the District Municipal Reports published last year, the total number of Municipalities in this Presidency is 156. Of this number as many as 45 are constituted under section 14 of the Bombay District Municipal Act, and most of them consist entirely of nominated members. The constitution of the remaining 111 Municipalities is governed by section 10 (1) of the Act. Of these, 23 are City Municipalities, and I understand the number of elected councillors on each of them is two-thirds of the whole number. There then remain 88 Municipalities constituted under section 10 (1) of the Act with half elected and half nominated members. The purpose of the first part of this resolution is to raise the proportion of elected members from half to two-thirds in respect of these 88 Municipalities.

My Lord, Lord Ripon's memorable Resolution of the 18th May 1882 desired that non-official members of local bodies should feel that they have real power and real responsibility. To secure this object, the Bombey District Municipal Act was passed in 1884. The clause [now section 10 (1)] dealing with the constitution was the subject of much controversy and it was urged that in order to give Municipalities some real independence it was necessary that the elective members should represent a marked majority of the Board. It was, however, pointed out that the elective minimum had only been fixed, and that the maximum might by executive order, be the entire Board. It is now 32 years since these hopes were held out to us, and yet to-day there is not a single Municipality with that maximum nor does there exist any with three-fourths elective members. Excepting City Municipalities which number only 23 out of a total of 156, there is not a single Municipality with even a bare elective majority. Now let us examine this question in relation to the state of things in other provinces in India. In Punjab, though no proportion is laid down in the Act, as a matter of fact, under the Rules, the elective system is in force nearly in every Municipality the exceptions being very rare and the elected members are not less than two-thirds of the total number.

The Honourable Mr. CURTIS:—Under what rule?

The Honourable Mr. PATEL:—May I invite the attention of the Honourable Member to the commentary under section 10 of the District Municipal Act by Mr. Cumming:

It is also expressly provided that no alternation in the constitution of the Municipalities having the effect of reducing the proportion of elected members can be made except (1) in compliance with the request of a majority of the electors for the time being or (2) for some reason Government may deem such alternation necessary in public interest.

The N.-W. P. Act gives partly appointed and partly elected members but says that the number of appointed members shall not exceed $\frac{1}{4}$ of the total.

His Excellency the PRESIDENT:—Does the Honourable Member know what is the condition of Municipalities in the Punjab.

The Honourable Mr. PATEL:—I do not profess to know that, Your Excellency.

The Madras Act provides that in Municipalities where members are partly elected, their number shall be $\frac{3}{4}$ of the whole unless Government otherwise directs. Under the Bengal Act of 1884 the proportion of elected Councillors is $\frac{3}{4}$. I shall read to you the appropriate sections of some of these Acts.

The Madras District Municipal Act IV of 1884.

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Section 13.—In any Municipality where the Municipal Councillors are partly appointed by election, the number of the persons so appointed shall unless the Governor in Council otherwise directs be $\frac{3}{4}$ of the whole number of the Municipal Councillors.

United Provinces Act 1 of 1900.

Section.—Subject to the provisions of the next following section there shall be established for each Municipality a Board having authority over that Municipality and consisting of

(*a*) So many elected members as may be determined in manner prescribed, representing wards of the Municipality or particular classes of the inhabitants and

(*b*) Such person or persons (if any) not exceeding in number one-fourth of the Board, as the Local Government may, subject to the rules made under section 187, appoint by name or by virtue of office in this behalf.

The Burma Municipal Act III of 1898.

Section 7.—There shall be constituted for each Municipality under this Act a committee having authority thereover and consisting of (*a*) so many inhabitants of the Municipality as may be determined by the Local Gove rnmen', elected in manner next hereinafter prescribed to represent wards of the Municipality or classes of the inhabitants and

(*b*) Such persons (if any) not exceeding in number $\frac{1}{4}$ of the committee, as the Local Government may appoint by name or by office in this behalf:

Provided that

(*c*) when the circumstances of the Municipality are in the opinion of the Local Government such as to require it, the Local Government may appoint a larger proportion of or all the members of the committee and

(II) When any places on the committee are required to be filled by election and a sufficient number of members is not elected the Local Government may fill by appointment the places so left vacant.

The Bengal Municipal Act III of 1884.

Section 14.—Two-thirds of the number of Councillors of each Municipality fixed by such notification shall be elected as hereinafter provided by male persons resident within the limits of such Municipality who shall have attained the age of 21 years.

The remainining one-third of such Commissioners shall be appointed either by name or by official designation by the Local Government immediately after the result of the election hereinbefore mentioned shall have been notified to the Local Government and such appointment shall be deemed to have been made on the date on which such election takes place.

The whole question was carefully examined by the Decentralisation Commission in 1908 and while recommending that Municipal Councils should ordinarily contain a substantial elective majority the Commissioners on the actual figures for 1906-07 found that the percentage of the elective members in the Bombay Municipal Councils was much lower than that in the United Provinces, Central Province Two Bengals, Punjab and Madras. One of the footnotes to paragraph 849 of the Report, which gives this percentages is indeed very nteresting. It says "the Bombay Government have, however, we understand ecently ruled that two-thirds of the members should be elected". My Lord, I ave no means of knowing how, why and by whom the Commissioners were so nformed. I know of no Resolution of the Bombay Government in such unre- tricted terms. If it were a fact we should have had most of our Municipalities

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with two-thirds elected members long ago and to-day my Resolution would have been for the grant to them of three-fourths elected majority. I looked up all the Resolutions on the subject, of course such as are open to the public for 1907, 1908 and 1909; and I found that in 1909 Government published on this subject the Resolution No. 4614, dated 16th July, General Department, paragraph 2 of that Resolution states :—"The Governor in Council has, therefore, decided that in future as a general rule two-thirds of the members of the District Municipality shall be elected". If the Resolution had stopped there it would have been in accordance with the foot-note referred to above. But the Resolution further says :—"This rule (1) applies for the present only to Municipal areas with a population of at least 15,000 and (2) is subject to any exclusions, which may be recommended by the Commissioners, on special grounds" The Council will see that this Resolution reads excellent. But the sequel will show that the tail wags the head—the exceptions swallow up the rule. When the draftsman drafted the Resolution he should have known that there are only 38 Municipalities out of a total of 156 in the Presidency with a population of over 15,000 inhabitants. The first exception, therefore, removes at one stroke from the operation of the general rule contained in the Resolution, 118 Municipalities. Of the remaining 38 the number of City Municipalities is 23. There are thus left only 15 District Municipalities with a population of 15,000 and over. The Council may perhaps be expecting that the rule had been put in operation at least in their case. But alas, No? The well known solicitude of the Commissioners for the dumb millions under their paternal care seems to have compelled them to exclude every one of the Municipal areas under them from the privilege. Does not this instance, my Lord, explain why the non-official members invariably fight shy of proposals in this Council to leave matters in which popular privileges are involved to the discretion of executive authorities. However that may be, the redeeming feature of the Resolution of 1908 is contained in the words "for the present". They read as if Government had then decided to extend the general rule of two-thirds elective majority to all the District Municipalities in the Presidency in the near future. But as might have been expected from what I said no action has been taken so far in this direction and the general rule, therefore, remained for all practical purposes a dead letter.

Now what do I now propose by this Resolution. I do not demand what Lord Ripon intended we ought to get nor do I ask Government to go as far as Lord Minto and Lord Morley did on this point. I have not even asked your Excellency's Government to give us at once what the Decentralisation Commissioners recommended. Having regard to the past history of this question, I could not venture so far. I only want your Excellency's Government to grant two-thirds and not three-fourths elective majority to 88 and not to all District Municipalities in the Presidency. The Resolution in fact, leaves untouched as many as 45 District Municipalities in the Presidency. I merely ask your Excellency's Government to carry into effect at any rate to some extent, in substance and in spirit, the general rule of the Resolution of 1908 passed very soon after the Commissioners on Decentralisation had finished their investigation in this Presidency. Before I conclude my observation on the first part of the Resolution, I should like to quote here the views of the Government of India on this question embodied in their recent Resolution on local self-government. They say in paragraph 6 of their letter to Local Governments :—

"6. The Commission recommended that Municipal Boards should ordinarily be constituted on the basis of a substantial elective majority and that nominated members should be limited to a number sufficient to provide for the due representation of minority and official experience. This recommendation has already been adopted in several provinces, and is generally accepted by Local Govern-

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ment, and the Government of India subject to the proviso that the principle should in places, where its success is doubtful, be introduced gradually and after experiment, in selected Municipalities."

I trust this Council will not say that the success of the elective majority is doubtful in this the most enlightened of all the provinces of India.

I shall now take the second part of this Resolution. I shall not detain you for more than a couple of minutes. If the first part of the Resolution is carried, this part will go out. If not as an alternative I shall have to ask the Council to accept this part at least.

There are several Municipalities in the Presidency. I am not in a position to give you the exact number which enjoy the privilege of selecting their President by the vote of two-thirds of the total number of Councillors. Some of them have two-thirds elected majority on them, while the remaining consist of half elected and half nominated members. This alternative proposal merely seeks to secure two-thirds majority for this latter class of Municipalities. I piously believe that the withholding of the two-thirds elective majority when they have been granted the privilege of selecting their President by that majority is an innocent oversight. It often happens in the case of these Municipalities that popular candidates fail to secure two-thirds majority for the office of the President for the simple reason that the Board has not two-thirds elected members on it. A nominated member also fails to secure two-third majority for similar reasons. This naturally gives the District Officer his opportunity to pitch-fork his own man into the office. The net result is an official President with only bad blood and local feuds for the share of the citizens. If Government consider a Municipality fit for selecting its President I respectfully submit it ought to consider it also fit for two-thirds elective majority. Otherwise the privilege of selecting a President by a two-third majority will always remain a mere make-believe.

His Excellency the PRESIDENT:—Does the Honourable Member wish to put the Resolution in two parts? If he chooses to put the Resolution down as one Resolution, it should be put to the meeting as one solid Resolution. For the future I hope he will remember that he must put down two separate Resolutions in such cases. Now how far does the Honourable Member wish the first part of his Resolution to go?

The Honourable Mr. PATEL:—The first part goes as far as the figure "1901."

His Excellency the PRESIDENT:—Then I had better inform Honourable Members that they should discuss that Resolution first and then the other

The Honourable Ráo Bahádur VENKATESH SHRINIVAS NAIK:—My Lord,—My friend the Honourable Mr. PATEL asks in this Resolution that the constitution of the District Municipalities in this Presidency should be two-thirds by election and one-third by nomination. Section 10 of the District Municipal Act does not, in any way, prescribe a bar to the constitution of our Municipalities as suggested by my friend. On the other hand, it lays a limitation upon the number of nominated persons and upon that of the salaried servants of Government. It is always open for these Municipalities to show satisfactorily to the Government that they are deserving of the right of elective majority and that right, I am sure, will be extended to them, however small the Municipalities may be. Out of 152 permanent Municipalities in this Presidency, 35 have, according to the last official census, a population of more than 15,000, 28 more than 10,000, 21 more than 7,000, 35 more than 5,000, and 33 less than 5,000 souls. These 35 Municipalities

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with more than 15,000 population are entitled to the privilege of being notified as City Municipalities under section 181 of the District Municipal Act. As pointed out by my friend Mr. PATEL just now Government, as far back as 1908, have offered, in their Resolution No. 4614 in the General Department dated 16th July 1908 all the District Municipalities in this Presidency the privilege of returning two-thirds of their members by election and have said in that Resolution, that, in the first instance, the rule should be made applicable to the 35 places which have more than 15,000 population. It was open to these 35 Municipalities during these 9 years to only apply to the Government for being notified as City Municipalities and get the privilege. As for the smaller Municipalities also, Government in a subsequent Resolution in the General Department, *viz.*, No. 6176 dated 15th October 1908 on a further reference in the matter by the Commissioner, Northern Division, have confirmed and renewed the offer subject to the condition that in the case of smaller Municipalities an executive officer is appointed and that such officer is a servant of Government. From the latest taxation report of the Municipalities in this Presidency it is found that upto 31st March 1915, out of 35 bigger Municipalities, only 20, *viz.*, 4 in Northern Division, 10 in Central Division, 3 in Southern Division and 3 in Sind so far have availed themselves of the offer. Out of the remaining 15 Municipalities subsequently during these two years I believe that six more Municipalities, *viz.*, 4 in Local District and 2 in Southern Division including Hubli with a population of 61,440, being the seventh Municipal town in point of population in the whole of this Presidency, and was declared by the Act itself as City Municipality in 1901, have cared to avail themselves of the opportunity of securing elective majority only during this and last year although the privilege was offered as far back as 1908. This clearly shows that more than 25 per cent. of these big Municipalities, selected to be classed as City Municipalities, and choosen for special privileges, have not yet cared to secure higher elective rights. When these are the state of things in respect to bigger Municipalities, and when Government have extended the right of returning two-thirds of their members by election to all the Municipalities in this Presidency, and have left the utilization of the offer at the option of even smaller Municipalities, I have only to ask this Council to consider whether a hard and fast rule should be laid down in respect to the proportion of elected and nominated members and the elective majority forced upon even 117 smaller Municipalities against their will. Does not the question raised by this Resolution practically rest more with the Municipalities themselves than with Government who, since they have offered the privilege 9 years before, are more eager to entrust the management to the Municipalities themselves and reduce the official influence. Many of the 117 smaller Municipalities in this Presidency can be classed as mere big rural villages. It must be admitted that, in smaller places say with a population of less than 10,000, we find very few people who are educated and with self-sacrificing spirit unless such places are situated in the suburbs or near big places. If elective majority is forced upon such small places even against their will, the constitution of these Municipalities will not be as healthy and efficient as my friend the Honourable Mr. PATEL expects or hopes them to be. Now if we analyse the constitution of these smaller Municipalities, we generally find that they mostly consist of 12 members, in a few cases they are a few more or a few less, and if, as suggested by my Honourable friend, two-thirds election is forced upon them, 8 members will have to be returned by election and four by nomination. My friend cannot but admit that the advice and co-operation of certain officers of Government such as the Mamlatdar, the medical officer and in some cases the Public Works officer, are desirable for the better administration of these smaller Municipalities, which are nearly 77 per cent. of the Municipalities of this Presidency. Your Excellency in Council after nominating these experts will have very little or practically no latitude to bring in the representation of the minorities

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if they are not returned in the election, and to secure also to these Municipalities the benefits of the experience if certain non-official gentlemen of merits who for diverse reasons may not like to take part in the elections. From the various circulars and resolutions issued by Government from time to time, and the policy more than once declared by both the Imperial and Provincial Governments in this respect, it is quite clear that Government are not opposed to the principle of elective majority in the constitution of the Municipalities and on the other hand they are in its favour and have left at the free will of Municipalities whether to avail themselves of the privileges or not. It must not be understood that I am opposed to introducing this progressive principle of elective majority, but I rather feel constrained to strike a dissenting note from my Honourable friend Mr. PATEL, inasmuch as that instead of making a hard and fast rule and force the elective majority even upon smaller Municipalities against their will and where we do not find suitable persons to manage their affairs satisfactorily, your Excellency in Council may be left unfettered to exercise your discretion in individual cases. My humble submission to this Council is to consider whether Government should not proceed with caution in rural areas. Section 10 of the District Municipal Act gives wide powers to His Excellency in Council and the offer made in the two Resolutions issued in 1908 in respect of returning members two-thirds by election are liberal enough and, therefore, I am of opinion that we should not lay any further constraint upon these powers by prescribing the limitations. Individual cases can be considered, and if they prove themselves deserving, your Excellency's Government should not, and, I am sure, will not, refuse to grant more rights and privileges.

Now, my Lord, looking to the recent taxation reports of the Municipalities, I cannot but observe that 32 Municipalities in this Presidency, *viz.*, 5 in Northern Division, 7 in Central Division, 1 in Southern Division and 19 in Sind, do not at all exercise the privilege of electing any members in their constitution. Unless many of them are superseded for bad management, I must appeal to your Excellency's Government to consider why such a large number of Municipalities remain without exercising elective right. In the case of 2 Municipalities in Central Division and two in Southern Division there exists a disproportion exceeding the limits allowed for nomination by the Act and your Excellency's Government, I am sure, is ready to correct these defects, as they have been brought to your Excellency's notice, at the time of their next constitution. In the case of Yeola Municipality in Nasik District, the number of nominated members is 7 and that of elected 12 and in the absence of any special reasons, I do not think that your Excellency's Government will grudge to give two more elective seats to this Municipality so as to make the two-third representation by election complete.

The Honourable Mr. F. G. PRATT:—Your Excellency,—I have done so much work side by side with the Honourable Mover of this Resolution, especially in matters of local self-government, both in a general and particular way but I am sorry that I have got to get up to-day and attack his proposals. During the past twelve months we rubbed shoulders together on the Local Board Committee and I learnt to understand and appreciate his enthusiasm in the cause of local self-government and the tremendous industry with which he labours at any problem in which he is interested. Then, Sir, coming to the immediate question now before the Council about the two-third majority I think the Council must be getting weary of this everlasting insistence of the Honourable Mr. PATEL on the exact proportion between nominated and elected members on the Municipalities. I think the Honourable Mr. PATEL is making far too much of this point. To hear him speak one would think that the whole progress of local self-government or the

whole failure or success of the municipalities depended upon this one constitutional point of the exact proportion between the elected and the nominated members in municipalities? Well, Sir, I do not minimise or depreciate the importance of this question itself but I submit there are a great many other considerations which are far more important than this for the development of local self-government; there are a great many factors which are far more important than this in determining whether any municipal administration in a particular area is going to be successful or not. I do not deny that it is important that rate-payers should have a fair voice in electing their representatives to voice their views on municipalities but at the same time I do submit that for reasons which are very well known, and have been stated so often that it is unnecessary to repeat them, that a reasonable proportion of nominated non-officials is a desirable thing, for many reasons, on these municipalities. Experience shows that the nominated members do serve a useful purpose and do perform useful functions, and I think I may fairly point to the fact that I had the pleasure of nominating the Honourable Member himself on the Bandra Municipality. I did so, if I may repeat the Honourable Member's own phrase, "*in my paternal solicitude for the dumb millions committed to my charge.*" I am quite sure that these dumb millions have found a very articulate gentleman to make up for their deficiencies. Well, Sir, we have the Honourable Member today enlarging upon this particular ratio of representation. He admitted frankly that assoon as he has got the two-thirds or 66 per cent. which he now demands he will go on to ask for 75 per cent., and as soon as he gets the 75 per cent., I have no doubt, he will go on to 90 per cent. in the hope of reaching his ultimate goal of 100 per cent. That appears to me to be his one ideal and I do not doubt that he candidly and genuinely believes that he will reach the millenium when he has attained his one object of reducing the number of nominated members until they reach the vanishing point. With regard to this, I should like to point to the fact that in the Bombay Municipality which consists of 72 members, out of 72, 16 are nominated by Government, say on the whole 22 per cent., and that state of things has continued since the year 1888. We have never heard—I don't think this Council has ever heard—that the Bombay Corporation harbours a rankling sense of injustice or feels that local self-government has been degraded or has come to a a deadlock on account of the inclusion of this element of 22 per cent. nominated members amongst its councillors. Not a word has been heard for the last 29 years from 1888 when that Act was passed up till now. Now, I submit, Sir, that the reason of that is that the members of the Bombay Corporation are practical bussiness-men and they realise that those nominated members do serve a useful purpose and their presence on the board is not the least incongruous with the very full and ample development of autonomy in the affairs of the Bombay City Corporation. Well, Sir, we have heard just now from the Honourable Member, who last spoke, the advantages of an elastic system in this matter. I submit the framing of the present provision in section 14 of the Municipal Act is elastic. It is open, as the law stands now, to adopt the proportions to conditions which may prevail in municipalities of varying advancement all over the enormous area of this Presidency. The Honourable Member has mentioned those municipalities to which section 14 of the District Municpal Act applies. Section 14 of the District Municipal Act provides for a special constitution in those municipalities to which on account of smallness of the district and backward state of the inhabitants or other exceptional reasons, the ordinary provisions of the Act are unsuitable. Well, there are a great many of such municipalities with regard to which the Honourable Mr. PATEL would propose to this Council to put all of them absolutely on the same footing; no matter whether the municipality is covered by section 14 or is an advanced municipality with 15,000 inhabitants, he would have all of them treated exactly in the same way.

The Honourable Mr. PATEL:—That is not my resolution. My resolution deals with municipalities constituted under section 10 (*1*) and not section 14 of the District Municipal Act.

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The Honourable Mr. PRATT:—I beg the Honourable Member's pardon. I drop that point and pass on to the next. Now, in all the municipalities constituted under section 10 (*1*) of the Act some years ago by executive order the number of elected members in certain of the municipalities with a population of 15,000 and over was increased to two-thirds of the whole. That happened, if I remember aright, somewhere about 1909 or 1910 and since then we have had those 6 or 7 years' experience of the results of that Act. Well, Sir, 7 years is not a very long period to judge of the results of such an experiment, but I do say, Sir, that I have not observed in those municipalities in which this change has been made—I have not seen in my own division—that a very striking advance of efficiency has followed that change. I would like to ask the Honourable Member if in the case of his own municipality of Bandra, on which he is a nominated member, whether he has seen any improvement as a result of its new constitution. I think he will find that nothing of the sort has happened. I do not find that the roads are any better, I do not find there has been a greater solicitude for such matters as primary schools, I do not find that the sanitation is better, and I do not find the people there are any the more ready to adopt or consent to any the least suggestion for any the smallest increase of the necessary taxation for the most essential purposes.

The Honourable Mr. PATEL:—Have we not made proposals very recently?

The Honourable Mr. PRATT:—I am not talking now of Bandra in particular: I am talking of municipalities generally. I find that for the most essential purposes, the most elementary objects of sanitation such as the mere cleansing of the inhabited area, even in those cases any small taxation for such matters as that, is agreed to, if at all, extremely grudgingly. The two-thirds majority so far has not led to any advance—or any improvement in local self-government—and that being so I ask this Council to consider well before accepting such a sweeping proposal of the Honourable Member as to make such an immediate leaping advance so as to have a proportion of two-thirds elective members in all municipalities, especially when we have the open admission of the Honourable Member that as soon as he got that he would proceed to ask for a further advance of 75 per cent. or 99 per cent. Well, Sir, we have heard a good deal of the practice in this respect of other provinces and I should like to place before the Council a few facts and figures about the practice in this respect of some of our immediate neighbours in the Native States adjoining our territory. I find in the last published issue of the Baroda State Administration Report——

His Excellency the PRESIDENT:—Order, order. I cannot allow the Honourable Member to refer to Native States.

The Honourable Mr. HARCHANDRAI VISHINDAS:—Your Excellency,—It was not in my programme to speak on this resolution, but after the remarks of the Honourable Mr. PRATT I feel inclined to break my programme, because his speech is bristling with so many fallacies that I should reply to the several arguments which he has brought forward against the resolution of the Honourable Mr. PATEL.

He says, in the first place, that nomination is a very desirable thing and that it is found in practice that it is very necessary that the nomination element should not be extinct. In that, Your Excellency, I think that the Honourable Mr. PRATT has rather gone beyond the point. Nobody up to now has denied that the nominated element must remain on municipalities so far as present circumstances are concerned. He added the vague expression "reasonable proportion." He used the word "reasonable." Now, what is a reasonable proportion? Originally, when elective franchise was granted to municipalities, one-half of elected members were allowed, and I suppose a promise was held out that this proportion would be gradually increased as time and circumstances justified, and as a matter of fact in practice that one-half has been increased, not only in the other neigh-

bouring provinces of this country which have been quoted by the Honourable Mr. PATEL with his usual industry and application, but also in our own Presidency only recently, as has been pointed out by the Honourable Mr. PATEL, this very Government issued a resolution granting two-thirds elective majority to some of the municipalities and my municipality (the Karachi Municipality) is one of those. So, the sweeping proposition which it seems to me the Honourable Mr. PRATT was contending for that a reasonable proportion of nominated members should be immutable has actually been done away with in practice. So we are obliged to fall back upon what the word "reasonable" means. I think from the policy of Government, as not only enunciated from time to time but actually put into practice, it is to be gathered that the institution of self-government as introduced in India—self-government in municipal bodies, local boards, and I may say self-government in legislative councils—is in order to train the people of the country in the art of governing themselves, starting of course with small beginnings and then going on gradually up to as far as is compatible with the interest of the population and the efficiency of the administration. Now, the Honourable Mr. PRATT found an opportunity of seizing hold of a certain remark of the Honourable Mr. PATEL in which he frankly said that if two-thirds were just now conceded he would put forward a proposal for three-fourths. I do not think the Honourable Mr. PRATT need have taken the Honourable Mr. PATEL at his word. He did not mean to say that he would ask for three-fourths the very next day. What he meant was that just as advance has been made from half to two-thirds, the time might come when we would be justified in making a further advance from two-thirds to three-fourths. Of course, if we find him precipitate, hasty and unreasonable, we might bring him to book. That would all depend upon ourselves. Of course, the Honourable Mr. PRATT rhetorically went on elaborately on that point and said that as soon as the Honourable Mr. PATEL got the 60 per cent. he would proceed to 75 per cent., then to 90 and then to 99 per cent. That I think was merely a rhetorical exaggeration.

Then the Honourable Mr. PRATT quoted the instance of the Bombay Corporation. The Bombay Corporation has been enjoying since 1888 two-ninths nominated members and no complaint has been made. I think that is no argument at all. Two-ninths is certainly such a very small proportion that there has been found no occasion for any complaint on the part of the Bombay Corporation which, after all, is more or less dominated by a Municipal Commissioner, and whatever may have been said in the controversies that have arisen with regard to the appointment of the Municipal Commissioner, I say that after the appointment of a Municipal Commissioner the municipality resolves itself more or less into a debating society. Therefore no occasion arises for the municipality to agitate for the proportion of elected members being enhanced, and after all the circumstances prevailing in the Bombay Corporation are entirely different from those in the mofussil municipalities. As a matter of fact the Bombay Municipal Corporation was instituted under entirely different circumstances more than half a century ago. It was introduced under a special Act and the conditions of this special Act were specified, and I think it is entirely unfair to compare the Bombay Municipal Corporation with any other mofussil municipality.

After all, we find that the Honourable Mr. PRATT has not provided a single answer to the quotations of the Honourable Mr. PATEL by which he has shown that the other provinces of India do enjoy self-government and which justifies the remark which he made yesterday, and of course very seriously challenged, that the Bombay Presidency in the whole of the country is more or less treated as the Cinderella of India. I think that complaint has been illustrated today, not only from the fact that in this regard also the elective element has been denied to the same extent as the other Presidencies have been granted, but also if any attempt is made by any of the non-official members to raise that elective proportion it is to a certain extent resented by members of the Government.

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Then the last argument of the Honourable Mr. PRATT was rather a very extraordinary one. He says: "I have not noticed any kind of great improvement or great efficiency after two-thirds elective majority has been granted to the elective municipalities." I cannot understand this kind of argument at all. Does he mean that it is only after some ocular proofs of efficiency are given that municipalities will be entitled to greater elective franchise than otherwise? I think so far as the efficiency in the provision of sanitary and educational institutions is concerned, it is not necessarily the elective element that is entirely responsible for it. Does Government and the Honourable Mr. PRATT mean that if the proportion should have been reversed—if the nominated element was given two-thirds and the elective element one-third—the efficiency would all of a sudden spring up to the degree of perfection? Certainly not. I have never heard that argument as a criterion for granting enhanced representation. After all, the much quoted remark of Sir Henry Campbell Bannerman may be considered quite apt in this connection. Sir Henry Campbell Bannerman said when he was Prime Minister of England that more efficient government is no substitute for self-government. What is wanted is that the people should be trained in the art of governing themselves and efficiency will come as a matter of course. This does not rest upon election or nomination. I submit that none of the arguments advanced by the Honourable Mr. PRATT are relevant and they have not appealed to me.

The Honourable Mr. PATEL is rather making a big jump in the first part of his resolution. I should have preferred that he should have confined himself to the second part. I would wish that he should proceed gradually by first of all proposing the appointment of non-official Presidents to those municipalities who enjoy the two-thirds elective majority, as that experiment I dare say the Government themselves seem inclined to encourage from what has happened in the past, and then after some time, when that proved successful, as I am quite sure it will prove successful, to proceed to the other step. But I submit that inherently there is nothing wrong with the Honourable Mr. PATEL'S resolution as is tried to be made out by the previous speaker.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH :—Your Excellency,—I support the motion that is now before the Council. One of the arguments that has been put forward against the motion is that, if it succeeds, it would not bring the millenium nearer and that the increase of elected members has not improved in a striking manner the position of the municipalities. This may be perfectly true. No one believes that the mere increase of elected members would produce a millenium. There are numbers of conditions which are necessary for the purpose of bringing complete success to municipal administration, and I do not at all believe that the single circumstance that a larger elective body if created would necessarily bring complete success or the municipality would be the best on that account, but the whole question is whether the giving of a large elective body to the municipality is a right step or a wrong step. That is the whole question before the Council. There is no doubt that if large majorities are given to some of the municipalities that would not remove all sorts of hindrances that obstruct their proper working, but the question is whether the legislature ought, in the first instance, to provide that the number of elected members shall not be less than the number of the other members. Government are quite prepared to give elective majorities to some municipalities by executive orders: are we to understand that in these cases Government were acting wrongly? I submit that this important question is not to be got over by saying that the municipalities are not as good as they ought to be. Then the other question is in reference to nomination. I have not the least doubt that some of the nominations which have been made in this Council by Government have been of the best kind. I do not doubt that some of the nominations that are made on the municipalities and local boards by officers of Government, and by the Government itself are the best nominations that could

have been made. What is the object of nomination? The object of nomination is that where there may be important interests which are not represented by election, those interests should be supplied by the authority by nomination, and therefore nomination should be limited so far as it is necessary to the extent of representing interests which are not represented by election; and my friend the Honourable Mr. PRATT has not been able to suggest that by giving an increased number of elective seats to the municipality above the number of such nomination, the importance of good nomination would be affected. Then also we have to see whether in all cases the persons who have been nominated can command the same respect and confidence of the people as the elected members. Some nominated members may command more respect and confidence, but what we have to take into consideration is that all of them should be such as can command more respect and more confidence from the people for whom they are working. It may be that we may reach a stage beyond which it may or may not be advisable to advance in reference to majority, but I submit that so far as the Honourable Mr. PATEL'S present motion is concerned the advance for which he asks appears to be a reasonable one and I can understand from the action which has been taken by Government themselves that the advance is a very reasonable one. You may say whatever you like when the Honourable Mr. PATEL carries out his idea of asking a larger number of elective members than two-thirds. That is a question which may be considered when that proposition is brought forward, but so far as we have to deal with the present proposition I do not think that the majority which he asks for is a majority which can in any way be said to be improper or objectionable. Then, Sir, I am only sorry that there has been any reference to outside states. So far as that question is concerned I should think that we should set an example to the Indian States rather than——

His Excellency the PRESIDENT:—Order, order. I cannot allow the Honourable Member to discuss the subject of Native States.

The Honourable Mr. PAREKH:—With these words I beg to support the resolution.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency,—I have very great pleasure in supporting the resolution of my Honourable friend Mr. PATEL. The resolution, as worded, has erred on the side of moderation. It is hardly satisfactory that out of 156 municipalities in the Presidency so many as 39 should be still wholly nominated. Considering the time that has elapsed in dealing with the improvement of the present state of affairs, I think it is high time that an advance be now made. Moreover, the Honourable Mr. PATEL has asked for only two-thirds majority. I think it would be better in the case of municipalities in larger towns and cities that the proportion should be three-fourths and not two-thirds. Even now we find that out of a total number of 2,161 members we have 386 *ex officio*, 807 nominated and only 968 elected. I think this proportion is required to be adjusted otherwise. If we had a larger number of elected members it would be better in the interest of the people, as they will have greater opportunities of training for local self-government in these bodies. At the outset it may have been necessary to have a large proportion of officials for guidance, but that time has now gone by. Now it is time to allow the people to have greater share in the management of their own affairs. With these few words I support the resolution.

The Honourable Mr. DATTATRAYA VENKATESH BELVI:—Your Excellency,—I support the resolution which has been moved so ably by my Honourable friend Mr. PATEL. I feel it is my duty to speak at least a few words in support of this resolution as I happen to be one of the representatives of municipalities in this Council. The question before the Council is to be approached from a common-sense point of view. Most of the municipalities in the Presidency already do enjoy

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the privilege of having half the number of municipal councillors elected, and what is now demanded by my Honourable friend Mr. PATEL is only very natural. The question has been considered by one of my Honourable Colleagues from rather a theoretical point of view and the argument that was advanced was whether an increase in the proportion of elected members will necessarily result in an increase of efficiency of a municipality. I submit, my Lord, that that is an argument which is beside the point. If we carry this argument to its logical conclusion, it would only mean that concentration of all authority in Government servants is the best form of government in the world. I am perfectly sure that, if Your Excellency were permitted by law to make laws for the people of this Presidency either alone or at the most with the assistance of the members of the Executive Council, perhaps the laws enacted by Your Excellency would be much better than the laws which are enacted with our assistance. But it will not be in consonance with the political instinct of the British people. Good government is no substitute, as we are so often told, for self-government. British rule in this land is intended to teach us the art of self-government. Government by the people may not be so efficient as government by public servants, but government with the approval of the people, government with the assistance of the people, government with the knowledge of the people, is a thing much more desirable than autocratic government. We have to bear these elementary principles in mind and then proceed as practical men. Is it too much to demand that there should be in the case of each municipality constituted under the Municipal Act a majority of elected members at least to the extent of two-thirds after the lapse of something like 30 years after the introduction of local self-government into this Presidency? We are told so often that Bombay is one of the foremost Presidencies of India. We pride ourselves that we are the premier Presidency in India, but are we not lagging much behind the so-called benighted Presidency of Madras? Look at the very first Madras Local Board and Municipal Acts, and what do you find? You find that in the very first instance it was laid down there that the proportion of elected members should not be less than three-fourths, and here in Bombay when it is, in the year of grace 1917, suggested that the proportion in the case of certain municipalities—not all municipalities—constituted under section 10 (*1*) of the Municipal Act may be raised to two-thirds, it is thought that we are making a demand which is in the opinion of some Honourable Members simply preposterous. It is feared that if two-thirds be granted, Mr. PATEL will rise tomorrow and demand three-fourths and that he will go on demanding more every day. But, as has been rightly described by some of my Honourable friends, this is simply an argument which is put forward in a vein of rhetoric; there is neither force nor substance in it. I submit that if Mr. PATEL does not unfortunately succeed in getting three-fourths from this Council, his successors will surely demand three-fourths and even more in due time But the fear that people will go on demanding more privileges should not deter Your Excellency's Government from considering any demand on its merits. Is there anything wrong in the prayer which is now made to Your Excellency's Government? To my humble mind it seems that if the resolution errs at all, it errs on the side of caution. Had I been in Mr. PATEL'S position I would have surely demanded three-fourths and not two-thirds. To grant a two-thirds majority of members in municipalities constituted under section 10 (*1*) will be in consonance with common sense and the genius of British administration in this Presidency. With these few words I support the resolution moved by my Honourable friend Mr. PATEL.

The Honourable Mr. G. S. CURTIS:—May it please Your Excellency,—The Honourable Member who moved this resolution has by dint of using figures for the whole Presidency given us a somewhat gloomy view of the condition of affairs. The actual state of affairs is this. There are 157 municipalities in this Presidency, of which 26 are in Sind and 131 in the Presidency proper. Of the 26 in Sind, no less than 19 are constituted under section 14 of the Act, having purely nominated

members. Out of the 131 in the Presidency proper, 13 are constituted of purely nominated members and consist for the most part of seasonal municipalities or municipalities at hill-stations, for which nomination is the only possible way of securing commissioners. Then we are left, as far as the Presidency proper is concerned, with 118 municipalities constituted under section 10 (1) of the District Municipal Act. Of these, if my figures are not wrong, 92 have the privilege of electing their Presidents by two-thirds majority. Therefore, Sir, of these 92 again 26 at the present moment—

The Honourable Mr. PATEL:—It is not 92 because the others are municipalities which have a right to elect their President by a bare majority.

The Honourable Mr. CURTIS:—I beg the Honourable Member's pardon. My figures are here. If we deduct from 131 13 which are seasonal municipalities, we are left with 118 municipalities. Of these 26 elect their President by a bare majority and the balance (92) by two-thirds majority.

The Honourable Mr. PATEL:—The 92 municipalities have not got the right of selecting a President by two-thirds majority. In reply to my question which I put the other day the figures given to me are 88.

The Honourable Mr. CURTIS:—92 out of 118.

Now 26 are city municipalities and that number is shortly to be raised to, or has been raised to 31; I am not quite sure at what stage the correspondence is got. But the actual number of municipalities which satisfy the test of 15,000 population in the Presidency proper is 31. Therefore the state of affairs is at present as follows:—There are 13 with wholly nominated members. Then there are 118 municipalities constituted under section 10 (1). Of these there are 92 municipalities who have the privilege of either selecting or electing their President by two-thirds majority and the balance are city municipalities with the privilege of electing their President by a bare majority.

Now I may say at once that Government are prepared to make concessions in this matter; but that it will shorten discussion very much if the Honourable Member would recognize that the concession must be given, if any, to the municipalities who already possess the privilege of appointing their President by two-thirds majority, that is, as regards the second part of the resolution. Government cannot possibly accept the first part of the resolution. As regards the second part of the resolution they are prepared to make concessions in the direction of reducing the population test which renders them entitled to elect their President. If the Honourable Member will accept that position I will ask him to withdraw the first part of the resolution and let us get on with the second.

The Honourable Mr. PATEL:—Your Excellency,—I would certainly withdraw the first part of my resolution provided the second part of it is accepted by Government.

His Excellency the PRESIDENT:—I cannot proceed to bargain with the Honourable Member. My Honourable colleague has told him in general terms that he may withdraw the first part of the resolution if he likes.

The Honourable Mr. PATEL:—I withdraw the first part of the resolution and the discussion may go on with regard to the second part.

His Excellency the PRESIDENT:—First part of the resolution by leave withdrawn.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—The second part of my resolution runs as follows:—

"This Council recommends to His Excellency the Governor in Council that the number of elective members on all Municipalities which

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enjoy the privilege of selecting a President by a two-thirds majority shall, in future, be not less than two-thirds of the whole number of Councillors."

This is the resolution which I have now the honour to move for the acceptance of this Council. The Honourable Mr. CURTIS, member in charge of the local self-government portfolio, has just now told us that there are 92 municipalities who enjoy the privilege of selecting a President by a two-thirds majority. Whatever the exact number the sole question for this Council to consider now is whether when the Governor in Council considers a municipality is fit for selecting a President by a two-thirds majority, they are justified in withholding the privilege of a two-thirds elective majority. If they do so, the privilege of selecting a President is and will remain merely illusory. I do not think I need detain the Council any longer on this resolution as I trust there will be no difficulty in the way of its acceptance.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH.—Your Excellency,—I am quite in sympathy with the resolution of the Honourable Mr. PATEL. I myself support the principle of elected majorities on the municipalities. But the Honourable Mr. PATEL'S resolution presents one difficulty that if the number is increased to two-third the position of minorities becomes from bad to worse. Therefore, I request that if Your Excellency's government is going to accept the resolution of the Honourable Mr. PATEL, Your Excellency would kindly exercise the powers under section 11, clause (*c*) (2), which has up to this time remained a dead letter.

The Honourable Mr. F. G. PRATT.—Your Excellency,—I would point out to the Council that the second part of the Honourable Mr. PATEL'S resolution is illogical in one important respect. His resolution as it now stands is that the number of elected members in all municipalities which enjoy the privilege of selection of a president by two-thirds majority should not be less than two-thirds. This appears to proceed on the assumption that all those municipalities which select their presidents by two-thirds majority have an elective system. That is not the case. There are a fair number of municipalities to whom Government was pleased to extend the privilege of selecting their presidents by two-thirds majority, but which nevertheless are entirely nominated municipalities. The privilege of selection which they exercise therefore is confined to selection from the body of councillors who are nominated by Government. Here again I would submit for the consideration of the Council that these municipalities which consist entirely of nominated members are the municipalities which are described in the Municipal Act as being, for various exceptional reasons, in a rather backward state and the inhabitants are unfit for the ordinary constitution of a municipality under section 10. Therefore it amounts to this that in the case of those municipalities which are unfit for the ordinary constitution under section 14, the Honourable Member wishes at one sweep to convert those entirely nominated municipalities into two-thirds elected municipalities on the same footing as the big towns with 15,000 inhabitants. Perhaps it will simplify matters if I give specific instances. In the Northern Division the Mehmedabad municipality consists of entirely nominated councillors. That has been given the privilege of selecting its president by two-thirds majority. Dakor is another instance of a town where there are entirely nominated councillors which has been given the privilege of selecting their president by two-thirds majority. These ex-hypothesi backward towns the Honourable Member wishes should suddenly be equipped with the elective system of a two-thirds majority. I repeat that in these hasty proposals the Honourable Member is unduly forcing the pace. He is trying to urge those municipalities into a run before they know how to walk with the result their last condition is likely to prove worse than their first.

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The Honourable Mr. BALKRISHNA SITARAM KAMAT :—Your Excellency,—The Honourable Mr. PRATT has cited the instances of certain municipalities where all the members are nominated and yet they have got the right of selecting their President. I wish to quote the instance of one municipality, a small one, to which I belong, and where although there is the right of selecting the President, yet the members are half elected and half nominated, and I think the selection of the President is going on very harmoniously and successfully. I dare say if municipalities like this are granted the privilege of having two-thirds elected members and only one-third nominated members—I am speaking as a nominated member—there will be no harm. For the sake of a few backward municipalities I do not think that some municipalities which are fit to exercise this privilege with success, if granted, should be kept back from advancing. I am entirely in favour of the proposal of my Honourable friend Mr. PATEL and I support the resolution.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH:—Your Excellency,—the objection which has been pointed out by my Honourable friend Mr. PRATT arises from the fact that certain words of the original resolution which ought to have remained in this part of the resolution have been withdrawn and I should therefore propose that the resolution should run in this way :—

> **"This Council recommends to His Excellency the Governor in Council that the number of elective members on all municipalities constituted under section 10 (1) of the Bombay District Municipal Act of 1901 and enjoying the privilege of selecting a President by two-thirds majority shall in future be not less than two-thirds of the total number of councillors."**

The Honourable Mr. CURTIS :—I want to know if section 10 (1) is to be retained or not.

The Honourable Mr. PAREKH :—Yes. That is in my amendment.

His Excellency the PRESIDENT :—I do not know whether I can shorten the discussion in any way. I don't know that the Honourable Mover is prepared to accept the amendment.

The Honourable Mr. PATEL;—I do accept the amendment, Your Excellency.

The Honourable Mr. PAREKH :—I do not think that my Honourable friend Mr. PATEL should ever have intended that in the case of a municipality in which there was no election of the President, it was to have a two-thirds majority. The present proposition I think arises from a concrete instance which occurred at Ahmedabad. Some time ago the whole body of elected members were agreeable that a certain person should be elected President, but because one person was absent or disinclined to vote, the conditions of the election were found not to be satisfied. That appears to me to be a circumstance which ought to be remedied. I submit that in the case of municipalities which have the right of electing a President by an elected majority, the Government should be pleased to give such number of elected members slightly larger than those prescribed for enabling them to elect a President.

The Honourable Mr. G. S. CURTIS :—May it please Your Excellency,—I may ask the indulgence of this Council if there has been any want of clarity and I would urge the Honourable Member who has moved this resolution and the Honourable Members who feel inclined to follow his example that it would be very much better if in future resolutions were moved as single resolutions and not as alternatives. This particular matter of giving statistics is always one in which there is apt to be confusion. However, the proposal is now clear; it only relates to municipalities constituted under section 10 (1), and the purport is that those municipalities who have the privilege of selecting their President by two-thirds majority shall have in future not less than two-thirds elective

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Now, Sir, the Honourable Member has compared the state of things existing in Bombay with those in other provinces. I would ask the Council to notice two points, first as regards the character of the President of the board, and secondly the character and the constitution of the board itself. First as regards the President or Chairman of the board I believe Bombay compares very favourably with other provinces. If you refer to the statement at page 6 of "Indian Local Self-government Policy, 1915" you will notice that Bombay though a small Presidency in area has by far the largest number of municipalities, no less than 153; and out of these 153 municipalities there were at that time 37 official Presidents. Those 37 official Presidents have now with few exceptions disappeared. In the Punjab at that time out of 92 municipalities there were no less than 77 with official President. In Burma there were 41 officials and no non-officials.

Now as regards the character of the board itself I venture to ask the Honourable Members to be so good as to give my remarks a careful consideration. The Honourable Member has referred to the United Provinces Act of 1900. It is perfectly true that in the United Provinces Act of 1900 there was a provision that the nominated members should not exceed one-fourth. But I would warn the Honourable Members of this Council, especially those who urge the constant increase in the elected majority, that there is a movement growing in this Presidency by which the minorities who have no chance of securing representation through election or through the ballot box and who lose their chance of representation by nomination disappearing, will demand separate representation through separate electorates. I am specially led to make the remark by the Honourable Member's reference to the United Provinces Act. He referred to the United Provinces Act of 1900. I hold here the United Provinces Act of 1916 and it is a very interesting Act. If the Honourable Member refers to sections 9, 10 and 11, he will find that special electorates are constituted on religious grounds and on other grounds and that there are in these sections very elaborate clauses which constitute a very serious infringement of the principle of election merely by numerical strength which is the basis on which we have proceeded hitherto. Therefore, Sir, I would urge Honourable Members who have spoken on this subject to remember that the mere question of increasing the representation of the elective element on the various local bodies in this Presidency is fraught with a certain amount of danger and requires very careful consideration indeed.

The Honourable Mr. PRATT referred to the Bombay Municipal Corporation and he mentioned the fact that two-ninths of the members were nominated by Government. He would have made more of his point if he had gone on and shown that out of the 72 members of the Bombay Municipal Corporation only 36 are elected by wards, 16 are elected by Justices, 2 by the Fellows of the Bombay University and 2 by the Chamber of Commerce, and 16 are nominated by Government. Therefore, Sir, as far as what has hitherto been considered to be the most successful institution of local self-government in India is concerned, the actual proportion of members of that institution who have gained their direct election is only one-half, and therefore, Sir, there is nothing particularly mystical about the two-thirds majority, for which the Honourable Member is contending so strongly.

Now, Sir, I will consider first of all—again I am talking as regards the Presidency proper and not Sind because in Sind, I am sure the Honourable Members will bear in mind, the conditions are entirely peculiar. Mr. Martin who was also a member of Mr. LAWRENCE'S Committee and who has signed the report was also of the same opinion.

The Honourable Mr. PATEL:—I did not personally agree with Mr. Martin.

The Honourable Mr. CURTIS:—I fancy representatives of Sind will contend to the effect that there is a difference between the Presidency proper and Sind

and that there are different circumstances there of which special notice must be taken. However, we will now proceed with the Presidency proper. In 1908 this elective privilege was conceded to towns with a population of 15,000. Of those at the present moment there are 31. Government have taken into consideration the various circumstances attending this controvercy and have arrived at the conclusion that the limit of 15,000 imposed in July 1908 may be lowered to towns with a population of 10,000 subject to the condition that such municipalities as obtain the privilege shall undertake to appoint a Government servant as chief officer. This was the condition imposed in 1908 and it is a condition which is necessary for good municipal Government. The principle which we have followed steadily in this Presidency, and which has made this Presidency a model for the rest of India, is that there should be a strong executive under a Government officer as exemplified in the Bombay Municipal Corporation. It is a fact that in many up-country municipalities at the present moment the executive is extraordinarily week. I have instances here. I think one is the town well-known to the Honourable Member, the town of Borsad which has a population of something like 12,000 and a revenue of Rs. 18,000, situated in a most fertile part of India and advanced in every possible way; and yet the head of the municipal executive in that town receives the princely salary of Rs. 20 rising to Rs. 35 after ten years of service. Similar instances could be multiplied.

Now, Sir, there are other cases of which I have a list here which could be brought forward before this Council which show why Government have felt some unwillingness to hand over the administration to the tender mercies of an elective majority in these important towns. Government are quite prepared to say that the majority shall be elected to the extent of two-thirds provided there is a reasonable guarantee that the administration shall be maintained on an efficient level and that the standards of sanitation, the collection of revenue, good order and so forth are kept fairly high. Government are not prepared to see the interest of minority entirely sacrificed unless there is some reasonable guarantee that the poorer parts of the town are kept in a decent sanitary condition and that there is a strong executive to see as far as possible that the administration of the very extensive powers which must be given to all these local bodies is carried on in a way which is just and fair to all concerned.

Now, Sir, what is the result of this concession? The number of municipalities at present with a population of 15,000 is 31. If the limit is lowered to 10,000, the number will be raised to say 55 as far as the Presidency proper is concerned. In addition Government is prepared to give a similar concession to the towns of the population of not less than 10,000, if those towns are willing to accede to the condition that a Government officer shall be employed as Chief Officer. In exceptional cases an officer not in Government service will be accepted provided that he is sufficiently efficient to guarantee that the administration shall be kept up to a high level. But, Sir, Government as a rule will insist on the Chief Officer being from their own service—a subordinate of their own. The Bombay Municipality has shown how well administration conducted on these lines can be managed and we think that with that example before them the other municipalities cannot do better than copy the same arrangement.

The figures as regards Sind I have left for further consideration. Sind has, I think, 26 municipalities of which 19 are constituted under section 14. Six or seven will shortly be constituted under section 10 (1). Of these 7, four have already an elective majority. The adoption of the alternative of 10,000 limit would probably bring in Larkana and possibly Jacobabad, but of that I am not quite sure. Any how it is certain that with a reduction in the population limit roughly speaking the number of municipalities with the elective privilege will increase in the Presidency proper from 31 to something like 55. That is to say, roughly taking the total number constituted under section 10 (1) in the Presidency proper it works out roughly speaking to 48 or 49 per cent. That,

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Sir, is a very considerable concession, but Government regret they cannot go at the present moment any further. As I have indicated in my opening remarks the question of minority representation has been very prominently brought to the notice of Government and they think it is absolutely necessary to ensure that some such step is taken to safeguard the interests of those minorities before accepting without any precaution whatsoever the unrestricted proportion of two-thirds majority. But no doubt in course of time as administration improves and as the Municipal Commissioners advance in their knowledge of administration, in their willingness to accept responsibility and above all in their determination to conduct the administration in a businesslike manner, qualities which in certain cases are remarkably deficient, it would no doubt be possible to increase the number of cases in which this elective privilege would be accorded. At the present moment, however, this is as far as Government are prepared to go. If the Honourable Member is not going to accept the suggestion Government has no alternative but to oppose the resolution.

The Honourable Mr. GHULAM MUHAMMAD walad Khan Bahadur WALI MUHAMMAD BHURGRI :—Your Excellency,—May I be allowed to say one word? The conditions in Sind are these:—The Muhammadan community in Sind has representation so far as only their nomination is concerned. So far we are not against Government granting this privilege of two-thirds majority.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—Your Excellency,—I must say I am very much disappointed at the attitude taken up by Government on this resolution. I tried and tried my best to meet the wishes of Government and narrowed down my resolution as much as possible. My disappointment is keener especially when I compare this attitude with the words of sympathy that fell from Your Excellency and the Members of the Executive Council only yesterday in regard to local self-government. Now in 24 hours' time I again realize that the old state of things still holds good and that the attitude of Government towards this all important question is as unsympathetic as ever. I must candidly confess I do not know what to say. What is going to happen to the Bombay Government if they grant two-thirds elective majority to municipalities I really cannot understand. What! Are Heavens going to fall? And again why should this question of the grant of two-thirds majority to municipalities be subjected to impossible conditions so that no municipality could take advantage of that grant?

His Excellency the PRESIDENT:—What is the impossible condition?

The Honourable Mr. PATEL:—The Honourable Mr. CURTIS told us on behalf of Government that two-thirds elective majority to a municipality with a population of 10,000 or over shall be granted only if that municipality retains an officer of Government as an executive officer or Chief Officer.

His Excellency the PRESIDENT:—Does the Honourable Member call that an impossible condition?

The Honourable Mr. PATEL:—Yes, Your Excellency. I call that an impossible condition. Anyone acquainted with the financial condition of these smaller municipalities will at once agree with me. The Members of this Council will remember that as regards rural boards, *i.e.*, taluka boards and district boards, the Local Board Committee has recommended the grant of two-thirds elective majority and Government say that they propose to shortly carry that recommendation into effect. If that is so, I fail to see why Government is taking up this attitude in respect of similar grant to municipalities. When Government are ready to give the taluka boards a two-thirds majority it is almost an anomaly that municipalities should be treated differently. Besides by this resolution Honourable Members will see that I do not seek to secure an elective majority,

for all the municipalities of the Presidency, nor do I want a two-thirds majority for all the municipalities constituted under section 10 (*1*). The resolution in its present form affects only those municipalities that are constituted under section 10 (*1*) of the Act, provided that the privilege of selecting a President by a two-thirds majority has been granted to them.

You will thus see that I have narrowed down my resolution to this extent in deference to the wishes of Government and in order that it may be acceptable to them. And yet Government chooses to remain immoveable. It remains for me now to put the resolution to the sense of the Council and I earnestly appeal to every Honourable Member in the name of local self-government and for the fame of this Presidency to vote against Government.

His Excellency the PRESIDENT :—I would begin by assuring my Honourable friend Mr. PATEL that we deeply regret that we should cause him this terrible disappointment that he professes to have with regard to the action and position of Government on this resolution but I would urge with regard to it exactly what I urged with regard to another which was moved a few hours ago, namely, that with regard to village panchayats—and I have urged this point on my Honourable friend over and over again in private conversation—it is really putting Government in a condition of extreme difficulty, pending the enquiry and production, as I hope about next Christmas time, of a comprehensive Bill, to have these matters brought up one by one, when they are being enquired into by a special officer. In connection with this, I may say, that all district municipalities must necessarily come into the scope of the whole enquiry. I think it may fairly be said that Government are showing a good deal of friendly intention towards my Honourable friend's resolution, by agreeing to reduce the population limit from 15,000 to 10,000 and in special circumstances to less. It shows anyhow our general intentions though it is not an expression of final judgment on the part of Government with regard to what shall be the ultimate procedure in the future legislation in the case of district municipalities. I sincerely regret that the Honourable Mr. PATEL is unable to accept what we are willing to give, by way of compromise, towards the aim which he has in view and which I know he always urges with much enthusiasm and zeal but sometimes I do feel—I hope he will not mind my saying it—that his zeal outruns his discretion and that he does not quite consider the circumstances and the difficulties of Government having regard to the enquiry which is pending.

The resolution as amended was then put to the vote and carried, 23 members voting for and 18 against it. The Council then divided as follows :—

Ayes.	Noes.
The Honourable Sardar Dulabawa Raisinghji, Thakor of Kerwada.	His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E.
The Honourable Mr. Mahomedbhoy Hajeebhoy Lalji.	The Honourable Mr. M. B. Chaubal, C.S.I.
The Honourable Mr. Chunilal Vijbhukandas Mehta, LL.B.	The Honourable Mr. G. Carmichael, C.S.I., I. C. S.
The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.	The Honourable Mr. G. S. Curtis, C.S.I., I. C. S.
The Honourable Sardar Shriniwas Coopooswami Mudliar.	The Honourable Mr. H. S. Lawrence, I. C. S.
The Honourable Mr. Raghunath Purshottam Paranjpye.	The Honourable Surgeon-General R. W. S. Lyons, M.D., I. M. S.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.	The Honourable Khan Bahadur Pir Buksh walad Mian Mahmud.
The Honourable M. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.	

Ayes.	Noes.
The Honourable Mr. Abdul Kadir *alias* Fakir Mahomed walad Ibrahim Khan Pathan.	The Honourable Rao Bahadur Venkatesh Shriniwas Naik.
The Honourable Sir Dinshaw Manockjee Petit, Bart.	The Honourable Mr. F. G. Pratt, I. C. S.
The Honourable Mr. Munmohundas Ramji.	The Honourable Mr. W. C. Shepherd, I. C. S.
The Honourable Rao Bahadur Ganesh Krishna Sathe, C.I.E.	The Honourable Mr. G. H. Thiselton-Dyer, A.M.I.C E.
The Honourable Mr. Phiroze C. Sethna.	The Honourable Mr. S. R. Arthur, I. C. S.
The Honourable Mr. Purshottamdas Thakordas.	The Honourable Mr. P. R. Cadell, C.I.E., I. C. S.
The Honourable Mr. Shridhar Balkrishna Upasani.	The Honourable Mr. Alfred Lawrence Covernton.
The Honourable Mr. Harchandrai Vishindas, LL.B.	The Honourable Dr. C. Fernandes, M.D.
The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.	The Honourable Lieut.-Colonel James Jackson, C.I.E., M.B., I. M. S.
The Honourable Mr. Ghulam Muhammad walad Khan Bahadur Wali Muhammad Bhurgri, Bar.-at-Law.	The Honourable Mr. J. D. Jenkins.
The Honourable Mr. Pandurang Anant Desai, LL.B.	The Honourable Mr. G. F. Keatinge, C.I.E., I. C. S.
The Honourable Mr. Siddanath Dhonddev Garud.	
The Honourable Dewan Bahadur Kashinath Ramchandra Godbole.	
The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.	
The Honourable Mr. Balkrishna Sitaram Kamat.	

His Excellency the PRESIDENT:—The Council will now adjourn till 2-30 p. m.

Council then adjourned for lunch.

[After lunch.]

The Council re-assembled at 2-30 p. m.

His Excellency the PRESIDENT:—Order, order. Resolution No. 4. The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—The resolution that stands in my name reads thus:—

"This Council recommends to His Excellency the Governor in Council that the number of elective members on all local boards enjoying the franchise of election for the last 25 years or upwards shall, in future, be not less than two-thirds of the total number of members."

Your Excellency, before I begin to discuss the merits of this resolution I should like to make a personal explanation. I and some of my non-official colleagues have been repeatedly told that we have not been accepting the assurances given by Government with the same cordiality with which they are

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offered. Speaking for myself, Your Excellency, I accept those assurances so far as Your Excellency and the members of the present Government are concerned with perfect confidence. But Your Excellency will agree that unfortunately the past history of this Government is not without instances in which similar assurances have on previous occasions been either entirely ignored or lost sight of. I may be allowed to add in this connection that however honourably and scrupulously Your Excellency and the members of your Government may fulfil their assurances, they are not at all binding on your successors. Where is the guarantee, my Lord, that after Your Excellency leaves charge of this great office, the pledges given by you will be carried out? Our past experience in this respect creates an uneasy feeling in our minds and that is the reason why we insistently demand that, whatever your assurances, they must be translated into action during Your Excellency's tenure of office.

His Excellency the PRESIDENT:—I take it that the reasons for my Honourable friend Mr. PATEL'S uneasiness are not with regard to the present Government but any Government that may come in the future.

The Honourable Mr. PATEL (continuing):—This resolution, my Lord, affords an excellent opportunity to Your Excellency's Government to fulfil the assurances given by you yesterday. We were told that Government had no objection to grant two-thirds elective majority to taluka local boards as recommended by the Committee appointed by Your Excellency's Government. Now, under the present Act Your Excellency's Government have power by executive order to grant elective majority to local boards and all I ask by this resolution is that such order granting a two-thirds majority to those local boards in the Presidency that have enjoyed the franchise of election for the last 25 years or upwards should issue. There are many local boards in this Presidency which consist of half the number of elected and half the number of nominated members for the last 25 years. Your Excellency's Government in the Press Note appointing the Loca Boards Committee very rightly remarked that the disappointedly slow progress of these local bodies is mainly due to the fact that the constitution of these local boards has remained as it was thirty years ago when they were first constituted and that the time has come when these bodies should be released from the leading strings of official control. Your Excellency, sympathy was the key-note of that Press Note. The members of the Committee approached the consideration of this particular question in the same symathetic spirit. They examined 300 witnesses—292 to be accurate—they examined 292 witnesses, both officials and non-officials, Collectors, Assistant Collectors, Deputy Collectors and Mamlatdars, and also non-officials. The selection of these witnesses was mostly left to the Collectors, and yet out of the total of 292 witnesses as many as 250 or 260, say, more than three-fourths, were found to be in favour of the proposal to grant a two-thirds elective majority to the local boards of this Presidency. The Committee very rightly accepted their statements and recommended to Your Excellency's Government that two-thirds elective majority must be granted.

Now, Your Excellency will remember that in 1915 I moved a similar resolution. The demand made in that was wider than the one I make in this. I then sought to secure two-thirds elective majority for all local boards that were in existence for 25 years or upwards. By this resolution I ask Government to grant two-thirds elective majority only to those taluka boards that have been enjoying the franchise of election for the last 25 years and upwards. You will agree with me, therefore, that the resolution is most simple and most modest. It is not at all necessary to detain the Council any longer, for I have not the slightest doubt that the resolution will be accepted by Government.

The Honourable Rao Bahadur VENKATESH SHRINIVAS NAIK:—May it please Your Excellency,—I fully sympathise with my friend the Honourable

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Mr. PATEL in his aspirations and efforts to secure elective majority in the constitution of the taluka local boards that have been enjoying the elective franchise for the last 25 years. It must be admitted that the taluka local boards in in which my friend wishes to have the elective majority exist mostly in rural areas and most of the members constituting such boards come from rural areas. It must also be admitted that education in rural areas has not advanced to such an extent as in towns and members constituting these boards are not consequently advanced in ideas. Having regard to the progressive development of local self-government and having regard also that some of the taluka local boards have been enjoying the franchise of election for the last 25 years, it is quite reasonable that the country should have an aspiration for a larger share in the administration of their local affairs, but it is to be seen whether such share in the administration is effectively and efficiently gained only by increasing the elective elements. I submit, my Lord, that though the principle of election is fair, is reasonable, is in consonance with the spirit of the time, is recommended by the Royal Commission upon decentralization and is also commended by the Government of India, in their resolution on local self-government, in rural areas, we do not always get proper sort of persons only by elections. It is too well known that at the time of elections any and every sort of influence is brought to bear upon the voters and very rarely they exercise their free will in voting. Moreover, the property qualifications of these voters in the case of taluka local board election being too low, any and every sort of man, whether literate or illiterate, will become a voter and is easily influenced by busybodies and in the elections by them right sort of persons are not in every case returned. Instances will not be wanting to show that in many cases of these elections communal or party feelings are more predominating in influencing the voters than the real merits of the candidates. It is also too well known, and I have been saying this on the experience of sitting over a taluka local board as an elected Vice-President for the last 16 years, that very few people really take interest in the affairs of the taluka local boards and some such few people may not like the worry and botheration of canvassing and competing in the elections possibly against much inferior persons than themselves and the services of such persons will be lost to the local boards if. chances of bringing them on the constitution of the local boards are narrowed by increasing the elective elements. Such being the case, it is to be considered seriously whether the majority of the members of our taluka local boards should find their seats through the medium of elections only. Even the framers of the Local Boards Act, so far back as 1884, had the prescience to look far into the future and have framed the Act so as to meet the requirements of the progressive times. Section 5 of the Local Boards Act distinctly provides that it is for the Governor in Council to appoint, if deemed necessary, any person on the boards with the object of securing representation of the minorities as well as to secure to the boards the benefits of the advice and experience of officers of Government and gentlemen of high merits who, for diverse reasons, may not like and be unwilling to submit themselves *for* elections. It also provides that it is for His Excellency the Governor in Council to fix the proportion of elected to nominated members and lays a limitation on such nominations with regards to admitting salaried servants of Government. It is therefore quite clear that the question raised by this resolution is entirely one for the Government to determine by virtue of executive orders. When Your Excellency's Government have full powers to lay down the proportion of the members to be elected, I do not think that, unless the rural population is well educated and is ready to realise the responsibility that is thrown upon them in returning the right sort of persons to the taluka local boards, any restrictions should be laid upon Your Excellency's powers by prescribing definitely the proportion between elected and nominated members. Sufficient safeguards have been taken to lay a limit to the maximum number of officials on the board so as to avoid official predominance. My

friend seems to be nervous that, unless Your Excellency's Government is tied hands and feet in the matter of the constitution of these boards, there are no possibilities of securing non-official and elective majority in the taluka local boards. The recent circulars issued by Your Excellency's Government and the announcements made by Your Excellency yesterday in this Council regarding the number of elected and nominated seats in many of the district local boards, show unmistakably the direction in which the wind blows and wherever Your Excellency finds that the people take interest and intelligent and non-official persons come forward to take care of their own affairs, Your Excellency should not, and I am sure will not, hesitate to extend the principle of elective majority.

Now, if we look into the administration reports of the local boards of this Presidency for the last six or seven years we find that except in a few talukas of Poona and Ratnagiri districts elections aroused no interest, and in these talukas also the number of candidates were on an average not more than double the seats contested. These reports also mention that in many instances Government had to nominate members under section 24 of the Local Boards Act as none came forward in many groups simply to express their willingness to work as members. My Lord, if Your Excellency would please allow me to read extracts from the report on the administration of local boards in the Presidency, I think, I would convince this Council of what I have said.

1908-09.

Triennial elections were held in the Presidency proper in the districts of Kaira and Broach. In the latter the election was uncontested in most of the groups but little interest was shown even where there was a contest.

1909-10.

Triennial elections were held in the districts of Karachi, Thana, Belgaum, Kolaba, Ratnagiri, Ahmednagar, West Khandesh and in some parts of Kanara. In all the districts except Karachi and Kolaba the electors were apathetic and indifferent, notably in Bassein in the Thana district where only 79 out of 661 enfranchised electors attended the polls. In three groups of the Satara district and one group in Ratnagiri no candidate came forward for election and consequently the appointment of three members had to be made by Government under section 24 of the Local Boards Act. The electors in the more advanced talukas of the Karachi district exhibited keen and lively interest in the electoral proceedings.

1910-11.

Triennial elections were held in the districts of Ahmedabad, Bijapur, Dharwar, Kanara, East Khandesh, Nasik, Satara, Sholapur and Hyderabad. In most cases the elections arroused no interest and in a considerable number there was no competition between candidates. In one group of the Badami taluka no candidate came forward at all, and the appointment of a member had to be made by Government under section 24 of the Local Boards Act.

1911-12.

The triennial period of the boards in the Poona and Kaira districts having expired they were constituted in the year under review. In the Poona district the contest being keen only in four talukas.

1912-13.

Elections in Surat, Thana, Ahmednagar, East and West Khandesh and Kanara, Karachi, Ratnagiri and part of Satara failed to arouse interest except in Ratnagiri where contest was keen. The Salsette seat was filled by nomination for want of candidate. Not more than one-third of enfranchised voters recorded their votes in C. D.

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1913-14.

Elections were held in the districts of Larkana, Nasik, Ahmednagar, Satara, Sholapur and Dharwar. With few exceptions the elections aroused no particular interest.

1914-15.

Elections were held in the districts of Poona, Kaira, Bijapur, Larkana and Thar and Parkar. They aroused only moderate interest, except in one taluka of the Poona district, where the number of candidates was more than double the number of seats contested.

These facts clearly show that in the rural areas yet very moderate interest is taken in the matter of elections and therefore I think that we should not yet hurry up in extending the higher elective franchise by laying limitations and fetters upon the powers of Government but should give them free discretion which they now have under the provisions of the Act to extend these higher elective rights in such local areas as will justify their extension.

The Honourable Sardar DULABAWA RAISINGHJI, Thakor of Kerwada :—Your Excellency,—I rise to support the resolution moved by my Honourable friend Mr. PATEL. I should like to observe that assurances were only yesterday given by both Your Excellency and the Honourable Member in charge that a more liberal policy would be followed in the immediate future after the completion of the enquiry, and those assurances I can assure Your Excellency were received by those who are interested in the welfare of local self-government with great gratification. Coming from a district as I do where Your Excellency has been pleased to extend the privilege of electing a non-official Vice-President for a long time and where Your Excellency's Government has been pleased to nominate a non-official President on the district local board, which measure will come into force at the end of this month, I can speak with great confidence that the time is ripe for granting a substantial elected majority in such districts where the privilege can safely be given. I do believe, and I think I am right in doing so, that the conditions vary in different parts of the Presidency, but so far as the Gujarat districts are concerned, I think, Your Excellency, that there will be no difficulty whatsoever in extending the privilege asked for by my Honourable friend in his resolution.

So much has been said about the principle of election and nomination that nothing remains for me to say for or against it. There is universal acceptance of the principle of election throughout all the civilised world. On the other hand the principle of nomination gives power to Government to nominate such persons who for various reasons are not elected or who do not seek election, and by this means Government secure due representation of the minorities, and whenever there is a minority, either Hindu or Muhammadan, Government can always safely nominate persons from those communities as representatives on these boards.

With these observations I support the resolution moved by my Honourable friend Mr. PATEL.

The Honourable Mr. SIDDANATH DHONDDEV GARUD :—Your Excellency,—I beg to accord my hearty support to the resolution which is placed before the Council. The question of the constitution of the district local boards and the taluka local boards has been thoroughly and carefully gone into by the Committee which was appointed by Your Excellency's Government and the Committee has also arrived at the opinion which has been expressed in the resolution. The special officer who has been appointed to investigate the question of the district

and taluka local boards was also present at the Committee to give his assistance to the Committee, and so far as the principle embodied in the resolution is concerned I think it has also his approval. This is therefore an opportune moment for Government to accept this principle and generally to carry it out as far as possible and as soon as possible.

The Honourable Mr. G. S. CURTIS:—Your Excellency,—I am intervening at this period because I think it would really seem unnecessary to have all this flood of oratory with reference to facts which have been already well ascertained and conclusions fully arrived at. In the first instance, as regards district local boards, Honourable Members are aware that 15 boards out of 19 have already elective majority. A measure which was introduced in this Council yesterday and referred to a Select Committee, of which the Honourable Mover of this resolution is a member, aims at giving non-official Presidents to the four remaining district local boards and to provide them with an elective majority, and also to provide for the formation of constituencies for the whole of the district boards.

As regards taluka local boards, it has not been possible to take the same action with reference to them as it has been with reference to the district local boards, first of all because the number of their members is smaller, their electorate is not as satisfactory as pointed out by the Committee, and there is also a further question—a very important question—of the panchayats, the whole of which, both the taluka boards and panchayat question, is being worked out by an officer who has been appointed on special duty. I must remind the Honourable Member of the provision of the paragraph in the Committee's report which he will remember. The Committee say: "In this case (the taluka local boards) also we consider that there should be a majority and recommend that the number of members of these boards should ordinarily be 18, six of whom are to be nominated." Before this report came out Government had already accepted the resolution of the Honourable Member that "this Council recommends the Governor in Council may be pleased to consider whether the number of elective members of such taluka and district local boards shall not be less than two-thirds of the board." Government has carried out that undertaking with reference practically to the whole of the district local boards. It is quite prepared to carry out the same undertaking with reference to more advanced taluka local boards (there are some here which have not advanced although they have existed for the last 25 years) as soon as the new Bill on which Mr. Martin has been at work is passed, but they are not prepared to give that undertaking until that Bill is considered and until the whole question has been thoroughly threshed out. The whole thing comes back to what we were talking about yesterday. The question of taluka local boards has got to come up again. It may or it may not be that some taluka local boards may be abolished and their place may be taken possibly by district councils.

The Honourable Mr. PATEL has quoted the Government of India's resolution on local self-government and the Acts of other provinces. But we must remember that in some other Presidencies the taluka is not a unit but that the sub-division is the unit and it is for consideration whether a sub-divisional board would be more suitable than a taluka board. The evidence taken by the Committee, I must observe, has not been very conclusive in many ways, and those who have seen, as I have seen, the working of both the sub-divisional and taluka local boards, may be inclined to doubt whether the decision arrived at by the Local Boards Committee on this particular point can be accepted as whole-heartedly or universally as Mr. PATEL desires it should be. Anyhow, as I said, matters cannot be taken further at present. The undertaking was given in August 1915 that Government accepted this recommendation of this Council as then moved by the Honourable Member. They have given effect to this undertaking as regards

TWO-THIRDS TO BE ELECTED IN TALUKA LOCAL BOARDS: NON-OFFICIAL VICE-PRESIDENTS FOR LOCAL BOARDS.

[16TH MARCH 1917.] [*Mr. G. S. Curtis; Mr. Vithalbhai Jhaverbhai Patel; the President.*]

district local boards, and as regards taluka local boards they promised to take it into consideration when the question of the constitution of these boards is taken up. I would only remind the Honourable Member that as a member of the Committee he has shown grounds for considering that the electorate of the taluka local boards seemed to him unsatisfactory. I have not the figures handy but I could bring home to him that the electorate in many cases is very minute, that the number of land-holders who pay altogether the land revenue of not less than Rs. 48 per annum is extremely small and minute. The number of persons holding immoveable property of not less than Rs. 5,000 is almost non-existent in many cases. In many cases the persons residing in the taluka with an annual net earning from any occupation are extremely small and pensioners and so on. So the electorates in taluka local boards are minute and consequently haste and sudden increase in the elective majority in these boards might be fraught with the gravest consequences. But as I say the discussion has already gone on quite long enough and I would ask the Honourable Member to accept my assurance that Government have no desire to go back on the position taken up by them in 1915.

The Honourable Mr. PATEL:—I am very thankful to accept the assurance given by the Honourable Mr. CURTIS on behalf of Government and I withdraw my resolution.

Resolution by leave withdrawn.

His Excellency the PRESIDENT:—Resolution No. 5. The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—The resolution which stands in my name reads thus:—

"This Council recommends that His Excellency the Governor in Council may be pleased to rule that no officer of Government shall stand as a candidate for the office of Vice-President of any local board of which any other officer of Government is President."

According to the Reports on the Administration of Local Boards for the year 1914-15 there are in all 241 local boards in the Presidency. Of these, 26 are district boards and 215 are taluka boards. All these latter boards without any exception have official Presidents and most of them have official Vice-Presidents.

The Honourable Mr. CURTIS:—Is the Honourable Member speaking of taluka boards or district boards?

The Honourable Mr. PATEL:—There are 215 taluka boards. Not one of them has got non-official President and only a few have got non-official Vice-Presidents.

My friends from Central, Southern and Sind Divisions will, I am sure, tell this Council whether in their respective divisions they have any and, if so, how many non-official Vice-Presidents for their local boards. Knowing as I do something about the local boards of the Northern Division which I have the honour to represent in this Council I am bound to say that the number of non-official Vice-Presidents in my division is only 3. Out of 6 districts boards, only one and out of 41 taluka boards only two have non-official Presidents. If I am wrong, my Honourable friend Mr. PRATT is here to correct me. Section 27 of the local boards Act, 1884, provides that if the President is a salaried servant of Government the board shall elect one of its members to be Vice-President. Then again, there are ample safeguards in case of a board making an undesirable or unsuitable selection. No appointment of a Vice-President is to be valid until it is approved by Government and he is removable from office by Government for misconduct or neglect of or incapacity to perform his duty.

When the Bill on the subject was being discussed in the Council the policy of Government on this question was stated as follows:—"When he (officer) is

President he will have an elected Vice-President who will be under instruction and training on the duties of President. The Vice-President may exercise any of the powers of President and it will be in our instructions to official Presidents to leave the duty of presiding at meetings as far as possible to the elected Vice-President." In accordance with the policy so announced Government in May 1887 issued instructions that where there is an official (i. e., a salaried servant of Government) President he will have under him an elected Vice-President for the purpose of instruction and training in the duties of President and he should therefore leave the duty of presiding at meetings as far as possible to the elected Vice-President. These instructions, as the Local Boards Committee recently appointed by Government has very rightly remarked, have remained practically a dead-letter. In the inquiry before the Committee the evidence in this question was so clear, so emphatic and so overwhelming that the Committee in paragraph 16 of their report had to observe as follows :—

"The question of President and Vice-President may next be considered; there is a general concensus of agreement that the Vice-President should be an elected non-official and that ample powers should be delegated to him by the President if the President is an official; in fact, it should be recognized that it is the duty of the official President to train the non-official Vice-President in methods of administration. Orders to this effect which are quoted below were issued by Government in Government Resolution No. 2833, dated 7th May 1887 :—

"Section 29 (*b*) of the Local Boards Act contemplates the deputation of powers and duties by every President of a local board to the Vice-President as an ordinary feature of the administration; and if, in addition to the powers and duties deputed to the Vice-President absolutely, the President were to depute to him certain other powers and duties to be exercised and performed by him only when the President himself is absent from the head-quarters of the board or from the district such deputation would hold good during any temporary vacancy in the office of the President but these orders have remained practically a dead-letter. Where the President continues to be an official these orders should now be enforced."

The Royal Commission on decentralization in their report also recommend that rural boards should, when the President is a nominated official, have an elected non-official as Vice-President.

It may be argued that the Act does not debar the board from electing a non-official as Vice-President if the members choose to do so; and that freedom of voting is not in any way restricted. This sounds excellent in theory. But who that knows the omnipotence of the Collector in his district could say that any non-official could dare to stand as a candidate against his wishes.

This is a factor which Your Excellency and the Government must always bear in mind when forming pious wishes for the gradual and sure development of local self-government in British India. It is precisely for this reason that myself and my non-official friends insist on every occasion that such wishes should be put in black and white and in peremptory words. If in the instructions of May 1887 definite orders had been issued, enjoining the appointment of non-official Vice-President in every case in which the President was an official, there was some chance of the orders being carried out in some cases. Precatory instructions and even mere implications may be more than enough in such matters as increase of revenue, surveillance, press law and the like, but they are not worth the paper on which they are inserted where they are intended to help the people on towards self-government. This, my Lord, I know, is an unpleasant truth to tell, but yet it is true as the fate of the 1887 instructions proves.

My Lord, if there is really any genuine desire on the part of Government to train the people of this country in local self-government definite orders should be issued for the appointment of non-official Vice-Presidents.

NON-OFFICIAL VICE-PRESIDENTS FOR LOCAL BOARDS.

[16TH MARCH 1917.] [*Mr. Vithalbhai Jhaverbhai Patel; Rao Bahadur Ganesh Krishna Sathe; Mr. G. S. Curtis.*]

Before I conclude I have one more observation to make. After I gave notice of this Resolution, I was reading Cumming's Local Board Manual with a view to get at the exact position of a Vice-President of Local Board in Law and under executive orders from time to time. Under one of the sections I found noted the Resolution of May 1887 to which I just now referred I was then in the Member's Reading Room which your Excellency's courteous consideration for the non-officials has placed at our disposal. I thought, I ought to read the whole text of the Resolution. I therefore wrote to the Clerk in charge of the Secretariat Library for the same and added that I wanted to see it in connection with a Resolution I intended to move at this meeting. He replied that as the Resolution was not for publication I should write to the Secretary of the General Department for it. I did so and enclosed with my letter the reply I got from the Clerk. The Secretary took five days to tell me that the rules of his Department did not permit him to comply with my request. The Council will kindly excuse me for my inability to place before them the full text of the Resolution which, as I have stated above, requires an official President to train up an elected Vice-President. It is a matter for regret that Mr. Cumming, an outsider, could have access to the Secretariat papers but a non-official member of this Council could not, even when he needs them in connection with the business on the aggenda of this Council.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE:—Your Excellency,—To be consistent with the attitude which I had taken yesterday on the first reading of the Local Boards Bill I would request my Honourable friend Mr. PATEL to postpone the consideration of this question for some future time. My reasons for this suggestion are these. These questions have come before us on many occasions. It was in consequence of a Resolution of my Honourable friend Mr. PATEL that a committee came to be appointed and that committee unanimously recommended that the Vice-Presidents should be non-officials, and, if my memory serves me right, I think Government has not yet taken any action on that recommendation.

The Honourable Mr. CURTIS:—May I interrupt the Honourable Member. The wording of the report is:—"We are constrained therefore to recommend that the law stand unchanged but that executive orders be given that no official should be permitted to serve as Vice-President where a suitable non-official gentleman can be found."

The Honourable Ráo Bahádur SATHE:—I do not want to go into details. My point is this, that as Government has not yet taken any action I have every hope that Government is going to favourably consider the unanimous recommendation of the committee over which the Honourable Mr. LAWRENCE presided. However, my contention is that let us wait till Government takes action on that report and wait till it is placed before the Council in the form of a Bill. In fact all that this Resolution wants to carry out is already there in the report of the committee and if, as has been stated yesterday, the whole question of local boards is going to be considered and if there is a Select Committee sitting on the other part of the Bill so far as district boards are concerned, I think it would be better if we postpone the consideration of this question until we exactly know what view Government is going to take. For aught I know, there is no reason to apprehend that Government would not accept the unanimous decision of the committee. In this state of things my submission is that this Resolution should not be pressed now. Let us hope that the committee's recommendation will be carried out in the form of the Bill which is going to come before us Then it will be time for the Honourable Mr PATEL and others to make suggestions in the light of this Resolution. Personally as one of the members of that committee I do say that every opportunity should be given to non-officials to show their competency to

work. If Government officials stand as candidates many of the non-officials have to withdraw from candidature.

The Honourable Mr. H. S. LAWRENCE :—Your Excellency,—There seems to be a good deal of misunderstanding in regard to the recommendations of the committee over which I had the honour to preside, and perhaps it will shorten matters if I point out one or two small mistakes.

The Honourable Mr. PATEL has quoted paragraph 16 of our report and he left the impression on me and I think on other members of this Council that that paragraph was intended to refer to all local boards, district and taluka. That paragraph refers only to district local boards. The latter paragraph of the committee's report dealt with taluka local boards and our recommendations with regard to taluka local boards are different from those with regard to district local boards. I will read out paragraph 36 :—

"The discharge of the functions of the Vice-President of a Local Board requires a man with leisure, vigour, aptitude for public affairs, and public spirit; and it is clearly established by the general body of opinion that this combination of qualities cannot often be found. Where it is found, there seems to be no disinclination either on the part of the officials or on the part of the local bodies to utllize such services. The law on the point is already sufficiently elastic: it permits the election of the President when the Government so authorize; and it compels the election of the Vice-President. In the Province of Sind opinion is almost unanimous in favour of the retention of the Sub-Divisional officer in the post of President. A general rule that the post whether of President or Vice-President must be held by a non-official would lead to serious consequences in many talukas, where no gentleman with an aptitude and inclination for public business can be found. We are constrained, therefore, to recommend that the law stand unchanged, but that executive orders be given that no official should be permitted to serve as Vice-President, where a suitable non-official gentleman can be found."

Now, Sir, in the light of that recommendation and in view of the arguments we had yesterday as regards the Bill that is referred to a Select Committee, I venture to associate myself with the suggestion of the Honourable Ráo Bahádur SATHE that it is much better to postpone further discussion on this matter and to await the result of the deliberations of the Select Committee and if necessary to deal with this question of the official or non-official Vice-President of taluka local boards also in the form of an amended Bill.

The Honourable Mr. PANDURANG ANANT DESAI :—Your Excellency,—The proposals made by the Honourable Ráo Bahádur SATHE and the Honourable Mr. LAWRENCE are not acceptable to me. I cannot understand why this Resolution should be postponed on the ground that the Bill would be before the Select Committee. The Bill which came before the Council yesterday related to a particular portion of the boards, namely district local boards. This Resolution relates both to district local boards as well as to taluka local boards, and I cannot understand how the matter covered by this Resolution could be discussed before the Select Committee which was appointed in connection with the Bill.

The Honourable Ráo Bahádur G. K. SATHE :—My point was that in a Bill to be introduced on the report of Mr. Martin we would be in a position to know what actual attitude has been taken by Government, and then it will be right for us to put into the Bill this provision of non-official President.

The Honourable Mr. DESAI :—My reply is, if the recommendation has been unanimously made by Mr. LAWRENCE'S committee, if we have got this Resolution before us, and if this Resolution is discussed, there will be additional strength if the majority of this Council comes to the conclusion that what this Resolution demands is reasonable, and Government will be in a position to see that the demand which

has been made by this Resolution is a demand which ought to be accepted at once. So my submission is that the consideration of this Resolution should not be postponed.

The Honourable Mr. F. G. PRATT :—Your Excellency,—I thoroughly endorse everything that has been said by the Honourable Ráo Bahádur SATHE and the Honourable Mr. LAWRENCE and have very little to add except with regard to one small matter, and that is the wording of the recommendations which refers to Government officers standing as candidates. I would like to explain that it very often happens in the majority of cases a Government officer does not stand as a candidate in the ordinary sense of the term. Standing as a candidate would surely imply that there is a contested election of two or three rival candidates. But in a great many cases what happens is that the members of the board concerned cannot conceive of any other and do not wish for any other Vice-President than the official whom they have been accustomed to trust and with whom, with all deference to the Honourable Mr. PATEL, they are quite content. Such an official in the majority of cases is asked to be the Vice-President. It will be remembered that we have recommended in our report that wherever a suitable non-official Vice-President is forthcoming we would welcome the appointment of such Vice-President. But the fact is that such Vice-Presidents, in the great majority of cases, are not forthcoming and do not wish to come forward. The Honourable Mr. PATEL recommends that a peremptory order should be passed that no Government officer should stand as a candidate for election or that an order should be issued that no Government officer should fill the post of Vice-President. But it is not possible, if a non-official is not forthcoming, to pass a peremptory order that a non-official must come forward as a candidate for election to the post of Vice-President.

The Honourable Mr. DATTATRAYA VENKATESH BELVI :—Your Excellency,—The question which this Resolution embodies is to my mind a very important one. It is proposed by my Honourable friend Ráo Bahádur SATHE that the consideration of this question do stand over pending the report of the special officer who has been appointed by Government and pending the drafting of a Bill. Such a proposal would have been welcome to me had it been coupled with an assurance as to the period of time during which we may expect to get this report and the proposed Bill. I have been in this Council for the last six years and I remember that this question of a consolidated Bill so far as local boards were concerned was mooted so far back as 1912. If I remember aright I think my friend Mr. R. P. Karandikar of Satara had put a question to Government on the point. He asked Government when it was expected that a Local Boards Bill would be ready for introduction in the Council, and, if my memory serves me right, my friend was told that Government expected to introduce such a Bill very shortly. Four long years have passed. But there is no further information on the point so far.

The Honourable Mr. CURTIS :—I would ask the Honourable Member, if he does not mind, to give some reference to the proceedings of the meeting of 1912. I do not remember it and my recollection does not confirm the impression of my Honourable friend.

The Honourable Mr. BELVI :—My Honourable friend Mr. CURTIS will take from me my word when I say that one of the non-official members had asked for the information and we were very frequently told that a Bill was going to be introduced very shortly.

The Honourable Mr. CURTIS :—Again I asked the Honourable Member to give us some details of one single inquiry with reference to Local Boards Act.

The Honourable Mr. BELVI :—I remember very well that such an inquiry was made of the Secretary to the Legislative Council. I have not got the reference just now, but that reference can be verified as to the question that was

put by my friend Mr. Karandikar. At any rate, for the last six years that I have been in this Council I am under the impression that we have been told that this Local Boards Bill was coming on very soon. I do not mean to say that six years more will be required for Mr. Martin to complete and submit his report. If Government will be pleased to tell me that Mr. Martin's report will be ready and that they will be in a position to introduce the Bill within a reasonable time, say within the next six months or during the current year, I may support the motion of my Honourable friend Ráo Bahádur SATHE that the consideration of this matter should stand over. Unless some such assurance is furnished to this Council, I believe it will be extremely unwise to postpone the consideration of this business. A proposal to postpone the consideration of a Resolution is very often simply a way to shelve the Resolution indefinitely. As my Honourable friend Mr. DESAI says, nothing could be lost by considering this Resolution now on its merits if it commends itself to the majority of this Council.

Now what are the facts? The facts are that so far as taluka local boards in the Presidency are concerned, there is an overwhelmingly large number of taluka local boards of which the Vice-Presidents are Mamlatdars. We were told by my Honourable friend Mr. PRATT that Mamlatdars as a rule, or Government servants as a rule, do not show any anxiety to stand as candidates. It seems to me that my friend does not know the real state of affairs. When in a taluka local board it is well known that the Mamlatdar wishes to fill the post—the only post of responsibility—does it stand to reason to believe that any non-official member will come forward and oppose the Mamlatdar? And whenever a non-official member comes forward, what is the result? The result is that he has to displease the Mamlatdar or he finds that the majority of the taluka local board members do not support his candidature. It is but human nature that when there are two candidates to oppose each other, one official and the other non-official, people should side with the official. For instance, suppose that when I stood as a candidate my friend the Honourable Mr. LAWRENCE had stood as a candidate to oppose me. Would I have the shred of a chance of success as against the Commissioner of my own division? That is what happens in the case of taluka local boards. I know of one case in Belgaum in which a pleader friend of mine stood as a candidate for the post of Vice-President and he stood successfully, and when that man was elected he came to know that the Mamlatdar was greatly displeased with him and he had considerable difficulty in carrying out his duties. In fact, non-officials do not want to contest the post as against Mamlatdars. Now when there are official Presidents, where is the need of having a Mamlatdar or other Government officer to stand as a candidate for the Vice-Presidentship? There is no charm in a man's being a member of the taluka local board if he is not to enjoy any power whatever. Why should people in villages take the trouble of attending meetings if they have no sufficient interest or influence? At present the taluka local board means the Mamlatdar and the district local board means the Collector, and all other members of the taluka or district local boards are ornamental figure heads. They have got no powers. They simply are there to please the head of the office—in the taluka the Mamlatdar, in the district the Collector. In view of this state of things it is necessary to ask public servants not to stand as candidates for the post of a Vice-President. That is the only way in which Government can encourage non-official members to do their duty zealously as members of taluka local and district boards. I submit that just as Government have been pleased to say in a recent Resolution that five district local boards at any rate in this Presidency will have nominated non-official Presidents, Government should be pleased to make a similar declaration in the case of all taluka local boards also. There is no legal bar to the course suggested under the law as it stands now. Under section 27 of the present District Local Boards Act Government can issue an executive order asking Government servants not to seek election as Vice-Presidents of taluka local boards or district local boards.

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There is no difficulty in the path of Government in doing it. What is required is that there should be a will on the part of Government to appoint non-official vice-presidents. The question of president and vice-president is extremely important. It is absolutely necessary to give to the people real power. Unless real power is given to the people, they won't take any trouble or interest whatever in matters of local self-government. There is no difficulty in the case of municipalities. We know non-official gentlemen are held competent to hold the presidentship of many municipal corporations in the mofussil. Such large cities as Surat, Karachi and Ahmedabad and numerous other parts of the presidency have been given that privilege and right, and that right has been exercised to the satisfaction both of Government and the public. Why should not similar rights be conceded in the case of taluka local boards? Is it more difficult to discharge the duties of a taluka local board than it is in the case of a district or a city municipality or any other municipality? I really fail to understand the difficulty which lies in the path of Government. It seems to me that Government officers who now enjoy these powers are unwilling to part with them under some pretext or other. With these few words I support my honourable friend's resolution.

The Honourable Rao Bahadur VENKATESH SHRINIWAS NAIK:—May it please Your Excellency,—I have very great pleasure in supporting this resolution, although I was not able to share entirely with the views expressed by my friend, the Honourable Mr. PATEL, in the last two resolutions. I do so, this time also, with a very small limitation. The question of having non-official vice-presidents to all the Local Boards entirely depends upon the finding of suitable persons. In the case of District Local Boards there will not be any difficulty, as the members recruited to these Bodies are generally of a much higher calibre than those on the Taluka Local Boards. It is only in the case of these Taluka Local Boards that we may not find suitable non-official gentlemen in all the talukas, but where they are available they alone should be elected as vice-presidents. These Taluka Local Boards are the rural schools for training non-official gentlemen in the matter of local self-government and it is a pity that after the existence of these Bodies for the last 33 years not a few in each taluka should be able te come forward to take up the work of vice presidents. This I rather attribute to a great extent to the tendency of Mamlatdars or other officers of Government to crave for all the powers in the taluka for themselves than for want of one or two intelligent and self-sacrificing gentlemen in each taluka. The constitution of these Taluka Local Boards chiefly consists of village officers, petty vatandars or big rayots or other persons greatly under the influence of Mamlatdars or other officers of Government. It will be rather difficult for these non-officials even if they come forward to take up the work of vice-presidents, to get themselves elected if such officers offer as candidates. These local officers, instead of standing themselves as candidates, should encourage and try to bring more non-officials to the front and train them up in the matter of local affairs. When there are official presidents at the head of these Boards to guide, there are no reasons to apprehend any failure of administration. On the other hand wherever there are non-officials as vice-presidents they generally manage their affairs more carefully, creditably and with greater co-operation. Out of the 35 Taluka Local Boards that failed to hold the minimum number of meetings during 1914-1915 there were only two Local Boards, *viz.*, Panvel and Vaghra, with non-officials as vice-presidents, which shows that the non-official gentlemen are more careful and work with greater co-operation than the official vice-presidents. Some of these official vice-presidents who are generally the Mamlatdars have a tendency to conduct the business of the Boards more arbitrarily due of course to their official superiority and influence over the other members. Now if we make a hard and fast rule that the vice-presidents should be non-officials only and no suitable person is at all available in the taluka, the administration of the Taluka Local Board will either be unsatisfactory

or will be more in the hands of the Sub-Overseer or the Maistry and the Karkun. My friend, Mr. PATEL, may hold the opinion that, as long as there is latitude for the Local officials to stand as candidates for the vice-presidentships, they do not care to find out a suitable non-official gentleman in the taluka and the people will remain behind as during these 32 years. If Government should issue executive orders that, except in exceptional cases where not a single non-official person is available in the taluka, Government officers should not offer themselves as candidates for vice-presidentships. The Collectors and Commissioners who are required to approve of the elections of Government officers as vice-presidents should, before according their approval, satisfy themselves by making inquiries whether sufficient opportunity was given to non-officials and none were available in the taluka to take up the work of the vice-president, and if Government were also to appreciate the efforts of the Mamlatdars in securing non-official gentlemen for the vice-presidentships, I think that my friend will have no reasons for apprehension.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH :—Your Excellency, I think my Honourable friends have put forward several arguments in support of this resolution but I would like to add one more. What I submit to Your Excellency is that Government do recognize that it is against the official discipline and officially improper that Government official should take part in elections, and they always show their disapproval to Government officials taking such part.

Now I submit to Your Excellency whether it is consistent with this principle that the official himself should go in for election which means that he asks people to vote for him. Either he asks personally, through friends; in any case he gives the public to understand that it is his wish that people should vote for him. n that case is it consistent with the general disciplinary principle that Government have adopted that persons within his charge should be placed in such a position as to earn his good will by voting or procuring votes for him or incurring his displeasure by voting for or helping his rival? Is it right that Government officials should be put in that position? I, therefore, submit that it would be carrying out the wishes of Government in the matter of discipline which they adopt with reference to outsiders that Government officials should never stand for election.

The Honourable Mr. G. S. CURTIS :—Your Excellency, the view that Government are prepared to take on this resolution is that expressed by the Honourable Mr. SATHE. The section of the Act which deals with nomination and election of presidents and vice-presidents is section 27 which will have to be further considered before the new bill is framed. As a matter of fact, at the present moment, the non-official vice-presidents are a good deal more numerous than the Honourable Mover's resolution has given us the impression to be the case.

There are 13 of District Local Boards and 34 or 35 of the Taluka Local Boards with non-official vice-presidents. It is unfortunately the case that for out of the way talukas it is not possible to get as vice-president a man of industry and vigour It is a clearly established fact I think that this combination of qualities may not always be found.

Now, Sir, I am going to say that it is quite impossible for Government to accept this resolution. I put it this way, that we cannot consider the post of vice-president as apart from the post of president. In fact in 5 District Boards the presidency has been definitely assigned to non-official presidents. If the president is a non-official, it might be extremely desirable that the vice-president should be an official.

The Honourable Mr. PATEL :—I have nothing to say in that case. I say where an official is president the vice-president should be a non-official.

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The Honourable Mr. CURTIS:—In any case where the vice-presidents are concerned the question will be taken into consideration when the Bill that has particular reference to taluka boards comes on and until that Bill comes forward Government cannot take any action.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I submit that the spech of my Honourable friend Rao Bahadur SATHE has confused the real point at issue. The Lawrence Committee has recommended that the law in this respect should stand unchanged, but that executive orders should issue. What is then the meaning in waiting for the draft Bill of Mr. Martin? Mr. Martin is surely not going to insert a clause in that Bill providing that an official shall not stand as a candidate for the office of vice-president where another official is president. If Government assures this Council that Mr. Martin's Bill will contain such a clause, I am perfectly ready to withdraw my resolution. I see no signs of any such assurance. What is then the good of waiting for that Draft Bill? I do not say that in all cases officials should not be allowed to stand for the office of the vice-president. I merely say that where official is president another official should not be allowed to stand as a candidate for the post of vice-president, so that the result would be that where there is an official president there would always be under him a non-official.

Then there is one misunderstanding which the Honourable Mr. LAWRENCE'S speech is likely to create. He seems to suggest that paragraph 16 of the Local Board Committee report applies to District Boards only. That paragraph reads:—

"There is a general consensus of agreement that the Vice-President should be an elected non-official and that ample power should be delegated to him by the President if the President is an official; in fact that it should be recognized that it is the duty of the official President to train the non-official Vice-President in methods of administration. Orders to this effect which are quoted below were issued by Government in Government Resolution No. 2833, dated the 7th May 1887."

It is perfectly clear from this that paragraph 16 refers to district as well as taluka boards.

Then again it has been suggested that the recommendation of the Committee does not go so far as to say that Government should issue executive orders that no officer of Government shall be eligible for the office of vice-president of every Local Board of which another officer of Government is president. My reply to this argument is contained in the minute of dissent of one of the members of the Committee in regard to this particular question. He says:

"I now come to the Committee's recommendations with regard to the Vice-President. The evidence in favour of having elected non-official Vice-President both for District and Taluka Boards, is so overwhelming that the Committee in paragraph 16 of their report very rightly observed that there is a general concensus of agreement that the Vice-President should be an elected non-official. In view of this evidence thus noted by the Committee one should have thought that the Committee would recommend the necessary change in the existing law to meet the requirements of the situation. It is most unfortunate that when the actual question of making necessary recommendation comes to be considered they, by majority, hold that the law should stand unchanged and that it should be left to Government to give executive orders that no official be permitted to serve as Vice-President where a suitable non-official can be found. In support of this recommendation the Committee observe that it is clearly established by the general body of opinion that the combination of qualities necessary for the discharge of the functions of the Vice-President cannot often be found. This statement of the Committee is evidently inconsistent with their finding that there is a concensus of opinion in favour of elected non-official Vice-President, and to my mind indicates a curious confusion as to the appreciation of the evidence before them.

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The Committee further add that for the discharge of the functions of this office a man with leisure, vigor, aptitude for public affairs and public spirit is necessary. Is this combination of qualities to be found in the present-day official Vice-President? Are they men with sufficient leisure and, if so, what about the all round cry that the revenue officers are so overburdened with executive and administrative functions that the sooner they are relieved of their extra duties in connection with the Local Boards and Municipalities the better? Are they the people with aptitude for public business and public spirit? Is it not true that you can easily find among the non-officials more men with public spirit and aptitude for public business than among the officials?

The Committee further observe that there is no disinclination on the part of officials to utilise the services of qualified non-official gentlemen wherever they can be found. I am not prepared to support this statement. I know of a number of instances where the officers of Government have become Presidents and Vice-Presidents of Municipalities where non-official gentlemen far superior to them in ability with plenty of leisure, business aptitude and public spirit had to remain in the back ground.

Whatever may be the personal views of the majority of the Committee the fact remains that there is an almost unanimous opinion in favour of elected non-official Vice-Presidents for both District and Taluka Boards and the Decentralisation Commission also supports this opinion.

With these words I trust the Council will accept this resolution.

His Excellency the PRESIDENT:—I can only reiterate to Honourable members what I have reiterated to them very often without much success hitherto. Let me once again place before them the Government position as clearly as I can. Government some time ago appointed a Committee to enquire into the question of local self-government. That Committee came into existence because—I have expressed my view before to the Council, I have told the Honourable member so privately and I now do so publicly—Government came to the conclusion that the whole question of local self-government was in a thoroughly unsatisfactory condition and wanted considerable advance. That Committee has reported and as a result of that Government has decided to bring in a comprehensive Bill to deal with the whole question. I very much hope, for very obvious reasons, that the Bill will be brought in in December, before my term of office comes to an end. I would therefore like to reiterate that I think it is most unfortunate that these resolutions should be brought forward at this particular time with a view, no doubt, to try and force Government's hands when I do consider, in all fairness, that Government should be given absolute latitude to deal with these questions from an executive point of view. That is the position of Government, and it is not from any want of desire to forward local self-government that Government is taking up this positon. It is not that we do not entirely and cordially agree with the principles of this resolution. It is because we think it fairer and more proper in every way, from an executive point of view, that Government, after taking into consideration all the recommendations of the Committee, after receiving individual opinions of non-officials from many parts of the country, should be given full liberty of action in working out this Bill. When it is brought in it will be for the Legislative Council to deal with it as they think fit, and that being our position it is clearly impossible for Government to accept this resolution.

The Honourable Mr. PATEL:—I beg leave to postpone this resolution and the next one if Your Excellency assures me that the Bill will come up in December next.

His Excellency the PRESIDENT:—I can only say that I am very much obliged to the Honorable member. In all fairness, I think Government have not taken up an unfair attitude on the matter. I quite recognise that the Honourable member brings these resolutions forward out of a sincere desire for an advance

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in local self-government. I fully appreciate that, but as I said this morning, I am inclined to think that on this occasion he is allowing his zeal to outrun his discretion.

Resolutions Nos. 5 and 6 by leave postponed.

His Excellency the PRESIDENT:—Resolution No. 7:—

"This Council recommends that Government be pleased to represent to the supreme Government that it is desirable to recognise as qualified for Government service students who have passed the Matriculation Examination of the Bombay University provided they have attended a recognised school for two years just before their examination and produce a certificate of satisfactory character and progress from the head of such a school."

The Honourable Mr. PARANJPYE.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE:—I understand that Government are in negotiation with the University on this matter, and I do not want to force the hands of Government on this point. Therefore I want this resolution to be postponed to the next meeting of the Legislative Council.

Resolution by leave postponed to the next meeting of the Legislative Council.

His Excellency the PRESIDENT:—Resolution No. 8, The Honourable Mr. PARANJPE.

The Honourable Mr. RAGHUNATH PURSHOTAM PARANJPYE:—Your Excellency,—The resolution that I have the honour to propose for the acceptance of this Council reads as follows:—

"This Council recommends that in connection with the proposed arrangements for the establishment of an Arts College at Dharwar Government be pleased to remove the condition that the Principal of that College is to be a European member of the Educational Service."

Your Excellency, the whole Presidency was deeply gratified when it read that Government had finally decided to act up to the resolution that was accepted by this Council five years ago recommending the starting of an Arts College in the Karnatic and thus removing for ever the legitimate grievance of our Canarese friends. Though we would have been very glad to see a full Arts College started immediately, we are quite prepared in this time of financial stringency to accept the half loaf just offered and await the whole loaf till better times—times, let us hope, not very far remote from today—and I hope Government will be able to give my Honourable friend Mr. PATHAN the assurance he asks for in a resolution that is to follow. My Lord, the gratification that was felt at the announcement was, however, considerably qualified by the element of racial discrimination that has been introduced into it. I fully admit that the question of appointments to any office must be ordinarily left to the administrative head and the Legislative Council can only raise the point when an obvious injustice is done or a principle involved.

Now in the case before us a principle is obviously involved. We have been claiming for the last eighty years the full consequences of the assurance solemnly given by Parliament in 1833 that no Indian shall by reason of his race, religion or creed be considered disqualified for any office under the Crown. It is almost too late in the History of our Country to be quoting this Act, but in the present case an attempt is being made to go behind it. In matters of Education in particular racial distinctions are peculiarly objectionable and have very serious consequences on the minds of the taught. But the Government of Bombay have, I am very sorry to find, not yet learnt this elementary principle which, may I add, is agreed to even by such a great friend of Indian aspirations as Sir Valentine Chirol. Last year

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in the case of the appointment of Professor Burnett Hurst and the consequent resignation of Professor Muzumdar, Government had to give an assurance that the thing won't be repeated again and racial distinction would not be made when a vacancy again occurs in the Sydenham College. But all of us thought that the assurance was not applicable only to that college but to all similar institutions. But as the French say—*l'appetit vient en mangeant*—appetite comes by eating and Government have in their Press Note publicly enunciated a similar invidious distinction. The Press Note reads thus :—

"Subject to the sanction of the Government of India, His Excellency the Governor in Council has decided to establish a second grade Arts College at Dharwar with a *European* Principal, belonging to the Indian Educational Service, on condition that the full amount of Rs. 2,00,000 undertaken to be collected for that purpose by Rao Bahadur S. K. Rodda and Rao Bahadur R. C. Artal, I.S.O., are paid into the Government treasury before the end of March 1917. It is hoped to obtain the necessary sanction of the Government of India in time to open the College, which will, in the first instance, be located in the Dharwar Training College Buildings, by the beginning of June 1917."

I may say in passing that in the case of another College managed by a Board whose President is a high official of Government, a similar contingency has arisen and an Indian Professor of twenty-five years' standing who is acknowledged to be perhaps the strongest man on the college staff is not being allowed even to act as Principal and the high official is taking even a questionable line of action in setting aside a resolution regularly passed by the Board in the absence of that official and trying to force upon the Board a European of only three or four years' service and less than twenty-seven years of age. But to come back to the question of the Dharwar College, I really fail to see the object of the words "a European member of the Indian Educational Service". I might have something to say even on the words "Indian Educational Service" as against "Provincial Educational Service." If I may refer to the history of these services as given in the recent report of the Royal Services Commission the Provincial Educational Service has been all along unjustly treated :

"Higher Service is divided into an Imperial and a Provincial Branch; theoretically equal and parallel in status, but the first recruited in Europe and the second in India. The original object of this distinction was to find some means by which the different rates of salary for Europeans and Indians could conveniently be enforced. This device might have proved workable had the provincial been kept as much a *corps d'élite* as the Imperial section. But it broke down completely when the provincial ranks were opened to officers with ordinary educational qualifications. The inevitable result has been that the provincial section in practice drifted into a definitely inferior position, to the detriment of men of really high standing in it, who under the theory of parallel services have been unable to find escape by promotion into what has in fact become a higher service. This has led to heart burnings and scarcely one of the witnesses who came before us was in favour of maintaining the existing position. We are entirely in sympathy with this attitude. To organise the department on the basis of the accident of difference of salary is to court confusion. We recommend that this idea be abandoned."

It cannot be denied that even at present it contains men of long service and ability, but they have never had an opportunity of showing what they are worth by being placed in an administrative position; and except for the accident of a European degree—not in all cases of a very high merit—there is not much to choose between many members of the two services. But it has been all along a case of giving a dog a bad name before hanging him. I should have welcomed the experiment of putting a College definitely under an Indian from that service and I can give names if wanted.

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But I shall be yielding and recognize the difference in importance attached—though not always justly—to the two services and allow that in the present circumstances an officer of the I. E. S. is required. In this place let me make it clear that I have not the least objection to Professor Rawlinson, who has been selected at present for the post of the Principal. But why the word "European"? In this connection I may be treated to the elegant story of snakes in Iceland and be told that there being no Indian at present in the I. E. S., I need not make such a fuss about the word. But to this I would reply in the same strain that an inhabitant of Iceland would be considered a lunatic if he lays traps everywhere for snakes, brings up mongooses or always keeps on his person the Brunton lancet ready for a snake bite. Neither does the Government of Finland keep a Kheddah Department for hunting elephants, nor the Bombay Government instruct the Collector of Bombay to grant licenses for hunting giraffes or polar bears. If there are no Indians in the I. E. S. in Bombay why should the word European be specially mentioned? Are we not justified in regarding it as an insult to us as Indians and as one means of stopping all our further aspirations? We are in hopes that if not at present at least in the near future Indians will be largely recruited for the Indian Educational Service. Even the Royal Commission makes a recommendation that one-fourth of the cadre in Class I should be Indian immediately while the Honourable Mr. CHAUBAL himself goes further and says that in the immediate future in the recruitment for this class one Indian and one European should be alternately selected as far as possible. Are we then to assume that although we are in the near future to have many Indians in Class I responsible posts are not to be given to them? I shall appeal from the Honourable Mr. CHAUBAL the Member of Council to the Honourable Mr. CHAUBAL the member of the Royal Commission. His minute contains the following:—

"I am prepared to concede that, other things being equal, the caste or community to which a candidate belongs may be taken into consideration, but of late there is an unfortunate tendency to attach undue importance to this consideration and educational and other qualifications are often subordinated to it. In some provinces the prejudice against certain castes has gone so far that the members of these castes have begun to think that Government Service is practically tabooed to them and the accident of belonging to such a caste is regarded as a positive disqualification. I am therefore inclined to support this vague recommendation about the due representation of castes and communities if it is put negatively, *i. e.* the authorities concerned with the nomination or appointment of candidates should only take care to see that posts in any service are not substantially and unduly monopolized, by any one caste or community, and the existence or otherwise of certain traits of "character" be not assumed necessarily to exist in any individual because he belongs to a certain caste or community. The other limitations that I would introduce on the consideration of this question is that as regards the highest posts, to which the appointments must generally be by selection from among those who have already been in service, the question of the reprensentation of a caste or a community should be regarded as absolutely irrelevant, and that the best man available be selected."

Shall I then be considered very wrong in asking this Council not to allow such a racial stigma to be put upon the Indian as such. I know that the press note may be said to be intended for the first appointment and not for all time. But I have proved that there was no necessity for such a reflection on Indians as such in the beginning of the History—which we all hope is to be a glorious History—of the Karnatic College. In the next case that will arise it would be difficult to get out of the groove once made. I look forward to a time when even the Elphinstone, Deccan (which had long ago for some time an acting Principal in the person of the late Keropant Chhatre) and Gujarat Colleges may have Indian Principals. I think that the ideal state of things is one in which the

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boys of the country are taught by properly qualified people of that country. In any case even though this consumation is far off, let us not by anything we now do put a disqualification against ourselves, and I hope the members of this Council will accept my resolution which involves only a principle.

The Honourable Mr. MAHADEV BHASKAR CHAUBAL:—Your Excellency,—I should like to make a statement before the Council is flooded with further oratory. Whatever my other faults or defects of character, the Honourable Mr. PARANJPYE at least ought not to say that inaccessibility is one of them: and if before giving notice of this Resolution or at least before moving it he had cared to see me or speak to me about it, I could have explained the situation and the circumstances under which this press note was issued. A course which would have saved him the trouble of the speech he has made, and perhaps saved Government from the incisive attack he has thought fit to make on it.

Now let me tell the Honourable Mr. PARANJPYE and this Council that issuing a small press note of half a dozen lines is not the process that Government adopts for formulating its educational policy. This press note came to be issued, let me remind the Honourable Mr. PARANJPYE, even before we had the necessary sanction of the Government of India. It was issued subject to this sanction being received and in anticipation of it. Why was Government in a hurry like that? and why need Government have proclaimed by a press note facts which were known to this Council and to the public a long time back? Because there were special circumstances, which made the issuing of a press note desirable to encourage the promoters of this college and to refute rumours which had started. Honourable members are aware the establishment of a college for the Karnatic by Government was promised if the inhabitants of the province practically evinced their desire and earnestness for higher education by substantial contributions and approached Government after they had at least collected two lakhs of rupees for the purpose. The promoters in the Karnatic were doing their best to get the amount, but we all know what a fruitful soil this country possesses for starting and floating rumours, and what a reputation for credulity we possess when such rumours are easily believed in and acted upon. In some mysterious way rumours started that Government was going back on its promise of starting this college in the Karnatic and there were applications from other bodies for starting a college in Belgaum, either from the Lingayat community or the Jain community or other communities, and the promoters of this institution from that province came to Government and represented that this rumour had the effect of stopping further contributions to the fund which they expected and of holding back some of the subscriptions which had been promised. It was therefore mainly to facilitate the collection of the requisite funds by these promoters that this press note was issued at that time. When Government had made up their mind to start the long promised college at Dhárwár, they thought that the establishment and organisation of the institution ought to be in capable and experienced hands, that the Head and Principal of this institution ought to be an Indian Educational Service Officer and had come to the conclusion that the only experienced officer they could spare was Mr. Rawlinson. The use of the word European in the press note was more than anything due to this: and Government least expected any one to read the announcement in the press note as a declaration that the Principal of the Dhárwár College was to be an European for all time to come. Having stated to my Honourable friend how the word he considers to be so offending came to be used, let me further state to this Council that whatever the indignant enthusiasm to which the Honourable Mr. PARANJPYE has lashed himself in this particular case Government ought not to disregard the wishes and desires of the inhabitants of the Karnatic, for whom and with whose aid this college was going to be established, and I can tell the Honourable Mr. PARANJPYE that I have here with me solemn representations from the two main communities of the Kar-

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natic requesting Government not to accept the resolution which the Honourable Mr. PARANJPYE has moved in this Council. Besides if anybody ought to know, at least the Honourable Mr. PARANJPYE who claims to be in touch with the feelings of the people on a point like this, ought to be certainly aware that the feeling between the two great communities of the Karnatic is by no means as harmonious as it ought to be, and with their knowledge of the state of feeling between these communities Government thought it absolutely necessary that the institution and organization should be entrusted to a person in whom both the communities interested would have perfect confidence. In one part of his speech the Honourable Mr. PARANJPYE accidentally lights upon the correct note by observing that the press note was perhaps intended only for the first appointment but with all that he takes it for granted that there is some hidden meaning in the pronouncement of Government against Indians and that Government desired to make a racial distinction. Let me assure this Council that no such distinction was ever present in any shape in the mind of Government, and that other honourable members will not so readily misconceive the intentions of Government. I do not see why the honourable member should read into this innocent pronouncement in the press note a decision on the part of this Government to try and bind succeeding Governments to appoint an European Principal. This Government should only be responsible for the appointment which it thinks proper to make at the present time. Having disclaimed all the ulterior motives that have been imagined owing to the use of the offending word in the press note, I do state on behalf of Government taking into consideration the question of the initial foundation and organisation of the college, taking into consideration the communal differences and feeling between the two great divisions of the people of the province and taking into consideration the subjects, instruction in which it was considered desirable to entrust to the officer to be appointed the Head and Principal of the College, Government do consider it eminently fit that the first principalships of this new college should be held by an European. In the end I only wish that the Honourable Mr. PARANJPYE had been kind enough to see me before he made up his mind to move this resolution. I should in that case have explained the situation to him exactly, which would probably have saved the Council this flood of oratory and saved Government the charge of racial distinction which he has chosen to throw upon the intentions of Government in this matter. After this explanation as to how the word "European" came to be used in the press note I do not think there would be any further discussion on this subject.

The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA:—My Lord,—The Honourable Mr. PARANJPYE had the privilege of receiving his education under the auspices of English Universities, and I cannot understand why he should deprive the students in India from receiving education by graduates and educationists from the Universities of England. My Lord, we have to learn a great deal from Englishmen in India and if there is one thing more than another it is that we require the guidance of Englishmen in India.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE:—Your Excellency,—After the assurance given to me by the Honourable Mr. CHAUBAL that the word "European" was not intended to cast a racial stigma, I wish to withdraw the resolution. All that I meant was that in the press note, if a European happened to be selected, it should have been mentioned that Mr. Rawlinson had been selected. In that case nobody would have disputed the choice of the Government at all. One other thing I wish to mention. The Honourable Mr. CHAUBAL appears to have said that I should have consulted him. In connection with another resolution last year he wanted to see me personally and I did meet him. I have seen him recently several times and spoken to him on other matters but apparently he appeared to avoid this particular subject. I did not therefore know what to do. I did not want to open a question which he

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[*Mr. Raghunath Purshottam Paranjpye; Mr. Shridhar Balkrishna Upasani; The President; Sardar Shriniwas Coopooswami Mudliar.*] [16TH MARCH 1917.]

appeared to avoid, especially he is obviously senior to me and therefore it was not possible for me to consult him. Well, one more point. The Honourable Mr. CHAUBAL said that he had received solemn assurances from the two great communities of the Karnatic about the question of the appointment of Principal. I do not know how much importance can be given to it because, on the other hand, I have assurances also. In fact the public meetings which were held at Dhárwár and Belgaum urged that they wanted, if possible, to get an Indian as Principal. However, leaving that aside, I do not know, if we think a course desirable, why we should saddle ourselves with the responsibility of making racial distinctions in this manner even to oblige the susceptibilities of one or two great communities for a short time. With these words I beg to withdraw the resolution.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency,—I only want to thank the Honourable Mr. PARANJPYE for having brought this resolution before the Council, because, if he had contended himself with only a private statement from the honourable member in charge of education as suggested by the latter that might not have removed the public misunderstanding nor elicited the open declaration in Council that there was no intention on the part of Government to reserve the Principal's appointment for an European.

His Excellency the PRESIDENT:—Order, order.

Resolution by leave withdrawn.

His Excellency the PRESIDENT:—Resolution No. 9. The Honourable Sardar SHRINIWAS COOPOOSWAMI MUDLIAR.

The Honourable Sardar SHRINIWAS COOPOOSWAMI MUDLIAR:—Your Excellency,—The resolution that stands in my name reads as follows:—

> **"That this Council recommends that Government be pleased to move the Railway Board to provide railway platforms and waiting-rooms for passengers on the Stations on the Barsi Light Railway and specially at Barsi."**

This resolution needs no lengthy speech from me, nor are any elaborate reasons necessary, to bring home to you, any conviction in that behalf, as most of us have experienced the inconveniences. The necessity for platforms and waiting-rooms upon this Railway line is a topic much discussed in newspapers for some time past, and during my visit to Pandharpur in December last, I have personally felt these inconveniences and have no hesitation in stating that the complaint in the public press is not in the least exaggerated, and I earnestly hope that the authorities concerned, will, as soon as practicable, supply this long-felt necessity. On inquiring further into this grievance, I learn that during the hot season and the rains, it is painful to see how passengers suffer, on that line. There is, however, a waiting-room to be seen on the G. I. P. Railway side of the station, but it is a fairly long distance from the spot from which the Barsi Light Railway makes its start. But even this waiting-room I was surprised to observe was monopolised by the officials and their subordinates and used as their offices or as a place of rest, although it is solely meant for the use of travellers.

I am well aware that in the first instance, I should have approached the Railway Board for redressing our grievance and not troubled this Council, but then the public have made representations to the Board but without success. Under these circumstances it is hoped that this Government will get the Railway Board to provide platforms and waiting-rooms and thus once for all end the trying inconvenience of thousands of pilgrims who visit Pandharpur all round the year. In any case at least the Barsi Railway side station at Kurduwadi must be so provided even although owing to war and financial difficulties the matter may

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[16TH MARCH 1917.] [*Sardar Shriniwas Coopooswami Mudliar; Dewan Bahadur Kashinath Ramchandra Godbole; Sardar Dulabawa Raisingji; Ráo Bahádur Ganesh Krishna Sathe.*]

be put off as regards the intermediate small railway stations, till normal conditions are restored.

I do not propose Your Excellency to take up any more time of this Council upon this simple but very important resolution.

With these few remarks, I have only to urge upon Your Excellency and the Members of this Council to pass this resolution and to recommend to the Railway Board the desirability of taking the necessary steps to comply with this crying want.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency,—I know a good deal about the conditions of the railway station at Kurduwadi. It is not called Kurduwadi Junction at present, but Kurduwadi. In the first place as regards the platforms on the Barsi Light Railway, owing to that being a 2 feet 6 inches gauge line the wheels of its coaching stock are small in diameter and therefore regular raised platforms are not necessary in the case of that line. In the second place, the great inconvenience that the Honourable MOVER of this resolution has brought to the notice of the Council has already attracted the notice of the Pilgrim Committee when they visited that station. The Pilgrim Committee have made certain recommendations on the subject which include amongst others that the whole joint station at Kurduwadi should be enlarged and larger waiting rooms and longer platforms should be provided for the convenience of the large numbers of pilgrims that come to this place. The matter, I believe, is receiving attention from the G. I. P. and the Barsi Light Railways. I do not think that much good will be served by pressing the points again upon the attention of the Railway Board. So if the Honourable MOVER agrees the resolution might be withdrawn.

The Honourable Sardar DULABAWA RAISINGJI, Thakor of Kerwada:—Your Excellency,—I rise to support the resolution. The Honourable MOVER gives instances of the grievances against the Railway Company due to hardships which passengers are experiencing on that railway line. Honourable Members are aware of the inconveniences and hardships to which passengers, particularly third class passengers, in every railway line are put to and it is the duty of the railway companies to give every possible facility to the passengers. We often hear of the large profits made by the railway companies and I am sorry to say we have to notice that they have no regard for the poor people who have to expose themselves from want of proper accommodation of railway platforms and waiting-rooms.

With these observations I heartily support the resolution.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE:—Your Excellency,—Coming from a district in which this Barsi Light Railway is working, I think, I should say a few words in support of this resolution. This Barsi Road is a station which is a junction both for Barsi Town and Pandharpur. It is about 19 or 20 years since this line was started and it is a matter of every day experience that a number of passengers have to suffer inconvenience on account of insufficiency of accommodation in the waiting-rooms and no account of the long distance from one platform to another. On several occasions I have visited this place and I find that when a passenger has to go from the platform of the G. I. P. to take the Barsi Light Railway train for Barsi Town or Pandharpur, he has to walk a long distance in the sun and under rain. It is absolutely necessary that the Barsi Light Railway Administration be induced to take up this work in hand and to have a small platform just opposite the line of the G. I. P. and that, I think, the mover of this resolution wishes to get.

STATIONS ON THE BARSI RAILWAY.

[*Ráo Bahádur Ganesh Krishna Sathe; Mr. G. Carmichael; Sardar Shriniwas Coopooswami Mudliar; The Pesident.*] [16TH MARCH 1917.]

As regards the waiting-rooms, I see that since 1898 their capacity is not appreciably increased though the number of passengers on account of the extension of the railway to Pandharpur has increased immensely.

The Honourable Mr. CARMICHAEL :—Is the Honourable Member talking of Barsi or Kurduwadi?

The Honourable Ráo Bahádur SATHE :—I am speaking about Barsi Road Junction, that is, Kurduwadi; because at Barsi there is a platform but at Barsi Raod Junction there is no platform.

I was just speaking about the insufficient accommodation of waiting-rooms and that does not apply to first and second class waiting-rooms alone but it applies more so in the case of third class waiting-rooms. If members of this Council remember that four times out of the year a large number of pilgrims visit Pandharpur *viâ* Barsi Road Junction, they will see the necessity of having better accommodation during the time they have to wait at the junction station The present state of things causes great inconvenience to passengers travelling on that line and I endorse every word of what has been said by the Honourable MOVER of the resolution, and I submit it will really be very kind of this Government to make a recommendation as suggested in this resolution to the Railway Board.

The Honourable Mr. G. CARMICHAEL :—I think that after what the Honourable Dewan Bahadur GODBOLE has told us it is hardly necessary for Government to do anything more at present. The Honourable Dewan Bahadur was on the Pilgrim Committee and that Committee examined the various circumstances connected with the provision for passengers at Kurduwadi, more particularly, with regard to Pilgrim traffic and have submitted a recommendation for very extensive improvements at that station. The matter I understand will go to the Railway Board. But, I am prepared to give an assurance on behalf of the Bombay Government that if necessary they will press the matter on the attention of the Railway Board, I think the Honourable Member also referred to the provision of platforms at small stations on this Light Railway. With regard to this part of the resolution one has to remember that India requires these Light Railways, and if we impose on the promoters and companies too great a burden in the matter of these small facilities then I think we shall have a fewer number of Light Railways. The Honourable the Thakor of Kervada has suggested that all railways make large profits. That may be true, but unless the profit is considerable the necessary capital will not be forthcoming, and we shall have very much fewer railways than we should. The Honourable Dewan Bahadur GODBOLE has pointed out that, as a matter of fact, platforms for these small side stations are hardly necessary. There are very few getting into the train at these places and the inconvenience of the distance from the platfrom is very small. Practically there is no inconvenience in the matter. I will assure the Honourable Mover of the resolution that Government will be prepared to submit if necessary a recommendation to the Railway Board. As I understand the matter and as pointed out by the Dewan Bahadur the Railway Board have already the proposals of the Pilgrim Committee before them. The Government of Bombay agree with those recommendations and they will make it their business to see that as far as practicable, they are carried out.

The Honourable Sardar SHRINIWAS COOPOOSWAMY MUDLIAR :—Your Excellency,—Have the recommendations of the Pilgrim Committee been carried out?

His Excellency the President :—I think the Honourable Member wants to know whether the recommendations of the Pilgrim Committee have been carried out. I am sorry I cannot give that information, but the real importance of the matter is realized by us. The Honourable Member probably knows that the Pilgrim Committee has recommended a very considerable improvement at the

STATIONS ON THE BARSI RAILWAY: CO-OPERATIVE CREDIT IN SIND.

[16TH MARCH 1917.] [*The President; Sardar Shriniwas Coopooswami Mudliar; Mr. G. Carmichael; Ráo Bahádur Ganesh Krishna Sathe; Mr. G. M. Bhurgri.*]

Kurduwadi Station. We will keep the matter before us and we will do everything we can to push the matter on and support the recommendations of the Pilgrim Committee. I think that is what the Honourable Member expects.

The Honourable Sardar MUDLIAR:—In that case, my Lord, I beg to move that this Government will recommend to the Railway Board the arrangements I have proposed.

The Honourable Mr. CARMICHAEL:—Would the Honourable Member repeat his statement, I cannot catch him.

The Honourable Sardar MUDLIAR:—I don't like to withdraw my resolution.

The Honourable Mr. CARMICHAEL:—Does the Honourable Member wish to press the resolution in the form in which it is, including small stations?

The Honourable Sardar MUDLIAR:—Yes.

The Honourable Ráo Bahádur SATHE:—If it is stated "waiting-rooms for passengers" and then drop all the wording "on the stations on the Barsi Light Railway and specially" and retain the words "at Barsi" will that resolution be accepted?

The Honourable Mr. CARMICHAEL:—In that form on behalf of Government I am prepared to accept the resolution.

The resolution* as amended was then put to the vote and carried.

His Excellency the PRESIDENT:—Resolution No. 10.

"That this Council recommends to His Excellency the Governor in Council to consider the advisability of appointing, if or as soon as Financial conditions permit, a separate officer to push forward and popularize co-operative credit in Sind."

The Honourable Mr. BHURGRI.

The Honourable Mr. G. CARMICHAEL:—Your Excellency,—If I may be permitted to make a statement with regard to this resolution, perhaps the honourable member will not think it necessary to say much in support of it. The recommendations of the Committee on co-operation were sent to us for consideration by the Government of India. In dealing with these recommendations this Government came to the conclusion that in order that an advance in the matter of co-operation should be made in the Province of Sind, it was necessary that a separate officer should be appointed. The form in which the question has been considered is that the Registrar in Bombay should have control over Sind and the presidency proper, and that he should have under him two or more assistants, and that one of these assistants should work exclusively in Sind. This proposal complies with the recommendation which the honourable member proposes to ask this Council to accept. We have the matter under consideration and we have made a reference on the subject to the Government of India and we understand that these proposals have been forwarded to the Secretary of State, but owing to the war it has not been possible to take further action. But we have considered the advisability of appointing a separate officer to push forward and popularise co-operative credit in Sind.

The Honourable Mr. G. M. BHURGRI:—Do I understand that one of these officers will be a full-time officer for Sind specially?

The Honourable Mr. CARMICHAEL:—I can assure the honourable member that if there is full-time work in Sind, then Sind will have a full-time officer.

The Honourable Mr. G. M. BHURGRI:—That will serve my purpose.

The resolution was then put to the vote and carried.

*This Council recommends that Government be pleased to move the Railway Board to provide railway platforms and waiting-rooms for passengers at Barsi.

SUB-ASSISTANT SURGEONS ON THE MEDICAL COUNCIL.

[*The President; Mr. Gokuldas Kahandas Parekh.*] [16TH MARCH 1917.

His Excellency the PRESIDENT:—Resolution No. 11. The Honourable Mr. PAREKH.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH.—May it please your Excellency: The resolution that I wish to move runs as follows:—

"This Council resolves that His Excellency the Governor in Council may be requested to take early steps so to amend the Bombay Medical Act, 1912, as to render persons who have passed the Sub-Assistant Surgeons' examination, according to the Rules prescribed by Government, eligible to be Members of the Medical Council, and to bring the Bombay Enactment in this behalf into line with the corresponding Acts of other Provincial Governments under the Government of India."

Your Excellency, our Province was the first to take the lead in the matter of the passing of the Medical Acts, and under the Medicial Act of this province the presons who have passed the examination prescribed for Sub-Assistant Surgeons by the Government of Bombay are competent to be registered as medical practitioners. The qualifications for such registration are given in the Schedule which is annexed to the Act. The second part of the Schedule says:—

"Any person trained in a Government Medical College or School who holds a diploma or certificate granted by Government declaring him to be qualified to practise Medicine, Surgery and Midwifery, or to be qualified for the duties of a Military Assistant Surgeon, Hospital Assistant or Sub-Assistant Surgeon."

Now, the provision of section 2, clause (4), of the Act is the one against which I complain. In laying down the conditions which would qualify a man to be elected to the Medical Council, the clause says:—

"No person shall be eligible to be a member of the Medical Council unless he is—

"(*a*) a member of the Indian Medical Service, the Royal Army Medical Corps, the Army Medical Staff or the Royal Naval Medical Service and is for the time being serving in the Bombay Presidency, or

"(*b*) a medical practitioner for the time being registered under the Medical Acts and residing in the Bombay Presidency, or

(*c*) a graduate in Medicine or Surgery or a Licentiate in Medicine or a Licentiate in Medicine and Surgery of the University of Bombay for the time being registered under this Act.

So, the Council will see that a Sub-Assistant Surgeon, though he is qualified for being registered as a medical practitioner is not qualified for being elected for the Medical Council. After this Act was passed there were the Medical Acts of Madras, Bengal and Burma, and I have also been informed, though I have not been able to get access to the Act itself, that a similar Act has been passed for the Punjab.

Now, amongst the various Acts it will be found that the Madras Act allows the Sub-Assistant Surgeons to be elected to the Medical Council and for that purpose I refer your Excellency to section 5 of the Madras Act, clauses (*d*), and (*e*) and section 6. They read as follows:—

5. (1) A Medical Council shall be established for the Presidency of Madras and shall consist of fifteen members including a president and a vice-president to be appointed in the following manner:—

(*a*) the president nominated by the Governor in Council;

(*b*) one member elected by the medical faculty of the Senate of the University of Madras;

(*c*) one member elected by the registered practitioners who are registered under the British Medical Act;

(*d*) three members elected by the registered practitioners who are graduates in medicine of the University of Madras;

(*e*) two members elected by all other registered practitioners;

So, in Madras the Sub-Assistant Surgeons who are entitled to be registered as medical practitioners are also entitled to be elected as members of the Medical Council.

Section 6 of the Madras Act says :—

6. No person shall be eligible to be a member of the Council unless he is a registered practitioner.

So, under the Madras Act the Sub-Assistant Surgeon is not disqualified for being placed upon the Medical Council.

Similar provision appears also in the Bengal Act VI of 1914. I refer the Council to section 4. It reads :—

4. The said Council shall consist of fifteen members, namely :—

(*a*) a president to be nominated by the Local Government;

(*b*) seven members to be nominated by the Local Government;

(*c*) a member to be elected, from among the members of the Faculty of Medicine, by the Senate of the University of Calcutta;

(*d*) one member to be elected by registered practitioners who are qualified to be registered under the Medical Acts;

(*e*) three members to be elected by registered practitioners who are graduates or licentiates in Medicine or Surgery of the University of Calcutta; and

(*f*) two members to be elected by all other registered practitioners:

So, under the Bengal Act your Lordship will find that the Sub-Assistant Surgeons are also qualified to be put upon the Medical Council.

Then in the Burma Act I of 1915 section 3 runs as follows :—

"3. A Medical Council shall be established for the Province of Burma and shall consist of nine members who shall be registered practitioners for the time being resident in Burma and shall be appointed in the manner following:—

"(*a*) a president and three other members to be nominated by the Local Government.

"(*b*) three members to be elected by such registered practitioners, for the time being resident in Burma, as are registered under the Medical Acts; and

"(*c*) two members to be elected by such registered practitioners, for the time being resident in Burma, as are not registered under the Medical Acts."

So the Council will see that in all the Indian Acts except that of Bombay the Sub-Assistant Surgeons are qualified to be put upon the Medical Council. When the Bombay Act was passed, there was nothing to indicate the attitude that the various legislative bodies in India would take in this connection. Now we know how the various legislative bodies have in the other parts of India disposed of this question, and I think it would be necessary and desirable that the same recognition should be given to the Sub-Assistant Surgeons of Bombay as is being given to similar officers elsewhere. I submit that no man would say that the examination which the Bombay Sub-Assistant Surgeons have to pass is in any way inferior to the examinations of similar officers elsewhere, nor can it be said that there is any other reason why the Bombay Sub-Assistant Surgeons should hold a position inferior to that of similar officers elsewhere. I should think it would reflect a slur upon the Bombay service if these people are not given the same privileges in this Presidency which they would have received if they were serving as Sub-Assistant Surgeons elsewhere, and I would therefore ask that this resolution be accepted.

SUB-ASSISTANT SURGEONS ON THE MEDICAL COUNCIL: INVESTIGATION OF HYDRO-ELECTRIC SCHEMES AND KARNATIC COLLEGE.

[*Mr. Vithalbhai Jhaverbhai Patel; Mr. G. S. Curtis; the President; Dewan Bahadur Kashinath Ramchandra Godbole; Mr. Abdul Kadir alias Fakir Mahomed walad Ibahim Khan Pathan.*] [16TH MARCH 1917.]

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL.—Your Excellency,—I rise to support this resolution in a few words. It seems to me that the issue involved is very simple. The position is this, that the sub-assistant surgeons in this presidency are entitled to return two members to the Medical Council; that is to say, they are voters, but they are not eligible for being elected. Now I submit, Sir, when the Act has recognized them as voters Government should go a step further and recognise them as persons who could be elected also. I am quite sure and my honourable friend the Surgeon-General, who is here, will also agree with me that there are several gentlemen among sub-assistant surgeons who are as competent as some of the civil surgeons themselves. I know personally of several instances which I can cite. Dr. Jethalal, who was till recently posted at Surat and the well-known Dr. Benjamin of Ahmedabad are instances in point. I do not for a moment believe, My Lord, that the class of sub-assistant surgeons as a whole could not find two capable men from among themselves to represent them on the Medical Council. I, therefore, have very great pleasure in supporting the resolution.

The Honourable Mr. G. S. CURTIS.—May it please Your Excellency,—Perhaps it will shorten discussion if I say that Government are prepared to accept the suggestion. As to the number of seats to be assigned to the body, Government can give no guarantee, but as regards the principle, they are prepared to accept it.

The resolution was put to the vote and carried, subject to the Honourable Mr. Curtis' observations.

His Excellency the PRESIDENT:—Resolution No. 12—the Honourable Dewan Bahadur GODBOLE.

"This Council recommends that His Excellency the Governor in Council will be pleased to place on special duty at the earliest convenient date a capable officer of the Public Works Department to report upon the development of waterpower in this Presidency, both for direct use and for the establishment of hydro-electric plants, the special duty officer being instructed to give approximate costs of the proposed waterpower schemes, the details being left to be worked out by promoters proposing to utilize the power for industrial purposes."

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency,—As regards this resolution, I had a discussion with the Honourable Mr. CARMICHAEL and we have come to an understanding that we should have an informal discussion about it before the resolution proceeds further. Under these circumstances, Sir, I would ask the indulgence of postponing the consideration of this resolution to the next meeting of the Council.

Resolution by leave postponed to the next meeting of this Council.

His Excellency the PRESIDENT:—Resolution No. 13, the Honourable Mr. PATHAN.

The Honourable Mr. ABDUL KADIR alias FAKIR MAHOMED walad IBAHIM KHAN PATHAN:—My Lord, the resolution that I have the honour to move reads as follows:—

"This Council recommends that the Government be pleased to issue a Press Note on the subject of the Karnatak College, giving the public a clear assurance that the Government will, as soon as the

financial conditions permit, raise the Second Grade Arts College to be established at Dharwar by the beginning of June next to the status of a First Grade College."

My Lord, Government have undertaken to start a first grade college at Dharwar if the people contribute two lakhs of rupees. This fact is borne out by the statement made in the "Remarks" column of the provincial budget against the provision made in it for the Dharwar Karnatak College. In that statement Government have given an undertaking to start a first grade college at Dharwar if the people give a contribution of two lakhs, and Government further say in the statement that on account of the financial stringency they are not in a position to start a first grade college, and that therefore they have decided to start at present a second grade college. In view of the statement made in the budget, I do not think I need say much in support of the resolution. It is only the wording in the press note issued by Government that has given a suspicious sort of feeling to the people and the people do not know whether Government are going to start a first grade college or not. I only wish that Government should be pleased to assure me that as soon as the financial stringency is over they will redeem their promise. I do not say that Government should start the first grade college now, but I do wish that Government will be pleased to say as much as they have said in the remarks they have made in the remarks column of the budget. With these few words I submit this resolution for the acceptance of the Council.

The Honourable Mr. MAHADEV BHASKAR CHAUBAL :—Your Excellency,—I do not think this resolution need detain the Council at any length and I might inform the Honourable Member and the Council that Government have already instructed the Director of Public Instruction to inform the University, if the University wanted an assurance on the subject, that Government have the fullest intention of applying for the affiliation of the College as a 1st grade college when financial conditions improve and Government is in a position to equip and furnish the college as a first grade college. The Director of Public Instruction has as I have said been already instructed to give that assurance to the University and so far as the Honourable Member and the public is concerned, I am prepared to give that assurance here. But, of course, it is very difficult for this Government to bind any subsequent Government by any limitation of time. So far as this Government can state their position, therefore, they have the fullest intention, when financial conditions permit, of developing this college into a first grade college, and if my honourable friend will see his way to amend his resolution in the way in which I propose, Government will readily accept it. I propose that the resolution should read as follows :—

This Council recommends that the Government be pleased to give the public an assurance that Government will as soon as financial conditions improve, apply for the affiliation of the second Grade Arts College, to be established at Dharwar, in the further courses in which instruction is imparted at a First Grade College.

I do not think it is necessary to issue a press note. A press note can only give the assurance which I am giving now on behalf of Government because the Honourable Member will see that it is not for the Government to say, but for the University, whether the affiliation to any particular grade should be granted or not according the circumstances which are set forth in the application before them. But at present our financial conditions will only permit us to apply to the University for starting a second grade college. Instead of the wording "raise the second grade arts college" I propose the words that "Government will apply for the affiliation of the college in the further courses in which instruction is imparted at a first grade college." If that will satisfy the Honourable Member, Government is prepared to accept the resolution.

KARNATIC COLLEGE: INQUIRY INTO PUBLIC EXPENDITURE.

[*Mr. Abdul Kadir* alias *Fakir Mahomed walad Ibrahim Khan Pathan; the President; Mr. Vithalbhai Jhaverbhai Patel; Mr. Gokuldas Kahandas Parekh.*] [16TH MARCH 1917.]

The Honourable Mr. PATHAN :—I am quite agreeable to that amendment.

The resolution as amended was then put to the vote and carried.

His Excellency the PRESIDENT :—Resolution No. 14.

That this Council recommends that His Excellency the Governor in Council may be pleased to direct an enquiry by a Committee or otherwise on the question of the public expenditure of this Presidency with a view to secure economy whenever possible.

The Honourable Mr. PATEL :—Your Excellency, with regard to this resolution I want Your Excellency's ruling. I am entitled to make my speech.

His Excellency the PRESIDENT :—As far as I remember both the Honourable Member and the Honourable Dewan Bahadur GODBOLE have made their speeches at the last meeting. I now call upon the Honourable Mr. PAREKH to make his speech.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH :—Your Excellency,—In supporting this resolution I say that the public, this Council, and the Government should feel thankful to my honourable friend Mr. PATEL for bringing this important question for discussion. In connection with the Resolution under discussion I propose in the first instance, to direct the Council's attention to the points that I wish to bring out. These are, firstly, the rate at which the expenditure of our province has been progressing. The second point is that Government during the last 11 years have been enabled to meet this increased expenditure not merely by the normal increase of revenue but by the circumstance that some divisible heads of revenue have been entirely provincialised and that some provincial shares and their divisible heads of revenue have been considerably increased. The third point that I wish to bring out is that the expansiveness of some of the heads of revenue has been considerably diminished, if not entirely lost; and it is not safe to rely much on the apparent expansiveness of the Abkari Revenue. Then I also propose to show that an increase of expenditure in some Departments and particularly in the Departments of Education and Sanitation and also in that of Land Revenue is needed for the purpose of very urgent reforms and an increase in revenue according to the scale at which it rose during the last 10 or 11 years would be necessary in order to carry them out. I think it would not at all be desirable to allow these reforms to stand still, and I propose to show that the reforms that are necessary could not be carried out unless there are curtailments under some other heads of revenue. In establishing my conclusions on these points I will try to be as concise as possible. In connection with the first point it is necessary that I should institute some sort of comparison between the different years, and in making this comparison I think it would not at all be right to include the last two years 1915-16 and 1916-17, because they were years of an exceedingly abnormal character in consequence of the retrenchment which was forced upon the Provincial Government owing to the great war. Therefore, I propose to take the 11 years from 1904-05 to 1914-15 for the purpose of showing at what rate the provincial expenditure has advanced. I select the year 1904-05 as it was the last year of a periodical settlement with the Imperial Government. Under the head of Land Revenue the expenditure in 1904-05 was 67 and it rose to 90 lakhs in 1914-15. So under this head the increase of expenditure came to 23 lakhs. Under the head of Registration, a small head no doubt, the expenditure in 1904-1905 was nearly 3 lakhs, in 1914-15 it had risen to nearly 4 lakhs. So, under this head there was an increase of 1 lakh in expenditure. Under the head of Excise the expenditure in 1904-05 was about 5 lakhs and it rose to 12 lakhs in 1914-15 and thus there was an increase under this head of 7 lakhs. Under the head of Forest the expenditure

in 1904-05 was 19 lakhs and it rose in 1914-15 to 26 lakhs and thus there was an increase of 7 lakhs under it. Under the head of General Administration the expenditure in 1904-05 was 15 lakhs and in 1914-15 it rose to 19 lakhs which means an increase of 4 lakhs.

The Honourable Mr. CARMICHAEL :—May I ask with regard to General Administration to what particular item of expenditure does the Honourable Member object?

The Honourable Mr. PAREKH :—So far as general expenditure is concerned it would not at all be proper in this discussion to say in reference to any expenditure that it was proper or improper. These are questions which I should consider are not at all necessary to discuss on this occasion. The line I propose to take is to show to the Council that the amount of increase has been very considerable.

The Honourable Mr. CARMICHAEL :—Does the Honourable Member mean to say that we should sit on the money and not spend it and do nothing with it?

The Honourable Mr. PAREKH :—Not at all. Under the circumstances I do not at all mean that Government should not spend it. What I propose to show is that so far as the revenues are concerned unless curtailments are made in certain directions we would be in an exceedingly wrong position. I do not mean to say that there should be sitting upon the money; what I propose to show is that the money that will be available to you will be small and therefore curtailment in certain directions and particularly in the matter of establishments or agency for the purpose of carrying on the various administrative departments would be necessary. That is the thing which I want to show. I do not mean to say that any particular item of revenue is wrong or that there is fault in any particular matter, but what I want to show generally is that as things stand the expenditure in certain directions is of a very growing character and the demands of the people under certain heads are of a very urgent character and therefore, it would be necessary to make curtailments in certain directions with the view that the needs of the people and the public needs of the Presidency may be met. I therefore, do not at all propose to show whether economy can be practised or ought to be practised because that would be left to the enquiry which is the object of this resolution.

Therefore it would be rather premature for me to now tell you that I wish the curtailment of any particular expenditure. That should be the function of the enquiry of the Committee which is proposed, where curtailment may be made and where not.

Under the head of Law and Justice the expenditure in 1904-05 was Rs. 48,00,000 and in 1914-15 it had risen to Rs. 57,00,000 which gives an increase of Rs. 9,00,000. Under the other sub-head of this head, namely the Administration of Jails, the expenditure was Rs. 8,00,000 in 1904-05 and it rose to Rs. 12,00,000 in 1914-15. There was thus an increase of Rs. 4,00,000 under this sub-head. Under the head of Police the expenditure in 1904-05 was Rs. 64,00,000 and it rose to Rs. 1,07,00,000 in 1914-15, thus giving an increase of Rs. 43,00,000. Under the head of Ports and Pilotage the expenditure in 1904-05 was Rs. 67,000 and in 1914-15 it had risen to Rs. 2,88,000. So under this head there was an increase of Rs. 2,11,000. Under the head of Education the expenditure in 1904-05 was Rs. 23,00,000 and in 1914-15 it rose to Rs. 1,03,00,000. Under the head of Medical the expenditure in 1904-05 was Rs. 23,00,000 and in 1914-15 it rose to Rs. 49,00,000, an increase of Rs. 26,00,000. There is an increase in the expenditure of Rs. 1,00,000 during this period under the head Political. Under the head Scientific and other Departments, the expenditure in 1904-05 was Rs. 3,00,000, and in 1914-15 it rose to Rs. 14,00,000.

INQUIRY INTO PUBLIC EXPENDITURE.

[*Mr. Desai; the President; Mr Harchandrai Vishindas; Mr. Gokuldas Kahandas Parekh; Mr. Lallubhai Samaldas Mehta; Mr. Upasani.*] [16TH MARCH 1917.]

The Honourable Mr. DESAI :—Would it be convenient for Your Excellency either to postpone this resolution to the July meeting of the Council or postpone it till to-morrow.

His Excellency the PRESIDENT :—I am entirely in the hands of the Honourable Member who is speaking at the moment.

The Honourable Mr. HARCHANDRAI VISHINDAS :—I propose, under rule 7 an adjournment of the consideration of this resolution to the next meeting of the Council.

His Excellency the PRESIDENT :—The best way will be for the Honourable member to conclude his speech.

The Honourable Mr. PAREKH :—I would much prefer to let it be adjourned today and I should proceed further tomorrow, but I leave it entirely in your Lordship's hands. If your Lordship thinks that I ought not to detain the Council any further today, the Council may adjourn, but I should prefer to continue my address tomorrow.

The Honourable Mr. HARCHANDRAI VISHINDAS :—I formally propose that the consideration of this resolution be adjourned to the next meeting of the Council in July.

His Excellency the PRESIDENT :—The motion that the Honourable Member makes is that the discussion of this resolution be adjourned till the July meeting.

The Honourable Mr. PAREKH :—So far as the motion before the Council is concerned of adjourning it to July I object to it. The matter was adjourned at the last meeting, and now I think it is not a question which ought to remain adjourned much longer.

The Honourable Mr. LALLUBHAI SAMALDAS MEHTA :—I support the motion for adjournment.

The Honourable Mr. UPASANI :—Considering that we have already delayed considering the question so long, I think a two or three months' further delay will not be much.

Further consideration of the resolution was postponed to the July sessions.

His Excellency the PRESIDENT :—The Council will now adjourn.

The Council then adjourned *sine die*.

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,
Secretary to the Legislative Council
of His Excellency the Governor of Bombay.

The following papers which were placed on the Council Table at the meeting of the Legislative Council of the Governor of Bombay held on the 24th July 1917 are published for general information :—

LIST OF BUSINESS TO BE BROUGHT FORWARD AT A MEETING OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF BOMBAY TO BE HELD IN THE COUNCIL HALL, POONA, ON TUESDAY, THE 24TH JULY 1917, AT 12 NOON.

I. **NEW MEMBERS—**

Before taking his seat a newly elected or nominated Additional Member should make an oath or affirmation of allegiance to the Crown.

II. **QUESTIONS AND ANSWERS—**

(The list of Questions and Answers has been printed and placed on the Council Table.)

III. **PRESENTATION OF THE BUDGET OF THE GOVERNMENT OF BOMBAY FOR THE YEAR 1917-18 AND DISCUSSION THEREON.**

IV. **BILLS—**

1. A Bill further to amend the Bombay District Municipal Act, 1901, and the Bombay Local Boards Act, 1884 (Bill No. VI of 1916)—*Second Reading.*

(*a*) *For notice of amendments from the Honourable Mr. G. S. Curtis, C.S.I., I. C. S., vide items under head V.*

(*b*) *For notice of amendments from the Honourable Dewan Bahadur K. R. Godbole, vide items under head V.*

(*c*) *For notice of amendments from the Honourable Mr. S. D. Garud, vide items under head V.*

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(*d*) *For notice of amendments from the Honourable Mr. S. B. Upasani, vide items under head V.*

2. A Bill to provide for increasing the number of elective members on district local boards and other matters (Bill No. I of 1917)—*Motion for withdrawal of the Bill.*

Notice of motion by the Honourable Mr. G. S. Curtis, C.S.I., I. C. S.—

"That leave may be granted for the withdrawal of Bill No. I of 1917."

3. A Bill to provide for the extension of primary education in municipal districts in the Bombay Presidency other than the City of Bombay (Bill No. II of 1917)—*First Reading.*

4. A Bill further to amend the Bombay Medical Act, 1912—*Motion for leave to introduce the Bill.*

Notice of motion by the Honourable Mr. V. J. Patel, Bar.-at-Law—

"That leave may be granted for the introduction of a Bill further to amend the Bombay Medical Act, 1912."

V. AMENDMENTS OF WHICH NOTICES HAVE BEEN RECEIVED—

(A) Under sub-rule (4) of rule 35 of the Rules for the Conduct of Business, notices have been received of the following amendments to Bill No. VI of 1916 (a Bill further to amend the Bombay District Municipal Act, 1901, and the Bombay Local Boards Act, 1884), as amended by the Select Committee:—

Clause 2.

(1) *From the Honourable Mr. S. B. Upasani*—

(*a*) Delete the words "or hold out any promise of individual profit" in clause (*a*) of sub-section (*1*) of new section 22A.

(*b*) Delete the explanation to sub-section (*1*) and sub-section (*2*) of the said section.

(2) *From the Honourable Mr. G. S. Curtis, C.S.I., I. C. S.*—

In sub-section (*3*) of new section 22A for the words "for a term of years not exceeding seven from the date of such conviction be disqualified at the discretion of the *Court*" the following words shall be substituted, namely:—

", for such period not exceeding seven years from the date of the conviction as the court may direct, be disqualified".

(3) *From the Honourable Mr. S. D. Garud*—

In sub-section (*3*) of new section 22A, for the words "a term of years not exceeding seven" substitute the words "a term of years not exceeding four".

(4) *From the Honourable Dewan Bahadur Kashinath Ramchandra Godbole*—

In sub-section (*3*) of new section 22A omit the following words:—

(*a*) "or at any election to a local board constituted under the Bombay Local Boards Act, 1884," after the words "municipal election".

(*b*) "or a member of any such local board" at the end of sub-section (*3*).

(5) *From the Honourable Mr. G. S. Curtis, C.S.I., I. C. S.*—

In sub-section (*5*) of new section 22A the words "with the previous sanction or" shall be deleted.

Clause 3.

(6) *From the Honourable Mr. G. S. Curtis, C.S.I., I. C. S.*—

In sub-section (*2*) of new section 25 for the words "The District Judge or such other judge as may be appointed by the Governor in Council on this behalf" the following words shall be substituted, namely:—

"An enquiry shall thereupon be held by a judge appointed by the Governor in Council, either specially for the case or for such cases generally, and such judge".

[24th July 1917.]

(7) *From the Honourable Mr. S. B. Upasani—*

(*a*) *Delete* the words "or holds out any promise of individual profit" in clause (*a*) of sub-section (*4*) of section 25.

(*b*) *Delete* the explanation to sub-section (*4*) of the said section.

(8) *From the Honourable Mr. S. D. Garud—*

In sub-section (*6*) of new section 25, for the word "seven" substitute the word "four".

Clause 4.

(9) *From the Honourable Mr. S. B. Upasani—*

In sub-section (*2*) of new section 25A, omit the words "or any individual profit", and the explanation to sub-sections (*1*) and (*2*).

(10) *From the Honourable Mr. G. S. Curtis, C.S.I., I. C. S.—*

In sub-section (*3*) of new section 25A, for the words "for a term of years not exceeding seven from the date of such conviction be disqualified at the discretion of the *Court*" the following words shall be substituted, namely:—

"for such period not exceeding seven years from the date of the conviction as the court may direct, be disqualified".

(11) *From the Honourable Mr. S. D. Garua—*

In sub-section (*3*) of new section 25A for the word "seven" substitute the word "four".

(12) *From the Honourable Dewan Bahadur Kashinath Ramchandra Godbole—*

In sub-section (*3*) of new section 25A omit the following words:—

(*a*) "or at any municipal election" after the words "election to a local board".

(*b*) "or a councillor in any municipal district" at the end of sub-section (*3*).

(13) *From the Honourable Mr. G. S. Curtis, C.S.I., I. C. S.—*

In sub-section (*5*) of new section 25A the words "with the previous sanction or" and the word "district" shall be deleted.

Clause 5.

(14) *From the Honourable Mr. G. S. Curtis, C.S.I., I. C. S.—*

(*a*) After sub-section (*1*) the following sub-section shall be inserted namely:—

"(*2*) In sub-section (*2*) of section 22 of the Bombay District Municipal Act, 1901, for the words "The District Judge or such other judge as may be appointed by the Governor in Council in this behalf" the following words shall be substituted, namely:— Bom III of 1901.

"An enquiry shall thereupon be held by a judge appointed by the Governor in Council, either specially for the case or for such cases generally, and such judge".

(*b*) Sub-section (*2*) shall be numbered as sub-section (*3*).

Preamble.

(15) *From the Honourable Mr. G. S. Curtis, C.S.I., I. C. S.—*

In the preamble, after the words "the Bombay Local Boards Act, 1884;" the following words shall be inserted, namely:—

"And whereas the previous sanction of the Governor General required by sub-section (*2*) of section 79 of the Government of India Act, 1915, has been obtained for the passing of this Act;" 5 and 6 Geo 5, c 61

LIST OF BUSINESS.

[24th July 1917.]

(B) *Rules for the conduct of business at meetings of the Legislative Council of the Governor of Bombay—*

Rule 1.

(1) *From the Honourable Sir Mahadev Bhaskar Chaubal, K.C.I.E., C.S.I.—*

(*a*) In clause (*b*) of sub-rule (1) of rule 1 of the said rules, for the words "the Indian Councils Acts, 1861 to 1909," the words "sub-section (3) of section 75 of the Government of India Act, 1915," shall be substituted.

(*b*) After sub-rule (5) of rule 1 of the said rules, the following sub-rule shall be inserted, namely:—

"(6) 'Member in charge' means the Member of the Governor's Council to whom is allotted the business of the Department of the Local Government to which the subject under discussion belongs, and includes any Member to whom such Member in charge may delegate any function assigned to him under these rules;"

Rule 5.

(2) *From the Honourable Sir Mahadev Bhaskar Chaubal, K.C.I.E., C.S.I.—*

In clause (5) of rule 5 of the said rules, for the words "the Indian Councils Acts, 1861 to 1909," the words "the Government of India Act, 1915," shall be substituted.

Rule 21.

(3) *From the Honourable Mr. V. J. Patel—*

After rule 21 of the said rules, the following new rule shall be added:—

"21A. The member in charge of a Bill shall, invariably be a member, and, also the chairman of any select committee to which the Bill is referred and shall have power to report to the Governor the name of any member who neglects or is unable to attend its sittings or by death, resignation or otherwise ceases to be a member of the committee and the Governor may thereupon appoint, out of the members of the Council, an additional member to the select committee."

Rule 28.

(4) *From the Honourable Mr. V. J. Patel—*

For rule 28 of the said rules, the following words shall be substituted:—

"28. (1) Subject to the provisions of the Government of India Act, 1915, any member may, at a meeting of the Council introduce a Bill.

(2) Any member desiring to introduce a Bill as aforesaid, shall give the Secretary at least two months' previous notice of his intention and shall, together with the notice, send a copy of the Bill and a full statement of Objects and Reasons and any other necessary papers.

(3) The Secretary shall within ten days from the receipt of the notice prescribed in the preceding sub-rule, or where the Bill requires the previous sanction of the Governor under section 80, sub-section (2), of the Government of India Act, 1915, or the previous sanction of the Governor General under section 79, sub-section (2) or sub-section (3) of the said Act, within ten days from the receipt of such sanction, publish the Bill with the statement of Objects and Reasons in the *Bombay Government Gazette.*

(4) Provided that the Governor may order the publication in the *Bombay Government Gazette* of any Bill at any time. In such case the statement of Objects and Reasons shall be published with the Bill."

(5) *From the Honourable Sir Mahadev Bhaskar Chaubal, K.C.I.E., C.S.I.—*

In rule 28 of the said rules,

(*a*) in sub-rule (1), for the words "the Indian Councils Acts, 1861 and 1892," the words "the Government of India Act, 1915," shall be substituted.

(*b*) for sub-rule (6) the following shall be substituted, namely:—

"(6) Where the Bill requires the previous sanction of the Governor under section 80, sub-section (*2*), of the Government of India Act, 1915, or the previous sanction of the Governor General under section 79, sub-section (*2*) or sub-section (*3*), of the said Act, the application for such sanction shall be made through the Secretary at the time of giving notice under sub-rule (2), and the motion for leave to introduce such Bill shall not be made until such sanction has been received."

Rule 29.

(6) *From the Honourable Mr. V. J. Patel—*

In sub-rule (1) of rule 29 of the said rules, for the words "under sub-rule (4) or sub-rule (5)" the words "under sub-rule (3) or sub-rule (4)" shall be substituted.

Rule 31.

(7) *From the Honourable Mr. V. J. Patel—*

After rule 31 of the said rules, the following new rule shall be added:—

"31A. (1) At any time during the progress of a Bill the member who, for the time being, is in charge of the Bill, may move that it be withdrawn.

(2) If such motion be carried, the Bill shall be withdrawn accordingly."

Rule 38.

(8) *From the Honourable Sir Mahadev Bhaskar Chaubal, K.C.I.E., C.S.I.—*

In sub-rule (2) of rule 38 of the said rules, for the words "sections 39 and 40 of the Indian Councils Act, 1861" the words "section 81 of the Government of India Act, 1915" shall be substituted.

Rule 42.

(9) *From the Honourable Mr. V. J. Patel—*

To rule 42 of the said rules, the following sub-rule shall be added:—

"(7) To maintain a register of all questions and resolutions disallowed and to deposit a copy of it in the reading room for the use of the Honourable Members of the Legislative Council."

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

Resolutions by the Honourable Mr. V. J. Patel—

1. "That this Council recommends that His Excellency the Governor in Council may be pleased to direct an enquiry by a Committee or otherwise on the question of the public expenditure of this Presidency with a view to secure economy whenever possible."

2. "This Council recommends that His Excellency the Governor in Council may be pleased to take steps to have at least one special training college for primary school teachers and mistresses established in the City of Bombay at an early date."

Resolution by the Honourable Mr. R. P. Paranjpye—

3. "This Council recommends that Government be pleased to represent to the Supreme Government that it is desirable to recognise as qualified for Government service students who have passed the Matriculation Examination of the Bombay University, provided they have attended a recognised school for two years just before their examination and produce a certificate of satisfactory character and progress from the head of such a school."

Resolution by the Honourable Dewan Bahadur Kashinath Ramchandra Godbole—

4. "This Council recommends that His Excellency the Governor in Council may be pleased to call upon the Revenue, Public Works, Forest and Irrigation Officers of Government to submit reports as regards existing and probable water power sites in the Bombay Presidency, giving their localities, extent, duration, capabilities, etc., and to publish these reports when received after reviews.

of them by the expert officers of Government, the reports being based on observations and upon records in Government files."

Resolution by the Honourable Mr. G. M. Bhurgri—

5. "That this Council recommends to His Excellency the Governor in Council that in all Colleges in the Presidency for which Government is empowered to appoint Principals from the Indian Educational Service, Government should not appoint officers with less than 10 years experience in the Indian Educational Service."

Resolution by the Honourable Mr. R. P. Paranjpye—

6. "This Council recommends to Government that the Modi script be restored in the official correspondence and records of Government."

Resolutions by the Honourable Mr. V. J. Patel—

7. "This Council recommends that His Excellency the Governor in Council may be pleased to declare definitely by the issue of Press Note or in any other manner their policy governing the questions of grants-in-aid to Municipalities for primary education so as to enable them to know what their position exactly is in that respect."

8. "This Council recommends that His Excellency the Governor in Council may be pleased to direct that the Municipality of Godhra shall, from its next term, be so constituted as to have at least two-third elective members on it and have the privilege of selecting its President by two-third majority."

9. "This Council recommends that His Excellency the Governor in Council may be pleased to call for reports of the Divisional Commissioners in the Presidency whether any, and if so, which of the Municipalities constituted under section 14 of the District Municipal Act, in their respective divisions, are ripe for a constitution under section 10 of the Act."

10. "This Council recommends that His Excellency the Governor in Council may be pleased to undertake legislation to so amend section 50 of the City of Bombay Municipal Act, 1888, as to restrict the payment of fees of Rs. 30 for attendance at meetings of the Standing Committee to members who are not salaried servants of Government."

11. "This Council recommends to His Excellency the Governor in Council that a Press Note be issued reviewing the financial recommendations of the Local Boards Committee and declaring definitely the principles and policy that will, in future, govern the financial relations between the Government and Local Boards."

12. "This Council recommends that His Excellency the Governor in Council may, with the sanction of the Governor General in Council, be pleased to direct that in all the districts of the Presidency proper, except those of Thana, Surat and Poona, the trial before any court of session of all offences punishable with death, transportation for life, or imprisonment for 10 years and of all offences in which the accused is charged that he is, by reason of a previous conviction, liable to enhanced punishment under section 75 of the Indian Penal Code, shall be by Jury."

13. "This Council recommends that His Excellency the Governor in Council may, with the previous sanction of the Governor General in Council, be pleased to direct that in the districts of Thana, Surat and Poona and in the city of Karachi, the trial before any court of session of all offences shall be by Jury."

14. "This Council recommends to His Excellency the Governor in Council that selected Local Boards and Municipalities in the Presidency be given the power of determining the number and location of liquor shops within their limits."

15. "This Council recommends that with a view to raise the status and improve the prospects of municipal employees whose pay is not less than Rs. 100 per mensem, Government may be pleased to take necessary steps to constitute a provincial or divisional municipal service."

LIST OF BUSINESS.

[24th July 1917.]

16. "This Council recommends that His Excellency the Governor in Council may be pleased to direct that admission to the Vernacular Training Colleges shall not, in future, be restricted to those students who accept stipends for the period of their study."

17. "This Council recommends to His Excellency the Governor in Council that village officers be relieved from the duty of finding supplies to the public servants on tour, or, in the alternative, specific rules be framed that the village officers be given due notice by the touring officers concerned, for the supplies they want and they (the village officers) be allowed to draw the cost of such supplies according to the tabulated scale from the nearest treasury, and that payment be taken into consideration, while passing the allowance bills of the officers concerned."

18. "This Council recommends that an inquiry be made by the appointment of a committee or otherwise into the working of the Police Department since its re-organization and report on the propriety and necessity of the existing establishment and of redistribution of areas."

19. "This Council recommends that His Excellency the Governor in Council may be pleased to consider the desirability of directing that, in future, no married boys will be admitted in any primary school under the control of Educational Department and that in the case of Government Secondary Schools unmarried boys will have preference for admission over married boys."

Resolution by the Honourable Dewan Bahadur K. R. Godbole—

20. "This Council recommends that His Excellency the Governor in Council will be pleased to investigate and to subsidise, if necessary, the establishment of factories for the production of chemical manures and fertilisers in this Presidency, the factories to be established being located in canal areas by preference."

Resolutions by the Honourable Mr. V. J. Patel—

21. "This Council recommends that His Excellency the Governor in Council may be pleased to rule that a member, who gives notice of a Resolution on any matter of general public interest, shall be informed of the decision of the President under rule 6 or 7 of the Resolution Rules within seven days from the receipt of the notice by the Secretary of the Legislative Council."

22. "This Council recommends that His Excellency the Governor in Council may be pleased to rule that no controlling authority shall, in reviewing the report on the working of any local body, make any adverse comments without affording the body concerned full opportunity to offer its explanation."

Resolution by the Honourable Mr. P. A. Desai—

23. "This Council recommends to His Excellency the Governor in Council that the Government Resolution No. 10676, dated 8th November 1916, regarding the prescription of the Vernacular (or English) School Final Examination as an additional qualifying test for officiators in Kulkarni Watans, be cancelled in view of the great hardship which will be caused to the Watandar Kulkarnis and their deputies by its operation."

Resolution by the Honourable Mr. V. J. Patel—

24. "This Council recommends that the Governor in Council may be pleased to move His Excellency the Governor to consider the desirability of convening meetings of the Legislative Council at least six times in a year on such days and at such hours and places as he may appoint."

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

25. "This Council recommends that the Governor in Council may be pleased to direct that there should be held annually in each Division of the Presidency a Divisional Conference to which may be invited Heads of Departments and non-officials of standing from the districts concerned, with power to them to move recommendatory Resolutions on matters of public interest in each Division, under a prescribed procedure."

LIST OF BUSINESS.

[24th July 1917.]

Resolution by the Honourable Mr. G. M. Bhurgri—

26. "That this Council recommends to His Excellency the Governor in Council that a mixed committee of officials and non-officials be appointed to consider what measures should be adopted for the suppression of 'rasai' or free supplies, 'Lapo' or illegal exactions, and 'cherr' or forced labour in Sind."

Resolutions by the Honourable Mr. S. B. Upasani—

27. This Council recommends to His Excellency the Governor in Council that out of the local fund cess which is at present levied for the Local Boards a certain specified proportion not less than ¼ be reserved for being spent on the sanitation of the village from which the cess is levied.

28. This Council recommends to His Excellency the Governor in Council that Municipal house taxes be assessed on the basis of the estimated rental value and not on the cost value of a building as is done by some of the Municipalities in East Khandesh at the instance of the Collector of that district.

29. This Council recommends to His Excellency the Governor in Council that it is expedient to constitute notified area with population of over 5,000 into regular municipalities and that this may be done in the case of the notified area of Chalisgaon in East Khandesh.

Resolutions by the Honourable Mr. A. F. I. Pathan—

30. This Council recommends that His Excellency the Governor in Council may be pleased to provide at an early date for the entertainment of a Persian Professor or Lecturer at the Karnatak College.

31. This Council recommends that the Government may be pleased to provide for a certain percentage of free studentships in every Government Arts College as in Government High Schools.

32. This Council recommends that the Government may be pleased to establish a Middle School at Dharwar in view of the growing school-going population there.

VII.—ELECTIONS—

Election of six members of the Finance Committee by the non-official Additional Members of the Legislative Council.

VIII.—PAPERS PRESENTED TO THE COUNCIL—

1. Report of the Select Committee appointed to consider Bill No. VI of 1916 (a Bill further to amend the Bombay District Municipal Act, 1901, and the Bombay Local Boards Act, 1884).

2. Letter from the Government of India, Legislative Department, No. 1092, dated the 2nd May 1917—Returning with the assent of His Excellency the Viceroy and Governor General signified thereon the authentic copy of the Bombay Port Trust (Amendment) Law, 1917.

3. Letter from the Government of India, Legislative Department, No. 1102, dated the 4th May 1917—Returning with the assent of His Excellency the Viceroy and Governor General signified thereon the authentic copy of the Bombay Boilers Inspection Law, 1917.

4. Petition from the Grain Merchants' Assoeiation, Bombay, dated the 2nd July 1917, on the subject of the Bill further to amend the Bombay Medical Act, 1912, to be introduced by the Honourable Mr. V. J. Patel, Bar.-at-Law.

5. Memorial from the Bombay Medical Union, dated the 11th July 1917, on the subject of the Bill further to amend the Bombay Medical Act, 1912, to be introduced by the Honourable Mr. V. J. Patel, Bar.-at-Law.

6. Memorial from the Members of Bombay Branch of the British Medical Association, dated the 24th July 1917, on the subject of the Bill further to amend the Bombay Medical Act, 1912, to be introduced by the Honourable Mr. V. J. Patel, Bar.-at-Law.

R. B. MILNE,
Secretary to the Legislative Council of the
Governor of Bombay.

Bombay, 24th July 1917.

LEGISLATIVE COUNCIL, 24th JULY 1917.

LIST OF QUESTIONS AND ANSWERS.

Questions. *Answers.*

THE HONOURABLE MR. DATTATRAYA VENKATESH BELVI.

1. (*a*) Is it a fact that many well-built houses of long standing situated on the section of the Poona-Bangalore Road passing through the Mangalwar Peth of the town of Nipani have been recently ordered to be demolished?

Nipani houses on Poona-Bangalore Road.

1. (*a*) Action is being taken by the Collector in respect of certain reported encroachments on the section of the road in question. He has not ordered the demolition of any well-built houses.

(*b*) If so, will Government be graciously pleased to state what action they propose to take in the matter?

(*b*) Government do not propose to take any action in the matter.

2. Will Government be graciously pleased to lay on the Table of the Council a copy of the form of yearly kabulayat taken from the khots in the talukas of Roha, Mahad and Mangaon in the Kolaba district after the date of the original survey down to the year 1914-15?

Khoti yearly kabulayats in certain talukas in Kolaba district.

2. A specimen form* translated in English is placed on the Council Table.

* *Vide* Appendix Q.

[*These questions were asked at the meeting held on the 4th December 1916, when an* ad interim *reply was given.*]

3. Will Government be pleased to state—

(*a*) the total amount of money recovered by Government from the municipalities in the Presidency of Bombay as maintenance charges of poor lunatics under Orders Nos. 4091, dated 18th May 1915, and 439, dated 19th January 1916, General Department, from the 18th May 1915 to end of the year 1916?

Lunatics removed from municipal districts.

3. (*a*) Rs. 28,065-13-11.

(*b*) the total amount of money which the municipalities have been able to get refunded to them out of the estate of the lunatics?

(*b*) As the collection of information on this point would involve an undue expenditure of time and labour, Government are not prepared to call upon the officers concerned to supply it.

(*c*) the total number of lunatics on whose account the municipalities had to pay to Government main-

(*c*) The total number was 390.

Questions.

tenance charges from 18th May 1915 to the end of the year 1916?

[*This question was asked at the meeting held on the 13th March 1917, when an* ad interim *reply was given.*]

Answers.

4. (*a*) Will Government be pleased to state if the Remembrancer of Legel Affairs, Bombay, issued a Circular in March 1917 regulating the attitude that Government Pleaders, Public Prosecutors and their Assistants should adopt towards political movements?

Government Pleaders and political movements.

4. (*a*) Yes.

(*b*) If so, will Government be graciously pleased to lay a copy of the Circular on the table of the Council?

(*b*) A copy of the circular* in question is placed on the Council Table.

* See Appendix S.

(*c*) Are Government Pleaders, Public Prosecutors and their Assistants prohibited from attending political meetings?

(*c*) The attention of the Honourable member is invited to the terms of the circular.

5. (*a*) Has the attention of Government been called to a letter published on page 7 of the issue of "the Kesari" of the 20th March 1917 about the alleged high-handed conduct of Mr. Hood?

Conduct of Mr. Hood.

5. (*a*) Yes.

(*b*) If so, has any enquiry been made into the allegations?

(*b*) Enquiry was made, and Government is satisfied that the allegations were unfounded.

6. Will Government be pleased to state in a tabular form the annual income, the approximate population, the number of primary schools and the amount of money spent on primary education in the case of each of the Cantonment Committees in the Bombay Presidency during the last 5 years?

Education in Cantonment areas.

6. The information has been called for.

7. (*a*) Is there any foundation for the statement made in correspondence published on page 2 in the issue of "the Kesari" dated 19th June 1917, regarding the Notified Area Committee of Karjat?

Grievances in Karjat Notified Area

7. (*a*) The answer is in the negative.

QUESTIONS AND ANSWERS.

[24TH JULY 1917.] [*Mr. Dattatraya Venkatesh Belvi.*]

Questions. *Answers.*

(*b*) Will Government be pleased to state the names of Notified Areas, if any, in the Presidency in which the incidence of house-tax is as high as at Karjat?

(*b*) Government have no information on the point.

8. (*a*) Does Government intend to acquire the rights of Khots in the Ratnagiri District in the interests of their tenants?

Acquisition of Khots' rights in Ratnagiri District.

8. (*a*) The Commissioner, Southern Division, was asked to examine certain suggestions on the subject made by one of the local officers in Ratnagiri. His report has not yet been received.

(*b*) If not, will Government be pleased to state whether Revenue Officers in the said district inquire of Khots if they are willing to accept 20 times their Khoti Phaida and surrender it in favour of their tenants once for all?

(*c*) Is it true that the Prant Officer in charge of the Chiplun Taluka inquired of certain tenants in that taluka in May last if they would repay to Government the price of acquisition of the Khots' rights in small instalments?

(*b*) and (*c*) Government have no information whether the particular enquiries have been made.

(*d*) Have any petitions been submitted to Government praying for an acquisition of Khots' rights in the Ratnagiri and Kolaba Districts?

(*d*) The answer is in the negative.

9. Will Government be pleased to state when the introduction of a bill to amend the Deccan Agriculturists' Relief Act, 1879, may be expected and whether the question of securing a standardisation of weights and measures in the Presidency is likely to be brought up before the legislature in the near future?

Deccan Agriculturists' Relief Act and Standardisation of Weights and Measures.

9. As regards the first part of the question, the Honourable Member is referred to the answer given to question No. 16, put by the Honourable Mr. P. A. Desai, at the last meeting of the Bombay Legislative Council. Government are still not in a position to say when the bill is likely to be introduced. With regard to the latter part of the question, the Honourable Member is referred to the answer given by Government to question No. 4 put by the Honourable Dewan Bahadur K. R. Godbole.

10. Will Government be pleased to state the total number of meetings of Municipal Committees in the Bombay presidency of which notice was given to "the Educational Inspector

Notice to Educational Inspector of Municipal Committee meetings.

10. The information has been called for.

Questions.

of the district" under clause 13 of section 26 of the Bombay District Municipal Act, 1901, from 1st April 1916 to 31st March 1917?

War Loan Zoolum.

11. (*a*) Has the attention of Government been called to a letter published on page 7 of the issue of the *Bombay Chronicle* of the 10th May 1917 under the heading "War Loan Zoolum"?

(*b*) If so, has any inquiry been made into the allegations?

Acting allowances in Revenue and Police Departments.

12. Is it a fact that in the Southern Division acting allowances have been withheld to certain officers who acted in leave vacancies in the Revenue and Police Departments on the ground of war economy?

House-rents in the Police Department.

13. Is it a fact that house-rents hitherto allowed to subordinates in the Police Department have been recently stopped by the Inspector-General of Police which were granted on the recommendation of the Police Commission, 1904?

Acquisition of land at Shahapur.

14. (*a*) Is it a fact that Government intend to acquire a large piece of cultivable land within the limits of the alienated village of Shahapur in the Chikodi Taluka for the benefit of the holder of the neighbouring alienated village of Manjri in the same taluka?

(*b*) If so, what is the public purpose which is intended to be served by the proposed acquisition of the land?

(*c*) If the land is intended to be used as a Gavthana for Manjri, what is to be done with the present site of that village?

(*d*) Was the Inamdar of Shahapur ever consulted by Government in the matter?

Answers.

11. The answer to both the questions is in the affirmative. The allegations were enquired into and were found to be totally untrue.

12 Information will be called for.

13. The constabulary continue to receive house-rent or hutting allowances when not provided with quarters by Government.

Sub-Inspectors are also granted house-rent allowances whenever they have to expend more than one-tenth of their salary on house-rent.

14. (*a*) A notification for the acquisition of such land has been issued. The acquisition is for the benefit of the inhabitants of the village of Manjri.

(*b*) Provision of a village-site.

(*c*) It is proposed that plots of land in the old site should be taken over by the Inamdar of Manjri in exchange for plots in the new site for the purchase of which the Inamdar has advanced the purchase-money on behalf of the rayats.

(*d*) There was no necessity to consult the Inamdar of Shahapur as the acquisition is for a public purpose, and it is open to any person aggrieved to object. The village of Shahapur

QUESTIONS AND ANSWERS.

[24TH JULY 1917.] [*Mr. Dattatraya Venkatesh Belvi; Mr. Ghulam Muhammad Bhurgri.*]

Questions.	*Answers.*
	is however under the management of the Court of Wards, which has charge of the Inamdar's interests.
(*e*) Have the people of Shahapur protested against the proposed acquisition in a petition to Government?	(*e*) A petition from certain villagers to the effect stated is under the consideration of Government.
THE HONOURABLE MR. GHULAM MUHAMMAD BHURGRI.	
1. Will Government be pleased to give a comparative table of the figures for the last ten years of the Provincial Roads in Sind and in the Presidency, in respect of their numbers, mileage and expenditure? Roads in Sind and the rest of the Presidency	1. The accompanying statement* gives the information required.
[*This question was asked at the meeting held on the 25th July 1916, when an* ad interim *reply was given.*]	*See Appendix A.
2. With reference to a remark made by the Commissioner in Sind, in his letter to Government submitting the Police Administration Report of Sind, quoted in my question No. 11 (*f*) put at the last meeting of the Legislative Council, will Government be pleased to state— Criminal Procedure Code, Chapter VIII.	2. The name of the officer has not been reported to Government. Government have no doubt that the District Magistrate took the necessary action in regard to the facts established in the course of the trials. Further action does not now appear to be called for.
(*a*) how long the Magistrate in question held charge of the subdivision, and when?	
(*b*) how many persons were tried by him under section 110 of the Criminal Procedure Code during the tenure of his office?	
(*c*) how many of them were acquitted?	
(*d*) how many of them were convicted?	
(*e*) whether it is a fact that the Magistrate held that some of the cases were deliberately false and concocted?	
(*f*) if so, in how many cases it was so held by the Magistrate?	

Questions.	*Answers.*
(*g*) if the answer to (*e*) be in the affirmative, if any action was taken on the strength of the findings of the Magistrate ?	
(*h*) if so, what action was taken ?	
(*i*) if not, why no action was taken ?	
(*j*) to what cadre of service the Magistrate belonged ?	
(*k*) whether the Magistrate was an European or an Indian ?	

Supplementary Question to Question No. 2.

The Hon'ble Mr. Bhurgri :—I want to ask Government to supply me the information which I have asked for in the original question. The reply given is no reply at all. I never asked for any action by Government.

His Excellency the President :—I do not think that that is a supplementary question. If the Hon'ble Member is not satisfied with the answer given, he should ask a definite supplementary question or a general fresh question.

3. Will Government be pleased to state—	3.
(*a*) what have been the total expenses incurred by Government— (Certain expenses in connection with the Jamrao Canal.)	
(i) on the Karia excavation on the Jamrao Canal (known as "Karia Khurch") ?	Rs. 7,59,333.
(ii) on "Survey Khurch" on the same canal ?	Rs. 22,524.
(*b*) what is the total amount so far realized under the above heads from the zamindars on the same canal ?	Rs. 8,33,086.
4. Will Government be pleased to state— (Income Tax Assessment in Hyderabad, Sind.)	4.
(*a*) * * * *	(*a*) * * * *
(*b*) * * * *	(*b*) * * * *
(*c*) * * * *	(*c*) * * * *
(*d*) * * * *	(*d*) * * * *

QUESTIONS AND ANSWERS.

[24TH JULY 1917.]

[*Mr. Ghulam Muhammad Bhurgri.*]

Questions.

Answers.

(*e*) the total figures of Income Tax levied each year in Hyderabad, Sind, during the last ten years, and the estimated figures of this year?

(*e*) The following statement gives the information required :—

Year.	Amount of Tax.	
	Rs.	
1906-07	20,293	Final demand.
1907-08	20,250	
1908-09	21,211	
1909-10	19,020	
1910-11	19,284	
1911-12	20,137	
1912-13	22,217	
1913-14	25,625	
1914-15	27,054	
1915-16	31,425	
1916-17	88,531	Original demand.

[*These questions were asked at the meeting held on the 13th March 1917, when* ad interim *replies were given.*]

5. Will Government be pleased to state—

Is it a fact that school and college students have been acting as volunteers at the Congress and Moslem League meetings?

Students volunteering at Congress and Moslem League meetings.

5. Enquiries are being made.

6. With reference to the reply given by Government to my question No. 7, put at the Council meeting of the 28th July 1913, will Government be pleased to state :—

(*a*) If any of the convenanted Assistant Superintendents of Police referred to in the reply of Government have been provided with appointments of District Superintendents of Police by the present time;

Appointments of District Superintendents of Police.

6. (*a*) Yes.

(*b*) If so, how many have been so provided;

(*b*) Ten.

(*c*) If some have yet to be provided, when they may be expected to be provided;

(*c*) There is still one left, and it is hoped to provide him with a District Superintendentship of Police about a year hence.

(*d*) If all have been so provided, whether effect has been given by Government to the recommendation of the Police Commission to the effect that a certain number of the higher appointments in the police be listed for members of the Provincial Civil Service by the appointment of members of that service to the posts of District Superintendents of Police;

(*d*) and (*e*) Acting appointments from among the grades of Deputy Superintendent of Police continue to be made to the grade of Superintendent of Police.

Questions.

(*e*) If so, how many members of that service have been appointed as District Superintendents of Police?

Answers.

7. Will Government be pleased to state:—

Appointments of Deputy Superintendents of Police.

(*a*) Whether it is a fact that the posts of Deputy Superintendents of Police were specially created for Indians;

7. (*a*) No. The Provincial Police Service was originally created for Natives of India, and has subsequently been thrown open to a limited number of European Inspectors who have adopted an Indian domicile, the present limit being four.

(*b*) If so, how many of these posts have been held, since their creation, by Hindus, Mahomedans, Indian Christians, Anglo-Indians or Europeans (The figures may kindly be given for each year).

(*b*) A statement* furnishing the information required is laid on the Council Table.

* See Appendix V.

8. Will Government be pleased to supply the following information regarding the District Local Boards in Sind according to the subjoined table:—

Constitution of District Local Boards in Sind.

Name of District Local Board.	Total number of members elected on its Executive Committee.	Number of officials on the Committee.	Number of non-officials on the Committee.

8. The information is being obtained.

9. Will Government be pleased to supply the following information regarding their canals in Sind according to the subjoined table:—

Canals in Sind.

Name of Canal.	Designed water-supply in cusecs.	Area expected to be cultivated.	Area actually given out to people at present.	Area actually cultivated at present.
1	2	3	4	5

9. Information will be obtained.

QUESTIONS AND ANSWERS.

[24TH JULY 1917.] [*Mr. Ghulam Muhammad Bhurgri.*]

Questions.	*Answers.*
10. Will Government be pleased to supply the following information :— (*a*) the amount of the Provincial and Imperial grants given during the last five years for the opening of new primary schools in Sind ; Grants for primary schools in Sind. (*b*) details showing how these amounts have been spent ; (*c*) details of the amounts, if any, which have lapsed to Government, and the reasons for the lapse ; (*d*) the number of new primary schools opened in each District in Sind, during the last five years ; (*e*) the amounts spent on the Training College, Hyderabad, Sind, during the last five years out of the above grants or from other sources, respectively ; (*f*) the limit of accommodation available in the Training College of Hyderabad and the number of students at present actually in the College.	10. The information has been called for.
11. (1) Will Government be pleased to state— (*a*) Whether they have completed their consideration of the Report of the Sind Settlement Committee ; Report of the Sind Settlement Committee. (*b*) If so, whether any orders have been passed by Government in respect of it ; (*c*) If the answer to (*a*) or (*b*) be in the negative, when Government expect to complete their consideration of the Report, or propose to pass orders, as the case may be ; (2) If the answer to 1 (*a*) and (*b*) be in the affirmative, will Government be pleased to lay on the Council Table all the papers and the orders of Government.	11. The report, with the orders of Government thereon, has been published and copies of both have been supplied to the non-official members of the Council.

Questions.

Answers.

12. Will Government be pleased to state—

(*a*) whether it is a fact that the Governments of other parts of India have invited non-official opinion in respect of the Report of the Public Services Commission;

Report of the Public Services Commission.

12. (*a*) It is believed that some local Governments have invited non-official opinions on the report of the Public Services Commission.

(*b*) if so, whether Government have invited such opinion?

(*b*) No.

13. Will Government be pleased to state—

(*a*) the number of enrolments, upto the present time, in the Indian section of the Indian Defence Force in each District of the Bombay Presidency including Sind;

Indian Defence Force.

13. (*a*) For "enrolments" the information asked for is not available with Government. As regards applications the attention of the Honourable Member is drawn to Press Communique No. 8202, dated 6th July 1917, a copy of which has been supplied to him. This shows the distribution by districts of the 419 applications received up to 15th June. In the fortnight ending 30th June, 19 further applications were received.

(*b*) whether any persons have withdrawn their applications?

(*b*) So far as Government is aware, two applications have been withdrawn.

(*c*) If so, what are the reasons for the withdrawals.

(*c*) The reasons for withdrawal are not known.

14. (1) Will Government be pleased to state—

(*a*) Whether any inquiry has been held by the Commissioner in Sind in regard to the working of Section 110, Criminal Procedure Code, in Sind;

The working of section 110 of the Criminal Procedure Code in Sind.

14. Yes.

(*b*) if so, what is the result of that inquiry;

The section was found to be working satisfactorily.

(*c*) if the answer to (*a*) be in the affirmative, whether any orders have been issued by Government in connection with it.

No.

(2) If the answer to (1) (*a*) and (*c*) be in the affirmative, will Government be pleased to lay all the papers and the orders of Government on the Council Table:

Government regret that they are unable to lay papers on the table.

QUESTIONS AND ANSWERS.

[24TH JULY 1917.] [*Mr. Ghulam Muhammad Bhurgri.*]

Questions.	*Answers.*
15. Will Government be pleased to state—	
(*a*) Whether there are any rules regulating the distribution of the various portfolios of Government; (Portfolios of Government.)	15. There are no special rules on the subject, but orders regarding the apportionment of working between the members of Government are issued by the Governor in Council from time to time in accordance with the General Standing Orders of Government.
(*b*) if so, what are those rules, and where are they to be found;	
(*c*) in whose hands the distribution is.	
16. Will Government be pleased to state—	16.
(*a*) whether they have received a Notice from the Honourable Mr. Patel on his Bill for free and compulsory-education; (Free and Compulsory Education.)	(*a*) Yes: notices of two Bills have been received.
(*b*) if so, whether they have received any opinion on the Bill from the Government of India;	(*b*) Yes: with reference to one Bill.
(*c*) if so, what is that opinion;	(*c*) The introduction of the Bill has been sanctioned with certain modifications.
(*d*) whether sanction has been granted for the introduction of the Bill in Council;	(*d*) Yes.
(*e*) if so, when the Bill is to be introduced in Council.	(*e*) As under rule 28 (5) of the rules for the conduct of Council business, the Governor has ordered the publication of the Bill in the *Bombay Government Gazette*, no separate introduction in Council is required.
17. Will Government be pleased to state how many Anglo-Vernacular Schools there are in each Subdivision of each District in the Bombay Presidency including Sind. (Anglo-Vernacular Schools in the Presidency.)	17. Enquiries are being made.
18. Will Government be pleased to state—	
(*a*) if it is a fact that Government has received a report from the Civil Surgeon, Hyderabad, and the Educational Inspector in Sind on the insanitary condition of the Hyderabad Government High School; (Insanitary condition of the Hyderabad Government High School.)	18. The report referred to has not been received by Government, but enquiries are being made as to whether the Director of Public Instruction has received it and if so how it has been disposed of by him.

Questions.	*Answers.*
(*b*) if so, what action, if any, has been taken by Government in the matter;	
(*c*) if no action has yet been taken, whether Government propose to take any action?	
19. Will Government be pleased to state—	19. The information will be obtained.
(*a*) how many persons, called Hurs, there are in the various settlements in and out of Sind, respectively? (Hurs in and out of Sind.)	
(*b*) whether those in settlements outside Sind went there voluntarily or under compulsion?	
(*c*) if under compulsion, under what law compulsion was exercised?	
(*d*) what is the amount they have to pay for punitive Police?	
(*e*) what is their income per head?	
20. Will Government be pleased to state—	20. The information will be obtained.
(*a*) the number of children of school-going age in the various Hur Settlements; (Education of children in Hur Settlements.)	
(*b*) whether any provision is made for their education;	
(*c*) whether there are any schools in the settlements;	
(*d*) if so, how many;	
(*e*) if there are any schools, how many children attend these schools?	
21. Will Government be pleased to state—	21. Yes.
(*a*) if its attention has been drawn to an article in the "Mahratta" of 24th June 1917 wherein mention is made of the rumoured internment of Mr. B. G. Tilak, Mr. B. G. Horniman, Mr. Jamnadas Dwarkadas and others; (Internment of Mr. Tilak and others.)	
(*b*) if not, if it will refer to that issue of the "Mahratta";	

Questions. *Answers.*

(*c*) if it is true that it proposes to intern these gentlemen and others in the Presidency;

(*d*) if the answer to (*c*) be in the affirmative, the names of those others, and the particular speeches, writings or actions of these gentlemen on account of which the internments are contemplated?

Government have no statement to make on the subject.

22. Will Government be pleased to state—

(*a*) if its attention has been drawn to an article entitled "Local" on the first page in the "Frontier Gazette" of Jacobabad (Sind) dated 30th June 1917;

Jacobabad Municipality.

22 (*a*) The answer is in the negative.

(*b*) if it is a fact that the Mukhtyarkar of Jacobabad has been appointed Vice-President of the Jacobabad Municipality and chairman of all the three Committees of the Municipality referred to in that article;

(*c*) if on this account there has been considerable dissatisfaction among the elected members of the Municipality;

(*d*) how many of the elected members of the Municipality have since April last abstained from attending the meetings of the Committees or of the Municipal Board;

(*e*) if, as a result of this abstention no meetings of the Committees could be held since April last;

(*f*) if it is true, as is mentioned in the article, that these elected councillors are ready to resign their councillorship if the Mukhtyarkar continues to hold the above mentioned offices?

(*b*), (*c*), (*d*), (*e*) and (*f*) Enquiries are being made.

23. (*a*) Has the attention of Government been drawn to an article in the "Sind Patrika" of 30th June 1917 relating to the attitude of the local officials of Larkana towards the Home Rule movement?

Home Rule movement in Larkana.

Questions.

(*b*) Is it a fact, as is alleged in that article, that some district officials of Larkana have sent for members of the Larkana branch of the Home Rule League and expressed their disapproval of the Home Rule movement?

(*c*) Is it a fact that one Seth Thaverdas, who had written a letter to the "Hindvasi", a vernacular daily of Hyderabad, calling on the members of the Larkana Branch to keep up the activities of the League, was sent for by the Superintendent of Police of Larkana and reprimanded?

Answers.

23. Government have no information on the subject.

24. Will Government be pleased to state—

Protest meeting at Larkana.

(*a*) if it is fact that a public meeting had been organized by the people of Larkana to protest against the internment of Mrs. Besant;

(*b*) if the local Municipal Hall ordinarily used as a Town Hall for public meetings was refused for the purpose of the above meeting;

(*c*) if a day previous to the above meeting, the Collector of Larkana had sent for the President of the Home Rule League and suggested to him not to hold the meeting;

(*d*) if the President of the League did not accept the suggestion;

(*e*) if, on the day of the meeting, the Collector wrote a letter to the President of the League refusing to permit the holding of the meeting on an open space in the town;

(*f*) if Government will lay the abovementioned letter on the Council Table;

(*g*) if it is a fact that the meeting of protest was subsequently held in a garden belonging to the President of the League.

24. Government have no information on the subject.

QUESTIONS AND ANSWERS.

Questions.

THE HONOURABLE MR. SHERIFF DEVJI CANJEE.

Answers.

1. Will Government be pleased to place on the Council Table a statement showing separately the number of elected and nominated members in this Presidency

Elected and nominated members on local bodies.

(*a*) on each of the District Municipalities,

(*b*) on each of the District Local Boards,

(*c*) on each of the Taluka Local Boards,

along with the population contained in the area administered by each.

1. The statements* containing the information required are laid on the Council Table.

* *Vide* Appendix BB.

2. Will Government be pleased to place on the Council Table a statement showing separately the number of elected and nominated Mahomedan members in this Presidency

Mahomedan representation on local bodies.

(*a*) on each of the District Municipalities,

(*b*) on each of the District Local Boards,

(*c*) on each of the Taluka Local Boards,

along with the Mahomedan population contained in the area administered by each and the proportion of the Mahomedan representation in relation to the population in each.

2. The information is being obtained.

3. Will Government be pleased to supply the following information :—

Admission to Colleges.

(*a*) What Colleges in this Presidency ask the students to make a written application for admission;

(*b*) Is any register kept in the different Colleges of the Presidency to show the number of students who are refused admission for want of accommodation?

3 and 4. The information has been called for.

Questions.

Answers.

4. Will Government be pleased to lay on the Council Table a statement showing the number of Matriculates who applied to the different College authorities in this Presidency for admission into their Colleges during each of the last five years and were refused the same for want of accommodation?

Refusal of admission to Colleges.

THE HONOURABLE MR. PANDURANG ANANT DESAI.

1. What is the number of children of school-going age in these settlements and how many of them actually attend the schools?

Schools at Criminal settlements.

1. The following table gives the information required :—

Settlement.	Population.	Approximate number of children of school-going age (for day schools).	Number attending the day school	Number attending the night school
Sholapur ...	2,436	525	451	114
Bijapur ...	770	190	161	61
Bagalkot ...	290	45	30	12
Gadag ...	620	115	55	30
Hubli ...	373	All attend.	73	45
Gokak Falls ...	750	Do.	119	40
			889	302

In addition, in Sholapur 64 children attend the school for half-time children in the Sholapur Spinning and Weaving Mill, and in Gadag 21 children attend the school for half-time children in the Gadag Cotton Spinning and Weaving Mill.

2. Will Government be pleased to state whether toll is levied on the Poona-Bangalore and the Havanur-Yakkambi roads, within the area but on the outskirts of the Haveri Municipality and on the Poona-Bangalore and the Masur-Mundargi roads within the jurisdiction of the Ranebennur Municipality in the Dharwar District?

Tolls on certain roads levied outside certain municipal limits.

2. The Haveri Municipality levies toll on carts entering the municipal limits by the Havanur-Yakkambi road, but not on those entering by the Poona-Bangalore road.

The Ranebennur Municipality levies toll on carts entering the municipal limits by both the roads referred to by the Honourable Member.

QUESTIONS AND ANSWERS.

[24TH JULY 1917.] [*Mr. Pandurang Anant Desai.*]

Questions. *Answers.*

3. Will Government be pleased to state—

(*a*) In how many cases of motor-car accidents in the City of Bombay in 1916 the drivers were found to be drunk? And what is the proportion of persons so found as against persons not so found?

Motor-car accidents in Bombay.

3. (*a*) In 7 cases out of 684 motor-car accidents which occurred in the City of Bombay during the year 1916 the drivers were found to be under the influence of liquor. The proportion of persons so found works out at a little over one per cent. of the drivers concerned in accidents.

(*b*) Were any steps such as cancelling and suspending their licenses taken in such cases? If so, in how many?

(*b*) In 6 cases out of the 7, the drivers were prosecuted and convicted. The licenses of three of these men were suspended in addition to the sentence. In addition to these punishments inflicted by the Courts, Government have themselves cancelled one and suspended three licenses.

(*c*) What further steps does Government propose to take in this matter?

(*c*) Government will continue to punish reckless driving by the cancellation and suspension of licenses. Prosecutions will also continue to be instituted in all cases in which there is a reasonable chance of obtaining a conviction.

4. Will Government be pleased to make a statement showing the number of the decrees sent to the Collector of Bijapur during the last three years, the number of decrees disposed of with their value and their ratio to those unsatisfied and also the ratio of satisfaction by sales of lands as against other modes?

Execution of decrees by Collector of Bijapur.

4. The information required by the Honourable Member is furnished in the appended statement.*

* See Appendix W.

5. Has the attention of Government been called to the incident reported in the Bombay Chronicle of the 12th February 1917, under the heading 'Hospital Scandal'?

Bombay Chronicle on a "hospital scandal".

5. Yes.

What steps does Government propose to take with reference to the two points suggested by the Coroner?

Proper facilities exist for the treatment of cases of street accidents at the Jamshedji Jeejeebhoy, the St. George's and the Gokaldas Tejpal Hospitals.

With regard to the question of improving the system of street ambulances Government are in

[*These questions were asked at the meeting held on the 13th March 1917, when* ad interim *replies were given.*]

Questions.	*Answers.*
	communication with the St. John Ambulance Association.
6. Is it a fact that great inconvenience is caused by the foul water of the distillery constructed at Khanapur in the district of Belgaum being discharged into the river Malaprabha to the people of Kupatgeri, Balavgi, Jalagi and other villages down the river by whom the river water is used for drinking purposes? Nuisance caused by the Khanapur distillery.	6. Government have received no complaints of any such inconvenience. All the measures necessary have been taken to prevent any fouling of the river.
7. Will Government be pleased to state whether carts and labourers have been forced to work against their will in the Khanapur forests? Forced labour in Khanapur forest.	7. Information has been called for.
8. Is it a fact that great hardship is caused to the candidates appearing for the School Final Examination held at Alibag in the month of September, owing to the steamer-service being temporarily closed in the rains? School Final Examination at Alibag.	8. Enquiries are being made.
9. (*a*) Is it a fact that great inconvenience is caused to the public by delay in supplying them with copies applied for in Revenue Courts. Copies in Revenue Courts.	9. (*a*) Government have no information. No complaints of such inconvenience have reached Government.
(*b*) Will Government be pleased to state if there are any rules as to furnishing copies in Revenue Courts as there are in Civil Courts? If so, will Government be pleased to place the rules on the Table?	(*b*) The rules for furnishing copies of documents in Revenue Courts have been prescribed by Government under section 213 of the Land Revenue Code. The Honourable Member is referred to pages 360-370 of Rao Bahadur H. V. Sathe's edition of the Land Revenue Code of 1909 in which the rules as corrected upto 1909 are printed, and to the Government Notifications mentioned below by which they have been subsequently amended:— (*a*) Notification No. 10141, dated 7th November 1910, printed at page 1825 of Part I of the *Bombay Government Gazette* dated 10th November 1910.

Questions.

Answers.

(*b*) Notification No. 580, dated 19th January 1912, printed at page 91 of Part I of the *Bombay Government Gazette* dated 25th January 1912.

(*c*) Notification No. 2925, dated 25th March 1912, printed at page 446 of Part I of the *Bombay Government Gazette* dated 28th March 1912, and

(*d*) Notification No. 11542, dated 18th December 1912, printed at page 2257 of Part I of the *Bombay Government Gazette* dated 19th December 1912.

10. Is it a fact that great hardship is caused to the people by the river between Apta and Khalapur in Kolaba district being rendered unfordable on account of the Tata Hydro-Electric Works?

Unfordable river in Kolaba.

10. The Superintending Engineer has been asked to submit detailed proposals for a bridge over the Patalganga river in the Panvel taluka and on receipt of the proposals the matter will be duly considered by Government.

11. (1) Will Government be pleased to state how far the project of constructing an irrigation canal for agricultural purposes from Khalapur to Kalyan from the Tata-Hydro-Electric Works has advanced?

Khalapur-Kalyan Irrigation Canal

11. (1) Rough plans and estimates for the tail water scheme have been prepared. Forcast statements are under the consideration of officers of the Revenue and Agricultural Departments.

(2) Will Government be pleased to state if the survey for the irrigation canal is complete? If so, when the construction of the canal is to be taken in hand?

(2) Yes. No date can be given, as this is dependent on the sanction of competent authority being accorded to the project, and funds being made available.

12. Has the attention of Government been directed to the paragraphs in the Administration Report of the Excise Department for 1915-16 concerning the manufacture of jagri from toddy? If so, will Government be pleased to state whether any steps have been taken to encourage such manufacture and to educate the rayats in the process of such manufacture?

Manufacture of jagri from toddy.

12. Paragraphs 5 (13) and 36 of the Presidency Excise Administration Report for 1915-16, to which the Honourable Member refers, record the action taken by the Commissioner of Customs, Salt, Opium and Abkari, in pursuance of the arrangements sanctioned by Government. In order to encourage the manufacture of *gul* from the juice of toddy trees Government have sanctioned the exemption from payment of tree tax of trees tapped for sweet toddy required for the purpose. As regards the education of the rayat, the Honourable Member is referred to paragraph 33 of Appendix F to the Annual Report of the Department of Agriculture, Bombay Presidency, for the year

Questions.

Answers.

1915-16. A member of the Department of Agriculture was deputed to Madras in 1915 and to Bengal in 1916 to study the industry, and during the past two seasons a Parsi gentleman in the Thana district has been assisted in its introduction. The system of tapping in Bengal is said to be superior to that in vogue in the Thana district and it is proposed to bring over two Bengal tappers for a few months to instruct the Thana tappers in better methods. The Department of Agriculture will make a careful test of the possibilities during the coming season. The Director of Agriculture is in a position to supply information on the subject to any one wishing to obtain it for the purpose of engaging in the industry.

13. Will Government be pleased to state—

Schools in the Kolaba District.

(*a*) How many Vernacular Schools there are in each taluka of the Kolaba district?

(*b*) In which schools, education up to VII standard is imparted?

(*c*) How many students are in the 5th, 6th and 7th standards in each school?

(*d*) Whether English is being taught in any of these schools?

13. The information has been called for.

14. Is it a fact as noted on page 2 column 4 of the "Kesari" dated 19th June 1917 that a license was refused on the ground of the applicant being a Brahmin?

Refusal of a license to a Brahmin.

14. The matter is under enquiry.

15. Will Government be pleased to state—

Kolaba Excise Committee.

(*a*) If there are any rules framed for the constitution and working of the Excise Committees appointed in some talukas of the Kolaba district?

(*b*) How many suggestions made by the members of the Committees were acted upon during the last financial year?

15. (*a*) The Taluka Excise Advisory Committees in the Kolaba district are constituted and worked in accordance with the general principles laid down in Press Notes No. 10430, dated 13th October 1908 and No. 585, dated 21st January 1913.

(*b*) & (*c*) Of the five committees established in the district, only those in the Pen and Karjat talukas held a meeting, one each, during the last

Questions.

(*c*) How many meetings were held in the case of each taluka?

Answers.

financial year. No suggestion was made by the Pen committee, but it was resolved that any reduction in the number of shops was inexpedient. Suggestions were made by the Karjat committee for the closing of two country spirit shops in the Khalapur petha and for the change of the closing hour of the Karjat shop from 9 p. m. to 8 p. m. The consideration of these suggestions has been held over until experience has been gained of the working of the contract-supply and separate-shop system introduced in the taluka from 1st April 1916.

16. Will Government be pleased to state if the free-scholarships in the High Schools are divided half and half into two distinct compartments for the boys of the advanced and backward classes, respectively; and whether the head masters have no discretion to utilize the free-scholarships reserved for the backward classes, in the absence of deserving boys of the former class or *vice versa*?

Free-scholarships in High Schools

16. The attention of the Honourable Member is invited to paragraph 1 of Press Note No. 1720, dated the 14th July 1916, regarding free-studentship in Government secondary schools.

17. Will Government be pleased to state—

(*a*) What was the result of the Committee appointed to inquire into the advisability of standardising weights and measures in the Presidency?

Standard weights and measures in the Presidency.

17. The Honourable Member is referred to the answer given by Government to Question No. 4 put by the Honourable Dewan Bahadur K. R. Godbole.

18. Will Government be pleased to lay on the Table a comparative statement for the last five years showing:—

(*a*) The total expenditure incurred per head for College students and the Government's share of such expenditure in the different colleges?

(*b*) The total expenditure incurred per head for school boys in the High Schools in the different districts and the Government share of such expenditure?

Expenditure on High School and College Education

18. The information required by the Honourable Member is contained in columns 17 and 18 of subsidiary forms Nos. 1 and 2 in the supplement to the Director of Public Instruction's reports for the years 1911-12 (quinquennial) to 1915-16.

Questions.

19. Will Government be pleased to state—

(*a*) How many paper-mills are in the Presidency including Sind?

Paper-mills in the Presidency.

(*b*) Their general condition and average outturn, and

(*c*) the support they receive from Government?

Answers.

19. (*a*) Four.

(*b*) The attention of the Honourable Member is invited to the accompanying statement.*

(*c*) The paper mills receive no support from Government but that the Deccan Paper Mills Company, Limited, Poona, hold a a contract for the supply of paper to Government for a period of six years ending the 31st March 1918.

* See Appendix T.

20. Will Government be pleased to state whether Government buy any manufactured goods from Indian factories for their own requirements, and, if so, the nature and quantity of such goods.

Government purchases from Indian factories.

20. Yes. The nature and value of goods produced in India, purchased by Government during 1915-16 from Government factories and from private dealers, is shown in the accompanying statement.†

† See Appendix L.

21. Will Government be pleased to state—

(*a*) What is the total amount received for expenditure on education either from Imperial grants or from Royal grants during the last five years;

Educational Grants.

(*b*) and what amount out of these has been actually spent for educational purposes?

21. The Honourable Member is referred to Chapter VII of the Director of Public Instruction's reports for the years 1913-14 to 1915-16.

22. Will Government be pleased to state—

(*a*) The total amount of grants recurring and non-recurring during the last five years received for the purposes of sanitation?

Sanitary grants.

22. (*a*) During the five years 1912-13 to 1916-17 grants aggregating Rs. 51,20,000 were received from the Government of India for the purpose of assisting local bodies in financing sanitary projects. The Government of India also sanctioned in 1905 a recurring assignment of Rs. 7,00,000 for distribution among the District Local Boards in this Presidency, which has to be spent on objects other than educational, such as the improvement of

Questions.	*Answers.*
	communications, water-supply and village sanitation, and the proper equipment and maintenance of dispensaries. This latter amount is fully distributed among the District Local Boards every year.
(*b*) The projects on which these grants had been spent ?	(*b*) Against the grants amounting to Rs. 51,20,000 referred to above, an aggregate expenditure of Rs. 34,83,000 was incurred on sanitary projects during the period. The accompanying statement* shows the more important sanitary schemes and the amount of the grant-in-aid sanctioned by Government towards the cost of each of them.
	* See Appendix R.
(*c*) The balance unspent if any ?	(*c*) The unspent balance of the grants is Rs. 16,37,000.
23. Will Government be pleased to make a statement showing the amount which each District Local Board has spent during the last five years for good drinking water within the rural areas ? District Local Board expenditure on water supply.	23. The information is being obtained.
24. Will Government be pleased to state how many Sugar factories there are in the Presidency and their conditions ? Sugar Factories	24. Enquiries are being made.
25. Will Government be pleased to state—	
(*a*) whether the people of Ratnagiri taluka made a petition to Government protesting against the introduction of the Revision settlement in the Ratnagiri taluka in 1915-16 as being against the ordinary rule of 30 years, and as being unjustifiable ? Revision settlement in Ratnagiri taluka.	25. (*a*) Petitions from the people of several villages in the Ratnagiri taluka to the effect stated in the question were submitted to Government by the Commissioner, Southern Division, along with the second revision settlement report of the taluka.
(*b*) If so, what was the result of the said petition ?	(*b*) All the petitions were duly considered by Government before orders sanctioning the introduction of the second revision settlement in the Ratnagiri taluka in the year 1915-16 were passed.

Questions.

(*c*) Whether any departure was made from the ordinary rule of settlement for 30 years when the last settlement was only in 1897-98 in that taluka ?

(*d*) Whether there were special circumstances which induced Government to sanction the maximum rate of Rs. 10 per acre in 55 out of 146 villages of the Ratnagiri taluka ?

(*e*) Will Government be pleased to place on the Table a statement showing the groups as they were before and after the revised settlement of 1914-15 and the increase in revenue ?

(*f*) Will Government be pleased to state the grounds on which the new grouping was made ?

(*g*) Will Government be pleased to place on the Council Table the report made by the Settlement Officer in connection with this revision settlement and also the petition of protest made by the people of Ratnagiri taluka ?

26. Will Government be pleased to state whether it is a fact that 41 out of 47 licenses to keep arms in force in 1916 in the Roha taluka of the Kolaba district were cancelled in 1917 ; if so, what was the reason for this measure ?

Arms licenses in the Kolaba district.

Answers.

(*c*) In the revision settlement of 131 villages of the Ratnagiri taluka which was sanctioned in Government Resolution No. 8110, dated 15th December 1898, the grouping and assessment of the original settlement of 1867-70 were left unchanged and it was directed that they should remain in force until the year 1914-15, when the remainder of the taluka, excluding alienated villages, was to come under revision survey as it would be convenient to consider the conditions of the whole taluka at one time. For fuller details the Honourable Member is referred to the Selections from the Records of the Bombay Government No. CCCLXXVII, containing papers relating to the revision survey settlement of 131 villages of the Ratnagiri taluka of the Ratnagiri district, which have been published.

(*d*), (*e*) & (*f*) The desired information will be contained in the Settlement Officer's report which, with the correspondence and orders thereon, is now being printed and will be published as usual.

(*g*) Attention is invited to the reply to clauses (*d*), (*e*) and (*f*) of the question. The petitions have been returned to the Collector of Ratnagiri, and Government do not consider it necessary to obtain them from him and to place copies on the Table.

26. The information has been called for.

QUESTIONS AND ANSWERS.

[24TH JULY 1917.] [*Mr. Pandurang Anant Desai.*]

Questions.	*Answers.*
27. Will Government be pleased to state— (*a*) Whether in the case of Khot villages under attachment, any cess for the charges of attachment is levied, in the Kolaba and Ratnagiri Districts? *Khoti villages under attachment.*	27. No new cess is introduced in the Khoti villages when they com under attachment, nor is any additional levy made on the cultivators to cover the cost of attachment.
28. Will Government be pleased to lay on the Council Table the rules, if any, for levying assessment and other cesses from the inferior holders as well as the Khots in Khoti villages? *Cesses in Khoti villages.*	28. The Honourable Member's attention is invited to sections 24 and 33 of the Khoti Settlement Act, 1888, and to the rules made under section 40 (*a*) of the Act.
29. Will Government be pleased to state if the revenue authorities can make alterations in the entries in the Record of Rights in Khoti villages of the Kolaba District under the rules without consulting the parties concerned? If so, will Government be pleased to lay the rules on the Council Table? *Record of Rights in Khoti villages.*	29. The Honourable Member is referred to the rules in Government Notification No. 8356, dated 27th November 1903, published at pages 1487 to 1489 of Part I of the *Bombay Government Gazette* File, dated 27th November 1903.
30. Will Government be pleased to state whether a circular has been issued by Government to give promotion to vernacular-knowing clerks and English-knowing clerks in the ratio of 1 : 3? *Promotion in Government offices.*	30. No.
31. Is it a fact that great inconvenience is caused to women passengers at Mandwa Bunder in the Alibag Taluka for want of proper sanitary arrangements? *Conveniences at Mandwa Bunder.*	31. Information will be called for.
32. Is it a fact that inconvenience is caused by the absence of a supply of drinking water at Mandwa Bunder in the Alibag Taluka? *Drinking water at Mandwa Bunder*	32. Information will be called for.
33. Has the attention of Government been drawn to the complaints about admission of students in the Engineering College, Poona, referred to in the "Bombay Chronicle" of the 6th July 1917, page 3, last column? *Admission to the Engineering College, Poona.*	33. Yes.

QUESTIONS AND ANSWERS.

[*Sardar Syed Ali El Edroos.*] [24TH JULY 1917.]

Questions.	*Answers.*
THE HONOURABLE SARDAR SYED ALI EL EDROOS	
Urdu Final Examination. 1. Will Government be pleased to state—	
(*a*) whether the vernacular of the district is included, as a second language, in the syllabus for the Urdu Final Examination?	1. (*a*) The answer is in the negative.
(*b*) how many candidates presented themselves for the examination ever since its introduction?	(*b*) Since the introduction of the Vernacular Final Examination in Urdu in the year 1915, 602 candidates have presented themselves for the Examination.
(*c*) whether any text-books were prescribed for the subjects of the examination?	(*c*) Urdu text-books have been prescribed for the first and fifth heads only.
2. Will Government be pleased to state— Teachers in Persian.	
(*a*) whether there are any distinct rules or orders in force for regulating the promotion of Persian teachers?	2. (*a*) The post held by language teachers (e.g., Shastris, Persian teachers, etc.) are outside the cadre of ordinary teachers and as such form one list, and whenever vacancies occur amongst them, they are promoted according to their seniority in service. There are at present no other rules or orders in force for regulating the promotion of Persian teachers.
(*b*) whether any scheme for the promotion of Persian teachers is under their consideration?	(*b*) The answer is in the negative.
3. Will Government be pleased to state what progress has been made towards the extension of the P. R. Training College buildings at Ahmedabad for the use of the Urdu Training Class and for the boarding house for Mahomedan boys? Extension of P. R. Training College at Ahmedabad.	3. It is proposed to shift the Urdu Training Class to a more central position as soon as the financial situation improves. No steps have therefore been taken for the extension of the P. R. Training College buildings for the use of the Urdu Training Class or for the provision of a separate boarding house for Mahomedan teachers attending it.

[*These questions were asked at the meeting held on the 13th March 1917; when* ad interim *replies were given.*]

QUESTIONS AND ANSWERS.

[24TH JULY 1917.]

[*Dr. C. Fernandes; Mr. Siddhanath Dhonddev Garud.*]

Questions.

Answers.

THE HONOURABLE DR. C. FERNANDES, M.D.

1. Has the attention of Government been drawn to the reports of the case of Emperor *versus* (1) Mirza Syedkhan *alias* Mir Afzul Syedkhan, (2) Gangabai *alias* Mariambai, (3) Gomtibai *alias* Sakinabai, which was tried at the Criminal Sessions of the High Court of Bombay in March last and the remarks of the Honourable Mr. Justice McLeod in his charge to the jury and in sentencing the accused regarding the heinous character of their crime; and to the articles commenting on the case in the "Times of India" of 6th April 1917 and the "Bombay Chronicle" of the 6th, 10th and 27th April 1917 and other journals; do Government propose to take action in the matter and, if so, what action do they propose to take?

Bombay Murder Case.

1. Government's attention has been drawn to the matter, and the subject is being inquired into.

2. Has the attention of Government been drawn to the complaints in the public press and elsewhere regarding the nuisance of prostitutes plying their trade in private residential quarters and in the vicinity of schools and other public institutions.

Prostitutes in residential quarters.

2. No.

THE HONOURABLE MR. SIDDHANATH DHONDDEV GARUD.

1. (*a*) Has the attention of Government been drawn to a Circular No. 10 A. M. C., dated the 26th of April 1916, issued by the Collector of Nasik withdrawing the right of the Dumaldars of the District to pass orders in connection with the collection and distribution of "Chillar" and directing it to be credited into the Government Treasury?

(*b*) Will Government be pleased to state—

(1) whether this right was exercised by the Dumaldars without ques-

Dumaldars and "Chillar" in Nasik District.

1. (*a*) and (*b*) Inquiry will be made.

Questions.	*Answers.*
tion till it was withdrawn by this Circular, (2) whether it is proposed to restore this right to the Dumaldars, (3) the reasons for withdrawing this grant, (4) the nature of the grant covered by this Circular?	
2. (*a*) Has the attention of Government been drawn to a Circular No. 13 A. M. S. N., dated the 7th of May 1915, issued by the Collector of Nasik withdrawing the right of the Dumaldars of the District to issue orders in connection with the collection of "Miscellaneous Receipts" (Kirkol Utpanna) and directing that in future these orders were to be issued to village officers by Mamlatdars? Dumaldars and miscellaneous receipts in Nasik District. (*b*) Is it true that the right of passing these orders was exercised by the Dumaldars without question till it was withdrawn by this Circular? (*c*) Is it proposed to withdraw this Circular? (*d*) Will Government be pleased to state the reasons for the Circular?	2. (*a*), (*b*), (*c*) and (*d*) Inquiry will be made.
3. Will Government be pleased to state— (*a*) the total number of holders of alienated villages in the Nasik District, Holders of alienated villages: powers under section 88 of the Land Revenue Code. (*b*) the total number of such holders invested with powers under section 88 of the Land Revenue Code?	3. (*a*) and (*b*) The information will be called for.
(*c*) Are powers under this section granted to all holders of surveyed alienated villages who are willing to sign the agreement to grant remissions and suspensions of land revenue when they are granted by Government in adjacent villages? (*d*) Will Government be pleased to state the reasons for withholding them in such cases?	(*c*) and (*d*) The rule is that in the absence of special reason to the contrary, every inamdar who introduces, or has introduced a survey settlement into his village should be granted a commission under section 88 of the Land Revenue Code, provided that he agrees to give suspensions and remissions according to the rules applicable to Government villages.

QUESTIONS AND ANSWERS.

Questions. *Answers.*

4. Will Government be pleased to state (*a*) how many retired officers are employed in the Public Works and Sanitary Department, (*b*) on what pay, (*c*) for what period.

Retired officers in the Public Works Department and Sanitary Department.

4. The information is being collected.

5. Will Government be pleased to state whether any steps are proposed to be taken to encourage the cultivation of indigo in Khandesh, to improve its quality and to give its cultivation such facilities as will ensure that it shall not suffer from cheap and excessive importation after the war?

Indigo in Khandesh.

5. It is understood that the matters referred to are under investigation in Provinces where indigo is cultivated on a substantial scale. In the meantime it is not proposed to take any action in Bombay.

6. (*a*) Will Government be pleased to state (*a*) the number of vacancies in the post of English Karkuns last year in the Districts of the Central Division for want of qualified School Final candidates?

(*b*) What course was adopted to fill up these vacancies when qualified candidates were not available?

Qualified candidates for Government posts

6. (*a*) and (*b*) Information will be called for.

7. Is it true (*a*) that prisoners are yoked to heavy bullock carts and paraded through streets to bring stones and sand at Dhulia? (*b*) That one of the places from which they bring stones is about four miles from the town, and that prisoners are marched to that place and back dragging heavy bullock carts full of stones in the hot sun, without shoes, on roads that become very hot in the afternoon?

Treatment of prisoners at Dhulia.

7. The information will be obtained.

8. Will Government be pleased to state—

(*a*) In what year the scheme for the increase of pay of Head Masters of secondary schools and Deputy Educational Inspectors was brought into force?

Pay of masters in secondary schools.

8. (*a*) Revised scales of pay were sanctioned for Head Masters and Deputy Educational Inspectors in 1910 and 1914, respectively.

(*b*) Whether the scheme for the revision of pay of secondary and

(*b*) The attention of the Hon'ble Member is invited to paragraph 1 of

Questions.	*Answers.*
training school teachers is still under consideration?	Press Note No. 3537, dated the 9th November 1914.
9. Will Government be pleased to state— (*a*) The total number of students in the Poona Male Training College this year? (*b*) The total number in the third year class? (*c*) The total number of non-stipendiary students in that class? Students at Poona Male Training College.	9. (*a*), (*b*) and (*c*) The information has been called for.
10. (*a*) Will Government be pleased to state whether the Municipality of Ahmednagar has been relieved of the charge of maintaining three lunatics who are ascertained not to be residents of that municipal district? Maintenance of lunatics.	10. (*a*) Two have died. The third is stated to be still paid for by the Municipality.
(*b*) Will Government be pleased to place on the Council Table the latest order on the subject in modification of the order passed by Government in January 1916?	(*b*) The following is the latest order on the subject modifying the order of January 1916:— "In modification of paragraph 1 of Government Order no. 439, dated the 19th January 1916, the Governor in Council is pleased to rule that the municipal district of which a lunatic is a habitual resident is liable for his maintenance, whether the lunatic is actually removed from that district or from another district into which he may have strayed or been taken If, on the other hand, the lunatic has no habitual residence but wanders about hither and thither, the maintenance charges should be borne by the municipal district from which he is removed when he is a frequent visitor though not a habitual resident of that district. In other cases the maintenance charges should be met by Government."

Supplementary question to Question No. 10.

The Honourable Mr. GARUD:—Has any action been taken to pay back from Provincial Revenues the charges recovered from the Municipality?

The Honourable Mr. CURTIS:—Government have no information. If the Honourable Member puts a definite question, inquiry will be made.

QUESTIONS AND ANSWERS.

Questions. *Answers.*

The Honourable Mr. GARUD :—Will Government be pleased to say whether any action has been taken to pay the charges for the surviving lunatic out of Provincial Revenues ?

His Excellency the PRESIDENT :—I do not think that that is a supplementary question. The Honourable Member must ask a fresh question if he desires to have any further information on the point.

The Honourable Mr. GARUD :—I am only asking for information as to what has been done.

His Excellency the PRESIDENT :—Then I think the Honourable Member should put a positive question. The question he is asking at the present moment is not supplementary to the question that is on the paper.

11. Will Government be pleased to state—

(*a*) In what divisions pleaders are not allowed to appear before Commissioners to argue in appeals under (1) the Income Tax Act, (2) the Watan Act, (3) the Land Revenue Code, and for what reasons ?

Appearance of Pleaders in Revenue matters.

(*b*) In what districts they are not allowed to appear in similar cases before Collectors and for what reasons ?

11. (*a*) and (*b*) The Honourable Member is referred to the final reply* to question No. 13 asked by him at the meeting of the Legislative Council held on 4th December 1916.

* This was printed as reply to question No. 2 at the meeting in March 1917.

12. Is it true that the road between the Barsi Light Railway station and the G. I. P. Railway station at Kurdu Wadi is not lighted at night ?

Road lighting at Barsi Station.

12. Enquiry will be made.

13. Will Government be pleased to give details of expenditure of Notified Areas under the following heads :—

(1) Education ; (2) Medical Relief ; (3) Pay of staff ; and (4) Chief Officers' pay ?

Expenditure in Notified Areas.

13. The information is being obtained.

THE HONOURABLE DEWAN BAHADUR KASHINATH RAMCHANDRA GODBOLE.

1. (*a*) Will Government be pleased to state what second class Irrigation Works Panchayats have been constituted in the Central and Southern Divisions of this Presidency, in accordance with the recommendations of the Select Committee of this Council made in its meeting held on 28th August 1915 ?

Irrigation Works Panchayats

1. (*a*) Panchayats have not yet been formed pending completion of necessary preliminary operations. In the Central Division ten bandharas have been selected for management by Panchayats and have been constituted as second class Irrigation Works, and Canal Officers have been appointed. In the Southern Division the Commissioner has selected the six tanks for management. One

Questions.

Answers.

of these has been finally constituted a second class work and in respect of the other five preliminary notification has issued. It is necessary that the form of Irrigation Record-of-Rights and the Rules under Part X of the Irrigation Act should be approved and these are now under the consideration of Government.

(*b*) If any reports have been received regarding the above Panchayats, will Government be pleased to lay them on the Council Table?

(*b*) When these rules and the form are finally approved and the Record-of-Rights has been prepared, Government will take steps to constitute the Panchayats.

2. (*a*) Will Government be pleased to state the action taken regarding the resolution moved by me in the Council Session of December 1915, which was accepted by Government, regarding the differential treatment of Indians and Europeans in the upper subordinate branch of the Bombay Public Works Department, as regards salary on first appointment and promotion in superior grades?

Appointment and promotion of upper subordinates in the Bombay Public Works Department.

(*b*) If orders have been passed regarding the above resolution, will Government be pleased to lay them on the Council Table?

2. (*a*) and (*b*) A copy of the orders* passed is placed on the Council Table. No change has been made as regards salary on first appointment but it is intended to reduce the number of Europeans appointed

* *Vide* Appendix M.

3. (*a*) Will Government be pleased to state the actual expenditure on Sind allowances during the financial years 1913-14, 1914-15 and 1915-16?

Sind allowances.

3. (*a*) The actual expenditure on Sind allowances during the financial years 1913-14, 1914-15 and 1915-16 was respectively Rs. 47,791-5-0, Rs. 45,088-11-6 and Rs. 40,817-12-9, including Rs. 9,795-0-3, Rs. 9,032-8-11 and Rs. 8,466-0-3 debitable to Imperial Revenues.

(*b*) How much of the above expenditure was incurred on allowances to Gazetted Officers of Government and how much on allowances to non-Gazetted Officers?

(*b*) The expenditure mentioned above was incurred on Sind allowances to Gazetted Officers, no such allowance being granted to non-Gazetted Officers.

4. Will Government be pleased to state when a uniform system of weights and measures is likely to be introduced in the Bombay Presidency as a result of the Committee appointed by the Government of India in 1913?

Weights and measures in the Presidency.

4. The question is under the consideration of the Government of India.

QUESTIONS AND ANSWERS.

[24TH JULY 1917.] [*Shaikh Ghulam Hussain Hidayatallah.*]

Questions. *Answers.*

THE HONOURABLE SHAIKH GHULAM HUSSAIN HIDAYATALLAH.

District Bungalows Sind

1. (*a*) Will Government be pleased to state how many district bungalows are maintained by the District Local Boards in Sind?

1. District bungalows are maintained from Provincial Funds and not by the Local Boards. The information given below relates to staging or travellers' bungalows on the understanding that the Honourable Member's inquiry has reference to such bungalows.

(*a*) There are at present 17 travellers' bungalows in Sind distributed as follows:—

District of Karachi	...	7
District of Hyderabad	...	1
District of Sukkur	...	
District of Nawabshah	...	2
District of Thar Parkar	...	1
Upper Sind Frontier	...	3

There is no travellers' bungalow in the Larkana District, but one is being built at the cost of the District Local Board.

(*b*) Will Government be pleased to state if it is a fact that these district bungalows are made use of by Government officials?

(*b*) Yes.

(*c*) If so, will Government be pleased to state why such bungalows are not maintained from Provincial Funds?

(*c*) The bungalows are intended for the use of the general public including Government officers and provision for them falls within the scope of section 30 of the Bombay Local Boards Act.

Schools opened in rural areas in Sind during last ten years.

2. Will Government be pleased to state how many Anglo-Vernacular and how many primary schools have been opened in the rural areas in Sind during the last ten years?

2. During the last decade ending 31st March 1916, 7 Anglo-Vernacular and 272 primary schools were opened in the rural areas in Sind.

Assistant Deputy Educational Inspector.

3. (*a*) Will Government be pleased to state if it is a fact that one Assistant Deputy Educational Inspectorship is assigned to teachers in vernacular schools in the Presidency proper?

3. (*a*) No post of an Assistant Deputy Educational Inspector is reserved in each district in the Presidency proper for a vernacular teacher or necessarily assigned to such a teacher. It is not, however, unusual to appoint trained primary teachers as Assistant Deputy Educational Inspectors, but such appointments are primarily for departmental convenience and are limited to the extent of one for each district.

QUESTIONS AND ANSWERS.

[*Shaikh Ghulam Hussain Hidayatallah.*] [24TH JULY 1917.]

Questions.	*Answers.*
(*b*) If so, will Government be pleased to state whether such an appointment is so reserved in each district in Sind? (*c*) If not, will Government be pleased to state why no such appointments exist in Sind?	(*b*) and (*c*) One appointment at least is given to a vernacular teacher in Sind and short acting vacancies are usually filled by such teachers. If one post were reserved for a vernacular master in each district in Sind, 7 out of 15 Assistant Deputy Educational Inspectorships or nearly 50 per cent. would go to men knowing nothing but Sindhi, which is not desirable.
[*These questions were asked at the meeting held on the 13th March 1917, when* ad interim *replies were given.*]	
4. (*a*) Will Government be pleased to state if there are any pastures in any revenue tracts in Sind set apart for grazing?	4. It is not the general practice in Sind to make formal reservation of pasture lands as waste lands are ordinarily plentiful. In some special cases this measure has however been adopted.
Pastures for grazing in Sind.	
5. (*a*) Will Government be pleased to state what is the proportion of the police to the population and area and the crime investigated in each taluka in Sind? (*b*) The number of offences detected and undetected in each taluka?	5. (*a*) and (*b*) Government do not think that the labour involved in collecting these figures would bring in a sufficiently valuable return.
Police in Sind.	
6. Will Government be pleased to state what steps they have taken to educate and ameliorate the moral condition of the criminal tribe known as the Hurs in Sind?	6. Efforts have been made, by placing the more criminal members of the Hur sect in settlements, to teach them to lead peaceful and orderly lives. As regards educational facilities offered to them, inquiries are being made.
Moral condition of Hurs in Sind.	
7. Will Government be pleased to state what steps they have taken to improve the moral condition of prisoners in jails by way of providing moral lectures, etc.?	7. Lectures on morals, etc., are given in the Dharwar Jail and once a week in the Common Prison and the House of Correction at Bombay. Government will do everything possible to encourage private persons or Societies who may wish to engage in such work.
Moral condition of prisoners in jails.	
8. Will Government be pleased to state how many cases there have been under sections 494 and 498, Indian Penal Code, during the last five years in Sind?	8. The information will be obtained.
Cases under sections 494 and 498 of the Indian Penal Code in Sind.	

Questions.

THE HONOURABLE MR. EBRAHIM HAROON JAFFER.

1. Will Government be pleased to state—

(*a*) How many teachers are there in the primary schools in the Presidency?

(*b*) How many of them are qualified?

(*c*) Of the latter how many possess 1st year, 2nd year and 3rd year certificates, respectively?

The information should be for Muhammadans and Hindus, respectively.

Muhammadan and Hindu teachers in primary schools.

2. Will Government be pleased to state—

(*a*) How many Muhammadans passed their Urdu Vernacular Final Examination till the end of 1916?

(*b*) How many of these joined the Urdu Training College at Ahmedabad?

(*c*) Out of the Muhammadan teachers who possess 1st year certificates how many have passed from the Urdu Training Class at Ahmedabad?

Urdu Training Class at Ahmedabad.

3. Will Government be pleased to state—

(*a*) What is the number of unqualified teachers in the Presidency (i) in Urdu schools, (ii) in other primary schools?

(*b*) What is their percentage to qualified teachers in them?

Qualified and unqualified teachers in Urdu and primary schools.

4. Will Government be pleased to state—

(*a*) What is the number of stipends granted annually during the last 5 years in the various Training Colleges of the Presidency?

(*b*) How many of these were granted to Muhammadans?

Annual stipends in Training Colleges granted to Muhammadans in last 5 years.

Answers.

1. (*a*), (*b*) and (*c*) The information required by the Hon'ble Member is contained in the accompanying statement:*

* See Appendix X.

2.

(*a*) 243.

(*b*) 50.

(*c*) 82.

3.

(*a*) The number is—

(i) 792.

(ii) 2,633.

(*b*) The percentage is as shown below:—

In Urdu schools, 36·3.

In other primary schools, 15.

4.

(*a*) and (*b*) The appended statement† gives the information required by the Hon'ble Member.

† See Appendix Y.

Questions.

5. Will Government be pleased to state—

(*a*) What special expenditure has Government to bear at present for the Urdu Training Class at Ahmedabad ?

Urdu Training Class at Ahmedabad.

(*b*) What will be the extra cost of adding a second year course to that class ?

(*c*) What was the estimate of the cost in detail framed by the Director of Public Instruction, referred to in his report for the years 1915-16, to remove the class with two years' course to Poona ?

6. Is it a fact that there has been no Muhammadan Head Master in the Poona Camp Government English School ever since it was started over 50 years ago ?

Poona Camp Government English School.

7. Will Government be pleased to place on the table all the annual reports of the Urdu Central Girls' School, Poona ?

Reports of Urdu Girls' School, Poona.

8. (*a*) Will Government be pleased to state the number and percentage of Mussalman students in the Presidency as compared with other students in (1) Primary Schools, (2) Middle Schools, (3) High Schools, (4) Colleges ?

Number and percentage of Mussalman and other students in schools and colleges.

(*b*) Are Government aware of the causes of the great reduction in the upper stages ?

(*c*) If so, will Government state the same ?

Answers.

5. Parts (*a*) and (*c*) of the question have already been answered.

(*b*) The extra cost will be Rs. 3,528 per annum.

6. There was no Muhammadan Head Master in the school till the 11th March 1917. Since then, the post has been held by a Muhammadan.

7. The reports* are placed on the table.

* See Appendix Z.

8. (*a*) The accompanying† statement gives the information required by the Honourable Member.

† *Vide* Appendix D.

(*b*) and (*c*) The figures for Mahomedan students‡ in the upper stages in the Presidency (excluding Native States) for the last three years are as follows :—

	1914-15.	1915-16.	1916-17
Middle Schools ...	2,005	2,038	1,860
High Schools ...	2,957	2,792	2,674
Colleges ...	185	214	214
Total ...	5,147	5,044	4,748

‡ Male as well as female.

Questions.

Answers.

From these figures it will be clear that in the highest stage (the collegiate) so far from a reduction having taken place, there has been an increase. The decline in Middle and High Schools is appreciable, but not very considerable, and may be surmised to have been due to the abnormal conditions that have prevailed during these years. If, however, under the term "reduction" the Honourable Member refers to the relative disparity between the number of Mahomedan students in the upper stages and that of boys of other communities, the low percentage may be regarded as due to the want of appreciation of education on the part of parents and the reluctance of a large number of Mahomedan youths to attempt the highest examinations. Poverty is one of the reasons, but it is not peculiar to the Mahomedan community. In certain parts of the Presidency, the Mahomedans are drawn rather towards trade and industries than to higher education, and hence they prefer to pass direct from school to business. In Sind, the Mahomedan population is mainly agricultural, and the reasons why there are comparatively few Mahomedans in Secondary Schools are poverty, apathy and the relative lack of facilities, which is inevitable in rural areas.

9. What is the number of Muhammadan boys who were refused admission in (*a*) Government High Schools of the Presidency, and (*b*) those of the Central Division, for want of accommodation?

Number of Muhammadan boys refused admission to High Schools.

9. The number of Muhammadan boys who were refused admission into the schools referred to for want of accommodation during the official year ending 31st March 1917 was as shown below:—

	No. of boys.
(*a*) In Government High Schools of the Presidency	35
(*b*) In Government High Schools of the Central Division	4

[*These questions were asked at the meeting held on the 13th March 1917, when* ad interim *replies were given.*]

10. (*a*) Will Government be pleased to place on the Council Table a list of Inams and Jaghirs and

Inam allowances for temples

10. (*a*) Government regret that they cannot accede to the request as the compilation of the information in respect of the whole Presidency

Questions.

other grants or allowances made for the maintenance of Mosques, Temples and Tombs in the Presidency with the names of the present holders of such grants or allowances?

(*b*) What measures, if any, have Government adopted to ensure that these grants are properly utilised?

11. Will Government be pleased to state what percentage of free-studentships Muhammadan students got (*a*) during the last five years of the period in which 10 per cent. free-studentships were allowed, (*b*) during the period in which 15 per cent. were allowed?

Muhammadan Free-Studentships.

12. (*a*) Is it a fact that whereas according to the Census of 1891 the number of the Memon Community was 127,000, it was 97,000 in 1911?

(*b*) Will Government be pleased to state the reason of this decline of almost 25 per cent. during the space of twenty years?

Decline in the Memon Community.

Answers.

would involve more time and trouble than could be justified by any purpose that is likely to be served.

(*b*) The policy of Government with regard to religious endowments has been one of non-interference so far as possible. It has however been ordered by Government Resolution, Judicial Department, No. 62 of 7th January 1907, that Collectors, all of whom are authorised to exercise the powers of the Advocate General under section 539* of the Civil Procedure Code should, on receiving *primâ facie* reliable information of serious misfeasance in relation to a religious endowment, hold a preliminary enquiry and, if it appears necessary, obtain the sanction of Government to the institution of a suit.

* Corresponding section in the Revised Code (Act V of 1908) is section 92.

11. The subjoined statement gives the information required by the Hon'ble Member.

(*a*) Percentage during the period in which 10 per cent. free-studentships were allowed.

Year.	Percentage.
1911-12.	14·62
1912-13.	14·89
1913-14.	16·26
1914-15.	14·95
1915-16.	13·9

(*b*) Percentage during the period in which 15 per cent. free-studentships were allowed.

Year.	Percentage
1916-17.	13·64

12. (*a*) Yes.

(*b*) The attention of the Honourable Member is invited to the concluding paragraph on page 201 and the opening paragraph on page 202 of the Census of India, Volume IX of 1901.

QUESTIONS AND ANSWERS.

[24TH JULY 1917.] [*Mr. Ebrahim Haroon Jaffer.*]

Questions. *Answers.*

13. (*a*) Will Government be pleased to state the income derived from the Courts of Honorary Magistrates in the Presidency?

Allowances to Honorary Magistrates

(*b*) Are any carriage or other allowances given to any of such Magistrates?

(*c*) If so, at what places are such allowances given?

(*d*) What are the reasons for granting such allowances in these particular places?

13. (*a*) The information is being called for.

(*b*), (*c*) and (*d*) With the exception of the Special Magistrate in the Cantonments of Poona and Kirkee no Honorary Magistrates is given any carriage or other allowance. The Special Magistrate referred to draws a conveyance allowance of Rs. 25 per mensem, which has been sanctioned to enable him to meet conveyance charges which his attendance in the Cantonment Court and his frequent visits to Kirkee and the Yeravda Jail on Government business entail.

14. Will Government be pleased to state whether Intermediate Class Compartments are attached to all Mail, Passenger and Mixed trains of all Railways in the Presidency?

Intermediate Class Compartments on Mail and other trains.

14. Intermediate Class accommodation is provided on the following Railways only in the Presidency:—

(i) *N.-W. Railway*—On all trains.

(ii) *G. I. P. Railway*—On the following trains:—

1. Up and Down Madras Mails between Raichur and Bombay.
2. Up and Down Delhi Express trains.
3. Up and Down Poona Express trains.
4. Up and Down Poona Mail trains.
5. Up and Down Calcutta Mail between Nagpur and Bombay.
6. Up and Down Calcutta Mail between Jubbulpore and Bombay.
7. Up and Down Mails between Lucknow and Jhansi.

(iii) *M. & S. M. Railway*—On the 1 Up and 2 Down Mail trains between Poona and Harihar.

15. Will Government be pleased to state whether there exist Ladies Waiting Rooms for 3rd class passengers on the railways in the Presidency?

Ladies' Waiting Rooms for 3rd class passengers

15. With the exception of the Bhusawal station on the G. I. P. Railway, there are no separate ladies' waiting rooms for 3rd class passengers on the other Railways in the Presidency. On the North-Western Railway, however, partitioned enclosures are

Questions.

Answers.

provided in the 3rd class waiting sheds at Larkana, Shikarpur, Sukkur, Hyderabad and Karachi City to form waiting sheds for Indian ladies.

16. Will Government be pleased to state on what Railways in the Presidency arrangements are made to provide drinking water for passengers belonging to the various communities?

Drinking water for passengers.

16. Arrangements to provide drinking water to passengers belonging to the various communities exist on the G. I. P., Gondal Porbandar and Cutch Railways and on the Morvi Railway at the Wankaner junction all the year round and at the other stations on that line during the hot season only. On the other Railways in the Presidency either water taps and chattie-filters are provided at the stations or Brahmin and Mahomedan watermen supply water to passengers.

17. (*a*) Will Government be pleased to state whether their attention has been drawn to the necessity for a bridge over the river Darna at Igatpuri?

Bridge over the Darna.

17. (*a*) Yes. A bridge over the Darna at Pimpra Sadruddin would be a great convenience to pilgrims at the time of the Urus fair and also to the inhabitants of Pimpri and other villages, but the work is of local importance only and thus falls within the sphere of the District Local Board.

(*b*) Are Government aware of any movement on the part of the Igatpuri inhabitants to construct such a bridge at their own expense?

(*b*) A sūm of Rs. 2,000 was raised by the inhabitants and spent on abutments and piers for the bridge which will cost about Rs. 13,500.

18. (*a*) Will Government be pleased to state whether they are aware that a sum of about twenty lakhs awaits in the custody of the Advocate General for distribution in charity from the estate of the late Mr. Mahomed Sabu Sidik?

Will of the late Mr. Mahomed Sabu Sidik.

18. (*a*) The Advocate General has not got the custody of the Estate of Mr. Mahomed Sabu Sidik or any part thereof. The Estate, which consists mainly of immoveable property, is in the possession of Mr. Hormasjee N. Vakeel, the sole surviving Executor and Trustee. The residue, all of which goes to charity, is valued at about Rs. 13 lacs, to which must be added a reversionary interest in Rs. 1,15,000 and a claim to an immoveable property worth about Rs. 60,000.

(*b*) If so, will they kindly place on the Council Table a copy of the part of the Will of the deceased donor relating to charities?

(*b*) A copy* of the official translation of the portions of the Will relating to charity is placed on the Council Table.

*See Appendix CC.

(*c*) What action has so far been taken in giving effect to the bequests of the deceased?

(*c*) A suit for the administration of the Estate was filed in the High Court in the year 1913.

Questions. *Answers.*

On the 8th July 1915 a reference was made to the Commissioner to take the usual administration accounts. The Commissioner was further directed to frame a scheme for the administration of the charities mentioned in the Will of the deceased, which had not yet been carried out, and to name fit and proper persons as trustees of the said charities.

Prior to the suit a Mozaffarkhana for Mahomedan pilgrims was erected at Paltan Road, Bombay, and has since been largely used. The cost amounted to Rs. 3,36,432, and a sum of Rs. 50,000 has been set aside for its maintenance. The preparation of the scheme has been delayed owing to the residue not having been determined, there being claims of the Estate of both the father and mother of the deceased against the Estate of the deceased.

The claim of the estate of the father has now been settled. The claim of the estate of the mother relates to the immoveable property referred to at the end of answer (*a*).

The Advocate General has agreed to the Executor giving out of the residue Rs. 5,00,000 to the Bombay Municipality for the construction and upkeep of Maternity Hospitals in Bombay and Rs. 62,000 for the erection of a Cottage Ward in the Lady Hardinge Medical College for Women at Delhi.

19. Will Government be pleased to give a list of the Municipalities in the Presidency where no Mahomedan member holds a seat by election and where unsuccessful attempts have been made to secure seats for that community by a redistribution of wards?

Mahomedan members on Municipalities.

19. The information is being obtained.

20. (*a*) Will Government be pleased to state what rules govern grants-in-aid to primary and secondary schools situated in Cantonments?

Grants-in-aid to Cantonment schools.

20. (*a*) If, as is presumed, the Honourable Member refers to private schools situated in Cantonments which receive grants-in-aid from the Educational Department, the reply is that the rules of the

Questions.

Answers.

Grants-in-aid Code for schools and colleges in the Presidency apply to both these classes of schools in the same way as they apply to Local Board and Municipal *secondary* schools and other private schools, both primary and secondary, situated outside Cantonment limits. There are no schools in the Presidency which are maintained by Cantonment Committees. All European schools, whether within or outside Cantonments, are regulated by the Code of Regulations for such schools.

(*b*) If the rules applicable to Municipal and Local Board Schools do not apply to schools situated in Cantonments, will Government be pleased to state the reasons for the difference ?

(*b*) The grants, however, made to *primary* schools maintained by Local Boards and Municipalities are not governed by this Code, but regulated by special orders issued from time to time since 1903. The reason for the distinction is that in 1903 Government found that the financial resources of Municipalities and District Local Boards, which are bound under the law to make adequate provision for primary education within their respective areas, had been crippled by famine and plague and that further development and extension of primary education could not be carried out unless the resources of those bodies were supplemented by grants from provincial revenues at a rate higher than that admissible under the Code.

Observance of holidays in Mofussil Civil Court.

21. Will Government be pleased to state whether all the Gazetted holidays are observed in practice by the Mofussil Civil Courts ?

21. By Gazetted holidays it is presumed that the Honourable Member means holidays notified by Government to be public holidays under section 25, Negotiable Instruments Act (XXVI of 1881).

The holidays to be observed by Civil Courts are laid down in section 43 of the Bombay Civil Courts Act (XIV of 1869) and in Chapter XVII of the Manual of Circulars issued by His Majesty's High Court of Judicature, Bombay.

The two sets of holidays are not the same in all particulars.

Questions. *Answers.*

22. Will Government be pleased to state—

Applications by Mahomedans under section 92, C P. C.

(*a*) How many applications were made to Collectors of districts in the Presidency by Mahomedan applicants under section 92 of the Civil Procedure Code during the years 1910 to 1916 (both inclusive) ?

(*b*) How many of them were rejected ?

(*c*) Why they were so rejected ?

22. (*a*), (*b*) and (*c*) The information is being obtained.

23. (*a*) Will Government be pleased to state what is the number of Mahomedans in the Presidency proper in the Judicial, Political and Executive branches of the Provincial Civil Service ?

Mahomedans in the Provincial Civil Service.

23. (*a*) There are two Mahomedans in the Judicial Branch of the Provincial Civil Service, two in the Executive Branch of that service, and no Mahomedan Deputy Assistant Political Agent. Of the two officers in the Judicial Branch, one holds an acting appointment only.

(*b*) Will Government be pleased to state how many Mahomedans applied for posts in these branches of the service during the last six years, *i.e.*, 1910 to 1916 and how many of them were rejected ?

(*b*) During the period in question 10 applications were received from Mahomedans for appointments in the Judicial Branch of the Provincial Civil Service, 15 for appointments in the Executive Branch of that service, and 5 for appointments as Deputy Assistant Political Agents. Of these candidates, 1 was selected for the Executive Branch of the Provincial Civil Service, and the names of 7 were registered for consideration when vacancies might occur in the Judicial Branch of that service. Of these 7, 2 obtained employment elsewhere, 4 became age-barred before they could be offered an appointment, and one is still on the waiting list. The remaining 22 candidates were rejected.

(*c*) Will Government be pleased to state whether these rejected Candidates were educationally unfit ?

(*c*) No.

24. Will Government be pleased to state the reason why the Bench of Honorary Magistrates is not now in existence at Malegaon ?

Honorary Magistrates, Malegaon

24. The Bench was abolished on account of the resignation of four out of the six Magistrates who constituted it.

QUESTIONS AND ANSWERS.

Questions. *Answers.*

THE HONOURABLE MR. BALKRISHNA SITARAM KAMAT.

1. Will Government be pleased to give the following information :—

Expenditure on the Mahabaleshwar move.

(1) What has been the total expenditure to the State for the hill journey and stay of Government and Heads of Departments at Mahabaleshwar for the years 1914-15, 1915-16 and 1916-17 separately?

1. (1) Information is being collected.

(2) Who are the Gazetted Officers who have to go to Mahabaleshwar owing to the move of Government to that hill station?

(2) The gazetted officers who are required to go to Mahabaleshwar owing to the move of Government are specified below :—

The ordinary members of the Executive Council,

The Secretaries to Government,

The Remembrancer of Legal Affairs,

His Excellency the Governor's staff, and

The Oriental Translator to Government.

2. Will Government be pleased to say whether copies of the Proceedings of the Bombay Legislative Council are supplied to the other Provincial Governments for the individual use of the Honourable Members of their Legislative Councils, and if so, how many copies?

Supply of proceedings of Legislative Councils.

2. Eighteen copies are supplied for distribution to the non-official members of the Legislative Council, Madras. No copies are supplied for distribution to the members of other Legislative Councils.

THE HONOURABLE SARDAR DULABAWA RAISINGJI, THAKOR OF KERWADA.

1. (*a*) Will Government be pleased to state how many acres of land comprised in relinquished or forfeited sub-divisions of survey numbers have been disposed of in Broach District under section 117-B of the Land Revenue Code?

Disposal of sub-divisions of survey numbers relinquished or forfeited.

1. (*a*) 919 acres 5 gunthas.

QUESTIONS AND ANSWERS.

[24TH JULY 1917.] [*Sardar Dulabawa Raisingji; Mr. Chunilal Vijbhukhandas Mehta.*]

Questions. *Answers.*

(*b*) Will Government be pleased to state how many acres of such sub-divisions offered were voluntarily taken up by occupants of other sub-divisions?

(*b*) 669 acres 12 gunthas.

2. Is it a fact that a man was run over and killed last year at the railway crossing at Palej Station on the B. B. & C. I. Railway? Has Government any information as to whether the Railway Administration has considered the question of putting up an overbridge at this crossing?

Railway Crossing at Palej.

2. A copy of letter* from the Agent, Bombay Baroda and Central India Railway Company, No. 5274-T., dated 2nd April 1917, is laid on the Table.

* See Appendix B.

These questions were asked at the meeting held on the 13th March 1917, when ad interim *replies were given.*]

THE HONOURABLE MR. CHUNILAL VIJBHUKHANDAS MEHTA.

1. (*a*) Will Government be pleased to state if they contemplate any changes in the course and curricula of training colleges for primary teachers?

Changes in the curricula of training colleges for primary teachers

(*b*) If the answer to question (*a*) be in the affirmative, will Government be pleased to state if they intend to publish the proposed new course for general information and discussion before final decision is arrived at?

1. The answer to part (*a*) of the question is in the affirmative and that to part (*b*) is in the negative.

[*This question was asked at the meeting held on the 13th March 1917, when an* ad interim *reply was given.*]

2. (*a*) Will Government be pleased to state if their attention has been drawn to the judgment of the Bombay High Court in the Duncan Road Murder case delivered on the 5th April 1917, and to the articles thereon appearing in "Times of India" on the 6th April, and in the "Bombay Chronicle" on the 6th, 10th and 27th April 1917.

Bombay High Court judgment in the Duncan Road Murder Case.

2. (*a*) Yes.

Questions.	*Answers.*
(*b*) Will Government be pleased to state what action they propose to take to put down this evil.	(*b*) The matter is under enquiry.
THE HONOURABLE RAO BAHADUR VENKATESH SHRINIVAS NAIK.	
1. Will Government be pleased to furnish the following information regarding the constitution and working of the Village Sanitary Committees and Boards under the Village Sanitation Act (Bombay Act I of 1889) in this Presidency for the last five years :— Village Sanitary Committees and Boards.	
(*a*) The number of Village Sanitary Committees and Boards newly constituted under sections 8 and 19 of the Village Sanitation Act?	1 (*a*). Village Sanitary Committees 142 and Board 1:
(*b*) In how many cases of such Committees or Boards the Collector has exercised or has been exercising the powers under sections 18 and 30(*2*) of the Village Sanitation Act, namely, of assessing a rate on the inhabitants residing within the area of village or villages constituting such Sanitary Committees or Boards?	Four.
(*c*) The number of Village Sanitary Committees and Boards dissolved?	Eight; of which, two were declared notified areas and a third was converted into a Municipality.
(*d*) For how many years such Committees or Boards dissolved worked prior to their dissolution?	1 for 22 years. 1 „ 20 „ 1 „ 19 „ 2 „ 18 „ 1 „ 16 „ 1 „ 12 „ 1 „ 9
(*e*) In how many cases was the dissolution due to the failure of the villagers paying voluntary popular contribution?	Four.
(*f*) In how many cases of such dissolution due to the failure of the villagers paying voluntary popular contribution did the Collector of the district exercise the powers of levying an assessment under sections 18 and 30 (*2*) of the Village Sanitation Act?	*Nil.*

QUESTIONS AND ANSWERS.

[24TH JULY 1917.]

Questions.

[*Rao Bahadur Venkatesh Shrinivas Naik.*]

Answers.

2. (*a*) Is it a fact that the Assistant Deputy Educational Inspectors are required to tour within their beat throughout the year, not being allowed to return to their head-quarters even in the monsoon?

Touring of Assistant Deputy Educational Inspectors.

2. (*a*) As a general rule, no.

(*b*) If so, are they given any extra allowance for touring in the monsoon?

[*These questions were asked at the meeting held on the 13th March 1917, when* ad interim *replies were given.*]

(*b*) When it becomes necessary in emergent circumstances for the Assistant Deputy Educational Inspectors to tour in the monsoon, mileage and daily allowance at increased rates are granted to officers on salary not exceeding Rs. 100 per mensem for journey in the Konkan districts where touring in the wet season is specially difficult. Assistant Deputy Educational Inspectors in other districts and those in the Konkan Districts who draw salaries exceeding Rs. 100 per mensem receive travelling allowance and haltage at the usual rates in such circumstances.

3. Will Government be pleased to give the following information for each Division of the Presidency proper—

(1) In how many alienated villages is local fund cess calculated on an assessment fixed otherwise than by a survey and settlement under the Land Revenue Code?

(2) What is the total area of such villages?

(3) What is the total assessment on which the local fund cess payable by them is calculated?

(4) Are these assessments equal to the standard of the assessments which have been fixed in similarly situated villages by a survey and settlements under the Land Revenue Code?

3. Information will be called for.

4. Is it the case that the proceedings of the Finance Committee are published and printed as an accompaniment to the Financial Statement presented to the Legis-

4. A report of the proceedings of the Finance Committee of the Legislative Council of the Province of Bihar and Orissa was printed as an appendix to the Revised Financial

[*Rao Bahadur Venkatesh Shrinivas Naik; Mr. Raghunath Purushottam Paranjpye.*]

Questions.

Answers.

lative Council in Bihar and Orissa or to any other Legislative Council?

Statement presented in March 1917. A copy of the Report and Proceedings of the Finance Committee of the Madras Legislative Council was furnished to the Members of that Council. Government is not aware of the procedure in other Provinces.

THE HONOURABLE MR. RAGHUNATH PURUSHOTTAM PARANJPYE.

1. (i) Has the attention of Government been directed to the persistent demand of the inhabitants of Purnagad and the adjoining villages in the Ratnagiri District to have Purnagad made a port of call by the B. S. N. Company's steamers?

Opening of a new port of call for steamers in the Ratnagiri District.

1. (i) Government received a petition on the subject on 15th December 1916.

(ii) Is it a fact that the port offers good facilities for anchorage and that the people concerned have offered to guarantee the Company an average of 50 passengers per day during the fair season and to bear the expense of erecting the necessary waiting sheds, etc.?

(ii) The question of opening Purnagad as a port of call has been discussed for some years. An anchorage and landing place which are stated to be safe have been pointed. It has been stated that a daily average of 50 passengers can be guaranteed during the fair season. The Company, however, experiences much difficulty in maintaining its present services owing to the number of its steamers required for military and naval requirements, and Government do not think it advisable to place fresh obligations upon it at the present time. The Commissioner has been asked to report on the subject when more normal times return.

[*This question was asked at the meeting held on the 4th December 1916, when an* ad interim *reply was give*

2. (*a*) Is it a fact that all trained teachers in the primary schools of the Presidency do not yet get the pay that is shown on their certificates?

Minimum code pay of trained primary teachers.

2. (*a*) The answer is in the affirmative.

(*b*) If so, in what districts are they still receiving less than the code pay?

(*b*) Some of the teachers in each of the seven districts of the Central Division, in Ahmedabad and Kaira Districts in the Northern Division, and in Dharwar, Belgaum, Bijapur and Kanara Districts in the Southern Division are still receiving less than

Questions.

Answers.

the face-value of their certificates, because of the inability of the Local and Municipal Boards concerned to pay it. It is understood that all trained teachers in Sind are in receipt of the face-value of their certificates.

(*c*) How much more expense would be annually incurred in order to give every trained primary teacher his minimum code pay?

(*c*) An annual expenditure of Rs. 25,138 as shown below will be necessary :—

		Rs.
Central Division	...	7,687
Northern Division	...	1,486
Southern Division	...	15,965
Total	...	25,138

3. (*a*) Will Government be pleased to lay on the Council Table a copy of the rules which regulate seniority and promotion in the case of those teachers in the primary schools who, after joining the Department with one qualification, get later on a higher qualification, entitling the holder to a higher pay in general?

Rules regulating seniority and promotion of certain teachers in primary schools.

3. (*a*) A copy of the rules* is placed on the Table.

* See Appendix GG.

(*b*) Is it a fact that several teachers with second year's certificate and many years' service actually become losers to a considerable amount by getting a third year's certificate, as all their previous service is altogether left out of account in calculating their pay afterwards?

(*b*) The procedure is as follows: If a person who has obtained a third year certificate after a considerable length of service under a second year certificate is found to be a loser by being classed with third year certificated men, he is given credit for the higher pay to which he is entitled and thus should not suffer. If any particular cases in which this procedure has been departed from are known to the Honourable Member, the Director of Public Instruction will be glad to receive detailed information regarding them and will then take such steps as may be necessary.

4. Will Government be pleased to lay on the Council Table their recent circular to teachers about private tuitions? What were the causes which led

Circular to teachers about private tuitions.

4. It is not clear what circular is referred to by the Honourable Member. There has been no change in the orders regarding the grant of permission to teachers to undertake private tuitions and no

Questions.	*Answers.*
the Educational Department to cancel their old orders on the same point ?	circular has recently been issued on the subject.
[*These questions were asked at the meeting held on the 13th March 1917, when* ad interim *replies were given.*]	
5. Will Government be pleased to say what has been the result of the consideration they promised to give last year to the question of the advisability of making a reference to the High Court on the relative status of pleaders and barristers ?	5. The resolution passed by this Council on the subject was referred by Government to the High Court for consideration. The Honourable the Chief Justice and Judges intimated, in reply, in February 1917 that they were unable to alter Rule 40 of the Rules and Forms of the High Court as suggested in the resolution of Council, but that steps were being taken towards reduction of costs of litigation on the Original Side of the High Court.
Reference to the High Court *re* the relative status of barristers and pleaders.	
6. Will Government be pleased to give detailed information as to the number of cases tried in this Presidency under section 68 of the Christian Marriage Act, the number of convictions, and the castes of the accused in these cases ?	6. Since the Act came into force three cases have been tried under section 68, up to the end of 1916 in this Presidency, all in the district of Ahmednagar. In one of these cases the accused were acquitted. In the other two, seven accused persons in all were convicted, *viz.*, 5 Christians, 1 Mahar and 1 Brahmin.
Cases tried under section 68 of the Indian Christian Marriage Act, 1872.	
7. (*a*) Is it a fact that the present Collector of Ratnagiri while camping at Dapoli issues orders that no cart traffic is to be allowed at night by the main road from Harnai to Dapoli which passes near his camp, that even during daytime the usual bells on the bullocks' necks are to be silenced while they pass by his camp, and that no musical instruments are to be played at night, even on religious purposes, at Dapoli, during his stay there ?	7. (*a*) and (*b*) No orders have been issued by the Collector for cart traffic to be stopped on any road at Dapoli or elsewhere, or for the bells on bullocks' necks to be silenced during the daytime; nor, so far as can be ascertained, has any such action been taken by the police at Dapoli.
Traffic orders by the Collector of Ratnagiri.	
(*b*) Is it a fact that the said Collector is in the habit of giving similar orders at all places where he camps ?	The Collector has not ordered at Dapoli or elsewhere that no musical instruments are to be played at night during his stay. He only orders the police to arrange that loud music in the vicinity of his camps should not continue after 10 p. m. He has not ordered the police to stop any religious music, nor did the police stop any religious music at Dapoli or order it to be stopped.
(*c*) Under what rules and regulations is a Collector and District Magistrate empowered to issue such orders about traffic ?	(*c*) A Collector and District Magistrate has power to make rules
Bombay IV of 1890, Section 39 (1) (*m*).	

QUESTIONS AND ANSWERS.

Questions.

Answers.

regulating traffic when necessary in his opinion for the public convenience; but he has no power to issue traffic orders such as those mentioned in the question without publishing rules and reporting them to Government.

8. Will Government be pleased to inform the Council as to what has been done towards introducing the first three Anglo-vernacular standards into full primary schools as suggested in the resolution moved by the Honourable Mr. Upasani and accepted by Government in March 1916?

Anglo-vernacular standards in full primary schools.

8. The attention of the Honourable Member is invited to the answer given by Government to part (*a*) of question No. 5 put by the Honourable Mr. S. B. Upasani at the last meeting of the Council.

THE HONOURABLE MR. GOKULDAS KAHANDAS PAREKH.

1. Will Government be pleased to say—

(1) Whether in the district of Kolaba in the case of several gentlemen who for several years were given licenses for carrying arms including revolvers, the licenses issued last year excluded the permission for carrying revolvers?

Revolvers and arms licenses.

1. (1) Yes. In the year 1916 out of the 12 licenses which included permission to carry revolvers in the district of Kolaba, such permission was excluded in the case of 7.

(2) Whether the same practice of excluding revolvers from the licenses of persons who previously used to have permission to carry them has also been adopted in other districts?

(2) There is no general practice one way or the other. Each case is considered on its merits.

(3) (*a*) In how many cases throughout the Presidency, in the licenses issued in the year before the last, the licenses included the permission to carry revolvers, and

(3) (*a*) 423.

(*b*) in how many cases in the licenses renewed last year the permission of carrying revolvers was excluded?

(*b*) 13.

2. Will Government be pleased to say—

Removal of cactus hedges.

2.

(1) Whether the Second Class Magistrate of Hansot has issued a large number of notices to persons in possession of fields requiring them to remove the cactus hedges of their fields from their roots irrespective

(1) The Second Class Magistrate issued notices to a number of persons under section 33 of the Bombay District Police Act, 1867, requiring them to "prune the hedges down to 3 feet in height and

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of their height and width, and whether the said notices purport to have been issued under section 33 of the District Police Act?	3 feet in width at most or remove the prickly pear (kantál) or other vegetation." He did not issue notices in the terms suggested by the question.
(2) Whether these notices were issued by the Magistrate of his own initiative or under orders of superior officers?	(2) The notices were issued by the Magistrate in the exercise of his Magisterial discretion.
(3) * * * * *	* * * * *
3. Will Government be pleased to say—	3.
(1) Whether the Collector of Broach has issued orders for sale throughout the district of standing live babul trees belonging to Government which are over 10 feet in height? *Babul trees belonging to Government in Broach District.*	Mature babul trees belonging to Government are being sold village by village to meet a fuel shortage.
(2) Whether the effect of the orders on the average rainfall of the district has been considered?	The area under trees in the district is so small already that the sale of a portion of them cannot affect the rainfall.
4. * * * *	4. * * * *
(1) * * * *	* * * *
(2) * * * *	* * * *
(3) Is it a fact that the letting value of numerous buildings within the said notified areas is proposed to be enhanced? *Proposal to enhance estimates of letting values of buildings in notified areas in Salsette.*	(3) Yes.
(4) Is it a fact that the Chairman has issued notices calling upon the aggrieved house-owners to submit their objections against the proposed enhancements in person at his office at Pali Hill at 8 or 9-30 a.m. and informed them that their written objections would be rejected as invalid?	(4) Yes. All written objections have, however, been duly considered by the respective Committees.
(5) How many notices have been issued to the rate-payers in each of the notified areas in question?	(5) The information asked for is given below :—

Notified Area.	No. of Notices.
Andheri ...	257
Malad ...	204
Santa Cruz ...	147
Vile Parle ...	197
Borivli ...	165
Total ...	970

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Questions. *Answers.*

(6) Is it a fact that the procedure that used to be followed in the time of the previous Chairman has been departed from on the present occasion? If so, for what reasons?

(6) Yes. The number of objections received was very large, and it was thought that it would suit the convenience of all concerned if they were considered at the combined office of the Committees at Palli Hill, Bandra, in the morning. Many of the house-owners visit Bombay daily and can attend at the Head Office on their way. Orders have since been issued that such objections should, in future, be dealt with, as far as possible, at local centres and at different times so as to suit the convenience of the public.

(7) Were any communications addressed to the Chairman by individual rate-payers against the procedure adopted by him and has he acknowledged or replied to any of them?

(7) Objections were received, raising *inter alia* the question of procedure. These were considered by the respective Committees, and a decision as to the proper assessment was recorded. It was not considered necessary to give a separate reply in regard to the objections urged against the procedure.

[*These questions were asked at the meeting held on the 13th March 1917, when* ad interim *replies were given.*]

5. Will Government be pleased to say—

Professional taxes at Matheran.

(1) If they are aware that the Municipality of the Hill Station of Matheran has issued a notice of imposing a professional tax of Rs. 20 for the cold season and Rs. 40 per season for the hot season on Medical Practitioners, and of Rs. 40 for each of the two seasons of the year on Engineers, Architects and Contractors of Buildings residing in that station, except gentlemen answering the said descriptions who are in Government or Municipal employ and are doing duty at Matheran and experts called for consultation by them?

(4) What is the object of imposing the said professional tax?

5. Government have no information on the subject, but enquiries are being made.

(2) Whether the professional tax which the Matheran Municipality proposes to impose is among the taxes specified in section 59 of the District Municipal Act?

The tax would come under clause (xi) of section 59 of the District Municipal Act.

(3) Has the Governor-in-Council given his approval to the nature

The approval of Government has not been applied for.

Questions. *Answers.*

and object of the proposed tax as required by Clause 11 of section 59 of the District Municipal Act?

6. Will Government be pleased to say—

(1) Whether under the general orders in force on that behalf, the authorities of Behramji Jeejeebhai Dispensary were required under certain conditions to dispense prescriptions of private Medical Practitioners, if the medicines contained in them were provided by Government to the dispensary?

Behramji Jeejeebhai Dispensary.

(2) Is it a fact that during the last Matheran Season the authorities of the dispensary in several cases declined to dispense such prescriptions?

(3) If so, what was the reason for the dispensary authorities acting in this manner.

6. Enquiry is being made.

7. Will Government be pleased to say—

(1) Whether till very recently the Byramji Jeejeebhai Dispensary used to be kept open for the public for the whole day?

Byramji Jeejeebhai Dispensary.

(2) Whether it is now kept open only during two hours or so in the morning, and is kept closed for the rest of the day for the public?

(3) Will Government be pleased to say what was the reason for such alteration?

7. Enquiry is being made.

THE HONOURABLE MR. VITHALBHAI JHAVERBHAI PATEL.

1. (*a*) Will Government be pleased to state the number of boys and girls separately studying in—

(*a*) Government,
(*b*) municipal,
(*c*) aided,
(*d*) unaided but recognized,

and

Boys and girls in primary schools in municipal areas.

1. (*a*) The accompanying statement* gives the information required by the Honourable Member.

* See Appendix C.

Questions.

Answers.

(*e*) unrecognized, primary schools in each municipal area in the Presidency at the end of the year 1915-16?

(*b*) Will Government be pleased to say why this information is not included in the annual administration reports of the Director of Public Instruction?

This question was asked at the meeting held on the 13th March 1917, when an ad interim *reply was given.*]

(*b*) The information is not included in the annual reports of the Director of Public Instruction, because it does not appear to be of such special importance or of such general interest as to warrant its regular inclusion in those reports. Moreover, the inclusion would necessitate the creation of an additional special table of a bulky character in the Director of Public Instruction's annual reports and would not only entail much additional labour and sacrifice of time, which might be more profitably employed in other directions, but would also tend to increase their bulk unnecessarily. It may be added that the information can always be collected if required for any particular purpose.

Attachment of certain property in Parantij Taluka by Talukdari Settlement Officer.

2. (*a*) Is it true that the Mamlatdar of Parantij, under orders of the Talukdari Settlement Officer, attached the property of Bai Rukhmani and Bai Suraj of Moyad Vasrupji under Parantij Taluka for recovery of certain alleged arrears on 20th March 1911.

2. (*a*) Yes.

(*b*) Is it true that the said two ladies filed suits against the Mamlatdar and others in the District Court of Ahmedabad on the 19th March 1912, and is it true that by order, dated 6th April 1912, the Talukdari Settlement Officer released the property under attachment?

(*b*) The two ladies did file suits, but they were dismissed by the Joint Judge and the attachments declared legal. The Talukdari Settlement Officer released the property as the year was a famine one.

Affairs of Thakrani Kundun Kunvar of Sanand

3. (*a*) Is it true that the late Thakore Ranmalsinhji of Sanad agreed to give to his Thakrani Kundun Kunvar Rs. 3,000 in lieu of houses and that the said Thakore got a consent decree passed between himself and the said Thakrani in the Civil Court for the amount?

3. (*a*) By the consent decree of 1897 the Thakore agreed to provide his wife with apartments or to pay Rs. 2,000 (not Rs. 3,000) in lieu thereof, and this amount was paid. Apartments were however subsequently provided and the amount was refunded. The decree was thus satisfied. The Thakrani left Sanand in 1900 and went to live in

[*Mr. Vithalbhai Jhaverbhai Patel.*] [24TH JULY 1917.]

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Ahmedabad, upon which the Thakore took over the apartments. She stayed in Ahmedabad till the Thakore's death in 1912.

(*b*) Is it true that when after the death of the said Thakore the said Thakrani asked the Talukdari Settlement Officer for payment of the amount, the said officer refused to pay the amount?

(*b*) The Talukdari Settlement Officer did not refuse to pay the amount.

(*c*) Is it true that when, on this refusal, the said Thakrani filed a suit against the Talukdari Settlement Officer for the amount, and when the suit was proceeded with, the Talukdari Settlement Officer entered into a consent decree with the Thakrani for the amount?

(*c*) The Thakrani did file a suit but not in connection with the sum of Rs. 2,000 awarded in the consent decree. The suit was filed to regain possession of the apartments which the Thakore in his lifetime had taken over from the Thakrani. She thereupon filed a suit in connection therewith, which was subsequently settled for Rs. 3,000.

Jivai lands of the late Thakore Umedsinhji of Motiboru.

4. (*a*) Is it true that the Thakore Umedsinhji of Motiboru in his lifetime made a will that after his death his widow should enjoy his Jivai lands?

4. (*a*) The Thakore's will referred to his whole property (57 dokdas' share in two villages) and not to any Jivai lands in particular.

(*b*) Is it true that the Talukdari Settlement Officer approved and sanctioned the will?

(*b*) Yes.

(*c*) Is it true that, on the death of the said Umedsinhji, the Talukdari Settlement Officer attached and took under management the said Jivai lands referred to in the will?

(*c*) No. The whole property was already under the management of the Talukdari Settlement Officer under a mortgage deed for a debt of Rs. 20,000 due to the Jubilee Institute. Leases had been given to the Thakore and after his death to his widow, but this system was stopped in 1912-13 and departmental management was resorted to. This is presumably what is meant by "attachment" but it did not take place for three years after the Thakore's death.

(*d*) Is it true that the widow filed a suit against the Talukdari Settlement Officer for recovery of the lands and that, after the filing of the suit the Talukdari Settlement Officer released the lands from his management?

(*d*) The widow filed a suit for injunction to prevent the Talukdari Settlement Officer taking over her Gharkhed lands when departmental management was introduced. The Talukdari Settlement Officer then ordered a suit to be filed against the widow for the recovery of the debt, upon which she expressed her

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readiness to sell a portion of the state. This was done and the debt paid off, and the estate was then released from management.

5. Will Government be pleased to state the reasons why in these two cases were the widows put to the necessity of filing suits against the Talukdari Settlement Officer?

Necessity for suits in these two cases.

5. The suit referred to in question No. 3 was filed by the lady for the reasons given in the reply to clause (*c*) thereof. As regards the suit alluded to in question No. 4, Government have no information other than that given in the reply to question 4 (*d*) why the lady filed a suit for injunction.

6. Will Government be pleased to inquire if the farms of the following estates have been given by the Talukdari Settlement Officer after due publication of notifications and by public auction?

Certain farms in certain talukas under the Talukdari Settlement Officer.

(1) Aghar under Viramgam taluka,

(2) Kunvar and Chal under Sanand taluka,

(3) Rojka under Dhandhuka taluka.

Is it true that in the case of each farm the Talukdar protested to the Talukdari Settlement Officer that the farm was being given at low amounts and expressed his readiness to pay a larger amount for the farm?

[*These questions were asked at the meeting held on the 13th March 1917, when* ad interim *replies were given.*]

6. (1) The lease of the Aghar estate was sanctioned by Government so far back as the year 1906. No notification was published nor was any public auction held as the Talukdari Settlement Officer adopts the procedure best suited to each case. The talukdars had first agreed to the lease but afterwards offered the same amount themselves which was refused as they were considered incompetent to manage the estate. They then filed a suit which was dismissed and the Court approved the lease.

(2) The Kunvar estate is not leased but is under the management of the Talukdari Settlement Officer, as representing a minor, jointly with the other two owners of the village. The lease of Charal (not Chal) which is owned by an Inamdar, and not a talukdar, was publicly auctioned, the last bid being Rs. 2,325. It was subsequently leased privately for five years for Rs. 2,500. The Inamdar has never protested or offered a larger amount.

(3) The village of Rojka comprises many estates and it is not known to which estate the reference is made. The Talukdari Settlement Officer knows of no such case.

Questions.

7. Will Government be pleased to state—

(*a*) The number of primary school-going-age-children and the number of children at school in the City of Bombay at the end of the year 1916-17?

Children at school in Bombay.

(*b*) When was the census of the school-age-children last taken in respect of City of Bombay?

8. Will Government be pleased to say—

(*a*) When the last meeting of the Schools' Committee of the Bandra Municipality was held?

Disposal of work by Schools and Dispensary Committees in Bandra.

(*b*) How many meetings of the Dispensary Committee were held during the course of the last twelve months?

(*c*) And whether it is true that the said two Committees have resorted to the expedient of disposing of their work by circulars?

[*This question was asked at the meeting held on the 13th March 1917, when an* ad interim *reply was given.*]

9. (*a*) What is the amount of the recurring grant by the Government of India to the Government of Bombay in the years 1912-13, 1913-14, 1914-15 and 1915-16 on primary and secondary education?

Expenditure of recurring and non-recurring grants made by Government of India for primary and secondary schools

(*b*) What is the amount which has been granted therefrom by the Government of Bombay to primary and secondary schools, year by year—

(1) In increasing grants-in-aid of Government schools?

(2) In increasing grants-in-aid to privately managed schools, division by division?

(3) In increasing the supervision staff, buildings, etc., of Government schools?

Answers.

7. Government have no direct information on the subject, but a letter No. 1508, dated the 2nd June 1917, from the Secretary to the Schools Committee of the Bombay Municipality, which supplies such information as is available, regarding the points referred to in the question, is laid on the Table.*

* *Vide* Appendix F.

8. (*a*) On the 16th February 1916.

(*b*) Three meetings were held, and three others postponed for want of quorum.

(*c*) Yes.

9. The accompanying three† statements give the information required by the Honourable Member. The details of the figures shown in the statements will be found in chapter VII of the annual reports of the Director of Public Instruction for the years 1913-14, 1914-15 and 1915-16 to which the attention of the Honourable Member has already been invited in the *ad interim* reply given to the question.

† *Vide* Appendices G, H and I.

As regards part (*b*) (1) of the question, no grants-in-aid as such are paid to Government schools. If the Honourable Member refers to

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(c) How have the sums granted by the Government of India to the Government of Bombay as non-recurring grants on primary and secondary education in the same four years been spent?

grants sanctioned for Local Board and Municipal schools, the figures on account of these classes of schools will be found in Statement B.

[*These questions were asked at the meeting held on the 13th March 1917 when* ad interim *replies were given.*]

10. Will Government be pleased to say what progress has been made in the matter of temperance teaching in schools in accordance with the orders of the Government of India of 1914?

Temperance teaching in schools.

10. A set of three graded lessons on temperance to suit Vernacular Readers V, VI and VII and based on the syllabus issued by the Board of Education in England has been prepared and approved by Government. The lessons have been translated into the respective Vernaculars and will be inserted in the Readers on the first opportunity. As regards Anglo-Vernacular schools, temperance has been dealt with in the new Science Readers for Standards IV and V. Schools which give moral instruction have been furnished with the Board of Education syllabus and asked to give lessons on the lines of that syllabus.

11. Will Government be pleased to say whether it is a fact that the Mamlatdar-Magistrates sitting in Courts and doing judicial duty are often interrupted in their work by having to attend references from Revenue and Miscellaneous Departments?

Miscellaneous work by Mamlatdars while sitting in Court.

11. Government have no information to that effect.

12. Will Government be pleased to state whether it is intended to separate Judicial and Executive functions in some districts in the Presidency and if so, when?

Separation of Judicial and Executive Functions.

12. The answer to the first part of the question is in the negative.

13. Will the Government be pleased to say whether they have replied to the letter of the Government of India in the Home Department, dated the 6th July 1914, regarding legislation to prevent the use of the Civil

Civil Courts and usurious claims.

13. The answer is in the affirmative. Government are not prepared as yet to lay on the table the reply addressed by them to the Government of India.

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Courts as an agency for the realisation of the usurious demands of money lenders? If so, will the Government be pleased to lay on the table a copy of their reply.

14. Will Government be pleased to say whether any of the District Boards have engaged Health Officers or Sanitary Inspectors and if so, which?

Health Officers of District Boards.

15. Will the Government be pleased to say—

(*a*) whether there exists in the Secretariat the system of recruiting unpaid probationers or apprentices?

Secretariat probationers.

(*b*) whether any outsiders are retained with a view to employment temporarily in leave vacancies till they can be provided with permanent posts?

(*c*) what is the number of such outsiders, if any, in each office and in what temporary vacancies are they at present employed? And what are the prospects of such outsiders being made permanent?

16. Will Government be pleased to lay on the Council table a statement showing numbers, names, salaries and allowances, ordinary duties and special duties of officers placed on special duties in the Presidency?

Officers on special duty in the Presidency.

17. Will Government be pleased to say—

(*a*) at what intervals are the conferences of Divisional Commissioners held?

Commissioners' Conferences.

(*b*) what is the nature of the subjects discussed thereat?

Answers.

14. The answer is in the negative.

15. No unpaid probationers are entertained in the Secretariat Departments nor are any outsiders retained by them with a view to employment temporarily in leave vacancies. Applications received for employment are registered and candidates are engaged according to their qualifications whenever vacancies occur Men who have served in temporary vacancies and given satisfaction are made permanent when permanent vacancies occur.

16. The statement* required is placed on the Council Table.

* *Vide* Appendix DD.

17. (*a*) The Commissioners meet in the last fortnight of September at Poona and about the last week in April or the first week of May in Poona or Mahableshwar. They meet on other occasions when there is business requiring to be disposed of.

(*b*) The subjects discussed are matters connected with the administration of their charges on which joint consultation appears desirable or has been directed by Government.

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Questions. *Answers.*

18. Will the Government be pleased to say whether an inquiry has been made in the working of the Police Department since its reorganization including the Criminal Investigation Department branch thereof? If it has been made, by whom? Will the Government be pleased to state the result of such enquiry?

Working of the Police Department

18. The answer is in the negative.

19. Is any correspondence going on between the Government of India and Local Government for modifying the Indian Arms Act, so as to facilitate the keeping of arms by the people? If the answer be in the affirmative, will Government be pleased to state what specific recommendations they have proposed or intend to propose in that behalf?

Modification of the Indian Arms Act

19. The answer to the first part of the question is in the negative.

20. Will Government be pleased to state whether they have considered the desirability of inaugurating a scheme of model lectures on various subjects affecting the daily life of villagers to be delivered through the agency of Sanitary and Educational staff on the same lines as the work in this direction is being done in some other parts of India?

Scheme of model lectures.

20. Yes. The attention of the Honourable Member is invited to paragraphs 1 @ 3 and 5 of Government Resolution, Educational Department, No. 2939,* dated the 13th October 1913, and paragraph 12 of Government Resolution, General Department, No. 138,† dated the 7th January 1915. The Sanitary Commissioner also recently submitted to Government a report in which he traced the lines on which an educational campaign in hygiene, including lectures, lantern demonstrations and public health exhibits at pilgrim centres, fairs and market towns, should be instituted. It is, however, not practicable in present financial circumstances to undertake the measures recommended but when conditions become more favourable the report will serve as a valuable indication of the several directions in which action should be taken.

* *Vide* Appendix J.

† *Vide* Appendix K.

21. Will Government be pleased to state to which officers Reuter's cable-

Supply of cablegrams to officials.

21. Reuter's cables are supplied to His Excellency the Governor, the Honourable Members of the Executive Council, the Commissioner in

Questions.

grams ordinary $\frac{\text{and}}{\text{or}}$ special service, $\frac{\text{and}}{\text{or}}$ press telegrams of Associated press are supplied at the cost of the tax payer? What is the annual expenditure thereof charged to the provincial Revenue? Since when the arrangement is in force and what public utility is served thereby?

Answers.

Sind, the Secretary, Political Department, the Inspector General of Police, the Agent to the Governor, Kathiawar, the Political Agent for Cutch and the Naval Secretary, Bombay. They have been supplied for many years, with the exception of the last two cases which have been added since the beginning of the war. A summary of Reuter's news has also been supplied to District Magistrates and Political Agents subsequent to the outbreak of war.

The telegrams of the Eastern News Agency, which includes the Associated Press, are furnished to His Excellency the Governor and to one of the members of the Executive Council. Copies of His Excellency the Viceroy's war telegrams which are issued through the Eastern News Agency are supplied to the Oriental Translator to Government and to the Assistant Commissioner in Sind, who is Sindhi translator to Government. These telegrams have been supplied subsequent to the outbreak of war. The cost of Reuter's cables is debited to Imperial Revenues. The cost of the telegrams supplied by the Eastern News Agency is Rs. 150 per mensem, in addition to copying charges paid to the Telegraph Department.

The copies of the cables and telegrams are supplied to the officers concerned to give them immediate news of the occurrence of events of importance and to enable them to contradict false and malicious rumours.

22. Is it a fact that one of the rules of supply of articles for public service in the Punjab lays down that all articles which are produced in India should by preference be purchased locally, provided that the quality is sufficiently good for the purpose and the price not unfavourable; while subject to certain conditions, preference is also to be given to articles manufactured in India from

Supply of articles for public offices.

22. Such a rule already exists in this Presidency also (*vide* rules 1 and 2 of the Rules issued by the Government of India for the supply of articles for the public service, republished at pages 1644 to 1649 of the *Bombay Government Gazette*, Part I, dated 26th September 1913).

Questions. *Answers.*

imported materials? Will Government be pleased to say whether such a rule already exists in this Presidency.

23. Is it a fact that there are complaints in districts against the frequent unpunctuality of the mofussil magistracy? Are there any Government orders enjoining the necessity of regular Court hours?

Court hours of Mofussil Magistrates.

23. No complaints on the matter referred to in the question have been received by Government. There are no Government orders enjoining the necessity of regular Court hours, but the matter will be referred to the High Court and to the Judicial Commissioner's Court in Sind.

24. (*a*) Will Government be pleased to say whether an untrained primary school teacher is entitled to the status of a first year trained teacher after he puts in a service of 15 years?

Status of untrained primary school teachers.

24. (*a*) An untrained primary school teacher is not *entitled to* and cannot therefore *claim* the status of a first year trained teacher after he has put in a service of 15 years. Such a teacher *may*, however, be granted that status if he satisfies the conditions referred to in (*b*) below.

(*b*) Is the length of service the only qualification to entitle him to that status or whether there are any other requirements which he has to fulfil, and if so, what?

(*b*) The length of service is not the only qualification. The requirements which an untrained primary school teacher has to fulfil are (*a*) that he must hold the Public Service or Vernacular Final certificate and (*b*) that the fifteen years' service rendered by him must be continuous and approved. In the case of a woman teacher the requirement of holding the Public Service or Vernacular Final certificate is dispensed with.

25. Is it a fact that the weekly newspaper "The Mail" published in Bombay is subsidised by Government? How many copies of the "The Mail" are being purchased by the Government for free distribution?

Government subsidy to the "Mail Newspaper."

25. The "Mail (Islamic)" is not subsidised by Government. They subscribe for 150 copies.

26. What are the educational qualifications regarding the subject of science of the Inspector of Science teaching?

Qualifications of the Inspector of Science.

26. The educational qualifications in science of the officer referred to are as follows:—

(1) Science and Art Department Certificates (first class) in theoretical and practical chemistry, with Queen's Prize.

(2) Professor Dewar's prize for Aromatic Organic Chemistry.

Questions.

Answers.

(3) First class in biology in the first examination for the degree of Bachelor of Medicine.

(4) Second class in the Natural Science Tripos, Part I.

27. (*a*) Is it a fact that the building of the Elphinstone Middle School, Bombay, is a charitable endowment for educational purposes, and (*b*) is it to be used in the near future for non-educational purposes?

Use of the Elphinstone Middle School, Bombay.

27. (*a*) No. The building is the property of Government.

(*b*) It has been decided that the present site of the school should be given to the Small Causes Court when the school can be removed. Attempts to find a new site have, however, failed up to the present.

28. What is the procedure for selection of (*a*) English and (*b*) vernacular text-books?

Selection of text-books.

28. As regards English text-books, the examination of which pertains to the Provincial Text-Book Committee, the usual procedure is that either (1) the Director of Public Instruction receives a book, which seems likely to be useful in schools, from the publishers direct and sends it to one or more of the Educational Inspectors, who form the standing sub-committee of the Provincial Text-Book Committee, or (2) the book is sent up to the Director by the manager of a school, through the Divisional Educational Inspector, for sanction as a school book. In either case the book is then seen by the Director of Public Instruction and if it deals with a technical subject, it is sent to the sub-committee dealing with such subjects. If, however, it is a simple reader or a book with no special difficulties in it, the Director, himself decides whether it is fit to be circulated for opinion among the members of the Provincial Text-Book Committee or whether it should be summarily rejected as unsuitable for school purposes.

In the case of vernacular text books the Director of Public Instruction, on receipt of a book, sends it to the Vice-Principal of the Divisional Vernacular Training College for a preliminary report. If the report is favourable the book is referred to one or more members of the Divisional Vernacular Text-Book Committee. When the opinions of the

Questions. *Answers.*

29. Were the science text-books and notes in use sent to the text-book Committee for approval? If so, will Government be pleased to state the opinions of members of the Committee?

Opinions of the Committee on science text-books.

members consulted are received, they are submitted by the Educational Inspector of the Division, to the Director of Public Instruction, who after considering all the reports finally decides whether or not the book should be recommended to Government for sanction.

Finally it may be added that the power to sanction the use of a book whether in English or in a vernacular as a text-book in an educational institution rests with Government.

29. The text-books referred to were not, and did not require to be, sent to the Text-Book Committee for approval, as they were specially prepared at the instance of the Educational Department by experts in the different branches of the subject under the general editorship of Mr. Wren. The laboratory exercise books were also specially prepared by the Inspector of Science Teaching and were not referred to the Committee (*vide* paragraph 2 of Press Note no. 2204, dated the 17th July 1914).

30. What is the constitution of the Committee for selecting English text-books? How many of the members are (*a*) Europeans, (i) Officials, (ii) Non-officials, (*b*) Christian Missionaries, (*c*) Indians, (i) Officials and (ii) Non-officials?

Committee for the selection of English text-books.

31. What is the constitution of the various vernacular text-book Committees? How many of the members are (*a*) Europeans, (i) Officials, (ii) Non-officials, (*b*) Christian Missionaries, (*c*) Indians, (i) Officials, (ii) Non-officials?

Committee for the selection of vernacular text-books.

30 & 31. The attention of the Hon'ble Member is invited to the reply given by Government in March 1916 to question No. 2 put by the Hon'ble Mr. R. P. Paranjpye at the meeting of the Council held in December 1915. Since then the following changes have taken place in the personnel of the Provincial and Divisional Text-Book Committees:—

(*a*) *Provincial Text-Book Committee.*

Shaikh Abdul Kadir Sarfraz, M.A., Professor of Persian, Elphinstone College, Bombay, has been appointed in place of Professor S. M. Isfahani, deceased.

N.B.—Mr. D. H. Vachha, M.A., Vice-Principal, Secondary Training College, Bombay, has retired from Government service.

(*b*) *Divisional Vernacular Text Book Committees.*

Marathi.

Mr. R. G. Apte, Principal, Training College for Men, Poona, has been

Questions. *Answers.*

appointed in place of Rao Bahadur G. N. Khare, retired.

N.B.—Mr. A. R. Kale has retired from Government service.

Gujarati.

(1) Mr. K. A. Bala, B.A., Principal, P. R. Training College for Men, Ahmedabad, has been appointed as an official member and the Reverend J. F. Steele of the Mission House, Surat, as a non-official member in place, respectively, of Rao Bahadur K. P. Trivedi, retired Principal, P. R. Training College for Men, and the Reverend Dr. Scott who has gone on furlough.

(2) Rao Bahadur Trivedi has since then been appointed in place of Mr. D. K. Pandya, deceased.

(3) Professor V. B. Divatia, M.A., B.Sc., of Gujarat College has been appointed in place of Professor T. K. Gajjar, resigned.

Kanarese.

Mr. K. S. Hungund is now Acting Educational Inspector, Southern Division, and is in that capacity the president of the Kanarese Text-Book Committee.

N.B.—Rao Bahadur V. B. Joshi has retired from Government service.

Sindhi.

This Text-Book Committee has been entirely reconstituted and now consists of the following members in addition to the Educational Inspector in Sind, who is its president :—

Names of members.

(1) Mr. Chandiram Nekrai Merani, B.A., Deputy Educational Inspector, Nawabshah.

(2) Mr. Abdul Haq Abdullah Sheikh, Deputy Educational Inspector for Mulla Schools, Sind.

(3) Mr. Premchand Avatrai Jhangiani, B.A., Principal, Training College for Men, Hyderabad.

Questions. *Answers.*

(4) Mr. Mohanlal Daulatram Advani, Assistant Sindhi Translator to Government.

(5) Mr. Nabi Baksh Muhmmad Hussein, M.A., LL.B., Deputy Collector.

(6) Mr. Pribhdas Shewakram Advani, Manager, Nava Vidyalaya High School, Hyderabad.

(7) Mr. Khanchand Pratabrai Lalwani, B.A., Vice-Principal, N. H. Academy, Hyderabad.

(8) Mr. Gulam Nabi Din Mahomed, B.A., Principal, Naushahro Madressah, Naushahro.

(9) Khan Bahadur Mirza Kalichbeg Fredunbeg, retired Deputy Collector, Hyderabad.

(10) Mr. Wali Mahomed Hassanally, retired Deputy Collector.

Urdu.

Owing to the abolition of the temporary post of Deputy Director of Public Instruction, the Assistant to the Director of Public Instruction has been appointed to be the president of the Urdu Text Book Committee.

The present number of members of the several committees under each of the classes mentioned by the Hon'ble Member is given in the subjoined statement :—

	Europeans.		Missionaries.	Indians.	
	Officials.	Non-officials.	Christians.	Officials.	Non-officials.
	1	2	3	4	5
Provincial Text-Book Committee.	10	1	Nil.	4	4
Divisional Vernacular Text-Book Committees.					
Marathi ...	Nil.	Nil.	1	3	6
Gujarati ...	Nil.	Nil.	2	4	4
Kanarese ..	Nil.	Nil.	1	2	4
Sindhi ..	Nil.	Nil.	Nil.	5	5
Urdu ..	Nil.	Nil.	Nil.	4	2

32. What is the percentage (*a*) of trained teachers to the total number of

Percentage of trained teachers.

32. The information has been called for.

Questions.

teachers in primary schools in each of the divisions of the Presidency and (*b*) of trained teachers to the number of teachers in primary schools in the Presidency teaching (1) Marathi, (2) Gujrati, (3) Kanarese, (4) Sindhi, (5) Urdu and (6) Hindi languages?

Appointment of the Head Master, Poona Camp English School.

33. Will the Government be pleased to state the number of persons who were superseded by the recent appointment of the Head Master of Poona Camp English School?

List of assistant masters and Assistant Deputy Educational Inspectors.

34. Is it a fact that for the purpose of giving promotion one common list for the whole Presidency is kept in the case of assistant masters in secondary schools, and in the case of Assistant Deputy Educational Inspectors a separate list for each division is kept? If so, will Government be pleased to state why different lists are kept for officers of one and the same rank?

Answers.

33. The Poona Camp Government English School has two sides—Gujarati and Urdu, and has so far been administered mostly by Gujarati-knowing Head Masters. To develop the Urdu side, it was considered necessary and desirable to place the school in charge of a Urdu-knowing Head Master when the late Head Master retired in March last. The present occupant of the post was found to be the best qualified and most suitable Urdu-knowing graduate and hence was specially selected. There has thus been no supersession as such. If, however, the Hon'ble Member desires to know merely the number of Urdu-knowing persons of longer service than the present occupant of the post (irrespective of their qualifications and suitability for the post), it is approximately 18.

34. One common list for the whole Presidency is not kept for all assistant masters in secondary and training institutions. Separate lists are kept for special teachers, such as language teachers, drawing teachers and gymnasts. In the case of ordinary assistants two separate lists are kept—one for Sind and the other for the Presidency proper. As regards Assistant Deputy Educational Inspectors, separate lists for districts grouped according to their vernacular are kept in the Presidency proper, a special list being kept for Sind as in the case of assistant masters. Lists according to language divisions in the Presidency proper are kept, with a view that the various grades of pay may be fairly distributed among officers of the different language divisions, and men of senior grades may become available for the posts of Deputy Educational

Questions.

Answers.

Inspectors. The question of keeping one common list for all Assistant Deputy Educational Inspectors in the Presidency proper is under consideration.

35. Is it a fact as complained in several letters in the "Bombay Chronicle" that tyrannical methods are employed by Pathan money-lenders in the Presidency?

Pathan money-lenders.

35. The matter is under consideration.

36. Will the Government be pleased to state whether they have taken any steps, and if so, what, to employ passed students of the Grant Medical College as House Physicians and House Surgeons in Government hospitals?

Employment of students of Grant Medical College.

36. The accompanying statement* shows how the appointments of House Physicians and House Surgeons at Government Hospitals are held.

* See Appendix U.

37. Will the Government be pleased to state whether they have taken any steps and if so, what, to associate selected private practitioners with the staff of Government hospitals?

Private practitioners in Government hospitals.

37. (1) Selected private practitioners are appointed on the Honorary staff of the J. J. and allied Hospitals as follows:—

Honorary Physician,
" Obstetric Physician,
" Surgeon,
" Assistant Physician,
" " Obstetric Physician,
" " Surgeon.

(2) The following Lecturers, who are private practitioners, are also *ex officio* Physicians and Surgeons for the particular subjects for which they are Lecturers at the Grant Medical College:—

(1) Lecturer on Diseases of the Ear, Nose and Throat,
(2) Lecturer on Skin Diseases,
(3) Lecturer on Electro-Therapeutics,
(4) Lecturer on Anæsthetics,
(5) Do. in Dentistry.

In accordance with the orders of the Government of India, a note as to how the practice of associating private practitioners is working and what reforms, if any, have been introduced, is made in the Annual Report of Hospitals and Dispen-

Questions.

Answers.

38. Will the Government be pleased to state to what extent qualified Indians are appointed to professorships in the Government Medical Institutions?

Indians as professors of medicine.

saries every year. Lately some private medical practitioners are appointed on the consulting staffs of Bombay hospitals.

38. There are no professorships at any medical institutions in this Presidency except at the Grant Medical College. The following are the professorships held by qualified Indian Medical practitioners at that institution :—

Major Professorship.

(1) *Professor of Anatomy*—
Mr. Y. G. Nadgir, M. S.

Minor Professorships.

(1) *Professor of Bacteriology*—
Mr. D. A. Turkhud, M. B., C. M. (Edin.)

(2) *Professor of Physics*—
Mr. J. A. D'Souza, L.M. & S.

(3) *Professor of Dentistry*—
Mr. J. J. Modi, L. D. S.

Owing to the dearth of Indian Medical Service Officers on account of the war the following three major professorships are at present held by qualified Indians as a temporary measure—

(1) *Professor of Clinical and Operative Surgery*—
Mr. A. K. Dalal, L.M. & S., F.R.C.S. (Eng.).

(2) *Professor of Ophthalmology*—
Mr. G. B. Prabhakar, L.R.C.P. (Lon.), L.F.P. & S. (Glas.), L.M. & S.

(3) *Professor of Materia Medica and Pharmacy*—
Dr. N. F. Surveyor, M.D., M.R.C.P. (Lon.), D.P.H. (Cantab.)

39. Is it a fact that a large number of vagrant lepers are still found begging openly in the Bhuleshwar and Girgaum wards of Bombay?

Lepers in Bombay.

39. No. They are occasionally to be seen in these wards but when found are taken charge of by the police.

40. Will Government be pleased to state why the whole-time professor of

Professor of Hygiene, Grant Medical College.

40. The teaching of Physiology and Hygiene are inter-related and can therefore conveniently and efficiently be carried out as at present, by the

Questions. *Answers.*

Physiology of the Grant Medical College is still allowed to continue, also as the Professor of Hygiene?

Professor of Physiology who holds the Public Health Diploma of Cambridge.

41. Will the Government be pleased to state, in respect of each year since 1909—

Resolutions in the Legislative Council.

(*a*) how many Resolutions were sent to the Secretary by non-official members under rule 5 of the Resolution Rules?

(*b*) how many of them were disallowed by the President under Rule 7?

(*c*) how many of them were returned on the ground that they were not framed in accordance with rule 4?

(*d*) how many of them were admitted without any amendment and how many after amendment?

(*e*) how many of them were accepted by Government in a modified form and how many without any modification?

and

(*f*) how many of them were withdrawn and how many were rejected?

41. A statement* giving information is placed on the Council Table.

* See Appendix EE.

42. Will Government be pleased to state the educational expenditure in the British Districts of the Presidency in the years 1913-14, 1914-15 and 1915-16 and if possible, in 1916-17 under the following heads:—

Educational expenditure in the British Districts of the Presidency.

(*a*) Buildings.
(*b*) School and College equipment.
(*c*) Stationery.
(*d*) Clerical establishment.
(*e*) Inspection.
(*f*) Direction.
(*g*) Travelling allowances.
(*h*) Number and pay of teachers and professors in (i) primary, (ii) secondary, (iii) higher and (iv) technical branches of Indians and non-Indians, (v) other expenses.

42. The Director of Public Instruction has been requested to supply, if possible, the information required under heads (*a*) to (*g*). As regards head (*h*) the information required cannot be supplied as the head is vague and unintelligible.

Questions.	*Answers.*
43. (*a*) Will Government be pleased to say whether any, and if so, which of the District Local Boards in the Presidency expend money for the purpose of the camping arrangements of the District officials?	43. The information is being called for.
District Local Boards and camping arrangements of the District officials.	
(*b*) Will Government be pleased to publish a statement showing the amount spent by each District Local Board on this account during each of the last five years?	
44. (*a*) Is it a fact that the Head Master of the R. S. Dalal High School at Broach refuses admission to students except on condition that they consent to reside in the Boarding House attached to that High School?	44. (*a*) and (*b*) Inquiries are being made.
Admission of students to the R. S. Dalal High School at Broach.	
(*b*) Is it true that students whose parents reside in Broach are required to live in the said Boarding House as a condition precedent?	
45. (*a*) Will Government be pleased to say if the Director of Public Instruction has formulated proposals for utilizing the Government of India grant of Rs. 2½ lacs for education made in March last?	45. (*a*) and (*b*) Proposals for the utilization of the imperial grant in question have not yet been received from the Director of Public Instruction.
Imperial grant for education.	
(*b*) Will Government be pleased to lay the proposals, if formulated, on the Council Table?	

THE HONOURABLE MR. ABDUL KADIR *alias* FAKIR MUHAMED WALAD IBRAHIM KHAN PATHAN,

1. (*a*) * * * * *	1. (*a*) * * * * *
Execution of Partition Decrees.	
(*b*) Will Government be pleased to state what steps they propose to take to expedite this work?	(*b*) The reports called for from the Commissioners of Divisions show that (i) except in very few cases no undue delay in the execution of partition decrees has been noticed, (ii) in cases of minor delays intricate and troublesome
[*This question was asked at the meeting held on the 4th December 1916 when* ad interim *reply was given.*]	

Questions.

Answers.

operations were involved, (iii) there is not much opportunity for curtailing the time required to carry out partitions, and (iv) such measures as are possible to expedite the execution of decrees are being adopted. Delay cannot always be avoided without the entertainment of a special staff at the expense of the litigants.

2. Will Government be pleased to state:—

Impounding of cattle by Forest Officers in Belgaum Division.

(*a*) The amount credited to Government in 1914-15 and 1915-16 on account of cattle pound fees and charges in respect of cattle sent by the Forest Officers in the Belgaum Division to several cattle pounds in that Division?

(*a*) As cattle caught in the forest are sent to cattle pounds to which other cattle are also sent for impounding, it would not be possible without great labour to ascertain what portion of the cattle pound fees and charges were on account of cattle impounded in the Forests of the Belgaum Division. Moreover, cattle impounded in that Division were not necessarily sent to cattle pounds in the Belgaum District. The number of cattle impounded by Forest Officers in the Belgaum Division were:—

6,332 in 1914-15
5,202 in 1915-16.

(*b*) The amount collected in the same years by the Forest Officers in that Division as penalty or compensation in respect of trespass by cattle, independently of the fees and charges that the owners had to pay to the cattle pounds?

(*b*) The amount of compensation recovered by the Forest Department in the Belgaum Division as penalty or compensation for cattle trespass in forest was:—

Rs. 4,459-8-0 in 1914-15
Rs. 4,456-13-0 in 1915-16.

This includes compensation paid for damage to forest by cattle which were too wild to be captured or which were trespassing at a great distance from a cattle pound. It does not include cases in which the owner of the cattle was prosecuted. The major portion of the compensation was paid as penalty for grazing in closed areas.

(*c*) * * * * *

(*d*) If it is a fact that the Forest guards or officers who catch hold of trespassing animals and put them into cattle pounds are given rewards by the Forest Department and, if so, whether there are any rules sanctioned by Government in that behalf?

(*d*) Rewards are given for the detection of forest offences of this kind under sections 310 and 311 of the Standing Orders of the Forest Department.

Questions.	*Answers.*
3. Will Government be pleased to state—	
(*a*) The number of Kanarese primary schools in the Dharwar District and the number of pupils attending them—boys and girls separately?	3. (*a*) and (*b*) The accompanying statements A and B* give the information required by the Honourable Member.
Kanarese and Urdu Schools in Dharwar District.	
(*b*) The number of Urdu Schools in this district and the number of pupils attending them—boys and girls separately?	**Vide* Appendices N and O.
(*c*) The general considerations which regulate the strength of the educational inspecting staff of that district.	(*c*) The strength of the educational inspecting staff is regulated by the total number of schools and pupils in the district.
(*d*) The number of pupils, the Deputy Inspector and his Assistants are each expected to examine or inspect in a year?	(*d*) 3,000 and 5,000 respectively, but occasionally these figures are exceeded.
(*e*) If it is a fact that the Dharwar District has been divided into several beats, each beat being assigned to an Educational Inspecting Officer?	(*e*) Yes.
(*f*) If so, whether the one Mahomedan Assistant Deputy Inspector attached to the district is required not only to examine or inspect schools (Kanarese and Urdu) within his beat but also to examine or inspect schools scattered over the district and beyond his beat?	(*f*) The Urdu Assistant Deputy Inspector inspects all the Urdu Schools in the district, but the inspection of these schools only being somewhat insufficient for a whole year's work, some Kanarese primary schools are also assigned to him for inspection. In view of the travelling involved in the inspection of all the Urdu schools scattered over the district, his share of inspection work is kept comparatively smaller than that of other Assistant Deputies.
4. (*a*) Will Government be pleased to state if the posts of the special Mahomedan Deputy Educational Inspectors for Urdu Schools, S. D. and C. D., are on the cadre of the District Deputy Educational Inspectors?	4. (*a*) The answer to this part of the question is in the negative.
Mahomedan Deputy Educational Inspectors, S. D. and C. D.	
(*b*) If not, whether Government proposes to place these posts on that cadre?	(*b*) The question will be considered shortly.

QUESTIONS AND ANSWERS.

[24TH JULY 1917.]

[*Mr. Abdul Kadir Pathan; Mr. Manmohandas Ramji.*]

Questions.

Answers.

5. With reference to my question No. 10 put at the last meeting if the answer to it is in the negative, will Government be pleased to state the number of candidates that appeared and the number admitted in each Training Institution for training as teachers for non-Urdu schools during the last five years, the number being given separately for each year?

Muhammadan students at Training Colleges at Dharwar and Poona.

5. As has already been stated in the *ad interim* reply given to the present question, the answer to the previous question referred to is in the negative. Information as to how many of the Muhammadan candidates admitted in each training institution are intended for non-Urdu schools cannot be supplied, as those whose Vernacular is Marathi or Kanarese take up Urdu as their second language and are likely to be employed in Urdu, as well as non-Urdu schools. The total number of Muhammadan candidates that applied for admission to each training institution and the total number admitted to each such institution during the last five years is, however, given in the accompanying Statement C*.

* *Vide* Appendix P.

6. Will Government be pleased to state the number of suits which have been stayed in the different districts of the Presidency on account of one or the other of the parties to the suit being engaged on active war service.

Suits stayed on account of a party being engaged on active war service.

6. A statement† containing the information has been placed on the Council Table.

† See Appendix FF.

[*These questions were asked at the meeting held on the 13th March 1917 when* ad interim *replies were given.*]

THE HONOURABLE MR. MANMOHANDAS RAMJI.

1. Will Government be pleased to state—

(*a*) What was the initial Capital expenditure for the Pottery School attached to Sir J. J. School of Art and what has been the running expenditure every year during the last five years?

(*b*) What has been the number of students on its roll every year since the beginning?

(*c*) What are the qualifications of the Superintendent of the school?

Expenditure on the Pottery School.

(*a*), (*b*) and (*c*) Information is being obtained.

Questions.

2. Will Government be pleased to state—

Income-tax appeals.

(*a*) The number of appeals to His Excellency the Governor in Council against decisions of Commissioners of Income tax during the last quinquennium ?

(*b*) What was the result of these appeals ?

Answers.

2.

(*a*) 80.

(*b*) Decisions of Collectors and Commissioners of Income Tax upheld ... 68

	No. of Cases.
Income tax remitted ...	3
Decisions as to assessment upheld but special orders passed on other points raised by petitioners ...	3
Petitions returned to parties for compliance with rules and not received back by Government	3
Orders given to Income Tax Officers to re-adjust the assessments ...	2
Petition filed as petitioner gave no means of identification	1

3. Will Government be pleased to state the number of policemen stationed in Santa Cruz, Ville Parle, Andheri, Goregaon, Malad, Kandivli and Borivli in the Salsette district ?

Policemen in Salsette Villages.

3. It is not in the public interest to publish the exact numbers of the police at particular places, but a statement of the numbers posted in the localities referred to will be supplied privately to the Honourable Member by the Secretary to the Council on application.

4. (*a*) Have Government issued any circular regarding the Round Table movement to any of their Departments ?

The Round Table movement.

(*b*) If so what are these Departments ?

4. (*a*) and (*b*) All heads of offices have been informed that Government officials should not become members of "Round Table" groups in India.

5. Will Government be pleased to state as to what was the expenditure during the last quinquennium on maintenance of Government House gardens when this item was included in Civil Works ?

Maintenance of Government House gardens.

5. The requisite information is being obtained.

QUESTIONS AND ANSWERS.

[24TH JULY 1917.] [*Mr. Manmohandas Ramji; Mr. Shridhar Balkrishna Upasani.*]

Questions. *Answers.*

6. Does the circular of the Educational Department of the Government of Bombay, dated the 7th June 1917, preventing students from attending public meetings apply to meetings where the question of self-government as propounded by the Indian National Congress and the Moslem League is discussed and also to meetings where other political problems of interest to the country and the Empire are discussed?

Students and public meetings.

6. The answer to the question is in the affirmative.

THE HONOURABLE MR. SHRIDHAR BALKRISHNA UPASANI.

1. Have any efforts been made by the Agricultural Department to encourage the local manufacture of the improved agricultural implements which are exhibited at agricultural exhibitions; and as regards which of the implements have such efforts been successful and at what places?

Local manufacture of improved agricultural implements.

1. The Agricultural Department has established workshops at seven Agricultural Farms to prepare for sale simple agricultural implements. The Department has on various occasions tested new implements prepared locally by members of the public and given them advice and assistance in improving them.

The Agricultural Department stocks for sale and recommends the following implements of local manufacture to purchasers at the Agricultural Farms and implement depots:—

(*a*) Iron ploughs of various kinds, manufactured by Messrs. Kirloskar Brothers, near Kundal Railway Station;

(*b*) Ground-nut shellers, manufactured by Mr. Tikekar of Sholapur;

(*c*) Iron mhots, manufactured by Messrs. Bhide and Sons of Sangli;

(*d*) Sugar-cane mills, manufactured by Messrs. Bari and Company of Poona;

(*e*) The Balsar *noria* or water lift, manufactured by several firms at Balsar.

In addition to the firms mentioned above ordinary blacksmiths are now making Egyptian ploughs in Sind and improved wheat threshers of the Olpad type in the Dharwar District.

QUESTIONS AND ANSWERS.

[*Mr. Shridhar Balkrishna Upasani.*] [24TH JULY 1917.]

Questions.	*Answers*
	The demonstration and sale of these articles by the Agricultural Department has greatly increased their popularity and use.
2. (*a*) Will Government be pleased to state what action has been taken with reference to my Resolution for the introduction of the first three English Standards in the higher Vernacular Schools, which was accepted by Government at the March sitting of the Council last year?	2. Parts (*a*) and (*c*) of the question have already been answered.
Introduction of English standards in higher vernacular schools.	
(*b*) Is it a fact that applications were made to the Educational authorities to allow the experiment to be introduced in the schools at Jamner and Islampur in the Central Division and at Avas in Alibag District, but the permission was refused on the ground that the matter was under consideration of Government?	(*b*) The answer is in the affirmative so far as the Islampur and Avas schools are concerned. As regards the Jamner school no application was received either by the Educational Inspector or by his Deputy.
(*c*) If so, will Government be pleased to say if there is any prospect of the experiment being introduced this year before the English schools reopen after the summer vacation?	
3. (*a*) Will Government be pleased to state the total cost of the Dhulia City Survey?	3. (*a*) Rs. 17,633.
(*b*) What was the total area surveyed and how much of it was covered (1) by private houses, (2) by Government buildings and open sites, and (3) by buildings, open sites and roads belonging to the Municipality?	(*b*) The total area surveyed was 2,144 acres 18 gunthas, out of which (1) 150 acres 32 gunthas were covered by private houses and their premises (2) 312 acres 12 gunthas by Government buildings, open sites, etc., and (3) 50 acres 6 gunthas by buildings, open sites, roads, etc., vesting in the municipality. The rest of the area was covered by temples, agricultural lands, rivers, nallas, etc.
(*c*) Was the cost apportioned according to the respective areas surveyed, or was the whole of it charged on the owners of the private houses alone?	(*c*) The cost of the city survey was recovered in accordance with No. 83 of the rules under section 214 of the Land Revenue Code published in Government Notification No. 1338, dated 10th February 1914.

QUESTIONS AND ANSWERS.

Questions.	*Answers.*
Supplementary question to question No. 3 (c).	
The Hon'ble Mr. UPASANI :—Was the whole cost charged on private owners alone or was it apportioned as indicated in my question?	
The Hon'ble Mr. CARMICHAEL :—I would like to have notice of that question.	
4. (*a*) Will Government be pleased to state if it is a fact that the Educational Inspector, Central Division, has issued orders that the new 1st, 2nd and 3rd year trained teachers will this year be paid at only Rs. 11,-12 and 15-20 instead of at Rs. 12, 15 and 20—25 due according to the face value of their certificates?	4. (*a*) The answer is in the affirmative.
Pay of trained teachers Admissions to Vernacular Training Colleges.	
(*b*) What is the number of the new trained teachers who will be affected by this reduction and what will be the saving resulting from it?	(*b*) 199 trained teachers in all in the Central Division are not in receipt of the face value of their certificates and a saving of Rs. 7,687 will be effected thereby annually.
(*c*) Is it true that the number of fresh admissions to the Vernacular Training Colleges is also ordered to be reduced this year and if so to what extent?	(*c*) In the case of East Khandesh District the number of new admissions to the Dhulia Training School was restricted during the current year as the necessity therefor was pointed out by the Deputy Educational Inspector of that District. There was no reduction in the number of admissions at the Training Colleges at Poona.
5. (*a*) Will Government be pleased to state whether the Sloyd school at Dharwar has been closed and if so why?	5. (*a*) This part of the question has already been answered.
Sloyd school at Dharwar.	
(*b*) Has it proved a success or failure and what amount has been spent thereon?	(*b*) The class was, on the whole, fairly successful. The total amount spent on it was Rs. 25,503-2-5.
6. (*a*) Will Government be pleased to state what amount of money was spent on the scheme of physical culture based on breathing principles which was started by Mr. Wren?	6. (*a*) This part of the question has already been answered.
Mr. Wren's scheme o physical culture	
(*b*) Has that scheme been stopped and why?	(*b*) The scheme of physical culture started by Mr. Wren is still in force. It is reported that the exercises are regularly gone through in Government secondary schools, except in the high schools at Satara, Dharwar and Karachi and the Camp Government English School at Poona, where they were discontinued either for want of time and room or owing to the absence of specific

Questions.

Answers.

orders in the matter. The head masters of these four schools are being asked to take steps at an early date for the revival of the exercises. The system was not introduced into the Jalgaon High School as it appears that there was no teacher in the school who had been trained in Mr. Wren's class. Arrangements are, however, being made to instruct some of the teachers on the staff of this school in the exercises.

7. Will Government be pleased to state the cost per copy of publishing the Blue Book quarterly and its translation and the total number of copies of either which were issued?

Cost of the Blue Book quarterly.

7. Taking into account the pay of the Editor and his establishment, the actual cost per copy of the Blue Book quarterly worked out at Rs. 1-7-9. As there was no separate establishment for the Traimasik, the cost per copy of that publication was not more than annas 2, pies 2, but if the latter were continued, whilst the former disappeared, the cost of the latter would be greatly enhanced as a special establishment would be required.

9,929 copies of the Blue Book quarterly and 4,012 of the Traimasik were issued.

8. (*a*) * * * * *

(*b*) What was the average number of minors' estates under the District Judge's management in each of those districts during the last five years,

Scheme for appointment of personal assistants to District Judges.

8. (*a*) * * * *

(*b*) A statement* containing the information has been placed on the Council Table. The number of estates under private guardians is not included in the statement.

* *Vide* Appendix E.

9. (*a*) and (*b*) * * * *

(*c*) How many of the appeals filed in the District Court at Dhulia and of the special jurisdiction cases filed in the First Class Subordinate Judge's Court there during the last five years were from East Khandesh?

Civil Courts in East and West Khandesh.

9. (*a*) and (*b*) * * *

(*c*) 1,960 appeals and 167 special jurisdiction suits.

10. (*a*) Will Government be pleased to state the total amount of the Police Fund raised in East and West Khandesh?

Police Fund in East and West Khandesh.

10. (*a*) Rs. 14,245 in round figures (Rs. 1,345 in East Khandesh and Rs. 12,900 in West Khandesh).

QUESTIONS AND ANSWERS.

[24TH JULY 1917.] [*Mr. S. B. Upasani.*]

Questions.

(*b*) Is it not a fact that in these districts the Fund was collected by Police Sub-Inspectors in each taluka?

Answers.

(*b*) No subscriptions for the Fund were collected by the Police Sub-Inspectors in the East Khandesh District. In the West Khandesh District most of the money was collected by Police Sub-Inspectors, who were furnished with an appeal written in Marathi by the Superintendent of Police, which was to be shown to all persons approached. In this appeal the Superintendent had laid special emphasis upon the voluntary nature of the donations solicited. Since September 1916 Police Sub-Inspectors have been debarred from collecting subscriptions.

(*c*) Is it true that contributions for the Fund were levied from poor Bhils at Dhadgaum in taluka Taloda in West Khandesh and the amount collected subsequently returned. What was the amount thus collected and returned?

(*c*) No subscriptions were obtained from the Bhils of Dhadgaon. From the information received the District Superintendent of Police, West Khandesh, had grounds to suspect that certain subscriptions from one or two villages in the Dhadgaon *Mahal,* the population of which is exclusively Bhil, had not been voluntarily given and he therefore directed the refund to the subscribers of all the money collected in that *Mahal.* The amount so returned was Rs. 241.

(*d*) * * * * * *

(*d*) * * * * * *

11. Will Government be pleased to state the number of hands engaged for the Bhil Chowkies established in West Khandesh and the amount which would be required for their remunefation if they were engaged as paid Government servants instead of being allowed to pay themselves by levying toll on the carts passing by the Chowkies?

Bhil Chowkies in West Khandesh

11. There are 61 Bhil Chowkies in the West Khandesh District, each of which must be manned by not fewer than three men. If they were engaged as paid Government servants, the amount of expenditure involved would depend on the rate of pay.

12. Are the kulkarnis now asked to receive the one-third amount due under the agreement? How many of them have refused to receive the same until their complaints are inquired into and final orders passed on them by Government, and how many have received it under protest?

Commutation of watans of kulkarnis

12. All kulkarnis who consented to commutation have been asked to receive the one-third allowances due under the agreement. One kulkarni from Ahmednagar district and 51 kulkarnis from East Khandesh have refused to receive the money until their complaints have been enquired into.

Questions.

Answers.

In Ahmednagar, East Khandesh, West Khandesh and Sholapur districts no one has received the money under protest. In other districts the number of kulkarnis who have received the allowance under protest is as shown below :—

District		Number.	
Nasik	...	38	
Poona	...	1	(He wants land instead.)
Satara	...	4	
Total	...	43	

(*c*) How many of them have returned the money-orders by which the money was remitted to them?

(*c*) The number of cases of the sort is as given below :—

District.		Number.
Ahmednagar	...	73
East Khandesh.	...	89
West Khandesh	...	50
Nasik	...	69
Poona	...	5
Satara	...	120
Sholapur	...	11
Total	...	417

Certain information about Head Karkuns and Munshis, Mamlatdars and LL. B s in Police.

13. (*a*) Will Government be pleased to state the number of the Head Karkuns and Head Munshis who exercise Second and Third Class Magisterial powers and their average pay?

13. (*a*) The number of Head Karkuns and Head Munshis who exercise Second and Third Class Magisterial powers is 256. Their pay ranges from Rs. 50 to Rs. 90.

(*b*) How many of them and of the Mamlatdars who exercise Magisterial powers are law graduates?

(*b*) 6 and 13 respectively.

(*c*) How many LL. B.s are employed in the Police Department?

(*c*) 39.

Sanitary grants from Government of India since 1908.

14. (*a*) Will Government be pleased to state the total amount of the sanitary grants received by it from the Government of India since 1908 and the amount spent by it on sanitation in urban and in rural areas and the balance of those grants now remaining available?

[*These questions were asked at the meeting held on the 13th March 1917, when* ad interim *replies were given.*]

14. "From 1908-09 to 1916-17 grants aggregating Rs. 75,45,000 were received from the Government of India for the purpose of assisting local bodies in financing sanitary projects. Out of this amount, the Bombay Government sanctioned to the various municipalities in this Presidency grants-in-aid to the extent of Rs. 50,33,000, leaving a balance of Rs. 25,12,000. The Government of India also sanctioned in 1905 a recurring assignment of Rs. 7,00,000 for distribution among the district local boards in this

Questions.

Answers.

Presidency, which has to be spent on objects other than educational, such as the improvement of communications, water-supply and village sanitation, and the proper equipment and maintenance of dispensaries. This amount is fully utilized every year."

15. Will Government be pleased to lay on the Table the opinions which they have obtained on the subject of the retention of the Balbodha or Modi script in official correspondence, after my resolution in favour of Modi was accepted and before the Press Note R. D. No. 2853, dated the 8th March 1917, was issued by them?

Use of Modi in official correspondence.

15. Government Order No. 2852* of 8th March 1917 is laid on the table.

* See Appendix AA.

16. Will Government be pleased to state if any inquiry has been made as regards the excessive rise in prices of the more important articles of import required in this Presidency, and have any steps been taken to secure their needful supply locally, and, if so, with reference to what articles?

Rise in prices in the Presidency.

16. The Munitions Board appointed by the Government of India is endeavouring to encourage and increase the local production and manufacture of articles which cannot be obtained in sufficient quantity or without excessive cost from other countries. A Controller of Munitions has been appointed for the Bombay Circle.

Supplementary question to question No. 16.

The Hon'ble Mr. UPASANI:—Has anything been done for articles other than those required for munitions?

His Excellency the PRESIDENT:—Can the Hon'ble Member specify any articles that he thinks of?

The Hon'ble Mr. UPASANI:—Paper, dyes, chemicals, etc.

The Hon'ble Mr. CARMICHAEL:—The matter has been taken up by the Government of India but it is under the control of the Munitions Board with regard to dyes and chemicals.

17. (*a*) Will Government be pleased to state in what districts in the Presidency proper revised survey settlements were introduced during this year and the previous two years?

Introduction of new settlements.

17. (*a*) and (*d*). The following statement shows the talukas in the Presidency proper in which revised settlements were introduced from 1st August 1914 up to date, the years in which the old settlements had expired, and the years of introduction of the revised settlements:—

District.	Taluka.	Year of expiry of the old settlement.	Year of introduction of the revised settlement.
Kanara ...	Kumta ...	1908-09	1914-15
	Ankola ..	1909-10	
	Honavar ..	1910-11	

Questions.

Answers.

District.	Taluka.	Year of expiry of the old settlement.	Year of introduction of the revised settlement.
Nasik	Niphad	1900-01	
	Chandor	1900-01	1915-16
	Dindori	1903-04	
	Nasik	1903-04	
	Sinnar	1903-04	
	Yeola	1905-06	
	Nandgaon	1905-06	
	Igatpuri	1914-15	
East Khandesh	Yaval	1915-16	1915-16
	Raver		
Poona	Sirur	1902-03	1915-16
	Purandhar	1902-03	
	Haveli	1902-03	
	Junnar	1912-13	
Ahmednagar	Nagar	1912 13	1915-16
	Shevgaon	1913-14	
	Parner	1913-14	
	Akola	1915-16	
Bijapur	Bagalkot	1913-14	1915-16
	Hundgund	1913-14	
	Badami	1914-15	
Belgaum	Gokak	1913-14	1915-16
	Athni	1914-15	
	Sampgaon	1914-15	
	Chikodi	1915-16	
	Hukeri	1915-16	
Ratnagiri	Ratnagiri	1914-15	1915-16
	Sangameshwar		

Information regarding the difference between the old and the revised assessments will be continued in the Selections from the Records of Government relating to these settlements, which will, as usual, be published.

(*b*) Was the difference between the new and the old assessments remitted in those cases as required by section 104 of the Land Revenue Code in the case of lands to which the revised settlements referred?

(*b*) Government have directed that effect should be given in the year of introduction of the new settlement to all reductions in assessment determined by the revised rates, and that in those cases in which the excess of the old assessment over the revised assessment has been collected in the year of introduction, the amount recovered in excess should be deducted from the assessments due in the following year.

(*c*) If the difference was not remitted in any of those cases, will Government be pleased to place on the table the orders, if any, which may have been passed on the subject?

(*c*) In view of the reply to clause (*b*) of the question, this question does not arise.

Questions.

(*d*) On what dates did the old settlements expire, and from what dates were the new settlements introduced, and what was the amount of the difference between the old and the new assessments in the cases above referred to?

18. (*a*) Will Government be pleased to lay on the table the petition submitted by the ryots in the Ratnagiri Taluka in February or March 1915 with reference to the revision Settlement introduced in their taluka in 1915-16 and the orders which may have been passed on that petition?

Settlement of Ratnagiri Taluka.

(*b*) Have the orders been communicated to the petitioners?

(*c*) Had the petitioners applied for the copy of the Settlement Officer's report to enable them to submit a fuller representation on their behalf and has the same not been supplied to them so far?

(*d*) Is it a fact that out of 152 villages in the taluka 131 were re-settled in 1897-98 and the assessment fixed in that settlement for those villages was meant to be for a term of 30 years and was the term fixed till 1914-15 only to allow a regrouping in respect of the remaining villages of which the old settlement was to expire in the latter year?

19. Will Government be pleased to state how many places are kept vacant in the Judicial, Revenue and Police Departments for want of School Final candidates in the several Districts in the Central Division.

Vacancies in the Judicial, Revenue and other Departments.

Answers.

18. (*a*) The Honourable Member is referred to the reply to clauses (*d*) to (*g*) of Question No. 25 asked by the Honourable Mr. P. A. Desai at this meeting of the Council.

(*b*) Such petitions are considered by Government before orders are passed; but it is not usual to communicate the final orders specially to the petitioners.

(*c*) Yes: it was not then the practice to publish the settlement officer's proposals before they were reviewed by the officers concerned and by Government. Government have since ruled that in the notification for local publication in the villages, the Settlement Officer should also publish a brief summary of the reasons for the proposed alterations in the rates and grouping and that a copy of the Settlement Officer's report should be deposited in the taluka office in order that persons interested therein may consider the detailed proposals.

(*d*) The Honourable Member is referred to the reply to clause (*c*) of the Honourble Mr. Desai's question alluded to above.

19. The information will be obtained.

Questions.

Answers.

20. (*a*) How many of the Talatis engaged by Government have passed the double tests now insisted on in the case of Vatandar Kulkarnis under Government Order No. 10676, Revenue Department, dated the 8th November 1916, and what salary are they paid?

Test for Vatandar Kulkarnis.

(*b*) Have any of them passed the School Final Examination, and, if so, how many?

(*c*) What is the total number of officiating Vatandar Kulkarnis in the several districts in the Central and Southern divisions who will be affected by the Government Order above referred to?

(*d*) How many, if any, of them are now above 25?

(*e*) How many of the officiating Vatandar Kulkarnis who will be affected by the above Government Order draw as their remuneration an amount equal to or above the average salary paid by Government to the hands engaged as Talatis?

20. The Honourable Member is referred to Government Notification No. 6307, dated 24th June 1916, printed at pages 1372—1373 of Part I of the *Bombay Government Gazette* of 29th idem which gives the rules for the appointment of talatis.

The Honourable Member's attention is drawn to the fact that Government Order No. 10676, dated 8th November 1916, refers to new appointments of officiators in kulkarni watans, made in the case (i) of representative watandar kulkarnis serving in person after 1st January 1918 and (ii) in the case of deputies after 1st January 1917.

Supplementary question to question No. 20.

The Hon'ble Mr. UPASANI:—How many of the Talatis engaged by Government have passed the double test now required of the Vatandar Kulkarnis? The answer given to the question is not what I wanted.

His Excellency the PRESIDENT:—Does the Hon'ble Member say that the answer is not what he expected? He must accept the answer that is on the paper.

21. How many of the officiating Vatandar Kulkarnis in the several Districts draw less than Rs. 75 and how many less than Rs. 150 a year and how many above the latter amount?

Remuneration of Vatandar Kulkarnis.

21. Information will be called for.

22. Will Government be pleased to state the amount recovered as notice fee and fine from owners of houses in Dhulia in connection with the cost of the City survey to be levied from them?

City Survey in Dhulia.

22. The information will be called for.

23. (*a*) With reference to the answer given to question No. 14 asked by me at the last Council meeting will Government be pleased to place on

Recovery of assessment in the village of Ropla.

23. The Honourable Member is referred to the answer given to his question at the last Council meeting in which it was stated that the newspaper's allegations on which his question was based were substan-

QUESTIONS AND ANSWERS.

Questions.	*Answers.*
the Table the Mamlatdar's report on the inquiry he made into the complaints referred to in the question and the written statements taken by him ?	tially incorrect. The matter was enquired into in the village concerned by the Acting Collector personally, and Government do not think it necessary to make further enquiry into a matter which occurred more than a year ago, nor to lay the papers concerning it on the table.
(*b*) Is it true that the village was affected by plague and the ryots living outside at the time the first instalment fell due ?	It is not the case that both instalments of the current year were demanded at the time of the first instalment. Any fines that were inflicted were imposed by the Mamlatdar on account of instalments not being paid at the proper time. One money order was refused by the Kulkarni, not by the Patel, by mistake; but the money order was not sent till after the date of the first instalment, and the fine inflicted was on account of the first instalment not being paid at the proper time.
(*c*) From how many of the villagers were both instalments recovered together before the second instalment fell due ?	
(*d*) Did the village patil insist on payment of both instalments and were Narayen Anant Kulkarni and Baboorao Appaji Teli and Rambhaji Yemaji Jadhav made to pay fines at one and two annas a rupee on amounts of both the instalments though they paid it before the second instalment fell due ?	
(*e*) Had Narayen Anant Kulkarni remitted his amount by money order on the 29th March 1916, and did the patel refuse to accept the payment and return the money order, and did he get fine levied from him on that very amount ?	
24. Is there any foundation for the complaints made by a correspondent in the "Khandesh Vaibhava" newspaper of the 25th June 1917 with regard to the thefts committed at the Jalgaon Railway station by the Railway's own hamals ? — Thefts at Jalgaon railway station.	24. Enquiry is being made.
25. Will Government be pleased to lay on the table the petition dated the 14th April 1917, with a postscript dated the 16th idem, submitted by one Vishnu Vinayak Vaze of Dhamori, taluka Kopergaon in the Nagar District, to the Executive Engineer for Irrigation, Pravara Canal, and the several applications, referred to in that petition, which he had made to the Subordinate Officers in charge of the canal and the orders which may have been passed with reference to the complaints contained in those applications and the petition to the Executive Engineer ? — Petition of Vishnu Vinayak.	25. Government must decline to place the papers on the table.

Questions.

26. Is it true that certain lands required for a causeway over the Palaspa Nalla in the Panvel Taluka for acquisition of which notification was published only in the *Government Gazette* of the 15th March 1917 were taken from the owner's possession in December 1915 or January 1916 without payment of any compensation and was he made to pay the assessment for them for 1915-16 and 1916-17 though they were taken from his possession?

Land acquired in Panvel Taluka.

27. Will Government be pleased to state the number of buildings for quarters for Police officers and of lines for policemen put up in the several Districts in the Presidency since the Police reorganization scheme was introduced and the total expenditure incurred on them respectively?

Provision of police quarters.

For how many officers and men respectively has provision been made with the expenditure?

28. Has an estimate been made for a pakka bridge on the Taptee on the Agra Road between Nardana and Shirpur in West Khandesh, and if so, what does the estimate amount to?

Pakka bridge over the Taptee.

29. Will Government be pleased to state whether the recent circular orders issued by Government prohibiting students from attending public meetings are meant to apply to only political meetings or to non-political meetings also.

Students and Public meetings.

Answers.

26. Information will be called for.

27. The police reorganization scheme was not introduced all at once, but various parts of it were introduced in the period 1905—1913. It is therefore not possible to supply the information desired.

The following figures show the position as ascertained in 1913 regarding the provision of quarters for the police:—

Sub-Inspectors.	Sergeants.	Jamadars.	Head constables.	Constables.	Remarks.
286	8	11	2,988	14,855	Provided.
466	23	17	1,493	6,617	Not provided.

28. An estimate for a *causeway* (not a bridge) across the Tapti on the Bombay-Agra Road in the West Khandesh District has been sanctioned for Rs. 1,78,937.

29. The circular refers only to political meetings. In this connection the attention of the Hon'ble Member is invited to the reply given to question No. 6 put by the Hon'ble Mr. Manmohandas Ramji.

APPENDIX A.

Comparative table showing the number, mileage and expenditure on Provincial Roads in Sind and the Presidency proper during the 10 years 1906-07 to 1915-16.

Province and District.	1906-07.			1907-08.			1908-09.			1909-10.			1910-11.		
	Number of roads.	Mileage.	Expenditure.	Number of roads.	Mileage.	Expenditure.	Number of roads.	Mileage.	Expenditure.	Number of roads.	Mileage.	Expenditure.	Number of roads.	Mileage.	Expenditure.
Sind.															
Western Nara District .. / Eastern Canals District ..	1	5 0 0	843	1	5 0 0	858 / 7,916	1	5 0 0	814 / 13,372	1	5 0 0	716	1	5 0 0	743
Total ..	1	5 0 0	843	1	5 0 0	8,774	1	5 0 0	14,186	1	5 0 0	716	1	5 0 0	743
Northern Division.															
Ahmedabad District ..	5	42 0 0	19,933	5	61 0 0	35,981	5	61 0 0	23,064	5	61 0 0	23,989	5	61 0 0	23,669
Kaira and Panch Mahals District ...	11	166 0 0	75,060	11	166 0 0	97,237	12	182 0 0	90,699	12	182 0 0	79,509	12	185 0 0	85,082
Surat and Broach District ..	7	50 0 0	18,591	7	50 0 0	20,409	7	50 0 0	17,908	7	50 0 0	21,827	8	50 0 0	18,691
Thana District	17	237 0 0	1,26,110	17	237 0 0	1,99,475	17	237 0 0	2,09,364	17	237 0 0	2,11,772	18	243 0 0	3,16,328
Ratnagiri District	17	181 0 0	59,305	17	181 0 0	85,717	17	181 0 0	79,225	16	181 0 0	65,767	17	187 0 0	76,414
Presidency District ..	...	.....	6,484	...	.....	32,446	...	.....	640	...	.....	...	...	.....	..
Total .	57	676 0 0	3,05,483	57	695 0 0	4,71,265	58	711 0 0	4,20,900	57	711 0 0	4,02,864	60	726 0 0	5,20,184
Central Division															
Ahmednagar District ..	10	373 0 0	52,899	12	390 0 0	60,689	12	395 0 0	66,761	16	421 0 0	73,167	16	421 0 0	79,087
East Khandesh District ..	1	4 1 0	51,753	2	68 5 0	11,702	2	68 5 0	50,139	4	111 4 0	60,661	6	133 0 0	55,135
West Khandesh District .	6	235 2 0	*	6	235 2 0	62,861	6	245 2 0	70,405	6	252 2 0	60,757	6	225 6 0	65,152
Poona District ..	17	415 6 0	1,27,571	17	413 2 0	1,35,336	18	430 6 0	1,33,147	18	430 6 0	1,53,083	18	430 6 0	1,65,037
Satara District ..	14	351 6 163	1,50,975	13	352 1 163	1,69,886	11	382 0 216	1,75,081	11	356 2 216	2,13,390	11	418 0 216	1,95,502
Sholapur District	14	303 5 493	88,715	14	303 5 493	1,01,474	14	303 5 493	1,27,466	14	303 5 493	1,11,458	14	303 5 493	99,727
Total .	62	1,684 4 656	4,71,913	64	1,762 7 656	5,41,948	63	1,825 3 49	6,22,999	69	1,875 4 49	6,72,516	71	1,932 2 49	6,59,940
Southern Division.															
Belgaum District	83	306 6 398	1,33,454	83	306 6 398	1,17,983	83	306 6 398	1,00,994	83	306 6 398	1,01,697	83	305 7 392	98,164
Bijapur District		303 3 0	65,757		303 3 0	79,577		303 3 0	57,875		303 3 0	60,371		251 1 405	49,971
Dharwar District		391 2 412	76,649		391 2 412	78,392		391 2 412	73,617		393 6 5	76,236		393 6 5	75,316
Kanara District		491 2 0	1,43,758		491 2 0	1,44,156		491 2 0	1,80,930		491 2 0	1,46,714		505 2 0	1,29,338
Nasik District		377 3 221	61,289		415 4 603	83,031		415 4 603	1,31,644		415 4 603	1,22,013		415 4 603	1,14,987
Khandesh District		457 6 0	1,35,029		457 6 0	1,40,853		457 6 0	1,56,715		457 6 0	1,44,706		457 6 0	1,64,485
Total ...	83	2,327 7 371	6,15,928	83	2,366 1 93	6,43,992	83	2,366 1 93	7,01,773	83	2,368 4 346	6,51,737	83	2,329 4 85	6,32,261

Province and District.	1911-12.			1912-13.			1913-14.			1914-15.			1915-16.		
	Number of roads.	Mileage.	Expenditure.	Number of roads.	Mileage.	Expenditure.	Number of roads.	Mileage.	Expenditure.	Number of roads.	Mileage.	Expenditure.	Number of roads.	Mileage.	Expenditure.
Sind.															
Western Nara District / Eastern Canals District ...	1	5 0 0	1,622	1	5 0 0	1,955	1	5 0 0	1,531	1	5 0 0	853	1	5 0 0	803
Total ..	1	5 0 0	1,622	1	5 0 0	1,955	1	5 0 0	1,531	1	5 0 0	853	1	5 0 0	803
Northern Division.															
Ahmedabad District	5	61 0 0	29,788	5	61 0 0	22,905	6	66 0 0	50,333	6	66 0 0	44,395	6	66 0 0	31,497
Kaira and Panch Mahals District ...	12	185 0 0	55,056	12	185 0 0	53,616	12	185 0 0	80,592 / 2,939	12	185 0 0	94,594	13	185 0 0	80,519
Surat and Broach District .	8	50 0 0	17,670	8	52 0 0	21,266	9	61 0 0	34,417	9	61 0 0	37,876	9	61 0 0	21,146
Thana District ..	18	243 0 0	2,61,253	18	250 0 0	2,74,160	18	250 0 0	2,70,412	18	250 0 0	2 82,697	18	250 0 0	1,73,708
Kolaba District	17	187 0 0	76,800	17	187 0 0	70,384	17	200 0 0	99,991	17	200 0 0	1,35,140	17	206 0 0	1 39,250
Presidency District ..	..	.....	..	..	.....	..	...	.....	..	..	.....	..	...	.....	—27 500
Total ..	60	726 0 0	4,40,567	60	735 0 0	4,42,331	62	762 0 0	5,38,684	62	762 0 0	5,94,702	63	768 0 0	4 18,620
Central Division.															
Ahmednagar District	16	418 0 0	99,575	16	418 0 0	93,727	16	418 0 0	1,30,944	16	421 0 0	1,92,336	18	427 0 0	2,32 772
East Khandesh District ..	5	128 7 0	55,616	5	128 7 0	76,596	6	134 7 0	1,00,573	6	134 7 0	1,54,881	5	127 5 0	91 993
West Khandesh District ..	6	226 5 0	58,855	6	226 5 0	60,693	6	226 5 0	92,431	6	226 5 0	95,675	6	229 1 0	67,387
Poona District	18	433 6 0	1,74,791	17	433 6 0	1,63,535	17	433 6 0	2,00 692	17	430 6 0	2,00,676	18	443 1 77	2,18,189
Satara District	12	391 0 216	1,82,748	12	370 0 216	2,38,070	14	386 0 171	3,97,677	16	383 6 236	2,88,491	16	397 6 236	2 55,218
Sholapur District ...	14	303 5 493	1,04,807	14	303 5 493	1,00,066	14	324 5 577	1,66,929	14	327 7 401	1,64,912	14	327 7 245	1,40,341
Total ..	71	1,902 0 49	6,76,392	70	1,881 0 49	7,32,687	73	1,924 0 88	10,89,246	75	1,924 7 637	10,96,971	77	1,942 4 558	10 05 900
Southern Division.															
Belgaum District	83	305 7 392	89,106	83	305 7 392	86,235	83	305 7 392	1,16,501	83	318 0 392	1,13,833	83	318 0 392	1,23 633
Bijapur District		251 1 405	53,578		251 1 405	49,790		251 1 405	71,927		308 4 0	74,230		309 2 0	68 654
Dharwar District		393 6 5	71,337		393 6 5	73,479		397 7 335	84,047		397 7 335	90,632		397 7 335	85,660
Kanara District		505 2 0	1,30,980		505 2 0	1,20,325		499 2 0	1,59,349		509 5 0	1,94,673		509 5 0	1,46,950
Nasik District		415 4 603	1,01,977		415 4 603	99,526		415 4 603	94,613		415 4 603	87,824		415 4 603	81 431
Khandesh District		460 0 0	2,33,339		460 0 0	2,54,883		460 0 0	2,69,045		458 0 0	2,79,872		458 0 0	1,79 540
Total ...	83	2,331 6 85	6,80,317	83	2,331 6 85	6,84,238	83	2,329 7 415	7,95,482	83	2,407 6 10	8,41,064	83	2 408 4 10	6 91,188

* Information not available as both the East and West Khandesh Districts then formed one P. W. D charge

APPENDIX B.

BOMBAY BARODA AND CENTRAL INDIA RAILWAY COMPANY.

(Incorporated in England by Special Act of Parliament.)

Agent's Office:
Bombay, 2nd April 1917.

No. 5274-T.

From

The Agent;

To

The Under Secretary to Government,
Public Works Department, Bombay.

Subject.—Overbridge at Palej.

Dear Sir,

With reference to your letter No. 372, dated 26th March 1917, I beg to report for the information of Government that a man named Bijai Ramesvar, whilst attempting to cross the line at the level-crossing, south of Palej Station, was knocked down by a shunting engine resulting in serious injuries to his head from the effects of which he died on the way to Broach, where he was being removed for medical treatment. The accident occurred at 4 A. M. on 3rd January 1916, and the police reported on the case as follows:—

> "It was dark at the time and the driver could not therefore see the deceased. The Third Class Magistrate, Broach, held an inquest and returned a verdict of accidental death. No one to blame but the deceased himself."

2. As regards the second portion of the question asked by the Honourable Member, this Company has decided to provide a foot overbridge at Palej and the item has been entered in the list of urgent works to be undertaken as soon as funds are available. I would add that funds had, as a matter of fact, been allotted for this work, in our budget for 1916-1917, but as the overbridge cannot be erected without infringing standard dimensions, a reference had to be made to the Senior Government Inspector of Railways, Circle No. 5, who has in turn, I understand, referred the matter to the Railway Board. Nothing further can therefore be done until the decision of the Railway Board is received.

Yours faithfully,

(Sd.) R. WOOLLCOMBE,
Agent.

APPENDIX C.

Statement referred to in the reply given by Government to question No. 9 put by the Hon'ble Mr. V. J. Patel at the meeting of the Legislative Council held on the 13th March 1917.

Name of Municipality.	Government.		Municipal.		Aided.		Unaided but recognised.		Unrecognised.	
	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.
CENTRAL DIVISION.										
Bombay	...	...	14,503	6,830	10,275	5,325	1,769	230	4,729	2,397
Alandi	...	...	95	52	...	...	...	...	...	...
Baramati	...	...	536	115	57	...	...	...	...	...
Indapur	...	...	222	42	...	...	28	2	...	...
Junnar	...	...	410	111	125	13	74	...	...	...
Jejuri	...	...	218	55	...	...	...	...	...	...
Khed	...	...	183	44	58	3	...	...	...	...
Lonavla	...	...	288	103	21	9	...	...	...	...
Poona City	210	284	2,783	1,584	5,133	1,600	65	88	...	...
Poona Suburban	65	3	178	89	1,866	1,900	...	...	...	...
Saswad	...	...	430	94	44	78	...	...	...	...
Sirur	...	...	231	63	86	81	...	...	...	...
Talegaon Dabhade	...	...	77	56	28	61	19	...	...	...
Malcolm Peth	...	...	139	43	10	39	...	...	...	...
Karad	...	...	549	93	49	34	...	...	...	...
Vita	...	...	280	40	38	16	...	...	...	...
Rahimatpur	...	...	207	32	17	2	...	...	...	...
Mhaswad	...	...	264	34	...	...	...	...	...	...
Satara City	...	...	1,036	392	633	169	...	...	...	...
Satara Suburban	...	...	46	10	95	72	...	...	...	...
Tasgaon	...	...	495	84	99	39	...	...	74	...
Wai	...	...	528	125	95	149	...	...	...	
Panchgani	...	...	66	4	7	30	...	...	...	...
Ashta	...	...	295	55	...	...	...	...	...	...
Islampur	...	...	366	100	...	...	...	...	...	...
Barsi	...	...	500	136	107	4	...	...	233	...
Karmala	...	...	279	70	...	...	...	...	...	...
Pandharpur	...	...	781	190	496	53	...	...	...	...
Sangola	...	...	194	32	...	...	...	...	...	...
Sholapur	...	80	18	1,423	859	1.221	388	...	...	...
Bhingar	...	...	...	363	68	52	5	...	...	...
Ahmednagar	...	...	...	1,721	572	663	697	...	...	...
Sangamner	...	...	...	801	236	39	2	...	...	...
Vambori	...	...	...	240	58	75	28	...	...	...
Igatpuri	...	...	...	258	53	78	48	...	...	...
Malegaon	...	...	Closed owing to plague.		230	...	...	...	...	...
Nandgaon	...	...	...	259	35	...	...	...	...	...
Nasik	...	...	...	1,296	404	463	156	...	...	...
Trimbak	...	...	...	192	23	42	...	...	...	...
Sinnar	...	...	...	299	63	Closed on account of plague		...	...	...
Yeola	...	...	...	1,166	332	108	...	...	39	...
Amalner	...	...	...	832	176	...	...	...	...	...
Parola	...	...	...	745	150	...	...	...	...	...
Bhusawal	...	...	...	632	206	35	...	...	...	...
Chalisgaon	...	...	...	653	128	...	...	...	...	...
Chopda	...	...	...	966	188	...	...	...	...	...
Erandol	...	...	...	896	166	...	...	...	...	...
Dharangaon	...	...	...	901	144	...	...	...	...	...
Jalgaon	...	...	...	1,258	215	...	...	...	...	...
Raver	...	...	...	492	124	...	...	...	...	...
Savada	...	...	...	708	106	...	...	...	...	...
Yawal	...	...	...	735	119	...	...	...	...	...
Faizpur	...	...	...	718	90	...	...	...	...	...
Dhulia	...	196	36	1,695	482	88	...	...	...	...
Nandurbar	...	...	...	853	190	...	...	7	7	...
Shahada	...	...	...	487	68	...	...	...	...	...
Shirpur	...	...	...	743	154	...	...	...	...	...
Shindkheda	...	...	...	355	54	...	...	...	...	...
Betavad	...	...	...	273	51	...	...	...	...	...
Taloda	...	...	...	320	44	...	...	...	...	...
NORTHERN DIVISION.										
Ahmedabad	...	205	130	7,110	1,356	1,021	1,995	369	...	...
Prantij	...	...	...	360	148	131	...	...	...	...
Modasa	...	...	...	562	119	...	...	...	...	...
Dholka	...	...	...	629	203	...	...	...	...	...
Dhanduka	...	...	...	561	202	...	...	...	...	...
Sanand	...	...	...	347	154	...	...	...	...	...
Viramgaon	...	...	...	803	289	126	...	...	...	...
Gogo	...	...	...	215	47	89	77	...	...	...
Dholera	...	...	...	311	148	...	...	...	...	...
Ranpur	...	...	...	344	196	...	...	...	...	...
Kaira	...	...	...	335	265	...	...	...	...	...
Kapadvanj	...	...	...	546	359	...	...	...	...	...
Mehmedabad	...	...	...	395	161	...	...	...	...	...
Nadiad	...	...	...	2,022	745	63	4	...	...	...
Anand	...	...	...	640	94	93	137	...	...	...
Umreth	...	...	...	1,025	312	...	...	...	...	...

APPENDIX C—*continued.*

Name of Municipality.	Government.		Municipal.		Aided.		Unaided but recognised.		Unrecognised.	
	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.
NORTHERN DIVISION—*continued.*										
Borsad	...	...	769	220	51	238	...	...	...	...
Mahudha	...	...	443	115	...	...	...	...	...	...
Dakora	...	...	545	195	...	...	...	...	...	...
Broach	...	...	1,883	836	101	84	57	35	...	...
Jambusar	...	...	578	209	...	...	...	...	...	...
Ankleshwar	...	...	713	238	...	...	...	...	...	...
Godhra	...	...	750	254	250	110	...	...	...	...
Dohad	...	...	565	231	...	...	...	...	...	...
Surat	...	...	4,496	1,026	1,019	1,354	349	...	...	46
Rander	...	...	311	119	163	161	69	...	...	...
Bulsar	...	...	815	331	63	70	...	...	...	...
Bandra	...	...	625	135	...	...	...	...	...	...
Bhivandi	...	...	399	214	...	...	...	...	...	...
Bassein	...	...	744	177	...	...	...	...	...	...
Mahim	...	...	298	48	...	...	...	...	...	...
Kalyan	...	...	406	210	123	38	...	...	...	...
Kurla	...	...	348	125	...	...	...	...	...	...
Thana	...	...	874	366	27	108	...	...	...	...
SOUTHERN DIVISION.										
Byadgi	...	...	354	120	...	...	...	...	...	...
Dharwar	...	378	154	1,439	816	109	1	...	...	...
Gadag	...	43	23	1,235	651	529	205	...	...	...
Haveri	...	...	...	235	125	128	...	...	...	...
Hubli	...	—	...	2,853	1,153	608	168	...	...	...
Navalgund	...	...	...	345	75	...	...	...	...	...
Nargund	...	...	...	353	89	...	...	...	...	...
Ranebennur	...	...	...	455	192	114	...	...	...	...
Athani	...	...	...	173	73	138	...	...	...	...
Belgaum	...	...	...	1,497	693	656	286	...	...	...
Gokak	...	...	...	206	40	...	...	...	...	...
Nipani	...	...	...	125	26	38	...	...	...	...
Saundatti	...	...	...	272	128	...	...	...	...	...
Bagalkot	...	61	41	695	292	38	...	...	...	...
Bijapur	...	49	5	828	404	688	131	...	...	...
Guledgud	...	...	...	617	161	219	73	...	...	...
Ilkul	...	...	...	269	127	...	...	...	...	...
Bhatkal	...	...	...	344	19	...	...	...	...	
Halyal	...	...	...	273	92	...	...	...	...	...
Honavar	...	...	...	309	129	139	27	...	...	...
Karwar	...	...	...	883	337	88	2	...	...	...
Kumta	...	...	...	570	189	...	...	...	...	...
Sirsi	...	...	...	328	148	...	...	...	...	...
Chiplun	...	...	...	578	66	30	...	...	...	
Rajapur	...	...	...	343	70	73	53	...	...	...
Ratnagiri	...	...	...	810	296	130	...	95	79	...
Vengurla	...	...	...	647	155	70	9	...	...	...
Alibag	...	...	...	199	111	35	40	...	...	...
Mahad	...	...	...	467	148	...	...	...	...	...
Matheran	...	...	...	107	18	...	...	...	...	...
Panwel	...	...	...	336	116	...	...	...	...	...
Pen	...	...	...	473	143	27	...	...	...	...
Roha	...	...	...	382	91	86	43	...	...	...
Uran	...	...	...	228	69	...	...	...	...	...
SIND.										
Karachi	...	96	49	2,033	1,402	4,607	2,145	...	166	...
Tatta	...	...	...	399	174	120	70	...	...	...
Kotri	...	...	...	274	98	13	22	...	...	...
Manjhand	...	...	...	151	74	...	...	...	...	...
Keti-Bunder	...	...	...	83	...	...	...	...	...	...
Hyderabad	...	166	112	951	344	2,366	1,361	173	362	23
Tando-Mahomadkhan	...	...	...	204	...	...	80	...	10	8
Hala	...	...	...	254	...	91	71	...	77	15
Tando Allahyfar	...	...	...	233	...	84	20	...	12	13
Nasarpur	...	...	...	271	...	34	...	...	30	3
Matiari	...	...	...	183	...	36	...	...	50	10
Tando Adam	...	...	...	221	...	264	10	...	...	...
Shahdadpur	...	...	...	176	...	...	...	...	...	...
Mirpurkhas	...	...	...	96	...	...	30	...	...	...
Umerkote	...	...	...	135	63	...	...	...	...	...
Sukkur	...	...	...	525	171	1,548	601	...	...	...
Shikarpur	...	...	...	1,225	923	1,686	380	165	...	...
Rohri	...	...	...	408	135	30	...	...	...	...
Garhi Yasin	...	...	...	209	...	170	60	...	...	...
Ghotki	...	...	...	184	2	13	4	...	...	...
Jacobabad	...	...	...	235	114	...	...	...	...	...
Larkana	...	...	...	509	...	439	272	...	...	...
Kambur	...	...	...	143	11	25	3	...	...	...
Ratodero	...	...	...	231	3	...	...	...	...	...
Sehwan	...	...	...	176	...	38	30	...	...	...
Bubak	...	...	...	149	...	...	...	...	...	...

APPENDIX D.

Statement referred to in the reply given by Government to question No. 14 (a) put by the Honourable Mr. E. H. Jaffer at the meeting of the Legislative Council held on the 13th March 1917.

Kind of Institution.	Total number of pupils on 31st March 1917.	Number of Mussalman students.	Number of other students.	Percentage of Mussalman students to the total number of pupils.	Percentage of students other than Mussalmans to total number of pupils.
(1) Primary Schools	635,370	110,753	524,617	17·4	82·6
(2) Middle Schools	25,226	1,860	23,366	7·4	92·6
(3) High Schools	44,869	2,674	42,195	6	94
(4) Colleges (Arts and Professional.)	6,713	214	6,499	3·2	96·8

APPENDIX E.

Statement showing the average number of minors' estates under the District Judge's management in each of the districts of the Presidency proper during the last five years.

Name of the District.	Average number of minors' estates during the years 1912—1916.
Surat	42
Ahmedabad	147
(Ahmedabad 73	
Kaira 71	
Panch Mahals ... 3)	
Broach	47·8
Thana	60
Poona	59
Ahmednagar	54
Belgaum	62·8
Bijapur	22
Dharwar	30
Satara	31·4
Khandesh	41
Kanara	11·4
Ratnagiri	10
Nasik	59·4
Sholapur	85

APPENDIX F.

No. 1508 of 1917-18.

The Schools Committee's Office,
Municipal Office, Fort,
Bombay, 2nd June 1917.

From—The Secretary, Schools Committee;

To—The Director of Public Instruction, Poona.

Subject.—Requisition for some information about the number of school-going-age-children.

Sir,

With reference to your letter No. 2446, dated 1st instant, I have the honour to state as follows :—

(A) We have no definite data to say what the number of primary-school-going-age-children in Bombay may be. Taking from 6 complete to 11 complete as the primary-school-going-age, I estimate 80 to 90 thousand as the number in question.

The number in schools at the end of 1916-17 was as follows :—

Municipal schools	23,987
Aided schools	15,623
Unaided and unrecognized schools (estimated) ...	4,648
Total ...	44,258

(B) So far as the records in this office and the memories of the old hands go—(I myself joined this office only in February 1915)—no regular census of school-going-age-children was taken officially by the Joint Schools Committee or the Schools Committee. It appears, however, that the late Hon'ble Mr. N. N. Wadia, a merchant and mill-owner, the then Chairman of the Joint Schools Committee, got enquiries made, mainly through the instrumentality of men of his own private office, in the year 1895 as to the total number of children in Bombay and those in schools. The results are given in the Joint Schools Committee's report for 1895-96. The figures showed that the total number of children from 5 to 12 was then 1,11,352 out of whom 33,295 were in school.

I am sorry I could not reply earlier to the Deputy Educational Inspector's letter on the subject.

I have the honour to be,
Sir,
Your most obedient servant,
D. G. PADHYE,
Secretary, Schools Committee.

APPENDIX G.

A.—Statement showing the recurring grants made by the Government of India in 1912-13 to 1915-16 for primary and secondary education.

Year of grant.	Description of allotment.	Amount of grant.	Amount allotted to		Remarks.
			Primary education.	Secondary education	
1	2	3	4	5	6
	Darbar grant of Rs. 6,70,000.	Rs.	Rs.	Rs.	
1912-13 ...	For the elementary education of boys.	4,36,000	4,36,000	...	
" ...	For the education of girls ...	75,000	69,900	5,100	
" ...	For hostels	*48,000	1,152	10,869	* Out of this, Rs. 2,904 were allotted to Colleges and Rs. 33,075 remained unpledged at the end of 1915-16.
" ...	Further grant	20,000	20,000	...	
	Total ...	5,79,000	5,27,052	15,969	
1912-13 ...	*Recurring grant of Rs 60,000 for English-teaching and Anglo-Vernacular Schools.*	60,000	...	60,000	
	Imperial grant of Rs. 5,93,000.				
1913-14 ...	For primary education ...	2,76,000	2,76,000	...	
	For girls' education ...	†75,000	54,450	8,700	† Rs. 11,850 allotted for grants to industrial schools in Sind. Part of this was proposed to be utilized for the reorganization of the staff of the Training College for Women, Hyderabad, but the proposal has been postponed till the financial situation improves.
" ...	For secondary education ...	95,000	...	94,960	Rs. 40 unpledged.
" ...	For manual training ...	15,000	4,120	3,376	Rs. 7,504 reserved for sloyd.
	Total ...	4,61,000	3,34,570	1,07,036	
1914-15 ...	*Imperial grant of Rs. 1,00,000.*	‡1,00,000	71,290	20,000	‡ This was for any purpose. Rs. 5,000 were reserved for sloyd and Rs. 3,710 remained unpledged at the end of 1915-16.
1915-16 ...	*Nil.*	...	...	...	
	Grand Total ...	12,00,000	9,32,912	2,03,005	

B.—Statement showing the allotments made year by year from the grants shown in columns 4 and 5 of Statement A for the objects specified in the question.

Year.	Primary. Allotment made for: Increasing grants in aid of Government schools.	Additional grants to: District Local Boards.	Additional grants to: Municipalities.	Increasing grants-in-aid of privately managed schools in: C. D.	N. D.	S. D.	Sind.	Increasing the supervision, staff, buildings, &c., of Government schools.	Total.	Year.	Secondary. Allotment made for: Increasing grants in aid of Government schools.	Increasing grants in aid of privately managed schools in: C. D.	N. D.	S. D.	Sind.	Increasing the supervision staff, buildings, &c., of Government schools.	Total.	Remarks.
Rs. 4,36,000 for the elementary education of boys included in the Darbar grant of Rs.6,70,000.																		
1912-13	.....	79,524	1,89,337	...	...	...	...	170,934	3,79,795	.....	.....	...	...	...	...	.....	.....	
1913-14	.....	15,000	.....	...	...	...	...	10,649	26,549	.....	.....	...	...	...	...	.....	.....	
1914-15	.....	8,900	.....	...	...	...	...	20,756	29,656	.....	.....	...	...	...	...	.....	.....	
	.....	1,04,324	1,89,337	...	...	...	...	2,02,339	4,36,000	.....	.....	...	...	...	...	.....	.....	
Rs. 79,000 for the education of girls included in the Darbar grant of Rs. 6,70,000.																		
1912-13	.....	14,257	.....	...	...	1,500	10,500	20,316	46,573	.....	.....	...	...	...	...	.....	.....	
1913-14	.....	3,739	.....	1,000	...	...	...	14,346	19,085	.....	.....	...	...	...	...	.....	.....	
1914-15	.....	.....	.....	...	...	...	...	600	600	1912-13	.....	...	...	...	...	3,000	3,000	
1915-16	.....	.....	.....	...	...	...	...	3,642	3,642	1913-14	.....	...	...	...	...	2,100	2,100	
	.....	17,996	.....	1,000	...	1,500	10,500	38,904	69,900	.....	.....	...	...	...	...	5,100	5,100	
Rs. 48,000 for hostels included in the Darbar grant of Rs. 6,70,000.																		
1914-15	.....	.....	.....	...	...	...	...	1,152	1,152	.....	.....	...	...	...	...	.....	.....	
Further grant of Rs. 20,000 included in the Darbar grant of Rs. 6,70,000.										1912-13	.....	...	...	...	...	536	536	
										1913-14	.....	...	...	...	...	8,038	8,038	
1913-14	.....	4,084	.....	...	...	...	...	6,086	10,170	1914-15	.....	...	...	...	...	1,704	1,704	
1914-15	.....	.....	.....	...	...	...	...	9,830	9,830	1915-16	.....	...	...	...	...	571	571	
	.....	4,084	.....	...	...	...	...	15,916	20,000	.....	.....	...	...	...	...	10,869	10,869	
Rs. 2,76,000 for primary education included in the Imperial grant of Rs. 5,93,000.										*Imperial grant of Rs. 60,000 of 1912.*								
1913-14	.....	1,52,022	.....	...	...	...	...	51,141	2,03,163	1912-13	.....	22,500	9,000	8,100	14,400	60,000	60,000	* For English Teaching Schools in all Divisions.
1914-15	.....	23,136	.....	...	...	...	...	49,701	72,837	.....	.....	*6,000						
	.....	1,75,158	.....	...	...	...	...	1,00,842	2,76,000	.....	.....	...	...	...	...	.....	.....	
										1914-15	.....	...	...	...	...	8,700	8,700	
Rs. 75,000 for girls' education included in the Imperial grant of Rs. 5,93,000.										*Grant of Rs. 95,000 for secondary education included in the Imperial grant of Rs. 5,93,000.*								
1913-14	.....	15,038	.....	...	...	...	...	7,360	22,398	1913-14	.....	...	...	...	...	94,430	94,430	
1914-15	.....	23,130	.....	...	11,000	...	...	7,922	32,052	1914-15	.....	...	...	...	...	530	530	† For Books, slates, &c., for aided schools.
	.....	38,168	.....	...	1,000	...	...	15,282	54,450	.....	.....	...	...	...	...	94,960	94,960	
Rs. 13,000 for manual training included in the Imperial grant of Rs. 5,93,000.																		
1914-15	.....	.....	.....	...	...	...	...	4,120	4,120	1914-15	.....	...	...	...	...	3,376	3,376	
Imperial grant of Rs. 1,00,000 of 1914.																		
1914-15	.....	‡ 70,000	.....	...	...	...	...	1,290	71,290	.....	.....	...	...	...	§20,000	.....	20,000	‡ Part of this is for municipalities. § For scholarships in Madresahs or recognized A.-V. Schools.

APPENDIX I.

C.—Statement showing the allotments made from the non-recurring imperial grants made by the Government of India in 1912-13 to 1915-1916. for primary and secondary education.

Primary.							Secondary.								
Year.	Buildings, play-grounds, reading rooms, gymnasia, equipments, etc., for Government schools.	Grants for Buildings, equipment, play-grounds, gymnasia, gardens, etc., to Local Board Schools.	Grants for Buildings, equipment, play-grounds, gymnasia, gardens, etc., to Municipal Schools.	Grants to aided schools and institutions for buildings, furniture, libraries, gymnasia, play-grounds, etc.	Stereoscopes, stereographs, magic lanterns and other charges in connection with visual instruction.	Total.	Year.	School and hostel accommodation and furniture for Government Schools.	Arrangements for Science teaching and supply of Science apparatus to Government schools.	Improvement of libraries and supply of books, publications, etc., to Government schools.	Mr. Wren's physical culture class and play-grounds, gymnasia, gardens, etc., to Government schools.	Special sloyd class and sloyd rooms and equipment for Government schools.	Grants to aided schools for hostels, school buildings, play-grounds, gymnasia, etc.	Grants to aided schools for books, furniture, etc.	Total.
	Rs.	Rs	Rs.	Rs.	Rs.	*Three lakhs grant of 1912.*	1912-13 ...	72,667	.....	.....	...	...	...	...	72,667
							1913-14 ...	97,373	.....	.....	...	...	...	...	97,373
							Total ...	1,70,040	.....	.....	...	...	...	...	1,70,040*
			Seven and three quarters lakhs grant of 1913 = Rs. 8,83,284 (with other balances from hostels grants added to it).												
							1913-14 ...	2,99,307	.....	.....	...	...	3,48,800	...	6,48,107
							1914-15 ...	4,158	.....	.....	...	...	8,484	...	12,642
							1915-16 ...	11,887	.....	.....	...	...	...	...	11,887
							Total ...	3,15,352	.....	.....	...	...	3,57,284	...	6,72,636†
			Rs. 4,00,000 for Arts Colleges and Secondary Schools (included in 31 lakhs grant.)												
...	3,644	.....	.....	.....	.....	3,644	1913-14 ...	1,02,249	33,000	10,600	...	...	...	...	1,45,849
							1914-15 ...	12,879	44,814	.....	...	...	...	2,333	60,026
							1915-16 ...	5,202	.....	.....	...	...	...	...	5,202
Total ...	3,644	.....	.....	.....	.....	3,644‡	Total ...	1,20,330	77,814	10,600	...	...	...	2,333	2,11,077‡

* Balance of Rs. 1,29,960 added to the 7¾ lakhs grant.

† Rs 1,98,175 allotted to colleges and Rs 12,473 reserved for excess or unforeseen expenditure.

‡ Rs 57,662 allotted to colleges and Rs 1,27,617 reserved for a site for the Karnatak College and for buildings for the High Schools at Larkana, Karwar or Ratnagiri.

APPENDIX I—*continued.*

Year.	Primary. Buildings, play-grounds, reading rooms, gymnasia, equipments, &c., for Government schools.	Grants for buildings, equipment, play-grounds, gymnasia, gardens, etc., to Local Board Schools.	Grants for buildings, equipments play-grounds, gymnasia, gardens, etc., to Municipal Schools.	Grants to aided schools and institutions for buildings, furniture, libraries, gymnasia, play-grounds, etc	Stereoscopes, stereographs, magic lanterns and other charges in connection with visual instruction.	Total.
	Rs.	Rs	Rs.	Rs.	Rs.	Rs.
				Rs. 13,97,821 for elementary schools (included in 31 lakhs grant.)		
1913-14 ...	37,721	6,83,800	1,56,960	.....	.....	8,78,481
1914-15 ...	.....	3,35,714	1,83,626	.....	.....	5,19,340
Total ...	37,721	10,19,514	3,40,586	.....	.....	13,97,821
				Rs. 4,02,000 for educational hygiene, etc. (included in the 31 lakhs grant.)		
1913-14 ...	11,000	16,100	.....	15,000	1,30,629*	1,72,729
1914-15 ...	1,890	41,500	10,000	4,192	.....	57,582
Total ...	12,890	57,600	10,000	19,192	1,30,629	2,30,311†
				Rs. 1,00,000 for manual training (included in 31 lakhs grant.)		
1913-14 ...	3,225	11,000	.....	3,150	.....	17,375‖
				Rs. 3,94,203 for girls' technical and special schools (included in 31 lakhs grant.)		

Year.	Secondary. School and hostel accommodation and furniture for Government schools	Arrangements for Science teaching and supply of Science apparatus to Government schools.	Improvement of libraries and supply of books, publications, etc., to Government schools.	Mr. Wren's physical culture class and play-grounds, gymnasia, gardens, etc., to Government schools.	Special sloyd class and sloyd rooms and equipment for Government schools.	Grants to aided schools for hostels, school buildings, play-grounds, gymnasia, etc.	Grants to aided schools for books, furniture, etc.	Total.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1913-14 ...	.....	.....	.....	18,156	...	...	...	*18,156
1914-15 ...	13,000	.....	11,000	57,304	...	6,060	1,000	88,304
Total ...	13,000	.....	11,000	75,460	...	6,000	1,000	1,06,460
1913-14 ...	.....	.....	.....	...	6,056	...	...	6,056
1914-15 ...	.....	.....	.....	...	63,766	...	...	63,766
1915-16 ...	.....	.....	.....	...	28,255	...	...	28,255
Total ...	.....	.....	.....	...	98,077	...	...	98,077‡
1913-14 ...	.....	.....	.....	...	...	66,846	...	66,846§

* Both for primary and secondary.
† Rs. 63,229 allotted to colleges.
‡ For secondary schools and training institutions. Balance of Rs. 1,923 reserved for sloyds.
§ Rs. 2,80,275 allotted to technical education, etc., and Rs. 29,727 for the same purpose are unpledged.

APPENDIX J.

Tuberculosis.

Open-air Schools.

Measures taken by the Educational Department in connection with the campaign against tuberculosis.

No. 2939.

EDUCATIONAL DEPARTMENT.

Bombay Castle, 13th October 1913.

Letter from the Director of Public Instruction, No. 12884, dated the 6th February 1913:—

"With reference to paragraph 3 of Government Resolution, General Department, No. 7097, dated the 23rd October 1912, I have the honour to report as follows.

"2. The Government of India suggest the giving of definite instruction in schools in the larger towns on the dangers of tuberculosis. We have already distributed freely among all schools, not only in towns but also in the country, copies of the two pamphlets prepared by, or in consultation with, the Surgeon General. Government have directed the lessons on this subject and on malaria to be included in the new Sanitary Primer; but so far it has not been found possible to get such a primer written. In place of it I have accepted a Marathi manuscript written by Mr. R. M. Joshi, B.A., and approved by the Vernacular Text-book Committee. This manuscript has now to be printed and sanctioned by Government, after which it is proposed to get it translated into the other vernaculars. To avoid encroaching on any primer which may hereafter be brought out by Government, Mr. Joshi has not actually reproduced the lesson on consumption approved by Government, but he has given the substance of it in his book which is brief and simple and likely for the present to serve all the purposes of the old Sanitary Primer in vernacular and Anglo-vernacular schools. Further, in the new course of Science recently sanctioned by Government for Anglo-vernacular schools lessons on hygiene are included, and the new readers will no doubt refer to the subjects of tuberculosis and malaria. If Mr. Wren writes them he will probably follow the lines of a Health Reader which he has written for Messrs. Macmillan, and which I see includes lessons on malaria, plague, inoculation, consumption, cholera, small-pox and vaccination. (This book is one of nearly 200 pages and is therefore rather too long to superimpose on boys' other work in place of the old primer.) It will be seen therefore that we shall shortly be able to give effect to the wishes of the Government of India even more widely than they suggest. But in addition to the study of these lessons in school it may be suggested that medical men, official or non-official, who may be competent and willing to do so, should be invited to give special lessons to parents, teachers and the elder pupils, illustrated, if possible, by the magic lantern or at least by diagrams and pictures. Similar lessons should be given in training colleges, and if inspecting officers are provided, as I have proposed in another connection, with magic lanterns and slides, they too should be encouraged to give lectures on the subject whilst on tour.

"3. The Government of India next suggest the establishment of special classes for tuberculous children. As it would scarcely be feasible to have special classes in the same building, it would be necessary to establish a kind of central school to which tuberculous children could be brought from various parts of the town. Municipalities are already sufficiently perplexed by the problem of providing ordinary sites and buildings for their schools. The provision of a special school of the kind indicated would probably be very expensive: probably also means of conveyance would have to be provided for some of the children. I fancy that at any rate for some time to come many parents would rather withdraw their children from school altogether than have them segregated, in the manner suggested, and so the expensive provision made would not be much used. But supposing the provision to be made, the tuberculous children must then be picked out. I have to report to Government in another connection on the subject of medical inspection of school-children, but I may say here that after seeing the Surgeon General on the subject I think that we are still a long way from the time when a general medical supervision of children will be feasible (unless of course Government are prepared to entertain a large special staff for the purpose). The onus of bringing suspicious cases to notice is therefore likely to be thrown for the present on the teacher; and it will be necessary to bring the teachers together from time to time to receive instruction from some specially competent person in the symptoms of certain diseases. Mr. Fraser has already suggested that this should be done in Bombay for the benefit of his students under training and other teachers in Anglo-vernacular schools.

"4. The Government of India then suggest the establishment of open-air schools for children who are not tuberculous but are likely to become so. The first question here is, how are such children to be identified? The Surgeon General tells me that the diagnosis of incipient tubercle is a most difficult and delicate task, requiring very special skill and training. If *any* child who seems in poor condition is to be included, we shall have to provide probably for one-half of those attending town schools. Then the same difficulties as already suggested in the case of the special classes are likely to arise, and I need scarcely

stop to point out that the provision of 'open air' anything is one of the most difficult problems of large towns. Mr. Lory is of opinion, and I think that he really goes to the root of the matter, that more could be done for the prevention of tuberculosis by the utilisation of the money on the erection of suitable school buildings in all towns. 'The schools are often seriously overcrowded and in themselves constitute what is probably the most prolific means for the propagation of tuberculosis. The readiest means to combat tuberculosis is to secure healthy buildings for all schools with adequate ventilation and light. The Department does what it can to require the municipalities to provide suitable buildings, but their difficulties are great and the number of children is continually increasing. I am strongly of opinion that special free grants should be made to the municipalities to enable them to provide suitable school buildings.'

"5. In towns the expensiveness of sites and buildings, and in the country the expensiveness of the conventional buildings have long been the great obstacles to progress in this matter. It seems to me that something more might be made of the 'open air' idea for all children and not merely tuberculous ones. I have often noticed in Ceylon school buildings (secondary as well as primary) consisting of a dwarf wall, a set of pillars and a roof. Here there is abundance of both light and ventilation, and the cost of erection must be comparatively small. It is possible that such a style of building would not suit the climatic conditions of Sind and some other parts of this Presidency; but Ceylon is hot and Ceylon is often very wet, and if such school-houses are feasible there, I do not see why they should not be equally feasible in at least some of our districts. The objection has been raised that the school furniture and equipment would be exposed to injury and loss. I am afraid that this question never occurred to me in Ceylon; but from childhood I have heard that while every prospect pleases in that island, 'Man alone is vile,' from which I infer that the same difficulty must occasionally have arisen there and that means have been found to surmount it."

Government memorandum to the Surgeon General with the Government of Bombay, No. 844, dated the 27th March 1913:—

"Forwarded to the Surgeon General with the Government of Bombay for favour of any remarks he may have to offer.

"2. In particular the Surgeon General is requested to favour Government with his opinion on the suggestion regarding the giving of special instruction to parents, teachers, etc., made by the Director of Public Instruction at the end of paragraph 2 of his letter."

Government letter to the Colonial Secretary to the Government of Ceylon, No. 845, dated the 27th March 1913:—

"I am directed to state that the question has been raised in this Presidency of the construction of open-air schools of a simple and inexpensive type.

"2. The Governor in Council understands that in parts of Ceylon schools of this type, consisting only of a dwarf wall, a set of pillars and a roof, are in common use. It is possible that such schoolhouses would prove suitable in some of the districts of this Presidency, but a difficulty arises as to the preservation in such conditions of the school furniture and equipment from exposure to weather and loss by theft. I am to request that you will be good enough to state whether any difficulty is experienced on this score in Ceylon, and, if so, what means have been found to surmount it. I am also to request that any papers showing how the system of open-air schools works in Ceylon may be furnished to the Government of Bombay.".

Letter from the Surgeon General with the Government of Bombay, No. B.—5205, dated the 19th April 1913:—

"With reference to your No. 844, dated 27th March 1913, forwarding a copy of letter No. 12884 of 1913, from the Director of Public Instruction and asking for remarks thereon, I have the honour to state that the general instruction of the public including parents of children and teachers of schools in the prevention of tuberculosis is one of the main objects of the King George V Anti-Tuberculosis League. So far no branches of this League have been formed outside Bombay itself, where the preliminary work is now being carried on. I would recommend the formation of a branch of the League in every district and every large town. It seems to me that through its agency the necessary knowledge could be most rapidly and effectively spread.

"2. In my letter No. B.—4866, dated 11th April 1913, to the Director of Public Instruction, I have suggested the entertainment of three medical inspectors for the existing high schools. If this recommendation is accepted, these officers also might well be utilized as travelling lecturers to parents, teachers and children at each place they have to visit in carrying out their duties of the inspection of children.

"3. While recognizing the value of such instruction, I entirely agree with the views of the Director of Public Instruction and Mr. Lory as expressed in paragraph 4 of the Director of Public Instruction's letter. I think very much needs to be done towards improving and altering the usual school building. In my opinion little more is required for a school in this country than a really good impervious floor, raised on a plinth and which can be easily washed down each evening; a surrounding wall with numerous openings and not reaching to within more than three feet of the roof, and a good substantial roof.

Even in Sind such a building is, I believe, all that is required. In the hot weather the school hours should be in the early morning only. It is useless instructing parents and teachers in preventive measures so long as the schools themselves are overcrowded, ill-ventilated and insanitary.

"4. I believe the great majority of schools are without the most ordinary sanitary conveniences and that the children not infrequently have to resort to the road outside, or the compound, for purposes of nature. Every school should be properly provided in these respects. I visited the new high school in the course of construction at Jalgaon a short time ago. So far as I could ascertain, the plan of this school had not been submitted to any sanitary authority before it was approved of. I found that no sanitary annexes of any sort had been provided, and was told that probably iron latrines would be put up in the compound. I consider that the plans of every new school and hostel should be submitted to some sanitary expert for an opinion before building is commenced, and that no school should be permitted to be opened in any building until it has been certified by some sanitary authority to be fit for that purpose."

Letter from the Colonial Secretary to the Government of Ceylon, No. 6135, dated the 15th April 1913:—

"With reference to your letter No. 845 of the 27th March 1913, I am directed to forward herewith a copy of a report by the Director of Public Instruction of this Colony relative to the construction of open-air schools."

Letter from the Director of Public Instruction, Ceylon, to the Colonial Secretary to the Government of Ceylon, No. 56, dated the 8th April 1913:—

"In the low country of Ceylon and in the lower parts of the hill districts schools are regularly held in buildings with dwarf walls and a roof supported by pillars. Such buildings are very suitable on sanitary grounds and are also economical. They give rise to two difficulties: (1) storage of furniture, (2) insufficient protection against bad weather.

"2. Storage of furniture is provided for by constructing at one end of the building a small room which can be locked up and into which all the smaller articles of furniture can be removed after school hours. Heavy articles, such as benches and desks, are very rarely stolen.

"3. If the length of the building runs from east to west, it is very little troubled with sun in this latitude. But there are many places in which the wind is a serious difficulty, and a large number of the buildings of this type are provided with *tats* which can be let down if necessary.

"4. It may be added that many of the schools in fine weather are to a considerable extent actually open-air schools. In many cases quite half the children are taken out for the greater part of school hours to work under trees in the school compound. This is a great relief in the larger schools of two or three hundred children, of which there are many in the low country.

"5. I cannot refer to any papers dealing specially with this question. But it may be safely said that all those who have much to do with school work in Ceylon are agreed that the building with dwarf walls is much the most suitable for school purposes. Even a building of this type may become too hot if it is roofed with corrugated iron or the flat tiles imported from Calicut and Mangalore; but if it is thatched with straw or cadjan, or roofed with the locally made round tiles, it provides the most favourable conditions possible for teaching. Difficulties will naturally occur in latitudes where there is anything like a severe winter. But there must be many parts of India where the winter difficulty would be sufficiently obviated by beginning school at a rather late hour in the day."

RESOLUTION.—The measures suggested by the Government of India, in connection with the campaign against the spread of tuberculosis, with which the Educational Department is concerned, are:—

(*a*) the giving of definite instruction in schools in the larger towns on the dangers of tuberculosis;

(*b*) the establishment of special classes for tuberculous children who should be segregated from their fellows; and

(*c*) the establishment of open-air schools for children who are not tuberculous but who are in poor condition and likely to become tuberculous.

2. With reference to recommendation (*a*) it may be observed that the lessons on tuberculosis, malaria, and microbes and the pamphlet containing a description of simple precautionary measures to be taken against tuberculosis, which were prepared by the Surgeon General and approved in Government Resolutions No. 572, dated the 23rd March 1910, Educational Department, and No. 1332, dated the 27th February 1912, General Department, have been

distributed free among all schools both in urban and in rural areas, and that a text-book on sanitation which contains the substance of the lesson on consumption approved by Government has been prescribed for use in Anglo-vernacular and primary schools. Lessons on hygiene are included in the new science curriculum for secondary schools recently sanctioned by Government, and the new science readers which are under preparation will no doubt refer to the subjects of tuberculosis and malaria. The Governor in Council concurs therefore with the Director of Public Instruction in thinking that effective action is already being taken in the direction of this recommendation by the Government of India.

3. The Director proposes however that, in addition to the measures already adopted, lectures illustrated by the magic lantern, or, failing that, by diagrams and pictures, should be delivered to parents, teachers and the elder pupils by those local medical men, official or non-official, who may be able and willing to do so, and by inspecting officers whilst on tour. With regard to this proposal the Surgeon General remarks that the instruction of the public, including the parents of school children and school masters, in the prevention of tuberculosis is one of the main objects of the King George V Anti-Tuberculosis League, and recommends the formation of a branch of the League in every district and in every large town. Steps, it appears, have already been taken by the League with this object in view. Government approve the further proposal of the Surgeon General that the services of the medical officers who will be employed in connection with the scheme for the medical inspection of pupils in secondary schools and training institutions should be utilized for the purpose of giving medical instruction by means of lantern lectures and charts to school teachers and children at the places which they visit in the execution of their duties. As regards primary schools steps are being taken to supply each Deputy Educational Inspector with magic lanterns and slides for exhibition in such schools with a view, among other objects, to the propagation of sanitary knowledge in rural areas.

4. With regard to the other two recommendations of the Government of India the Governor in Council, while recognizing the practical difficulties pointed out by the Director of Public Instruction in the way of adopting the proposal to maintain two classes of special schools—one designed for tuberculous children and the other for children who are in danger of becoming tubercu'ous—is willing nevertheless to afford special assistance to any municipality, which may desire to undertake the experiment of establishing schools of either class, by paying three quarters of the cost of the buildings and the same proportion of the cost of maintenance of the schools. The plans of the school buildings in such cases will have to be specially approved by the sanitary authorities, and the building grant will be subject to the condition that half of it will be liable to be refunded to Government in the event of the building ceasing, without sufficient cause, to be used for the special educational purpose for which it was designed and being appropriated to ordinary educational purposes. At the same time it is practically certain that only in rather exceptional conditions and in comparatively rare instances will it be possible to establish such special schools as those contemplated, and the Governor in Council therefore endorses the view expressed by Mr. Lory that the provision of spacious, well ventilated and hygienic school-houses generally should be regarded as the most efficacious measure for the prevention of the spread of tuberculosis among children. In accordance with this view the Director of Public Instruction has already been informed in Government Resolution* No. 2149, dated the 25th July 1913, that Government desire that municipalities should participate with local boards in the allotment of Rs. 12½ lakhs made by the Government of India for the erection and equipment of elementary schools, which, it has been decided, is to be devoted to the payment of free building and equipment grants.

5. With reference to the suggestion made at the end of paragraph 3 of the Director of Public Instruction's letter that arrangements should be made for imparting instruction to teachers in the symptoms of certain diseases, it may be observed that provision has already been made † for delivering a course of lectures on the common diseases of children before teachers in Bombay and Poona.

* *Vide* Press Note No. 2150, dated the 25th July 1913.

† *Vide* Government Resolutions, Educational Department, No. 1015, dated the 9th April, and No. 1816, dated the 25th June 1913.

Government will be glad to consider proposals for extending the experiment to other centres such as Sholapur and Ahmedabad if, in the light of the experience gained, the Director of Public Instruction and the Surgeon General are of opinion that such extension is desirable and practicable.

6. As regards the question, referred to in paragraph 5 of the letter of the Director of Public Instruction, of the adoption of a simpler type of school building for rural areas, which will combine cheapness with the advantages of "open air" location, copies of the papers received from the Colonial Secretary to the Government of Ceylon with his letter No. 6135, dated the 15th April 1913, regarding the construction of open-air schools in that colony and extract paragraph 3 of the Surgeon General's letter No. B.-5205, dated the 19th idem, should be forwarded to the Director. Undue value should not, of course, be attributed to experience acquired in the different climatic and social conditions of Ceylon, but in view of the immense multiplication of elementary schools which is taking place, and will continue to take place, throughout the rural areas of the Presidency and of the very great cost involved in the general provision of buildings of the ordinary substantial type hitherto regarded as necessary for such schools, Government consider it extremely important that the suitability to local conditions of a type of school building which presents such manifest advantages as does that adopted in Ceylon should be submitted to careful and thorough investigation. It might perhaps be possible, they think, to construct buildings of this simple type in such a way as to render them easily convertible subsequently into school-houses of a more complete and substantial pattern. In any case it can hardly be doubted that, in certain conditions and especially in rural areas, schools of this type, even if not ideally suitable, would represent a distinct advance on the noisy, crowded, ill-ventilated and badly lighted rented houses which at present frequently do duty as school-houses. The Director should therefore be requested to arrange, after due consultation with the district officers and the officers of the Public Works Department, to institute in a few selected localities as diverse in character as possible the experiment of a simple type of open-air school. The progress of the experiment and its ascertained results should be specially noticed in his annual report.

7. As regards paragraph 4 of the Surgeon General's letter, Government have already issued orders to the effect that in future the plans for Government and aided educational institutions should invariably be examined by the Sanitary Engineer and the Sanitary Commissioner from the sanitary and hygienic point of view (*vide* concluding portion of paragraph 4 of Government Resolution No. 1467, dated the 21st May 1913).

J. L. RIEU,
Secretary to Government.

To

The Commissioner in Sind,
The Commissioner, N. D.,
The Commissioner, C. D.,
The Commissioner, S. D.,
The Director of Public Instruction,
The Surgeon General with the Government of Bombay,
The Sanitary Commissioner for the Government of Bombay,
The Sanitary Engineer to Government,
All Collectors, including the Collectors in Sind and the Deputy Commissioner, Upper Sind Frontier,
The Chief Engineer in Sind,
All Superintending Engineers,
All Executive Engineers,
The Accountant General,
The General Department,
The Financial Department,
The Public Works Department.
The Editors' Tables and Editors of Newspapers,
The Oriental Translator to Government,
The Separate Department (for the reading room for the Members of the Legislative Council),

The Non official Members of the Legislative Council,
All Registered Libraries,
The Joint Honorary Secretaries, King George V Anti-Tuberculosis League, Bombay (by letter),
The Government of India (by letter).

No. of 1913.

Copy forwarded for information and guidance to

APPENDIX. K.

Sanitation.

Indian Sanitary Policy.

No. 138.

GENERAL DEPARTMENT.

Bombay Castle, 7th January 1915.

Resolution* of the Government of India, Department. of Education (Sanitary), Nos. 888—908, dated the 23rd May 1914—

Reviewing the Indian Sanitary Policy.

RESOLUTION.—Copies of the Resolution of the Government of India, which has already been republished in the *Bombay Government Gazette,* should be forwarded for information to the Sanitary Commissioner for the Government of Bombay, the Surgeon General with the Government of Bombay, the Sanitary Engineer to Government, the Sanitary Board, the Commissioner in Sind, the Commissioners of Divisions, the Municipal Commissioner for the City of Bombay and all Collectors, including the Collectors in Sind and the Deputy Commissioner, Upper Sind Frontier. The Collectors should be requested to communicate copies to the municipalities in their respective districts. Copies should also be forwarded to the Departments concerned for information.

2. With regard to paragraph 6 of the Government of India's Resolution, several municipalities in this Presidency have appointed Medical Officers of Health and Sanitary Inspectors, and Government have sanctioned grants-in-aid towards the cost of their entertainment in accordance with the scheme laid down in Government Resolution No. 4090, dated the 28th May 1913. The Sanitary Commissioner for the Government of Bombay has recently submitted proposals for the regrouping of municipalities for the classification of Health Officers and Sanitary Inspectors and for the improvement of their pay and prospects. These proposals, which have been generally approved by the Sanitary Board, are under the consideration of Government.

3. In paragraph 9 of their Resolution, the Government of India allude to the appointment of Provincial Sanitary Boards composed of officers representing the medical, sanitary, engineering and other departments with the addition of non-officials to them. They also view with favour and confidence the devolution of financial authority to these boards, and, with the view of securing increased efficiency, they commend the appointment of a permanent salaried secretary to the board. The Sanitary Board for this Presidency has recently been reconstituted as shown in the margin. The Board has been authorized (1) to sanction projects costing up to Rs. 20,000, and (2) make non-recurring grants up to Rs. 10,000 in each case. The latter authority was hitherto subject to the restriction that the grant should in no case exceed half the cost of the work, the grantee providing the other half. This condition has since been removed as it was represented to Government that it deterred the less affluent municipalities, which might be unable to provide half the cost of the work, from utilizing the Government grant (*vide* Government Resolution No. 4266, dated the 29th May 1914). The Sanitary Board should be requested to favour Government with their opinion on the question of appointing a permanent salaried secretary to the Board.

The Commissioner, Central Division	... President.
The Secretary to Government, General Department	Members.
The Chief Engineer, Public Works Department, in charge of Sanitary Matters.	
The Sanitary Commissioner for the Government of Bombay.	
The Sanitary Engineer (Secretary to the Board).	
The Mechanical Engineer to Government.	
The Honourable Divan Bahadur K R. Godbole	

*Appended.

4. In paragraph 24 of their Resolution the Government of India have expressed their desire that every facility should be afforded to any one wishing to obtain protection against plague through inoculation for himself or his family, and they commend to local Governments the employment of carefully selected private practitioners to this end. Since the year 1910, twenty-four assistant surgeons have been engaged every year for inoculation work, twelve throughout the year, and twelve as required from time to time. Besides this, a grant of Rs. 1,000 is placed annually at the disposal of the Surgeon General to meet expenditure in connection with anti-plague inoculation at the different hospitals (*vide* Government Resolution No. 2481, dated the 18th April 1912). The Surgeon General should, however, be asked to suggest what further measures, in his opinion, might with advantage be adopted in order to give effect to the recommendations of the Government of India, especially in the direction of the utilization of the services of private medical practitioners for inoculation work.

5. In paragraph 27 of their Resolution the Government of India offer certain suggestions for coping with tuberculosis. The question of the establishment of tuberculosis dispensaries and separate wards for tuberculous patients is under consideration.

6. With regard to the question of the registration of vital statistics dealt with in paragraphs 29 and 30 of the Government of India's Resolution, this Government in their Resolution No. 7097, dated the 23rd October 1912, invited the opinions of the Commissioners on Major Robertson's scheme for the employment by municipalities of medical men of the grade of sub-assistant surgeon as registering officers. The opinions received were referred to the Surgeon General and the Sanitary Commissioner, who considered Ahmedabad to be a suitable place for a trial of a scheme of this nature. The former officer has accordingly discussed the question of the registration of vital statistics at Ahmedabad with the Civil Surgeon and the Medical Officer of Health of the Ahmedabad Municipality, and the last named has formulated a scheme according to which a head registration office would be established under his control with a staff consisting of one registrar and three clerks. The scheme further contemplates the organization of twelve sub-registration offices, each office staffed by one clerk and one literate peon. This scheme, however, aims only at numerical accuracy, whereas Major Robertson's proposals were intended to improve the quality of registration by the imposition of an effective check over the diagnosis of the causes of death. The Commissioner, Northern Division, was accordingly informed that, provided that the Municipality adopted some such scheme as that outlined above which would ensure the reporting of all deaths, Government would be prepared to undertake the cost, as an experiment, of the further measures necessary to secure a higher standard of accuracy in regard to the registration of the causes of deaths. These measures were to consist of the employment of six sub-assistant surgeons, each on a salary of Rs. 50 + Rs. 10 per mensem, for a period of three years. The Commissioner was requested to address the Committee of Management of the Ahmedabad Municipality on the subject with a view to inviting their co-operation. The Municipality have now accepted their Health Officer's scheme, but do not propose to put it into actual operation until the imposition of terminal taxation provides the additional funds required for the purpose. The arrangements for the introduction of the new tax are still under discussion. Government have in the meanwhile sanctioned the appointment of the proposed sub-assistant surgeons with effect from the date of their engagement in accordance with the scheme.

7. In paragraph 31 the Government of India invite special attention to the importance of sanitary surveys on broad lines, and have expressed a desire that systematic working plans should be drawn up, where this has not already been done, with a view to mapping out the sanitary conditions of all the more important towns and localities in which sickness or mortality is above normal. The subject had already engaged the attention of this Government, and a statistical enquiry with a view to dividing the Presidency into areas seriously, less seriously and slightly affected with malaria has been carried out by the Deputy Sanitary Commissioners (Government Resolution No. 4796, dated the 29th September 1910).

The outcome of this general survey was the institution of malarial surveys in Karachi by Dr. Mhaskar and in Kharaghoda by a party under Dr. Khambatta. This party is now engaged in a malarial survey of the Kanara district, while a similar survey, undertaken in Sind by another party, has been only temporarily suspended. Salsette also has been completely surveyed by Major Marjoribanks. Apart from these malarial operations, Government have under consideration proposals for the appointment of District Health Officers, a scheme, which, if carried out, will have for effect the relief of Deputy Sanitary Commissioners of much of their routine work and will give them more time for undertaking systematic sanitary surveys of the urban areas in their charges.

8. The Collectors should be requested to invite the attention of the municipalities concerned to the recommendations contained in clauses (*b*) and (*c*) of paragraph 36 of the Government of India's Resolution.

9. In paragraph 39 of their Resolution the Government of India invite attention to the importance of providing adequate facilities for the isolation of cases of epidemic diseases, and suggest the desirability of having in every important municipality a small well-built segregation hospital in charge of a qualified medical practitioner. This suggestion should be communicated by the Collectors to the more important municipalities in their charges, and the latter should be informed that Government are prepared to consider favourably, wherever local circumstances appear to justify such a course, applications for the grant of financial assistance for the construction of segregation hospitals.

10. The question of the contamination of the milk supply referred to in paragraph 42 of the Resolution of the Government of India is engaging the attention of Government.

11. The Surgeon General should be requested to favour Government with his remarks on the suggestion made by the Government of India in paragraph 46 (*a*) of their Resolution for giving special training in hygiene to sub-assistant surgeons.

12. With regard to the suggestion of the Government of India for the adoption of organized measures for the diffusion of an elementary knowledge of the more common infectious diseases, it may be observed that provision has already been made* for delivering a course of lectures on the common diseases of children before teachers in Bombay and Poona. The Director of Public Instruction and the Surgeon General were asked to submit proposals for extending the experiment to other centres, such as Sholapur and Ahmedabad, if, in the light of the experience gained, they were of opinion that such extension was desirable and practicable. Such proposals have been recently received, but in view of the financial situation created by the war, Government have postponed their consideration for the present. In the meanwhile, however, having regard to the importance of undertaking without delay the preparation of the requisite charts and diagrams to illustrate the lectures in question, a sum of Rs. 300 has been placed at the disposal of Major Liston, Director of the Bombay Bacteriological Laboratory, for starting work in this direction as an experimental measure (*vide* Government Order, Educational Department, No. 4051, dated the 16th December 1914). Government have also approved† the proposal of the Surgeon General that the services of the medical officers who will be employed in connexion with the scheme for the medical inspection of pupils in secondary schools and training institutions should be utilized for the purpose of giving medical instruction by means of lantern lectures and charts to the teachers and children at the institutions which they visit.

Vide paragraph 5 of Government Resolution, Educational Department, No 2939, dated the 13th October 1913.

†*Vide* paragraph 3 of Government Resolution, Educational Department, No. 2939, dated the 13th October 1913.

J. L. RIEU,
Secretary to Government.

To

The Commissioner in Sind,
The Commissioner, N. D.,
The Commissioner, C. D.,
The Commissioner, S. D.,
The Surgeon General with the Government of Bombay,

H 2125—103

The Sanitary Commissioner for the Government of Bombay,
The Sanitary Board, Bombay Presidency,
The Sanitary Engineer to Government,
The Chief Engineer in Sind,
The Superintending Engineer, C. D.,
The Superintending Engineer, N. D.,
The Superintending Engineer, S. D.,
The Superintending Engineer, Deccan Irrigation Division,
The Superintending Engineer, Indus Right Bank Division,
The Superintending Engineer, Indus Left Bank Division,
The Municipal Commissioner for the City of Bombay,
The Director, Bombay Bacteriological Laboratory,
The Director of Public Instruction,
The Director of Agriculture and of Co-operative Societies,
All Collectors, including the Collectors in Sind and the Deputy Commissioner, Upper Sind Frontier,
All Medical Officers in charge of hospitals in the mofussil,
The Non-official Members of the Legislative Council,
The Editors' Tables and Editors of Newspapers,
The Editor of Government Publications,
All Registered Libraries,
The Separate Department (for the reading room for the Members of the Legislative Council),
The Revenue Department.
The Educational Department,
The Public Works Department.

GENERAL DEPARTMENT.

Bombay Castle, 26th May, 1914.

No. 4154.—The following Resolution by the Government of India, Department of Education, is republished:—

"SANITARY

Nos. 888—908, dated Simla, the 23rd May, 1914.

RESOLUTION.

Indian Sanitary Policy.

Historical summary.

The modern history of scientific sanitation in India may be said to date from the end of the last century. Previously there had indeed been periods of useful spade work and spasms of general sanitary activity. A Royal Commission, appointed in 1859 and reporting in 1863, recommended the formation of commissions of public health in the presidencies of Madras, Bombay and Bengal, with a view to the diminution of sickness in the army, and the improvement of the health of the general population. These commissions were appointed, but were soon replaced in each presidency by a sanitary commissioner with an assistant. Sanitary inspectors general, afterwards called sanitary commissioners, were appointed in other provinces; and the sanitary and vaccination staffs were gradually amalgamated. In 1888 Lord Dufferin's Government issued a resolution drawing the attention of local bodies and village unions to their duties in the matter of sanitation; and sanitary boards were formed in every province. But comparatively little success attended these efforts except in the larger towns. On the one side, sanitary measures and systems of western countries were applied to India without due regard to the fundamental differences of western and eastern civilisations and of the conditions of life in tropical and temperate climates: on the other side, the people were unprepared for reform or any kind of change.

2. The ravages and horrors of plague and the discoveries resulting from medical research made some real impression on the educated community in India; and a demand gradually arose for sanitary surroundings and preventive measures, such as had not been known before. Individuals left their insanitary quarters for cleaner and healthier localities and in increasing numbers men began to realise the dangers to which they were exposed from existing conditions; and to appreciate the economic value of health and the wastefulness of sickness and premature death. Dislike of action was, however, for long

persistent even among the educated. So far as the uneducated masses were concerned, their apathy, fatalism and resentment of interference constituted a formidable obstacle to all sanitary progress.

3. The governments in India have moved more rapidly of late. In 1898, the Government of India issued an important statement of policy. In 1908, imperial grants amounting to Rs. 30,00,000 (£200,000) a year were made to local Governments. A new department of the Government of India was created in 1910 in order to relieve the Home Department of education, sanitation and some other branches of the administration. In addition to sanitary conferences held by local Governments, three all-India sanitary conferences have been convened at Bombay, Madras and Lucknow, respectively, over which the Hon'ble Sir Harcourt Butler presided as Member of the Governor-General's Council in charge of the department concerned. These conferences were attended by non-officials as well as officials, by laymen as well as professional sanitarians. Again, the Indian Research Fund Association has been founded to further the prosecution of research, and the propagation of knowledge and experimental measures generally in connection with the causation, mode of spread and prevention of communicable diseases. To this fund the Government of India make an annually recurring grant of 5 lakhs of rupees (£33,333). Moreover, since the constitution of the new department of the Government of India, imperial grants have been made to local Governments and Administrations to the amount of Rs. 4,61,47,000 (£3,076,466), of which Rs. 55,23,000 (£368,200) are recurring, and Rs. 4,06,24,000 (£2,708,266), non-recurring. In addition, grants amounting to Rs. 82·33 lakhs (£548,866) a year have been made to district boards in certain provinces, a substantial portion of which will, it is hoped, be expended on rural sanitation. These grants have rendered practicable the execution of schemes which a few years ago seemed beyond the limits of financial possibility; and there can be little doubt that the movement for sanitary reform is now well established and progressive throughout the country.

Recent activity.

4. There has thus been progress although the rate has hitherto been slow. In the land of the ox-cart one must not expect the pace of the motor car. The truly remarkable improvements effected of late years in the health of the army in India, in the case of Indian no less than British troops,* cannot be expected in connection with the civil population. In the case of the army, the problem is concerned mainly with well nourished adults, all of whom are selected lives, living in sanitary surroundings, under military discipline. Moreover, so soon as a soldier becomes unfit for active service, he leaves the army and forms part of the civil population. In the case of the civil population, the conditions of the problem are very different, and sanitary reform has still to grope its way through a labyrinth of difficulties. In order to be successful it must conform to three cardinal principles :—

Cardinal principles.

(1) it must rest on a knowledge of the people, their conditions of life, their prejudices, social customs and habits, their surroundings and financial means; and it must secure their co-operation ;

(2) it must recognize the diversity of local conditions in a country which includes numerous communities, castes and creeds and which exhibits almost every variety of climate, temperature, humidity and level of sub-soil water, from the deltas of Bengal with their steamy atmosphere and dense lush vegetation to the burnt brown hills of the north-west frontier;

(3) its introduction must be preceded by preliminary local surveys, inquiry, or experiment.

5. As a result of the Plague Commission's Report Lord Curzon's Government took up with vigour the re-organisation of the sanitary department Research institutes were started and an appointment of Sanitary Commissioner with the Government of India was created. The functions of this officer were to advise the Government of India upon sanitary and bacteriological questions, to settle with local Governments the principles on which an advance should be made and to

Sanitary organisation.

*

Year.	British troops.		Indian troops.	
	Constantly sick	Death rate.	Constantly sick.	Death rate.
1875-1879 ...	62·40	20·37	44·04	19·93
1880-1884 ...	67·54	16·30	41·40	19·00
1885-1889 ...	74 85	15·11	33·06	12·90
1890-1894 ...	85 63	15 09	34·66	13·48
1895-1899 ...	87 68	17 14	30 10	11 34
1900-1904 ...	64 58	13 03	27 20	10·87
1905-1909 ...	47 21	8·93	22·31	6 78
1910	31 90	4 66	21·10	4 89
1911 ...	28 80	4·89	19 80	4·48
1912 ...	28 90	4·62	20 10	4·42

organise and direct research throughout India. The arrangement was not completely successful. Among the disadvantages the separation of research from clinical work deterred men from entering the department, and the office work in connection with research prevented the Sanitary Commissioner from undertaking wide and constant touring The organisation was accordingly modified in 1912. The Sanitary Commissioner is now the independent adviser to the Government of India in all technical and sanitary matters, but all questions of personnel as well as the administration of the bacteriological department and research generally have been placed under the control of the Director-General, Indian Medical Service, with the Sanitary Commissioner as his staff officer.

6. The sanctioned strength of the superior sanitary organisation in India now is:—

(*a*) A Sanitary Commissioner with the Government of India.

(*b*) A bacteriological department comprising—

(*i*) thirteen laboratory appointments distributed as follows:—

Central Research Institute	...	1 Director and 3 Assistants.
Bombay Bacteriological Laboratory	...	1 Director and 2 Assistants.
King Institute of Preventive Medicin Madras	...	1 Director and 1 Assistant.
Pasteur Institute, Kasauli	....	1 Director and 1 Assistant.
Pasteur Institute, Coonor	...	1 Director and 1 Assistant.

(*ii*) fifteen new appointments recently sanctioned for the prosecution of research work and direct investigation in the field.

(*c*) The following establishments under local Governments:—

Province.	Sanitary Commissioners	Deputy Sanitary Commissioners.	Health Officers (*a*)		Sanitary Engineers.	
			1st class	2nd class.	Sanitary Engineers.	Deputy or Assistant Sanitary Engineers.
Madras ...	1	3	12	19	1	6 (*b*)
Bombay (*c*) ..	1	5	4	9	1	...
Bengal ...	1	5 (*d*)	6	17	1	2
United Provinces .	1	4	11	17	1	3
Punjab ...	1	2	2	5	1	1
Burma ...	1	2	4	16	1	2 (*e*)
Bihar and Orissa ..	1	3	2	8	1	2 (*f*)
Central Provinces ...	1	...	..	2	1	...
Assam	1 (*g*)	1	...	...	1 (*e*)	...
North-West Frontier Province.	1 (*g*)	1	1	1 (*h*)	...	...
Delhi ...	1 (*i*)	...	3 (*j*)	...	1	...
Total ...	11	26	45	94.	10	16

(*a*) Appointments of health officer in presidency towns and Simla are not included

(*b*) Five of these are temporary appointments.

(*c*) In addition to the officers shown in this statement, the Director, Vaccine Institute, Belgaum, is also a sanitary officer.

(*d*) There is also a temporary appointment.

(*e*) Temporary.

(*f*) One of these is temporary.

(*g*) The administrative head of the medical department is also the Sanitary Commissioner.

(*h*) There are also four 3rd class health officers in the province.

(*i*) The Sanitary Commissioner with the Government of India is also Sanitary Commissioner, Delhi.

(*j*) Two of these are temporary.

In their resolution, dated the 23rd May 1912, the Government of India provided for a large increase in the number of deputy sanitary commissioners and for the appointment of health officers (of the first class for larger municipalities and of the second class for the smaller towns) on the lines of detailed proposals received from local Governments. Twelve additional appointments of deputy sanitary commissioner, thirty-five appointments of health officer of the first class and a large addition to the number of second class health officers were sanctioned in 1912 and 1913, the entire cost of the additional deputy sanitary commissioners on the basis of the scale of pay fixed for Indians and half the cost of the health officers being met by imperial grants. The Government of India also advised local Govern-

ments to take powers, where these did not exist, to require a municipality to appoint a health officer and to veto the appointment of an unfit person. Such powers already exist in the Bombay presidency, and have recently been taken by legislation in Bengal. Simultaneously, the Government of India recommended the system in force in Madras whereby every municipality is required to employ one or more trained sanitary inspectors in proportion to population. Sanitary inspectors are now being employed in large numbers in towns. In addition, the civil surgeon in every district is the sanitary adviser of the local authorities and in most provinces controls the vaccination staff. The provision of an increased staff of sanitary engineers is engaging urgent attention.

The Government of India attach great importance to the organisation of voluntary agencies and have recently made a grant of Rs. 20,000 (£1,333)—a sum equivalent to that given by the Bombay Government—to the Bombay sanitary association, which was founded in 1903, and now has corresponding branches in several districts and native states.

7. The policy of the Government of India is to keep the control of research under itself, but to decentralise other branches of sanitation. The creation of an imperial department is no departure from that policy, and the large imperial grants already mentioned have been made without any interference with provincial Governments. While the general direction of a policy of public health must remain with the central Government, all detailed control and executive action are, and will be, left to local Governments. The Sanitary Commissioner with the Government of India is a touring officer empowered to consult and confer informally with local Governments and their officers upon matters connected with sanitation. He is not permitted to encroach upon the authority of local Government over the officers under their control.

8. The position of provincial sanitary commissioners towards the administrative heads of the medical department varies somewhat in different provinces. The Government of India do not wish to interfere with the arrangements which local Governments may consider best suited to local conditions, but they desire to insist on the importance of defining the functions of the two officers and securing to the sanitary commissioner the position of responsible technical adviser to the local Government in all matters affecting public health.

9. In every province, sanitary boards have been composed with varying powers, some being merely advisory, others having authority to sanction schemes and allot funds. These boards are composed of officers belonging to the medical, sanitary, engineering and other branches of the civil services with the addition of non-officials. The Government of India view with favour and confidence the devolution of financial authority and responsibility to these boards, and they commend to local Governments the appointment of a permanent salaried secretary to the board where this has not been done. They believe that such an appointment, wherever made, has resulted in an increase of efficiency.

Training of staff.

10. Arrangements for training the superior sanitary staff are now engaging the attention of the Government of India. The chief difficulty at present is to provide courses in practical hygiene and in the study of the bacteriology and etiology of tropical diseases. It is hoped in the near future to make arrangements in India for the former, and to utilise the schools of tropical medicine at Calcutta and elsewhere for the latter. Meanwhile, a British diploma in public health is required from candidates for the post of deputy sanitary commissioners and health officers of the first class. The problems of public health in India are vitally complicated by the fact that biting insects are a prominent factor in the dissemination of disease, and it is obviously desirable to provide in India, as soon as possible, a complete course of training for sanitary officers.

Training classes for sanitary inspectors are now held in all the more important provinces.

11. A substantial beginning has thus been made for the development of a department of public health and Indians have been freely enlisted for it. The posts of deputy sanitary commissioner and health officer are now open to Indians. Nine deputy sanitary commissioners out of 26 and the majority of health officers are Indians. The new bacteriological department consisting of 28 officers is also open to duly qualified Indians.

As health officers and sanitary engineers gradually relieve deputy sanitary commissioners of much of the drudgery of inspection and routine work, it is hoped that the latter will be set free to deal with epidemics and communicable diseases from a higher plane, and to consider issues of public health wider than those which they are able to review to-day. It is, therefore, important to provide in advance free interchange between them, the laboratory workers and those carrying out practical research in the field.

Research.

12. Research is slowly lifting the veil which hides the secrets of disease and mortality and opening up fields of inquiry scarcely thought of a generation ago. The discovery by Sir Ronald Ross of the part played by the mosquito in the communication of malaria and the appointment of the Plague Commission in 1898 are landmarks in the history of Indian Sanitation. In 1902, a research institute was founded at Guindy in Madras, named the King Institute after Lieutenant-Colonel King, C.I.E., I. M. S., in view of his devoted efforts in the cause of sanitation in that presidency. In 1905, Lord Curzon's Government summed up the position and the policy of the Government of India in regard to the establishment of laboratories for the study of

problems of public health in India. The functions of the central laboratory were original research, the preparation of curative sera and the training of scientific workers. The functions of the provincial laboratories were diagnosis and special research connected with local conditions. This policy has been steadily developed. The Central Research Institute has been established at Kasauli. The Plague Research Laboratory at Parel has been extended and re-equipped and is now the bacteriological laboratory for the Bombay Presidency; and a proposal is under consideration to attach to it a school of tropical medicine. A research laboratory and school of tropical medicine are under construction at Calcutta. Pasteur institutes exist at Kasauli and Coonoor. A third is about to be established in Burma, and it is under discussion to establish others in Assam (where it will be combined with a research laboratory) and Bombay.

Besides the routine work connected with the bacteriological diagnosis of disease, anti-rabic treatment, the manufacture of various vaccines and sera and general research, these laboratories at different times have been the centres of many special investigations, notable amongst which are those on plague and enteric fever. It is hoped that before long each province in India will have a laboratory fully equipped for research.

Indian Research Fund Association.

13. The foundation of the Indian Research Fund Association in 1911 has marked an important era in sanitary progress. The control and management of the association are vested in a governing body, the president of which is the Member in charge of the Education Department of the Government of India. The governing body is assisted by a "scientific advisory board" of which not less than three members have seats on the governing body. They examine all proposals for work in connection with the scientific objects of the association and report as to their importance and feasibility. The members of this board are appointed for one year, but are eligible for re-election, and they have power to add to their number. The present members are the Director-General, Indian Medical Service, the Sanitary Commissioner with the Government of India, the Director of the Central Research Institute at Kasauli, the Officer in charge of the Central Malarial Bureau and the Assistant Director-General, Indian Medical Service (Sanitary): Sir Ronald Ross has been elected an honorary consulting member. The membership of the Indian Research Fund Association is open to non-officials. Every donor of Rs. 5,000 is entitled to become a permanent member, while every subscriber of Rs. 100 per annum can be a temporary member. Members of the association are entitled to attend and take part in the annual general meeting of the association and to receive copies of the reports and other publications issued from time to time by the association. Although, so far, the fund has been financed solely by the Government of India, it is hoped that in time Indian philanthropists will contribute towards the expansion of the association by founding chairs of research, by financing experimental research measures and otherwise.

14. The association has been active and can already point to some achievement. Out of an income of Rs. 15 lakhs (£100,000) received since its incorporation and up to the end of 1913-14, an expenditure of over Rs. 14 lakhs (£93,333) has been sanctioned. In 1911, Major S. P. James, I. M. S., was deputed to study yellow fever in its endemic area and to draw up proposals for protecting India against the introduction of the disease. Those proposals are still under consideration. In the meanwhile, stegomyia surveys have been carried out in Calcutta, Bombay, Madras, Karachi and Rangoon and other seaports. Anti-malaria schemes based on preliminary surveys have been carried out at the cost of Rs. 6,02,000 (£40,133). Investigations are at present in progress into the problems connected with the prevalence of cholera, kala-azar, dysentery, leprosy and goitre, as well as inquiries into the pharmacology of cinchona derivatives, the use of hydrocyanic acid gas as a pulicide and the fixation of chemical standards of purity for milk and milk products. Other investigations are under consideration regarding bacteriological standards of purity for water-supplies, the different anti-cholera vaccines and sera, the methods of water filtration and silt removal best suited to Indian conditions, and the etiology of diabetes and the fevers of short duration. These will be started so soon as more trained research workers are available. It is hoped also to carry out, during the next non-epidemic season, an experiment in plague prevention on a large scale on the lines indicated in paragraph 22.

15. Besides financing the investigations conducted by its own staff, the association gives grants-in-aid to outside research on approved lines. The co-operation of other workers has been sought, and every encouragement has been given to them. Grants for research have been made, for instance, to Professor MacMahon, Dr. Hossack and Mr. Howlet. The services of Indians have also been enlisted. Dr. Korke is engaged in an important investigation into kala-azar, while Mr. Awati, a medical entomologist, is employed under the association. The Government of India cordially approve the policy of encouraging private enterprise in the cause of research.

16. The association has also started a journal for the publication of medical research work done in India—the "Indian Journal of Medical Research"—published quarterly. The favourable reception which has been accorded to the first three numbers is evidence of the increased interest that is being taken in sanitary science in India today.

17. The investigations enumerated above represent the work directly under the supervision of the Government of India. The local Governments also are fully alive to the importance of research, and in seven provinces nine special officers are at present engaged

in investigating the causes underlying the local prevalence of malaria and devising suitable schemes for the mitigation of that disease.

18. It remains to consider the results of research as applied to the chief tropical diseases, always remembering that they are liable to revision or modification in the light of further investigation and discoveries.

Malaria.

The most important tropical disease is malaria. After allowance has been made for the tendency to attribute to fever deaths from other causes, malaria stands out as universally prevalent in India and in many tracts is a scourge far greater than either plague or cholera. It maims as well as kills and causes more sickness, misery and death than any other single disease. Measures for the prevention of malaria aim at breaking the cycle of infection in two ways—(*a*) by attacks on the parasites in man, and (*b*) by the destruction of mosquitoes. To the former class belong the different systems of quinine prophylaxis and treatment; and to the latter, all those measures which aim at abolishing mosquito-breeding grounds. Both methods have been successful in other countries and both have been tried extensively in India. The following propositions represent the experience gained up to date:—

(1) The conditions and causes underlying the prevalence of malaria vary greatly in different places, and no one anti-malarial measure is suitable for all.

(2) Quinine both as a prophylactic and curative agent is of great value to the individual. Its powers of saving life, alleviating sickness and destroying sources of infection cannot be over-estimated. There should be no relaxation in the efforts to educate the people in the use of the drug: and its sale by shop-keepers in rural areas might well be encouraged.

(3) The regular administration of quinine to children in schools during the malarial season is a practical measure of easy application and of proved utility; it is valuable alike for its immediate good effects on the health of the scholars and as a means of spreading knowledge of the use of quinine.

(4) In any community under control quinine prophylaxis properly carried out is a valuable weapon in the fight against malaria: in India with its free population, the ignorance and apathy of the masses, their prejudice against the drug, their objection to medicine when not actually suffering from illness, and the fact that it must be continued over an indefinite number of years, greatly limit the value of quinine prophylaxis.

(5) In anti-larval operations it is not necessary to abolish all breeding grounds of mosquitoes, even of known carriers of malarial infection: a marked amelioration in health conditions will ensue if the chief breeding grounds of the malaria-carrying mosquitoes are cleared.

(6) Malaria surveys have brought to light important and unexpected facts regarding the causation of malaria in particular localities. For instance, the enquiries of Major Liston and Dr. Bentley in Bombay disclosed the fact that malaria did not arise from the swampy surroundings of the city and that the malaria-carrying mosquito was *N. stephensi* which bred in the numerous wells attached to private houses. Again, Major Christophers has demonstrated that malaria in the Andamans is due to a species of mosquito *(M. ludlowi)* which breeds in the brackish water of the creeks and that the mosquitoes infesting the rice-fields in the neighbourhood are innocuous.

(7) Notwithstanding the initial expense, those anti-malarial measures should be chosen which will act automatically, be independent of outside help and permanent in their effects: those which require regular repetition, constant attention or active co-operation on the part of the people, are, under present conditions, seldom durably effective.

(8) The treatment of permanent collections of water is important whether it be effected by (*a*) water tidiness, through sloping of banks and clearing of weeds, or (*b*) stocking with fish of proved utility as mosquito destroyers, or by both methods.

19. The Government of India have arranged classes for instruction in pratical malaria work twice a year. The course is so planned that each member of the class takes an actual part in the preparation of a malaria survey which will eventually be the basis of a practical scheme of malaria prevention. Already 155 medical officers in civil and military employ have passed through the classes. It is hoped before long to spread a large number of trained and active workers over the whole of India.

The Lucknow Sanitary Conference recommended that a malariologist and engineer should be deputed to Italy to study the methods of "colmate" and "bonificazione" under the auspices of the Indian Research Fund Association, and it is hoped to arrange for their deputation. The effect of silt deposit on the malarial conditions of deltaic areas in India is also receiving attention; and interesting experiments are being conducted by the Government of Bengal at Berhampur. Experiments in clearing jungle and undergrowth will shortly be undertaken.

20. The Plague Research Commission, which was constituted in 1905 and is still continuing its investigations, has thrown much light on the etiology and epidemiology of the disease. The chief conclusions that have been reached so far may be summarised as follows:—

Plague.

(1) In India, where the pneumonic form of the disease is relatively rare, plague is essentially a disease of rats communicable to man and a few of the lower animals; an epidemic amongst men is directly dependent upon an epizootic amongst rats.

(2) Plague spreads from rat to rat and from rat to man through the agency of the rat flea.

(3) The plague bacillus under natural conditions does not long retain its vitality outside the body of the rat, the rat flea, or man.

(4) Plague has a definite seasonal prevalence, generally constant for any given place, but varying in different parts of India; investigation shows that the plague season coincides with the season of maximum prevalence of rat fleas.

(5) Infection is carried from place to place only over very short distances by the spontaneous movements of rats: in other cases, infection is carried either (*a*) by the agency of man or personal effects acting as a means of transport for infected fleas, or (*b*) by means of merchandise, chiefly grain, which may contain rats as well as fleas. It is not yet established which of these two agencies is the more important, but recent work, both in India and the Far East, has emphasised the importance of grain as a vehicle for the transmission of infection.

(6) In comparatively few places in India does plague infection survive the adverse conditions of the non-epidemic season: such places are usually either (*a*) large towns, or (*b*) places which have been infected late in the epidemic season.

(7) In places which have suffered from repeated and severe epidemics of plague, the rats have become less susceptible to plague than are the rats in places which have remained plague free or have suffered but slightly.

21. These conclusions have been arrived at after much careful and painstaking research and constitute a great advance on the knowledge of plague, which was available when, in 1896, it first appeared in Bombay. They point, apparently, to a simple solution of the plague problem—no rats no plague. But this solution is not attainable unless the population concerned is convinced of the danger of living in close association with the rat and is ready to co-operate in its extermination. Unfortunately, attempts at rat destruction by trapping or poison frequently meet with active opposition. Experience in India suggests that owing to the excessive fecundity of the animals, general rat destruction, even when applied to extensive areas, gives only a temporary reduction of rat infestation and has a limited sphere of usefulness as an anti-plague measure.

22. In one direction, however, well directed efforts at rat destruction may prove useful. In each epidemic a number of places are infected late in the season and in certain of these plague survives the non-epidemic period only to break out in a virulent form when the conditions of spread again become more favourable. These localities are potential foci of extensive infection. It would seem important to concentrate the energies of the plague preventive staff on them in well organised schemes of rat destruction carried out during the quiescent period before the commencement of the next epidemic season.

23. Much can be done, indirectly, to reduce the number of rats in towns and villages, by diminishing their food supply. In any place the number of rats is in proportion to the quantity of food which they can obtain. Efficient scavenging and the protection of food-stuffs from the depredations of rats are important from this point of view. The markets, grain stores and shops, in most parts of India, are so placed and constructed as to give food and shelter to large numbers of rats. Experiments are being carried out with a view to discovering the best practical means of disinfecting grain stores and godowns. It is not practicable at present to remove grain markets and godowns outside towns, to prevent them from being used as dwellings for men, to insist on solid masonry buildings, or to prohibit the stabling of horses and cattle in the precincts of dwelling houses. But these measures and the storage of grain in bulk instead of in bags may, with the progress of education, hereafter enter the zone of practicability. The exclusion of rats from houses is important. In several provinces experiments with different types of so-called rat-proof houses have been made with varying degrees of success. The results suggest that no form of house could remain rat-free for long in India owing to the habits of the people. Even were this not the case it would obviously be impracticable, for financial reasons, to render dwelling houses in the towns and villages of India rat-proof on anything like a large scale. On the other hand, the individual can protect himself by providing his house with masonry floors and walls and windows enough to give ample light and air to every room and by preventing accumulations of rubbish amongst which rats can build their nests. The rat requires shelter for breeding, is mainly nocturnal in its habits and prefers darkness to light.

24. Three other measures remain to be considered—evacuation, disinfection and inoculation. The evacuation of all houses in large towns, on the occurrence of rat mortality therein or human plague cases in adjacent dwellings, is rarely possible, but in villages and parts of smaller towns it is a valuable means of checking an epidemic of plague. Disinfection to be efficacious should be directed against the rat and the rat-flea. It is of little value when it leaves both untouched. The pratical objections to compulsory inoculations with anti-plague vaccine on a large scale continue; but the safety and efficiency of

inoculation as a personal preventive measure against infection has been abundantly proved, and in certain areas the prejudice against it appears to be diminishing. The Government of India desire that every facility should be afforded to any one wishing to obtain this protection for himself or his family and they commend to local Governments the employment of carefully selected private practitioners to this end.

Cholera.

25. Cholera is now much less prevalent than formerly, but frequently occasions severe epidemics and still remains a constant cause of mortality. Epidemics have in several recent cases been traced to pilgrims returning from places of religious pilgrimage, at which there had been no recognised outbreak of the disease. In 1912, Major Greig was deputed to make a special investigation of the whole subject. That investigation, which still continues, has added to knowledge regarding the propagation of cholera and has established the fact that not only cholera convalescents, but also healthy persons who have been in contact with cholera cases, can act as 'carriers' of the disease. It has also been shown that the germs of the disease can be recovered from a patient's dejecta kept under natural conditions for a variable but frequently considerable period, and that flies may play an important part in the dissemination of infection. These observations, while in no way opposed to previous knowledge that cholera is a water-borne disease, accentuate the importance of careful and thorough conservancy.

Small-pox.

26. Small-pox is not a tropical disease, but it used to be so rife in India as to be associated among Hindus with its own special goddess. It now occupies a small place in the mortality returns. This result is due to the spread of vaccination during the latter half of the last century.

Vaccination.

Formerly, nearly all vaccination was effected by human lymph, but within recent years arm-to-arm vaccination has been steadily replaced by the use of pure glycerinated or lanolinated calf lymph. The change has been doubly beneficial; it does away with the necessity of breaking the visicle in the child's arm, a simple operation but one which exposes the wound to contamination by extraneous germs; and it ensures that the vaccination is effected with a pure and fully potent lymph with consequent increase of protection. The change has been especially welcomed by educated Indians. Madras, Bombay, Bengal, Burma, the United Provinces, the Punjab, the Central Provinces and Assam have each now their own calf lymph depôts, and the opening of another for the province of Bihar and Orissa is under consideration. Grants of Rs. 2,00,000 (£13,333) were given from imperial revenues last year to improve the depôts in the United Provinces, the Punjab and Burma, and to establish the new depôt in the Central Provinces.

Tuberculosis.

27. The prevalence of tuberculosis throughout India especially in the large cities is undoubted. In some of the latter, the mortality exceeds that of certain crowded European cities. The difficulties of coping with the disease in India are immense and demand the fullest co-operation between Government and private agency. One or more officers will be detailed to investigate the causes underlying the disease to organise the diffusion of information, and to advise regarding measures for the prevention of infection: the services of Dr. Lankester have already been secured by the Indian Research Fund Association for this purpose. Recent research appears to show that tuberculosis in India is chiefly human and not bovine in origin. Indian cattle so far as is known are practically free from the disease, and Indians do not as a rule drink unboiled milk. The source of the disease is in the homes of the people, and the relief of congested areas and the provision of sufficient light and air in human tenements are preventive measures of great value. The Government of India invite attention to the recommendation of the Lucknow Sanitary Conference that circumspection should be exercised before instituting at considerable cost further large sanatoria. They consider that inexpensive buildings suitable as model dwellings for the people may prove of great educative value and they desire to encourage tuberculosis hospitals and dispensaries. They also take this opportunity of communicating the warning of the Lucknow conference against the indiscriminate use of the tuberculin by unqualified medical practitioners.

Infant mortality.

28. No summary of public health is complete without a reference to infant mortality. In 1911, of 4,752,152 male children and 4,457,551 females born in India, 1,016,523 males and 873,677 females died. In other words, about one-fifth of the children born died within the first year of their life. It is difficult to arrive at the actual causes of this high rate of mortality. The figures at the disposal of Government are often of doubtful accuracy, and the comparison of figures from different localities is frequently fallacious. On a broad view of the subject the causes of infant mortality may thus be summarised: (1) malaria operating both directly on the infant and indirectly through the mother; (2) diseases due to insanitary surroundings and exposure to infection especially through the medium of flies; (3) diseases due to ignorance on the part of the mother with regard to the feeding and care of the infant; (4) accidents of child birth and diseases attendant thereon. For (3) and (4) the custom of early marriage and the primitive and insanitary methods of midwifery are largely responsible. The latter lead directly to the death of the infant from tetanus and other diseases, and indirectly increase the infant mortality by depriving children of their natural nourishment either through the death of the mother or the failure of her milk as the result of sepsis. Deficiency in the

supply of cow's milk has not been proved to be a predominant cause of infant mortality in India; but the question of improving both the quality and the quantity of the milk-supply without increasing its cost is engaging earnest attention (*vide* paragraph 42)

It is hoped that the instruction of mothers and midwives will engage the attention of all medical women practising in India and especially interest the women's medical service which has recently been established. In some of the large cities in India, notably Calcutta, Bombay and Madras, nurse health visitors have been appointed by municipalities to visit the people in their homes and assist and instruct mothers in the elementary principles of hygiene In Bombay, an interesting experiment has been started by Dr. Turner in the form of lectures to the midwives Another is likely to be made under the auspices of the Indian Research Fund Association in Delhi, where it is proposed to detail two trained nurses for work as health visitors.

Vital statistics.

29. The course of sanitary reform is much impeded by the want of complete and accurate vital statistics. Without them it is difficult to gauge the effects of sanitary measures or to convince people of their efficacy. The difficulties in the way of improving the reporting and recording agency especially in rural areas are great; but systematic checking and supervision of returns should yield good results. Dispensary returns and voluntary notification by private medical practitioners are useful as checks but are only partial in their scope. A comprehensive scheme for the improvement of general reporting is required. The Government of India invite the attention of local Governments to the importance of the subject.

30. The Government of India recognise that differences in local conditions preclude the issue of any general instructions but they commend the following propositions for consideration:—

(*a*) The reporting of vital occurrences should not be left exclusively to the municipal staff; reporting by the head of the household also should be insisted on. The two reports would then be available to check one another.

(*b*) The actual registration should be done not as an extra duty but by special registrars who should, if possible, possess a medical qualification. In the case of deaths, inquiries regarding the symptoms of the deceased could then be made from the persons reporting and some check on the diagnosis of the cause of death could be obtained. Many people are attended during their last illness by unqualified persons or die without medical attendance.

(*c*) The registrar should be required to verify at least 10 per cent. of the reported births and deaths and this verification should, as far as possible, include all particulars such as cause, date, age, sex, place, etc.

(*d*) The health officer should be in charge of the vital statistics in the town and should be responsible for supervising and checking the work.

(*e*) Experiments might be made in obtaining accurate registration in typical areas by means of a special staff which would also be employed in healing the sick.

Sanitary surveys.

31. Concurrently with attention to the registration of vital statistics the Government of India commend to local Governments the importance of sanitary surveys on broad lines. Something has been done in this direction and valuable reports have been drawn up, giving the real health conditions of towns and particular localities and indicating the existence of any special sickness or mortality and the definite causes underlying them. The Government of India desire that systematic working plans should be drawn up where this has not already been done with a view to mapping out the sanitary conditions of all the more important towns and localities in which sickness or mortality is above normal. This will occupy years of steady preparation; but as deputy sanitary commissioners are relieved of much of the routine work which at present they have to perform they should be able to carry this undertaking to a successful issue. The preparation of drainage surveys in towns in advance of needs obviates waste in the long run. In the absence of such surveys, work is often commenced in a haphazard way without due consideration of a scheme as a whole.

Urban sanitation.

32. Urban sanitation has, as already observed, received much attention of late years. It falls generally under four heads, *viz.*, conservancy, water-supply, drainage and town-planning with improvement of housing and the relief of congested areas. In the forefront of these stands conservancy.

Conservancy.

33. The importance of efficient scavenging with speedy and complete removal of all night-soil and rubbish from the vicinity of habitations and its satisfactory disposal can scarcely be exaggerated. Yet probably no department of public health work is more neglected in many Indian towns. The strict rules of the caste system have for centuries relegated everything connected with this work to the outcast, and the people, as a rule, evince little if any interest in the conservancy even of their own houses. To this neglect must be attributed the plague of flies which at certain

seasons is experienced in every Indian town. Apart from the discomfort which they cause flies are known to be the disseminators of many diseases, including cholera, enteric fever, tuberculosis, dysentery and diarrhœa and are largely responsible for the heavy mortality amongst infants. The all India sanitary conferences at Madras and Lucknow drew prominent attention to the danger to health caused by the presence of these noxious insects, and the results of the recent "anti-fly" campaign at Delhi suggest that a large reduction in the number of flies is by no means an impossible task.

34. Whether incineration or shallow trenching or either of these methods of conservancy combined with water carriage is the best in any particular case will depend very largely on local conditions and customs. With the extension of drainage and sewerage systems, water carriage of all night-soil, with ultimate disposal on sewage farms, should give the best result. In the majority of towns, however, it will be long before this is generally practicable and the choice rests between incineration and trenching. Of the two methods incineration is safer and on this account, if conditions permit, is preferable. Trenching is often thought to be more economical; but the profits obtainable from trenching or pitting of night-soil and sale of the poudrette disappear, or are largely reduced, when the expense of carriage and supervision is taken into account. The material consideration in all cases is that the removal and disposal should be prompt. As education spreads and the number of health officers and sanitary inspectors increases, improved results may be anticipated.

Water-supply.

35. Few subjects have received more attention of late than the provision of a piped supply of filtered water in towns. Complete figures are not available, but sums amounting to at least Rs. 3,51,58,297 (£2,343,886) have been spent during the last 20 years on completed schemes. Projects costing Rs. 1,40,03,433 (£933,562) are under construction and projects costing Rs 1,14,44,750 (£762,983) have been prepared and sanctioned. These figures are exclusive of the expenditure in the presidency towns and Rangoon.

36. The demand for piped and filtered water-supply grows, and is likely to grow more rapidly in future. While recognising the need for treating the question with due regard to local conditions, the Government of India offer the following general observations:—

(*a*) When piped water-supplies were first introduced, in the face of opposition, it was necessary that the charges should be made as low as possible. That stage has now been passed, and there appears no good reason why water-supplies should not be conducted on a business footing and the water charged for like any other commodity. An interesting discussion on the financing of water-supplies was introduced by the Hon'ble Mr. Curtis at the Madras sanitary conference.

(*b*) On the whole, the provision of piped filtered water in towns has not been followed by that reduction in water-borne disease which might have been expected. This is probably due in most cases to the large number of wells, both public and private, which still remain in use. The closure of many of these wells is much to be desired, but the owners are unlikely to consent to this so long as the piped supply is intermittent, and is drawn off hot or unpleasantly warm during the summer. In any case the substitution of a constant for an intermittent supply will shortly have to be considered as pipes get older and in-suction declares itself. The warmth of the water is more difficult to deal with, but much might be done by burying pipes deeper in the ground and carrying house pipes inside instead of outside houses.

(*c*) Excessive wastage is common and causes not only an unnecessary burden on the municipality but frequently also a defective supply in the higher portions of the distribution. The employment of a regular waste-detection staff has in most cases been found to make for economy and efficiency.

Drainage.

37. Drainage schemes, on modern lines, are the basis of all sanitary improvement in urban areas. The demand for them is scarcely less than that for piped water and is steadily on the increase. As in the case of water-supply complete figures are not available, but the known expenditure during the last twenty years has been considerable and is now rapidly increasing. The expenditure on completed works outside the presidency towns and Rangoon during that period amounted to Rs. 97,65,049 (£651,003), whereas the cost of the works under construction is estimated at Rs. 1,54,26,502 (£1,028,033). In the beginning precedence over drainage was given to piped water-supply, but experience has demonstrated the advantage of introducing both concurrently. Without drainage there is no means of carrying off the surplus water and without piped water-supply it is difficult to flush the drains properly.

38. When drainage schemes on modern lines were first started in this country there seems to have been a bias against the use of sewers and, wherever possible, open drains were adopted. Experience has shown that the preference for the open drain, and the fear that sewers would give excessive trouble, were not well founded. On the contrary, much of the advantage of a drainage system is lost if only open drains are used, as the old system of hand-carriage latrines has to be continued. Moreover, economy in establishment is possible only in the case of a sewerage system.

39. The Government of India desire to invite the attention of local Governments to the importance of providing adequate facilities for the isolation of cases of epidemic diseases. The isolation of individuals suffering from infectious diseases is often desirable and sometimes necessary, and it would seem desirable to have in every important municipality a small well-built segregation hospital in charge of a qualified medical practitioner, who might be one of the medical registrars for vital statistics.

Epidemic diseases.

A revised set of regulations under the Indian Ports Act for the prevention of the spread of infectious and contagious diseases is under consideration.

40. Pilgrimages necessitating as they do the collection of large numbers of persons, often more than a million, at one place at one time have an important sanitary aspect mainly in connection with cholera (*vide* paragraph 25) and other communicable diseases. The Government of India recently decided to examine the sanitary arrangements at the chief places of pilgrimage throughout India and local Governments were asked to appoint provincial committees for this purpose under the presidency of the Sanitary Commissioner with the Government of India with a view to formulate practical schemes of improvement. The inquiry is still in progress, but the Government of India have already made a grant of Rs. 2 lakhs (£13,333) and promised an additional grant of 4 laks of rupees (£26,666) spread over four years towards the improvement of the pilgrim route to Badrinath; and they have made a further recurring grant of Rs. 20,000 (£1,333) a year for the same object. The important question of improving the conditions of the pilgrimage to the Hedjaz by Indian Mussalmans is undergoing close scrutiny. The Governor-General in Council anticipates that these inquiries will lead to signal sanitary improvements and promote the convenience and comfort of many millions of His Majesty's loyal Indian subjects.

Pilgrim centres and pilgrimages.

41. The adulteration of food and drugs is common and has an important bearing on public health. Provisions for dealing with adulteration of food-stuffs exist in most municipal enactments in India, but these are confined to municipal areas and are restricted in their operation. Bombay and the United Provinces have special laws dealing with the question. The Government of India have recently enquired from local Governments as to the desirability of legislation, imperial or provincial, on the subject. The question is not free from difficulty, as, besides the necessity of fixing standards, a competent staff of analysts and inspectors is necessary, and for any real success the co-operation of the people is required.

Adulteration of food and drugs.

42. The adulteration of milk is almost universal in Indian Bazars and a large proportion of the milk consumed is contaminated. In most cities, the milk-supply is in the hands of men ignorant of the elements of sanitation and addicted to uncleanly practices. Moreover, the milk when stored and in transit to market is liable to contamination in several ways. On the other hand, the price of milk is already very high and the problem of improving the purity of the supply without increasing the price to such an extent as to cause hardship to the poorer classes is a difficult one.

Adulteration of milk.

The Lucknow sanitary conference recommended that the development of the dairy industry and the organisation of the transport and sale of milk should ordinarily precede measures of sanitary restriction; and that there should be mutual help and co-operation between sanitarians, milk dealers and the agricultural department. That department is already considering how to develop a profitable dairy animal, a measure largely dependent on suitable and regular feeding. While local authorities should clearly insist on cleanliness in the conditions under which cattle are milked and dairy produce is manufactured, stored, or transported in towns, the removal of cattle so far as possible to cheap, healthy and natural surroundings outside cities is a measure greatly to be commended. The establishment of co-operative dairy farms in the United Provinces, the Central Provinces and elsewhere has so far been attended with success and should be encouraged. Attempts might well be made to induce *gwalas* to organise milk production outside cities and its transport to market on co-operative principles. Should these methods prove successful, it may be possible without raising the price to bring the milk-supply under necessary sanitary control. The Government of India commend the whole question to the early attention of local Governments. With regard to milk standards, conditions in India differ from those in Europe and chemical standards should be fixed by persons possessing adequate local knowledge and experience, and with due regard to local conditions.

43. While much has been done to provide drainage and pure water in large cities, there can be little hope of improving their sanitary condition permanently until measures are taken to relieve congested areas and to provide broader streets and buildings more open to sun and air. The constitution in 1898 of the Improvement Trust in Bombay marked a notable step in advance. By the end of 1912-13, the Bombay Trust had incurred an expenditure of Rs. 488 lakhs (£3,253,333).

Town planning and relief of congested areas.

towards schemes aggregating Rs. 802 lakhs (£5,346,666). Broad roads have been driven through the heart of the city, slum areas have been abolished, and dwellings provided for the accommodation of the poorer classes. The Calcutta Improvement Trust constituted in 1911 is now developing similar schemes for the improvement and development of Calcutta. Funds for these great projects have been provided mainly from local taxation and municipal contributions, supplemented in the case of each city by an Imperial grant of Rs. 50 lakhs (£333,333) and in the case of Calcutta by a recurring grant of Rs. 1½ lakhs (£10,000) for 60 years. In other provinces, similar works have been carried out on a smaller scale in the larger towns, notably in the United Provinces and at Lucknow.

There has been, as already stated, an increasing desire on the part of the well-to-do in cities to escape from their present insanitary surroundings and to obtain houses in more open positions outside city limits. In India, as in England, municipalities are confronted by the difficulty of obtaining land for town extensions except at prohibitive cost. The multiplicity of small owners in this country, and the impossibility of persuading them to co-operate, render any considered and comprehensive plan of town extension impossible in the absence of some controlling and co-ordinating authority armed with powers of compulsion. In their letter of 26th July 1912, the Government of India indicated their opinion that where land on the outskirts of a town was mainly agricultural and could be acquired cheaply *en bloc*, the local body would probably be well advised to purchase it outright.

44. Such a policy, however, will, for financial reasons, often be impossible on a large scale. Where the cost of acquisition is prohibitive, control may be preferable to acquisition, and in their circular letter of the 26th July 1912, the Government of India drew attention to the features of a scheme under discussion in the Bombay Presidency which has now been incorporated in a Town Planning Bill. The principal feature of this scheme is that the cost is apportioned and recovered from the various persons and interests concerned in the shape of a development contribution calculated in proportion to the increased value which is estimated to accrue to each plot on the completion of the scheme, the tax that can be levied from any one owner being limited, as in England, to one-half of the betterment estimated to accrue. The local body remains liable for any excess cost not covered by the tax. Such a scheme involves taking powers to pool and redistribute small holdings in a form suitable for building purposes. It has the advantage of reducing capital outlay while securing for public purposes a share in the profits of the transaction. The Government of India have also invited an examination of the provisions of municipal acts for dealing with insanitary areas and have inquired whether the limitations contained in the English Housing Acts on excessive compensation in areas, which, after due inquiry, have been declared insanitary, might not be introduced in India. The first step towards improvement is to fix a standard of light and ventilation suitable to local conditions; the next is to ensure that adequate building regulations providing for this standard are introduced by all municipal bodies and that a competent executive staff is appointed with full powers to carry them out. The whole question will be reviewed when the replies of local Governments have been received.

45. The difficulties which surround rural sanitation in India are well-known and persistent. Contaminated sites, polluted water-supply, badly constructed and insanitary dwellings, the habits and prejudices of the people raise obstacles to progress which in most provinces are still well-nigh insuperable. The Government of India have informed local Governments that they are at liberty to expend a portion of the imperial grants for urban sanitation or rural sanitation, provided practical schemes for this purpose are forthcoming; but they have postponed special imperial grants for this purpose until such schemes are more generally advanced. They fully appreciate the enormous importance of rural sanitation in a country which is mainly agricultural. Past experience and present conditions, however, indicate that the subject is still one for experiment on lines conceived to attract the co-operation of the people. Without their cordial help no sanitary staff could effectually deal with the village sanitation of the two hundred and twenty millions who inhabit rural areas in British India. The danger of employing low-paid and imperfectly trained subordinates in a matter so closely affecting village-life is now generally recognised and should never be out of mind.

Rural sanitation.

46. The following observations are based on practical experience of rural sanitation :—

(*a*) Travelling dispensaries may be used to spread a knowledge of the simple facts regarding the more common diseases. For this purpose the sub-assistant surgeons in charge should be given a special training in hygiene. Once they become known to the people as healers of the sick their advice as sanitarians may become more acceptable.

(*b*) The improvement of the village water-supply is as important as it is difficult. Apparently, excellent results have been obtained by disinfection of wells with permanganate of potash. Experiments are being made in different parts of India in the use of tube-wells, etc. It might serve as an useful object lesson to use pumps and tube-wells for the provision of water at fairs, schools, hospitals and local public offices. In some localities, a tank supply alone is possible and the difficulty is to protect even new tanks from pollution.

(*c*) In several provinces, notably in Madras, village unions, or circles, have been formed and their committees entrusted with small grants for the improvement of the

sanitation of the village site. This measure might be extended experimentally elsewhere. It is calculated to encourage discussion and enquiry regarding sanitary work.

(*d*) Village midwives are, in some districts, encouraged by small grants of money and rewards to attend at the headquarters hospital for a short and simple course of training. These measures open up possibilities with reference to a reduction in infantile mortality and children's diseases generally.

(*e*) In most districts in India, the civil surgeon is also in theory the sanitary officer of the district. His duties at headquarters, however, do not allow him to tour and inspect in the district to the extent that is necessary: even in the case of epidemics in the district it is sometimes not possible for him to leave headquarters. In some provinces, district sanitary officers have been appointed and there can be little doubt that many more such appointments are required and that one of the most urgent and hopeful measures for promoting rural sanitation is the appointment of well-qualified and whole-time district health officers to control and organise all sanitary arrangements and experiments in the district.

Need for education.

47. The diffusion of sound education will, however, remain the most potent and penetrating instrument of sanitation among a population which still views it for the most part with hostility, or unconcern. The claims of hygiene as part of their edcational policy were recognised by the Government of India in their educational resolution of the 21st February 1913. It may be hoped that before many years have passed educational institutions will have become missions of sanitation in their own vicinity and beyond. Meanwhile, some simple knowledge of the more common infectious diseases may with advantage be diffused. The difficulties are considerable and systematic organisation is required. The Indian branch of the St. John Ambulance Association has offered its valuable assistance. In several provinces, pictorial leaflets are distributed and simple lantern lectures and demonstrations are given at fairs and other large gatherings, while in Bombay popular lectures to teachers, students and others have been organised by Major Glen Liston. The Indian Research Fund Association has decided to establish a central bureau where lanterns and lantern slides, pictures, and skeleton lectures can be stocked for issue on loan. Much may be done by utilising the services of municipal health officers and medical subordinates attached to travelling dispensaries and by enlisting the sympathies and active help of medical women, private medical practitioners, and private philanthropic agencies and persons. Sanitation must begin at home and as the Hon'ble Sir Pardey Lukis and Colonel Firth, the former on the civil, the latter on the military side, have pointed out, there will never be any real advance in domestic or personal hygiene until the women of the country realise its advantages and necessity. The encouragement of medical women to preach the gospel of health inside the zenana and to organise purdah parties for simple lantern demonstration lectures and the employment of nurse visitors as in Delhi, Calcutta, Madras and Bombay, are to be commended. Periodical local conferences and publications similar to that recently issued by the Bombay Government entitled 'Some recent sanitary developments in the Bombay Presidency' are very useful and keep the question of sanitation before the public mind. Other methods for preparing people to combat preventible disease and premature mortality may suggest themselves. There is room for many workers in the sanitary field. The Governor General in Council appeals with confidence to all who have interest in the well-being of India to join with him and the local Governments in a sustained endeavour to give effect to His Imperial Majesty's most gracious wish that the homes of his Indian subjects may be brightened and their labour sweetened by the spread of knowledge with all that follows in its train, a higher level of thought, of comfort and of health.

Government of Madras.
Ditto Bombay.
Ditto Bengal.
Ditto United Provinces.
Ditto Punjab.
Ditto Burma.
Ditto Bihar and Orissa.
The Hon'ble the Chief Commissioner of the Central Provinces.
The Hon'ble the Chief Commissioner of Assam.
The Hon'ble the Chief Commissioner and Agent to the Governor General in the North-West Frontier Province.
The Chief Commissioner of Coorg.
The Chief Commissioner of Delhi.
The Home Department.
The Foreign and Political Department.
The Department of Revenue and Agriculture.
The Public Works Department.
The Finance Department.
The Army Department.

ORDER.—Ordered that a copy of the above Resolution be forwarded for information to the local Governments and Administrations and the Departments of the Government of India noted in the margin and the Director-General, Indian Medical Service, and the Sanitary Commissioner with the Government of India.

Ordered, also, that the Resolution be published in the Supplement to the *Gazette of India*.

(Signed) L. C. PORTER,
Secretary to the Government of India."

By order of His Excellency the Right Honourable the Governor in Council,

J. L. RIEU,
Secretary to Government.

APPENDIX L.

Statement.

	Cost of goods obtained from Government factories.	Cost of goods obtained from private dealers.
	Rs.	Rs.
Bridge-work	.....	3,324
Engineers' Plant excluding Petty Tools	.....	11,769
Workshop Machinery and Heavy Tools	...	3,277
Ballast and Permanent-wat	.. ...	147
Coaching and Goods Stock	.....	.....
Complete vehicles	... .	6,000
Iron-work	.....	1,310
Building and Station Materials and Fencing	. ...	47,068
Tools and cutlery	.....	26,133
Hardware	95	7,320
Lamps and lampware other than glass parts	.....	696
Brass	.....	481
Iron	172	2,702
Lead	.....	599
Steel	.....	7,857
Miscellaneous	462	.....
Timber other than indigenous	... ...	228
Hides and skins	.....	2,940
Leather and manufactures of leather	.....	79,598
India-rubber goods	.....	427
Paints and colours	.....	10,865
Oils	120	17,860
Furniture	51	35,136
Canvas	.....	1,608
Cotton-goods	30,176	1,22,641
Linen goods	450	10,719
Silk goods	.....	300
Woollen goods	663	65,011
Miscellaneous apparel and equipment	.....	18,761
Cordage and rope	.....	12,863
Chemicals, drugs and medicines	23,393	4,994
Explosives	.....	1,289
Scientific instruments	.....	3,211
Paper and paste-board	560	82,598
Stationery (excluding paper and paste-board)	7,534	10,576
Printing and lithographic materials	1,679	1,90,084
Earthenware, glass and glassware	.....	2,725
Pitch and tar	.....	1,604
Coal and coke	.....	29,479
Portland cement	.. ...	16,691
Soap	.....	2,464
Tallow	.. ..	151
Wax	.....	249
Wines and spirits	.....	1,061
Miscellaneous tools and stores	.....	88,450
	65,355	9,34,346
	9,99,701	

APPENDIX M.

Promotions and reversions in the Upper Subordinate Establishment—Rules regarding

GOVERNMENT OF BOMBAY.

PUBLIC WORKS DEPARTMENT.

Order No. E.—9023.

Bombay Castle, 30th August 1916.

ORDER.—The Governor in Council has had under consideration the relative position and rates of promotion of Europeans and Indians in the Upper Subordinate Establishment of the Bombay Public Works Department, and is pleased to decide that in supersession of the orders contained in Government Resolution No. 631-E.—2180, dated 13th October 1865, and repeated in Government Resolution No. 401-E.—1585, dated 17th November 1896, the numerical proportions fixed may now be abolished except in the case of Sub-engineers of the 1st and 2nd grades In each of these two grades the number of Europeans employed shall not exceed 50 per cent. of the men in those grades. Subject to this condition all promotions of Europeans and Indians shall be in order of seniority, provided they are otherwise fit for promotion, and also by selection. In the case of Europeans now serving in the remaining four grades,* whose service in their present grade is less than 4 years, the promotion to the next higher grade will be subject to consideration at the time when their turn for promotion arrives. As a result of these orders the practice of making sub. *pro tem.* promotions against permanent vacancies, with a view to reserving them for the promotion of European subordinates, as soon as they have qualified by the time rule, will vanish, and the order promulgated in Government Resolution No. E.—27, dated 7th January 1910, directing that European subordinates should be permanently promoted at 4 years' intervals only is now withdrawn.

* Overseer 1st grade.
Supervisor 2nd grade.
Supervisor 1st grade.
Sub-engineer 3rd grade.

W. N. CARTLAND,
Under Secretary to Government.

To

The Chief Engineer in Sind.
The Superintending Engineers of Divisions.
The Sanitary Engineer to Government.
The Mechanical Engineer to Government.
The Consulting Architect to Government.
The Electrical Engineer, Electrical District.
The Accountant General, Bombay.
All Executive Engineers.

Class B.
Exd. S. B. L.

No. of 1916.

Copy forwarded for information and guidance to

APPENDIX N.

Statement A referred to in the reply to question No. 6 put by the Honourable Mr. A. F. I Pathan at the meeting of the Legislative Council held on the 13th March 1917.

Statement showing the Number of Kanarese Primary Schools in the Dharwar District with attendance.

Kind of School.	Number of Schools.	Attendance.			Remarks
		Boys.	Girls.	Total.	
Local Board Kanarese Boys' Schools .	409	21,817	1,912	23,729	
Local Board Kanarese Girls' Schools .	51	.....	2,686	2,686	
Municipal Kanarese Boys' Schools ...	34	4,991	219	5,210	
Municipal Kanarese Girls' Schools ...	15	40	2,039	2,079	
Indigenous Schools ...	151	4,646	420	5,066	
Total ...	660	31,494	7,276	38,770	

APPENDIX O.

Statement B referred to in the reply to question No. 6 put by the Honourable Mr. A. F. I. Pathan at the meeting of the Legislative Council held on the 13th March 1917.

Statement showing the Number of Urdu Primary Schools in the Dharwar District, with attendance.

Kind of School.	Number of Schools.	Attendance.			Remarks.
		Boys	Girls.	Total.	
Local Board Boys' Schools ...	35	2,003	327	2,330	
Local Board Girls' Schools ...	4	.....	317	317	
Municipal Boys' Schools ..	12	1,451	34	1,485	
Municipal Girls' Schools ...	5	.....	495	495	
Indigenous Schools ...	5	145	140	285	
Total ...	61	3,599	1,313	4,912	

APPENDIX P.

Statement C referred to in the reply to question No. 10 put by the Honourable Mr. A. F. I. Pathan at the meeting of the Legislative Council held on the 13th March 1917.

Name of Institution.	1912-13.		1913-14.		1914-15.		1915-16.		1916-17.	
	Number for admission.	Number admitted.	Number for admission.	Number admitted.	Number for admission.	Number admitted.	Number for admission.	Number admitted.	Number for admission.	Number admitted.
Training College for Men, Poona.	17	11	22	19	21	17	22	18	15	6
Training College for Women, Poona.	...	...	...	...	3	3	1	1	1	...
Training College for Men, Dharwar.	22	13	22	15	17	12	46	12	24	9
Training College for Women, Dharwar.	...	..	...	...	1	1	2	1	2	...

APPENDIX Q.

Translation.

To

THE COLLECTOR OF KOLABA.

We * * * * , Khots of * * * * , Taluka Mangaon, District Kolaba, give a Kabulayat in writing as follows:—A report bearing outward No. * * * , dated * * * , was made to the effect that the *vahivat* of the village of * * * * should be carried on according to the Khoti (system). Proceedings were held thereon and order bearing Kolaba Collector's inward No. * * * , dated * * * , was passed to the effect that till the introduction of the Revenue Survey or till further orders, an agreement for one year should be taken in writing from us. Accordingly we execute the following clauses about carrying on the *vahivat* :—

The full assessment of the said village fixed at the time of the survey is Rs. 376-14-0. We shall pay the same by instalments in the following manner:—

Rs. 94-3-0 15th December 1891.
Rs. 94-3-0 1st February 1892.
Rs. 94-3-0 15th March 1892.
Rs. 94-5-0 1st May 1892.

376-14-0

We shall pay the whole amount in the above four instalments.

2. Without making any excuse whatever on account of *asmanisultani*,* fire, blight, *osadi*,† etc., we shall pay the full amount as stated in clause 1 without waiting for others. On failure to do so, Government should recover the *vasul* in accordance with Act 17 of 1827 and other regulations and Acts about recovery of *vasul*, which are and may hereafter be applicable. We consent to it.

3. We shall pay Government the *jamabandi*‡ *vasul* stated in the first clause, and in consideration therefor shall take *vasul* from the tenants as stated in the following clauses :—

4. We shall take in cash, in accordance with the Joint Rules, in four instalments only, as much *akar*§ as may have been entered in the Dharekaris' names in the Government papers. We shall not take anything more. For the *vasul* so taken, we shall pass a receipt in the form annexed hereto.

5. In accordance with the previous practice the Dharekaris have a right to sell or mortgage or otherwise make over their lands to other persons. But as required by clause 9 of the Joint Rules a Dharekari should send to us his *rajinama*|| relating to the transfer and we shall send the same to the Collector for approval: and after its approval and return we shall arrange for the transfer.

6. If the Dharekaris do not pay the *vasul* I should get Government's assistance in recovering the same as is done in khalsa villages.

7. If a Dharekari tenant dies without leaving an heir, or leaves the village without making over the land to another for *vahivat* or for any other purpose, I shall report the matter to Government and after receiving orders I shall carry on the *vahivat* of his *Dhara* land as if it were *Khot-nisbat* land and not my private *Dhara* land, and without pleading any excuse shall pay the whole *akar* of the land fixed at the time of the Survey to be due from him.

8. The said village has been made over to us for the purpose of carrying on its *vahivat* for the current year 1891-92. We shall continue to the cultivating tenants or to their heirs as much of the *Khot-nisbat* land in the village as may have been entered in their names in the Government papers, without raising any objection. We shall recover from the tenants the amount proportionate to the *akar* on these lands fixed at the time of the Survey, viz., in the case of kharif land eight annas in cash per rupee, and in the case of varkas land, 5 annas 4 pies per rupee. We shall not take more. We shall execute to the tenants an agreement in the form annexed hereto, stating the fields, the tenants, the amount to be paid by them and the time of payment. We shall act as stated therein.

9. The *phayada* on the *akar* of *Khot-nisbat* lands, which may have been fixed for the entire village, should, after the completion of the annual *vasulbaki*, be distributed by the Vahivatdar (Khot) of the year among the sharers in proportion to their respective shares; and he should take receipts from the sub-sharers.

10. Before the commencement of the *hapta*, we shall enter in the tenants' receipt book the *akar* stated in the separate agreement to be due from them in respect of the *Khot-nisbat* lands in accordance with the *jamabandi*. We shall take only that amount and enter the same (as paid) in the receipt book at the time of payment. On our failure to give a receipt

* Calamitous visitations from heaven and evils proceeding from the ruler.

† Desolateness, depopulation.

‡ The settled amount of revenue.

§ Assessed rent or revenue.

|| Declaration of consent, etc.

we may be punished according to law. Besides what is stated in the agreement, we shall not take *faski,** bundles of rice-straw, etc. If it be proved that we did so we may be charged with recovering more than the fixed amount of *vasul* and punished for the same under any law then in force and the laws and Acts which may subsequently become applicable.

11. If the Dharekari and the *Khot-nisbat* tenants do not pay the *vasul* in accordance with the agreement as stated above we shall have to ask Government's assistance in recovering the same as is done in khalsa villages. For this purpose it will be necessary to show the amount due from the tenants, the amount paid by them, and the unpaid balance. We shall for this purpose keep *Kird* and *Khatavani* books and shall produce the same when assistance is asked for.

12. If land be taken by Government for public purposes, such as rail-roads, etc., we shall not ask for any compensation. The *akar* at the survey (rates) on the land so taken by Government should be deducted.

13. A portion of the lands of the said village has been divided into survey numbers and kept by Government for protecting the trees thereon. We shall protect the trees thereon and shall not allow anybody to cut them nor shall we ourselves cut them. Similarly we shall not allow anyone to cultivate the land nor shall we cultivate it. In case anybody cultivates the land or cuts the trees thereon, we shall report (the matter) to Government. If Government decides to allow the grazing of cattle in the said reserved forest land, we shall allow cattle to graze therein and shall not object to it. We shall protect the teak and black-wood trees in any other part of the village besides the said numbers and shall not allow anybody to cut them nor shall we cut them. In case anybody cuts them we shall immediately report the same.

14. Government has conferred upon us the ownership of trees other than teak and black-wood trees which are now existing or may come into existence in future in uncultivated lands other than the abovementioned reserved forest land and the cultivated lands of the people about which there is dispute. We shall enjoy the same accordingly. But if we cut (them) we shall act in accordance with rule 11 of the Joint Rules.

15. When summoned by Government (officials) we shall attend. On our failure to be present we shall abide by the order of fine, etc., that may be passed by Government.

16. We shall hand over to the next year's Vahivatdar the papers relating to the *vahivat* of the village which may be with us and also similar papers and orders which may be issued to us by Government and we shall take a receipt for the papers received by him from us. We shall produce the papers when Government may want them for inspection.

17. We shall manage to keep in repair the boundary marks put up by the Survey Department and protect them according to the rules in that behalf supplied to us. We shall inspect them and make a report about them when ordered to do so.

18. We shall carry on the *vahivat* as stated in the above clauses. On our failure to do so Government may impose on us any fine it thinks fit and recover it as if it were (land) revenue. Or if Government deem it necessary to keep the village under attachment it may do so. We shall acquiesce in it. If there be any profit during the period of attachment we shall say nothing about it nor shall we demand it.

This agreement consisting of 18 clauses has been executed by us with free consent. Signature. Dated.

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* Toll (of grain, etc.) exacted by officials from vendors

APPENDIX R.

Statement showing the more important sanitary schemes and the amount of the grant-in-aid sanctioned by Government towards the cost of each of them during the five years 1912-13 to 1916-17.

	Schemes.	Amount of grants-in-aid.
		Rs.
1.	Ahmedabad water-supply scheme	6,49,000
2.	Special grant to the City of Bombay Improvement Trust for experimental measures in connection with slum improvement	4,00,000
3.	Ahmednagar water-supply scheme	3,90,000
4.	Poona water-supply and drainage schemes	2,86,819
5.	Grants made by the Sanitary Board, Bombay Presidency, out of the allotments placed by Government at their disposal for aiding Municipalities in financing minor sanitary projects	2,61,793
6.	Drainage scheme for the Civil Lines and Frere Quarters at Karachi ...	2,00,000
7.	Original works in connection with the development of Salsette as a residential area	1,69,000
8.	Barsi water-supply scheme	1,50,000
9.	Karad water-supply scheme	1,23,405
10.	Lonavla water-supply scheme	1,02,770
11.	Matheran water-supply scheme (1st stage)	95,208
12.	Sholapur water-supply scheme	90,000
13.	Boharwad improvement scheme, Broach	90,000
14.	Nasik water-supply scheme	65,393
15.	Opening out of congested areas in Belgaum Town	35,000
16.	Widening of streets, opening out of congested areas and provision of sites for town extension at Hubli	34,500
17.	Allotment to the Rajkot Civil Station Committee for a drainage scheme ...	30,000
18.	Construction of conservancy lanes at Dharwar	30,000
19.	Paving the Manik Nullah, Poona	28,000
20.	Dharwar town improvement scheme	26,300
21.	Filling in of the Lumbo Tank at Umarkot	24,117
22.	Street improvements in Hubli	23,185
23.	Filling in of tank No. 1 at Hyderabad	20,000
24.	Filling in of the Gharibabad tank at Sukkur	20,000
25.	Construction of a pucca drain at Gadag-Bettigeri	20,000
26.	Opening out of congested areas at Bhusawal	15,000
27.	Improvements to the water-supply at Jalgaon	14,535
28.	Preliminary investigations in connection with the Aden water-supply scheme	14,205
29.	Filling in of the bed of the Lyari River, Karachi	10,000
	Total ...	34,18,230

APPENDIX S.

No. 531 of 1917.

OFFICE OF THE
REMEMBRANCER OF LEGAL AFFAIRS.

Bombay Castle, 3rd March 1917.

CIRCULAR.

As several references have been made to him on the subject, the Remembrancer of Legal Affairs desires to indicate briefly the attitude which he considers that Government Pleaders should adopt towards political movements, and he believes that Government Pleaders themselves will be glad to have some specific guidance in this respect. It should be understood that the same rule will be held to apply to Public Prosecutors, the Assistants of Government Pleaders and Public Prosecutors, Subordinate Government Pleaders and Honorary Assistants.

2. Government Pleaders are required in the course of their duties, not only to represent the views and act in the interest of the Government of the day in cases coming before the courts, but to give advice on legal matters concerning Government business of any kind or in any department (see rules 60 and 61 of the Rules for the conduct of the Legal Affairs of Government). The Government Pleader also occupies an important position with reference to the Bar and can exercise considerable influence. The nature of the Government Pleader's duties, therefore, is such that if by his conduct he identifies himself with any political movement, the objects or methods of which are in any essential matter opposed to the policy and expressed views of the Government or are condemned by the Government, he incapacitates himself to a greater or lesser degree, according to the circumstances, from honourably fulfilling the duties of his appointment. It is unnecessary to attempt to enumerate the particular political movements or the specific acts which are open to objection on these grounds, but a Government servant can seldom have any genuine doubt in his own mind on a question of this kind, and the Legal Remembrancer would be glad if any case of doubt were referred to him.

3. At the same time the Remembrancer of Legal Affairs desires to make it known that he will call upon any Government Pleader, who adopts towards a political question an attitude which is inconsistent with his duties or liable to be misconstrued, either to desist from such conduct or to resign his appointment. (See rule 21* of the Government Servants' Conduct Rules hereto appended.)

G. D. FRENCH,
Remembrancer of Legal Affairs.

To

All District Magistrates, including the Deputy Commissioner, Upper Sind Frontier,
All District and Sessions Judges,
The Government Pleader in the High Court, Bombay,
All District Government Pleaders and Public Prosecutors,
All Assistant Government Pleaders and Public Prosecutors,
All Honorary Assistants to District Government Pleaders,
All Subordinate Government Pleaders.

* Printed below.

Rule 21 of the Government Servants' Conduct Rules.

"21. A Government servant may not take part in, or subscribe in aid of, any political movement in India or relating to Indian affairs. Nor may he attend any political meeting his presence at which is likely to be misconstrued or to impair his public usefulness. When there is room for doubt whether any action which a Government servant proposes to take will contravene the provisions of this rule, he should refer the matter for orders to the local Government to which, or the Government servant to whom, he is immediately subordinate."

Political agitations and meetings.

H 2125—108

APPENDIX T.

Statement showing the statistics of paper mills in the Bombay Presidency including Sind.

Province.	District.	Name of Mills.	Year of each establishment.	Nominal capital if a Joint Stock Company.	Average number employed.	Production.		Description.		Remarks.
						Quantity.	Value.	Paper made.	Material.	
Bombay Presidency.	Surat ...	The Mahomedbhai Jamaludin Paper Mill, Surat.	1878 ...	Private ...	30	486¼ maunds	Rs. a. p. 3,646 14 0	Country white paper used for native account books.	Rags ,,	The mill does not work full-time, there being no demand for the paper.
	Poona ...	The Reay Paper Mills.	5th January 1885.	Rs. 5,00,000	217	Tons. cwts. 583 13 2 qrs. 24 lbs.	2,45,801 11 11	Printing, writing Blotting, Brown, etc.	Rags, old gunny pieces, wood pulp, and various kinds of grasses.	
	Bombay ...	Girgaum Paper Mill.	1862 ...	Proprietary Mill.	60	244	53,680 0 0	Casing and top papers and paper washers for Gin rollers.	Rags and Gunny.	
	Do. ...	D. Padumji Paper Mill.	1913 ...	Do. ...	170	950	3,06,660 0 0	White printing and writing papers and coloured and brown papers.	Rags, gunny, waste paper and chemical pulp.	

APPENDIX U.

Name of Appointment.	By whom ordinarily held.
(1) St. George's Hospital, Bombay	There are four Assistant Surgeons who do House Surgeons' duties.
(2) House Surgeon, J. J. Hospital, Bombay.	1 Assistant Surgeon in sub-medical charge and in addition three Assistant Surgeons who also do House Surgeons' duties.
(3) House Surgeon, Bai Motlibai and D. M. Petit Hospitals, Bombay.	1 Assistant Surgeon.
(4) Gokuldas Tejpal Hospital, Bombay ...	1 Assistant Surgeon.
(5) House Surgeon, Cama Hospital, Bombay.	1 Woman graduate.
(6) House Physician, Cama Hospital, Bombay.	1 Do. do.
(7) House Surgeon, Sassoon Hospitals, Poona.	An Assistant Surgeon in sub-medical charge and in addition three Civil Assistant Surgeons who also do House Surgeons' duties.
(8) Civil Hospital, Ahmedabad ...	An Assistant Surgeon in sub-medical charge and three Assistant Surgeons who also perform House Surgeons' duties.
(9) Civil Hospital, Hyderabad ...	An Assistant Surgeon in sub-medical charge and three Assistant Surgeons who also perform House Surgeons' duties.
(10) House Surgeon, Civil Hospital, Karachi.	1 Assistant Surgeon.
(11) House Surgeon, European General Hospital, Aden.	1 Do. do.

At present all these appointments are filled by graduates of Bombay University except that of House Surgeon, Sassoon Hospitals, Poona, which is filled by a Military Assistant Surgeon.

APPENDIX V.

Statement showing the number of Deputy Superintendents of Police of various communities in each of the years from 1906-1916.

Years.	Hindus.	Mahomedans.	Parsis.	Jews.	Indian Christians.	Europeans with Indian domicile.	Anglo-Indians.	Total.
1906 ...	10	6	1	1	...	...	3	21
1907 ...	13	6	3	1	...	...	7	30
1908 ...	14	7	3	1	...	...	8	33
1909 ...	15	7	4	1	...	...	8	35
1910 ...	13	8	4	1	...	...	10	36
1911 ...	12	9	4	1	...	...	9	35
1912 ...	13	8	4	1	...	1	9	36
1913 ...	13	8	4	1	...	1	9	36
1914 ...	12	8	4	1	...	2	9	36
1915 ...	12	7	4	1	...	2	9	35
1916 ...	12	7	4	1	1	3	8	36

APPENDIX W.

Statement giving information required in question No. 9 put by the Honourable Mr. P. A. Desai at the meeting of the Legislative Council held on 13th March 1917.

Year.	Total No. of decrees received during the calendar years.	No of decrees disposed of			Value of decrees in column 3 and amount discharged per column 4.	No. of decrees out of column 2 remaining to be disposed of.		Distribution of decrees according to mode of satisfaction of decrees in column 3 and 4 separately.				Ratio of decrees (1) disposed of to those (2) unsatisfied.	Ratio of satisfaction (1) by sales of lands as against (2) other modes.	Remarks.
								Column 3.		Column 4.				
		Finally.	Partially	Sent back to Court without execution.		Those partially disposed of.	Others.	By sale of land or other immovable property.	Other modes of recovery.	By sale of land or other immovable property.	Other modes of recovery.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
					Rs. a. p.							(1) (2)	(1) : (2)	
1914 ...	203	108	5	21	23,249 11 4	5	69	8	100	1	4	59 : 41	8 : 92	In working out the ratio in column (13), 25 decrees that are partially disposed of (column 4) are neglected, including the same in the number of decrees remaining to be disposed of. Similarly column 5 has been deducted from column 2 and ratio is found out on the net, *viz.*, 553.
1915 ...	211	97	14	15	33,506 7 7	14	85	9	88	3	11	50 : 50	11 : 89	
1916 ...	188	63	6	13	22,782 6 7	6	106	11	52	1	5	36 : 64	17 : 83	
Total ...	602	268	25	49	79,538 9 6	25	260	28	240	5	20	48 : 52	11 : 89	

APPENDIX X.

Statement referred to in the answer given by Government to question No. 3 put by the Hon'ble Mr. E. H. Jaffer at the meeting of the Legislative Council held on the 13th March 1917.

(a)		(b)		(c)					
Number of teachers in primary schools in the Presidency.		Number of qualified teachers.		Teachers possessing 1st year certificate.		Teachers possessing 2nd year certificate.		Teachers possessing 3rd year certificate.	
Hindus.	Muhammadans.	Hindus.	Muhammadans.	Hindus.	Muhammadans.	Hindus.	Muhammadans.	Hindus.	Muhammadans.
19,792	3,086	17,477	2,183	2,516	330	2,861	295	2,722	378

APPENDIX Y.

Statement referred to in the answer given by Government to question No. 6 put by the Hon'ble Mr. E. H. Jaffer at the meeting of the Legislative Council held on the 13th March 1917.

(a) Number of stipends granted annually during					(b) Out of the number of stipends in (a), number of stipends granted to Muhammadans during				
1912-13.	1913-14.	1914-15.	1915-16.	1916-17.	1912-13.	1913-14.	1914-15.	1915-16.	1916-17.
1,014	1,149	1,245	1,278	1,234	155	181	205	202	1

APPENDIX Z.

Report of the Inspectress of Urdu Girls' Schools, Central Division, on the Central Urdu Girls' School, Poona, for the year 1913-14.

This school which has been placed under my sole management has taken up a very great portion of my time and energy during the year. A few words regarding the same therefore would not be out of place. In Government Resolution, Educational Department, No. 1071 of the 12th April 1913, it was contemplated at first to make one of the big Municipal Urdu Girls' Schools of Poona, the basis of the Central School. But at the suggestion of the Acting Educational Inspector, Central Division, the original plan was abandoned and it was decided to start an entirely new school in a healthy locality somewhat distant from Mahomedan quarters in the city. I had to organise the school quite anew and had to encounter many difficulties. Soon after its commencement the recrudescence of the plague seriously hampered my work. I am happy to report that there are 58 girls on the roll of the school this month (March 1914) and the number is daily increasing. Owing to an unusually long delay in the sanction of additional stipends for the pupils and the place of a cook for the school, resident stipendiaries have only been admitted in it this month. There were candidates from all the districts and I had to inspect some of them in their own homes in my tour to avoid the necessity of sending them back if they were found to be unfit. Out of 8 boarders sanctioned already 5 have joined this month and the other 3 are expected next month. These are all comparatively grown up girls and as it is against Mahomedan custom to send girls of marriageable age to live in boarding houses away from the supervision of their parents, I am personally not a little responsible in bringing these girls to the school. In accordance with the wishes of their parents pardah is strictly observed and due facilities are given for religious performances. As the success of this school is a very important matter from various points of view, much of time is naturally devoted to its management and control.

Report of the Inspectress of Urdu Girls' Schools, Central Division, on the Central Urdu Girls' School, Poona, for the year 1914-15.

The Urdu Central Girls' School at Poona has been under my sole management during the year under review. The average total number on rolls for the year is 89 as against 44 for the last year. Last year there were only 5 stipendiary resident students while this year there are 8, the maximum number sanctioned, besides 7 non-resident stipendiaries who receive Rs. 4 per month. There is also a resident pupil who pays for her board and residence. The resident stipendiaries come from all districts of the Division and there is one admitted even from Belgaum at the earnest request of the Mahomedan Deputy Educational Inspector, Belgaum, with the approval of the Director of Public Instruction. Two students have left the school last year, one on account of illness and the other on account of marriage. But their places were soon filled up by candidates who were waiting for vacancies.

These resident students are under the charge of a matron, an accomplished Mahomedan widow lady of a very respectable family. Under this matron there is a cook and an assistant who minister to their comforts. The matron keeps them under strict purdah and looks after their religious devotions. As the school was closed for a considerable time in 1913-14 for plague, there was only an annual inspection. All the stipendiary students excepting one were found to have done well and were promoted to higher class. During the year under review there has been a change in the staff. Amir-un-nisa Begum, who has been acting as Head Mistress, was transferred to West Khandesh and Amir Bi Shaikh Usman brought to the school as 1st assistant from Chandore. She is a qualified teacher and has been acting as Head Mistress since the departure of Amir-un-nisa. The number of girls would have been considerably increased but for the fact that there has been one dhamni and it could only bring a limited number of grown up girls to the school. A second dhamni has now been sanctioned by the Government and will probably be placed at the disposal of the school within a few days. The most urgent necessity of this school is the increase in the number of stipends as I have almost daily to refuse applications from candidates desiring entrance into the school as resident students. As I have to send proposals to Government regarding further development of the school I will not mention here in detail its other requirements. I have paid no less than 58 visits to the school during the year under review and a considerable portion of my time is spent in the supervision of the school. As it is against Mahomedan custom to send girls of marriageable age to live in boarding houses, away from the supervision of their parents or guardians, I feel a great responsibility in conducting the institution the more so as I desire to see the experiment a success.

Report of the Inspectress of Urdu Girls' Schools, Central Division, on the Central Urdu Girls' School, Poona, for the year 1915-16.

The Central Urdu Girls' School, Poona, has been under my sole management during the year under review. The total average number on the roll during the year is 79·2 as against 89 of the year 1914-15 and 44 of the year 1913-14. This decrease is due to the prevalence of plague in Poona for 2 or 3 months for which the school had to be temporarily closed under instructions from the Civil Surgeon. Though the average has slightly fallen, the actual number on the rolls in March 1916 has increased to 91 as against 73 of the last year. This number is as much as can be admitted at present with the limited staff of 3 teachers. The number of stipendiary students residing in the school is 9 as against 8 of the last year. Eight of these girls received stipends from Provincial Funds and one from the Belgaum Municipality at whose request she has been admitted. Besides the 9 resident students, there are 7 non-resident stipendiaries who receive Rs. 4 per month. One of the resident students has recently left the school in order to get herself married. The resident students are under Mrs. Amir-ud-din Khan, widow lady of a respectable family. Her management and supervision of the boarding arrangement this year has been excellent. The annual examination of the school took place in November last with the following results :—

Standard.	Number appeared.	Number passed.
V	7	7
IV	7	6
III	5	3
II	8	6
I	13	9
Infants.	16 of whom 9 did well.	

All the resident students and 6 out of 7 non-resident stipendiaries did well in the examination and they were promoted to the higher class. According to the Government Resolution, Educational Department, No. 1071 of 12th April 1913, the school could only teach upto V standard, but as some of the girls had completed V standard, permission had to be asked to open VI standard in the school. This permission was given by the Director of Public Instruction on condition that no additional expense was to be incurred. This entailed additional work upon the present limited staff without any additional remuneration. The class has been opened and 7 girls are receiving instruction in VI standard. The present acting Head Mistress has done her work fairly well, but she is hardly competent to teach VI standard as she has been trained in Marathi and her Urdu is extremely weak.

But as I have to send proposals to Government with regard to the conversion of the school into a training institution, I refrain here from making further remarks upon the subject of the teaching staff. During the year under review, I had to reject several applications for stipends on account of want of funds. The school is getting more and more popular as it is more and more known. I have no doubt that it will prove a good nucleus for a Urdu Normal Class.

Report of the Inspectress of Urdu Girls' Schools, Central Division, on the Central Urdu Girls' School, Poona, for the year 1916-17.

The Central Urdu Girls' School was under my management during the last year, as it has been during the last 4 years, and I am happy to report that the main object for which it had been established has been realised this year, *viz.*, that the first batch of its pupils has passed the sixth standard and qualified themselves for the teaching profession. The school was formally opened by the Director of Public Instruction in July 1913 with 20 students but it had to be soon closed for plague. It really got a fair start in February 1914 with 4 stipendiaries. I had considerable difficulties at first in persuading respectable Mahomedan parents to send their grown up daughters to live in the premises of the school and prepare themselves for the teacher's profession as there is a great prejudice against the profession among the people. Respectable parents of the lower middle class have no objection to their daughters working with the needle for the whole day at home or making cigarettes or beedies to earn their living but they do not easily consent to their becoming mistresses. This is because mistresses are not generally taken from superior classes, their wages are contemptibly low and their virtue is often open to attack. Purdah has been strictly observed and all religious requirements fully provided in the school. On the 31st of March last the total number of scholars on the roll was 101 against 91 of last year. The school had to be closed for three months, this year, for the plague which affected its attendance. The average attendance this year is 86 as against 79 of the last year. The number of stipendiary students residing in the school was 9. Eight of these receive stipends from Provincial Funds of Rs. 9 per mensem and one from the Municipality of Belgaum. She is admitted by the special permission of the Director of Public Instruction. Besides these there are 7 stipendiaries who receive Rs. 4 per mensem and are allowed to live with their parents. During the year under review one of the resident and one of the non-resident stipendiaries left the school, owing to their continued illness. Their places were filled up by others waiting for admission.

The following is the result of the Annual Examination :—

Standard.	Number appeared.	Number passed.
VI	7	5
V	5	3
IV	4	2
III	8	4
II	8	7
I	18	12

There are five resident students in the 6th standard out of whom four passed and one was found slightly deficient in Arithmetic. Amirbi, a trained teacher, continued to be the Head Mistress of the school this year and her work (excepting in Urdu) on the whole has been fairly satisfactory. Aminabi has been throughout the year acting as the first assistant and the school owes much of its success to her diligence and ability. Dhondubai Fakir, who was brought here temporarily from the Sholapur District, acted as second assistant during the year and though a trained teacher her work has been hampered owing to her insufficient knowledge of Urdu.

Of the successful students of the 6th standard it may be remarked that they are girls of good social position. One of them being the daughter of the Kazi of Poona Camp. These girls who are now undergoing training as pupil teachers will shortly leave the school.

During the year under report Government was pleased to sanction one more dhamni for the school which has been already purchased and the result of which is already being felt in the increase of its numerical strength and attendance. Government was also good enough last year to sanction a sewing mistress for the school from next June in their Resolution, Educational Department, No. 2539, dated the 10th October 1916. As there are 7 classes and only three teachers in the school it is heavily understaffed and two more assistants are in demand. Accommodation in the present school building has become insufficient owing to the growth of scholars and of the increasing demands of the boarding house. There are no out-houses for the servants to live in and not enough stables for dhamnis and bullocks. A more spacious building will have soon to be hired. During the period under review Miss Newland, Lady Superintendent, Training College for Women, Poona, kindly paid several visits to the school and was good enough to make many useful suggestions. Miss Chubb, Lady Superintendent, Training College for Women, Ahmedabad, and the Inspectress of Girls' Schools in Sind, also visited the school and favoured it with their kind advice. Among the distinguished purdah ladies that interested themselves in the school and paid it visits from time to time may be mentioned here some of the members of the family of His Highness the Aga Khan and Mrs. Humayun Mirza of Hyderabad, well known for her interest in female education.

APPENDIX AA.

Balbodh script.

Substitution of the—for Modi in all public offices and Courts in the districts of the Central Division, and in the districts of Thána, Kolába and Ratnágiri.

GOVERNMENT OF BOMBAY.

REVENUE DEPARTMENT.

Order No. 2852.

Bombay Castle, 8th March 1917.

Memoranda* from the Secretary to the Legislative Council Nos. 861-4 and 1154 dated 24th March and 29th April 1916.

Government memorandum No. 6205 dated 21st June 1916:—

"The undersigned presents compliments to the Commissioner, C. D., and in forwarding a copy of a Resolution† moved by Mr. S. B. Upasani and passed at the meeting of the Legislative Council held in March 1916, is directed to request him to submit, after consulting the heads of offices and departments concerned, a report on the working of the orders in Government Order No. 6598 dated 17th June 1915, directing the introduction of the Balbodh script in all offices of the Central Division and to state whether the orders require any modification."

†"This Council recommends that Government may be pleased to reconsider, in the light of the experience gained during the last few years, the question of the substitution of the Balbodh for the Modi script in official correspondence and records."

Letter from the Commissioner, C. D., No. V.—863 dated 7th September 1916:—

"With reference to Government memorandum No. 6205 dated 21st June 1916, Revenue Department, I have the honour to report that all Collectors in this Division are of opinion that no modification in the orders in Government Order, Revenue Department, No. 6598 dated 17th June 1915, is necessary, and to state that I concur with them. No serious difficulties have occurred in regard to the substitution of Balbodh for Modi. I should think that there can be no doubt that Modi can be written more quickly than Balbodh and that the legibility of Balbodh tends to decrease. Nevertheless Balbodh is likely to remain substantially more legible than Modi, and the difference in rapidity of writing is not in fact causing any serious increase of work or leading to arrears. In these circumstances I think it would be a very great error to go back upon the orders already passed. They should be maintained."

Government memorandum No. 1337, dated 4th February 1916:—

"The undersigned presents compliments to the Commissioner, $\frac{\text{S. D.}}{\text{N. D.}}$, and in inviting his attention to Government Order No. 6598 dated 17th June 1915, sanctioning the introduction of the Balbodh script in all offices of the Central Division, is directed to request him to consider whether that script should not be adopted in the $\frac{\text{Ratnágiri and Kolába District.}}{\text{Thána District.}}$"

Letter from the Commissioner, N. D., No. A.D.M.—79 dated 17th June 1916:—

"With reference to Government memorandum No. 1337 dated 4th February 1916, regarding the introduction of the Balbodh script in the Thána District, I have the honour to state that the officers mentioned below were consulted with the following result:—

1. The Conservator of Forests, Northern Circle. 2. The Collector of Thána. 3. The District Judge, Thána. 4. The Executive Engineer, Thána. 5. The District Superintendent of Police, Thána. 6. The Civil Surgeon, Thána. 7. The Superintendent of Land Records, Northern Division. 8. The Collector of Salt Revenue, Bombay. 9. The Educational Inspector, Northern Division. 10. The Deputy Sanitary Commissioner, Western Registration District. 11. The Registrar of Co-operative Societies, Bombay Presidency. 12. The Director of Agriculture, Poona. 13. The Inspector General of Prisons.

"2. Of the thirteen officers consulted the Inspector General of Prisons and the Director of Agriculture state that all the correspondence of their Departments is conducted in English: the Collector of Salt Revenue, Bombay, and the Registrar of Co-operative Societies, Bombay Presidency, state that the Balbodh script has already been adopted in the conduct of all official vernacular correspondence in their

* Not printed.

Departments, while all the remaining officers, except the District Judge, Thána (a copy of whose letter,* together with its accompaniment,* is enclosed) as also all the Heads of the Departments are in favour of the proposed change.

"3. As regards the main objections put forward by the District Judge, Thána, that by adopting in the Balbodh script the horizontal guide line and abbreviations used in the Modi script, the hurriedly written Balbodh becomes more illegible than Modi, I have the honour to observe that the fault is in the writer, not in the script.

"4. A copy of the Collector, Thána's No. M.S.C.—3* dated 10th February 1916 is forwarded herewith; from which it will appear that the substitution of the Balbodh script for Modi is desirable for administrative as well as public convenience, and agreeing with him I have the honour to recommend that the Balbodh script should be substituted for the Modi script in the conduct of all official correspondence and in recording evidence in all public offices and Courts in the Thána District."

Letter from the Commissioner, S. D., No. 2615 dated 13th July 1916:—

"With reference to your expediter No. 6071 dated 17th June 1916, I have the honour to reply that I consider Balbodh should be adopted in Ratnágiri and Kolába as the official script.

"2. I append copies of letters* from Messrs. Brander and Alcock. It will be seen that the latter has been able to introduce Balbodh into Kolába with success, and I see no reason why it should not be adopted in Ratnágiri finally. The fact that Balbodh is said to be illegibly written† in Ratnágiri—a district which has strenuously opposed its introduction—shows either disinclination or incapacity to write legibly. Other districts turn out legible Balbodh.

† See also Mr. Ghosal's letter underlying Government Resolution No. 11719 of the 23rd December 1910.

"3. I do not consider Mr. Brander's letter is convincing. (I presume when he says that 'the introduction of Modi resulted in clearness being lost' he means Balbodh and not Modi). Some of its points appear to me to be special pleading; and the 'fast and legible Modi' he refers to is, in my experience, at least very rare. If the observance of the principles of Government Resolution, Financial Department, No 200 dated 27th January 1886, were insisted on, most, if not all, Modi petitions sent to Government would have to be returned to the senders.

"4. The difficulty of reading Modi was recognised as far back as 1885 (Government Resolution No. 2282 dated 26th December 1885)."

Government memorandum No. 7650 dated 3rd August 1916:—

"Returned to the Commissioner, S. D.

"2. The Commissioner is requested to obtain and furnish to Government the views on the subject of other heads of offices in the several Departments with reference to the Kolába and Ratnágiri Districts only."

Letter from the Commissioner, S. D., No. 4563 dated 12th October 1916:—

"With reference to Government memorandum No. 7650 dated 3rd August 1916 I have the honour to forward the opinions of district officers, on the relative advantages of Balbodh and Modi in the Ratnágiri and Kolába Districts of this Division.

"2. I forward the letters* of the officers consulted. Those in favour of Balbodh or Modi in the Kolába District are as follows:—

Balbodh.	*Modi.*
Distrct Registrar, Kolába.	Deputy Educational Inspector, Kolába.
District Superintendent of Police, Kolába.	
Civil Surgeon, Kolába.	
Executive Engineer, Kolába.	
District Judge, Thána.	
Divisional Forest Officer, Kolába.	
Deputy Sanitary Commissioner, Western Registration District.	
Superintendent, Post Offices, Konkan.	
Collector of Salt Revenue, Bombay	

Those in favour of Balbodh or Modi in the Ratnágiri District are as follows:—

Balbodh.	*Modi.*
Executive Engineer, Ratnágiri.	District Registrar, Ratnágiri.
Deputy Sanitary Commissioner, Central Registration District.	District Superintendent of Police, Ratnágiri.
Superintendent of Post Offices, Konkan.	Civil Snrgeon, Ratnágiri.
Collector, Salt Revenue.	District Judge Ratnágiri.
	Deputy Educational Inspector.

* Printed as accompaniments to this Order.

"3. I enclose Mr. Brander's letter*; I also enclose my letter* to which his is an answer.

"Mr. Brander considers the vernacular work in connection with village administration is very much greater than in above-ghát districts and that size for size the Ratnágiri villages give more work than the above-ghát districts.

"Conditions, however, are similar in Kolába, and there the experiment is proving successful.

"4. All Mr. Brander's arguments were adduced against the introduction of Balbodh in the Central Division. On account of complaint of extra time required, Collectors paid more attention when examining a Mamlatdar's kacheri to the length of correspondences and the method of dealing with them. It is not too much to say that if correspondences are dealt with properly 50 per cent. of the work would be saved. The amount of time and money wasted over trifles such as handing over a broken stick to a complainant after the expiry of the appeal; hunting out a witness to pay him bhatta of a few annas when he should have been paid before he left the Court; selling up land (I know of one case where the Assistant Collector ordered land to be sold as a final order and over 100 subsequent letters passed between the Assistant Collector, Mamlatdar, Circle Inspector and village officers: the correspondence assumed such proportions that the Assistant Collector sent it back to the Mamlatdar to précis the whole); unnecessary correspondence over heirship enquiries, madat suits and the like: in a word the inability of karkuns to decide matters is chiefly responsible for this cry of overworked offices. This waste of time and labour will receive a serious check by the introduction of Balbodh. Moreover, the careless way in which work is often done by karkuns, not merely those in a Mamlatdar's office, is often due to the fact that the officer cannot read easily, and sometimes not at all, the Modi shera. With Balbodh he can see at a glance what he is signing, and it is not proper that an officer should constantly sign what he does not understand, in spite of the English note in pencil attached thereto, often inaccurate.

"5. I cannot admit with Mr. Brander (his paragraph 8) that one or two karkuns write illegible Modi. The idea among more experienced officers is that the majority do. The remedy he proposes is to insist on legible Modi or discharge the karkuns: to use his own words, 'the result of this will be that the Revenue Department will be more shunned in this district than ever'.

"To introduce Balbodh will not mean 'either extra hours for them or growing arrears or scamping the endorsements as resulted when Balbodh was tried here formerly' if the Collector pays due attention to the work. It may at first, but it will lead to shorter endorsements and less bandying about correspondence between offices and less work in consequence. Mr. Brander admits that to read Modi requires some time in practising it, and that reading Balbodh makes reading the vernacular a little easier. The point is therefore which is the more important: that clerks should be allowed to write a difficult hand for the officer to read or a hand the officer can read more easily. Mr. Brander's standpoint seems at fault. All correspondence should be so written that the officer can himself read it easily whether he is examining a talati's dafter, a Mamlatdar's office or watching the disposal of work in his own vernacular office. To deny this is to negative the importance of the Prant Officer or Collector."

Memorandum from the Commissioner, S. D., No. 4851, dated 31st October 1916—Submitting, in continuation of his office No. 4563 dated 12th October 1915, a copy of letter* No. Ref.—306 (General) dated 17th idem from the Inspector General of Registration.

ORDER.—Government accept the opinion expressed by the Commissioner, C. D., that no modification of the orders passed in Government Order No. 6558 dated 17th June 1915 is necessary. A Press Note conveying the decision of Government should be issued with reference to the Resolution on the subject moved by the Hon. Mr. S. B. Upasani and carried at the meeting of the Legislative Council held in March 1916.

2. Government are pleased to direct that in future the Balbodh script should be adopted in lieu of Modi in the conduct of all official correspondence and in recording evidence in all public offices and Courts, including Educational offices, in the Thána, Kolába and Ratnágiri Districts. It should be clearly understood that these orders apply only to the writing done by clerks and other Govern-

* Printed as accompaniments to this Order.

ment officers in the course of their official work and not to petitions and other documents presented by the public.

A. F. L. BRAYNE,
Under Secretary to Government.

G. O. No. 2852, R. D., dated 8th March 1917.

To

The Commissioner N. D.,
The Commissioner, C. D.,
The Commissioner, S. D.,
The Commissioner of Customs, Salt, Opium and A'bkári,
The Settlement Commissioner and Director of Land Records,
The Inspector General of Registration,
The Director of Agriculture and of Co-operative Societies,
All Collectors and District Registrars in the Central Division,
The Collector and District Registrar, Thána,
The Collector and District Registrar, Ratnágiri,
The Collector and District Registrar, Kolába,
The Collector of Salt Revenue, Bombay,
The Conservator of Forests, N. C.,
The Conservator of Forests, C. C.,
The Conservator of Forests, S. C.,
The Registrar of Co-operative Societies,
The Superintendent, Civil Veterinary Department, Bombay Presidency,
The Manager, Government Photozincographic Office,
The Surgeon General with the Government of Bombay,
The Sanitary Commissioner for the Government of Bombay,
The Sanitary Engineer, to Government,
The Director of Public Instruction,
All District Judges in the Central Division,
The District Judge, Thána,
The District Judge, Ratnágiri,
The Inspector General of Prisons,
The Inspector General of Police,
The Deputy Inspector General of Police, Northern Range,
The Deputy Inspector General of Police, Southern Range,
All Superintendents of Police in the Central Division,
The Superintendent of Police, Thána,
The Superintendent of Police, Ratnágiri,
The Superintendent of Police, Kolába,
The Superintending Engineer, C. D.,
The Superintending Engineer, S. D.,
All Executive Engineers in the Central Division,
The Executive Engineer, Sátára District,
The Executive Engineer, Thána District,
The Executive Engineer, Ratnágiri, District,
The Executive Engineer, Kolába District,
The Superintending Engineer, N. D.,
The Civil Surgeon Thána,
The Civil Surgeon, Ratnágiri,
The Civil Surgeon, Kolaba,
The General Department of the Secretariat,
The Educational Department of the Secretariat,
The Judicial Department of the Secretariat,
The Political Department of the Secretariat,
The Public Works Department of the Secretariat,
The Registrar of His Majesty's High Court of Judicature, Appellate Side (by letter No. 4243 dated 4th April 1917).

No. of 1917.

Copy forwarded for information and guidance to

Accompaniments to Government Order, Revenue Department, No. 2852, dated 8th March 1917.

No. M.S.C.—3, dated 10th February 1916.

To—The Commissioner, N. D.

Sir,

I have the honour to request you to move Government to order the adoption of Balbodh script in place of Modi in this district. Government have directed this change in all districts of Central Division, *vide* Government Resolution No. 11277 dated 9th December 1912. Thána, the only Marathi-speaking district in Northern Division, is connected closely by language and customs with Deccan, and I do not see why the introduction of the reform should be delayed now that it has been in successful operation in all Deccan districts for the last three years.

2. The reasons why the Modi script should be replaced by Balbodh in this district are even stronger than in case of Deccan. Thána is the only Marathi-speaking district to which Gujarati-knowing Mamlatdars and Deputy Collectors are posted from time to time. All Gujaratis can read and write Balbodh. Three of my present Mamlatdars and the Treasury Officer are natives of Gujarát, and they all advocate the adoption of Balbodh script. Gujarati-knowing Police Inspectors and Sub-Inspectors are often posted to Thána and deciphering of Balbodh will be easier to them than Modi. Again correspondences between this and other districts in Gujarát are not rare in matters of excise and magisterial work, and this inter-communication should naturally be in the universally readable Balbodh than in English as at present. But perhaps the strongest ground why Balbodh should be adopted in this district is that practically the whole coast belt knows and speaks Gujarati almost as well as Marathi, specially in Dáhánu and Umbergaon. The tradesman and shop-keepers are also frequently Gujaratis in these parts.

3. It is true that all the Marathi Mamlatdars of Thána are against the proposed reform, but that is natural. It is also true that clear Balbodh writing takes much more time than Modi, but if the voluminous Modi "Prakrans" come in time to be a bit condensed, it will be no great loss in this heavy district. The greatest drawback to the Balbodh was in Barnishi work, which fell in hopeless confusion in Ratnagiri (*vide* Government Resolution No. 11719, dated 23rd December 1910). But the Anderson slip system is being introduced in all tálukas in this district, and the introduction of Balbodh as an additional reform will be welcome to the superior inspecting staff of the district. It is true, Mr. Bayly, my late Assistant Collector, was against introducing the reform, but Mr. Bayly has strongly opposed it in Násik, and yet the experiment has been favourably received in that district by all (*vide* enclosed copy of the Collector of Násik's No. A.D.M.—40 of 2nd October 1915). Mr. Cowan, Assistant Collector in charge Bassein, has no objection, while Khan Bahadur Jacob Bapuji, in charge of Salsette, is whole-heartedly in favour of the reform.

4. This battle of scripts will always go on, but I am respectfully of opinion that having been officially adopted in all Deccan districts, I see no reason in withholding the reform from the only Marathi-speaking district of your Divisions, specially as the reform will tend to bring Thána into closer contact with other districts of Gujarát where the Devnagri or Balbodh script is taught in all primary schools.

I have, etc.,

(Sd.) S. M. BHARUCHA,
Collector of Thána.

No. 1014, dated 20th April 1916.

To—The Commissioner, N. D.

Sir,

With reference to your No. A.D.M.—79, dated 23rd February 1916, I have the honour to state as follows with respect to introducing the Balbodh script in lieu of Modi in official correspondence and recording depositions.

2. I have obtained the opinions of the two Assistant Judges and all the Sub-Judges in the district and of the Bar Association. The latter, Mr. Wassoodew, one of the Assistant Judges, the Inspecting Sub-Judge, and the Sub-Judges of Murbád, Bassein, Mahád, Panvel and Alibág are opposed on principles to the introduction of the Balbodh script. The Second Assistant Judge, the First Class Sub-Judge, Thána, and the Sub-Judges of Kalyán, Dáhánu, Bhiwndi, Pen and Roha are not in favour of introducing the Balbodh script. Though the Sub-Judge of Bassein is opposed on principles and for sound reasons to the introduction of the said script, he has no personal objection to the same.

3. With regard to the comparative value of the respective opinions of the several officers and the Bar Association, I have the honour to make the following remarks. Mr. Wassoodew, the First Assistant Judge, was from his childhood brought up in an English school and the script which may be more familiar to him is Balbodh, and I doubt very much if he came to be acquainted with the Modi script until he assumed the official position as a Deputy Collector. Having regard to his official experience as Deputy Collector and Assistant Judge he is emphatically against the introduction of the Balbodh script. His opinion is therfore of great value. Of the Sub-Judges, who are against the proposal, Mr. Shah is a Gujarati gentleman and Mr. Sanjana is a Parsi. The mother-tongue of both these officers is Gujarati and they knew only the Gujarati characters before they passed their examination in Marathi. The Gujarati characters are more akin to Marathi. These are officers of considerable experience and any prejudice they might originally have in favour of the Balbodh script has been in their cases overcome by their long experience of the Marathi district. Mr. Samant, the Inspecting-Sub-Judge, who had been recently doing inspection work in Khándesh, where the Balbodh script has been long since introduced, and Mr. Kharkar, Sub-Judge of Murbád, who had been for some years a Sub-Judge in that district and has been recently transferred from that district to this, are against the Balbodh script. Their bitter experience of the results of introducing the Balbodh script would make one shudder at the thought of trying that experiment in other places. Their actual knowledge of the facts and my own experience about the Kolába District, where the script has been introduced in official correspondence and recording evidence by officers subordinate to the Collector and District Magistrate, Kolába, amply justify all the inconveniences and the disadvantages anticipated by Mr. F. K. Boyd, District Judge of Násik, in his letter No. 2470, dated 30th September 1914 (accompaniment to Government Order No. 6598, dated 17th June 1915, Revenue Department). In trying criminal cases from Kolába I have to go through the police diaries and other papers and depositions of witnesses which are written in Balbodh, and in some cases I have found them more illegible than the badly written Modi. It cannot be denied that hurriedly written Balbodh is more illegible than Modi, written with the same speed. My experience of Gujarát confirms me in this view. Gujaráti is written on a line drawn without dividing the words and sometimes four or five persons have to put their heads together to decipher some words. From my knowledge of Balbodh script in official matters I can say without fear of contradiction that it is like Modi written on a line drawn without dividing words and has inherited all the vices of the Modi, if they can be so called with worse results. They use the same abbreviations as in Modi. The truth is that when there is a difficulty in reading Modi, it is because the handwritting is bad. The fault is in the writer not in the script. The same can be said of Balbodh. If the Educational Department take good care in improving the handwriting of boys and if the Heads of the Department in making selections for appointments as clerks give preference to good and legible handwriting when all other qualifications are equal, no difficulty is likely to arise. The other cause is imperfect knowledge of the language itself. For your information I annex hereto extracts from the reports of Messrs. Sanjana, Kharkar, Samant and Shah.

4. The Sub-Judges who are in favour of introducing the script do not give any reasoned opinion. Mr. Saldanha's mother-tongue is not Marathi. He is a Manglorian. The First Class Sub-Judge has been most of his service in Kanarese districts and has already committed himself to Mr. Kincaid's view. The Dáhánu Sub-Judge is a Parsi and the Sub-Judges of Pen and Roha are Gujaratis and have no actual experience of the comparative advantages of the Modi and Balbodh scripts. The Sub-Judge of Bhiwndi is a Mahomedan gentleman and he and the Sub-Judge of Kalyán, with others in favour of the scheme, assume that the system is working very satisfactorily in the Central Division.

5. Mr. Kincaid in his rejoinder has tried to answer the objections of Mr. Boyd. But the opinion of the Bar Association of Thána is a clear answer to his arguments. Most of the members of the Bar Association are LL.Bs. They in their infancy had very little acquaintance with Modi, and from their experience of the two scripts in practical life they prefer Modi. I myself am against introducing the script for the aforesaid reasons.

I have, etc.,

(Sd.) J. D. DIKSHIT,
District Judge, Thána.

Extract from the opinion of Mr. B. N. Sanjana, Subordinate Judge, Panvel.

* * * * *

I have the honour to submit that the introduction of Balbodh script in place of Modi for recording evidence would, without serving any useful purpose, entail considerable waste of time to the serious detriment of rapid despatch of work. At a time when delays in disposal of Judicial work is a standing complaint and methods for its acceleration are being invented, this would be rather a retrograde step.

* * * * *

(Sd.) B. N. SANJANA,
Subordinate Judge, Panvel.

Extract from the opinion of Mr. G. M. Kharkar, Subordinate Judge, Murbád.

* * * * *

As a matter of fact, an amount of time is taken up to write Balbodh legibly. The general tendency, in order to save time, is to try to write it as fast as Modi, with the result that the handwriting written is very illegible. I have had occasion to read correspondence, depositions and registered documents written in Balbodh, and I have invariably found the writing to be very illegible. If the Balbodh script is introduced, one of two evils must happen—an amount of time will be unnecessarily wasted, or the handwriting will be found to be very illegible.

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(Sd.) G. M. KHARKAR,
Subordinate Judge, Murbád.

Extract from the opinion of Mr. J. A. Samant, Inspecting Subordinate Judge, Thána, etc.

* * * * *

Since my arrival here (Khándesh) on 24th February last, I have been given work by the Judge of this district, which, if I am permitted to say so, has given me ample opportunity of forming my opinion about the success or failure of the step, that has been already taken here some years ago, of introducing the Balbodh script in place of Modi. The Balbodh script, in which depositions of witnesses are taken down and the official correspondence is carried on in this district, scarcely deserves the name Balbodh ("easy to be read and understood by infants"). Often times, it is so very Dur-Bodha (illegible and unintelligible), and so slovenly written and ugly looking, that one is involuntarily forced to say that the sooner we revert to our good old Modi, the better for all concerned.

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(Sd.) J. A. SAMANT,
Inspecting Subordinate Judge, Thána, Khándesh, etc.

Extract from the opinion of Mr. B. N. Shah, Subordinate Judge, Bássein.

* * * * *

That writing deposition in Balbodh will undoubtedly take far more time unless the Shirastedar writing the depositions is quick in grasping what a witness says and has a steady, clear and practised hand to write in Balbodh, the depositions, I am afraid, will be to a great extent illegible and undecipherable, which would keep on the difficulty to get rid of which Balbodh script is proposed.

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(Sd.) B. N. SHAH,
Subordinate Judge, Bassein.

No. (Alien.) dated 23rd February 1916.

To—The Commissioner, S. D.

Sir,

I have the honour to report that the Balbodh script has already been introduced in this district, in all the offices under the Collector's control, since July 1915. It is working with entire satisfaction, gives no extra trouble, and facilitates reading of papers.

I have, etc.,
(Sd.) W. O. ALCOCK,
Collector of Kolába.

No. 1106 dated 4th March 1916.

To—The Commissioner, S. D.

Sir,

With reference to your No. S.R.—376 dated 15th instant, I have the honour to report as follows.

The experiment of substituting Balbodh for Modi was given a thorough trial in 1909 in this district and the substitution proved a failure. I would invite your attention to

Mr. Ghosal's No. 1502 of 25th March 1910, in which he has gone very fully into the *pros* and *cons* on each side and given his opinion strongly in favour of restoring Modi again. His opinion is of the more value, as when he came here he was in favour of Balbodh. The introduction of Balbodh in this district resulted in endorsements being shortened, and clearness being lost, so correspondences went to and fro between offices instead of being disposed of. The Balbodh writing of village officers became aften illegible. Arrears in Mamlatdars' offices accumulated and karkuns had to work overtime. Barnishi work especially got into arrears and candidates and talatis had to be called in to bring it up to date. The Balbodh writing proved more undecipherable than Modi. The experiment had a fair trial for a year, but at the end all the Sub-Divisonal Officers and Mamlatdars were strong in condemning it, not on *a priori* grounds, but after a long practical trial. Great weight, too, should be given to the opinion of an experienced and practical Collector like Mr. Ghosal.

The sole argument in favour of Balbodh is that if *written well in printed style* it is quicker to read than Modi. But this condition is found in practice impossible to attain, having regard to practical necessities of prompt disposal of much business as in the Revenue Department with a limited staff and not compelling that staff to work unreasonable hours.

None of the objections to Modi usually made seem to me to have much force. A European officer or an Indian officer whose language is not Marathi can very soon learn Modi well enough to be able to follow with his eye petitions and endorsements on it when received by his karkun. He can also safeguard himself against wrong Marathi endorsements by having an English summary in ink written on the side and initialled by the karkun. Most officers nowadays have so much English work that they have no time to read their vernacular papers word by word. Even where Balbodh is substituted and is easier read, I do not think officers will read it more than the former Modi. It comes to this then that for the sake of one or two officers here and there who, owing to light work or a penchant for reading their vernacular correspondence in detail, wish to have their reading of vernacular manuscript made specially easy for them, the whole vernacular clerical work of the Presidency would be made to give up the ordinary cursive hand of business and use a slow hand printing style.

The case seems to me exactly the same as if, because in England some clerks do write a bad running hand, Government there should order that all writing was to be henceforth in capital letters, for Balbodh is nothing more than a system of writing in capitals.

The difficulty in reading Modi, experienced by one new to it, is in my opinion more due to the unfamiliar words and subject-matter than to the handwriting. When once a European officer gets familiar with the subject-matter of his vernacular correspondence and practises reading it, he can soon acquire facility in reading it quick enough for all practical purposes.

With regard to the objection that Modi is often very illegible, I find this does not occur often. Sufficient vernacular knowing karkuns writing a fair hand are obtainable in plenty and bad writers need not be employed.

The fatal objection to Balbodh for business purposes is that it is not a cursive hand and was never meant to be such. The strain on hand and brain forming detached letters is considerable and tiring. It is no argument in its favour, for Government use to say that Maratha ladies use it in correspondence. I should imagine they do not correspond much and have plenty of leisure.

If Balbodh be adopted, the result in time will be that some karkuns will have to be employed or reductions of establishment that are sometimes found possible will be impossible. Either way, greater expense to Government will result if the staff is not increased, revenue service will become unpopular owing to the increase of working hours necessitated by Balbodh.

It is in magisterial work that the disadvantages of Balbodh are so serious and irksome. The depositions have to be taken very slowly, so that they may be recorded in Balbodh and thus the time of the Magistrate who when a revenue officer has many other duties is wasted, as also that of his clerks and the parties to the case. In Poona my experience as Sub-Divisional Magistrate was that Balbodh doubled the work as the clerks recorded the evidence in Modi and thereafter made Balbodh copies of it so as to have the official record in Balbodh. I had too much to do to slow down the case so as to permit recording in Balbodh. Practice no doubt improves the pace of writing Balbodh, but it can never be written at anything like the speed at which a fast yet legible Modi hand can be written.

Finally Modi is the natural evolved cursive hand of Marathi for official and business purposes. It is an artistic and pretty handwriting when ordinarily well written and not hard to read with a little practice. It has been found eminently suitable for official purposes and no one found any fault with it before Mr. Kincaid. On perusing the opinions printed with Government Resolution No. 6598 of 17th June 1915, it will be seen that many experienced Revenue and Police officers strongly prefer Modi. Many officers who favour Balbodh have offices where the vernacular work is probably lighter and more leisurely than

in revenue offices. In these circumstances I am very strongly of opinion that Modi should continue to be and venture to predict that if Balbodh were again introduced in this district, the efficiency of the administration will seriously deteriorate.

I have, etc.,
(Sd.) J. A. MADAN,
for Collector of Ratnágiri.

No. 216 dated 16th August 1916.

To—The Commissioner, S. D.

Sir,

With reference to your memorandum No. 3119, dated the 11th instant, I have the honour to report that Balbodh script has already been introduced in all offices under my control in lieu of Modi script and the results are satisfactory. It has been working for about a year.

I have, etc.,
W. O. ALCOCK,
District Registrar, Kolába.

No. 2058—B-58 dated 16th August 1916.

Presents compliments and has the honour to report that the Superintendent of Police has already introduced Balbodh script in all the police offices in this district since April 1915 as a trial, and he is of opinion that Balbodh script may be introduced permanently in lieu of Modi.

C. J. POWER,
Acting District Superintendent of Police, Kolába.

No. 1217 dated 16th August 1916.

To—The Commissioner, S. D.

Sir,

With reference to your No. 3119 of 11th instant, I have the honour to state that I have no objection to Balbodh script being introduced in all offices under my control, in lieu of Modi script.

I have, etc.,
D. J. ASANA,
Civil Surgeon, Kolába.

No. D.—1597 dated 16th August 1916.

To—The Commissioner, S. D.

Sir,

With reference to your No. 3119 dated 11th instant, I have the honour to state that I would advocate the introduction of Balbodh script, as being more legible and consequently less liable to be misread, in lieu of Modi script in all the offices under my control in this district. At present all correspondence in my office is carried on in English; but in the sub-divisional offices. some of the correspondence carried on with the karkuns and maistries, who do not understand English, is conducted partly in Balbodh and partly in Modi script.

I have, etc.,
K. S. FRAMJI,
Executive Engineer, Kolába.

No. 1930 dated 17th August 1916.

To—The Commissioner, S. D.

Sir,

In reply to your memorandum No. 3119 dated 11th August 1916, requesting my opinion on the question of the introduction of Balbodh script in all offices in Kolába District in

lieu of the Modi script, I have the honour to forward herewith a copy of my predecessor Mr. Dikshit's opinion on the subject contained in his letter No. 1014* dated 20th April 1916, to the Commissioner, N. D. Although he is against the introduction of the Balbhodh script I personally differ from him. To a man whose mother-tongue is not Marathi and who is not thoroughly well-versed in Modi script, the Modi script is more difficult to deciper than Gujarati script is to a man whose mother-tongue is other than Gujarati. With every respect to Mr. Dikshit's opinion, I cannot but observe that a man well-versed in Modi script and whose mother-tongue is Marathi (as Mr. Dikshit is) may find no difficulty in deciphering the Modi script, and that to such a man, the slovenly written Balbodh may appear more ugly and illegible; but to a man not so much trained to that script and whose mother-tongue is not Marathi, the Balbodh is far superior and easy in the practical despatch of work The difficulty which a man of the latter type feels and the waste of time that he has to make in trying to make out the meaning cannot be gauged by a man of the former type. Moreover, there is a sort of conservatism and sentiment in trying to stick to one's own script, however difficult it may be to others. I am therefore decidedly in favour of the introduction of Balboth script in all offices in the Kolába District.

I have, etc.,
C. N. METHA,
Acting District Judge, Thána.

No. G.—274 dated 16th August 1916.

To—The Commissioner, S. D.

Sir,

With reference to your memorandum No. 3119 of the 11th instant, I have the honour to report that, in accordance with the orders of the Collector of Kolába, contained in his Circular No 4019 dated 14th July 1915, I have already ordered the introduction of Balbodh script in all offices under my control and that the work is going on smoothly.

I have, etc.,
C. G. DALIA,
Divisional Forest Officer, Kolába.

No. 3742 dated 15th August 1916.

To—The Commissioner, S. D.

Sir,

With reference to your No. 3120 dated 11th August 1916, I have the honour to state that out of 100 vaccinators in Western Registration District, 60 vaccinators in East Khándesh, West Khándesh and Násik Districts have adopted the Balbodh script, and out of 8 Inspectors of Sanitation and Vaccination, 5 have adopted the script. There are 17 vaccinators including two Janjira State vaccinators and one Inspector in Kolába District, and I am of opinion that Balbodh script may be introduced in the Kolába District without difficulty. The introduction of Balbodh script has worked with satisfactory results in East and West Khándesh and Násik Districts, and it can be introduced in the Kolába District with the same results.

I have, etc.,
A. V. ANDERSON, M.B., C.I., D.P.H., Lt.-Col., I.M.S.,
Deputy Sanitary Commissioner, Western Registration District.

No. 5574 dated 14th August 1916.

To—The Commissioner, S. D.

Sir,

With reference to your letter No. 3120 dated the 11th August 1916, I have the honour to say that the Balbodh script in lieu of the Modi script if adopted in the Ratnágiri and Kolába Districts would undoubtedly facilitate the disposal of the work in this division.

I have, etc.,
(Illegible),
Superintendent of Post Offices, Konkan Division.

* Printed on pages 627 and 628.

C. R. No. 3162 dated 19th August 1916.

To—The Commissioner, S. D.

Sir,

With reference to your memorandum No. 3123 dated the 11th instant, I have the honour to inform you that I ordered in November 1915 that the "Balbodh script" should be used in all offices of the Salt Department in pursuance of the orders of Government in Government Resolution, Revenue Department, No. 6598 of 17th June 1915. I shall be obliged if any failure on the part of officers under my control to comply with these orders is brought to my notice.

I have, etc.,
W. C. SHEPHERD,
Collector of Salt Revenue, Bombay.

C. R. No. 3162 dated 4th September 1916.

To—The Commissioner, S. D.

Sir,

In reply to your memorandum No. 3451 dated the 26th ultimo, I have the honour to state that I am of opinion that the reasons given by Mr. Kincaid in his letter No. 1445 dated the 1st October 1914, printed as accompaniment to Government Resolution, Revenue Department, No. 6598 dated the 17th June 1915 are conclusive. It is true that Balbodh cannot be written quite as fast as Modi, though if the Government orders regarding the writing of each word separately are strictly carried out, the difference in speed is very slight. On the other hand, even badly written Balbodh is easier to read than badly written Modi. The amount of official correspondence conducted in English increases every year, and before very long there will probably be little official correspondence in the vernacular except between taluka and village officers.

2. I ought to add that I have for the last four and half years been in charge of an office in which there is hardly any vernacular correspondence and have consequently had little practical experience of the effect of the orders substituting Balbodh for Modi.

I have, etc.,
W. C. SHEPHERD,
Collector of Salt Revenue, Bombay.

No. 1546 dated 19th September 1916.

To—The Commissioner, S. D.

Sir,

With reference to your No. 3119 dated the 11th August 1916, I have the honour to state that in the face of strong opinion in favour of the introduction of Balbodh script in all correspondence, I submit I am unable to hold up Modi script for its adoption in correspondence. But this step I am afraid is likely to relegate Modi script to a place amongst ancient curiosities, and I submit the fate of Modi script might be referred to some connoisseurs. I should rather not do away with Modi script as a means of correspondence and allow Balbodh to usurp its place so far as this office is concerned on some of the following grounds:—

1. The introduction of Modi script in former times marks a phase of psychological development of the art of writing.

2. It affords facilities for fast writing and if legibility and adherence to a few approved patterns are enforced, it will no doubt induce dexterity of figures for purposes of drawing and other allied arts.

3. Balbodh if it has to compete Modi script in its facility for fast writing may some day be transformed into some kind of Modi.

I have, etc.,
H. K. GOKHALE,
Acting Deputy Educational Inspector, Kolaba.

No. 2456 dated 5th September 1916.

To—The Commissioner, S. D.

Sir,

With reference to your memorandum No. 3119 dated 11th August 1916, I have the honour to inform you that I am in favour of introducing Balbodha script in lieu of Modi script for all vernacular correspondence in Marathi.

I have, etc.,
A. B. SPENCER,
Executive Engineer, Ratnágiri District.

No. 3123 dated 28th August 1916.

To—The Commissioner, S. D.

Sir,

With reference to your No. 3120 of 11th August 1916, I have the honour to inform you that in accordance with Government Resolution No. 6598 dated 17th June 1915, Revenue Department, Balbodh script was adopted by this office and for the sake of uniformity Ratnágiri District was also added.

I have, etc.,
ACCACIO DA GAMA, L.M.S., D.P.H., D.T.M. & H.,
Acting Deputy Sanitary Commissioner, Central Registration District.

No. 3330 dated 8th September 1916.

To—The Commissioner, S. D.

Sir,

With reference to your No. 3527 dated 30th August 1916, I have the honour to inform you that as there have been very few complaints against the introduction of Balbodh-script, I am of the opinion that it is advisable as it is certainly more convenient and easier to decipher.

I have, etc.,
ACCACIO DA GAMA, L.M.S., D.P.H., D.T.M. & H.,
Acting Deputy Sanitary Commissioner, Central Registration District.

No. 2616 dated 13th July 1916.

To—The Collector of Ratágiri.

Sir,

I have the honour to forward copy of my letter No. 2615 dated 13th July 1916 to Government on the question of adoption of Balbodh in your district and to invite your attention to Government Order No. 6598 dated 17th June 1915, in which the results of the innovation in several districts are given.

2. The introduction of Balbodh has proved remarkably successful in other districts. It is stated that Balbodh is badly written in Ratnágiri. I encountered a great deal of opposition in introducing it into Sholápur, as is natural with an innovation of this nature, but once the karkuns found they had to stick to Balbodh, their writing improved both in facility and speed fairly soon. I trust this will be the case in Ratnágiri, and if it is not, should Government be pleased to order the adoption of Balbodh, the extra trouble and labour of karkuns having to work longer hours will be well worth the inevitable result.

3. It was not, as you state, Mr. Kincaid who first felt the difficulty. He was the first to find a remedy. The difficulty was felt as far back as 1885 (Government Resolution No. 2282 dated 26th December 1885) at any rate.

4. In spite of efforts we have not been able to improve Modi. It seems to get worse and more illegible, and I believe with Mr. Fellowes that it is easier to exact a good standard of Balbodh script than of Modi script. Certainly our kulkarnis and sub-registrars have mastered the difficulty of fairly rapid writing in legible Balbodh as well as Mr. Kincaid's section-writers.

5. Fast writing makes slow reading and after all letters and correspondence are meant to be read by the officers to whom they are sent, if it should be necessary as it often is. As regards the slowness in recording depositions in Balbodh, if depositions were recorded more slowly, our Appellate Courts would have less work to do; apart from the fact that in trying appeals the Court wants to have a vernacular record it can read with ease itself. Speed is not everything. Moreover, it would give the Lower Court time to record evidence in legible English, and thereby save the Appellate Court a great deal of time and labour.

6. I cannot quite accept the view that many officers who favour Balbodh have light vernacular work, and the letters underlying in Government Resolution No. 6598 dated 17th June 1915 bear out my opinion. Karkuns do not like Balbodh; and most district officers do; and while I understand your reluctance to introduce Balbodh, I really believe it could be introduced into Ratnágiri with satisfactory results. In the hope of possibly inducing you to modify your views I have ventured to put mine before you.

I have, etc.,

(Sd.) L. J. MOUNTFORD,
Acting Commissioner, S. D.

No. 4889 dated 3rd September 1916.

To,—The Commissioner, S. D.

Sir,

With reference to the last sentence of your No. 2616 dated 13th July 1916, I have the honour to state that I have again carefully considered the matter and gone through the former correspondence on the subject.

2. The result, however, only confirms my opinion that Balbodh script is unsuitable for the conditions of this district, and if introduced will very seriously affect the efficiency of the administration. In the hope of averting such a result, I would bring to your notice the following considerations.

3. There is indeed a divergence of opinion on Balbodh *versus* Modi in the correspondence printed with Government Resolution No. 6598 of 17th June 1915, Revenue Department. Many officers favour Balbodh; but many experienced officers, including Judicial, Forest and Police, are strongly against Balbodh. The clue to this divergence is, I think, probably the following. Legible Balbodh takes on an average about 1½ times longer to write than Modi. and that too after much practice, besides involving greater strain and effort in writing the disjointed letters. Where the volume of office work was not great in proportion to an office staff, the staff would be able to cope with the excess work and time involved by Balbodh, but where the vernacular work in proportion to the hands was full or heavy, the additional work involved by Balbodh would be felt very burdensome. But this is equivalent to saying that many offices could do with fewer hands, which I believe is often the case. Hence the fact that in many offices it has been possible to substitute Balbodh does not prove that it can be done with good results where the work is heavy and the offices not overmanned.

4. Having acted Collector in this district now for two considerable periods, my experience is that the volume of vernacular work in connection with village administration is very much greater than in above-ghát districts. Owing to minute sub-division and constant transfers of land and large village areas, the record of rights and village accounts give exceedingly heavy work, which the talatis are barely able to cope with. Indeed the record of rights is in a very imperfect condition. In a village of similar size above-ghats as I can personally testify, the revenue accounts and record of rights work would give only a fraction of the work they would in a Ratnágiri village. In the former, holdings are large, and transfers comparatively few, so mutations are few, and accounts of small bulk. The Ratnágiri four revenue instalments as against two above-ghats much increase the work. If on the top of their existing very heavy work, talatis are required to use Balbodh, and increase their time spent on writing by nearly one-half, their work will fall into arrears, and they will simply leave much of the record of rights work undone, so its quality will seriously deteriorate. Besides this, Mamlatdars and their staffs will be much harassed by trying to exact the extra work from the talatis.

5. The vatap or partition work peculiar to this district involves an immense amount of vernacular writing. This work is already two years in arrears, and Balbodh will make matters much worse.

6. In your second paragraph you refer to the fact that the karkuns may have to work longer hours with Balbodh. Owing to revenue offices having harder work than other offices as a rule, and other reasons, the Revenue Department is having everywhere great difficulty in securing good recruits. I therefore submit that we cannot impose longer hours on the karkuns with impunity. The result will be that the Revenue Department will be more shunned in this district than ever, and we shall obtain only very inferior men, whereas the department should secure the best men, as it touches the life of the people so closely. Further, most of existing staff have already a full day's work, and Balbodh will mean either extra hours for them or growing arrears or scamping the endorsements as resulted when Balbodh was tried here formerly.

7. I would further point out that my opinion as to the unsuitability of Balbodh for this district especially is not founded on theoretic reasons. Balbodh was tried here for a full year under Mr. A. F. Maconochie, who was keen on it. Mr. Ghosal, his successor, was also keen on it, until practical experience convinced him of its unsuitability. I have examined some of the Balbodh writing of that time. It is much more illegible than Modi. I do not dispute that if written slowly Balbodh can be written legibly, but the point is that the volume of work here is so much that karkuns have not got the time to write slower than they do now. If the average Modi written here were illegible or slow to read, there would be some case for a different hand. But the Modi written here is, I find, good on the whole, and easily read by those who have to read it. Neither the public nor officials find any fault in it. The two European officials in the district who may need at any time to read Modi could easily read it fluently if they gave some time to practising it. Introducing Balbodh would mean that merely to make the reading of vernacular a little easier for them, the labour of hundreds of karkuns, talatis and others will be greatly increased and official correspondence fall into arrears.

8. It is true that some karkuns do not write good Modi. But their Balbodh will be equally bad. It does not seem necessary to condemn all Modi writers, because one here and there is a bad writer. The remedy is to insist on his writing Modi carefully or failing compliance to discharge him, also to enlist only recruits who write a good hand.

9. I would again solicit attention to paragraph 2 of Mr. Ghosal's No. 1502 of 24th March 1910 printed in Government Resolution No. 11719 of 23rd December 1910, Revenue Department. After a full year of the experiment, he found that Balbodh endorsements were cut short, so correspondences went to and fro, undisposed of, endorsements had often to be got rewritten, village officers' Balbodh entries were often undecipherable even by Circle Inspectors, arrears in Mamlatdars' offices increased. Correspondences were delayed in despatch and talatis and candidates had to be called in by Mamlatdars to clear off the work. None of these facts have ever been controverted. They cannot, it seems to me, be overlooked. Continuing, Modi is the only way to prevent a reoccurrence of the muddle that occurred.

10. The then Commissioner, Mr. Gibb, agreed that the experiment was a failure and allowed, Government approving, reintroduction of Modi.

11. It is stated that Balbodh has lately been introduced into Alibág with success. I do not know if Alibág conditions are like those of Ratnágiri, but it may be noted that it takes a considerable time; in this district it took a year before the full results of Balbodh were known.

12. Balbodh was tried in the Judicial Department in this district and proved as much a failure there as in the Revenue, being illegible, and making depositions and process work very much slower and wasting the time of the court. I understand the present District Judge has reported against the reintroduction of Balbodh. With reference to your paragraph 5, no difficulty or delay is experienced in the appellate courts of this district, including that of the Sessions Judge, from the depositions in the lower courts being recorded in Modi. It is important to keep Balbodh out of judicial work as it lends itself peculiarly to forgery and interpolation.

13. Balbodh was also tried in the Registration Department in this district and found unsatisfactory. Its continuance would have necessitated a large increase in the clerical establishment.

14. Great weight should, I consider, be given to the fact that after prolonged experiment here all the Mamlatdars, the Sub-Divisional Officers and finally the then Collector found the administration seriously impaired in efficiency by Balbodh and condemned it. The great majority of Indian Marathi officers, so far as I know, hold the same opinion.

15. I am firmly convinced that any reintroduction of Balbodh, even as an experiment, is bound to result as before in serious deterioration of the efficiency of the district administration, besides harassing and overworking the revenue and other subordinates who, as it is, have hard work to keep things up to the mark. No local complaint about, or dissatisfaction with, Modi has been made, so there is no reason to put the severe handicap of a Balbodh script upon the administration, which is working efficiently with Modi. As the officer directly responsible for the efficient administration of the district I feel it my duty to repre-

sent what will be the result of introducing Balbodh, and request that you will kindly bring my views to the notice of Government.

I have, etc.,

(Sd.) J. P. BRANDER,
Collector of Ratnágiri.

No. 144 dated 3rd September 1916.

To—The Commissioner, S. D.

Sir,

With reference to your memorandum No. 3119 dated 11th August 1916, I have the honour to report as follows. The substitution of Balbodh for Modi was tried in 1909 in the office of the Sub-Registrar, Ratnágiri. It was found to be a much slower process than Modi, and that its general introduction would necessitate an extra copying clerk being given to each Sub-Registrar, *i. e.*, the clerical establishment would have to be doubled, otherwise heavy arrears would accumulate.

2. Other practical inconveniences were also foreseen. The public as a rule write their documents in Modi. In Modi some letter forms, *e. g*, those for kä and lä, and those for jä and nä, are not unlike each other. Which letter is meant is easily ascertained from reading the whole word or context. But a karkún is sometimes careless or busy and in copying a Modi document in Balbodh either when registering it, or in giving a certified copy, might easily write kä for lä or *vice versa* without troubling to study the meaning of the word or sentence. Thus confusion would arise. If he made such a mistake, in giving a Modi copy of a Modi document, it would be easily detected. In making or giving copies it is important that the exact words be reproduced. When Modi had been copied in Balbodh, it would not be easy to trace such an error as the above. Nor could the public be compelled to write documents in Balbodh, which is a style little used by them.

3. No objection has been made to or inconvenience found here in the writing or reading of Modi. Registration clerks make Modi copies carefully and legibly. It would in my opinion cripple the efficient despatch of copying work greatly if Balbodh were introduced, and the public and clerical staff would be much inconvenienced by the delay thereby caused. Also increased clerical establishment would be required.

I have, etc.,

J. P. BRANDER,
District Registrar of Ratnágiri.

No. 2548 dated 23rd August 1916.

To—The Commissioner, S. D.

Sir,

With reference to your No. 3119 dated the 11th instant, I have the honour to invite a reference to letter No. 1502 dated 24th March 1910 from the Collector of Ratnágiri, printed in the preamble of Government Resolution, Revenue Department, No. 11719 dated 23rd December 1910, and to report that for the reasons explained therein I am not in favour of the introduction of the Balbodh script.

I have, etc.,

E. P. WHITE,
District Superintendent of Police, Ratnágiri.

No. 2702 dated 5th September 1916.

To—The Commissioner, S. D.

Sir,

With reference to your letter No. 3503 dated the 30th ultimo, I have the honour to report that Balbodh script was tried in this office for about a year but, it having proved a failure, orders were issued by your office for the introduction of Modi.

2. Personally I am not in favour of the introduction of the Balbodh script, chiefly because when written hastily it is harder to decipher than Modi.

I have, etc.,

E. P. WHITE,
District Superintendent of Police, Ratnágiri.

No. 1484 dated 16th August 1916.

To—The Commissioner, S. D.

Sir,

Referring to your No. 3119 dated the 11th August 1916, I have the honour to state that, in my opinion, it is not desirable to introduce Balbodh script in lieu of Modi. There are certainly some advantages in favour of the changes, but the disadvantages outweigh the advantages. The principal objection is that if Balbodh is to be written in a legible way, it would take about double the time required for writing Modi.

2. I beg to add that, so far as the Medical Department is concerned, the correspondence carried on in the vernacular is negligible. Even when communications are received in the vernacular, the replies are generally sent in English.

I have, etc.,

D. E. KOTHAWALA,
Civil Surgeon, Ratnágiri.

No. 1848 dated 23rd August 1916.

To—The Commissioner, S. D.

Sir,

In answer to your memorandum No. 3119 of the 11th instant, I have the honour to state that no advantage would be gained by the substitution of the Balbodh script for the Modi. Modi can be written legibly, and if care is taken to appoint men writing a good hand and to impress on karkuns, after appointment, the necessity for writing clearly, there is no reason why correspondence in Modi should be illegible. The Modi script possesses the great advantage over the Balbodh, that it can naturally be written faster. All the clerical members of the judicial establishment are used to writing *Modi*. Probably hardly any could write the other script with ease.

2. I agree generally with the observations of Mr. Ghosal in his letter, printed in Government Resolution, Revenue Department, No. 11719 of 23rd December 1910. I am informed that, when Balbodh was tried in this district, depositions were written so badly as to be illegible. I am also told that in another district, in which Balbodh was in use partially in several courts, it was used only for some purposes, but much of the work continued to be done in Modi.

3. The use of the Balbodh script would render the work of recording depositions in the courts and of the preparation of the numerous processes which have to issue in suits and other proceedings considerably slower than it is at present, and that would be a great evil. Judges generally read the English notes of evidence. It is occasionally necessary to refer to the vernacular statements and there is no great inconvenience caused by these being in Modi. The difficulty sometimes felt in reading them would not be diminished, if the deposition were taken with equal rapidity in Balbodh, and I seriously doubt if the Judge's work would be at all facilitated in this respect by the suggested change. The papers which it is most frequently necessary to refer to in cases to be decided by Judges are deeds which are generally in Modi, and would probably continue to be in Modi even if Balbodh were adopted as the Court script.

4. I do not therefore recommend Modi being given up for Balbodh.

I have, etc.,

M. B. TYABJI,
ict Judge, Ratnágiri.

No. 1151 dated 15th August 1916.

To—The Commissioner, S. D.

Sir,

With reference to your No. 3119 of 11th August 1916, I have the honour to state that the clerical staff in my office is inadequate to cope with the heavy work in this district. At present there are five clerks under me, while this is a district requiring at least two more clerks. Government have been pleased to recognise the necessity of appointing two more clerks for this district in Government Resolution, Educational Department, No. 3676 of 21st

November 1914. However, these clerks cannot be appointed till the financial situation improves. Besides my clerks are not accustomed to write Balbodh script with as much ease as they can write the Modi script. In these circumstances I respectfully beg to submit that the Balbodh script should not be introduced in this office in lieu of Mody script. Generally I am to correspond with teachers. Most of them write Modi script very neatly as they have to teach the subject in schools. I, therefore, think that it is not desirable to ask them to introduce Balbodh script in lieu of Modi, in official correspondence.

I have, etc.,

D. V. GANGAL,

Acting Deputy Educational Inspector, Ratnágiri.

No. 6024 dated 26th August 1916.

Forwarded with compliments. Undersigned agrees with the Deputy Educational Inspector. There is no need of introducing Balbodh script in the office of the Deputy Educational Inspector, Ratnágiri.

A. J. BANGI,

for Acting Educational Inspector, S. D.

Ref. No. 306-General dated 17th October 1916.

To—The Commissioner, S. D.

Sir,

I have the honour of informing you that the only district which has not adopted Balbodh in this Department is Ratnágiri. Experience has borne out the fact that Balbodh has nothing against it except the longer time taken in writing, but I would invite your attention in that respect to the opinion of my predecessor, Mr. Seddon, conveyed in his letter on the subject (*vide* reference No. 1997-Genl. dated 9th October 1914 printed on page 6 of the accompaniments to Government Resolution, Revenue Department, No. 6598 dated 17th June 1915) with which I agree. Balbodh written carelessly, hurriedly and badly can become as illegible as any other writing in the same circumstances; but Balbodh written moderately well is much more legible and takes *a little* longer than Modi: nothing like so much longer as the exaggerated estimate of the District Registrar, Ratnágiri. We have the experience of about twelve districts against his estimate.

Yours, etc.,

(Sd.) F. G. H. ANDERSON,

Inspector General of Registration,

Bombay Presidency.

APPENDIX BB.

I.

Statement showing the population and the number of elected and nominated councillors in each Municipality in the Bombay Presidency including Sind.

Municipality.	Population.	Elected councillors	Nominated councillors.	Total number of councillors.	Remarks.
Northern Division.					
1. Ahmedabad ...	225,539	27	13	40	
2. Dholka ...	13,693	8	8	16	
3. Viramgam ...	20,769	8	8	16	
4. Prantij ...	5,577	6	6	12	
5. Modasa ...	6,968	6	6	12	
6. Dhandhuka ...	8,040	6	6	12	
7. Gogha ...	2,958	6	6	12	
8. Sanand ...	6,474	5	5	10	
9. Dholera ...	6,050	...	10	10	
10. Ranpur ...	5,755	...	10	10	
11. Umreth ...	13,651	6	6	12	
12. Anand ...	10,139	6	6	12	
13. Borsad ...	11,860	6	6	12	
14. Dakor ...	7,785	...	10	10	
15. Kapadvanj ...	13,126	7	7	14	
16. Mehmadabad ...	6,330	...	10	10	
17. Mahudha ...	6,815	...	10	10	
18. Kaira ...	7,399	7	7	14	
19. Nadiad ...	27,145	12	6	18	
20. Godhra ...	22,144	8	8	16	
21. Dohad ...	9,303	6	6	12.	
22. Broach ...	43,403	16	8	24	
23. Ankleshwar ...	11,344	6	6	12	
24. Jambusar ...	8,991	6	6	12	
25. Surat ...	114,868	20	10	30	
26. Rander ...	10,352	6	6	12	
27. Bulsar ...	13,710	8	8	16	
28. Thana ...	15,591	10	10	20	
29. Kalyan ...	11,386	7	7	14	
30. Kurla ...	14,932	6	6	12	
31. Mahim ...	7,522	8	8	16	
32. Bandra ...	22,790	12	6	18	
33. Bassein ...	9,598	7	7	14	
34. Bhiwndi ...	13,292	7	7	14	
35. Ghatkopar-Kirol ...	3,430	4	4	8	
Central Division.					
36. Ahmednagar ...	33,878	16	8	24	
37. Kharda ...	5,888	6	6	12	
38. Sangamner ...	11,446	6	6	12	
39. Vambori ...	4,714	Under suspension.			
40. Jalgaon ...	17,780	16	8	24	
41. Bhusaval ...	18,312	16	8	24	
42. Yaval ...	9,147	6	6	12	
43. Faizpur ...	7,149	6	6	12	
44. Raver ...	6,397	6	6	12	
45. Savda ...	6,624	6	6	12	
46. Amalner ...	13,232	6	6	12	
47. Parola ...	14,177	7	7	14	
48. Chopda ...	15,818	7	7	14	
49. Dharangaon ...	15,607	7	7	14	
50. Erandol* ...	13,144	7	7	14	* The constitution shown will take effect from the 6th September 1917.
51. Dhulia ...	30,341	16	8	24	
52. Sindkheda ...	5,264	6	6	12	

Municipality.	Population.	Elected councillors.	Nominated councillors.	Total number of councillors.	Remarks.
Central Division —contd.					
53. Betavad ...	4,170	6	6	12	
54. Shirpur ...	1,919	6	6	12	
55. Nandurbar ...	11,510	6	6	12	
56. Taloda ...	5,937	6	6	12	
57. Shahada ...	5,947	6	6	12	
58. Nasik ...	30,098	16	8	24	
59. Yeola ...	16,275	12	7	19	
60. Malegaon ...	21,869	12	6	18	
61. Sinnar ...	3,125	6	6	12	
62. Igatpuri ...	7,596	6	6	12	
63. Trimbak ...	3,889	...	10	10	
64. Poona City ...	119,827	26	13	39	
65. Sasvad ...	2,163	6	6	12	
66. Jejuri ...	2,657	6	6	12	
67. Baramati ...	7,831	6	6	12	
68. Indapur ...	4,336	6	6	12	
69. Sirur ...	4,246	6	6	12	
70. Talegaon-Dabhade	3,247	6	6	12	
71. Lonavla ...	12,294	6	8	14	
72. Khed ...	3,303	6	6	12	
73. Alandi ...	1,624	6	6	12	
74. Junnar ...	8,820	8	8	16	
75. Poona Suburban ...	9,963	9	9	18	
76. Satara Town ...	15,893	16	8	24	
77. Karad ...	10,081	6	6	12	
78. Rahimatpur ...	5,896	6	6	12	
79. Wai ...	5,333	8	8	16	
80. Mhasvad ...	5,001	6	6	12	
81. Islampur ...	8,574	6	6	12	
82. Vita ...	4,992	...	6	6	
83. Tasgaon ...	6,825	6	6	12	
84. Ashta ...	9,351	6	6	12	
85. Malcolmpeth ...	4,112	...	10	10	
86. Satara Suburban ...	3,252	...	13	13	
87. Panchgani ...	1,042	...	8	8	
88. Sholapur ...	89,424	18	9	27	
89. Barsi ...	16,704	12	6	18	
90. Karmala ...	6,806	6	6	12	
91. Pandharpur ...	28,550	12	6	18	
92. Sangola ...	5,449	6	6	12	
Southern Division.					
93. Belgaum ...	31,596	16	8	24	
94. Nipani ...	10,476	6	6	12	
95. Athni ...	11,157	6	6	12	
96. Gokak ...	5,607	6	6	12	
97. Saundatti-Yellamma	5,315	7	7	14	
98. Bijapur ...	27,616	12	6	18	
99. Bagalkot ...	17,294	12	6	18	
100. Guledgudd ...	15,249	12	6	18	
101. Ilkal ...	10,233	6	6	12	
102. Dharwar ...	30,289	16	8	24	
103. Hubli ...	61,440	16	8	24	
104. Gadag-Bettigeri* ...	30,429	16	8	24	* The constitution shown will take effect from the 1st October 1917.
105. Navalgund ...	7,045	6	6	12	
106. Yemnur ...	Temporary Municipality.	...	9	9	
107. Nargund ...	6,628	6	6	12	
108. Ranebennur ...	10,931	6	6	12	

Municipality.	Population.	Elected councillors.	Nominated councillors.	Total number of councillors.	Remarks.
Southern Division —contd.					
109. Gudguddapur ...	Temporary Municipality.	...	7	7	
110. Byadgi ...	3,966	6	6	12	
111. Haveri ...	5,860	6	6	12	
112. Karwar ...	18,159	8	8	16	
113. Kumta ...	10,343	6	6	12	
114. Sirsi ...	6,849	6	6	12	
115. Haliyal ...	5,505	6	6	12	
116. Honavar ...	7,323	6	6	12	
117. Bhatkal ...	7,141	6	6	12	
118. Gokarn (Tempy.) ...	8,481	...	12	12	
119. Ulvi (Tempy.) ...	205	...	9	9	
120. Alibág ...	3,467	6	6	12	
121. Mahad ...	6,795	6	6	12	
122. Matheran ...	2,757	4	5	9	
123. Panvel ...	6,757	6	6	12	
124. Pen ...	3,129	5	7	12	
125. Roha-Ashtami ...	5,464	6	6	12	
126. Uran ...	4,161	6	6	12	
127. Vengurla ...	8,309	6	6	12	
128 Ratnagiri* ...	15,858	12	6	18	* The constitution shown will take effect from the 1st April 1918.
129. Chiplun ...	10,504	6	6	12	
Sind.					
130. Karachi † ...	148,394	30	10	40	† The constitution shown will take effect on the expiry of the present triennial period during the current year.
131. Tatta ...	11,161	...	12	12	
132. Keti Bandar ...	1,791	...	12	12	
133. Kotri ...	7,256	6	6	12	
134. Manjhand ...	2,838	...	10	10	
135. Hyderabad ...	69,140	Under suspension.			
136. Hala ...	5,852	...	10	10	
137. Tando Allahyar ...	4,287	...	10	10	
138. Nasarpur ...	4,342	...	9	9	
139. Matiari ...	6,487	...	9	9	
140. Tando Mahomed Khan.	4,979	...	10	10	
141. Sukkur ...	39,161	20	10	30	
142. Shikarpur ...	54,641	20	10	30	
143. Garhi Yasin ...	6,549	...	12	12	
144. Rohri ...	10,751	...	12	12	
145. Ghotki ...	3,430	...	12	12	
146. Larkana ...	16,097	9	9	18	
147. Kambar ...	6,286	...	12	12	
148. Rato-dero ...	5,411	...	12	12	
149. Sehwan ...	4,749	...	12	12	
150. Bubak ...	3,227	...	10	10	
151. Tando Adam ...	10,016	...	12	12	
152. Shahdadpur ...	4,201	...	10	10	
153. Mirpurkhas ...	4,856	...	13	13	
154. Umarkot ...	3,981	...	12	12	
155. Jacobabad ...	11,361	7	7	14	

II.

Statement showing the population and the number of elected and nominated councillors in each District Local Board *in the Bombay Presidency including Sind.*

District Local Board.	Population.	Elected councillors.	Nominated councillors.	Total number of councillors	Remarks.
Northern Division.					
1. Ahmedabad ...	827,809	12	7	19	
2. Kaira* ...	691,744	9	5	14	* The constitution shown will take effect from the 1st November 1917.
3. Panch Mahals ...	322,695	6	5	11	
4. Broach ...	306,717	7	8	15	
5. Surat ...	654,109	10	6	16	
6. Thana ...	882,309	12	7	19	
Central Division.					
7. Ahmednagar ...	945,305	12	7	19	
8. East Khandesh ...	1,034,886	12	7	19	
9. West Khandesh ...	580,723	9	5	14	
10. Nasik ...	821,492	15	8	23	
11. Poona† ...	1,071,512	10	6	16	† The constitution shown will take effect from the 1st November 1917.
12. Satara ...	1,081,278	13	7	20	
13. Sholapur ...	768,330	11	6	17	
Southern Division.					
14. Belgaum ...	943,820	10	6	16	
15. Bijapur ...	862,973	10	6	16	
16. Dharwar ...	1,026,005	15	8	23	
17. Kanara ...	430,548	9	5	14	
18. Kolaba ...	594,166	8	5	13	
19. Ratnagiri ...	1,203,638	10	11	21	
Sind.					
20. Karachi ...	311,485	11	12	23	
21. Hyderabad ...	508,013	9	10	19	
22. Sukkur ...	464,777	11	12	23	
23. Larkana ...	625,109	12	13	25	
24. Nawabshah ...	436,953	8	9	17	
25. Thar and Parkar ...	424,561	...	16	16	
26. Upper Sind Frontier.	251,084	...	13	13	

III.

Statement showing the population and the number of elected and nominated councillors in each Taluka Local Board *in the Bombay Presidency including Sind.*

Taluka Local Board.	Population.	Elected councillors.	Nominated councillors.	Total number of councillors.	Remarks.
Northern Division.					
1. North Daskroi ...	346,921	8	9	17	
2. South Daskroi ...		7	8	15	
3. Dhandhuka ...	95,446	10	11	21	
4. Dholka ...	87,195	8	9	17	
5. Gogha ...	30,056	8	9	17	
6. Modasa ...	25,328	4	5	9	
7. Parantij ...	62,118	5	7	12	
8. Sanand ...	65,330	7	8	15	
9. Viramgam ...	117,415	8	9	17	
10. Anand ...	143,468	10	11	21	
11. Borsad ...	140,094	8	9	17	
12. Kapadvanj ...	76,730	8	9	17	
13. Matar ...	58,705	7	8	15	
14. Mehmadabad ...	67,692	9	10	19	
15. Nadiad ...	133,467	9	10	19	
16. Thasra ...	71,588	8	9	17	
17. Dohad ...	114,417	6	6	12	
18. Godhra ...	117,466	6	6	12	
19. Kalol ...	90,812	6	6	12	
20. Broach ...	111,431	8	9	17	
21. Ankleshvar ...	68,930	8	9	17	
22. Vagra ...	30,692	7	8	15	
23. Amod ...	35,020	6	7	13	
24. Jambusar ...	60,644	8	9	17	
25. Olpad ...	53,506	7	8	15	
26. Chorasi ...	170,191	9	10	19	
27. Bardoli ...	86,349	6	7	13	
28. Jalalpur ...	75,252	7	8	15	
29. Chikhli ...	62,774	7	8	15	
30. Bulsar ...	89,404	7	8	15	
31. Pardi ...	63,606	7	8	15	
32. Mandvi ...	53,027	3	4	7	
33. Salsette ...	153,853	10	11	21	
34. Dahanu ...	164,815	6	7	13	
35. Mahim ...	92,958	8	9	17	
36. Vada ...	78,915	8	9	17	
37. Shahapur ...	86,196	6	7	13	
38. Murbad ...	64,397	7	8	15	
39. Kalyan ...	82,543	8	9	17	
40. Bhiwndi ...	78,654	8	9	17	
41. Bassein ...	79,978	8	9	17	
Central Division.					
42. Akola ...	75,949	7	8	15	
43. Karjat ...	103,063	8	9	17	
44. Kopargaon ...	91,490	6	7	13	
45. Nagar ...	129,109	9	10	19	
46. Nevasa ...	84,999	7	8	15	
47. Parner ...	82,342	7	8	15	
48. Rahuri ...	78,357	5	10	15	
49. Sangamner ...	95,451	8	9	17	
50. Shevgaon ...	39,628	7	8	15	
51. Shrigonda ...	65,727	7	8	15	
52. Amalner ...	130,781	8	9	17	
53. Erandol ...	117,183	7	8	15	
54. Chopda ...	82,688	8	9	17	
55. Chalisgaon ...	99,235	7	8	15	
56. Pachora ...	120,448	7	8	15	

Taluka Local Board.	Population.	Elected councillors.	Nominated councillors.	Total number of councillors.	Remarks.
Central Division—continued.					
57. Jamner ..	98,323	7	8	15	
58. Jalgaon ...	94,041	8	9	17	
59. Bhusaval ...	126,620	8	9	17	
60. Yaval ...	85,269	8	9	17	
61. Raver ...	80,298	9	10	19	
62. Dhulia ...	129,147	8	9	17	
63. Sindkheda ...	89,194	8	8	16	
64. Shirpur ...	57,642	7	8	15	
65. Nandurbar ...	115,483	8	9	17	
66. Taloda ...	47,835	6	7	13	
67. Shahada ...	68,409	8	9	17	
68. Sakri ...	73,053	5	7	12	
69. Nasik ...	80,830	8	9	17	
70. Sinnar ...	68,503	8	9	17	
71. Igatpuri ...	71,218	8	9	17	
72. Dindori ...	75,098	7	8	15	
73. Niphad ...	93,029	7	8	15	
74. Chandor ...	53,109	7	8	15	
75. Yeola ...	46,882	8	9	17	
76. Malegaon ...	91,472	8	9	17	
77. Nandgaon ...	44,916	7	8	15	
78. Baglan ...	69,056	7	8	15	
79. Kalvan ...	65,646	7	8	15	
80. Peint ...	61,733	...	9	9	
81. Junnar ...	114,871	8	9	17	
82. Indapur ...	78,059	7	8	15	
83. Khed ...	158,648	7	8	15	
84. Sirur ...	76,681	7	8	15	
85. Purandhar ...	81,065	7	8	15	
86. Bhimthadi ..	155,105	8	9	17	
87. Haveli ...	338,123	9	10	19	
88. Maval ...	68,960	8	9	17	
89. Karad ...	132,531	8	9	17	
90. Valva ...	168,090	9	10	19	
91. Satara ...	114,637	8	9	17	
92. Wai ..	87,457	8	9	17	
93. Javli ...	66,758	7	8	15	
94. Khanapur ...	83,921	7	8	15	
95. Koregaon ...	78,156	8	9	17	
96. Man ...	64,501	8	9	17	
97. Patan ...	114,601	7	8	15	
98. Khatav ...	89,221	7	8	15	
99. Tasgaon ...	81,405	8	9	17	
100. Sholapur ...	189,616	8	9	17	
101. Barsi ...	132,825	8	9	17	
102. Madha ...	101,096	7	8	15	
103. Karmala ...	93,746	8	9	17	
104. Pandharpur ...	101,284	8	9	17	
105. Sangola ...	82,016	8	9	17	
106. Malsiras ...	67,747	7	8	15	
Southern Division.					
107. Belgaum ...	136,877	8	9	17	
108. Chikodi ..	157,853	8	9	17	
109. Hukeri ...	110,061	7	8	15	
110. Athni ...	123,347	8	9	17	
111. Gokak ...	123,225	8	9	17	
112. Parasgad ...	102,197	8	9	17	
113. Sampgaon ...	117,966	7	8	15	
114. Kanapur ...	72,304	7	8	15	
115. Indi ...	98,829	7	8	15	

Taluka Local Board.	Population.	Elected councillors.	Nominated councillors.	Total number of councillors.	Remarks.
Southern Division—continued.					
116. Sindgi ...	96,084	7	8	15	
117. Bijapur ...	122,630	8	9	17	
118. Bagevadi ...	109,726	7	8	15	
119. Muddebihal .	89,487	7	8	15	
120. Bagalkot ...	127,434	8	9	17	
121. Badami ...	108,202	8	9	17	
122. Hungund ..	110,581	8	9	17	
123. Dharwar ..	106,456	8	9	17	
124. Hubli ...	122,795	8	9	17	
125. Navalgund	88,816	9	10	19	
126. Gadag ..	131,740	8	9	17	
127. Bankapur ..	77,111	7	8	15	
128. Ranebennur ...	96,441	8	9	17	
129. Hangal ..	70,882	7	8	15	
130. Karajgi .	95,898	8	9	17	
131. Kalghatgi ..	46,454	7	8	15	
132. Kod ..	96,345	7	8	15	
133. Ron ...	93,067	7	8	15	
134. Karwar ...	59,663	7	8	15	
135. Ankola ...	38,482	...	8	8	
136. Kumta ...	64,476	7	8	15	
137. Honavar ...	100,420	2	12	14	
138. Siddapur ..	37,479	...	8	8	
139. Sirsi ...	48,351	1	8	9	
140. Yellapur ...	34,710	...	9	9	
141. Haliyal ...	46,967	1	11	12	
142. Alibag ...	80,862	8	9	17	
143. Pen ...	70,016	8	9	17	
144. Panvel ...	108,015	9	10	19	
145. Karjat ...	86,224	7	8	15	
146. Roha ...	46,327	8	9	17	
147. Mangaon ...	84,208	7	8	15	
148. Mahad ...	118,514	8	9	17	
149. Vengurla ...	45,443	6	7	13	
150. Malvan ...	111,257	7	8	15	
151. Devgad ...	148,497	7	8	15	
152. Rajapur ...	155,227	8	9	17	
153. Ratnagiri ...	149,867	8	9	17	
154. Sangameshvar ...	134,937	7	8	15	
155. Chiplun ...	197,135	8	9	17	
156. Khed ...	101,529	7	8	15	
157. Dapoli ...	159,746	7	8	15	
Sind.					
158. Ghorabari ...	31,758	4	6	10	
159. Jati ...	35,928	4	5	9	
160. Karachi ...	26,985	4	5	9	
161. Kotri ...	33,141	7	8	15	
162. Mirpur Bathoro ...	38,420	4	5	9	
163. Mirpur-Sakro ...	31,155	6	7	13	
164. Shahbandar ...	32,729	3	4	7	
165. Sujawal ...	34,654	4	5	9	
166. Tatta ...	46,715	8	5	9	
167. Hyderabad ...	71,316	8	9	17	
168. Tando Alahyar ...	57,577	7	8	15	
169. Hala ...	92,851	9	10	19	
170. Guni ...	86,250	7	8	15	
171. Badin ...	83,321	7	8	15	
172. Tando Bago ...	67,678	7	8	15	
173. Dero Mohbat ...	49,020	7	8	15	
174. Shikarpur ...	65,670	7	7	14	
175. Sukkur ...	67,291	8	8	16	

Taluka Local Board.	Population.	Elected councillors.	Nominated councillors.	Total number of councillors.	Remarks.
Sind—continued.					
176. Garhi Yasin ...	69,434	8	8	16	
177. Rohri ...	78,923	8	8	16	
178. Pano Akil ...	45,785	6	8	14	
179. Ghotki ..	42,657	7	7	14	
180. Mirpur ...	51,353	6	6	12	
181. Ubauro ..	44,564	6	6	12	
182. Larkana ...	54,642	7	7	14	
183. Labdaria ...	69,981	4	10	14	
184. Kambar ...	70,226	8	8	16	
185. Ratodero ...	59,069	7	7	14	
186. Mirokhan ..	58,806	6	6	12	
187. Mehar ...	58,221	7	8	15	
188. Warah ...	57,129	7	8	15	
189. Kakar ...	47,244	7	8	15	
190. Johi ...	50,187	4	5	9	
191. Dadu ...	54,677	3	4	7	
192. Sehwan ...	44 927	5	6	11	
193. Shahdadpur .	72,808	7	8	15	
194. Sinjhori ...	45,163	7	8	15	
195. Nawabshah ...	35,432	6	7	13	
196. Sakrand .	56,759	7	8	15	
197. Moro ...	61,092	7	8	15	
198. Naushahro ...	84,212	7	8	15	
199. Kandiaro ...	81,487	7	8	15	
200. Umarkot ...	47,878	7	7	14	
201. Khipro ...	46,171	6	6	12	
202. Sanghar ..	31,301	6	6	12	
203. Pithoro ...	35,537	6	6	12	
204. Mirpurkhas ...	36,687	7	7	14	
205. Jamesabad ...	36,707	6	7	13	
206. Digri ...	21,790	6	7	13	
207. Chachro ...	53,501	...	6	6	
208. Mithi ...	41,472	...	6	6	
209. Diplo ...	25,969	...	6	6	
210. Nagar Parkar ...	47,548	...	6	6	
211. Jacobabad ...	66,617	1	5	6	
212. Thul ...	53,169	1	5	6	
213. Kashmor ...	43,268	1	5	6	
214. Shahdadkot ...	35,116	1	4	5	
215. Kandhkot ...	52,914	1	5	6	

APPENDIX CC.

Copy of clause 24 of the Will of Mahomed Haji Saboo.

24. I direct my "Executors" and "Trustees" as follows :—

They shall out of my "Punji" set apart Rs. 3,00,000 (namely, three lacs), and shall therewith purchase Government Promissory (Loan) Notes or Port Trust Bonds, or they shall invest the said moneys for a short time in any of the other securities written (mentioned) in the twentieth section of the Indian Trust Act. And should I hereafter make a "Codicil" to this my "Will" and should I myself state in writing therein as to what use is to be made of the said sum, my "Executors" and "Trustees" shall act in accordance therewith; otherwise my "Executors" and "Trustees" shall spend according to law the said sum or certain portions thereof in connection with some good works of charity in such manner as they may think just and proper, such as Hospital, Sanitarium, Suvavadkhana (lying-in-Hospital), Musafarkhan (resting house for travellers), Madressas (schools) Scholarships, Dharamshala, Medical dispensaries, etc. (*i. e.*), in connection with any such "Khairad", that is, "charity" work, that in connection with such different works (of charity). But the said sum shall not be expended in any other way; or my heirs or the "Residuary Legatee" whom I have appointed in this (my) "Will" shall not have any right to the same. I give full authority to my "Executors" and "Trustees" in that behalf.

Copy of clause 27 of the Will of Mahomed Haji Saboo.

27. Should no son be born to me agreeably to what is written above or should (one) be born (and) should (he) die without leaving a son or heir (daughters are not included amongst heirs) then as regards my whatever "Punji" there may be left, I give the whole thereof to my "Executors" and "Trustees" and direct them as follows :—They shall utilise the whole of the said "Punji" or portions thereof in such manner as they in their discretion think proper in connection with the abovementioned or any other good works of "Kherad" (charity) and I give full authority to my "Executors" and "Trustees" in that behalf.

H 2125—116

APPENDIX DD.

Statement showing the officers on special duty in the Bombay Presidency on 1st July 1917.

Serial No.	Names.	Salaries and allowances.	Ordinary duties.	Special duties.
1	2	3	4	5
1	Mr. J. R. Martin, I. C. S.	Rs. a. p. 1,800 0 0 per mensem *plus* House Rent Allowance under the Bombay House Allowance Scheme.	Officiating Junior Collector	In connection with the revision of the law relating to the local boards and municipalities.
2	Mr. J. E. C. Jukes, I. C. S.	1,966 10 8 a month	Duties of an Assistant Collector	Deputy Secretary to Government in the Political, Judicial and Special Departments
3	Mr. Tahirali Fateh, LL. B.	300 0 0 a month	Clerk in the office of the Prothonotary and Registrar, Original Jurisdiction, His Majesty's High Court, Bombay.	Extra Assistant Resident at Aden.
4	Mr. Nasruddin Ahmad	300 0 0 a month. House Rent Allowance Rs. 60 a month. Outfit allowance Rs. 250.	Was under the Chief Political Officer at Basra ..	Indian Assistant to the Political Resident at Aden.
5	Mr. B. J. Derasari	250 0 0 a month *plus* Travelling Allowance of Rs. 50 a month.	Manager of the Mandwa State in the Rewa Kantha Agency.	Alienation Officer of the Bavisi Thana in the Mahi Kantha Agency.
6	The Hon'ble Mr. C. A. Kincaid, C. V. O., I. C. S.	2,325 0 0 a month *plus* Deputation Allowance of Rs. 10 a day.	Duties of a District and Sessions Judge ...	President of the tribunal to prepare a scheme for the dissolution of partnership between the Gondal and Porbandar States in the Gondal-Porbandar Railway.
7	Mr. O. H. B. Starte, I. C. S.	1,100 0 0 Salary ... ... 150 0 0 Special Allowance ... ... 125 0 0 Travelling Allowance ... ... 19 0 0 Tentage Allowance 1,394 0 0	Duties of an Assistant Collector ...	Duties connected with the settlemeat of criminal tribes in the Bijapur District.
8	Mr. A. S. Holland	700 0 0 Pay ... ... 100 0 0 Duty Allowance 800 0 0	Duties of an Assistant Superintendent of Police...	Selection of suitable persons from amongst the Berads for the settlement of that criminal tribe and the organisation of the settlement.
9	Mr. P. S. Sullivan	660 0 0 (Consolidated)	Duties of Superintendent of the Bombay City Police Force, Criminal Investigation Department	Registration in the City of Bombay of European British subjects under the Registration Ordinance.
10	Mr. Malcolm R. Kothavala	250 0 0 Pay ... ... 50 0 0 Deputation Allowance 300 0 0	Duties as a Deputy Superintendent of Police.	Duties as a District Assistant Recruiting Officer for Gujarat and Kathiawar.

11	Rao Saheb Gangadhar Keshav Deshpande ...	Rs. a p. 250 0 0 Pay ... ... 50 0 0 Deputation Allowance 300 0 0	Duties as a Deputy Superintendent of Police. ...	Duties as a District Assistant Recruiting Officer for the East and West Khandesh Districts.
12	Mr. Ganesh Govind Phadke	225 0 0 Pay ... ... 75 0 0 Duty Allowance 300 0 0	Duties of a Mamlatdar	Special Magistrate to try the Ashta Gang Case in the Satara District.
13	Mr. J. Abbott, I.C.S.	750 0 0 Pay ... ... 100 0 0 Settlement Allowance ... ... 125 0 0 Permanent Travelling Allowance ... 19 0 0 Tentage Allowance ... ... 53 2 0 Exchange Compensation Allowance ... 1,047 2 0	Assistant Collector, West Khandesh ...	Assistant Settlement Officer in connection with the revision settlements of the Chopda Taluka in the East Khandesh District and the Shirpur, Shahada and Taloda Talukas in the West Khandesh District.
14	„ Shersingh Toursingh	300 0 0 Pay ... ... 30 0 0 Conveyance Allowance 330 0 0	District Deputy Collector	Enquiry Officer in charge of the City Survey of Shikarpur.
15	„ Dayabhai P. Desai	300 0 0 *plus* Travelling Allowance under the Civil Service Regulations. He has been exempted from the operation of Article 1056 of the Civil Service Regulations.	Second Examiner of Accounts in the office of the Collector of Income Tax, Bombay.	District Deputy Collector to do duty in connection with the working of the Income Tax Act in Hyderabad, Sukkur, Shikarpur, Rohri, Larkana and other important towns in Sind.
16	„ D. R. Vaidya	500 0 0 per mensem Pay. Carriage Allowance at Rs. 50 per mensem.	Deputy Collector, Bombay	Deputy Collector on special duty in connection with the preparation of the Survey Register for the Town and Island of Bombay.
17	Rao Bahadur G. R. Balekundri	400 0 0 per mensem pay and Travelling Allowance at Rs. 75 per mensem and tentage allowance at Rs. 11-1-9 per mensem.	District Deputy Collector, Dharwar	Deputy Collector on special duty under orders of the Legal Remembrancer to collect evidence regarding the tenure of the holdings of Shetsandis.
18	Mr. C. S. Campbell, I.C.S.	Salary equivalent to that drawn by the officer next below him in the regular line, *plus* Deputation Allowance of one-fifth of that salary.	Junior Collector	Recruiting Collector for Marathas and Deccani Mahomedans.
	„ V. R. Sane	Salary *plus* deputation (duty) allowance of one-fifth of the salary.	Acting Deputy Collector, Sholapur	District Assistant Recruiting Officer.
20	„ Nabibaksh Muhammad Hussain ...	Do. do. ...	District Deputy Collector, Sind	Do do.

APPENDIX EE.

Year.	Total number of resolutions sent to the Secretary, Legislative Council, by the non-official Hon'ble Members.	Number of resolutions disallowed under rule 7 of the Resolution Rules.	Number of resolutions returned to the member for amendment in accordance with rule 4.	Number of resolutions admitted		Number of resolutions accepted by Government		Number of resolutions withdrawn.	Number of resolutions rejected.
				Without amendment.	After amendment.	In a modified form.	Without modification.		
1	2	3	4	5	6	7	8	9	10
1910 ...	3	.....	...	2	1	...	2	...	1
1911 ...	28	4	.....	9	11	...	...	8	6
1912 ...	34	2	... ...	18	8	4	3	8	4
1913 ...	22	1	.....	17	...	2	2	11	2
1914 ...	25	1	3	10	4	4	2	6	1
1915 ...	33	2	.....	22	4	5	7	5	...
1916 ..	68	6	5	37	7	9	4	22	7
Total ...	213	16(1)	8(2)	115	35	24	20	60	21

Notes.—(1) The number of resolutions which were time-barred or disallowed under rules other than rule 7 was 46.

(2) One resolution though returned to the mover for amendment was not received back.

(3) Figures for the year 1909 are not available, as the records of that year have been destroyed.

APPENDIX FF.

Statement of Suits stayed in the different districts of the Presidency on account of one or the other of the parties to the suit being engaged on active war service.

Names of Districts.	Number of Suits.	Remarks.
Bombay City	1	
Ahmedabad	*7	* This includes 2 appeals.
Kaira	4	
Panch Mahals	... ...	
Broach .. .	.....	
Surat	3	
Thana	.....	
East Khandesh	.....	
West Khandesh	.....	
Nasik	4	
Ahmednagar	11	
Poona	22	
Satara	22	
Sholapur	3	
Kolaba	15	
Ratnagiri	11	
Bijapur	4	
Dharwar	1	
Belgaum	4	
Kanara	1	
Karachi	15	
Hyderabad	.....	
Sukkur	†2	† This includes one suit in which proceedings subsequent to the sale of the defendant's immoveable property have been stayed, as the defendant proceeded on active service.
Larkana	.....	
Nawabshah	... .	
Thar and Parkar	.....	
Upper Sind Frontier	.....	

APPENDIX GG.

Rules regulating seniority and promotion in the case of Vernacular Teachers.

1. When a vacancy of a third year man occurs, third year men only are promoted and when a vacancy of a second year man occurs, second year men only are promoted.

2. Seniority for promotion is counted under each grade of certificate from the date of obtaining the highest Training College Certificate held by the man.

3. Promotion is always dependent on good work.

4. When a man is eligible for promotion according to seniority but shows bad work, he is superseded by his junior showing good work, and a man showing bad work continuously for two or three years is punished by reduction in grade.

Budget of the Government of Bombay for the year 1917-18.

(Figures in thousands of rupees.)

The current year's budget estimates of Provincial revenue and expenditure embodied in the Revised Financial Statement for 1917-18, as modified by the memorandum issued from the Financial Department on 12th March 1917, have been finally accepted by the Government of India without any modification. The figures stand as shown in the following table :—

	1916-17.		1917-18.
	Budget.	Revised.	Budget.
Opening balance .	1,43,65	1,77,01	2,42,21
Revenue ...	7,51,60	8,01,25	8,05,34
Expenditure ...	7,54,10	7,36,05	7,88,24
Closing balance ..	1,41,15	2,42,21	2,59,31

Details by major heads are given in the appended Statement A. The detailed distribution of the major head figures will be found in the Civil Estimates for 1917-18, copies of which are furnished to the Honourable Members. The figures given in Appendices C and D of the Revised Financial Statement have been brought up to date and statements (marked B and C) containing the revised figures are appended to this memorandum.

2. The details of the land revenue demand, collections, remissions, suspensions and arrears for the years 1916-17 and 1917-18 given in paragraph 10 of the Revised Financial Statement for 1917-18 have undergone some changes in view of later information supplied by district officers. The revised figures are given below :—

	1916-17.		1917-18.	
	Revised.		Budget.	
Outstanding balance ...	38,14		25,52	
Demand ...	4,39,80		4,54,81	
		4,77,94		4,80,33
Collections ...	4,42,00		4,53,00	
Remissions ...	10,42		6,05	
		4,52,42		4,59,05
Balance { Suspensions.	2,35		1,38	
Balance { Arrears ...	23,17		19,90	
		25,52		21,28

3. From the non-recurring assignment of Rs. 1,50,000 made by the Government of India out of the profits from the Wheat Scheme a sum of

Rs. 65,000 will be spent on the following objects :—

	Rs.
(i) Construction of buildings for a vernacular agricultural school at Godhra in the Panch Mahâls district	25,000
(ii) Additional equipment for the new agricultural farm at Kumpta in the Kánara district	10,000
(iii) Establishment of bull-breeding farms	30,000
	65,000

The distribution of the balance of Rs. 85,000 is not yet settled.

4. The provision of 90,00 for expenditure under 45, Civil Works—Public Works Department is now distributed as follows :—

(i) Original Works—		
Works in progress—		
Civil Buildings	14,95	
Communications	5,35	
Miscellaneous public improvements	5,08	
New major works	13,58	
Discretionary grants for minor works to certain Heads of Departments.	6,00	
Reserve	2,20	
		47,16
(ii) Repairs—		
Civil Buildings	9,72	
Communications	14,35	
Miscellaneous public improvements	83	
		24,90
(iii) Establishments		16,00
(iv) Tools and plant		1,94
	Total ...	90,00

The grants of 10 and more in each case for major works in progress will be spent chiefly on—

(i) Resumption of properties on Malabár Hill, Bombay (1,00), Central offices, Poona (25), distillery at Khánápur (20), and construction of a bonded liquor warehouse at Thána (20) ;

(ii) New High School at Násik (82), Royal Institute of Science, Bombay (50), Hostel for the Northcote High School at Sholápur (16) and Sloyd hall in the Northcote High School at Sholápur (10) ;

(iii) New Small Causes Court, Bombay (2,00) ;

(iv) Jail at Hindalgi (50) ;

(v) Railway police quarters at Dádar (1,00), reconstruction of headquarter police lines at Ahmednagar (1,00), headquarter police lines at Sholápur (40), City Police Lines, Sátára (30), Duabo police lines (Karáchi Buildings District) (30), Cantonment Police Lines, Poona (25), additions and alterations to the headquarter police lines at Belgaum (30), Bijápur (17) and Bilgi (10), additions and alterations to the city police lines, Poona (23), Gadag (20), Málsiras (18), Mehmedabad (15), Hyderabad (Sind) (14), Pimpalgaon Baswant (Násik district) (11), and Dadu (Western Nára. district) (10), and police buildings at Naroda, Ahmedabad district (10) ; additions and alterations to the Criminal Investigation Department Office Building in the compound of the Police Office, Bombay (10) ;

(vi) King Edward Memorial Hospital at Sholápur (50), and additional accommodation for the lunatics at Naupáda (25) ; Animal House at the Bacteriological Laboratory at Parel (15), and X-Ray installation in the Sassoon Hospitals, Poona (10) ;

(vii) Central store and workshop, Dápuri (Poona) (1,23) and buildings for the new Public Works Department District at Alibág (15) ;

(viii) Bridge at Chehedi over the Dárna river on the Poona-Násik road, Násik district (1,00), Kalva bridge on the Thána creek (50), constructing a road from Deogaon to Bharwas, Sections III and IV of the Savalvihir-Bharwas road, Násik district (40), improvements to Khándesh-Nizam frontier road, Násik district (40), road from Lakh Station to Koregaon and thence to Be Pimpalgaon (36), road from Savalvihir to Bharwas, Sections I, II, II-A an

III, Ahmednagar district (27), road from Bhatkal to Mysore frontier, Kánara district (25), improvements to Dandeli-Tavargatti road, Kánara district (25), widening the Bombay-Agra road between Thána and Kurla (20), bridging nálas on Mahád-Nagothna road, Kolába district (20), Ghatgar-Shendi road, Ahmednagar district (15), straightening the dangerous curve at mile No. 19/4 of the Sirul-Mahábaleshvar road (13), road from Mándvi to Devgad, Surat and Broach districts (10), dips on the Hatkamba-Poládpur road, Ratnágiri district (10), dips on the Páli-Phonda road, Ratnágiri district (10), improving the road from Indápur to Sarati, Poona district (10), and Sina causeway on Nagar-Manmád road (mile No. 4) (10);

(ix) Kennedy sea face wall, Bombay (3,00), tank at Visápur (1,00), working the boring plant (60), disposal of the Poona sewage effluent (35); and covering the three non-proclamation wells on the Esplanade Maidan (13); and

(x) Memorial Gateway of India at the Apollo Bandar, Bombay (77).

Among the new major works the most important are:—

Sind.

(i) Enlarging and rebuilding the Civil Hospital at Hyderabad (30), police lines at Shahdadkot (20), Tarai (15), Jati (15), Nagar Párkar (15), Khorwáh (10) and Adulpur (10), providing additional accommodation in the warehouse at Bubak (19), new Kardarate at Tarai (15), Mukhtyárkar's kacheri at Moghalbin (15), district bungalow at Makli (13), eye hospital, Karáchi (12), Nurses' quarters at Hyderabad (11) and improvements to the sub-jail at Hála (11);

Northern Division.

(ii) Development of Government land, Bombay (1,50), land for the jail at Andheri (1,00), strengthening the platform of Ellis bridge, Ahmedabad (30), re-roofing the temporary building of the Government Central Press (25), Central Excise office and lock-up with outhouses in Bombay (25), accommodation for the extra Dock police at the Alexandra Dock, Bombay (25), Central police station and residential quarters for the Alexandra Dock police officers (25), extensions to the Hospital in the Sabarmati Central Prison (21), police lines at Nadiád (20), Dasáda (Káthiáwár) (16), Sánand (14), Ghátkopar (10), Railway police lines, Bulsár (10), Office of the Deputy Educational Inspector at Alibág (12) and buildings at Pálghar (10);

Central Division.

(iii) Bridge on the Ghod river, Poona-Násik road in mile No. 41 (50), Public Works Department colony buildings at Yeravda (50), police lines at Kirkee (50), and Nagar Cantonment (12), Police Lines at Lonávla (31), City police lines, Poona (20), special repairs to Bombay-Poona road (40), Causeway over the Sina at Lamboti (Sholápur district) (30), causeway over the river Titur at Chálisgaon (25), extension of Chálisgaon-Outram Ghat road (20), land for civil bungalows, Poona (20), Mámlatdár's kacheri at Satana (20), bungalow for the Civil Surgeon at Jalgaon (16), Kolhar causeway, Nagar district (15), Kopargaon causeway, Nagar district (15), Ráhuri causeway, Nagar district (15), causeway over the river Waghur at Neri, East Khándesh district (15), bonded warehouse at Nandurbár (14), bungalow for Assistant Collector of Excise at Jalgaon (10), and Mámlatdár's kacheri at Peint (10);

Southern Division.

(iv) Bridge at mile No. 119 on the Hubli-Gadag road at Bhadrapur (20), new Mámlatdár's kacheri at Hukeri (15), paved causeway across the Don Nála, mile No. 8 of the Bijápur-Bágewádi road (13), quarters for the Superintendent, Borstal Jail, Dhárwár (10), and additional accommodation for the lunatic asylum at Ratnágiri (10);

(v) Works to be executed by the Electrical Engineer to Government (15)* and works at Aden (15).

In addition to the above amounts a provision of 30 has been made for works in connection with the three Government Houses.

G. CARMICHAEL.

* This amount has been provided in the budget, but it has since been decided that the works should not be carried out during the current year.

STATEMENT A.

Statement showing Provincial Revenue and Expenditure by Major Heads for the years 1915-16, 1916-17 and 1917-18.

[In thousands of rupees]

Number of Account Head.	Major Heads of Revenue.	Accounts, 1915-16.	Budget, 1916-17.	Revised, 1916-17.	Budget, 1917-18.	Number of Account Head	Major Heads of Expenditure.	Accounts, 1915-16.	Budget, 1916-17.	Revised, 1916-17.	Budget, 1917-18.
	Land Revenue ... Provincial share.	2,14,20	2,13,94	2,08,73	2,13,98	1	Refunds and Drawbacks ...	6,36	6,00	6,28	6,50
I	Land Revenue ... Alienated...	93,06	94,07	93,62	93,62	2	Assignments and Compensations. Cash ...	19,85	18,60	18,25	17,77
IV	Stamps	42,64	42,00	48,75	48,25		Assignments and Compensations. Alienations ...	81,95	82,97	82,60	82,60
V	Excise	2,27,91	2,22,00	2,54,00	2,56,00	3	Land Revenue... Cash ...	79,59	82,95	77,27	80,98
VIII	Income Tax	36,66	52,65	66,50	67,50		Land Revenue... Alienations ...	7,00	6,90	6,94	6,94
IX	Forest	47,01	46,44	52,00	52,30	6	Stamps	1,19	1,23	1,28	1,14
X	Registration	7,96	7,50	8,40	8,50	7	Excise	11,48	11,26	11,26	11,31
XII	Interest	12,44	12,25	11,71	10,45	10	Income Tax	86	91	91	1,05
XVI-A	Law and Justice—Courts of Law.	8,67	8,20	8,35	8,70	11	Forest	26,42	27,25	26,00	29,46
XVI-B	Do. Jails ...	3,12	3,00	2,85	2,75	12	Registration	3,72	3,73	3,75	3,78
XVII	Police	3,02	2,98	3,57	3,37	13	Interest on Ordinary Debt ...	7,40	6,88	6,59	5,84
XVIII	Ports and Pilotage ...	1,32	1,49	1,57	1,57	18	General Administration ...	20,50	20,70	20,70	21,04
XIX	Education	7,94	6,09	6,00	6,28	19-A	Law and Justice—Courts of Law .	57,76	57,55	56,58	57,73
XX-A	Medical	3,30	3,46	4,02	3,84	19-B	Do. —Jails ...	12,85	12,91	13,51	13,35
XX-B	Sanitation	13	16	18	16	20	Police ... Cash ...	1,01,70	1,05,89	1,02,81	1,08,41
XXI-A	Agriculture	1,52	1,80	1,80	1,90		Police ... Alienations ...	4,10	4,20	4,08	4,08
XXI-B	Scientific and Miscellaneous Departments.	36	54	44	1,27	21	Ports and Pilotage	1,86	1,43	1,43	1,14
XXII	Receipts in aid of Superannuation.	4,53	4,48	4,39	4,33	22	Education	75,30	77,54	76,84	85,89
XXIII	Stationery and Printing ..	1,33	1,17	1,27	1,27	24-A	Medical	18,13	19,69	18,60	19,60
XXV	Miscellaneous	1,22	81	2,17	1,08	24-B	Sanitation	5,74	7,69	6,16	10,85
XXIX	Irrigation—Portion of Land Revenue due to Irrigation.	14,19	12,56	13,27	13,52	25	Political	5,03	5,47	5,16	5,30
XXIX	Irrigation—Major Works—Direct Receipts.	8,06	8,36	7,75	8,32	26-A	Agriculture	12,06	13,20	12,66	15,71
						26-B	Scientific and Miscellaneous Departments.	1,52	1,51	1,51	3,17
						29	Superannuation Allowances and Pensions.	38,59	39,29	39,06	39,27
						30	Stationery and Printing ...	12,43	14,05	13,35	12,80

XXX	Irrigation—Minor Works and Navigation—Public Works Department.	1,69	1,87	1,70	1,87	32	Miscellaneous ...	7,85	5,54	4,93	6,52
						36	Reduction or Avoidance of Debt...	13,70	3,48	3,70	...
XXXI	Civil Works. Civil Department.	9	9	1,09	9	42	Irrigation—Major Works. Working Expenses.	7,89	7,71	8,08	8,28
	Civil Works. Public Works Department.	3,91	3,00	3,25	3,10		Interest on Debt.	12,65	13,48	13,25	13,78
	Transfers between Imperial and Provincial Revenues.	+29,32	+69	-6,13	-8,68	43	Irrigation—Minor Works and Navigation. Civil Department.	4	1	1	1
							Public Works Department.	15,41	16,54	14,11	15,60
						45	Civil Works ... Civil Department.	9,80	8,54	8,34	8,14
							Public Works Department.	75,90	69,00	70,05	90,00
	Total ...	7,75,60	7,51,60	8,01,25	8,05,34		Total ...	7,-6,63	7,54,10	7,36,05	7,88,24
	Opening Balance ...	1,58,04	1,43,65	1,77,01	2,42,21		Closing Balance ...	1,77,01	1,41,15	2,42,21	2,59,31
	Grand total ...	9,33,64	8,95,25	9,78,26	10,47,55		Grand total ...	9,33,64	8,95,25	9,78,26	10,47,55

STATEMENT B.

Statement showing by major heads the ordinary and Provincial revenue and the opening balance as estimated in the budget for 1917-18.

[In thousands of rupees.]

No. of Account Head.	Receipts.	Budget, 1917-18.	Ordinary.	Special.	Remarks.
1	2	3	4	5	6
I	Land Revenue. { Provincial share.	2,13,98	2,13,98	...	(a) Non-recurring assignment made by the Government of India out of the profits from the Wheat Scheme. (b) This is made up of— (i) 40,03 Unexpended balance of the Imperial assignments given since the year 1911-12 for recurring and non-recurring expenditure on education; (ii) 25,12 Unexpended balance of the Imperial assignments given since the year 1911-12 for recurring and non-recurring expenditure on sanitation; (iii) 2,00 Imperial assignment made in 1911-12 for the Royal Visit Commemoration Building in Bombay; (iv) 82 Unexpended balances of the Imperial assignments for non-recurring expenditure on medical relief (50), and on agricultural and allied objects (32). Total 67,97
	Alienations	93,62	93,62	...	
IV	Stamps	48,25	48,25	...	
V	Excise	2,56,00	2,56,00	...	
VIII	Income Tax	67,50	67,50	...	
IX	Forest	52,30	52,30	...	
X	Registration	8,50	8,50	...	
XII	Interest	10,45	10,45	...	
XVI-A	Law and Justice—Courts of Law.	8,70	8,70	...	
XVI-B	Law and Justice—Jails ...	2,75	2,75	...	
XVII	Police	3,37	3,37	...	
XVIII	Ports and Pilotage ...	1,57	1,57	...	
XIX	Education	6,28	6,28	...	
XX-A	Medical	3,84	3,84	...	
XX-B	Sanitation	16	16	...	
XXI-A	Agriculture	1,90	1,90	...	
XXI-B	Scientific and Miscellaneous Departments.	1,27	1,27	...	
XXII	Receipts in aid of Superannuation, etc.	4,33	4,33	...	
XXIII	Stationery and Printing ...	1,27	1,27	...	
XXV	Miscellaneous ...	1,08	1,08	...	
XXIX	Irrigation—Portion of Land Revenue due to Irrigation.	13,52	13,52	...	
	Irrigation—Major Works—Direct Receipts.	8,32	8,32	...	
XXX	Irrigation—Minor Works ...	1,87	1,87	...	
XXXI	Civil Works—Civil Department.	9	9	...	
	Civil Works—Public Works Department.	3,10	3,10	...	
	Transfers between Imperial and Provincial Revenues.	−8,68	−10,18	+1,50(a)	
	Total ...	8,05,34	8,03,84	+1,50(a)	
	Opening Balance ...	2,42,21	1,74,24	(b)67,97	
	Grand Total ..	10,47,55	9,78,08	69,47	

STATEMENT C.

Statement showing by major heads the recurring and non-recurring Provincial expenditure provided in the budget estimates for 1917-18.

[In thousands of rupees.]

No. of Account Head.	Expenditure.	Budget, 1917-18.	Permanent recurring.	Fluctuating recurring.	Total recurring.	Non-recurring.
1	2	3	4	5	6	7
1	Refunds and Drawbacks ...	6,50	...	5,45	5,45	1,05
2	Assignments and Compensations.	1,00,37	1,00,02	29	1,00,31	6
3	Land Revenue	87,92	75,21	8,71	83,92	4,00
6	Stamps	1,24	37	64	1,01	23
7	Excise	11,31	9,90	92	10,82	49
10	Income Tax	1,05	82	18	1,00	5
11	Forest	29,46	14,02	11,76	25,78	3,68
12	Registration	3,78	3,24	40	3,64	14
13	Interest on Ordinary Debt ...	5,84	5,84	...	5,84	...
18	General Administration ...	21,04	17,77	2,22	19,99	1,05
19-A	Law and Justice—Courts of Law ...	57,73	49,25	7,03	56,28	1,45
19-B	Do. —Jails ...	13,35	4,15	8,37	12,52	83
20	Police	1,12,49	94,96	13,58	1,08,54	3,95
21	Ports and Pilotage	1,14	81	28	1,09	5
22	Education	85,89	58,16	20,09	78,25	7,64
24 A	Medical	19,60	11,67	6,49	18,16	1,44
24-B	Sanitation	10,85	8,77	1,36	10,13	72
25	Political	5,30	4,44	64	5,08	22
26-A	Agriculture	15,71	7,72	4,85	12,57	3,14
26-B	Scientific and Miscellaneous Departments.	3,17	2,36	12	2,48	69
29	Superannuation Allowances and Pensions.	39,27	39,04	16	39,20	7
30	Stationery and Printing ...	12,80	2,36	9,67	12,03	77
32	Miscellaneous ...	6,62	1,28	4,55	5,83	79
42	Irrigation—Major Works. — Working Expenses.	8,28	7,76	40	8,16	12
	Irrigation—Major Works. — Interest on Debt.	13,78	13,78	...	13,78	...
43	Irrigation—Minor Works: — Civil Department.	1	...	1	1	...
	Irrigation—Minor Works: — Public Works Department.	15,60	12,65	2,82	15,47	13
45	Civil Works ... — Civil Department.	8,14	7,50	2	7,52	62
	Civil Works ... — Public Works Department.	90,00	42,44	17,00	59,44	30,56
	Total ...	7,88,24	5,96,29	1,28,01	7,24,30	63,94

NOTE 1.—The non-recurring expenditure shown in column 7 is inflated by the following items, which are covered by special receipts :—

3,97	for expenditure on education.	met from the grants made for the purpose from Imperial revenues.
77	for the Commemoration Building at the Apollo Bandar, Bombay.	
1,50	for expenditure for the direct benefit of the agricultural classes out of the profits from the wheat scheme.	
6,24	Total.	

The balance of non-recurring expenditure which is met from ordinary revenues amounts to 57,70 (including 1,74 for charges due to the war).

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, 1917-18," "Revised Estimates, 1916-17," "Budget Estimates, 1916-17," and "Accounts, 1915-16," has generally been taken as the minimum recurring charge for each item, and the total of all such items is entered under column 5 against the major head concerned. The difference between the total budget provision for such items and the minimum recurring charge entered in column 5 is taken as non-recurring, and this, together with the provision for purely temporary objects, has been classed as non-recurring and entered in column 7. This method is adopted in the case of all major heads, except *29, Superannuation Allowances and Pensions, 42, Irrigation—Major Works, 43, Irrigation—Minor Works (Public Works Department)*, and *45, Civil Works (Public Works Department)*. In the case of *29, Superannuation Allowances and Pensions*, the provisions for gratuities and refunds are classed as fluctuating recurring, while all other items are treated as permanent recurring. The whole provision under *42, Irrigation—Major Works—Interest on Debt* is classed as permanent recurring. Under the heads *42, Irrigation—Major Works—Working Expenses* and *43, Irrigation—Minor Works (Public Works Department)* the provision on account of ordinary repairs, establishments and tools and plant is classed as permanent recurring, the provision for special repairs and the minimum provision considered absolutely necessary for works in progress, new works, discretionary grants and reserve is classed as fluctuating recurring, and the balance is classed as non-recurring. Under the head *45, Civil Works (Public Works Department)*, the provision on account of repairs, establishments, and tools and plant is classed as permanent recurring, the minimum provision considered absolutely necessary for works in progress, new works, discretionary grants and reserve is classed as fluctuating recurring, and the balance is classed as non-recurring.

REPORT OF THE SELECT COMMITTEE ON BILL NO. VI OF 1916.

We, the members of the Select Committee appointed to consider and report on the Bill further to amend the Bombay District Municipal Act, 1901, and the Bombay Local Boards Act, 1884 (Bill No. VI of 1916), have the honour to report as follows:—

1. The new section 22A which the Bill inserts in the Bombay District Municipal Act, 1901, refers to sub-section (*4*) of section 22 for the necessary definition of "corrupt practice." The definition in question was framed for the purpose of the enquiry held by the judge into a disputed election and not with a view to criminal proceedings such as are now contemplated by this Bill. We are of opinion that the paragraph contained in section 22 (*4*) after clause (ii) ("and a corrupt practice. . . . . election"), which defines the conditions under which a candidate is responsible for the acts of his agent, is somewhat too extended in scope for a criminal enactment. We propose therefore to do away with the reference to section 22 (*4*) and to incorporate the description of "corrupt practice" in section 22A (*1*) itself. In framing this definition we have taken the words "directly or indirectly, by himself or by any other person

on his behalf" from section 2 of the Corrupt Practices Prevention Act, 1854 (17 and 18 Vict., c. 102); otherwise the wording is the same as in section 22 (4).

2. In sub-section (2) of new section 22A we have altered "any gratification whatever" to "any money or valuable consideration or any individual profit" for the sake of uniformity with section 22 (4), and an explanation of "individual profit" has been inserted below sub-section (4), as it appears desirable that the section should be self-contained.

3. In sub-section (4) of section 25A words have been entered with a view to preventing criminal offences under this section, which will always be of considerable local importance, from being tried summarily (see section 260 of the Code of Criminal Procedure, 1898). Although it is improbable that magistrates would ordinarily apply the summary procedure to such cases, for which we consider it is unsuitable in this country, we are of opinion that the requisite provision should be enacted in the Act.

4. By an alteration of sub-section (5) of section 22A, we have provided that the sanction of the judge (which is a necessary preliminary to criminal proceedings under the section) can be granted only when he has held an election enquiry under section 22. This alteration is important as it prevents criminal proceedings being taken unless the validity of the election has been called in question in the manner described in section 22, but we recommend that it be adopted. The district judge will not be in a position to know any of the circumstances of the election unless the matter has come before him under section 22, and there does not appear sufficient justification for requiring him to hold the independent preliminary enquiry which would in that case be necessary for the purpose of sanction: the district judge's duties do not ordinarily extend to criminal matters which do not arise out of civil proceedings. We doubt whether occasions for criminal proceedings are likely to occur in cases where no inquiry is held under section 22, and on the other hand we fear that, under the section as originally drafted, undue facility will be given to vexatious complaints.

5. By sub-clause (6) we have laid down a time limit for prosecutions: the period is the same as that fixed by section 161, but there may be a doubt as to the applicability of the proviso in that section.

6. Sub-section (7) grants an appeal to the court of session, whether the sentence imposed by the magistrate exceeds Rs. 50 or not (see sections 408 and 413 of the Code of Criminal Procedure). We have added this provision as we think it desirable that there should always be an appeal in these proceedings, which will be of equal local importance whether the higher or lower penalty be imposed.

7. *Clause 3.*—In the Bill as published the same criminal provisions were inserted in the Bombay Local Boards Act, 1884, as were inserted in the Municipal Act. The Local Boards Act, however, differs from the Municipal Act in that it takes no notice of corrupt practices. We are strongly of opinion that the provisions of the Local Boards Act relating to the ordinary enquiry by the judge should be brought into line with the Municipal Act at the same time as the criminal provisions are added. We are conscious that in so doing we run the risk of exceeding the duty laid upon us by the Council of criticising the Bill referred to us, but we submit that, if our amendment of section 22A (5) of the Municipal Act (by which we have restricted the initiation of the criminal proceedings to cases where an enquiry has been undertaken by the judge) is accepted, a similar restriction should be made in the Local Boards Act, in which case the assimilation of section 25 of the Local Boards Act to section 22 of the Municipal Act becomes inevitable, for the enquiry contemplated by section 25 of the Local Boards Act, in its present form, makes no reference to corrupt practices and it would be a mere accident if an enquiry were held in an election which had been vitiated by corrupt practices. For these reasons we have revised section 25 on the lines of section 22 of the Municipal Act.

8. Clause 4 is similar to revised clause 2.

9. Clause 5 embodies certain consequential amendments rendered necessary by the other clauses of the Bill.

10. We think it is desirable that the Public Prosecutor, or someone on his behalf, should attend enquiries under section 22 of the Municipal Act, and section 25 of the Local Boards Act (in the same manner as the Director of Public Prosecutions attends municipal election enquiries in England (47 and 48 Vict., c. 70, s. 28)), for we think he should watch the proceedings with a view to taking steps for a criminal prosecution in cases where the proceedings in the enquiry indicate that corrupt practices have been committed; it appears unnecessary to make any reference to this subject in the law, but we would suggest that the question of making a rule for the purpose in the Rules for the conduct of the Legal Affairs of Government may be considered.

(Signed) G. S. CURTIS.
(,,) P. A. DESAI.
(,,) F. PRATT.
(,,) G. K. SATHE.
(,,) HARCHANDRAI VISHINDAS
(subject to a minute of dissent).
(,,) V. J. PATEL.
(,,) CHUNILAL V. MEHTA.

Minute of Dissent by the Honourable Mr. Harchandrai Vishindas.

I sign the report minus the last para. which in my opinion does not fall within the scope of the report of a Select Committee but should be made subject of executive order. A Select Committee's report is concerned with the provisions recommended to be passed into law and not the machinery through which the working of the Act may be facilitated.

(Signed) HARCHANDRAI VISHINDAS.

No. 1092.

From

THE HON'BLE MR. A. P. MUDDIMAN, C.I.E., I. C. S.,
Secretary to the Government of India,
Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Simla, the 2nd May 1917.

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. 17-M., dated the 15th April 1917.

The Bombay Port Trust (Amendment) Law.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) A. P. MUDDIMAN,
Secretary to the Government of India.

No. 1102.

From

THE HON'BLE MR. A. P. MUDDIMAN, C.I.E., I.C.S.,
Secretary to the Government of India,
Legislative Department

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Simla, the 4th May 1917.

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-M., dated the 18th April 1917.

The Bombay Boiler Inspection Law.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) A. P. MUDDIMAN,
Secretary to the Government of India.

THE GRAIN MERCHANTS' ASSOCIATION.

Mandvi, Bombay, 2nd July 1917.

To

THE SECRETARY TO GOVERNMENT,
Legislative Department, Bombay.

Sir,

I am desired by my Committee to confirm a telegram to His Excellency the Governor on the 2nd instant, the text of which was as follows :—

Text.

To

HIS EXCELLENCY THE GOVERNOR,
Poona.

"Grain Merchants' Association strongly supports the clause three of the Bill amending Medical Registration Act, 1912, intended to be introduced by Honourable Mr. Patel in the next Session of the Legislative Council."

Chairman.

To make the text clearer I am desired by my Committee to request you to put the following before His Excellency the Governor in Council and my Committee trust the same will meet with due consideration.

The attention of my Committee was drawn long ago towards the controversy that took place over the Bombay Medical Registration Act, 1912, and they very much regretted that the Medical Council proposed to give an inconsistent and strange meaning to the phrase "Infamous conduct in any professional respect," by considering any act of associating with Ayurvedic, Unani and other indigenous system of medicine or with any School or College teaching these systems as such

infamous conduct on the part of those who are on the register. Such attempt simply means putting a stop to the progress of the Ayurvedic and Unani systems of medicine at the hands of those who have systematically studied the subject by western methods and are therefore better qualified to develop the ancient science of medicine of their mother land which is gradually deteriorating in the hands of unskilled persons. My Committee is perfectly sure that this was not the motive of the Government in enacting the said Medical Registration Act 1912.

My Committee is glad to learn that the Honourable Mr. Patel is going to introduce a Bill in the ensuing session of the Legislative Council to amend the said Act by adding an explanation to section 7 of the said Act and thereby to prevent the mischief likely to be created by the interpretation proposed to be put by the Medical Council on the phrase "Infamous conduct in any professional respect," and it fully appreciates the said Bill and urges upon His Excellency to lend his full support.

I have the honour to be,

Sir,

Your most obedient servant,

હીરજી મુળજી.

i. e., HIRJEE MULJEE,

Chairman.

SAMJI SHEWJI,

Honorary Secretary.

BOMBAY MEDICAL UNION,

WADIA BUILDING,

No. 123, Esplanade Road, Fort,

Bombay, 11th July 1917.

To

THE SECRETARY TO THE COUNCIL OF HIS EXCELLENCY THE GOVERNOR OF BOMBAY FOR MAKING LAWS AND REGULATIONS.

Re *A Bill further to amend the Bombay Act No. VI of 1912 as amended by Bombay Acts Nos. IV of 1912 and III & IV of 1916.*

Sir,

I am directed by the Bombay Medical Union to submit for favour of consideration by the Legislative Council of His Excellency the Governor, the following representation in regard to the above Bill that is to be introduced at the next meeting of the Council by the Honourable Mr. V. J. Patel.

Re *Sub-Section I of Section II of the proposed amendment.*

(*a*) The Union begs to submit that the reduction in the number of nominated members of the Council from six to four as proposed is very desirable and in consonance with the trend of public opinion in India.

(*b*) At the time of initiating the Medical Registration Act the number of nominated members on the Council was larger than that of the elected members. If the revision of its constitution is deemed to be necessary it should be done by increasing the number of elected members.

Re *Sub-Section II of Section II of the proposed amendment.*

The Union begs to differ from the Honourable member's views in regard to the representation of the Medical Faculty of the Senate of the Bombay University. The Faculty is already more than sufficiently represented on the Council, inasmuch as of thirteen members constituting it, at least ten are members of the Faculty.

The Union therefore begs to suggest that the present number of members returned by the Graduates of the Bombay University be increased to six, and further that the Graduates should be empowered to elect them from their own body. The Union therefore begs to submit that the following alterations be made in the Sections concerned: in clause (*b*) of sub-clause 2 of Section 2 of the Act, instead of the word "six" the word "four" be inserted: in clause (*c*) of the same sub-section the word "six" be substituted for the word "four" and the words "from amongst their own body" be added after the word "elected."

Re *Sub-Section III of Section II of the proposed amendment.*

The Union objects strongly to the inclusion of the Sub-Assistant Surgeons and Military Assistant Surgeons in the Council at present on the following grounds:

(*a*) The Medical Council is a Judicial as well as a punitive body. As such many intricate questions and cases come before the Council for their judgment, decision and punishment. The punishment inflicted by the Council at times is extremely severe, *viz.*, removal of the name of a Medical man from the Register and thus in addition to the disgrace attached to it, depriving him of the means of livelihood. Some of the cases are so intricate that even lawyers of eminence and Judges express different opinions on them. The punishment inflicted by the Council is irrevocable.

It will be readily admitted that only men of good education and eminent professional status must be elected to a body discharging such responsible functions.

It cannot be contended that the Military Assistant Surgeons and Sub-Assistant Surgeons can be included in the above category. Their preliminary education does not come upto the lowest standard of education entitling them to commence Medical studies as registered Medical students as required by the General Medical Council of Great Britain and Ireland and they are not admitted on the "Register" of the General Medical Council of Great Britain and Ireland as their courses of Medical studies fall short of the lowest standard required. Under these circumstances the very idea of including such men in the Council with power to sit on judgment and inflict punishment upon duly qualified medical men cannot be conceived. It would lower the dignity, authority and prestige of the Council, and lower the status of the duly qualified medical profession.

(*b*) It is a recognised fact that the inclusion of the men belonging to these two classes of public service in the register was strongly opposed by the properly qualified Medical Profession at the time of the introduction of the Medical Registration Act in the years 1909-12. Public meetings of the members of the Medical profession were held in Bombay to protest against the proposal. It was contended on behalf of Government that these men rendered useful services in areas where qualified medical men could not be engaged on financial grounds and in subordinate medical work under Government in Civil and Military Employ and their inclusion in the register was necessary for the exigencies of their services in which they were employed and particularly for rendering their Medical Certificates valid in cases of death and illness occurring in areas where qualified medical men were not obtainable.

If after having included them for registration for the exigencies of the Government services an attempt is now made to put them on the Council the Profession would be fully justified in resenting such an entirely unexpected innovation. It might be stated here in passing that at a meeting of qualified Medical men convened under the auspices of the Bombay Branch of the British Medical Association on 18th November 1909 as the promoters of the meeting had also invited the Military Assistant and Sub-Assistant Surgeons a very large number of members of the qualified Medical profession resented their presence and left the meeting in a body particularly because such procedure was unheard of and unprecedented in the Medical history of this Presidency.

(*c*) The interests of these men would not suffer in any way if they are represented as at present on the Council by duly qualified men of their own selection who will be keen in guarding the interests of their electors.

(*d*) In withholding from them the right of electing one of their own body the Honourable Member in charge of the bill will be doing a great service to these men who with a view to qualify themselves for seats on the Council will try to attain higher standard of preliminary and professional training with benefit to themselves and the public.

Re *Section III of the proposed amendment.*

The Union respectfully submits that the "Explanation" recommended to be added to Section 7 is extremely objectionable.

(*a*) Under the Bombay Medical Act of 1912, the duly qualified Medical men are placed under a strict disciplinary jurisdiction of the Bombay Medical Council. This Council is given certain powers by the Act. If this "Explanation" be added to the Act, it will be a serious interference with the functions of the Council. This body of duly qualified men should be allowed to have their own way, and to be guided by their own rules and regulations in considering and deciding on the conduct of one of their own body, whether such conduct is or is not infamous in a professional respect.

(*b*) The same rule guides Medical men and their Councils in other parts of the civilised world, such as the General Medical Council of the United Kingdom. Similar rules guide also the well constituted Associations of the other learned professions, *viz.*, that of the lawyers. Their own professional brethren alone are the best Judges of the conduct of one of their own body, which laymen cannot understand.

In no cases, such conduct is defined, as it is very difficult, to do so, but every case is left to be judged on its own merits.

(*c*) The Bombay Medical Council has adopted for its guidance certain Rules and Regulations on principles of the General Medical Council, as far as they are applicable under Indian enactments. Thus the Council considers (in the words of a learned Judge) "all conduct as infamous conduct in a professional respect, when it is proved that a Medical man has done something with regard to his profession, which would be reasonably regarded as disgraceful and dishonourable by his professional brethren of good repute and competency". A large number of instances and forms of professional misconduct are given in the warning notice at the beginning of the Bombay Medical Register. Every registered Medical man knows that if he offends against them, he is liable to punishment laid down by himself and his own brethren. From this it will be seen that it is not at all desirable to interfere with the functions of the Council or in other words to tell the Medical Council to judge of the conduct of one of their own profession not in the way the profession would like to do, but in a way the public would suggest.

(*d*) The acts mentioned under Explanation (*a*), (*b*), (*c*) and (*d*) of Section 3 of the proposed amendment in the opinion of the Union are deemed "infamous conduct in Professional respect" for the following reasons :.

Sub-clauses (*a*), (*b*), (*c*) and (*d*) propose to protect the class of men practising as Vaids, Hakims, etc. Now the majority of men practising under the designation of Vaids and Hakims are illiterate and uneducated. They have not studied the Ayurvedic, Unani or other indigenous systems of Medicine such as they are but are only practising Medicine from what little knowledge they may happen to acquire as compounders, assistants to Vaids and Hakims or as their menial servants. Generally they study a book of recipes for different ailments and boldly prescribe for any and every disease without making any diagnosis. They may be successful in some of the minor and common ailments which get cured by themselves or by the use of popular household remedies; but in serious cases or in those requiring knowledge and skill in diagnosis and treatment they do more harm than good. Some of them have the audacity to call themselves specialists in one branch or another, when they are incapable of studying even a whole book of prescriptions. They rest themselves satisfied with practice based on one or two cures of effective recipes they happen to know and call themselves specialists. Many of them prescribe English drugs and medicines without having any conception of their composition or properties and under fictitious Indian names.

Ayurvedic and Unani systems of Medicines did exist as a science in olden times some centuries ago, but in the absence of any scientific development or organised study, the same has become so entirely antiquated and attenuated that it has been mostly forgotten, and the old names are mere tools in the hands of the majority of these Vaids and Hakims who are quacks.

Western Medical Science has made very rapid progress and what was believed to be cause and treatment of many diseases some years ago has been considered obsolete now and new and more successful methods of treatment and diagnosis, etc., come into existence every year. If under such circumstances people of India are made to believe that the old Ayurvedic and Unani systems of Medicine are even now as good as the Western system of Medicine hundreds of years after their inception, we believe we are not only misguiding the lay public but doing them great harm by encouraging them to adopt the old and forgotten systems of Medicine practised now mostly by illiterate and uneducated men and by depriving them indirectly of the benefits of the progressive Western system of Medicine.

If men practising the Western science of Medicine are allowed to assist and encourage the class of men practising these old and forgotten systems of medicine they will be legalizing covering quacks and thereby not only will the status of qualified men be degraded but quackery and illegal practice will be encouraged and perpetuated to the detriment of the interests of the masses of suffering humanity.

It is a great pity that Government should have been asked to perpetuate this state of affairs by conceding too much to sentimental supporters of quackery, and it will be a greater pity if Government will allow any such additions to the Bombay Medical Act, which will permit the association in any way of duly qualified men with quacks and their institutions as contemplated by the Honourable Mr. Patel's Bill.

In conclusion the Union trusts that the Council will be pleased to give due consideration to the suggestions placed before it.

We have the honour to be,

Sir,

Your most obedient servants,

K. M. DUBASH,
President.

R. D. MODY,
A. K. CONTRACTOR,
Joint Honorary Secretaries.

J. J. Hospital, Byculla,
Bombay, 24th July 1917.

To

THE SECRETARY TO THE COUNCIL OF HIS EXCELLENCY THE GOVERNOR OF BOMBAY, FOR MAKING LAWS AND REGULATIONS.

A Bill further to amend the Bombay Act No. VI of 1912, as amended by Acts No. IV of 1912 and Nos. III and IV of 1916.

The Members of Bombay Branch of the British Medical Association have the honour to forward the following Resolutions, passed at their meeting held on

16th July 1917, and to request that the same be considered while discussing the Honourable Mr. V. J. Patel's Bill which is to come before the meeting of the Bombay Legislative Council.

Resolution No. 1—

"That the Branch approve of the substitution of the word 'Four' in place of the word 'Six' in clause (*b*), sub-section (2) of section 2".

Resolution No. 2—

"That the Branch do not approve of the suggested addition of clause (*e*) to section 2, sub-section (2) but proposes the following clauses (*e*) and (*f*) to section 2, sub-section (2):—

(*a*) Clause (*e*) 'one member elected by the Members of the Medical Faculty of the University of Bombay from among themselves.'

(*b*) Clause (*f*) 'one member elected by the Fellows of the College of Physicians and Surgeons, Bombay, from among themselves.' "

Resolution No. 3—

"That the new clause (*d*) proposed to be added to sub-section (4) of section 2 be omitted."

Resolution No. 4—

"That it is inadvisable to add the explanations proposed to be inserted at the end of section 7; these additions will necessarily interfere with the legitimate work of the Council and frustrate its main function, *viz.*, checking quackery."

Resolution No. 5—

"That the Branch Council will forward the above with a suitable explanatory letter to the Secretary of the Bombay Legislative Council."

The Members think that a reduction in the number of Government nominees is desirable especially as this will give direct representation to the University and the College of Physicians and Surgeons, the two important bodies, who have to deal with Medical education in the Presidency.

The Branch object to the election on the Council of Members grouped in the proposed clause (*d*) in section 2, sub-section 4 of the Honourable Mr. Patel's Bill as they have a low standard of general education and hence could not be registered in the Register of the United Kingdom and they are not accepted as members of the British Medical Association. If this clause be added the question of reciprocity with Registers of other countries such as that of the United Kingdom, &c., will be impossible.

If the explanation to section 7 as proposed by the Honourable Mr. Patel is added, the Medical Council will not be able to exercise its most important function, and one of the most urgent needs for supplying which the Act came into existence will remain unfulfilled—the suppression of quackery.

Journal of Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915 (5 and 6 Geo. V, Ch. 61).

The Council assembled at 12 noon on Tuesday, the 24th July 1917, in the Council Hall, Poona.

PRESENT:

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

The Honourable Sir MAHADEV BHASKAR CHAUBAL, K.C.I.E., C.S.I., *Vice-President.*

The Honourable Mr. G. CARMICHAEL, C.S.I., I. C. S.
The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.
The Honourable the ADVOCATE GENERAL (Mr. T. J. STRANGMAN).
The Honourable Mr. S. R. ARTHUR, I. C. S.
The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.
The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.
The Honourable Mr. GHULAM MUHAMMAD walad Khán Bahádur WALI MUHAMMAD BHURGRI, Bar.-at-Law.
The Honourable Mr. P. R. CADELL, C.I.E., I. C. S.
The Honourable Mr. SHERRIFF DEVJI CANJI.
The Honourable Mr. JAMES GARGRAVE COVERNTON, C.I.E.
The Honourable Mr. PANDURANG ANANT DESAI, LL.B.
The Honourable Dr. C. FERNANDES, M.D.
The Honourable Mr. SIDDHANATH DHONDDEV GARUD.

DADABHOY NAOROJI'S DEATH.

[*Mr. Harchandrai Vishindas.*] [24TH JULY 1917.]

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.
The Honourable Mr. MAHOMEDBHOY HAJEEBHOY.
The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Lieut.-Colonel JAMES JACKSON, C.I.E., M.B., I. M. S.
The Honourable Mr. EBRAHIM HAROON JAFFER.
The Honourable Mr. J. D. JENKINS.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Mr. G. F. KEATINGE, C.I.E., I. C. S.
The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwada.
The Honourable Mr. H. S. LAWRENCE, I. C. S.
The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
The Honourable Khán Bahádur PIR BAKSH walad MIAN MAHMUD.
The Honourable Mr. CHUNILAL VIJBUKHANDAS MEHTA, LL.B.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Sardár SHRINIWAS COOPOOSWAMI MUDLIAR.
The Honourable Ráo Bahádur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. W. U. NICHOLAS.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. F. G. PRATT, I. C. S.
The Honourable Mr. MUNMOHUNDASS RAMJI.
The Honourable Mr. W. M. ROSS.
The Honourable Ráo Bahádur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. PHIROZE C. SETHNA.
The Honourable Mr. PURSHOTAMDAS THAKURDAS.
The Honourable Ráo Báhádur TEKCHAND UDHAVDAS.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI, LL.B.
The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

The Honourable Mr. J. G. Covernton, C. I. E., and the Honourable Mr. W. M. Ross took the oaths of allegiance to the Crown.

His Excellency the PRESIDENT:—The Honourable Mr. HARCHANDRAI VISHINDAS.

The Honourable Mr. HARCHANDRAI VISHINDAS:—Your Excellency, I have the melancholy pleasure to move the following resolution:—

> **"That this Council places on record its deep sense of loss at the death of Mr. Dadabhoy Naoroji, the Grand Old Man of India, who rendered great and life-long services to His motherland."**

In speaking to this resolution I do not propose to take up the time of this Council by giving you a full biographical account of the lamented deceased. By doing so I shall be simply wearying you by going over ground which has been extensively traversed from press and platform, in the numerous tributes that have been paid to his memory. Dr. Dadabhoy's connection with this Council was neither recent nor long although he was once connected with it. But even if he had had no connection with it, it would not have been out of place to take obituary notice of him in this place. Bombay was his birth place and this Council being the highest assembly in the Bombay Presidency, is proud that this Presidency produced such a man and consequently deeply mourns his loss. For it is perhaps hardly once in a century that a man of the stamp and calibre of Dadabhoy Naoroji makes his appearance on the stage in the life of a nation. His was a unique personality and a unique life which nobody that I have known or heard of in this country has yet been able to approach. His was an exceptionally stainless, righteous and self-

less life, solely dedicated to the service of his mother country. He was the father and founder of many a movement for the regeneration of this land. He enjoyed the unique honour of being the first Indian in Parliament. He knew no distinctions of colour, race or religion among his countrymen, his services to whom extended to more than half a century. Thanks to His benign Grace, The Almighty endowed him with more than the usual span of life allotted to my countrymen and no career could have been more honourably spent. He was a man of noble thoughts, noble words and noble deeds. And let us pray that although his body is gone, the memory of his actions will always remain with us and serve as a shining example to generations yet unborn.

His Excellency the PRESIDENT:—I am glad to add my word to the touching reference which we have listened to in the speech of the honourable member, and to pay my tribute of respect and regard to the memory of a great citizen and a great statesman.

I had the privilege of the personal acquaintance and friendship of Dr. Dadabhoy Naoroji and I well remember when first I visited him at his home at Versova, the great impression made on my mind by the keenness of his brain, his knowledge of public affairs and his deep interest in the progress of his country, notwithstanding his great age. None who were present will ever forget that great gathering of citizens and students of Bombay who met to do him honour only a few months ago in the University or the dignity of his refined and fragile figure when he rose to receive at my hands the highest honour which it is in the power of the University to bestow.

He was a citizen of the Empire in its truest sense, for not only did he devote his life to the service of his native land, but he had the hitherto rare experience for an Indian of using his vote and influence in the Imperial Parliament in England, to which he was sent, not by the votes of his own fellow countrymen, but by the citizens of that part of the Empire to which we Englishmen belong. The hand of death has been heavy indeed during the last few years on the tried and trusted leaders in our public life: Gokhale, Pherozeshah Mehta, and now Dadabhoy Naoroji have all been taken from us. We can ill spare them in these anxious and strenuous times. But they have left us the fine example of their public service and I trust that we shall always find in this country, in future years, great leaders as much respected and trusted by the people, and with an equal sense of fairness, of courage and fearlessness in all their public and political thought and action, who will carry on the work of these great men and will lead this country on by sure and certain progress to the goal of self-government within the Empire which it should be the ideal of every loyal patriot to attain. I will ask honourable members to pass this resolution in silence, rising in their seats.

The resolution was carried, members rising in their seats.

The Honourable Mr. G. CARMICHAEL:—Your Excellency,—As will be seen from the budget memorandum which has been placed on the table, the estimates embodied in the revised financial statement which was before this Council at our meeting in March last, have been accepted without modification by the Government of India. At this stage, it is hardly necessary for me to go over the detailed heads again. Of new matter, the memorandum indicates how it is proposed to utilise the allotment of 90 lakhs under 45, Civil Works. Paragraph 3 shows what progress has been made in determining how the non-recurring assignment of 1½ lakhs out of the profits of the wheat scheme should be spent. There is a balance of Rs. 85,000 unallotted. Under the conditions on which we received the assignment, this amount must be devoted to some special schemes of agricultural development and we are awaiting further recommendations from the Director of Agriculture. With regard to the other assignment from Imperial revenues which was announced at our last meeting, the recurring assignment of

2½ lakhs for the improvement of pay and training of teachers, proposals for utilising the money are not yet ready and I am therefore not in a position to say how the amount is to be applied. I understand however that my honourable colleague in charge of the educational department is having prepared a detailed review of the educational needs of the Presidency in order that a definite and adequate programme for the future may be laid down.

The memorandum enables a comparison to be made between the actuals of 1915-16 and the budget for the current year. On the revenue side there is a satisfactory expansion of nearly 39½ lakhs. This is arrived at after making the adjustments rendered necessary on account of the change introduced this year in the method of meeting famine expenditure and after leaving out of account the 4 lakhs of new assignments from Imperial revenues. Over and above this increase of 39½ lakhs there is an increase of 28·30 lakhs due to the new taxation mainly income tax, but as this is passed on at once to Imperial revenues through the transfer account it does not affect the total estimated revenue of 805 lakhs. Similarly on the expenditure side, the proposals are for rather more than 41 lakhs in excess of what was actually spent in 1915-16.

Our provincial balance is mounting up and is expected to reach the figure of 259 lakhs at the close of the year. I have been charged with gloating over this accumulation. I should be as glad as any one if the money could be spent as it comes in. But we must adjust our expenditure in the interests of the country as a whole. The first and vital object is the successful prosecution of the war, and it is at least some satisfaction to feel that in this particular matter of increase of revenue and economy in expenditure the measure of our financial assistance has been as large as the figures now before you show.

As usual the forecast for the year is based on the assumption of a normal monsoon. Up to date prospects have been somewhat varied, entirely favourable in parts and somewhat backward in others. Gujarat has had an abundant rainfall, and the cultivators on the Western Ghats have had an unusually good sowing season. In the Konkan the rainfall has been about normal. On the other hand, the two districts of Khandesh, the East Deccan and the Southern Maratha Country have had to endure a long break but there are signs that things are now taking a turn for the better.

In Sind the river has been very slow in rising and the inundation is still in a backward condition with the result that in Upper Sind, as I understand from the Honourable Mr. LAWRENCE, the rice crop has suffered to some extent, and in other parts of the country there has been some deficiency of water for irrigation. It is very fortunate that this year the public works department undertook and carried out expeditiously a big clearance in the Jamrao Canal which has mitigated to some extent the shortage of water that has occurred in that tract. If the clearance had not been done at the time, matters would have been much more serious.

Several honourable members have favoured me with notes of the points on which they ask for information or which they propose to discuss. I am very glad to have them in advance. I propose to deal with them in replying on the debate.

The Honourable Rao Bahadur VENKATESH SHRINIWAS NAIK:—May it please Your Excellency,—I rise with feelings of diffidence as to the advisability of criticising the budget during the third year of the great war, but I am, however, encouraged by the fact that though there is a heavy strain on the finances of our Government, due to the continuance of war these three years, the revised figures of revenue for the last year were much better than the estimate and the estimated receipts of revenue for this year which are based upon the actual working of the budget and upon the presumption that the season this year would be an ordinarily good one, are still better being respectively Rs. 4,09,000 and Rs. 53,74,000 more than the revised and budget figures of the last year. The budget as prepared by my friend, the Honourable Mr. CARMICHAEL, is a document giving a full and fair

statement of our financial position, and taken as a whole breathes prosperity in almost all its revenue branches. Our revenue receipts since this great war, have been steadily progressing. In 1914-15—the first year of the war—they were Rs. 7,47,59,000, in 1915-16—the second year—they were Rs. 7,51,90,000, in 1916-17—the third year—they were Rs. 8,01,25,000 according to the revised figures, and during this year they are estimated to be Rs. 8,05,34,000, *i. e.*, 57,75,000 more than what our revenue could bring us before the beginning of this world wide conflict. In respect to our expenditure, on account of the exigencies of war during these three years we had to be content with economy budgets and I may say that the expenditure has been well maintained within the proper limits ranging from Rs. 7,88,65,000 to Rs. 7,36,05,000 during the last year as per revised figures. I have very great pleasure in congratulating our finance member on the care and foresight bestowed in preparing this budget at such a time of financial stringency and upon the lucid and clear explanation of the same. Although during these three years of war there has been a heavy strain on the finances of our Empire, it is most satisfactory to see that on account of the strong, wise and judicial control of the finance member over the purse strings of this Presidency, our balances are expected at the end of the current year according to our budget, to leave in our hands Rs. 2,59,31,000 being Rs. 1,05,03,000 more than what we had on hand at the beginning of the war or nearly one-third of our expected revenue from all sources during the year, after providing for a well maintained expenditure attempting to meet the needs of this Presidency as far as possible in its various branches. Without, however, in the least disagreeing with the far seeing and valuable views of the Honourable Mr. CARMICHAEL, that while the war lasts, it is of utmost importance that our resources should not be drawn upon to a larger extent than it is absolutely necessary to secure efficiency in our administration, I am sure I shall not be stepping beyond the limits of financial prudence, if I may respectfully draw your Excellency's attention to the fact that provision of expenditure allotments under educational, medical and sanitation heads have still not been adequate enough to meet the needs of the Presidency.

I shall be failing in my duty if I do not at the outset express the very high indebtedness of the Karnatics for providing us with an Arts College and thus removing one of our greatest wants. It is most gratifying to notice that this college has been opened at a time when the Government purse has been stretched to its utmost, and we sincerely hope that when better times come our college will be made a full fledged one, and your Excellency will earn the good will of the Karnatics by completely removing one of our most needed wants and your Excellency will ever be remembered by the Karnatics with pride and gratitude for this benevolent action of yours, in providing this most highly desirable object of far reaching public importance. We all know that many of our village primary schools are not located in independent, well ventilated and spacious houses. It is one of the primary duties of the local boards to provide these village primary schools with spacious and well ventilated houses. Although the purse strings of the local boards are tugged from all sides on account of their expanding expenditure in various branches there has accumulated in many boards a considerable portion of the educational share of the local cess, which has been earmarked as building fund, and the distribution of this fund has been held in abeyance on account of the proportionate provincial Government grant not being forthcoming. I realise fully, that we are reasonably expected, not to raise our voices if many of our cherished schemes will have to be held back, on account of the conditions due to the war, but I hope that this most important matter of accommodating our village school children in better ventilated, sanitary and spacious houses, will receive the special attention of your Excellency and the Director of Public Instruction. The accumulation of such a fund in the Dharwar district has been more than 65,000 rupees.

The provision of Rs. 15,000 under the head "Medical" for the opening of new dispensaries in the Presidency, is quite inadequate. The number of hospitals and dispensaries in this Presidency at the end of 1915 was 770, that is one institution

for every 35,000 souls. Your Excellency is aware that in this Presidency the number of persons living in villages with a population of less than 2,000 in each is more than two-thirds of the population of the whole of this Presidency and out of these 770 hospitals and dispensaries I believe practically none are situated in villages with a population less than 2,000 and thus more than two-thirds of the population are still without medical aid.

We are thankful to the Government of India for placing at the disposal of your Excellency's Government Rs. 1,50,000 out of the profits of the wheat scheme for the improvement and development of agriculture generally. Out of this amount Rs. 85,000 still remain to be distributed and in this connection I may observe that three years before when I moved a resolution in the Council asking Government, in the interests of agriculture, to prospect for artesian and subartesian supply of water, Government, I must acknowledge, were kind enough to accept my resolution and have started such experiments in boring shallow and deep wells under the supervision of the agricultural and sanitary Engineers to Government. But the rate at which the experiments are carried on is not at all very encouraging and I request most humbly that a greater portion of this money may with greatest advantage be used for developing these boring departments. Your Excellency is aware that agriculture is the greatest industry in this Presidency and contributes the major portion of our revenues and it is of the utmost importance to promote its growth in every way. I must once again bring to your Excellency's notice the excellent results of steam plough work in my taluka. During the last year though the working season was very short on account of rainfall in almost every month the earnings of the plough have been satisfactory and after defraying the expenses of working and allowing sufficient amount for the depreciation of the plant they are sufficient, I believe, to pay an interest at 6 per cent. on the capital invested. The heavy demand for the steam plough work in my and other neighbouring talukas and the inquiries from distant parts of the district show how highly people appreciate its work and looking to the splendid results and the necessity of improving lands I humbly suggest that one more such plough may with greatest advantage be purchased and worked in black soil cotton-growing tracts. I admit that the department of agriculture will have to work a little in the rainy season to secure and book lands for the next year's working as the rayats generally are not so very pushing to come forward and apply to Government for the plough work due only to their shyness and conservatism, but when the departmental overseer goes to a village where there are such grass-infested lands the rayats flock to him in offering their lands and he finds very little or practically no difficulty in booking work for the next year. Looking to the advantage and the good work done in the cause of agriculture the department is justified in allowing a few of its subordinates to secure and book lands for the next year. Another important and useful object upon which this amount can with advantage be utilised is a seed farm for the Karnatic. The necessity of such a farm is greatly felt by the Karnatics as the supply of pure and unmixed seeds is not easily available and I submit that Government will utilise this money in providing a seed farm for the rich cotton-growing tract of the Karnatic.

I beg to draw your Excellency's attention to a most hard-worked and neglected lot of public servants, I mean the mamlatdars of the talukas. These revenue and administrative officers being at the head of each taluka are responsible to almost all the departments. Their lot in respect to the pressure of work from all sides since the outbreak of war has been most pathetic. The scale of their pay and gradation has been fixed long ago when they had very little to do with works of various branches of administration except revenue. Looking to the varied nature of hard work they are doing, I think a revision in the scale of their pay and gradation is a necessity. It might sometimes be argued that even their present pay and prospects are sufficient and a large number of suitable candidates are easily available. The candidates recruited for this service generally

are from the subordinate clerical service and most of the young clerks enter this branch with hopes of getting deputy collectorships and old and middle aged ones solely because they have no other goal in service. They are required to travel in their talukas for more than half a month and are paid only Rs. 25 as monthly travelling allowances. In these days of high labour and struggle for existence everywhere it is needless for me to say that this petty allowance is barely sufficient to meet the cost of extra staff and conveyances they will have to maintain in consistence with their dignity and position. I submit that your Excellency will consider sympathetically the case of this hard-worked and most useful set of public servants. I think I should not conclude my observations on the budget without giving expression assuring our sincere loyalty to the Throne and conviction in the matter of the speedy and complete success of the British arms and those of the allies in the great war.

The Honourable Mr. BALKRISHNA SITARAM KAMAT:—May it please your Excellency,—Before I make a few observations on the budget, I trust I shall be allowed to give expression on behalf of this Council to our feelings of congratulation for the Presidency upon the extension of term which the Secretary of State has been pleased to accord to your Excellency. Your Excellency during the time of the past few years has worked for the advancement of the presidency, ably and zealously assisted by Her Excellency Lady Willingdon, and I believe so far as this Council is concerned we have always received at your Excellency's hands every courtesy and fairness.

Now coming to the budget proper, I believe there will be but one feeling in the presidency, I am sure, namely of sincere satisfaction about this year's budget, a feeling that although we are in the midst of the great struggle that is going on, still thanks to a fortunate succession so far of good seasons, an unexpected prosperity of trade and industries and a close application of economy the Presidency will be passing through the third, or rather entering now the fourth year of the war with a revenue of 8 crores, a surplus of 17 lakhs over the expenditure and a large closing balance of 2 crores and 59 lakhs to its credit.

But while this unprecedentedly large closing balance is undoubtedly a matter of congratulation for us all, may I venture to ask the Honourable the Finance Member whether, in view of the many crying and standing needs of the Presidency, it was not possible to reduce consistently with caution this balance so as to make good, still further than what Government have already done the past two years' retrenchments in many directions? We do recognise no doubt the need for economy at this time, both in the interest of imperial finance as well as to provide for lean years; but on the other hand we owe it to the maintenance of a steady flow of progress of the Presidency not to have also an overcautious conservation of our financial reserve, in accumulating so unusual a balance. I should therefore feel grateful to the Honourable the Finance Member for a word of elucidation as to how far this balance could be drawn upon for our long-delayed problems, without sacrificing the interest of "our bankers—the Government of India," as he called them at the March meeting.

It is indeed a relief, my lord, to notice that this year Government have been able to introduce a welcome relaxation from the last two years' restrictions on expenditure; but it strikes me that considering the improvement in our financial position, the important head of sanitation proper has had a crumb of only ten lakhs out of a total revenue of Rs. 805 lakhs. This works out to something like 3 pies in the rupee,—quite an inadequate, almost a niggardly share, especially when we know that many a scheme in aid of sanitation of our towns and villages has been hung up from year to year.

But as if by way of contrast with this head of expenditure, another striking feature of the expenditure budget is the ever-increasing expenditure on our old

friend, Head No. 20—Police. War, or no war, this head, it seems, knows no retrenchments, as the following figures will show :—

	Rs.
1913-14	1,00,58,000
1914-15	1,04,25,000
1915-16	1,05,80,000
1916-17	1,10,09,000
1917-18	1,12,49,000

Add to this year's figure nine lakhs more for police buildings, and we reach the huge total of one crore and twenty-one lakhs, fully 15 per cent. of our revenue or nearly 30 pies in the rupee for the police alone, as compared with 3 pies for sanitation.

Now, my lord, we fully recognise the supreme importance of this department, especially in these times, but I believe I am echoing the feeling uppermost in the minds of every member when I say that, next after the prosecution of the war, we trust Government will give education, and education alone, the first and foremost position in their annual budgets.

It is true, my lord, that education at present stands a second best on the list and we know it possesses a very warm corner in your Excellency's heart, but for some reason or other the police department has been for years past the first love of Government, a position which we are convinced it does not need, nor deserve. Thus, it is almost painful to find that during the last two years of stringency while the police got its full share, education had to receive a set-back inasmuch as the opening of new primary schools was postponed, school-building was at a standstill, secondary education has been handicapped and various education schemes have been held up.

But when I say that the police department has obtained more than its due, I am well aware that, so far as the rank and file of the policemen are concerned, their pay is scarcely a living wage, their house-accommodation scanty, and consequently I know there is a great difficulty in getting good recruits. But the real question, with all our sympathy for the rank and file is,

Is the Presidency over-policed ?

I do not pretend to know, sir, the internal working of the department, as no non-official probably is privileged to know it ; but if Government statistics and reports mean anything there is undoubtedly a *primâ facie* case to believe that under the reorganisation scheme the department appears to be overmanned or over-officered beyond the requirements of the Presidency. I shall attempt to show this from the remarks of government officers themselves. Thus, the Commissioner, Central Division, in his latest divisional police report says: "There are many administrative officers of experience and discernment in responsible positions who think that the numbers, both of men and police-stations, have been increased under the reorganisation scheme beyond requirements. The present police expenditure is so large that improvements in pay and prospects of men can perhaps be effected by a reduction in numbers, and indeed one better-paid and more contented man is better and more useful than two indifferent and unsuitable men."

The district magistrate of Poona in the same report remarks as follows:— "Whether the district generally is not over-policed is a matter which appears to merit investigation. A taluka like Sirur, which is exceptionally free from crime, has no less than 3 police-stations, 3 sub-inspectors, 9 head constables and 30 unarmed constables; yet cognizable crimes reported during the past twelve months at all the 3 stations numbered 66 only." This means 22 investigations per annum. The Police Commission has suggested, I think, one police-station for about a 100 investigations.

My lord, the same is the tenour of the remarks of the Honourable Mr. LAWRENCE, Commissioner, S. D. He writes that "the cost of the police force has increased enormously under the reorganisation and it is time to scrutinise the scheme once more". And the Commissioner, N. D., the Honourable Mr. PRATT, quotes one of his superintendents of police, namely that of Surat, who frankly says:—"I have not greatly missed being habitually short of fifty men or so, since there is little crime and little real work (many police-stations and outposts being in my humble opinion mere loafs or *baitnaka-jagas*) while both the city (of Surat) and Rander are over-policed."

The Honourable Mr. PRATT adds: "There seems reason to believe that it may be possible to get a considerable increase of efficiency without any extra cost by readjusting the distribution settled at the time of the last reorganisation."

In view of these opinions it is high time, my Lord, to see if the Presidency is not over-policed and if it is found to be so, to cut down what I expect will be a very large expenditure from this head, and devote the same to many more useful objects for the advancement of the Presidency.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE.—Your Excellency.—I have to make a few remarks on the budget. I see that in the budget expenditure figures for 1917-1918 as compared with 1916-1917, there is an increased expenditure under the heads of education, sanitation, agriculture and public works including communications. The increased expenditure, as compared with the previous year, under these 4 heads amounts to Rs. 31,74,000. This increase is a matter of satisfaction to me because all expenditure under these heads reaches the bulk of tax-payers more directly than expenditure in the other heads of the budget. Coming to the particular items of the budget I find that under the talukdari settlement office, the tax-payer has to bear a charge of Rs. 27,000. Now, if we look to the history of this office, we find that it was started in 1862 for the protection of the aristocracy or the talukdars in Gujarat. In 1862 they were in very embarrassed circumstances and Government very rightly went to their rescue by appointing a special talukdari settlement officer for improving their condition. Fifty-five years have elapsed since then. This is the third generation after the special legislation for talukdars was passed and since the talukdari settlement officer was appointed. I think, sir, that the condition of the talukdars in these 55 years should have improved to such an extent that no further protection by special legislation should now be needed for them. The first generation of embarrassed talukdars has disappeared. The second generation has disappeared and we are now in the third generation. If the talukdars still want protection by special legislation, I think they are in a hopeless position and they should be given up. So the talukdari settlement office should either be stopped, or if Government still think that special measures are needed for their protection, the tax-payer should not be made to pay for this special office. The Rs. 27,000 which it is proposed to spend for the maintenance of this special office, should find no place in the budget. The whole cost of that office should be debited to and recovered from the talukdari estates. I find that there is a special office of the same description in Sind. There is a manager for incumbered estates in Sind. I find, Sir, on reference to the budget, that the whole cost of this office is recovered from the incumbered estates and the same principle should be extended to the talukari settlement office. Either the talukdari settlement office should find no place in the next year's budget or, if the talukdari settlement office is still considered necessary, the whole of the cost should be recovered from the estates of the talukdars.

I want to invite the attention of Government to the policy that they are pursuing of constructing residences for their officers. I find in the budget a

provision of Rs. 20,000 for land for building civil bungalows at Poona and a provision of Rs. 50,000 for what is called "The Public Works Colony" at Yeravda near Poona. I want Government to reconsider and to give fresh thought to this policy. In rising towns like Poona, Bombay, Jalgaon and other places there is considerable difficulty with regard to accommodation for civil officers. But the difficulty does not exist in the case of superior officers only. It extends to all ranks of Government servants. In the City of Poona I find that peons, clerks and subordinate officers of Government find it very difficult to get decent and convenient accommodation. The question is, is Government going to provide residential accommodation for this army of Government servants at the expense of the tax-payer? If they are, I think they are taking a very large burden upon themselves. Another point that requires consideration at present is the current rate of interest on money. The present rate, at which the Government of India are raising funds, is $5\frac{1}{2}$ per cent. In addition, there is depreciation and the cost of repairs in the case of residential dwellings. So to the $5\frac{1}{2}$ per cent. we have to add about 2 per cent. or $2\frac{1}{2}$ per cent. for depreciation and repairs which gives about $7\frac{1}{2}$ or 8 per cent. I think therefore that the tax-payer will be quite justified in asking for a return of about 8 per cent. on the amount he spends upon these residential buildings. Now, will the officers and servants of Government be willing to pay rents to cover returns to this extent? If they are asked to do so, they will probably back out, and say that they will treat with private landlords themselves and make their own arrangements as regards their residences. I think under these circumstances that Government should reconsider their policy in the case of providing residences for government officers. In the case of officers like the postmaster, the telegraph master, the sirkarkun and the customs karkun, I can quite understand that they should have residences constructed for them because the tax-payer wants them to stay near their offices but in the case of other officers of Government, Government should leave the question of house accommodation for settlement between the officers themselves and the landlords of the locality concerned.

The Honourable Mr. CARMICHAEL:—If there are no landlords?

The Honourable Dewan Bahadur GODBOLE:—By giving guarantees or other means we should bring them into existence. There are certain places, I grant, like Karwar, where it is impossible to get any private landlord to come forward and construct a building for rent, but I believe that in a city like Poona or in a city like Surat it is not impossible to get landlords to come forward to construct residences on which they will get more than 6 or 7 per cent. So this question of residential accommodation seems to me to be a matter which should be further considered by Government. There are two points to be considered, firstly, that Government will have to construct residences for all officers of Government from peons to heads of departments and, secondly, that the tax-payer will want a return of about 8 per cent. on the funds that are laid out on these residences.

I want also to draw the attention of Government to the provision that has been made for certain improvements to roads.

There is a provision made for Rs. 55,000 for constructing causeways on the road from Dhond to Manmad. In the case of this road, there is a railway line running parallel to the road within a few miles of the road line. The bulk of the traffic in the road area is carried by the railway. There are a number of goods and passenger trains on the railway. Now Government propose to spend Rs. 55,000 on certain improvements of this road which are by no means urgent. On the other hand, I can tell you as president of the district local board, Poona, how urgent the need is for additional grants for communications in the mofussil. I have got in the district of Poona a mileage of 1,028 miles for which the board cannot assign more than Rs. 27,000 for repairs and upkeep. This gives a rate of a little over Rs. 26 per mile. Moreover, sir, I find that in the case of some taluka local boards, the assignment that the boards can give to some roads is at

the rate of Rs. 5 per mile. I want the Council to consider whether the assignment of Rs. 5 per mile can do anything that can be called efficient repairs to the roads. Practically it will do very little. The cooly, who wanted three annas a day a few years ago, wants now eight annas and ten annas per day. When there are communications like these in the mofussil which require large sums for their upkeep and maintenance, is it right that Government should spend sums like Rs. 55,000 on the improvements of roads in areas where there is already adequate and efficient railway communication? I grant that roads must be maintained in the best possible condition, but further expenditure on these particular roads in railway areas should be discouraged and the grants intended for them should be assigned for the improvement of roads in the mofussil.

The Honourable Mr. CARMICHAEL :—Where is the causeway, may I ask?

The Honourable Dewan Bahadur GODBOLE continuing:—I find in the budget that they are to be constructed at Kolhar, Rahuri and Kopargaon in the Nagar district.

Next I come to my old friend, the Kennedy sea-face wall. I find that the budget contains provision of three lakhs of rupees for the construction of this wall during the current year and that the estimate of this work is Rs. 12,40,000. I am almost sure that the actual cost of construction will be very much higher than the estimate. Instead of Rs. 12,40,000 it will be Rs. 20,00,000. Now what I ask is whether the millionaires and rich inhabitants of Bombay should enjoy the advantages to be derived from this wall for their riding path and their walking promenade at the expense of the poor tax-payers in the Ahmednagar, Sholapur and other mofussil districts? I think, sir, that Government should make an earnest endeavour to hand over this work to that rich body which is rolling in wealth, namely, the municipality of Bombay.

The last item that I have got in my mind is with regard to industrial and technical schools. I find that the provision that is made for these schools is only Rs. 4,70,000. It seems to me, sir, that this branch of education is being neglected and it ought to receive greater support at the hands of Government. There is one direction which I can indicate from which improvement can come, and that is this: I find in the budget a provision of Rs. 30,000 for the advisory committee on industrial and technical schools. Now a committee is a good institution by itself. But the question is whether it is the best agency for doing sustained continuous ordinary work. I hold, sir, that in the case of technical and industrial education, it will be a far better arrangement if Government were to appoint an inspector in place of this committee. Instead of spending Rs. 30,000 on a committee which is composed of professional men who have got their own business to attend to, I think, industrial and technical education will receive a greater impetus if it is placed in the hands of an inspector. Government at present have got an inspector of drawing. The question is, cannot this inspector look after the industrial and technical schools in addition to drawing? They are allied subjects, and I myself see no difficulty in entrusting this inspector of drawing with the work of inspection of technical and industrial schools. Government will do well to give consideration to this suggestion.

Then I come, sir, to the point of separate sanitary districts for the Bombay Presidency. I find that there are two of these sanitary districts, with two separate executive engineers to go over the areas assigned to them and to design and execute sanitary works in those areas. I do not think that this is an economical arrangement. Last time your Excellency cornered me by asking me to show which department or which officer can be abolished, and I now unhesitatingly point out that these two officers can certainly go without loss of efficiency. Their offices should be abolished and the work which they do at present can be assigned to the ordinary executive engineers of the districts concerned. As regards sanitary works—both the execution and designing of them—they can be

carried out by the executive engineers of the districts concerned under the orders and advice of the special sanitary engineer whom Government have appointed.

These are the points which I think should receive the attention of Government in framing the next year's budget.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH:—Your Excellency,—I would like to make a few remarks about the rural population in Sind. Most of the rural population in Sind consists of Mumammadans. They are ignorant of the very rudiments of knowledge, because not even schools for primary education have been given to them and there is need for these schools. The number of primary schools in Sind is very small in proportion to the population and the number of villages. Their ignorance and illiteracy are wholly responsible for their hopeless thriftlessness and extravagance and indebtedness and consequent poverty. If the Government has tried to save them from the rapacity of money-lenders by extending special legislation, the very necessity for this legislation shows that their hopeless condition is due to want of education.

In the rural areas of the Presidency education is imparted partly at the expense of the district local boards and partly at the expense of Government. District local boards spend a portion of the cess they collect on education and Government makes contribution in proportion in the shape of grants-in-aid. But owing to the crippled resources of the district local boards primary education in the rural areas has not made sufficient progress. Therefore, I would suggest that a certain portion of the revenue from Sind should be set aside for primary education in the rural areas of Sind.

Coming to the question of secondary education, I find that the condition of the people in Sind is worse. During the last 10 years only 7 anglo-vernacular schools have been opened in rural areas. The number is very small. There are high schools which are far away from the rural areas, but owing to the expense and the long distance parents cannot send their children to the high schools.

As regards higher education, their condition is still worse. The Muhammadan Education Committee appointed by Government has made certain recommendations about primary, secondary and higher education, and I trust Your Excellency's Government will favourably consider those recommendations.

We are thankful to your Excellency's Government for a grant of Rs. 1,00,000 for secondary education, but we require much larger amounts than that, and it was therefore that the zemindars and jagirdars in Sind approached Government to give them permission to tax themselves. I can state now with confidence that, not only the zemindars and jagirdars of Sind, but the educated Muhammadans in Sind are ready to tax themselves. That is why the Honourable Mr. BHURGRI had brought in his bill before this Council to impose an education cess to improve the condition of the education of the Muhammadan population in Sind. Government said that there was not sufficient unanimity of opinion behind the bill. Now, my respectful and emphatic submission is that there does exist sufficient unanimity of opinion so far as can be ascertained, though there might be individuals who might be against it. The vast and intelligent opinion in favour of the resolution is such as to warrant its recognition on the part of Government. The Mussalmans of Sind are quite at a loss to understand this attitude on the part of Government in refusing to grant recognition to the wishes of the people when they wanted to tax themselves and this is their grievance. We all look forward to your Excellency's Government in that direction to give us the help which we fully deserve.

The Honourable Mr. MUNMOHANDASS RAMJI:—Your Excellency,—I desire to draw the attention of your Excellency and the Council to the prolonged delay that is taking place in properly equipping the Sydenham College of Commerce and Economics. This institution was started under the most

favourable auspices. It came into being in response to a very real and keen demand that India, like the advanced countries of Europe and America, should have a university college devoted exclusively to the study of problems of commercial, industrial and financial organization which in our time absorb so much of the best thought of the day. Such a college, it was felt, would (in conjunction, of course, with the practical training that can only be acquired by actual experience) give to the rising generation of young Indians embarking on a business career systematic knowledge and a wide outlook not otherwise obtainable, and would thus materially assist in fitting them for higher and more responsible positions in enterprises of every kind. Hence the founding of the college was cordially welcomed by the business community, and liberal donations were given by individuals, and by public bodies, towards the endowment of lectureships and even towards the general upkeep. These contributions, I may point out here, were promised at least by three bodies with which I am connected as a help to tide over initial difficulties, and now that the college has passed its stage of infancy these grants may be discontinued. Not that the stoppage of these grants must be construed as showing a lack of sympathy with the college. On the contrary, we greatly appreciate the fine work that has so far been accomplished under the watchful stimulus of its principal in spite of the limitations and the depressing atmosphere. It will merely betoken, if it comes on at all, a desire on the part of the commercial community that Government should now be prepared to take over the whole burden of the college. For Government, on their side, were pledged to find the remainder of the amount required to start and maintain the college in efficiency. I submit, with all respect, that this pledge has not been redeemed in anything like an adequate manner; and that there are no signs of any serious effort to redeem it in the immediate future.

The college has now been in existence nearly four years. Yet it is still lodged in a makeshift flat above a shop: most people in Bombay would probably be hard put to it to say where it is. These cramped and depressing premises are, from the nature of the case, in many respects quite unsuited to the teaching work that has to be carried on in them; and indeed the students can hardly feel that they belong to a pucca college at all. The advisory board, on which I represent the Bombay Native Piece-goods Merchants' Association, had repeatedly put before Government the urgency of taking definite steps to secure for the college and its fine library a site close to the business quarters of the city where a building worthy of the importance that attaches to the college, both from the commercial and the educational points of view, could be erected without further delay. Our representations, however, have so far resulted in nothing tangible. It is always possible, I am aware, to point to difficulties. But I contend that, given good-will and energy, they can and must be overcome. There are two or three possible sites in the Fort. As regards the cost of the building, it is not estimated that the sum which Government will have to add to the substantial fund already collected would be formidable: for the college, even allowing for expansion, does not require very extensive premises. Be that however as it may: I venture to take my stand on the broad ground that we cannot afford—and I use the word advisedly—to delay any further in the matter. Parsimony is not economy. We are continually confronted with the plea of "financial stringency owing to the war." Well, the war has not affected India in any way that can be distantly compared with the immense burdens that it has imposed on England. Yet the Home Government, in the face of a financial stringency surpassing anything hitherto known or dreamt of, has just sanctioned an unprecedented expenditure of nearly £4 millions on immediate educational development, besides adopting a comprehensive programme which in the next ten years will double the present outlay; and it has done this from motive of patriotism rightly understood. Surely this example cannot be lost on us out here, where the arrears to make up, both in education and in commercial organization, are so much greater.

I have pointed out that the prime need of Sydenham College is a building of its own. Its second requisite is a permanent, full-time staff, able and willing to give their whole energy and thought to their many-sided work. Here again it is profoundly to be regretted that Government have allowed a mistaken policy of retrenchment to govern their action or rather non-action. Men of the type required at a college of commerce can command good pay for the double reason that they are in great demand as teachers elsewhere, owing to the rapid spread of commercial and economic education, and that alternatively they can often enter a lucrative business. This apparently has not been recognized by Government in the case of Sydenham College. As a result, at least one brilliant young man, who would have been pre-eminently suited for a certain post, was not secured at all; one or two others left because it did not pay them to stay; and others again have had to be taken on as half-timers, because the salaries offered them were not such as to tempt them to devote themselves to the college unreservedly. This is a most unfortunate state of things. It undermines efficiency, and ought to be put an end to as soon as possible. But here again it is essential to abandon the timid attitude of false economy.

There is a cry in the air about the development of trade and industries of the British Empire and making India a self-sufficing country in the matter of industries. Will all this be possible if there is no satisfactory and systematic higher commercial and scientific institute in the country? My Lord, we are all proud of the fact that Bombay has taken the lead in establishing the first University college of commerce in India. But there is little doubt that this lead will pass from us, if the policy of drift continues. Already other Governments—that of the United Provinces for instance—are making far more generous provision for teaching and research than we are. And there are definite projects for starting colleges of commerce in other great centres. Surely it would be lamentable if Bombay were outdistanced in this respect, because, having begun well, we left our task half-finished.

With these remarks I conclude with a hope that in future Government will see their way to make more adequate and liberal provision in their budget for the rapid spread of commercial education.

I wish to say a word or two with regard to what fell from my honourable friend, Dewan Bahadur GODBOLE, about the Kennedy sea face. He says that rich Bombay folks and the rich Bombay municipality ought to defray that cost. Perhaps, he has not forgotten the discussion that took place on this point, a few years ago, in this Council. It was pointed out by our late lamented friend Sir Pherozeshah Mehta that that work was carried out not for the sake of the Bombayite or the Bombay municipality butf or the betterment and better upkeep of the harbour at that point, and it was a Government place, and therefore Government had to do it.

The Honourable Mr. EBRAHIM HAROON JAFFER:—My Lord,—Passing as we are through times of extraordinary stress and anxiety, it is not a little encouraging that the financial situation as disclosed in the provincial budget for the current year is satisfactory. Our revenue will be nearly Rs. 8 crores and the expenditure is expected to exceed the last year's figure by half a crore. The closing balance has now reached very high proportions, being about Rs. 2 crores. War conditions have imposed certain inevitable limitations upon the progress of finance and of other things. But, my Lord, this is a time when well-thought-out plans of reform and advancement ought to be laid down, so that they may be taken at the earliest opportunity. Questions of reform in the direction of expansion of education, sanitary improvements, progress of local self-government and the promotion of industries, may thus be discussed and schemes may be prepared. I am glad in this connection, that Government propose to spend an additional amount on education during the current year, and I must congratulate Government in particular, on a recurring grant of Rs. 18,000 they have made for scholarships to

Mohamedan students in secondary schools in this Presidency. But I regret to find that the report of the committee appointed in 1914, to submit proposals for the education of Mohamedans in the Presidency, has not yet been published. To a question I put at the March session of the Council in this behalf, the reply was given that "the decision of Government on the recommendations of the Mohamedan Educational Committee will shortly be made public." The Director of Public Instruction has expressed the opinion, on the strength of the views of that committee, that a 'liberal system of scholarships for secondary education would do more for the Mohamedans as they stand at present than any other thing.' The Mohamedan public is naturally anxious to know what the recommendations of the committee are, and I have to request Government to lose no time in publishing its report.

In view of the backward condition of Mahomedan education, it is desirable that special encouragement should be given to Mahomedan students, to prosecute their studies in high schools. When compared with the other communities the number of Moslem students is disproportionately small, and the Mahomedan public would have been more pleased if a larger sum than Rs. 18,000 could have been made available for scholarships. I hope this matter will receive the serious attention of Government. I have already referred to the backwardness of Mahomedans in the matter of education, and nowhere is that backwardness more glaring and deplorable than in higher education. Mahomedan students who give up the school course, owing to various reasons, have to be attracted to high schools and colleges, and the way to do this is, in the first instance, to grant a large number of scholarships. Sir Mahomed Yusuf Sowdagar's munificent donation of Rs. 8 lakhs yet lies unutilized, and in reply to a question I asked in March last, I was told that at the instance of the donor the question has been allowed to stand over till the return to India of His Highness Sir Aga Khan. Is it not possible, I may ask, to expedite the matter and not to allow the large sum to remain unused? Pending the final decision and disposal of the amount of Rs. 8 lakhs, I suggest the interest on it may be utilized in granting scholarships to Moslem students prosecuting their studies in colleges. The need of such scholarships, it is superfluous to say, is extremely great, and I have respectfully to urge on Government the desirability of promoting the cause of higher education among Mahomedans by granting scholarships to them on a liberal scale.

Another subject, to which I have to refer, is in connection with the Urdu Training Class at Ahmedabad. I have been pressing this question on the attention of Government, for some time. The extra cost of adding a second year course to the Urdu class at Ahmedabad is trifling, and as the statement, supplied by Government in response to my request, shows it will not cost more than Rs. 14,000 a year if the class with a two years' course were to be transferred to Poona, one does not know what stands in the way of the carrying out of the scheme, when it is urgently called for in the interests of the progress of primary education among Mahomedans, and when the cost is not so great.

My lord, among the reforms which have got to be immediately taken up, the expansion of local self-government occupies a prominent place. The question of reform is already engaging the attention of your Excellency's Government and of the Council. It is well known that your Excellency takes a keen interest in the progress of local self-government, and the time has come when substantial measures of reform in this direction should be adopted. In this connection I have to draw the attention of the Council to an important aspect of this problem. All people will agree that the backward and smaller communities in the presidency should participate, in a reasonable measure, in the advancement of local self-government. But what is the present situation? The Mahomedans, who form by no means a small part of the population, have little share or voice in local self-government. Take the Poona City municipality for instance. Not

one Mahomedan member has been elected as a councillor since the municipality came into existence.

The Honourable Mr. CARMICHAEL:—May I rise to a point of order, sir? The honourable member is discussing local self-government and not the budget.

The Honourable Mr. JAFFER:—I have to express my feelings of gratification that your Excellency's term of office has been extended. As I observe for a few weeks past we are passing through most anxious times and it is a matter of satisfaction to me that your Excellency's term has been extended. We also hope that all our anxieties will soon be allayed and that the arms of the allies will obtain complete victory.

The Honourable Mr. PURSHOTTAMDAS THAKURDAS:—Your Excellency,—I would like to refer to a few items in the budget for the current year.

Referring to the forest department, the revenue therefrom is mainly under two chief heads. On page 18 in the civil budget estimate the Council will see that to the estimated revenue of Rs. 52,30,000 there are two principal sub-heads (1) forest produce removed by Government estimated to yield Rs. 19,44,000 and (2) forest produce removed by consumers and purchasers estimated to yield Rs. 31,50,000. Against this, on page 85 of the civil budget estimate, we find the total expenditure on the forest department Rs. 29,46,000 which is 56·3 per cent. of the total forest revenue. This total expenditure is more or less equally divided under two main heads, viz., (A) conservancy and works and (H) establishments. The cost of removing forest produce departmentally under "A" is estimated at Rs. 8,48,000 against the receipts of Rs. 19,44,000, i. e., 43·62 per cent. The expenditure incurred under "A" for forest produce removed by consumers is estimated to be at Rs. 59,000 against estimated receipts of Rs. 31,50,000, i. e., 1·87 per cent.

The abovenamed percentages are roughly the same for the actuals of the year 1915-16, but, by courtesy of the Honourable the Finance Member, I have been supplied with figures of quantities of forest produce removed and sold by Government departmentally and sold to but removed by purchasers themselves for the year 1915-16.

Timber exploited departmentally was 10,81,374 c. ft., fetching Rs. 11,63,218 less expenditure Rs. 4,90,642 = net income Rs. 6,62,576, i. e., realizing Rs. 61·24 per 100 c. ft.

Timber exploited by other agency was 43,41,288 c. ft., fetching Rs. 18,37,620 less expenditure Rs. 58,909 = net income Rs. 17,78,711, i. e., realizing Rs. 40·96 per 100 c. ft.

Similarly figures for fuel work out as under:—

Government agency—quantity 43,31,932 c. ft., fetching Rs. 2,68,693 less expenditure Rs. 1,31,967 = net income Rs. 1,36,726, i.e., realizing Rs. 3·14 per 100 c. ft.

Other agency—quantity 3,20,75,769 c. ft., fetching Rs. 3,63,724, i. e., realizing Rs. 1·13 per 100 c. ft.

It thus appears that forest produce exploited departmentally is 50 to 175 per cent. more remunerative than if sold to outsiders for removal, unless qualities of the produce differ materially. Out of the total of 54½ lakhs c. ft. timber exploited, only 10·81 lakhs c. ft., i. e., 20 per cent., was exploited departmentally. As to fuel, the total quantity exploited is 3,64 lakhs c. ft., of which only 43·31 lakhs c. ft., i. e., about 14 per cent., was handled departmentally. In view of the large difference in prices realized, viz., 50 to 175 per cent. more, by departmental exploitation, it is desirable that more produce should be handled by the forest department. It is likely that increasing dearth of labour may be responsible for the much

smaller departmental exploitation but I should think that in forest administration Government always have more facilities than private contractors.

The quantitative figures given above are most instructive and without these mere figures of revenue and expenditure may be misleading. The forest resources of India are practically unlimited and call for more careful attention from the Government than has been bestowed in the past. The full development and exploitation of timber lands alone would bring in a vastly increased revenue.

Modern methods, and tools similar to those used in Australia and Canada, should be brought in operation in view of the fact that an Indian requires to be educated in the proper use of such tools and saw mill machinery, for, at present, in most localities only the simplest local made implements are used. The conservatism of the Indian needs to be dealt with by tactful instruction, as he is an apt pupil if properly handled. I understand it has been demonstrated that an inexperienced Indian can be taught to accomplish with a cross-cut-saw better and quicker work than an experienced Indian with his ordinary axe.

The names of the various timbers need to be standardized, for, at present, every locality appears to have different names for exactly the same kind of wood and that causes a great amount of confusion. If uniformity in description is insisted upon, this disadvantage would be obviated before long.

The freight question is another very serious matter, for many fine forest areas remain neglected for want of co-operation between the railway and the contractor, with the result that the chief centres for the finished products require to import vast quantities from outside sources, and even railways are using such imported supplies. In this connection I note with pleasure the provision of Rs. 50,000 on page 6 of the revised financial statement, paragraph 13 IV, to elaborate a scheme most suitable for transport of forest produce in the Kanara district. The minor products of forests, such as resins, tans, gums, drugs and fibres, are of no small importance and the revenue from these could be increased to a vast extent under systematic supervision. I would suggest that the forest department should be divided into two main heads, viz., (1) conservancy and revenue and (2) development. I earnestly urge more money being spent on a systematic and scientific development of our forests with tools and implements of the latest model to the ultimate benefit of the state revenue and indigenous industries.

The second item I would like to refer to is the one of income tax. The actual collection under this head in 1915-16 was Rs. 73,32,639 with an expenditure of Rs. 1,71,853, i. e., 2·28 per cent. During the current year the collection is estimated at Rs. 2,01,97,000 against an expenditure of Rs. 2,09,000, i. e, 1·03 per cent. Of course, a good deal of the estimated increased revenue in the current year is due to the imperial revenue of Rs. 66,00,000 for super-tax, but, for this, I observe, no additional expenditure is budgetted.

In the revised financial statement of 1917-18 on page 8, paragraph 13C, the Honourable the Finance Member explains the reasons for the appointment of a second Income Tax Collector for Bombay entailing an expenditure of Rs. 9,000 per annum. I associate myself with the approval by Government of Mr. HARTLEY'S most useful work in the income-tax office in Bombay to such general satisfaction of the public as the collection of this tax permits of. We are told that Mr. HARTLEY has devised a scheme, evolved from a change recently introduced in the system of administration in the large mofussil trading centres. The scheme is said to have been attended with extraordinary success, having resulted, practically, in all the towns visited, in an immediate increase of nearly 100 per cent. in the assessment. I would however not judge the change in the system of administration in the mofussil trade centres from the cent. per cent. rise in assessment only. It is very necessary to see whether it has given any general relief to the assessees there, in the direction where the same may be needed.

Being a direct tax, the income tax has always been the most unpopular of all the forms of taxation. I am not unaware of the reluctance of some to give correct returns of their incomes but the method of assessment and the personnel of the staff collecting the tax in the mofussil are by no means perfect. The latter is the usual revenue staff of the district from the mamlatdar to the collector, and this leaves scope for the public suspecting unnecessary annoyance in many cases.

What with the increased and graduated scales of taxation and the new super-tax to be assessed I would urge Government to ensure the assessment being equitable. No increase in expenditure to this end will, I am sure, be grudged by this Council.

The Income Tax Act is, I understand, on the anvil of the Government of India, and it is to be hoped that provision will be made for an appeal to a court of law. In the meantime I would ask for such provision of staff as will ensure considerably less dissatisfaction in the assessment and collection of this tax. The complaints from the mofussil are many and persistent and refuse to believe that they are all unfounded or frivolous.

The Honourable Mr. PANDURANG ANANT DESAI:—Your Excellency,—I congratuate the Honourable the Finance Member on the successful budget which he has presented this morning to this Council. The budget was submitted to the Government of India and it has been sanctioned in all its details. Under these circumstances it might be asked what was the use of a discussion about the budget when both the items of revenue and expenditure cannot be altered? I submit the object of the discussion is to throw out suggestions and cautions to Government which, if they appeal to them, would be accepted by the members of the finance committee and by the Honourable the Finance Member at the time of the framing of the next year's budget.

We are thankful to Government for the provision of Rs. 6,000 for the appointment of an inspectress of schools for the Southern Division. Female education is in a backward condition in the Southern Division, especially in the Karnatic part of the Southern Division, and such an appointment is welcome to every body. But having regard to the duties which are to be performed by the inspectress, namely, that she shall have to get into close touch with the ladies of the province, she must be an Indian lady because she must understand the vernaculars, namely, Canarese and Marathi, so as to impress on the minds of the Indian ladies the desirability of female education and to shake off as much as possible the apathy which prevails among the Indian ladies in sending their children to schools. At the same time the inspectress must know the manners, the customs and the habits of the people among whom she shall have to move. I therefore suggest that the appointment should be made of a suitable Indian lady for this purpose.

Then we are also glad that in this year's budget an amount of Rs. 6,290 has been sanctioned for the revision of pay of gymnastic teachers. The increase is welcome. But what I suggest is that it should be applied all at once. We had a similar allotment about a couple of years ago which remained unspent for two years. I hope Government will apply this provision at once towards the object for which it has been set apart

Then, my lord, I should like to make a few suggestions with respect to the amount of Rs. 85,000 out of the allotment made by the Government of India out of the wheat scheme. The Honourable the Finance Member has said that Rs. 65,000 out of this amount have been already appropriated. The remainder is Rs. 85,000. Now out of this sum of Rs. 85,000, I submit some portion may be spent for the needs of the backward district of Bijapur from which I come. The district of Bijapur is purely agricultural. Except a few cotton factories in the town of Bijapur and also in the town of Bagalkot, the whole of the population depends entirely upon agriculture; and Government knows that labour is

becoming scarce now and that coolies who could be secured for three or four annas per day cannot be secured unless we offer seven or eight annas per day. The other difficulty for these agriculturists living in rural areas is that workmen from the rural areas are running to the big towns and there is much scarcity of labour in the rural areas. Under these circumstances the cultivators find it very difficult to get men to cultivate and improve their lands. I therefore suggest that a steam plough out of this amount of Rs. 85,000, which is at the disposal of Government, and which it is considered should be applied only to the needs of agriculturists, should be purchased and placed at the disposal of the Bijapur district for the use of these cultivators. I am told by my honourable friend, Rao Bahadur NAIK, that a steam plough which has been given to the Ranebennur taluka is working well. I submit under these circumstances that our demand for a similar steam plough for the needs of the cultivators of the Bijapur district would not be considered by Government as an unreasonable one.

Another thing, as I have said, is that as the Bijapur district is a purely agricultural one, we must look to the breed of cattle. Cattle are deteriorating in the district of Bijapur and I hope Government will give some portion of this amount of Rs. 85,000 for the establishment of a cattle farm at Bijapur as they have proposed to do in the town of Sholapur this year.

As regards the balances, the closing balance is Rs. 2,59,31,000. The revenue estimates are Rs. 8,02,34,000 and expenditure estimates Rs. 7,86,74,000. The estimates thus exhibit a surplus of Rs. 15,60,000. I submit, your Excellency, that it is not a desirable state of things that we must have a big surplus in the provincial revenue. If our opening balance was Rs. 2,42,21,000, I submit we ought not to have left this surplus of Rs. 15,60,000 in this year's budget. We should have thought that some of the amount, at least Rs. 5,00,000, would have been appropriated to the needs of the province, namely, education, sanitation and such other things, but we see pains taken to have this big surplus included in the Rs. 2,59,31,000, the closing balance for the second year's budget.

Now as regards the expenditure on account of the police I fully endorse the remarks made by my honourable friend, Mr. KAMAT. He has clearly given to you the figures for the last 4 or 5 years. I have got the figures of 1907 and you will see that in the year 1907 the expenditure on account of this head, namely police, is Rs. 76,41,000. In the present year it has increased to Rs. 1,12,49,000. Thus in the space of 10 years you will see that the increase has gone up by more than 50 per cent. This is certainly disconcerting, and I submit that steps should soon be taken to curtail this expenditure on account of police. Now, your Excellency will see that the administration report last year shows that the work then done was this that the cases undetected rose by 1,141. That clearly shows that the percentage has risen from 37·8 to 39·1 undetected cases. In the same way property stolen and unrecovered rose to 4·43. The value of the property rose from Rs. 4,01,000 to Rs. 4,16,000. So, while expenditure is increasing there is an increase in undetected offences and also in property unrecovered. Under the circumstances I submit that steps should be taken to curtail expenditure on this head.

Then as regards the excise policy of Government, I think that it is not desirable. The excise revenue of 1913-1914 was Rs. 2,22,59,000: in the current year's budget it is Rs. 2,56,00,000. This shows that in 4 years the increase rose by 15 per cent. Your Excellency, I think this state of things is not desirable. This clearly shows that drunkenness is increasing and steps should be taken to see that this is checked. The proper remedy in my opinion about this is that we should try to reduce the number of shops of liquor and toddy as much as possible.

The Honourable Mr. CARMICHAEL:—May I interrupt the honourable member? Is he talking of revenue or consumption?

The Honourable Mr. DESAI:—What I submit is that the revenue has increased by 15 per cent. during the last 4 years. It is not a satisfactory feature. The proper remedy I think is to reduce the number of shops and have strong local excise committees. This will be proper and effective.

Then the next point which I should like to touch is about magisterial fines. Your Excellency might see on page 23 of the budget estimates that for 1916-17 the estimated amount of fines was Rs. 4,25,724, while in 1917-18 it is estimated at Rs. 4,81,000; the increase is by 13 per cent. Your Excellency, the fines which are inflicted on culprits by magistrates ought not to be looked upon as a source of income. Last year as I had submitted the income on this was Rs. 4,25,724. Now, this year it has increased to Rs. 4,81,000. Now this increase in the estimate means an invitation to magistrates and judges to inflict fines on culprits which I submit is most undesirable and the suggestion is made that in future the estimates should not be increased. Because, if the estimates are increased, the magistrates think that the budget shows the increases and therefore the fines would be increased upon the culprits. The effect of this is this. A fine is imposed upon a culprit; he has to suffer if he is not able to pay it, in addition to the imprisonment, for his failure to pay the fine; and even if he suffers the penalty for the failure to pay the fine, his property is not exempt from liability. It is still liable to be attached and sold in satisfaction of this debt. So I submit, under the circumstances, that care should be taken not to increase this item thinking that it is a source of income. With these remarks I resume my seat.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA:—Your Excellency,—When last year I pleaded for a larger grant for the work of the Indigenous Industries Committee, we had no idea that even this small provision made last year for this purpose would be discontinued this year and that the activities of the committee would now cease for some time at least. This is one of the results of the present war, to help the successful prosecution of which Government have requisitioned the services of Sir Thomas Holland. As a result, the Industrial Commission has had to suspend its sittings for the time being. It was felt by the Local Industries Committee that until the Government of India laid down their policy in connection with the development of Indian industries after a consideration of the Holland Commission's report, very little practical work could be done by it and it was decided to suspend its activities for the present. While this is generally true for most indigenous industries, there is one branch thereof, which may well be taken up even now by the Local Government,—I mean the forest industries. If the services of a forest economist like Mr. Pearson were obtained from the Government of India and the work of starting industries based on forest products entrusted to him, it is very likely that good progress will be made in connection with them within a year or two. There is reason to believe that the members of the Commission are considering whether they should begin their work next cold weather and submit their report as early as possible. If your Excellency's Government is consulted we hope it will vote in favour of the Commission bringing its work to a close as soon as may be practicable under the existing circumstances.

In last year's revised budget there is a provision of Rs. 500 for experiments in connection with the manufacture of chloride of magnesium from bitterns. If the results of these experiments are published in such a manner that they can be known by business men they will prove very useful to those interested in that or other similar industries.

It was in 1914 that the then Finance Member, referring to the scheme for the improvement of the subordinate revenue staff, said: "The lower appointments on Rs. 15 are being reduced and the money so saved is being utilised to raise the remaining appointments of Rs. 15 to Rs. 20. This improvement will continue as quickly as it can be carried out, etc." In the July session of the

Council I suggested that this reform should be expedited and that the 705 men who were then drawing Rs. 15 would be given a promotion of Rs. 5. This was before the commencement of this war: the prices of food stuff, etc., had not then gone up to the extent that they have now. On the other hand the number of clerks drawing Rs. 15 per month has been reduced from 705 to 133. On behalf of these low paid clerks I appeal to your Excellency's Government to raise their salaries to a minimum of Rs. 20. The extra expenditure will be only Rs. 634 per month and this amount can easily be found by reappropriation.

May I congratulate Government on having accepted my suggestions made last year for larger grants for the construction and repairs of chowdis and also for providing a larger sum for sowing and planting operations under forests. I hope a regular scheme of reafforestation will be drawn up by the conservator of forests and funds provided by the Honourable the Finance Member for carrying it out.

The educational conference held in Bombay last month adopted a resolution which, while thanking Government and the University for establishing a college of commerce and degree in commerce, expressed regret that the Sydenham College had not yet a building of its own nor had a permanent staff beyond the principal and the vice-principal. It is three years since the college was established and the first batch of students have completed their course, and yet the college cannot be said to have been put on a footing of permanency. It is high time that a site be selected for the college and that the Lord Sydenham Endowment Fund be used to build a suitable building for it. Out of six professors, four are half-time men and the remaining two, though full-time men, are not on the permanent staff and one of these may, if not made permanent, leave the college as soon as a better post is offered him. It is a recognised fact that a permanent staff takes a greater interest in its work than a temporary one and in the interest of the students of the institution it is necessary to revise carefully the present arrangements and put the institution on a permanent footing. This will not necessarily involve heavy extra expenditure, for the full-time men will be able to give more time to teaching work and so the extra cost will be nominal.

The budgetted expenditure of the Sydenham College has been put down at Rs. 87,000, because the contributions made by the public bodies and the interest on the endowment fund are not deducted from the total cost—usually contributions are so deducted in other instances—and it will be interesting to know the reason why that procedure is not followed in the present case as a result of which, a much higher figure than the amount actually spent by the Government is shown in the budget. If the contributions as well as the income from the fees were deducted, the net cost of conducting the college would, on the basis of this year's budget, come to Rs. 25,000. It is not higher than what is spent by Government in other Presidencies on commercial education though in no other Presidency is there a college of commerce preparing candidates for a university degree in commerce.

The figure for additional grants to local boards for the opening of new primary schools (*vide* page 193) is about 2 lakhs more than that of the last year. This probably is due to the policy referred to in item J, page 11, of the financial statement. Government are to be congratulated for making this provision as well as for providing Rs. 2,50,000 for improving the pay and training of teachers in primary and secondary schools from the recurring assignments out of the imperial revenues. This shows that Government have at least recognised that even the prosecution of the war should not be allowed to interfere with the work of the extension of primary and secondary education, which was originally stopped on the beginning of the war. The Council would like to know if any scheme has been prepared for the utilization of the amounts, for, if this is not done, it is possible that a greater portion of these amounts will lapse and there may be a difficulty in getting the Government of India to agree to our using the lapsed

grants in the next year. If any scheme is prepared, it may be laid on the Council table for the information of the members.

The want of trained teachers has been alleged to be one of the reasons why the progress of primary education has been much slower than what it would otherwise have been. This defect can only be remedied by starting more training colleges for men and women teachers. If for financial or other reasons Government are not prepared to do so, they should adopt the other alternative of helping, by liberal grants-in-aid, private bodies, which undertake to open normal classes. The Council is perhaps aware that the Seva Sadan both in Bombay and Poona have opened such classes. I believe, one municipality has got the sanction of the Director of the Public Instruction to start a first year's normal class and that one class has been opened by that officer to train up teachers for local board primary schools. Many more such institutions must be started in all parts of the Presidency, if the rate of progress of primary education is to go on increasing to meet the public demand for the same.

Under the same head sub-head, supplies and services (page 194), the provision for text-book and library charges has been reduced from Rs. 6,437 in 1915-16 and Rs. 3,738 in 1916-17 to Rs. 5,000 only. In the ordinary course of things this figure should go on increasing and it is difficult to find out the reason for this reduction. There is no provision for expenses in connection with the demonstration of moral lessons (page 201). Are we justified in understanding that Government have given up the idea of giving direct moral instruction to students? If so, Government deserve all praise for this change of policy.

On page 217 there is a provision of about Rs. 80,000 more for grants to local and municipal hospitals and dispensaries. This is over and above the amount of Rs. 20,000 provided for new dispensaries referred to in item (N), page 12 of the financial statement. Government have done well in having realised that in matters educational and those relating to the extension of medical relief, the usual progress should not be retarded on account of financial stringency caused by war conditions.

When the Anti-Tuberculosis League was started and Mr. Ratan Tata (now Sir Ratan Tata) took the initiative of agreeing to pay Rs. 15,000 per year for this object, the idea was to fight this fell disease in this city on organised scientific lines. It was expected that the mill-owners, whose workmen perhaps suffer the most from the ravages of this disease and whose duty and even self interest would prompt them to assist the cause, would give annual donations from their companies' profits and that the Municipality and Government would give large annual grants. Owing to the articles of association of the mill companies not permitting the agents to make grants for such a cause, the whole scheme has to be cut down and the league is not able to fight the disease as it ought to be fought and as it was expected. May I appeal to your Excellency's Government to take up this question in right earnest and after securing the co-operation of the mill-owners and others, carry on the work on lines similar to those adopted in London about which, I believe, Colonel Evans has written a very useful and valuable report. I am confident that if the matter receives the support of Her Excellency Lady Willingdon, the difficulty of providing means for the league will practically disappear. The bad supply of milk is said to be one of the chief factors in conveying tubercular infection and it is gratifying to see that a beginning has been made to solve this difficulty by taking up the question of the milk-supply of one place—the city of Poona—and that Rs. 5,000 have been provided for the purpose. If the experiments now being carried on in Poona turn out successful, it is to be hoped that this work will be extended to other big cities.

From the note accompanying the detailed budget, it seems that out of the imperial grant of Rs. 1,50,000 from wheat profits, Rs. 65,000 have been allotted to different objects, leaving a balance of Rs. 85,000 in the hands of

Government. If the grant is not earmarked by the Imperial Government for agricultural improvement, may I suggest that the amount be allotted to sanitation and used for improving village sanitation. If it is so earmarked, I suggest that the amount may be utilised in promotion of various forms of agricultural co-operation. I desire particularly to emphasise the need for the organization of the co-operative sale of cotton and other agricultural produce, and I should also like to invite the attention of Government to the encouragement of seed unions of the type found so useful in the Central Provinces and Berar.

Last year Rs. 5,000 were provided for the development of the sugar-cane industry on new canals. As there is no figure against this item (page 251) in the revised estimate of 1916-17 nor any provision made in this year's budget, I asked the Chief Secretary if this item had been dropped. It seems from his reply—and I am thankful to the Honourable Mr. CADELL for his courtesy in replying to my queries about the budget figures—that this sum is merged in the provision for experimental farms. It will be interesting to know the results of these experiments.

The agricultural department is to be congratulated for carrying on the work of introducing American cotton in Sind in spite of the difficulties owing to people mixing American cotton with Sindhi and passing it off as pure American. If the experiments prove that the margin between the two cottons will continue at the highest percentage of 66⅔ (page 3 of the annual report) and if the Sindhi cultivator will agree to bring unadulterated American cotton into the market, there seems to be every possibility American cotton being largely introduced in Sind. It is also to be wished that the cattle farms at Sholapur and near Karachi for which Rs. 5,000 and Rs. 20,000 have respectively been provided in this year's budget will help to improve the breed and thus assist agriculture which is our main industry and whose success for years to come will depend upon good plough-cattle.

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

The Council then adjourned for lunch.

After lunch.

The Council re-assembled at 3 p. m.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE:—Your Excellency,—I wish only to refer to one point in connection with this budget, and that is with regard to the change of policy which Government have recently made in the matter of retirements owing to superannuation. The matter is not of very small importance because we find even in the figures that are given to us that superannuation allowances and pensions have been continually increasing during the last two years. Between the accounts for 1915-16 and the budget for this year there is a difference of Rs. 72,000 and I am inclined to think that this great increase is to a very great extent due to the change of policy of the Government, and I put it to your Excellency's Government and the members of this Council whether in these times of financial stringency this change of policy is quite advisable. In olden days, and in fact in the civil service regulations by which I understand this Government is also bound, the regulation was:—"An officer who has attained the age of 55 may be required to retire by the Local Government under which he is employed. The Local Government may delegate this power in respect of non-gazetted officers to the head of the latter's office or department, not being under the rank of a collector or district judge." And later on we are told that in every case in which the rule is enforced, the reasons for enforcing it should be recorded; and the Government of Bombay in accordance with this rule in 1912 had issued a notice like this:—

"No officer is to be obliged to apply for pension under the 55 years' rule, unless the head of the department is satisfied of his unfitness for further duty

and until he has had an opportunity afforded him of appealing against the view taken of his unfitness." That was the policy of Government till some years ago, but during the last one or two years the policy appears to have been entirely altered. Under recent orders of the Government of Bombay—I do not find any justification for them in the civil service regulations—"Recommendations for extensions of service after the age of 55 years should not be made, unless there are cogent reasons for holding that the public interest will be prejudicially affected if the officers concerned are compelled to retire," so that, to put it in a few words, while we may say that a few years ago it was a valve opening one way, now it is a valve opening the other way. Formerly everybody practically continued in service if he wanted; now everybody retired unless he is made an exception. I do not know what reasons there are for this change of policy. I myself think that ordinarily Government should continue the service of a man if he is fit to continue his service and to discharge his duties satisfactorily. I know there is a feeling among a large section of the public that these extensions should not be given to a great extent. That feeling is due to the fact that people want more openings in Government service, and if, therefore, people are not allowed any extensions, there will be so many more opportunities for others to get into Government service. I think, however, that this is not an attitude which Government and this Council, which has got to be responsible for the budget of this Presidency, should adopt. It ought to see how economy can best be effected. It ought to see that no unnecessary expenditure is incurred by Government. Now this pension after retirement, after all, is a waste of money from the public point of view. Although it is very well earned, if it can be avoided, I think it is the bounden duty of every Government to avoid it. If a person is quite efficient to serve after 55, I think Government and the public ought to congratulate themselves on their getting the services of the man without having to pay him the pension—a charge which does not bring in any adequate return. I do not wish to make extension compulsory. I do not want to increase this age limit of 55 if a man does not want to continue in service. I want to give him an opportunity to retire even at the age of 50, if he likes, under certain reasonable conditions, but this matter of compulsory retirement at 55 is, I think, quite suicidal from the Government point of view and from the point of view of the public. In these days of financial stringency in particular this is an exceedingly short-sighted policy. While we are economising on all heads, we are wasting money with open hands by thousands and even by lakhs. I am not able to give figures. Although I tried to find out from the accountant general's office how many retirements there would be this year on account of the 55 age limit, I was not supplied with this information and therefore I am afraid I shall have to speak in general terms; but I am certain that these retirements are costing the public treasury more than a lakh of rupees certainly.

Now, as I have said, Government is economising in every direction. In answer to a question that I asked, Government have told us that all trained teachers in primary schools are not paid the full face value of their certificates, and I enquired also what would be the additional cost to the public treasury if every primary teacher is given his minimum code pay and I am told that it will cost only Rs. 25,138 if this simple reform is effected. Now I myself think that if only Government would allow those of its servants who want it to continue in service even for a single year more, without causing the slightest hardship to anybody, I think this justifiable grievance of primary teachers could be very easily remedied. Well, after all, if the interests of the public service are not injuriously affected, I do not know why this retirement at 55 should be made compulsory. We should look to the interests of the Government servants themselves. We always find that at the age of 55 it is difficult for a man to obtain employment in any new sphere. I do not wish to retain a man if he is incompetent, but if he is competent, I want to take into account the interests of a man who is compelled to retire.

Now take the case of low paid servants of Government, schoolmasters in primary schools, for instance. They are paid very little and their pension allow-

ance is only Rs. 5. Now what is a man to do on Rs. 5? He is probably not able to save anything, how then is he going to maintain himself on his pension allowance of Rs. 5 per month? He has probably a few children to bring up, and in these days of increased prices I think it is absolutely impossible for a man to maintain himself on this small allowance of Rs. 5. If, therefore, he has strength enough to continue in service, I do not think Government is justified in turning him out and telling him we do not want to continue your service, you were born 55 years ago." In the case of these primary school teachers I might say it is not only that these teachers do not get their code pay, but a great many of these teachers do not get even the full face-value of their certificates. You find that everybody is talking of dearness of labour. You find even an ordinary day labourer earning more money than a salaried teacher in a primary school under Government or local boards. I ask Government if this is a desirable state of things. The state of things could be remedied if only people are allowed to continue in service for a few years more, without increasing the grant for education.

A few years ago I was reading a very interesting book of reminiscences by Mrs. Ranade. In that book she tells a story of one of the uncles of the late Mr. Justice Ranade. There happened to be issued in his district a rule that all people had to retire at a certain age. Then that man one day went to the house of his superior and was seen, when the superior came out, carrying a very big stone on his head. The superior asked him what he meant by carrying such a big stone on his head. He replied: "I want to show you in a practical manner that I am not an inefficient person, that I have got full strength to serve for several years more, and I therefore do not want to retire under the superannuation rules." I therefore put it to Government whether this policy is right in ordinary times and whether it is right in these particular days of financial stringency. Without doing injustice to anybody, I may say that I know, of course, that every junior officer wishes his senior officer to retire or die, but I do not know whether we should encourage this uncharitable view of the junior servants of Government. At any rate, I think Government ought to get a proper return for the money they are spending and I do not think they should increase the non-effective charges if the same can be avoided. I know there is a feeling that the extensions are likely to lead to some abuses, but I say that if the extensions are likely to become the rule, then there are not likely to be any abuses. Superior officers ought to give a written opinion that such and such a man is inefficient and that should be held a sufficient ground for compulsory retirement. Under the old rules, after 60 a man is required to retire unless the interests of the public service are likely to suffer by his retirement. Now I think practically what Government has done is that they have changed the age from 60 to 55. Government is, therefore, coming in for a large expenditure under these superannuation allowances.

The Honourable Mr. HARCHANDRAI VISHINDAS:—Your Excellency,—I get up at this stage to offer a few remarks, especially in view of the remarks made by my honourable friend Mr. PARANJPYE, because I take very strong exception to those remarks. I think he is proceeding entirely upon a false basis and false logic. He thinks that the rule of 55 years' limit in public services should not be observed because, according to him, people are quite fit to work on after 55 years and he appeals especially to the financial stringency existing in war time, although he extends his remarks a little bit further towards the end by saying that that should ordinarily also be the rule. But, your Excellency, I think that instead of it being real economy it will be entirely false economy. To begin with, for ages together 55 years has been recognised to be the limit up to which people are considered to be fit for work in Government service and upto now there has been no complaint against it. Now I say that if that has been the limit recognised on all hands as proper, then until a regular procedure has been followed to alter it, it would be entirely a wrong principle to let that limit work loosely in the manner suggested

by my honourable friend. It may be that there are exceptional cases like the one that is quoted by the Honourable Mr. PARANJPYE in which people are quite fit to work after 55. There is no wonder in that. These exceptional cases exist and are taken cognizance of by Government as illustrated by him that in various instances Government have been pleased to extend the term of those who have completed their 55 years. But so far as my own experience and opinion is concerned, I have strongly objected, wherever it has been possible, to even the grant of these extensions. They work a good deal of injustice. The whole chain of subordinates who come after the recipients of extensions feel it a grievance that these men whom they expected to retire and in whose place they were to get promotion, lose it by these extensions. Then, if an extension is given on right or wrong principles, there is always a complaint that the man getting it is the favourite of a particular officer and that it is favouritism and jobbery which are the real cause of extensions. Now, as a question of principle, it will be recognised that those people who make a grievance of these extensions are perfectly justified in doing so. I daresay when the exigencies of service require it, or when a man is considered to be specially competent and exceptionally fit for a particular post which could not be filled up with equal efficiency by any other man, there would be valid ground for an exception being made. But to say on the part of Mr. PARANJPYE that although the limit is there the limit should be allowed to work so loosely that it may be open to any officer to give extensions to any one up to any limit is really surprising as in that case we shall not know where we are. Next why I say that it is not true but false economy is that it will impair the efficiency of service. The public for whom these officers are ruling will greatly suffer, moreover men coming from countries where there is greater longevity than in India are subject to this rule. Further I think that instead of doing any good to the public servants who come under the operation of this rule, Mr. PARANJPYE'S suggestion will be doing them harm, because I can very easily realise that there will be innumerable instances of men who would like to retire at the age of 55 after having worked hard all those years. It is not right to say that at 55 they go without any employment. The whole principle of pensions is that a man who gets pay has to save something and that on retirement his savings are supplemented by the pension he gets. I think the system in existence for ages and ages has worked satisfactorily and that it has a good deal of justice, common sense and logic in it. If, however, the Honourable Mr. PARANJPYE is right and I am wrong that a large majority are fit to continue in service after 55, then as a matter of fact, the proper procedure for him to adopt would be to bring forward a resolution in this Council and let that resolution run the gauntlet of public opinion in this Council, and if the majority in this Council think that the Honourable Mr. PARANJPYE is right, then let a particular limit be fixed; but that limit should not be worked loosely even then as suggested by the Honourable Mr. PARANJPYE, but should be adhered to strictly.

I told your Excellency that I got up because I took strong exception to the remarks of the Honourable Mr. PARANJPYE. I have done in that regard. I have to supplement these remarks by a reference to a point that may be said to be properly connected with the budget so far as my own province of Sind is concerned. Now, although I might be offending against the principle of economy that the Honourable Mr. PARANJPYE has so strenuously put forward, I think he will agree that though my suggestion is one for additional expenditure, it should be quite welcome. We find that the prices of food-stuffs have enormously affected the public, more especially have they affected the menial establishments of Government and other departments. I have great pleasure in informing your Excellency that to compensate for same certain local bodies in the province of Sind like the Port Trust and the municipality have, on the application of their menial establishments, granted enhancements to them in the shape of local or temporary allowances. But I am sorry to find that whilst Government ought to have taken a lead in the matter, they have lagged behind and some of the proposals of our

municipalities are hung up until Government have granted sanction to these enhancements, temporarily it may be, to their menial staff. I think every member of this Council will agree with me that the persons who are most hard hit are the members of the lower departments of Government and local bodies. Whilst on the one hand the general public have suffered on account of the rise, they have also benefitted on the other. For instance, if we take the case of labourers, we find that they have vastly benefitted by the rise in their wages so that they are more than compensated for the loss they have sustained. That is not the case with peons and I have heard complaints from lots of quarters. Therefore I appeal to your Excellency most earnestly that your Excellency's Government will see their way to grant allowances to Government departments for the menial establishments on account of the rise in the price of food stuffs. I think the proposals which we, the Karachi municipality, sent forward to Government for sanction have not probably yet been sanctioned, because Government have not granted their own staff such allowances. That is rather hard lines on the people, and if that be so, I most earnestly appeal to your Excellency to consider this matter favourably.

The Honourable Rao Bahadur GANESH KRISHNA SATHE:—Your Excellency,—During the discussion of this budget I want to refer to one branch of the administration, namely, the judicial branch. As one who has been a legal practitioner you may take it that I really can appreciate the delay that is occurring in the disposal of suits and appeals in the different courts of the Presidency. The suggestions which I want to make are three. One is that the cadre of judicial officers, particularly, of assistant judges and subordinate judges requires a great increase. The second point of mine is that our courts were allocated about the year 1880 and even before that time; and therefore, looking to the rise in the number of suits and appeals the question of their allocation needs to be considered and as well as also their territorial jurisdiction. And my third point is that if Government is making a profit, *i. e.*, if Government is getting more on the head of court-fees during the last 10 years, the figures of which I would presently quote, then there is no reason why Government should not consider this question of giving additional staff to the judicial administration on the civil side. This is a question which I think will have to be substantiated by quoting figures and as the question of figures comes in, the reading of it becomes wearisome but as I intend to make out a strong case on the point, I only beg of my honourable friends to do me the favour of listening to my figures for about 5 or 7 minutes. The increase is noticeable both in the number of original cases as well as in the number of appeals before the courts.

In the subordinate judges' courts there has been an increase of 25 per cent. in the number of suits instituted (88,354 in 1907 to 110,269 in 1914), 33 per cent. in the number of suits for disposal before the court (120,112 in 1907 to 158,171 in 1914) and 63 per cent. in the number of suits pending at the close of the year (27,813 in 1907 to 44,024 in 1914).

The average duration in days of a civil suit in these courts has risen by 12 per cent. in the case of contested suits and by 28 per cent. in that of uncontested ones.

I now come to the second branch, namely, provincial courts of Small Causes.

In the provincial courts of Small Causes which are situated at three different places, namely, Poona, Ahmedabad and Surat, the number of suits instituted has risen by 63 per cent. (8,203 in 1907 to 13,427 in 1914). The number of suits for disposal by 60 per cent. (10,081 in 1907 to 16,287 in 1914). The number of suits pending at the close of the year by 88 per cent. (1,783 in 1907 to 3,250 in 1914).

Then if we come to the next tribunal, namely, district courts, we find that—in the district courts the institution of fresh suits has risen by 50 per cent. (847 in 1907 to 1,222 in 1914). The number of suits for disposal shows a commensurate

rise but the number of suits pending at the close of the year has risen by 66 per cent. (594 in 1907 to 1,026 in 1914). Miscellaneous cases in these courts have gone down by .22 per cent. (3,140 in 1907 to 2,487 in 1914)."

In the High Court—it may interest my Bombay friends—the institution of fresh suits has risen by 130 per cent. (1,054 in 1907 to 2,377 in 1914). The number of suits for disposal by 48 per cent. (3,105 in 1907 to 4,629 in 1914) and the number of suits pending at the close of the year by 53 per cent. (1,521 in 1907 to 2,320 in 1914).

Then I come to the next point. Up to now I have dealt with original suits pending in the sub-judge's court, in the district courts and in the High Court. Coming to the question of appeals, in the district courts the number of regular appeals for disposal have risen by 37 per cent. (8,113 in 1907 to 11,188 in 1914). Coming to the appeals pending in the High Court we find that both regular and miscellaneous appeals have risen, the formerby 12 per cent. (2,404 in 1907 to 2,715 in 1914), and the latter by 109 per cent. (77 in 1907 to 161 in 1914). The number of appeals pending has risen in the case of regular appeals by 50 per cent. (1,045 in 1907 to 1,582 in 1914) and in the case of miscellaneous appeals by 136 per cent. (25 in 1907 to 55 in 1914). Now these statistics would conclusively show that from the year 1907 to 1914 there is a rise in the number of suits and appeals all over. I have selected the years 1907 and 1914 not because they suited me but to shorten the work of giving figures in this Council, but I may say that for all the years from 1907 there is a steady rise both in the number of regular suits and appeals. Now in addition to these figures there is strong evidence in the papers of Government that there is a rise of the character which I am discussing. Certain courts in the mofussil require assistance. Those courts were 21 in 1907, now they are 37 in 1914. Even with this liberal assistance, which has been given by Government from time to time, officers were not able to reduce congestion, and I may state for the information of some of the members here who are non-lawyers that delays in litigation mean much. They vastly increase the costs; they keep litigants in a state of anxious uncertainty and they prejudice their interest in various ways and furthermore if people pay for the litigation which they launch in courts, is it not reasonable and legitimate of them to expect that they should get speedy decision at the hands of the court started by Government?

Now, there is one more argument which I want to develop for making out a case for additional establishment and it is this. If we look to the figures of collection and charges which I have taken from the administration reports for the three years of 1907, 1911 and 1914, the collections in 1907 were Rs. 36,49,123, in 1911, Rs. 42,77,373 and in 1914 they were Rs. 50,86,940, an increase of nearly 39 per cent. Taking the income from court-fees realized during the last 5 years,—I will not quote all figures, I will only quote figures for 1911-12, and 1916-17—they were Rs. 38,78,656 and Rs. 49,45,000 respectively. Now comparing these figures, which show that there is an increase even in the income from court-fees, and looking to the steady rise of litigation in various courts and looking to the fact that this litigation is not disposed of with such speed as one ought to expect, my earnest prayer to your Excellency is that this is a department (which is controlled by two authorities, namely, your Excellency's Government and the High Court), which requires thorough sifting. So it seems to me that in case your Excellency's Government is satisfied from the figures which I have quoted that there is a real case for an increase in the cadre of the judicial officers, then the earlier some steps are taken the better.

I will only suggest one or two remedies for reducing the congestion without increasing the cost. In the four Deccan districts, where the Deccan Agriculturists' Relief Act was first introduced, we have not got any provincial Small Causes court and the procedure prescribed by that act for money suits between non-agriculturists is very lengthy and there is no reason why these courts should not be invested with provincial Small Causes court's powers. This subject received consideration at the hands of your Excellency's Government when a draft bill was

circulated in 1914 when it was intended to amend the Deccan Agriculturists' Relief Act. We have not heard anything about this but with a view to reduce this congestion I think it will be for the good of the litigants if this change can be introduced early. Another point or another direction, in which I want to make a suggestion, is that in the provincial Small Causes courts we have got the office of registrars whose jurisdiction extends now up to Rs. 20. They are all recruited from the services and they are generally bachelors of law and in their case I do not see any reason why their jurisdiction should not be increased to Rs. 50. I make these suggestions with the view that these alterations and improvements would, to a certain extent, reduce the congestion without casting any additional burden on Government. No doubt in addition to these remedies certain new appointments will have to be created to cope with the increase in work, and I find from the financial statements supplied to us from year to year that Government is maintaining temporary establishments costing something like Rs. 65,000 a year. If this temporary establishment is being required year after year from 1908 up to to-day, then I do not really understand why Government should not take up the question and sift the whole question from top to bottom and see whether really a change is required. I think the administration of justice is a matter in which we are all interested and it is one in which the public are very keenly interested and it has been said very often that the first thing that the judicial administration should attempt to do is to avoid delays and I think your Excellency's Government can very well find out ways and means as to how far this delay can be avoided. With these words I resume my seat.

The Honourable Sardar SHRINIWAS COOPOOSWAMY MUDLIAR:—Your Excellency, I wish to make a few remarks with reference to the budget; but before proceeding further I beg to add my humble voice of congratulation with the rest of the Presidency, at the extension granted to our President.

I beg leave to tender our congratulations to the honourable member in charge of this portfolio, for the consideration and care he has taken in framing the budget, especially at a time when the financial cart has to be driven so carefully owing to the devastation due to this unprecedented war thrust upon us by the Huns.

I need hardly conceal the fact, my lord, that some of my suggestions will be such that your Government will not be able to adopt during the coming year; but my object in mentioning them now is to hope that the honourable member may be able to consider them in his next budget and on the occasion of framing which, I hope, we shall have come out fully victorious.

The Honourable Sir RICHARD LAMB in the financial speech, when replying on a budget framed in the year 1915, was good enough to agree that the income from assessment upon building-land in municipal areas should go into the coffers of the municipalities, as a contribution from Government, in order to assist the municipalities in discharging their obligations. But up to now, I regret to have to say that the matter has not received any consideration and I trust that the importance of that proposal will not be lost sight of by your Government upon framing the next year's budget.

Of the many reforms introduced by the Government, I am glad to observe that the system of supplying implements for demonstration purposes to agriculturists in villages has proved very successful and one cannot help observing the very useful work that is being done in this regard for the benefit of the agriculturists who are the backbone of the country. Let me further hope that the Finance Member will always continue his liberal grant under this head. It is also very gratifying to note that out of the sum of Rs. 1,50,000 from the non-recurring assignment made by the Government of India, the sum of Rs. 65,000 has been proposed to be spent on agriculture. This amount is really being spent upon a deserving cause, which must to a large extent lead to increasing the prosperous condition of the country.

As regards the licensing of liquor and toddy shops, due respect and regard should be given to public opinion and I am sorry to remark that that is not always done. Many of the useful suggestions made by the temperance associations, that have been formed as a sort of guide to the department, are not heeded. There should at least be a rule laid down for general guidance that no licences should be issued to shops which are in close proximity to places of worship, schools or hospitals.

During the plague epidemic last year the city of Poona had the opportunity to experience the benefit of having all the civil courts in one place. It was through the goodness of our sympathetic district judge, Mr. Percival, that all the courts in the Shanwar Wada were permitted to be shifted and accommodated in the district court premises. The advantages derived by the public and the pleaders were generally held to be satisfactory; and a general desire now prevails on the part of the public who hope that Government will in the near future provide for the location of courts in one place.

As the proverb goes "Out of evil cometh good" and this great war although it has played havoc, yet we have learned from it one thing, that India must rise to the occasion and look after the development of its own industries, which it is quite possible to do with the help of Government. We are now convinced that there are many industries, which, if developed, would make us independent of European markets, and this achievement is only possible by educating the masses. By educating the people it is not only the people of the country that are benefited, but also the Government. Education will cultivate the minds of the rising generation and will make them useful members of society, respectable and loyal citizens, thus helping in the smooth administration of Government. Besides much of the evil which arises through ignorance will disappear and both the rulers and the ruled will better understand each other. And this laudable ambition of ours could only be realized, your Excellency, by making education compulsory.

The income tax assessment is not viewed with satisfaction by the majority of people and Government will be pleased to try and satisfy them by adopting such measures as will not give them any cause to complain. I know it is easy to preach, but still, I hope, that this grievance which is a real one will meet with some solution. It looks so very anomalous that the officer who assesses the tax has the sole voice at first in deciding the appeals from his own decision; and he is also the judge of the correctness of the tax which he himself has levied. Though I mean to make no imputations against any individual officer, still it is very unlikely and unnatural, while human nature is what it is, that he would decide the appeals against his own former assessment.

With respect to the abolition of the posts of shirastedars of the district judges in this Presidency, I venture to say, that these posts were a creation of very long standing, dating as far back as 1873, and therefore the holders of these posts deserve kind consideration at the hands of Government. So far, there has been no complaint about the efficiency of their work and they have proved themselves competent in the discharge of the important duties attached to their offices. This result is due to the experience gained by dint of hard work, for all these years, starting as they do in the lower grade of service, in the department. From my experience in Poona I can very safely say that the shirastedars of the Poona district judge's court have all along maintained the dignity of the post and have been considered by their superiors as efficient servants. Even the public are satisfied with their work. If this is the case, a departure from the old system involving their abolition is really a sad blow to those in the department. These new personal assistants, though well read and educated men, will still be lacking in all technical knowledge regarding the different subjects pertaining to the districts to which they may be posted. Much has been made of the supervision of the property of minors. But with due deference I may say that even under this intended change, the chances of similar wrongs being done away with are remote.

BUDGET.

[24TH JULY 1917.] [*Sardar Shriniwas Coopooswamy Mudliar; the President; Mr. Ghulam Muhammad Bhurgri; Mr. Shridhar Balkrishna Upasani.*]

The state of revenue collection in villages was most unsatisfactory, but it has since been improved beyond expectation in the Central Division by the strict enforcement of rules since the regime of the Honourable Mr. G. S. CURTIS as Commissioner of the Central Division. He has placed the inamdars under his obligation for the consideration shown to them. I request permission, my lord, to refer to the memorial of the inamdars of the Bijapur district, submitted to your Excellency in April last, in which these facts are very clearly discussed. I hope your Excellency will be pleased to consider the grievances and pass such orders as will help in promoting the welfare and preserving the dignity of this class of ancient aristocracy.

His Excellency the PRESIDENT:—Order, order. As far as I can understand the honourable member, his remarks for the last five minutes have nothing to do with the budget at all. I think he is dealing with the complaints of the inamdars.

The Honourable Sardar MUDLIAR:—I am only referring to the position of the inamdars.

His Excellency the PRESIDENT:—I am afraid I cannot allow him to go on, as I have said, it has nothing to do with the budget.

The Honourable Mr. GHULAM MUHAMMAD walad Khan Bahadur WALI MUHAMMAD BHURGRI:—Your Excellency, I had no intention of speaking to-day but I find one important matter in the budget on which I feel I must speak. My lord, it has been often said in this Council that Sind has been treated by the Bombay Government as its step-daughter in the matter of finance, and I find from the figures in the budget that it is really so. Your Excellency has been to Sind and you must have marked that what we want urgently is the development of roads in the rural parts of the country.

The first demand which we must make on the provincial expenditure is therefore for roads. I find, sir, that the Government of Bombay is spending something like 21 lakhs every year on provincial roads in the Presidency proper, while in Sind I find that only a paltry sum of Rs. 803 have been spent this year. And what is more, we have got only one provincial road while in the Northern Division there are 66 provincial roads, in the Central Division there are 77, and in the Southern Division there are 83 provincial roads.

Again, sir, if you look at the mileage, we have got only 5 miles supported by provincial funds in Sind, while there are 768 miles in the Northern Division, 1,942 in the Central Division and 2,488 in the Southern Division.

His Excellency the PRESIDENT:—Will the honourable member tell me what he is reading from.

The Honourable Mr. BHURGRI:—I am reading from the question paper, Appendix A.

Your Excellency, from these figures it will appear that we have been really treated very badly all these years. I must, therefore, appeal to my honourable friend, the Finance Member, to give us some money for provincial roads in future and treat us like other divisions of the Presidency.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—My lord, I wish to make a few remarks while congratulating the Honourable the Finance Member on the satisfactory budget he has placed before us. Well, in such a satisfactory budget we should have expected some marked reforms introduced in some of the important branches of public administration, but on that point, I confess, we are disappointed. The remarks which have fallen from the speakers, who have preceded me, will show that several heads of income and expenditure require to be better attended to than they have been. My lord, to begin with

land revenue, the budget shows that the amount shown for arrears and suspensions for this year is less than in previous years. Unfortunately for us, the season does not appear to be as propitious as it was expected when the budget was drawn up. In several districts the rain has held up and probably the situation is not as satisfactory as we should have desired. It will, therefore, be necessary, I believe, to increase the amount of suspensions and also of remissions. This point, I submit, will have to be taken into consideration. In my district, West Khandesh, and in Sholapur, I find that cattle are suffering. There will probably be a great deal of distress which will require to be relieved.

Then we come to the second item in statement A of the budget. It refers to stamps. That is an item which shows large revenue and disproportionately small expenditure in collection. But I do not think this is satisfactory. The total revenue under this head is Rs. 96,50,000 and expenditure for collection is Rs. 2,48,000. This economy in expenditure is, I think, detrimental to public interests. I may point out that while we have in the Presidency so many as 25,654 inhabited villages, the number of stamp-vendors in the Presidency proper is only 852 and in Sind 348 I place it before the honourable members whether this is adequate provision to supply stamps to so many villages spread over an area of 123,070 square miles. In fact, what happens is that villagers have to go often away from their village to find the stamp-vendor and if he happen not to be at home or have not got a stamp of the value they want they have to go in search of one at another village. This causes unnecessary trouble and expenditure out of proportion to what they have to pay towards stamps. It is absolutely necessary in the interests of these poor agriculturists, who have more necessity to purchase these stamps, that there should be a much better provision for their sale. Stamp-vendors now have a very poor scale of fees allowed to them, and it does not allow good men to take up this work, nor allow of sufficient hands being engaged for the same.

In connection with the item of stamps that of law and justice should also be considered. My honourable friend, Rao Bahadur SATHE, has already spoken so fully on the subject of the civil courts' delays that I need not further dilate on it. But that is a subject which we have to press on Government's attention. My contention is not only that there are delays but people have to wait too long to have their cases heard by the civil courts. I have urged before this Council a number of times in our budget discussions that this inconvenience operates very hard on the poor litigants. We have not got courts for each taluka, but in many cases two and in some even three or four talukas are under one court. People have to go long distances outside their taluka and in some cases to walk 60 miles even without any good roads. I think this reform should be taken up early both in the interests of the courts themselves as also of the public. So this item will, I hope, receive more attention.

I next come to income-tax, and as regards this item I join in supporting the Honourable Mr. PURUSHOTAMDAS THAKURDAS in his complaints about over-assessments more particulary in the mofussil districts. During the last few years there has been depression of trade owing to the war, and during this year, in particular, there has been further dislocation on account of the suspension of railway goods traffic to Bombay and to the demands on the people for the war loan. Therefore, I submit, that this tax should have been reduced rather than increased, but I find that while the actual total receipts under this item for 1915-16 stood at Rs. 73,48,676 and were estimated in the budget for 1916-17 at Rs. 1,05,45,000, this year their estimate has gone up to Rs. 2,01,97,000.

Next as regards forests I have to urge that the expenditure is disproportionate to the income. I submit that this is due to want of sufficient attention being paid to the development of forests. I submit that we want better hands to look after these forests and if there were forest schools in our own Presidency, better results would be achieved.

Then as regards police, as my honourable friend Mr. KAMAT has submitted we have repeatedly drawn Government's attention to the increasing expenditure under this head and what I have particularly to urge this time is that in addition to the expenditure on the unnecessarily increased staff of the department, there is further ever-growing expenditure for additional provision for their quarters which costs a great deal. Now if we only look at the details under the provision for civil buildings, what do we find? Well, the total provision for new buildings is Rs. 24,73,300. Out of this no less than Rs. 9,20,820 go for police lines and Rs. 5,58,000 for administrative buildings and the provision for educational buildings is only Rs. 1,28,000, the balance going to other departments. This increasing expenditure could be checked if for the present at least the erection of new police quarters were deferred until we have had sufficient experience of the re-organization scheme to know whether all this increase in the department will have to be maintained or will require retrenchment.

Then as regards the scientific department, I desire to say that there is no adequate provision for promotion of new industries or development of existing ones. In fact, in the present favourable war times other countries have taken advantage in this respect, but we are standing with folded hands and doing nothing. I have pressed this matter on the attention of Government every year at budget discussion and by interpellations, but I regret that very little has been done in this direction. We are told the Industrial Commission is going to come to our Presidency shortly. But our experience of commissions has been far too disappointing. However satisfactory the report of this commission may be, it will take a long time to be of any practical effect. What we want is to take immediate advantage of the opportunities created by the war. I am not sure the report will be satisfactory from our standpoint. However, I say that even if the report is satisfactory there won't be any immediate advantage. We suffer in various ways. We have to pay double, treble and even more for the imported articles we want and very little is being done to increase their local supply, even as regards those articles that can be manufactured here.

Next as regards education, the state of affairs is also not satisfactory. My lord, while the tendency has been to increase the emoluments of higher services and to make them top-heavy, the lower services have been neglected. Well, as regards this department, the evil is far too serious to be allowed to continue any longer. More than half the number of headmasters in vernacular schools draw an average pay of only Rs. 11-4-3 and more than two-thirds of the assistant masters only Rs. 9-6-4 a month. Now as the Honourable Mr. PARANJPYE has pointed out, these men do not get the wages which ordinary illiterate labourers get, and I submit this pay is not sufficient for headmasters and teachers. It is for this Council to seriously consider whether with this scale of pay we shall be able to make any headway in primary education. As a matter of fact the state of education is far from satisfactory. Out of a total number of 6,70,141 pupils in primary schools in 1915-16, only 1,08,494 were in the upper primary stage, 3,72,000 could only read printed books, so many as 1,89,423 could not even read printed books, and only 2,352 could pass the 7th standard examination. This is a state of things which is hardly satisfactory, and I think it is for us to make the necessary improvements. Larger grants are necessary for the local boards and municipalities, and for the smaller municipalities in particular. It will be seen that out of the total number of pupils in primary schools the local board schools provide for about 3,84,851 pupils in boys' and for 25,135 in girls' schools and the municipal schools for 1,13,677 in boys' and 32,269 in girls' schools, and whereas the local board schools get a grant of Rs. 26,87,000, the municipal schools get only Rs. 4,91,166 as provincial grants for their expenditure, and the smaller municipalities especially are very hard hit and cannot make any progress.

At the last Council meeting we were assured that a provision of Rs. 6,00,000 would be made for school buildings, and I hope that the programme is ready and

will be carried out in the current year, though I could not make out anything from the details given in this budget to give us immediate hope on this particular point.

Then as regards high schools and middle schools, their condition is still less satisfactory. I will not take up any more time of the Council in quoting the figures. But it will be seen that the grant-in-aid given to municipalities are not in proportion to the number of students whom they train in secondary schools. In many cases the grants-in-aid given to other institutions are out of proportion to the number of students for whose education they make provision. Therefore a more equitable and more liberal grant to municipalities and local boards for both these classes of schools is, I think, absolutely needed.

Lastly we come to the civil works heading of the budget. In this we find that in the matter of communications the provision is not quite adequate. My own district, as the Honourable Mr. CARMICHAEL and the Honourable Mr. CURTIS are aware, is least developed so far as communication is concerned, but out of the sums provided for this purpose in the budget which amount to Rs. 7,50,000, my district, West Khandesh, gets only Rs. 9,500 for one road and Rs. 5,500 for an inspection bungalow. This is too small. The whole of Khandesh from east to west is divided by the river Tapti and along the whole line of the river there is not a single bridge across. I have been pressing for a bridge on this river on the Agra road between Nardana and Shirpur. I see that some provision is made for a causeway, but it is not sufficient. A pakka bridge over the Tapti on the Agra road is necessary. Some provision for that was needed.

As regards East Khandesh, it gets in all Rs. 60,000, but the burden of the roads thrown on the local boards in that district has made their position worse. They have gone into debt and are not able to pay all that. Even the amounts due for lands taken up for roads remain unpaid. The needs and claims of all the different districts require to be better attended to than can be done at present by the Council. The best way to do that would be to decentralize and have these subjects discussed, especially the expenditure for the several districts, by a responsible body in each district itself. Unless this is done, it is not possible to meet the needs of the districts adequately. If the district darbars were developed into district councils, it would be much better. We should then be able to discuss these matters with the district authorities. In any case if statements of district income and expenditure were laid before us, we should be in a position to compare notes and to see whether the needs and claims of the several districts have been adequately met. That will make an improvement on the existing state of things and afford great assistance in our deliberations here on the budget allotments.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH:—May it please your Excellency, I propose to make some observations on some few points in connection with the budget.

My honourable friend Mr. PARANJPYE has referred the Council to the great loss that the public purse suffers by the compulsory retirement of officers at the age of 55 and I completely endorse the arguments that he has urged before the Council. So with reference to the argument on the other side, namely, that the expectations of the junior members of the service would be disappointed, I submit that there is nothing whatever in it inasmuch as, if the rules remain as before, the juniors would not suffer at all, as they would only have, in order to go to the top of the service, serve for some more years, and therefore I do not think that so far as the junior officers are concerned they would suffer in any way. My honourable friend Mr. PARANJPYE has referred merely to the economic aspect of the question. The matter is also to be considered from the point of view of efficiency. Neither my honourable friend Mr. PARANJPYE nor I wish that members of the service who have become either physically or mentally unfit for doing their work with efficiency should be retained in service. In reference to such people the

rule as it exists provides for their elimination. But in the case of other people the result is that when the man has become most capable and most efficient by experience, increased knowledge and mastery of details, it is at that time that Government desires that his services should be dispensed with simply because he is 55. Thus the man is retired at a time when his services become most valuable to Government. In that way, I submit, the efficiency of service suffers considerably by the compulsory retirement of those people who attain the age of 55 unless there is a special recommendation for retaining them in service. I therefore submit that in the case of people who have not become physically or mentally unfit for the discharge of their duties efficiently, there should not be any compulsory retirement.

The second point to which I would refer is with reference to the opening of an agricultural school at Godhra for which Rs. 35,000 have been assigned. I do not at all object to that school being opened; bearing in mind the fact that a considerable part of the Panch Mahals population consists of wild and backward tribes, I fully sympathise with the efforts of Government to reclaim them from their habits of indolence, improvidence and irregular and unsustained work by imparting to them education in practical agriculture. A great deal of the aboriginal population of that district suffers from ignorance and it will be a great gain to the country if these aboriginal people could be induced to lead industrious and steady lives. In that way I should think that the money budgetted for the agricultural school at Godhra would be properly utilized. But then, as regards the rest of the money, I should think it would be most desirable that it should be also applied for the benefit of agriculturists; and the way in which I suggest that it should be applied is this: where the agriculturists are naturally skilled, industrious and intelligent, and have resources which they can apply to their cultivation, it would be a great advantage if Government are able to place within their reach scientific education and information. I would, therefore, propose that in the two districts to which I refer, namely the districts of Kaira and Broach, where the agriculturists are skilled cultivators, have got resources, are intelligent and are likely to be benefited if scientific education and information were placed within their reach, this money should be utilized towards objects by which their knowledge of the scientific method of agriculture would be increased and facilitate their acquisition of useful information on agricultural topics.

The next point to which I would refer is this: I have been informed that in certain talukas of the Kaira district, the revenue officers instead of allowing the landowners to pay their assessment for the last year by instalments as usual, they require them to pay it at one time at the time when a considerable part of their crops could not have been fit for disposal. In reference to such orders it is very usual for officers, who are either unsympathetic or who do not care for the convenience of the agriculturists and want to be relieved of trouble so far as their own responsibilities are concerned, to pass such orders even during the period of bad years. The reason for making the Government assessment payable by instalments is that the agriculturists should not have to go to the money-lenders for payment of their assessment. For that reason the period for payment of the assessment in each district is so arranged that it may become payable at the time that the agriculturist gets his money in return for his products. I submit therefore that to press agriculturists to make them pay their full assessment at one time or to make an order to that effect is to defeat the object for which the instalment system has been introduced. I therefore think that it is necessary in order that harsh orders of this kind should not be repeated by the revenue officers that the wishes of Government in this matter are again put clearly before the officers who have to conduct the revenue administration of Government in the districts.

The next point to which I wish to draw the attention of the Council is in reference to the Kalambandi villages of the Matar taluka. In reference to these

villages there have been differences of long standing between Government and the ryots, but it is not at all necessary to enter into the question as to which side is in the wrong.

His Excellency the PRESIDENT:—Order, order. I really do not think this has got anything to do with the Budget.

The Honourable Mr. PAREKH:—If your Excellency permits me I shall show that these remarks of mine have reference to the question of revenue. It is in this way. What I wish Government to do is to make an inquiry into the condition of the people and see whether the revenue that is now levied from the people is the proper revenue that they ought to pay. Such an inquiry is necessary for determining whether the ryots are deserving the basis on which the revenue settlement was made. It is a matter in reference to which, I submit, it is necessary that there should be an inquiry, and without such inquiry it would be really difficult to ascertain the real condition of things.

There is one more point on which I should wish that there should be some explanation. I may be wrong in the interpretation which I put upon the matter and it may possibly be capable of another interpretation. At page 45 of the detailed statement it would appear that against Talukdari Settlement Officer at Ahmedabad in this year's budget there is an item of Rs. 47,000 shown, and in the accounts of 1915-16 the amount against this sub-head was Rs. 15,000. In the budget of the last year it was Rs. 29,000 and in the revised financial statement it is Rs. 22,000. How this increase of Rs. 25,000 has occurred it is difficult to understand.

The Honorable Mr. CARMICHAEL:—May I point out that there is a reduction of Rs. 2,000 in the budget as compared with last year?

The Honourable Mr. PAREKH:—What I wish to point out is that Rs. 22,000 were in the figures for last year and Rs. 47,000 are for this year.

The Honourable Mr. CARMICHAEL:—No. The present figure is Rs. 27,000, which is included in a total of Rs. 47,000. But I wish to point out that for the particular item under consideration, Rs. 29,000 was the budget for the last year. This year it is Rs. 27,000. There is another item of Rs. 20,000, but this is for the survey of talukdari villages. It is true the total comes up to Rs. 47,000, but in one case it is two items and in the other it is only one.

The Honourable Mr. PAREKH:—I thought it may have been Rs. 47,000 because in the revised estimate it was stated that the increase in connection with the talukdari estates was owing to the cost of the survey.

The Honourable Mr. CARMICHAEL:—Yes, that is so.

The Honourable Mr. PAREKH:—I thought that it was owing to that that the figure had risen. But if it is Rs. 27,000 only, I have no further observation to make on that point.

The Honourable Mr. F. G. PRATT:—Your Excellency, the Honourable Mr. PAREKH has told us of some abuse that he understands has occurred in the Kaira district by disobedience of the standing orders under which the assessment or land revenue should be collected by instalments and not in a lump sum. The people of the Kaira district are not slow in voicing their complaints or grievances as I know from the steady stream of revenue appeals from that district, but this is the first time I have ever heard of any abuse of this kind. I think the honourable member would have done better if he had asked a question about this matter in which case he would have been supplied with definite information about it, or if he had represented the facts as they were brought to his notice to the collector of the district or to the commissioner of the division.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I am not going to detain the Council long. I had no intention to say anything on the budget as I consider that any discussion at this stage is futile; but the remarks

of my honourable friends, Messrs. DESAI and PARANJPYE, tempt me to say something. My honourable friend, Mr. DESAI, says that the discussion on the budget is useful inasmuch as it will be considered by the finance committee, and my honourable friend, Mr. PARANJPYE, says that this Council is responsible for the budget. Speaking for myself, your Excellency, I say that neither statement is correct. As for the statement made by my honourable friend, Mr. DESAI, that the various matters discussed at the budget meeting of this Council would be taken into consideration by the finance committee, I may say at once that I have been serving on the finance committee as an elected member for the last two years and I have noticed that business conducted there is entirely one-sided. The chairman of the finance committee determines the subjects open for discussion according to what he considers to be the interpretation of the finance rules. No information is supplied to us and we do not know what recommendations come from the district officers or the various heads of the departments. Some items of expenditure are selected probably on those recommendations and we are called upon to say whether we agree to the selection so made.

His Excellency the PRESIDENT:—I do not think this has anything to do with the budget. I think it refers to a difference of opinion between my honourable friend and my honourable colleague.

The Honourable Mr. PATEL:—Coming to the budget, speaking for myself, I say that it is futile to attempt any discussion of it at this stage, but when I have got up to speak, I should like to make a few observations. My honourable friend, Mr. KAMAT, has been talking year after year about the growing expenditure in prosecuting the police reorganization scheme and your Excellency is well aware that not only the Honourable Mr. KAMAT but almost all the non-official members have been asking Government whether the expenditure so far incurred has really secured any real efficiency of the police force. But why talk of the non-official members? Able officers of Government as my honourable friend, Mr. LAWRENCE, on one side and my honourable friend, Mr. PRATT, on the other have also stated to Government in their divisional police reports that the time has come when Government should stop and make some enquiry. I was surprised to find, your Excellency, when I put a question in this Council this morning as to whether Government had made an enquiry into the working of the police department since its reorganization, that the answer was "No". If it were merely the view held by us, non-official members of this Council, I could quite understand your Excellency's Government's attitude in this matter. These views, we know, are treated with scant consideration. But when great officers of Government like the Honourable Mr. LAWRENCE and the Honourable Mr. PRATT agree with us in the view we take of the situation, I submit that the matter must receive due consideration. I reserve further remarks on this question, because I have got a resolution on the subject.

Now your Excellency, with regard to the question of the hill exodus. We know that year after year several thousands of rupees are being spent by Government from provincial revenues on these tours and I do submit, your Excellency, that the time has come when your Excellency's Government should seriously consider whether one trip to Mahableshwar, say in the month of April or May, would not suffice for the upkeep of the energy and the dignity of the members of Government. After all, I believe, my lord, that these trips do not keep the members of Government longer than the ordinary individuals who do not afford or care to go to the hills. They are, my lord, human beings as we are, and I certainly think that your Excellency's Government should seriously consider this question. I gave notice of a resolution on this matter with a view that the matter may be thoroughly discussed in this Council. That resolution was unfortunately not allowed by your Excellency and I have, therefore, taken this opportunity to refer to the subject.

Then another matter which I should like to invite the Council's attention to is the absence of any provision for the improvement of the indigenous systems of medicine such as ayurvedic and unani systems. Your Excellency, this subject has become more acute since the passing of the Medical Registration Act. I do not want to go into that controversy at present, but the manner in which that act is being worked at present is most unsatisfactory. However, in view of the changed attitude of the Government of India and other local Governments on this question I think it is high time that some attempt should be made by this Government to improve these systems. I may notice in passing that the Madras Government has already moved in the matter and they have appointed a special officer on the recommendation of the Legislative Council. So far as this Council is concerned, I gave notice of a resolution on the subject and that, too, unfortunately was disallowed.

The Hon'ble Mr. G. CARMICHAEL.—Your Excellency.—We have had rather a long debate on a good many questions to which I have to reply.

I will take first the question of the police to which several honourable members have referred. The Hon'ble Mr. KAMAT has referred to it for the second or third time at the budget meetings of this Council.

The Hon'ble Mr. PATEL has referred to the answer given to his question No. 18. A negative reply was given to his question whether an enquiry had been made. As a matter of fact, the enquiry is proceeding, but is not complete, and as I said on the occasion of the budget meeting last year, the matter has been the subject of discussion between the Commissioners of Divisions and the Inspector-General of Police. The district magistrates have also been consulted and the question is now being dealt with by my honourable colleague in charge of the police department. With regard to the actual increase which has occurred, I wish to make it clear that the entertainment of additional men or officers has ceased for some time. In the budget estimate the allotment which has been provided is intended to cover certain additional items of expenditure under clothing, hutting allowances, supplies and service and local allowances. Some of the honourable members have referred to the fact that the rank and file of the police are not sufficiently well paid. This has been found to be the case particularly in some of the larger centres where the wages of the ordinary labourer are high. To meet these cases local allowances have been given, but the number of men has not been increased. Similarly in many places the accommodation provided for the men is very inadequate, and far short of the actual requirements. In other cases the rooms are unhealthy and of a poor type. Both the Commissioner in Sind and the Inspector-General of Police for the Presidency proper have pressed on Government very strongly indeed the need for undertaking an adequate building programme to provide for the accommodation of the rank and file of the force. The Hon'ble Mr. UPASANI took some objection to this but I think from what has fallen from other honourable members with regard to the remuneration of the rank and file, this Council will agree that the expenditure is very necessary. Where buildings could not be completed in time and where we had not money to undertake their construction, it was necessary to increase the hutting allowances which are given. That is another reason for the higher expenditure. Then again when one considers the fact that one of the reasons why recruitment was so bad was that the men were not properly paid, it follows that if you give these extra hutting allowances and local allowances, recruitment should improve. In preparing the budget allowance has been made for the increase in the number of men expected to result from the better conditions which we are giving. One of the reasons why the actual expenditure under police has been so low as compared with the budget—some honourable members say it is not low—is that our estimates are framed on the assumption that the force will be maintained up to its sanctioned strength. When the pay is found to be inadequate and the men do not come forward in sufficient numbers to complete the strength, then it happens that the actuals work out very much

less than anticipated when the budget was framed. Already very considerable reduction has been made in certain directions, further progress in completing the reorganization of the police according to the recommendations of the Police Commission has been suspended and the whole question is now being examined. One of the most pressing points is the consideration whether the pay is adequate or not and it must be remembered that a very small increase in the pay per men means a very large increase in the total requirements.

The Hon'ble Mr. LALUBHAI and the Hon'ble Mr. MUNMOHUNDASS RAMJI have referred to the position of the college of commerce in Bombay. This is somewhat surprising to me as both these gentlemen, the Hon'ble Mr. LALUBHAI as the Chairman of the Indian Merchants' Chamber and Bureau and the Hon'ble Mr. MUNMOHUNDASS RAMJI as the representative of the Bombay Piece-goods Merchants' Association, are on the advisory board of the college, and though in this Council they press very strongly the claims of the college of commerce, I understand that the associations which they represent propose to withdraw their contributions. These were promised as annual contributions and on this understanding the scheme was sanctioned. I presume that they entirely disagree.....

The Honourable Mr. LALUBHAI SAMALDAS MEHTA:—May I rise to a point of order, your Excellency? I think that the Honourable Mr. MUNMOHUNDASS RAMJI said that the contributions were only for 3 years.

The Honourable Mr. CARMICHAEL:—In that case I would appeal to both the honourable members to try to move the associations which they represent. To continue the contribution, if not for anything else, then as a token that both the associations are in sympathy with the work which is being carried on in the college. The Hon'ble Mr. LALUBHAI asked some information with regard to the financing of the college. The position is this: the budget allotment this year is for Rs. 87,348. Out of this sum Rs. 7,444 is the nett recurring cost on account of the hostel and the department have decided that this amount should be debited against the income from the Lord Sydenham Memorial Fund, so that really speaking the balance, roughly, Rs. 80,000 is for the college itself. Against this there is an income of Rs. 8,580 from the endowment of Sir Jugmohundass Varjivandass and Rs. 3,500 from the endowment of Sir Chunibhai Madhavlal, and Rs. 3,200 from the endowment promised by the Wadia trustees. This last item will ultimately amount to Rs. 4,800 when the trustees have paid in the full amount. They have given so far Rs. 80,000, and of this Rs. 20,000 was received the other day and has not yet been invested. Thus the actual amount we expect to get this year in interest is Rs. 15,280. There are contributions from the Bombay Chamber of Commerce, the Millowners' Association, the Indian Merchants' Chamber and Bureau, the Bombay Native Piece-goods Merchants' Association and the Millowners' Association of Ahmedabad. I think we can count on all of these except the Ahmedabad Millowners' Association, giving a total of Rs. 4,500 which is included in the item of Rs. 8,000, "Contributions" under XIX—Education in the budget estimates. Fee receipts amount to Rs. 37,000 and this gives us a total of Rs. 57,000, leaving a nett cost to Government of Rs. 23,000. I think the Hon'ble Mr. PARANJPYE said that Rs. 15,000 out of this amount was given by the Government of India for this particular object. I do not think you can say that it was given for the particular college. It was given out of the imperial grant for technical education. However that may be, I do not think the point affects the question of what Government pays, because it is money which comes from the general taxpayer's pocket, whether it came from the Government of India or from provincial revenues.

The Honourable Mr. MUNMOHUNDASS RAMJI referred to the location of the college. A committee has been appointed and the question of finding a new site is being investigated. But it is a difficult matter if the site for the College must be near the business part of the city.

With regard to the permanent lecturers at the college, I think I am right in saying that so far Government have carried out what the original scheme comprised. I was not aware that there was any great desire for further extension because in the finance committee the items over which there was the fiercest fight were the proposed increases for the college of commerce.

The Honourable Mr. PURSHOTAMDAS, the Honourable Mr. LALUBHAI and the Honourable Mr. UPASANI referred to the development of our forest estates. This, it is true, is a very important matter; and I think that the Honourable Mr. PURSHOTAMDAS'S idea of having two separate branches and possibly three, one for conservancy and sylviculture, the commercial side, and the engineering side, is a very useful suggestion indeed. At the present moment it is of course very difficult to get any new plant and new machinery out from home and it is also very difficult to get any additional staff. We asked the Government of India to lend us the services of one of our officers who is now serving at Dehra Dun, but they could not spare him. We wanted him as a mechanical engineer. We have employed one of the public works department officers on civil engineering work in the forest department. The Honourable Mr. LALUBHAI suggested that the Government of India might spare Mr. Pearson to come down here. I should be only too glad to have him, but I think there is not much chance of obtaining him. I should like to say what has actually been done. I believe the Honourable Mr. LALUBHAI has already undertaken one small forest industry with the help of a syndicate. I wish him good fortune in connection with it. Under the direction of the Munitions Board, work is going on in connection with the investigation of tanning materials obtainable from the forests and we are sending up one of our Conservators to assist in the investigation and to obtain information. We have also one of our forest officers working under the Munitions Board exploiting the resources of the forests in Bombay and Sind for supplies of timber and fuel. His work is primarily in connection with the supplies needed for the war, but I have no doubt he will obtain a vast amount of useful information and open up new lines of work. Apart from improvement in the means of transporting timber, one of the greatest needs is to obtain a market for the timbers which are less valueable than teak. In that connection Mr. Pearson is conducting experiments in Kanara. It takes some years before the right method of treating each kind of wood can be discovered. His experiments are now nearing completion. Another point is that as the Honourable Mr. PURSHOTAMDAS suggested, the timber has to be standardised and put in a form which will give confidence to the possible purchaser. We need more saw mills and this year we did get some additional plant, but it is very difficult to obtain any more at this time. We obtained what we could in Bombay. The Honourable Mr. LALUBHAI referred to the reafforestation of blank spaces. I can assure him that very good progress is being made in this particular branch of forest work both in Kanara and in other places. I believe some very good examples are to be seen near Poona.

With regard to the utilisation of the profits out of the wheat scheme, various proposals have been made, and I have no doubt that the Honourable Mr. KEATINGE will consider them before he submits any proposals to Government. The Honourable Mr. DESAI and the Honourable Rao Bahadur NAIK pleaded for a steam plough for Bijapur and also a cattle breeding farm. I do not know whether it would be quite fair to put two farms in that part of the country. I may remark that the Government of India have tied us down strictly in regard to utilising this money and have stipulated that it must be applied to some distinct and new scheme of agricultural improvement. We are not to utilise it in the expansion of our present work, such as the extension of co-operative work as suggested by the Honourable Mr. LALUBHAI. Several honourable members have referred to the low pay of the police, the number of clerks still on Rs. 15 and the low pay of the menial staff at Karachi and cognate questions. One

honourable member was very sorry indeed—I think it was the Honourable Rao Bahadur NAIK—for the condition of the mamlatdars. No doubt, mamlatdars have a good deal of work to do but it is not correct to say that their grade of pay was not improved. It was improved about the year 1905 and they have benefited this year by the war. We have been taking a considerable number of our deputy collectors for work in connection with the war—recruiting work—and we have also had to take on more deputy collectors to take the place of assistant collectors who have gone on military duty. This has given quick promotion in the mamlatdar class and in the grades below and I do not think there is any serious grievance to be remedied. With regard to what the Honourable Mr. HARCHANDRAI told us about what has been done in Karachi under the proposals of the municipality of Karachi, I can only say that the Commissioner in Sind has reported the matter and it is under the consideration of Government now. I should be very glad to provide the extra amount needed to bring the lowest grade of clerks in Government service up from Rs. 15 to Rs. 20. The matter will be looked into. As the Honourable Mr. LALUBHAI informed us, it does not involve a very large sum, but we should also remember the other provisions we have to make, more particularly for improving the pay of the school masters.

With regard to the point raised by the Honourable Mr. PARANJPYE I think, after what fell from the Honourable Mr. HARCHANDRAI, there is really very little more for me to say; his is a convincing answer and it represents the view of Government. I may say, first of all, that the policy is not a new one. The policy is old and a sound one which has been applied to all civil servants, in some services more strictly than others. What is new is in the application of the policy in certain services. In the public works services cases of extension are uncommon. In the Indian Civil Service they are unknown. On one memorable occasion in this Council Hall I remember a non-official member told us how good the rule was under which a member of the Executive Council has to retire after 5 years' service and he went on to say that there were as good fish in the sea as ever came out of it. That is the principle on which Government work and it is only in the case of men who are really efficient and who have some specially valuable aptitude or qualifications, men whom we cannot replace easily, that it is considered advisable to grant extensions. It is quite true that it is laid down in the civil service regulations that care should be taken not to add unnecessarily to the non-effective charges. When a retirement occurs, of course, it does add to the non-effective charges, but the question is whether it does so unnecessarily. The view of Government, as the Honourable Mr. HARCHANDRAI pointed out, coincides with the view of men in business, commercial men, that if you keep the younger staff too long in subordinate positions, they become discouraged and the service becomes demoralized. This is particularly the case when the service required of them involves a willingness to undertake responsibility and a large measure of initiative. If you keep them too long on low pay their energies become deadened. I think on this point we should accept the opinion of business men like the Honourable Mr. HARCHANDRAI, in spite of the view put forward by members who have some sympathy with the old men.

The Honourable Mr. LALUBHAI referred to the provision made for the campaign against tuberculosis. The only thing that can be said on this point is that the first step to be taken is to go to the root of the matter and try to get rid of insanitary buildings and overcrowding in our large cities. Perhaps your Excellency will permit me to say, that your Excellency has taken a deep interest in this question ever since the day you landed in India and recently you were able to bring the question as between the Millowners' Association and the Improvement Trust to a point at which the actual ways and means are to be discussed and it is hoped that out of the discussion a practical wide-reaching scheme will result. I have not seen Col. Evans' report, to which the Honourable Mr. LALUBHAI refers, but I am sure the honourable member will find Government quite sympathetic and willing to consider a scheme if one is proposed. At present the amount of grant given to the Anti-Tuberculosis League is, I think, about Rs. 10,000.

The Honourable Mr. LALUBHAI referred to the provision last year in the budget for experiment in connection with the production of magnesium chloride. The experiment has been completed and the work was taken up at Kharaghoda by a gentleman of Ahmedabad and Government understand that the amount that can be produced in that particular factory would suffice for all the needs of the mills in India. The raw-material required is a waste product in the manufacture of salt. The Government of India, in the interests of imperial revenue, have laid restrictions with regard to the locality in which the manufacture of this salt is permitted and it seems to me that the same restrictions will follow as regards the locality in which the manufacture of magnesium chloride is permitted.

The Honourable Mr. BHURGRI referred to the question of roads in Sind. I think he has had opportunities, having been a member of the finance committee for a good many years, of representing the case for Sind, but this is the first time I have heard him making a suggestion that Sind had not had enough money for road construction and that it is advisable to make an allotment for the purpose. I do not myself have any local knowledge of Sind. The Honourable Mr. LAWRENCE mentioned the possibility of reconstructing one of the old military roads, but I have not heard anybody else propose that a very large sum should be spent on roads in Sind. In any case, it seems to me that as people in Sind do not appear to have felt the want before it cannot be at present a very pressing one.

The Honourable Dewan Bahadur GODBOLE objects to the improvement of the road running from Dhond to Manmad. That of course is outside the district local board of which the Honourable Dewan Bahadur is president. I think if we had Mr. Chitale as a member of this Council, perhaps we should have heard an opposite opinion. There is no doubt that there is great need for the improvement. Perhaps the Honourable Dewan Bahadur is to construct another railway in that neighbourhood. I think it is one of his projects. This particular road passes through the canal area and it is very necessary that the various nalas which are filled with waste or seepage water from the canals should be put in proper order by means of causeways. I would also bring to the notice of this Council the fact that in the Honourable Dewan Bahadur's own district we have provided a considerable sum for a bridge on the road up the Ghod river from Poona to Junnar. I think that it is in contemplation that a railway should be constructed along that very road and I believe the Honourable Dewan Bahadur himself is very much in favour of that railway.

With regard to the Kennedy sea face wall, all I need say is that somebody had to carry out this very urgent work, because if it had not been undertaken the old wall, which is not very strong, would have given way, and a large slice of Bombay would have disappeared. If the municipality said that it was not their duty, somebody had to do it and Government have undertaken it. In the matter of the road which it is proposed should run along the inside of the wall, Government hope to obtain the co-operation of the municipality.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH suggested that a certain portion of Sind land revenue should be set aside for primary education in Sind. As a matter of fact the allotment in the budget very nearly does follow a fixed proportion of the revenue in Sind. I work it out in this way. The local boards give one-third of the local fund cess for education and they get two-thirds of their educational expenditure from Government. It therefore follows that the Government allotment is at present in proportion to the local fund and the land revenue.

The Honourable Mr. NAIK, referring to the grant for dispensaries, inadvertently gave the sum as Rs. 15,000. It is really Rs. 30,000 and this is new expenditure in addition to the old expenditure which appears as an ordinary item. We are spending a good deal more than Rs. 30,000. Out of this new expenditure of Rs. 30,000 a considerable part will be recurring expenditure which will be added to the old total.

The Honourable Mr. KAMAT asked whether we could draw on our balance. The position is this. The Government of India sanction the budget which we are now discussing and they allow us fairly freely to make reappropriation between one head and another, but we must keep within the limits of the total amount provided for expenditure. If we are likely to exceed that total, than we have to go up to them for sanction to the addition of the grant under the particular head on which the excess is likely to occur. As a matter of fact there is a certain element of caution in our estimates and unless we have very bad luck in connection with the monsoon, I do not anticipate that there will be any necessity to go up to the Government of India. They have sanctioned this budget so recently as the middle of March and it would be inappropriate to approach them just now before we know whether we shall actually require an addition or not.

The Honourable Dewan Bahadur GODBOLE referred to the buildings for Government officers which it is proposed to put up in Bombay and Poona. I am very glad to have an opportunity of discussing this question. I think his idea of the interest charges is not quite correct. The usual rate charged is 5 per cent. He says that if the principle is extended we should have to provide bungalows for every officer of Government. It all depends on the particular necessity of the case. In some cases it is necessary to provide buildings and the matter has become very urgent. The provision of accommodation for the police is an obligation on us, because the terms on which the men are engaged are that they should get free quarters, if not they must be given an allowance in lieu thereof.

With regard to the construction of police buildings, the Honourable Mr. CURTIS, who is in charge of the department, reminds me that it really pays us to construct the buildings. By providing police buildings, we save in hutting allowances an amount representing interest of about 4 per cent. on the monies spent.

Then in Bombay we have the question of peons and menials which will have to be taken up. There also it has become exceedingly difficult for Government officers who have to go to Bombay to obtain buildings at a reasonable cost, and the question is whether we can provide bungalows and charge a rent which gives us a fair interest on our money. The provision of bungalows is not a permanent burden on the tax-payer, because it is one on which a return comes in. The question is whether we should provide these bungalows or provide additional pay in order to enable the officers to obtain the bungalows. The same is the case with regard to Poona, where there is a great scarcity, as every one knows, of housing accommodation. But I can assure this Council that the question of the poorer members of the staff will not be overlooked in this connection.

Your Excellency, I think I have dealt with all the points which I can find recorded on my notes.

His Excellency the PRESIDENT:—That closes our discussion on the budget. I think it will probably be to the convenience of honourable members if we adjourn now till to-morrow at half past eleven.

The Council then adjourned till 11-30 a.m. on Wednesday the 25th July 1917.

By order of His Excellency the Right Honourable the Governor,

R. B. MILNE,
Secretary to the Legislative Council of
His Excellency the Governor of Bombay.

Journal of the Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915 (5 and 6 Geo. V, Ch. 61).

The Council re-assembled on Wednesday the 25th July 1917, at 11-30 a.m., at the Council Hall, Poona.

PRESENT.

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

The Honourable Sir MAHADEV BHASKAR CHAUBAL, K.C.I.E., C.S.I., *Vice-President.*

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

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

The Honourable the ADVOCATE GENERAL (Mr. T. J. STRANGMAN).

The Honourable Mr. S. R. ARTHUR, I. C. S.

The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.

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

The Honourable Mr. GHULAM MUHAMMAD walad Khan Bahadur WALI MUHAMMAD BHURGRI, Bar.-at-Law.

The Honourable Mr. P. R. CADELL, C.I.E., I. C. S.

The Honourable Mr. SHERRIFF DEVJI CANJI.

The Honourable Mr. JAMES GARGRAVE COVERNTON, C.I.E.

The Honourable Mr. PANDURANG ANANT DESAI, LL.B.

The Honourable Sardar SYED ALI EL EDROOS.

The Honourable Dr. C. FERNANDES, M.D.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE.

The Honourable Mr. MAHOMEDBHOY HAJEEBHOY.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.

The Honourable Lieut.-Colonel JAMES JACKSON, C.I.E., M.B., I. M. S.

The Honourable Mr. EBRAHIM HAROON JAFFER.

The Honourable Mr. J. D. JENKINS.

The Honourable Mr. BALKRISHNA SITARAM KAMAT.

The Honourable Mr. G. F. KEATINGE, C.I.E., I. C. S.

The Honourable Sardar DULABAWA RAISINGJI, Thakor of Kerwada.

The Honourable Mr. H. S. LAWRENCE, I. C. S.

The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.

The Honourable Khan Bahadur PIR BAKSH walad MIAN MAHMUD.

The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.

The Honourable Sardar SHRINIWAS COOPOOSWAMI MUDLIAR.

The Honourable Rao Bahadur VENKATESH SHRINIWAS NAIK.

The Honourable Mr. W. U. NICHOLAS.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.

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

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.

The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.

CORRUPT PRACTICES BILL.

[*The President; Mr. G. S. Curtis; Mr. Vithalbhai Jhaverbhai Patel.*] [25TH JULY 1917.]

The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. F. G. PRATT, I. C. S.
The Honourable Mr. MUNMOHANDAS RAMJI.
The Honourable Mr. W. M. ROSS.
The Honourable Rao Bahadur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. PHIROZE C. SETHNA.
The Honourable Mr. PURSHOTAMDAS THAKURDAS.
The Honourable Rao Bahadur TEKCHAND UDHAVDAS.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

His Excellency the PRESIDENT:—Order, order. A Bill further to amend the Bombay District Municipal Act, 1901, and the Bombay Local Boards Act, 1884 (Bill No. VI of 1916); second reading. The Honourable Mr. CURTIS.

The Honourable Mr. G. S. CURTIS:—Your Excellency, I rise to propose the second reading of the Bill to amend the District Municipal Act, 1901, and the District Local Boards Act, 1884. This bill was read a first time in the December meeting and referred to a select committee for consideration.

The Honourable Mr. CURTIS moves the second reading of the bill.

The select committee subjected the bill to a prolonged and careful scrutiny and finally in a unanimous report recommended some rather drastic changes. Their report indicating the nature of these changes is on the table of the honourable members of this Council.

One change in particular which might be held to alter the scope of the bill is that touched on in paragraph 7 of the committee's report in which the committee suggest that the provisions of the Local Boards Act regarding corrupt practices should be brought into line with those in the Municipal Act.

In view of the enlargement of the scope of the bill a report was made to the Government of India for their sanction, who, subject to certain remarks and suggestions have accorded their approval. As the result of the Government of India's criticism, I shall have later to propose some small amendments. Otherwise the bill now presented to this Council is in substance the same as that submitted by the select committee with their report. I venture to hope that this bill will be held to represent an honest attempt to deal with a very difficult question, and that the result of the act when passed by this Council will be to introduce greater purity in all municipal and local board elections.

With these remarks I now move the second reading of the bill.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I rise to support the second reading of this bill. I am convinced that this measure when it passes into law will help materially to secure purity in our municipal and local board elections. So far as I could understand the attitude of non-official members of this Council at the first reading of this bill, they raised various objections to some of the clauses in the bill as it then stood. I have once more gone through the speeches of the honourable members and I find, there were six points in which consideration was necessary. It was contended that it was not right that a candidate should be made criminally responsible for the acts of his agent. We in the select committee considered this point very carefully and agreed with the view expressed at the first reading, and therefore, in the bill as amended by us we have provided that a candidate should not be held criminally responsible for the acts done by his agent unless those acts were done with the knowledge or consent of the candidate. The second point raised at the first reading was whether the words "any gratification whatever other than legal

remuneration" as used in the draft bill then before the Council were not too vague and indefinite. Of course, we considered this point also and we came to the conclusion that the words "money or other valuable consideration" should be substituted for the words "any gratification whatever other than legal remuneration" in the definition of corrupt practices in the bill as amended by us. The third point raised was with regard to the last clause of the bill. It was contended that the clause as drafted empowered the district judge to give sanction to any person who applied to him irrespective of the question of any petition to set aside the election by a civil petition and such a procedure would open a wide door to vexatious prosecutions. We considered that aspect of the question in the select committee and the bill as amended provides that no application for sanction could be entertained by the district judge for sanction unless the matter had been disposed of in a civil petition to set aside election. One more point raised by non-official members has, I am afraid, not been considered at all by the select committee. Under section 22 (*2*) of the District Municipal Act, when the district judge decides a civil petition to set aside an election, that decision is final and conclusive. This Council will remember that two years ago, I think it was in 1914, when a bill to amend the Municipal Act was under consideration the then select committee recommended unanimously that a provision should be inserted at the earliest opportunity to provide for an appeal to the High Court at least on matters on law. The honourable mover of this bill was also then a member of that select committee. I shall read to this Council just that portion of the recommendation of the select committee:

"Under section 22 (*2*) of the Bombay District Municipal Act the decision of a district judge in the matter of election petitions is final and conclusive. Our attention has been drawn to the fact that in England appeals to the High Court on points of law involved in election petitions are allowed. We recommend therefore that section 22 (*2*) of the Bombay District Municipal Act be amended so as to admit of appeals on points of law to the High Court from the orders of a district judge with regard to enquiries in election petitions."

It was contended that opportunities should now be taken to insert the necessary provision in this bill. The only objection why the select committee did not deal with the question was that it was thought there was some objection to such a clause being inserted without going to the Government of India. Your Excellency is, however, aware that this bill did go to the Government of India and there was no objection to including a provision regarding appeals on a matter of law to the High Court. Perhaps, however, the honourable member in charge of the bill will explain why it was not possible to include such a clause. There are two other points which were urged at the first reading. One was with regard to the term of disqualification. At the first reading objection was taken that the period of 7 years was too long a period and that it should be curtailed to 4 or 5 years. I understand my honourable friend Mr. GARUD has got an amendment on this point. We seriously considered that aspect of the question in the select committee and as my honourable friend Mr. CURTIS met us on the most important points raised by us we thought it right not to press this point. Besides, we considered very carefully the arguments advanced by the Honourable Mr. CURTIS in the select committee, namely, that it was after all a period not exceeding 7 years and that the magistrate was not debarred under the bill from imposing disqualification for a lesser period. We thought there was great force in what the Honourable Mr. CURTIS said and we therefore allowed the clause to stand. It is conceivable, as the Honourable Mr. CURTIS then put it, that cases may arise where it may be justifiable for a magistrate to impose on the offenders disqualification for 7 years. Under the circumstances I think my [illegible] Mr. GARUD will see his way to withdraw his amend[illegible] raised was with regard to the question, whether a m[illegible]s amendment. It is only pal elections should not also be disqualified fo[illegible] versa. We very carefully considered this that, if a man is found guilty of cor[illegible]

right that he should be allowed to stand as a candidate or vote at a local board election. If corrupt practice disqualifies him for a municipal election, there is absolutely no reason why he should remain qualified for a local board election. The matter may be left to the discretion of the magistrate to say whether he should be disqualified for both the elections or not. I understand my honourable friend Dewan Bahadur GODBOLE has got an amendment on the subject and I trust he will appreciate our point of view. With these words I support the second reading of the bill. With your Excellency's permission I would like to bring to your notice one amendment that stands in the name of the Honourable Mr. CURTIS. The subject matter of that amendment was not discussed in the select committee. I wish my honourable friend had put it before the committee for their consideration.

The Honourable Mr. CURTIS:—I think the details of each amendment had better be discussed when we come to them later. When the honourable member starts complaining as to why these amendments have all been undertaken I may inform the Council that the bill was referred to the Government of India and these amendments have been undertaken by direction of the Government of India, and therefore, perhaps, the remarks of individual members may be deferred until we come to them.

Bill read a second time

Motion for the second reading was put to the vote and carried.

Clause 1 was put to the vote and carried.

His Excellency the PRESIDENT:—Clause 2. Item No. 1 (*a*). The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—My Lord, the amendment which I propose runs as follows:—

"Delete the words 'or hold out any promise of individual profit' in clause (a) of sub-section (1) of new section 22A."

The whole clause runs as follows :—

"Whoever in any election under this Act, directly, or indirectly by himself or by any other person on his behalf, shall, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offer or give any money or valuable consideration or hold out any promise of individual profit or hold out any threat of injury, to any person and ".

I only object to the words "hold out any promise of individual profit" on the ground that the words "individual profit" are too wide as they may include even small considerations which ought not to be the subject of prosecutions.

His Excellency the PRESIDENT:—What does the honourable member mean by a small concession?

The Honourable Mr. UPASANI:—These words could include all kinds of treating. Suppose a man gives a small cup of tea it may come under "individual profit." If a man takes a voter in a carriage, it may come under "individual profit." There are rules with reference to treating under the English Law but they are subject to certain limitations which are not provided here in this bill. It would be better not to impose any criminal liabilities to an extent which might deter honest men from coming forward as candidates and give rise to unnecessary, malicious and vexatious prosecutions. In the old bill which was brought before us in 1914 the words "any gratification whatever" were at first introduced but were subsequently omitted particularly on the ground that it might lead to prosecutions to a large extent. On the same ground and agreed with the words "individual profit" may be omitted. Moreover, it is to as amended by us we ase of a petition to the district judge to set aside the minally responsible for time is allowed, but for a prosecution the present bill with the knowledge or consen Sub-secton (6) says that no prosecution shall be first reading was whether the wehs. So it is not immediately that a prosecution

may take place, and if people are illdisposed they may take advantage of the 6 months' time allowed and get up some evidence and any candidate who has been elected will have to face proceedings unnecessarily. That is my reason for proposing to omit these words.

The Honourable Mr. G. S. CURTIS:—Your Excellency,—I must point out to the honourable member that his amendment is not complete. The words "hold out any promise of individual profit" appear in sub-section (*1*) (*a*) of section 22A. They relate to the persons who hold out a promise of individual profit. The words "individual profit" also appear in sub-section (*2*): "Whoever being qualified to vote at any election under this act or claiming to be so qualified, accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person any money or valuable consideration or any individual profit as a motive or reward for giving or forbearing to give his vote in any such election shall be liable to a fine not exceeding one hundred rupees for every such offence." Now, the result of the honourable member's amendment, if it is carried into law, is that a person who offers a cup of tea will escape punishment; the gentleman who drinks it is liable to pay Rs. 100 fine for every cup of tea. I may say incidentally that the contrary is the case with reference to his amendment which comes later in section 25A. There the man who offers a cup of tea remains liable to a fine not exceeding Rs. 200; the person who drinks it escapes, if the amendment is carried. Now, sir, the explanation of the words "individual profit" here already appears in section 22 of the main act, and it was taken from Cap. 17 and 18 Vic., the first English statute dealing with these corrupt practices. I venture to think that its use has stood the test of a good many years' working and its retention is abolutely necessary if the penal sections of this law are to have the effect which we all hope they will. The honourable gentleman's legal experience is much greater than mine but I think he will see that in order to show as completely as possible all the various kinds of illicit considerations of a valuable kind which are likely to be held out to voters who are willing to give their votes, the retention of these words is absolutely necessary. I therefore beg to move that this amendment be rejected.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—May it please your Excellency,—My object is to omit the words "or hold out any promise of individual profit" wherever they appear and if they are omitted——

His Excellency the PRESIDENT:—Order, order. I cannot have any explanation from the honourable member.

The Honourable Mr. UPASANI:—The Honourable Mr. CURTIS has referred to my motion with reference to these words as they appear in clause 2 and with reference to that I have to explain my position. My lord, the words "money or valuable consideration" will include all the more serious cases of individual profit and, the further express addition of the words "individual profit" is unnecessary. I do not propose that a man who offers tea should escape and a man who receives tea should alone be proceeded against. My contention is that in petty cases there ought not to be any room for unnecessary criminal proceedings and the more serious criminal cases are sufficiently covered by the words "money or valuable consideration." This is what I have to particularly urge in support of my amendment.

The amendment was then put to the vote and lost.

His Excellency the PRESIDENT:—Clause 2. Item No. 1 (*b*). **Delete the explanation to sub-section (1) and sub-section (2) of the said section.** The Honourable Mr. UPASANI.

The Honourable Mr. UPASANI:—I do not press this amendment. It is only consequential to the amendment which has been lost.

CORRUPT PRACTICES BILL.

[*The President; Mr. G. S. Curtis; Mr. Siddhanath Dhonddev Garud.*] [25TH JULY 1917.]

The amendment was by leave withdrawn.

His Excellency the PRESIDENT:—Clause II, Item No. (2). The Honourable Mr. G. S. CURTIS.

The Honourable Mr. G. S. CURTIS:—Your Excellency,—The amendment which stands in my name is:

"In sub-section (3) of new section 22A for the words 'for a term of years not exceeding seven from the date of such conviction be disqualified at the discretion of the *Court*' the following words shall be substituted, namely: 'for such period not exceeding seven years from the date of the conviction as the court may direct, be disqualified'."

The previous wording of these provisions left it somewhat doubtful whether the discretion of the magistrate is exercisable only in the matter of the period during which the disqualification is to last or whether the magistrate has discretion to disqualify or not to disqualify at all. The Government of India have given their sanction to the portions of the bill which require sanction on the understanding that the former is the intention of the bill and that it will be amended to express that intention more clearly. The Council will notice that under the Madras District Municipal Act, 1884, on which these provisions are modelled, disqualification is compulsory in similar circumstances and that it is for seven years in all cases. In England also conviction for corrupt practices entails disqualification for sitting as a member of the body concerned, and for voting, both in the case of Parliament and in the case of municipal election.

Therefore I have the honour to move that in sub-section (*3*) of new section 22A for the words "for a term of years not exceeding seven from the date of such conviction be disqualified at the discretion of the *Court*" the following words be substituted, namely:—"for such period not exceeding seven years from the date of the conviction as the court may direct, be disqualified.

The amendment was then put to the vote and carried.

His Excellency the PRESIDENT:—The Honourable Mr. GARUD.

The Honourable Mr. SIDDANATH DHONDDEV GARUD:—Your Excellency,—The amedment which I have to propose reads thus:—

"In sub-section (3) of new section 22A, for the words 'a term of years not exceeding seven' substitute the words 'a term of years not exceeding four'."

Sub-section (*3*) of new section 22A which I wish to amend reads as follows:—"Every person convicted under sub-section (*1*) or sub-section (*2*) shall for a term of years not exceeding seven from the date of such conviction be disqualified at the discretion of the Court from voting at any municipal election or at any election to a local board constituted under the Bombay Local Boards Act, 1884, and from being a councillor in any municipal district or a member of any such local board."

The words "seven years," your Excellency, appear to be taken from the English statutes. But it must not be forgotten that our elections to these local bodies are triennial and that if a man is disqualified for seven years, he loses his right to vote not only at the next election after that in which he is disqualified but at two subsequent elections. If it is thought necessary to disqualify him for all future elections I would not object to amending that section in that way. But if it is thought necessary merely to take away his right at the next election, then I submit that a period of four years is all that is necessary. If an inquiry takes place that inquiry will probably last for some time after the election in which he is

disqualified and the period of four years will cover the next election but the period of seven years might extend also to the third election. If that is not the intention of the framers of this clause, the word 'seven' might I submit be deleted and the word 'four' might be inserted in its place.

The Honourable Mr. G. S. CURTIS:—Your Excellency,—I rise to oppose this amendment. The period of seven years was originally adopted from the Madras act where, we presume, it was copied from the English act. The intention of the English act always has been to punish offenders in this way as severely as possible.

The period of seven years, as the Honourable Mr. GARUD points out, may include and probably will include two elections after the election in which this convicted person has been found guilty of corrupt practice or misconduct.

I venture to think that the punishment is not a very severe one. If this person has been convicted, as he will have been after full inquiry by a judicial officer, of misconduct, and if he has been disqualified from voting, it is only fitting and suitable that he should be debarred from exercising the privilege which the franchise confers upon him for a reasonable period; and following the example of England and of the Madras Presidency, where a similar provision exists, the period may well be fixed at seven years.

I, therefore, beg to move, sir, that this amendment be rejected.

His Excellency the PRESIDENT:—Does the honourable member wish to reply?

The Honourable Mr. GARUD:—No, your Excellency.

The amendment was then put to the vote and lost.

His Excellency the PRESIDENT:—The Honourable Mr. GODBOLE.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency,—The amendment of which I have given notice reads as follows:—

"In sub-section (3) of new section 22A omit the following words:—(a) 'or at any election to a local board constituted under the Bombay Local Boards Act, 1884' after the words 'Municipal election'."

I have put forward this amendment with the object of mitigating the hardship that will be caused by the disqualification clause.

According to the section as it stands, for every municipal corrupt practice the offender is disqualified from voting not only at municipal elections but also at local board elections, and he is disqualified from being not only in the municipal council but from being a member of the district local board or taluka local board. I think, sir, that this double disqualification will be a very heavy punishment for an offence which is committed not for individual profit but from the intense desire that persons have of serving the public. A person committing such an offence with such motives deserves I think some consideration, and the punishment in such cases certainly ought not to be very heavy.

I therefore propose that the disqualification for municipal corrupt practice should be confined to municipal elections only and to municipal membership, and with that object I have put forward this amendment for the consideration of the Council.

The Honourable Mr. DATTATRAYA VENKATESH BELVI:—Your Excellency,—It is a matter of great regret to me that I cannot agree with my honourable friend Dewan Bahadur GODBOLE in the view which he takes of this provision. It is rather extraordinary to hear that a man who has been tried formally and found guilty of corrupt practices in the case of a municipal election

should be at perfect liberty to stand as a candidate and to vote in the case of a local board election. This is rather a very novel argument to me. I believe I shall be able, by putting before my honourable friend a parallel instance, to show that if we accept such an argument we shall reach an absurd conclusion. Are we to suppose that a magistrate who is convicted of bribery may apply for a subordinate judge's post and may be appointed a subordinate judge because in the one case he was convicted only as a magistrate and in the other case he wishes to serve as a civil judge? My view is that local boards and municipalities represent only two branches of one institution, namely, local self-government, and it will be wrong to accept this amendment of my honourable friend Dewan Bahadur GODBOLE. I do not believe that it is necessary to give a longer reply to his argument. The amendment is no doubt conceived with the best of motives. My honourable friend says that a man who practises corrupt practices does so not because he wishes to gain anything personally but because he is intensely anxious to serve the public. I beg to differ from the charitable view which my honourable friend takes.

The Honourable Mr. G. S. CURTIS:—May I add, sir, to the remarks which have just fallen from the last speaker that local boards and municipalities are not, as it were, independent bodies? There is a provision in both the acts by which one body may work with the other. Now, sir, it would be rather an anomaly if a person who has been found guilty of corrupt practice and declared unfit to hold office or be a member of one body, is allowed to sit on the other and help to decide on questions affecting the internal administration of the body on which he has been held unfit to join. In England, again, in all these matters a conviction for corrupt practices in reference to parliamentary election carries with it a disqualification for municipal, borough and every possible election; in fact, corrupt practice in one election disqualifies the person from voting or holding an office in any other body whatsoever, either permanently or for a period of years. The disqualification proposed in this sub-section carries that principle into effect. For these reasons I beg to move that the amendment be rejected.

The amendment was then put up to the vote and lost.

His Excellency the PRESIDENT.—Amendment 4 (*b*)—**"In sub-section (3) of new section 22A omit the following words:—'or a member of any such local board' at the end of sub-section (3)."** The Honourable Dewan Bahadur GODBOLE.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency,—I beg to withdraw that amendment.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT: The Honourable Mr. CURTIS.

The Honourable Mr. G. S. CURTIS:—Your Excellency,—I rise to propose the following amendment:—

"In sub-section (5) of new section 22A the words 'with the previous sanction or' shall be deleted".

In reply to the reference which this Government made on the report of the select committee, the Government of India pointed out that it is probable that the revision of the Criminal Procedure Code will result in material changes in the law relating to sanctions to prosecute and the Government of India would much prefer that a prosecution should only be instituted on the complaint of the officer holding the election inquiry. It is believed from a practical point of view that the omission of these words will not make much difference, and it is accordingly proposed to delete the words "with the previous sanction of" in sub-section (5) of new section 22A.

CORRUPT PRACTICES BILL.

The amendment was then put to the vote and carried.

Clause 2 was then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 3, the Honourable Mr. CURTIS.

The Honourable Mr. G. S. CURTIS:—Your Excellency,—I rise to move the following amendment:—

In sub-section (2) of new section 25 for the words "the District Judge or such other Judge as may be appointed by the Governor in Council on this behalf" the following words shall be substituted namely:—

"An enquiry shall thereupon be held by a Judge appointed by the Governor in Council, either specially for the case or for such cases generally, and such Judge".

The object of this amendment is as follows: it has been pointed out by the Government of India that as the district judge is ordinarily the sessions judge of a district and as under section 22 (2) of the Municipal Act and new section 25 (2) of the Local Boards Act the enquiry would probably be held by the district judge, an appeal against a conviction under the bill would lie to the same person who had held the enquiry. While it would be open to Government to appoint for the enquiry a judge other than the district judge, Government considered it advisable to redraft the provisions so as to omit mention of the district judge in section 22 (2) of the Municipal Act and new section 25 (2) of the Local Boards Act. An enquiry will thus be held by a judge appointed by Government in this behalf (either specially or generally), and care will be taken not to appoint for an election enquiry a judge who at the same time holds the office of sessions judge of this particular district.

The Honourable Rao Bahadur GANESH KRISHNA SATHE:—Your Excellency,—Before I make a few observations on this amendment, I only suggest whether it would not be right to ask the PRESIDENT'S permission to take item No. 6 with item No. 14.

The Honourable Mr. G. S. CURTIS:—I have no objection; I think it would be useful.

His Excellency the PRESIDENT:—Has the honourable member any particular advantage to point to if we adopt that procedure?

The Honourable Rao Bahadur SATHE:—Yes, your Excellency. As the two amendments are identical, much time will be saved by taking them together.

The Honourable Mr. CURTIS:—I think on consideration that we had better take them separately, as they run on rather different lines.

His Excellency the PRESIDENT:—It would be rather difficult for me to put two amendments to separate clauses at one time.

The Honourable Rao Bahadur SATHE:—I abide by your Excellency's ruling, but I crave indulgence to refer to that amendment also in my present remarks.

His Excellency the PRESIDENT:—I have no objection, provided, of course, that when the honourable member comes to the other amendment, he does not speak at too great a length.

The Honourable Rao Bahadur SATHE:—Now the changes that are suggested to be made by the amendment proposed by the Honourable Mr. CURTIS are to take away the words "District Judge", etc. and substitute for them this clause—item No. 14—"An enquiry shall thereupon be held by a judge appointed by the Governor in Council, either specially for the case or for such cases generally, and such judge". We have copied this section and have made amendments, so far as the

amendments relating to local boards are concerned, on the lines of section 22 of the District Municipal Act. The original section 22, clause (2) runs thus:—"The District Judge or such other Judge as may be appointed by the Governor in Council in this behalf may, after such enquiry as he deems necessary, and subject to the provisions of sub-section (3), pass an order confirming or amending the declared result of the election, or setting the election aside." Then my honourable friends will kindly refer to the definition of the word "Judge" given at page 3 of the District Municipal Act, copies of which have been supplied to us:—"'Judge' shall mean District Judge, Joint Judge, Assistant Judge, Judge of a Court of Small Causes, Subordinate Judge, Joint Subordinate Judge or a Judge appointed under the Dekkhan Agriculturists' Relief Acts, 1879 to 1895." This section is on the statute book ever since Act II of 1884 was passed and the usual practice is to take these election petitions to the district judge. He is not invested with these powers in his capacity as a presiding officer over a district court, but as a *persona designata* he has been invested with this power of hearing and deciding election petitions. The first mentioned officer, *i. e.*, *prima facie*, the district judge, was authorised to hear these election petitions and it was only left to the Governor in Council to make an appointment of another judge. I quite see that, under the definition of the word "Judge" as given in the section of the act it was always open to Government to appoint any judge they liked for deciding such cases, but I may state here for the information of the Council that at least I am not aware of any cases in which the district judge has been superseded by the appointment of another judge so far as election enquiries are concerned. The reasons which lead me to take objection to the amendment proposed by the honourable member in charge of the bill are these. In the first instance, without meaning any reflection on the subordinate judicial service, I do say that subordinate judges are not as competent to deal with election petitions as the district judges are, and the simple reason for this is that in these matters various technical questions do arise, for which we have to cite English precedents to district judges; even the books are not available in the subordinate courts, and the district judges by their long experience and by their superior training are to my mind better fitted to dispose of these cases.

My second point is that in small taluka head-quarter places when the elections take place, everybody from the officer down to an ordinary rayat knows the whole history of the factions which govern these elections, and it is much better that we should keep out an officer who has previous knowledge about local affairs, and that we should not allow him to sit in judgment upon matters of which he had knowledge as a private gentleman. The reason for suggesting this amendment as given by the Honourable Mr. CURTIS is that if the district judge tries the cases and if he sends the accused to the magistrate on complaint, then he will be debarred from trying the appeal against the conviction. But that is really not a new point, because in civil matters it many times happens that the district judge gives sanction in civil cases which come under his notice, and in those matters either on a reference to the High Court or on an application made by the parties, appeals are transferred from one sessions court to another sessions court wherever an assistant judge is not available. Such cases also are very rare, because in many places, at least in more than half the districts there are assistant and additional judges; so this difficulty I do not think would really arise, and if it did arise there is a provision which is being availed of even now under peculiar circumstances in which sanctions are given by the district judge. Now there is one suggestion which I might make and that is that if it is really intended to avoid any trouble on this account, then would it not meet the wishes of the Government of India if we say "any judge not below the grade of an assistant judge" and substitute these words for those proposed by the honourable member in charge of the bill. In that case we will get an officer of superior grade. We will also avoid the aforesaid inconvenience which is likely to arise by investing the district judges with civil powers in these matters.

CORRUPT PRACTICES BILL.

[25TH JULY 1917.] [*Rao Bahadur Ganesh Krishna Sathe; Mr. G. S. Curtis; Mr. Harchandrai Vishindas.*]

Then, sir, there is one more point. It is a very small point upon which I want to say a few words. In fact if the suggestion of mine is accepted by the honourable member in charge of the bill, I think I need not dwell at length on that point at all.

The Honourable Mr. CURTIS:—Subject to the orders of the higher authorities, I think there is no objection to accepting the honourable member's suggestion.

The Honourable Mr. HARCHANDRAI VISHINDAS:—Your Excellency,—I am not at one with the Honourable Rao Bahadur SATHE in the suggestion he has made for the substitution of the words "any judge not below the grade of an assistant judge." I am entirely for the retention of the old wording under which a district judge will also be an authority for the purpose of deciding these cases. Now, as he has said, up to now, as far as I remember, although the words providing for any other judge being appointed for the purpose remain in the section, the tribunal to which reference has been made for these cases has been almost invariably, I should rather say invariably, the district court, and the adoption of the amendment that has been proposed by the honourable member in charge of the bill would certainly and I think avowedly do away with the jurisdiction of district judges in this matter. That is to say, it will be only those judges that have been appointed by Government who have to decide these cases. My point is that this should not be so, that the jurisdiction of the district judges should be retained and the reason why I wish this to be done is not, as the Honourable Mr. SATHE has put it, that district judges are more competent than subordinate judges, because that, to a certain extent, rather challenges a verdict that you will find on record in Privy Council cases. There have been remarks even by the Privy Council in many cases; it may be that they are rather obsolete reports, but I think they apply to the present time as much as they did to the old times, that subordinate judges are very competent, and from personal experience I may say that there are some subordinate judges who are as competent as district judges. But in spite of that opinion of mine when I say that I am in favour of having district judges for this purpose I say so because district judges always inspire greater confidence, and also for the reason that has been later on suggested by the Honourable Rao Bahadur SATHE, that subordinate judges may be said to have a kind of unconscious bias in the case, as being to a certain extent cognisant of the ins and outs of the case that has given rise to the corrupt practice in question. As the district judge would be aloof from and outside the scope of these influences, it is more desirable in the interests of justice that the district court should retain its jurisdiction. The substitution of the words "any judge not below the grade of an assistant judge" is I think rather making matters worse than they were before, because under the clause as suggested by the Honourable Mr. CURTIS, a district judge is not excluded. It might be said that he is not excluded in the words suggested by the Honourable Rao Bahadur SATHE, either, but that is in theory only, because when you have the words "not below the grade of an assistant judge" it will naturally follow that in all cases Government will appoint men who are at the most assistant judges, which will exclude district judges altogether. I do not wish district judges to be excluded. Of course as I have already said, I am cognisant of the fact that even under the clause as it now stands it may be that assistant judges can be appointed at the discretion of Government, but the practice of appointing other judges has never been followed. Because as a matter of fact there are very few cases of this kind, and for these few cases, Government, do not think it worth while to undergo the trouble of making a new appointment of a judge. Cases like these are so few and far between, as not to constitute such a strain upon the working of the district courts as to necessitate the appointment of a fresh judge for the purpose. Therefore I say that the retention of the district judge is desirable.

Then the reason that was suggested by the Honourable Mr. CURTIS for the amendment proposed by him has been, I think, more or less demolished by the Honourable Rao Bahadur SATHE. As a matter of fact, in cases where the district judge gives sanction for the prosecution of the guilty party, which in practice would also be very rare, say once in three years or five years, it will be very easy to find out an appellate authority, either an assistant judge or any other judge. It happens even in the higher court, that as the Honourable Rao Bahadur SATHE pointed out, that difficulty has to be faced in cases where the district judge or civil judge has given sanction, and those cases certainly in practice are more frequent than cases of this particular class. Therefore that difficulty should not be taken into consideration at all, but the primary consideration that a tribunal as competent as the district court should have jurisdiction over these matters should not be lost sight of. For these reasons I would suggest that the original words be retained.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency,—I too join with my honourable friend Mr. Harchandrai in opposing this amendment.

When an appeal is to be allowed it is much better that a judge of the district judge's standing should hear the same, and if any other judge is required to be appointed he should be a district judge or a judge of equal experience.

So far as assistant judges are concerned they are mostly junior officers and do not possess the same experience which district judges or first class subordinate judges possess. I think it will avoid all controversy if we allow section 25 to remain as it is, and allow these cases to be taken up only before the district judges; if there be in any case some serious objection to its being heard by any particular district judge, then it should be left to Government to refer it to another district judge or to appoint any judge, who will be of the same grade and experience as the district judge. That would be much better than allowing assistant judges to hear cases like these.

The Honourable Mr. DATTATRAYA VENKATESH BELVI:—Your Excellency,—I oppose the amendment moved by the Honourable Mr. CURTIS. My grounds are briefly these:—Just as it is not wise to take medicine when it is not wanted, so it is equally unwise to amend an existing law when an amendment is not called for. The existing sections have worked satisfactorily and there is no reason at all why any change in the wording of the provisions of section 22 is necessary. The proposed new section 25, sub-section (2) only copies the wording of the main act. My view is that the law has worked hitherto very well and now that decisions in election cases are made to give rise to criminal proceedings under certain circumstances, it is much better that district judges should be allowed to retain their jurisdiction. After all the district judge is the highest judicial authority in a district, his court is the highest court of civil jurisdiction, and it is much better that the confidence of the people in the administration of justice should not be shaken by accepting an amendment of the kind which is now before the Council.

My honourable friend Rao Bahadur SATHE says that the words "or a judge not below the rank of an assistant judge" may be inserted in the amendment. I am opposed to this suggestion of my honourable friend. I do not mean to make any disparaging remarks on the competency of assistant judges, but I have known a large number of assistant judges in my practice at the bar, and my view is that it is much better that these election cases are tried by district judges themselves personally, and I submit that it would be impolitic to accept the amendment which has been moved by the Honourable Mr. CURTIS.

For these reasons I oppose the amendment.

CORRUPT PRACTICES BILL.

[25TH JULY 1917.] [*Sir Mahadev Bhaskar Chaubal; Mr. Gokuldas Kahandas Parekh; Mr. Vithalbhai Jhaverbhai Patel.*]

The Honourable Sir MAHADEV BASKAR CHAUBAL:—Your Excellency,—I think it is pertinent to remark that the argument that the wording of section 25 of the proposed bill follows mainly the wording of section 22 of the District Municipal Act, is not conclusive if any advantage or convenience is secured by the proposed change in the wording of this clause of the bill. I think the main point to notice in the remarks and observations made by the Honourable Rao Bahadur SATHE is that notwithstanding the language of section 22 so far as we have known, these enquiries have not been entrusted in the mofussil to either a judge of a Small Cause court or to a subordinate judge. Therefore the omission of these in the wording of the new clause will only be in accordance with the prevailing practice. Such enquiries have been conducted principally by the district judge, so far as I know, and in some few cases perhaps by an assistant judge; but the wording of clause (2) of section 22 says:—"The District Judge or such other Judge as may be appointed by the Governor in Council" Therefore it is quite within the powers of Government under the present wording of the act to appoint in the first instance for the disposal of election petitions an assistant judge. The advantage of the proposal made by the Honourable Rao Bahadur SATHE to my mind is the great administrative convenience which would result from the adoption of the suggestion made by him, because honourable members will notice that when an election enquiry has taken place before an assistant judge, and he finds that there has been a corrupt practice committed, then the prosecution in the first instance will be on the complaint of such assistant judge before a magistrate. Now if the magistrate convict the accused, the sections or clauses of the bill provide an appeal, which can be heard conveniently by the district judge, but if the election enquiry in the first instance was before the district judge the prosecution for corrupt practice must be on his complaint, and you make it impossible for him to hear the appeal. Therefore, although no doubt the original wording of the act is slightly modified to the extent that you do not bring in the subordinate judge or the Small Cause court judge, you retain, according to the suggestion made by the Honourable Rao Bahadur SATHE, the district judge and the assistant judge, and either of these two officers may be appointed; so that, if the original enquiry has been held by the assistant judge, the appeal from the conviction can be heard by the district judge. If the original enquiry has been held by the district judge, the appeal can be heard by the assistant judge. That is a great administrative convenience which should not be lost sight of.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH:—Your Excellency,—I am of opinion that the language used in section 22, clause (2) ought to be retained. The other alternative suggested by the amendment appears to me to be considerably more difficult to work. As things now stand people know where to go to, who is the officer they have to approach and which is the Court before which they have to make their applications; but if in every case either the orders of Government have to be obtained or a special officer is appointed for the disposal of these cases, it cannot but be that there would be much delay and considerable inconvenience would be caused and the confidence which the public ordinarily have in the district judges would be largely shaken. The inconvenience that has been pointed out as likely to arise in certain cases under particular conditions is, I submit, insignificant when compared with the inconvenience which would otherwise arise, and I therefore consider that the best course would be to leave the language of the present clause as it is.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I regret very much that I am unable to accept the view taken by the Honourable Messrs. HARCHANDRAI, PAREKH and BELVI. I fully appreciate the argument of my honourable friend Sir MAHADEV CHAUBAL on behalf of Government that if the words suggested by my honourable friend Rao Bahadur SATHE

are substituted the situation would be met. As the law stands at present there is nothing to prevent the Governor in Council to appoint any judge, for instance, a sub-judge for the matter of that. If that is the state of existing law I should much prefer the suggestion of my honourable friend Rao Bahadur SATHE which, if accepted, would exclude sub-judges altogether. Under these circumstances I support the proposal of the Honourable Rao Bahadur SATHE.

The Honourable Mr. G. S. CURTIS:—Your Excellency,—The only point I wish to make in regard to the Honourable Mr. PAREKH'S observation is with regard to uncertainty, that if the law is left as it is in the original Act of 1901 and if the district judge holds an enquiry under section 22, then there must be very considerable uncertainty as to who is to hear the eventual criminal appeal.

The Honourable Mr. BELVI:—The assistant judge.

The Honourable Mr. CURTIS:—That may not be certain, there may not be an assistant judge at the particular station. I think the Honourable Mr. HARCHANDRAI himself said that there might be an appeal to a High Court or the Court of the Judicial Commissioner. That must lead to uncertainty and it is most expensive. I submit that if the amendment as it stands in the form proposed by the Honourable Rao Bahadur SATHE and agreed to by Government is accepted it would suit all circumstances of the case.

His Excellency the PRESIDENT then put the amendment, which after the adoption of the Honourable Rao Bahadur SATHE'S suggestion ran as follows:—

"In sub-section (2) of new section 25 for the words 'the District Judge, or such other Judge as may be appointed by the Governor in Council on this behalf' the following words shall be substituted, namely:—

"An enquiry shall thereupon be held by a Judge not below the rank of an Assistant Judge, appointed by the Governor in Council, either specially for the case or for such cases generally and such Judge,"

to the vote and it was carried.

His Excellency the PRESIDENT:—Amendment to clause 3.

"(a) Delete the words 'or holds out any promise of individual profit' in clause (a) of sub-section (4) of section 25".

The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—My lord,—I beg to withdraw my amendment.

Amendment by leave withdrawn.

His Excellency the PRESIDENT:—Amendment to clause 3.

"(b) Delete the explanation to sub-section (4) of the said section".

Does the honourable member wish to move it?

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—No, my lord, I beg to withdraw it.

Amendment by leave withdrawn.

His Excellency the PRESIDENT:—Amendment to clause 3.

"In sub-section (6) of new section 25, for the word 'seven' substitute the word 'four.'"

The Honourable Mr. GARUD.

CORRUPT PRACTICES BILL.

[25TH JULY 1917.] [*Mr. Siddanath Dhonddev Garud; the President; Mr. Shridhar Balkrishna Upasani; Mr. G. S. Curtis; Dewan Bahadur Kashinath Ramchandra Godbole.*]

The Honourable Mr. SIDDANATH DHONDDEV GARUD:—Your Excellency,—I beg to withdraw my amendment.

Amendment by leave withdrawn.

Clause 3 was then put to the vote and carried.

His Excellency the PRESIDENT:—Amendment to clause 4.

"In sub-section (2) of new section 25-A, omit the words 'or any individual profit', and the explanation to sub-sections (1) and (2)."

The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—My lord,—I beg to withdraw my amendment.

Amendment by leave withdrawn.

His Excellency the PRESIDENT:—Amendment to clause 4. The Honourable Mr. CURTIS.

The Honourable Mr. G. S. CURTIS:—Your Excellency,—I beg to move that:—

"In sub-section (3) of new section 25-A, for the words 'for a term of years not exceeding seven from the date of such conviction be disqualified at the discretion of the *Court*' the following words shall be substituted, namely:—

"For such period not exceeding seven years from the date of the conviction as the Court may direct, be disqualified."

The alterations are similar to those already provided by the Council in sub-section (3) of new section 22-A.

The amendment was then put to the vote and carried.

His Excellency the PRESIDENT:—Amendment to clause 4. The Honourable Mr. GARUD.

"In sub-section (3) of new section 25-A, for the word 'seven' substitute the word 'four.'"

The Honourable Mr. SIDDANATH DHONDDEV GARUD:—Your Excellency,—I beg to withdraw my amendment.

Amendment by leave withdrawn.

His Excellency the PRESIDENT:—Amendment to clause 4. The Honourable Dewan Bahadur GODBOLE.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency,—I also withdraw my amendments reading:—

"In sub-section (3) of new section 25-A, omit the following words:—

'(a) or at any Municipal Election' after the words 'Election to a Local Board.'

'(b) or a Councillor in any Municipal District' at the end of sub-section (3)."

His Excellency the PRESIDENT:—Does the honourable member wish to withdraw both the amendments?

The Honourable Dewan Bahadur GODBOLE:—Yes, your Excellency.

Both amendments by leave withdrawn.

His Excellency the PRESIDENT :—Amendment to clause 4. The Honourable Mr. CURTIS.

The Honourable Mr. G. S. CURTIS :—Your Excellency, I have the honour to move the following amendment :—

"In sub-section (5) of new section 25-A, the words 'with the previous sanction or' and the word 'District' shall be deleted."

The amendment was put to the vote and carried.

Clause 4 was then put to the vote and carried.

His Excellency the PRESIDENT :—Amendment to clause 5. The Honourable Mr. CURTIS.

The Honourable Mr. G. S. CURTIS :—Your Excellency,—I have the honour to move the following amendment, accepting the modification proposed by the Honourable Rao Bahadur SATHE in sub-section (2) of new section 25 of the Local Boards Act :—

"(a) After sub-section (1) the following sub-section shall be inserted, namely :—

'(2) in sub-section (2) of section 22 of the Bombay Municipal Act, 1901, for the words 'The District Judge or such other Judge as may be appointed by the Governor in Council in this behalf' the following words shall be substituted, namely :—

'An enquiry shall thereupon be held by a Judge not below the rank of an Assistant Judge appointed by the Governor in Council, either specially for the case or for such cases generally, and such Judge' ".

The amendment was put to the vote and carried.

His Excellency the PRESIDENT :—Amendment 14 (*b*) to clause 5. The Honourable Mr. CURTIS.

The Honourable Mr. CURTIS :—Your Excellency,—I beg to move the same as follows :—

" Sub-section (2) shall be numbered as sub-section (3)."

The amendment was put to the vote and carried.

Clause 5 was then put to the vote and carried.

His Excellency the PRESIDENT :—Amendment to the preamble. The Honourable Mr. CURTIS.

The Honourable Mr. G. S. CURTIS :—Your Excellency,—I beg to move that—

"in the preamble, after the words 'The Bombay Local Boards Act, 1884;' the following words shall be inserted, namely :—

'And whereas the previous sanction of the Governor-General required by sub-section (2) of section 79 of the Government of India Act, 1915, has been obtained for the passing of this Act';"

The reason for the insertion of these words is as follows. New sub-sections 4 and 7 of proposed new sections 22-A and 25-A require the previous sanction of the Government of India under section 79 (2) of the Government of India Act, 1915, because they introduce exceptions to the ordinary procedure laid down in the Criminal Procedure Code. This sanction has now been given and hence the present amendment.

The amendment to the preamble was put to the vote and carried.

The preamble was then put to the vote and carried.

CORRUPT PRACTICES BILL.; LOCAL BOARDS BILL.

[25TH JULY 1917.] [*Mr. G. S. Curtis; the President; Mr. Vithalbhai Jhaverbhai Patel.*]

The Honourable Mr. Curtis moves the Third Reading of Bill No VI of 1916

The Honourable Mr. G. S. CURTIS:—Your Excellency,—I now have the honour to move that this bill be read for the third time. I do not know that any very extended remarks are called for from me but there is one observation which fell from the Honourable Mr. PATEL to which I think I should refer. Though he himself was a member of the committee which signed the unanimous report on this bill, he has apparently taken exception to certain action taken during the proceedings of the committee, He criticises the bill because he does not find in it any provision which would allow an appeal to the High Court from the decision of the Judge making an election enquiry under section 22 of Act III of 1901. Well, sir, it is the fact that that point was brought up for discussion in the select committee, but it was pointed out that there was no reference to the possibility of an appeal to the High Court in the bill as originally referred to the select committee, and that such a provision could not be inserted in this bill without a modification of the constitution of the High Court which, in all probability, it would not be possible to secure. It is still open to the Honourable Mr. PATEL, if he likes, to take separate action to secure that the constitution of the High Court may be so amended that they may take cognizance of these election enquiries carried out by the judicial officers appointed thereto in their personal capacity by his Excellency the Governor in Council. It must be remembered, however, that the election enquiry is held by an officer, not by a Court, and that there have been cases in the past in which the High Court has refused to interfere and it is extremely doubtful whether if the matter were taken up the amendment of the constitution of the High Court which the Honourable Mr. PATEL asks for would be made. In any case I think it is a matter for separate consideration altogether. We must now I think congratulate ourselves that this bill, the subject-matter of which was first put before this Council in 1914, has finally after prolonged consideration passed into law and been ratified by this Council. We all hope, I think, that it will effect considerable improvement in the purity of elections, a purity which hitherto according to my experience left much to be desired. With these words I now beg to move the third reading of this bill

Bill read a third time.

Motion for the third reading was then put to the vote and carried.

His Excellency the PRESIDENT:—Motion for withdrawal of the bill to provide for increasing the number of elective members of district local boards and other matters (Bill No. I of 1917). The Honourabe Mr. CURTIS.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I rise to a point of order. I should like to know under what rule this motion has been brought forward before this Council.

His Excellency the PRESIDENT:—I do not think there is any definite rule on this particular matter. It has been the custom of this Council to deal with such matters of withdrawal in this way. It certainly would be extremely inconvenient if the PRESIDENT did not have power to take action in case of withdrawal.

The Honourable Mr. PATEL:—May I be allowed to say one word. With regard to the Gujarat Talukdars Bill no such motion was made and yet the bill never saw the light of day.

His Excellency the PRESIDENT:—Did that bill come into the Council?

The Honourable Mr. PATEL:—Yes, your Excellency. That bill was read for the first time and referred to a select committee.

His Excellency the PRESIDENT:—I quite see the honourable member's point. It may be that Government may have been slightly irregular in the matter. But in the present circumstances I do not think the Council will object to a formal withdrawal of the bill, and I think it would be very desirable if it became the settled

rule that when a bill comes into the Council, it should be formally withdrawn before the Council so that it shall have an opportunity to oppose the motion if honourable members feel inclined to do so.

The Honourable Mr. G. S. CURTIS:—May it please your Excellency,—A few remarks only will be necessary from me with reference to this motion. I ask for formal leave to withdraw this bill for the amendment of the Local Boards Act, 1884

This bill was originally prepared in June last with a view to presentation to this Council at the September session. But owing to unavoidable delays sanction was not received until December. So that the bill was read a first time in March last. Meanwhile the object of the bill had been secured to a large extent by executive orders and the preparation of a larger measure designed to replace the existing act was taken in hand. It is hoped that the larger measure will be ready at an early date.

Government are, therefore, of opinion that it will be better in the circumstances to withdraw the bill. They consider that the discussion which has taken place both in this Council and in the select committee will not be without its usefulness, as several points of interest have received a great deal of attention, and the select committee have also obtained a great deal of information. But in view of the fact that the larger measure is now in hand and may, it is hoped, be introduced at a not very distant date, I think that it is undesirable to proceed with this minor measure.

I may add with reference to what has fallen from the Honourable Mr. PATEL that having regard to the fact that a larger measure has to be brought forward, it would be more suitable and more formal that there should be a formal withdrawal of this minor measure.

For these reasons, sir, I now beg to move for leave to withdraw this bill.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I rise to support this motion. In doing so I must congratulate your Excellency's Government on the bold and statesmanlike decision that your Excellency's Government has arrived at in connection with this bill.

This Council will remember the rather heated discussion we had on this bill at the first reading, and speaking for myself I am very much grateful to your Excellency's Government for this decision of Government.

However much one might regret the waste of public time and public expenditure so far involved, all is well that ends well.

The motion was then put to the vote and carried.

His Excellency the PRESIDENT:—A bill to provide for the extension of primary education in municipal districts in the Bombay Presidency other than the City of Bombay (Bill No. II of 1917)—First Reading—the Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—May it please your Excellency,—I rise to move the first reading of a bill to provide for the extension of primary education in municipal districts in the Bombay Presidency other than the City of Bombay. Honourable members will recollect that last December this Council considered a resolution which I had ventured to submit to its judgment, recommending that an early beginning should be made in the direction of making elementary education free and compulsory throughout the Presidency, by introducing it in the first instance within the limits of its municipal districts and that a mixed committee of officials and non-officials be appointed to frame and submit definite proposals in that behalf. In the interesting debate which ensued on the occasion, your Excellency's Government opposed the resolution on the

The Honourable Mr. Patel moves the First Reading of the Bill.

ground that it was constitutionally improper for a local Government to endeavour to support a resolution, which as your Excellency then said "went straight in the face of the confirmed and decided opinion of the Government of India," *viz.*, that for financial and administrative reasons of decisive weight the Government of India had in their resolution, dated the 21st February 1913, refused to recognize the principle of compulsory education. I refused to believe that the Government of India would adhere to their policy of pre-war times and did not, therefore, accept the constitutional objection raised by your Excellency's Government. The resolution was then put to vote and lost. Thereafter I prepared this draft bill and gave notice to the Secretary of the Council of a motion for leave to introduce it. Your Excellency's Government, as required by the instructions of the Government of India regarding legislation in local Councils, transmitted the draft bill to the Government of India. That Government considered the draft bill and intimated to your Excellency's Government that they had no objection to the principle underlying it. Your Excellency's Government thereupon communicated to me the decision of the Government of India through their legal department. As soon as I received that communication I moved your Excellency to order, under sub-rule 5 of rule 28 of the rules for the conduct of Council business, the publication in the *Bombay Government Gazette* of the bill, although no motion for leave to introduce it had been made. Your Excellency very kindly accepted my request and the bill with the statement of objects and reasons was, under the orders of your Excellency, published in the *Bombay Government Gazette* Under these circumstances, the bill is set down on the agenda for the first reading.

Before I proceed to discuss the various clauses of the bill I should like to take the opportunity of expressing on my behalf, on behalf of my non-official colleagues in the Council and on behalf of the people of this Presidency our deep debt of gratitude to your Excellency personally and to the members of your Excellency's Government for the support your Government gave to this bill in reporting it to the Government of India. The bill is, as your Excellency is well aware, the first of its kind and first rate in importance and the most momentous ever discussed in any provincial Legislative Council. If the bill passes into law, it will ever remain as an enduring monument of your Excellency's work in India and your name will be permanently associated with compulsory education in this country.

In moving the first reading of this bill I do think I shall be justified in detaining the Council by dwelling on the desirability and necessity of introducing compulsion in the system of our elementary education. The country at large has, with almost one voice, applauded the principle since the days of the late Mr. GOKHALE, who set the ball rolling in 1910. Your Excellency's Government and the Government of India have now come round to our view. My task, therefore, is much simplified. I should indeed have been very glad, if Government themselves had come forward to introduce compulsion throughout the Presidency, both in urban as well as in rural areas; but since that cannot be, the only alternative is for local bodies to be empowered to take the initiative and introduce compulsion with the sanction and under the control of Government. Local bodies, however, cannot take the initiative under the existing law and that is the reason why this bill has been introduced. I am aware that there are apprehensions entertained in some quarters as to how compulsion will be regarded by the people. It is said it is necessary to proceed cautiously. I have, therefore, proposed in this bill that the experiment should first be made in urban areas and not in rural areas. I have also taken care, in order that the bill may be acceptable to Government, to provide sufficient safeguards to prevent any misuse by any local body.

The honourable members will find in clause 3 that the issue of notification by any municipality making primary education compulsory in its area is made subject to the previous sanction of the Government. Clause 4 requires the municipality to make such provision as the educational department considers

necessary and sufficient for primary education before issue of the notification. Clause 5 provides that the resolution of the municipality regarding the issue of the notification shall be supported by at least two-thirds of the councillors present at the meeting. Clause 16 imposes obligation on the municipality issuing the notification to maintain such staff, buildings and appliances for its schools as the educational department may from time to time require. The clause further provides that all such schools will be open for inspection to the educational department. Clause 17 empowers the Government to cancel any notification issued by a municipality in the event of that body making any default in any of the requirements of the act.

These are some of the important safeguards provided in the bill.

I now invite your attention to clauses in regard to compulsion. Clause 8 makes it obligatory on the parent, which word includes guardian of every child, to cause that child to attend a recognized primary school in the absence of a reasonable excuse. Clause 9 defines the meaning of reasonable excuse. Clause 10 requires the school committee to give due warning to a defaulting parent and empowers the committee to apply to a magistrate who may pass an order directing the parent to cause his child to attend a school. Clause 11 provides that the parent shall be liable to a fine not exceeding Rs. 3 for failure to obey an attendance order. Clause 12 provides that the person who employs, either on his own behalf or on behalf of any other person, any child who might be at school under this act, after due warning shall be liable to a fine not exceeding Rs. 25.

Clause 14 empowers the municipality to impose an education cess, if the resolution in that behalf has been supported by at least two-thirds of the councillors present at the meeting. This cess, the clause further provides, shall be devoted by the municipality solely for the purposes of primary education.

Clause 15 deals with the question of fee. During the discussion on my resolution in December last the Honourable Sir MAHADEO CHAUBAL with his usual eloquence and emphasis put the view of Government that it was not desirable to make primary education entirely free, at least in municipal areas. At the same time it must be admitted that if you make primary education compulsory you have no right to take fee from people who could not afford. Having regard to these views I have drafted this clause to provide that if the parent of any child declares in writing to the head master his inability to pay fee, the child shall be admitted to such school free of charge. In fact, the declaration by the parent shall *per se* be regarded as sufficient to entitle the child to exemption.

Now I come to the last clause of the bill. I mean clause 18. This clause is intended to meet the technical objection raised under section 80 (2) of the Government of India Act, 1915, by the legal department of your Excellency's Government. That section provides that it shall not be lawful for any member of any local Legislative Council to introduce, without the previous sanction of the Governor, any measure affecting the public revenues of the province or imposing any charge on those revenues. The bill as drafted by me did not contain any provision similar to that contained in clause 18. Speaking for myself, I am of opinion that no express provision of the kind is necessary in a bill which does not purport to affect the public revenues of the province, or impose any charge on those revenues. If you read the bill now before the Council without clause 18, you will find that there is nothing in any of its provisions which purports to affect the provincial revenue or impose any charge on it. The Elementary Education Bill of the late Mr. GOKHALE did not contain such a provision and yet it was allowed to be introduced in spite of section 66 of the Government of India Act, which provides that it shall not be lawful without the previous sanction of the Governor-General to introduce any measure affecting public revenue of India or imposing any charge thereon. The legal department, however, insisted and the legislative department of the Government of India agreed with the legal department that in order

to meet the requirement of section 80 (2) of the Government of India Act an express saving clause as contained in clause 18 was necessary. I have, therefore, inserted clause 18 and I have no doubt that the select committee will consider the legal aspect of this question in all its bearings. Similarly with regard to clause 16, which provides that all schools shall be open to inspection by the educational department and municipality shall maintain such staff, buildings and appliances for schools as the said department may from time to time require. I did not insert this clause in the bill as originally drafted. Now you all know that schools maintained by municipality are open to inspection by the educational department and that it is bound to maintain the necessary staff, buildings and appliances as required by the department, if it at all cares for a grant-in-aid. The legislative department of the Government of India probably had not this view before them when they suggested the insertion of this clause. I trust, however, that the select committee will look into this and such other matters and make necessary alterations in the bill.

In conclusion, allow me, your Excellency, to express my gratitude to you personally for directing publication of this bill without any motion for leave to introduce it and thus affording me an early opportunity of moving the first reading thereof.

The Honourable Mr. HARCHANDRAI VISHINDAS:—Your Excellency,—This measure is of very great importance as it is calculated to revolutionize the conditions of this country and not only should your Excellency be congratulated upon lending your helping hand to this measure as the Honourable Mr. PATEL has done, but I think the honourable mover should also be congratulated in no small degree, because he has taken a leaf out of the book of the late revered Mr. Gokhale, and we hope that in the fulness of time he will attain to all the greatness of Mr. Gokhale. But whilst congratulating him upon having introduced this measure which will make for the lasting benefit of the country, and I daresay the Honourable Mr. PATEL'S example will be followed in other provinces, I am quite sure that there will be hardly a dissentient voice in supporting the principle of this bill. The procedure, upon which I need not dwell, which will have to be observed ordinarily will be that the bill will be referred to a select committee, and then it will come on for second reading when the details will be gone into and discussed and some of the sections retained or rejected as the case may be. But when a bill of this nature is introduced for the first time, I presume that what is intended in the shape of remarks or expressions of opinion on the part of honourable members is whether they are in support or in opposition to the principle underlying the bill and that the member who is in favour of the principle of the bill, that is, who is in favour of the first reading of the bill, is not at the same time debarred from expressing his opinion with regard to the principle of any particular clause although that particular clause may not be the subject matter of discussion at the first reading. As I understand and as I have from my experience observed in practice, the remarks that fall from honourable members on the first reading are taken as a guide or a clue to the select committee as to the lines of reform which may be followed there. In that regard I should not say that I do not congratulate the Honourable Mr. PATEL upon not having made his bill as complete as possible, but I should like to point out that there are certain details of the bill which do require if not amendment, at least very careful consideration at the hands of the select committee. I think I am quite in order in referring to them.

In the first place, the Honourable Mr. PATEL will remember that when the late Mr. Gokhale inrtoduced his bill in the Supreme Legislative Council, he had tried to meet in anticipation the objections that would have been raised against this measure by providing a number of safeguards, so that nobody should have any reason to complain that Mr. Gokhale had not been far-seeing enough to provide against the inconvenience and the discomfort that the universal application of the bill would give rise to in individual cases. An attempt seems to have been

made by the present honourable mover of the bill to do so, but I think that he has rather indulged in the pleasure of leaving the thing severely alone by making a general vague provision in clause 9 by using the words "where the child is prevented from attending school by sickness or other necessary cause." "Other necessary cause" is too wide a phrase to be very definite and clear and might afford a loophole to people to put forward any cause and also afford a loophole to very indulgent school committees to allow any cause to operate as a kind of excuse. I daresay this suggestion will be taken in the proper light by the honourable mover as also by the select committee and some more definite, clear and exhaustive provision will be made to meet the difficulty I am suggesting.

Then, as regards the phraseology, I have a very small suggestion to make. I would rather suggest that instead of using the words "schools committee" the words "school attendance committee" should be used, because we have already got school committees on every municipality and it is not proper that those school commitees should be confounded with the school attendance committees. Those school committees have got jurisdiction over the education of the whole of the municipality, but these committees will be confined only to the compulsory education part of the present bill. That is a very small suggestion and I do not think there will be any difficulty in accepting it.

Then as regards clause 18, I think that it is not necessary to have introduced this clause at all. So far from its having any beneficial effect it will rather have mischievous results and for these reasons. In the first place, as pointed out by the Honourable Mr. PATEL himself, which point I might myself to a certain extent elaborate, the provision of the law to which the Government have appealed for the purpose of insisting on the insertion of this clause is not really applicable at all. On the contrary, it is entirely irrelevant. What is meant by section 80 clause (2) of the Government of India Act, which has been just now referred to by the Honourable Mr. PATEL, is that if there is any bill introduced by a private member which on the very face of it by its provisions is calculated to affect the public revenues or which imposes a charge on the revenues of the province, then that bill should not be introduced without the sanction of the Government. Taking off clause 18, is this bill one which really affects the revenue of the province? Certainly it does not. Probably those who suggested to the Honourable Mr. PATEL, the necessity of inserting this clause, apprehended that the passing of this bill might be made an occasion for important municipalities to make an appeal to Government for grants. Well, I think that apprehension is entirely unfounded, if it did exist, for the simple reason that primarily under section 54 of the District Municipal Act, every municipality is under an obligation compulsorily to make provision for education within its district. But at the same time, instances are not wanting of grants being applied for and granted by Government, but those grants, it must be remembered, are entirely optional.

As a matter of fact the Government of India and the Government of Bombay have been very generous in giving these grants. But there is no legal or statutory obligation upon the Government to give these grants. That is a settled principle which I should expect nobody would challenge seriously. That being so, there was no cause for apprehension that the bill as it was originally framed, minus clause 18, imposed in any way any charge upon the public revenues. I say that in effect this clause is positively mischievous, in this way: that by the presence of this clause if any municipality is of opinion that its financial condition is of such a nature that it cannot make provision to carry out this bill except by extraneous assistance, this clause will always stands in its way. In the first place, that municipality will feel timid in approaching Government for a grant and in the next place if it did approach Government, if any member of Government or any authority of Government is so inclined, they could confront the applying municipality with this section as being a bar; although my own opinion is that even with this clause in existence Government would not be precluded from giving a grant which is, as I said, entirely of an optional nature.

Then there is another clause—probably my remarks might give rise to a difference of opinion—and that is that I cannot congratulate my honourable friend upon the introduction of these words in clause 3 sub-section (1). The words are :—

"With the previous sanction of the local government."

Now, whilst admitting the desirability and the necessity of Government having a kind of control and supervision over the fact that the municipalities have made sufficient financial provision, I cannot agree that the discretion of a municipality apart from that consideration should in any way be fettered by the previous sanction of the local government being necessary. Now, whilst on the face of it the words appear as "local government", in reality and in substance local government means the divisional commissioner, because the local government would act upon the recommendations of the divisional commissioner, and the divisional commissioner upon that of the collector of the district, and in the case of small municipalities the collector avowedly means the assistant collector. Instances would not be wanting of these worthies in the lower ranks who would say with Rudyard Kipling "East is East and West is West and the twain shall never meet" and think that while compulsory education is recognised and firmly established in the West, that is precisely the reason why it should not be introduced in the East. Some gentlemen of this class have sometimes remarked that if you introduce compulsory education how will you be able to get your menial servants? They will also think that they are educated men and they will not take to menial employment. Now if you have any officers permeated with these views, it is likely that if this clause is retained, it would in cases serve as an obstacle to the municipalities in carrying out the provisions of this bill. Therefore knowing that there will be a good deal of objection if I were to move an amendment which moreover would not be carried, I put this forward as a suggestion to the select committee, either to delete this clause altogether or to frame it in such a manner as to obviate the difficulty that I apprehend. With these remarks I congratulate the honourable mover of the bill upon having introduced it, and I heartily support its first reading.

The Honourable Mr. GHULAM MUHAMMAD WALAD KHAN BAHADUR WALI MUHAMMAD BHURGRI :—Your Excellency,—In my province it is admitted that the Muhammadan community is the most backward in education, and coming from that community I cannot leave this opportunity without thanking your Excellency and your Excellency's Government for enabling my honourable friend, Mr. PATEL, to introduce this bill. My lord, it is my community in Sind that will benefit most if this bill is passed into law, and I think every well-wisher of the Muhammadans would like that this bill should be passed into law. In offering a few remarks on this bill,- first of all, I would advert to the remarks of my honourable friend, Mr. HARCHANDRAI, who referred to Mr. Gokhale's bill, and said that certain safe-guarding provisions of that bill have not been included in the bill before the Council. But in view of the fact that Mr. Gokhale's bill was to apply to the whole country including the mofussil, and Mr. PATEL'S bill only to the municipalities, I think that clause 9 of this bill provides all the safeguards that appear to be necessary in the circumstances. Another criticism levelled against my honourable friend Mr. PATEL is on clause 18 of the bill. But with this criticism I quite agree. I may say, sir, that Mr. Gokhale not only had no such clause but Mr. Gokhale went further and contemplated a distribution of the cost of providing elementary education between the local bodies and the local government. That is, it contemplated that the government exchequer should contribute something toward compulsory education. My lord, I have got one apprehension certainly about this clause and I may frankly state it to your Excellency's Government. It has been, since a long time I think, recognized on all hands that the burden of providing elementary education for the masses is legitimately a burden on the shoulders of Government, and if the effect of clause 18 is to shift the burden from Government to the local bodies,

PRIMARY EDUCATION BILL.

I for one would enter my most respectful, but emphatic, protest against such a course, and I would, therefore, appeal to your Excellency's Government that this question may be considered fully in the select committee.

The Honourable Mr. SHERIFF DEVJI CANJI:—Your Excellency,—Ever since the late Mr. Gokhale moved his resolution on elementary education in the Imperial Legislative Council in 1910, the preponderating mass of educated opinion in this country has pronounced itself in favour of the introduction of the principle of compulsion in the system of primary education. The Imperial Government fanged itself against that opinion and definitely laid down their policy against compulsion in their famous resolution of 21st February 1913. Since then resolutions in favour of compulsory education were moved in the several local legislative councils, but the local government did not accept them in pursuance of the policy of the Imperial Government. A resolution of a similar character was moved in this very Council last December by my honourable friend, Mr. PATEL, and we all know that in spite of pronounced opinion in its favour what fate it met with. I am, therefore, glad that the Imperial Government have recognised the value of the responsible public opinion in this country and have accorded their approval to the introduction of voluntary compulsion in the system of our primary education. And it is this approval that has enabled us to consider the bill that is before the Council to-day.

The bill is modest in its scope and permissive in its character. It enables municipalities under certain conditions to make elementary education compulsory within their districts. Sections 3, 4, 5 and 6 provide sufficient safeguards against any hasty action on the part of any municipality. The bill, however, does not enable any municipality which introduces compulsion to make elementary education free also. Now it has been recognised by responsible leaders of public opinion in this country that elementary education must not be made compulsory unless we are prepared to make it free also. It is not just that you should ask a parent to send his child to school under penalty and then compel him to pay for his education. It is true that under section 15 a parent who declares in writing that he is unable to pay the fees of his child shall at once be exempted from paying such fees but it is sure to wound the self-respect of many a parent. The only consolation is that it is an improvement on Mr. Gokhale's bill in this respect that the mere declaration in writing of his inability to pay the fees of his child *ipso facto* entitles him to this exemption. I however accept it as a temporary compromise between the advocates of free education and those who maintain that we cannot afford to forego the fees charged in primary schools at the present stage of development.

But, my lord, the most retrograde provision in the bill is the one contained in its last section. In plain language it means that the Government shall not be asked and shall not be under any obligation to contribute anything to the funds required for the spread of compulsory elementary education introduced under this act. Now, my lord, it has been recognised by the Government that the education of the masses is the concern of the state and only recently in their resolution of 21st February 1913 the Imperial Government re-affirmed their recognised policy in the following unmistakable words :—

"The propositions that illiteracy must be broken down and that primary education has, in the present circumstances of India, a predominating claim upon the public funds, represent accepted policy no longer open to discussion."

It is not fair to ask any municipality to bear the whole burden of compulsory primary education in its district without a liberal grant from the public funds. We may be prepared to levy a special education cess to bear the burden to some extent of the education of our children, but it would be highly detrimental to the further development of primary education in this Presidency if the Government is statutorily made free from contributing its share in this matter. The charge of primary education should always be considered one of the concerns of the state and the Government should be prepared to deal with it out of public funds. Every

rupee that the Government spends in breaking down illiteracy not only brings new joy and new life to the people of this land, but also strengthens the efficiency of its administration in this country. My lord, to my mind section 18 is of such character that I would rather go without such a bill than countenance a policy whereby the local government is statutorily absolved from its recognised duty of bearing the cost of primary education in this Presidency.

Another point to which I wish to invite the attention of this Council is the wide power which is given to the Government under section 17 of cancelling any notification issued by the municipality without any warning or explanation. It is not fair to the municipality to condemn it unheard in a matter of such great importance.

My lord, I hope these remarks will receive the best attention of the Council. I have great pleasure in supporting the principle of this bill.

The Honourable Sardar DULABAWA RAISINGHJI Thakor of Kervada:—Your Excellency,—I rise to support the first reading of the bill. The discussion which took place on this subject at the last session of this Council, so clearly indicated a very strong feeling in favour of a measure of this nature, that I think, it would not be proper for one to take up most valuable time of this Council, specially when the principle is one which is acceptable to every one.

Your Excellency, the honourable mover is so moderate and so very careful in drafting this bill and in giving powers to municipalities to introduce compulsion that it gives a very free hand to each municipality to act in the matter. It is entirely left to such bodies to avail themselves of this opportunity afforded by this bill

I do not share the apprehension based on the ground of expenses and other consideration.

I shall give an instance of our Broach municipality of which I have got some experience. The annual income of the Broach municipality is over Rs. 1,50,000 and we have roughly calculated that if it makes education free in its area it shall only forego Rs. 1,400 or so in fees.

It is true that this measure would involve some more expenses in building schools and employment of larger staff, but these considerations, I venture to submit, should not prevent your Excellency's government from accepting the principle of compulsory education, for any hesitation on the part of Government gives a sort of feeling that the Government is not prepared to encourage a wide spread educational movement.

I, therefore, humbly submit that no other consideration should hamper our advance in education which will be an example to other Presidencies.

With these remarks, I most heartily support the motion for the first reading of the bill.

The Honourable Mr. CHUNILAL VIJBHUKANDAS MEHTA:—Your Excellency,—The Honourable Mr. PATEL is to be congratulated on the persistent devotion which he has given to this subject in finally bringing it before this Council in the shape of this bill. In his speech he has congratulated your Excellency's Government and also the Imperial Government on the approval they have given to the principle of this bill. It seems to me, sir, that your Excellency's Government will have to be further congratulated when the principle of this bill is approved by you, not only in giving sanction to this bill but also in seeing that practical effect is given to it when the bill becomes law. This remark from me is necessary on account of the provision of section 18 in the bill of the Honourable Mr. PATEL. I may incidentally remark that he has left poor Bombay City out of the beneficient action of this bill but I suppose he has done so because of the provision in the City of Bombay Municipal Act by which Government are bound to share in the increased expenditure if compulsory education is provided. But I must remind the Honourable Mr. PATEL that there is also another provision which

says that if there should be at any time a change in the general policy of Government, then the Bombay City Municipality will benefit to the same extent as mofussil municipalities. It seems to me, sir, that section 18 is so important that it cannot be lost sight of even when we are considering the principle of this bill What I should like to make perfectly clear is that the select committee should be at perfect liberty to have that clause deleted and ask for a statutory provision for a contribution from Government towards the expense of making education compulsory and free or compulsory and partially free. I consider it so important because I believe that there are very few municipalities indeed, if any, which will be in a position financially to undertake the burden of making education compulsory and free or even partially free without a substantial assistance from the provincial and imperial governments. In this connection I will read, with your Excellency's permission, the passage of the speech of the Honourable Mr. GOKHALE which gives predominant importance to this consideration. He says, " Lastly it is provided that the Government of India should lay down by rules that the proportion of the heavy cost of compulsory education should be divided between the local government and the local bodies concerned it being assumed that the supreme government will place additional resources at the disposal of the local government to enable it to pay its share, the local body being on its side empowered to levy a special educational cess if necessary to meet its share of expenditure. It is obvious ",— and I would like to draw the attention of the members of this Council to this particular sentence,—" that the whole working of this bill must depend, in the first instance, upon the share that Government is prepared to bear towards the cost of compulsory education wherever it is introduced. I find in England that the Parliamentary grant covers about 2/3rd of the total expenditure on elementary education, in Scotland it amounts to more than that, whereas in Ireland it is practically the whole cost. I beg to place before you, my lord, that we are entitled to ask that at least 2/3rds of the expenditure should be borne by the state." Thus an authority like the late Mr. Gokhale has emphatically laid down that so substantial a contribution as 2/3rd must be forthcoming before compulsion is introduced. As he says, the whole working of this bill depends upon it. I think we should not do anything or admit any provision in our bill which can by any stretch of imagination prevent us in future from asking for a contribution from the state. It may be pointed out that the present grants in-aid given by the local government are entirely optional. So they are, but I should like to make it perfectly clear that this clause will not make it impossible for the municipality in future to ask for the grants of the nature that I have mentioned, and there is every reason why the provincial government and the state should undertake to contribute towards the cost of making education compulsory. Education means greater wage-earning power and wage-earning power means greater capacity to be taxed. Without the aid of Government I consider that it would be impossible for this bill to be worked in practice. Then I would like to draw attention of the members to the possible effect which such a course might have upon the aim that we have so much at heart. It may on the one hand happen that the municipality will be actually prohibited on account of financial cost from undertaking this work of compulsory education and on the other hand Government might say that the municipalities have chosen to take the initiative in working the provision, let them bear the cost and let them do it themselves especially as they have not asked for any financial assistance. Such a calamity would be grievous indeed and the cause of making compulsory education free throughout the Presidency would be put back a long number of years. There are various provisions in the bill brought forward by the Honourable Mr. PATEL which call for comment, but I will not take up the time of the Council in dwelling upon them, as I consider that financial assistance is really the fulcrum upon which the whole working of the bill depends. For instance there is the question of fees. I think that the Honourable Mr. PATEL has not even provided the safeguard which the late Mr. Gokhale provided in his bill, making it free for all parents whose income did not amount to or exceed Rs. 10. Mr. Patel

has merely left it really to the school committees to decide and the objections to that course are obvious. An enquiry will have to be made which will be in the nature of an inquest and the cost of making these enquiries would be out of proportion to the amount of fees that would be levied. The Honourable THAKOR of Kervada just now told us that the amount in Broach amounted to Rs. 1,400.

The Honourable Mr. PATEL :—May I point out to the honourable member that there is no question of an enquiry in connection with this? The declaration is to be accepted *per se*.

The Honourable Mr. CHUNILAL MEHTA :—Very well then, if that is the case we may just as well provide for free education altogether. Because even if there is a justifiable reason to ask for remission of fees, the demand will be a mark of pauperism. It makes an invidious distinction between men and men. I think it would be extremely hard to work it in practice and as I say if these fees amount to such small figures, it is hardly worth while to quarrel about it. In Bombay itself they amount to Rs. 37,000. So that when you compel a parent to send his child to school, I think you might as well provide that no fees shall be charged. I think the Honourable Mr. HARCHANDRAI pointed out that the definition of "reasonable excuse" is not sufficiently clear. I agree with what the Honourable Mr. HARCHANDRAI says. There is another matter which I should like to mention, section 4 of the bill provides that while the municipalities are prepared to take the initiative, it is left to the education department to see whether they have made adequate provision for the schools or not. Perhaps it might also be provided that no municipality shall undertake compulsory education unless there are about 50 per cent. of the pupils already at school. It stands to reason that if there are only 20 or 25 per cent., it would be a hopeless task to try and compel the other 80 or 75 per cent. to go to school. In conclusion I will again mention that I consider section 18 as important as the principle of the bill. When we especially mention the educational cess which is to be levied by the municipality and we make no mention whatever of the government contribution at the same time, indeed when we affirm that no charge will be imposed on public revenues, the argument would seem to be that the municipality will have to do without government contribution which is very far from the intention.

His Excellency the PRESIDENT :—I think we might perhaps adjourn till 3 p. m. for lunch.

The Council then adjourned for lunch.

[After lunch.]

The Council re-assembled after lunch at 3 o'clock.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH:—Your Excellency,—I support the principle of this bill. Although much has been said in its favour, this bill presents one difficulty to my mind, and that difficulty is this: In what language, so far as the Presidency proper is concerned, will primary education be imparted? So far I find a tendency among my co-religionists in the Presidency proper to have primary education imparted to their boys in Urdu.

Now as the bill stands, it might be said that if the Mahomedan members of the municipality do not like to have compulsory primary education owing to its not being imparted in Urdu, they can vote against such a motion. But as the Mahomedans form a minority on the municipality, the municipality can still pass the resolution they desire. A motion under clause 5 could be carried inspite of the two or three Mahomedan members that will be on the municipalities, by two-thirds of the members present. Now if it is carried by two-thirds of the members in spite of the wishes of Mahomedan members, yet the municipality can introduce compulsory education.

Again under section 14 the municipality by two-thirds of the members present can levy any tax for the purpose of the education-cess. Now here too

in spite of the Mahomedan members, the municipality can levy that cess. I submit, sir, that looking to clauses 5 and 14, though the Mahomedan members of the municipality may be against the principle of compulsory introduction of primary education, yet the rest of the members of the municipality can do that; and when they can do that, they can say we are not going to have primary education imparted in Urdu. Therefore under those circumstances there is no alternative left to the Mahomedan members but to remain quiet, and therefore I think there is need for an express provision to provide for the above contingency.

As regards compulsion, it might be said that they might come under one of the clauses which exempts their boys from compulsory attendance in the school. But I submit that if they are to be exempted, the very object of the bill will be frustrated, because the object of the bill is to introduce compulsion for the purpose of diffusing elementary education widely amongst the masses.

I will also offer one or two remarks about the school committee. It is a very important committee which has to do very important duties under the act. Therefore I submit that it ought to be a representative body.

With these remarks I support the first reading.

The Honourable Mr. PANDURANG ANANT DESAI :—Your Excellency, with very great pleasure I support the first reading of this important bill. On principle I do not think that any educated man can oppose this bill. Even the worst pessimist would not dare to oppose this bill on principle. It is admitted on all hands that elementary education is necessary for the masses. It is recognized by Government that it is absolutely necessary that the masses should be educated. The nervousness on the part of Government was about two things; the first thing was that the country being principally agricultural, agriculturists would be unwilling to send their boys to school whose services they utilize for their own occupations, namely, tending cattle and doing agricultural work in the fields. Therefore, Government said: "If we compel such agriculturists to send their boys to school and thus deprive them of the services of their own children, we shall have to incur the odium of such men. We are not willing to incur such odium and unpopularity." "Therefore," Government said: "we are not willing to impart elementary education to the masses against their wishes." The second thing about the nervousness of Government was this; Government said: "Here there is a question of cost. Government at present is not in a position to bear any cost on account of this matter." As regards the first point of the nervousness of Government, the honourable mover of the bill has undertaken the responsibility. He is willing to incur the odium. He is willing to be cursed if people would curse him.

Also the municipalities are willing to incur this curse, if curse it would be. Of course, my honourable friend is not afraid, because he is receiving the blessings of every one of us for bringing in this bill before us and there is no doubt that he will receive the blessings of the agriculturists when they benefit by the education of their children. So, as far as that question of odium is concerned, Government is free from it. The second question is the most important question, namely, the cost of this enterprise. The honourable mover said to us that both section 16 and section 18 have been inserted in this bill at the instance of the local Government as well as the Government of India. Now when I read these sections I feel somewhat nervous, because your Excellency will see that having regard to the financial conditions of all the municipalities in the Presidency not a single municipality is in a position to bear the total expenditure which the municipality shall have to incur on account of this matter. The condition of illiteracy is most remarkable. Yesterday in connection with another meeting I got certain statistics supplied by the divisional Commissioners. There was a question before Mr. ORR'S committee with respect to the percentage of literate to illiterate persons among the voters of municipalities. There your Excellency will find the

percentage in certain cases is appalling. I am specially referring to my own district, Bijapur, which is most backward in point of education. In my district the municipality of Bijapur has got the percentage of 56 illiterate to 44 literate. The municipality of Guledgud has got 71 illiterate to 29 literate. The municipality of Ilkal has got 75 illiterate to 25 literate.

The Honourable Mr. CURTIS:—Are these males or males and females?

The Honourable Mr. DESAI:—I think these include both males and females, but this will be a certain guide to us that the percentage of illiterate is not insignificant and that it is appalling. Therefore I say that the question of cost would be a difficult one and the insertion of these two clauses, namely 16 and 18 of the bill, at the instance of Government, might perhaps lead to some difficulty. The municipalities, if the permission is given by Government and a notification is issued under section 3, shall have to make a demand on Government. They would ask Government to make a contribution in this matter and Government might say possibly that the understanding at the time when this bill was discussed was that Government had not to pay a single pie on this account and that the whole cost was agreed to be borne by the municipalities themselves. I think it is absolutely necessary at this stage that we, the non-official members, should place on record our say with respect to this matter. I say that, though sections 16 and 18 are in the bill, our understanding is not that the whole cost is to be borne by the municipalities. It does not prevent the municipalities from making demands on Government in this connection and I am sure that unless Government comes to the aid of the municipalities it would be impossible for all the municipalities in the Presidency to undertake this enterprise. Of course, it will be welcome if any municipalities are in a position to bear the expenditure. They might introduce this measure in their district without outside help in that event.

Now there is another thing that I wish to point out. Section 3 of this bill says:—"The municipality in any municipal district constituted under the principal act may with the previous sanction of the local government declare by notification that primary education shall be compulsory in such district." Now this section contemplates that before any municipality is empowered to issue a notification it shall have to satisfy Government that it is in a position to introduce this measure in its own district, and Government then may say to the municipality; "unless you are in a position to bear the whole of the expenditure we are not giving you the sanction which is required by section 3"; and then this bill would be a dead letter. Therefore my submission is that there should be no understanding that by these clauses, namely 16 and 18, the municipalities are debarred from making a demand for a contribution from Government. At present the state of things is this, that whatever the municipality spends on primary education, a certain contribution—generally one-half—is borne by the local government. In the same way we shall have to ask the assistance of the local government in this matter.

The honourable mover of the bill has provided in section 14 for an education cess. He says: "Where a notification under section 3 is in force in any municipal district, the municipality may impose a tax, hereinafter called an 'education cess'." This cess will to a certain extent enable every municipality to bear a certain proportion of the expenditure which they shall have to incur in this matter, but that will not be enough. In case this cess is not enough and in case the municipality is not in a position to bear the whole expenditure, it shall have to take the assistance of Government in this matter and I say then Government should not hide themselves behind these clauses 16 and 18. They should not say: "Well, you have undertaken to bear the whole expenditure, now we are not in a position to give you anything,": because if that is the understanding, even if the bill is passed, it would be a dead letter. No municipality to my knowledge will be able to bear the whole expenditure on this account. There-

fore I say that at the time of the discussion in the select committee this should be seriously considered by them and the member in charge of the bill.

Then as regards other matters about which there was some nervousness, the bill provides several safeguards. The first safeguard, as I have said, is that before the notification is issued application will have to be made to the local government and sanction of the local government has to be obtained. That is a healthy safeguard. Then the second safeguard is that if any municipality thinks, having regard to the number of the girls or to the position of female education, that this bill should be applied only to boys, the municipality is empowered to do so. There is not the rule that when this bill is introduced in any particular municipal area, it should be applied both to boys and girls at the same time. It is discretionary. Then the next safeguard is that a municipality before it makes an application to Government is to make provision for primary education. Here the municipality will have to take into consideration its own position, because unless the municipality makes provision for primary education, namely, about the staff, buildings and other things, it will not move Government for its sanction. Then as regards the punishment which is to be meted out to defaulters, namely, the parents or guardians. Of course, first a warning is to be given and then a man is to be taken before a magistrate, and then the magistrate prescribes a certain period and asks the parent or guardian to send his child to school within that period. If he fails to do so, then the punishment is a fine which may extend to three rupees. He may be fined one anna, two annas, three annas or four annas, or more, according to circumstances.

Then there is a provision about the complaints of the school committee. Of course, this safeguard is most important, because it is not left to one individual, namely, to one member of the municipality, to decide whether a prosecution is to be made or not. It is left to the discretion of the school committee and the school committee consists of four or five members. They will take into consideration all the circumstances and then, if they think it right, they may bring a complaint. Then a provision is also made for the remission of fees. A resolution was brought by the Honourable Mr. PATEL in this Council about free and compulsory education, and at the time the honourable member in charge of the education department had said that it is not proper that his son or a pleader's son or a judge's son should go to school and should not be charged with fees. In order to meet that objection provision has been made in this bill that in certain cases where the parent or guardian goes to the headmaster or the head of the institution and says that he is unable to pay the fees—of course, his word is to be taken—he is not to be charged with fees for his boy. Now it might be said that this would be a loose provision, because persons might come and say to the headmasters that they are unable to pay although they are able, but we must look to the self-respect of the men. For the sake of one anna or two annas I do not think men will come forward and make a false declaration. There may be some false declarations, but we must make allowance for them, because our intention is to make education free as far as possible. So I say there is no danger even if some people make a false declaration in this respect.

Then power is given to the educational authorities of Government to make inspection from time to time, to make suggestions in respect of the staff, buildings, sanitary conditions and so on.

Then I should like to say a word with respect to the suggestion made by the Honourable Mr. HARCHANDRAI. He said that in section 9 it is stated "A parent shall be deemed to have a reasonable excuse for failure to cause a child to attend a recognized primary school where the child is prevented from attending school by sickness or other necessary cause." He objects to this latter phrase "other necessary cause." He says it is necessary to specify the causes You will find in every enactment that some causes are specified and others are not

because it is not possible to forecast all the possibilities, and all the difficulties, which might arise! Other reasonable excuse might be that the boy's father or mother is sick, he has to attend, he has to go to the doctor's shop and bring medicine. It might be that the boy is engaged in a marriage ceremony. You cannot specify all the causes in this enactment and therefore some such clause is necessary. Therefore I say that that clause should be retained.

Then my honourable friend, SHEIKH GHULAM HUSSEIN HIDAYATALLAH, said that it would be difficult unless it is specified what elementary education is to be given in a primary school. He said things might come to this pass, namely, that there is always a minority of Mahomedans in the municipalities—at least in the Presidency the minority is of Mahomedans—and if in the case of such a municipality two-thirds of the members, who must be Hindus or non-Mahomedans, came to the conclusion that a notification under section 3 of this enactment should be issued making primary education compulsory, that that measure would be introduced against the wishes of the Mahomedans. He says that unless some provision is made to secure the interests of Mahomedans this bill should not be passed. I say there is a provision in this enactment which would secure the interests of the Mahomedans, because before the notification is issued in the particular area the municipality shall have to take the sanction of Government, and Government before they give their sanction will take all these matters into their consideration and if they think that it is safe to introduce this measure, then and then alone would they give their sanction, not otherwise.

These are the few remarks which I wanted to make. Of course, I have said that my object in making these remarks about the cost is purely this. When a demand is made on Government in this connection, Government should not say: "There is clause 18 in the bill, you are not to make a demand on us." I say that it is the understanding of the non-official members that section 18 has been introduced in this bill only because section 80 of the Government of India Act 1915, says that no such bill could be introduced unless it is sanctioned by the local government. In this case, as the bill stands, there is no provision in the bill which says that the finances of Government are taxed. As the honourable mover said, there is no provision in the bill itself which says that any burden is imposed by this enactment on the provincial revenues there was no necessity of section 18 in the bill but the Government of India and the local Government wanted this clause and at their request the same has been inserted by him. I therefore submit that there should be no understanding that the whole cost is to be borne by the municipalities.

The Honourable Mr. PURSHOTAMDAS THAKURDAS:—Your Excellency, at the outset I would like to add my tribute of admiration to the Honourable Mr. PATEL'S great labour, perseverance, tenacity and patience with which he has striven after the cause that the bill that is before this Council to-day represents. I think every one in this Council would like to see this bill pass into law, but I also believe that every one would like to safeguard this measure against any complaints from the people for whose benefit it is meant.

To begin with, in the clauses of the bill I do not see any definition which marks out clearly what people of the area that is to be affected by this bill will be included in it. Supposing this bill applies to the municipality of Poona. Suppose that municipality applies to Government to be allowed to introduce compulsory and free education in Poona and Government give their sanction to it. To whom does compulsion apply? Does it apply to every person who stays in Poona for a week or two? As far as I can see in para. 2 where the definition is given, there is no exception made for the population that generally passes through either on short visits or on festive or other occasions. My view of this may be wrong, but as far as I am able to ascertain, no one has pointed out to me anything in the bill which makes an exception in the case of people who come

within the area to settle there temporarily. I should like the select committee to bear this in mind and I hope the honourable mover of the bill will also give me some definite information on the point.

The Honourable MR. PATEL:—Has the honourable member read clause 8?

The Honourable Mr. PURSHOTAMDAS:—I would like the words "ordinarily resides" amplified. Supposing a child of 10 years 'ordinarily resides' in that area, is this meant to apply to him? I think the honourable mover will admit that a little more explicit definition would be helpful.

Then we see, as the Honourable Mr. HARCHANDRAI pointed out, that the late Mr. GOKHALE, when he presented to the Imperial Legislative Council his bill on primary education, made a number of exceptions for 'reasonable excuse.' The Honourable Mr. PATEL has, and I think rightly, made provision in a general clause which you find in section 9 (*a*), the words being "or other necessary causes." I take it that the actual working out will have to be left to the school committee. I have no objection to this, but I wish with the Honourable Mr. HARCHANDRAI that if this could be made a bit clearer, it would be very helpful.

The main objections and the main suggestions of the honourable members who have spoken on this bill have been on the score of the last two clauses of the bill. We have been told that there are very few municipalities that are in a position to undertake this without Government help. At the same time the honourable mover has told us that this last clause 18 had to be inserted by him before the bill could be allowed to be presented in this Council. It resolves itself into this, my lord, that it is a question of finance. The ways and means for this are mainly, I take it, provided for in clause 14, whereby an education cess is allowed to be levied. I gather from the speeches of my various honourable friends here who have had experience of matters municipal that the question of finance may come seriously in the way. The Honourable Mr. DESAI just now told us that even though this bill should pass into law as it stands, he expects your Excellency to take a note that non-official members wish it to be understood that the whole cost of compulsory education is not to be borne by the municipality and that the bill would not prevent it from making a demand on Government for help. But if the clause stands in the bill as it now does, I do not think his speech will be in any way binding on Government. I, therefore, propose to look at clause 14 a little more closely. If the Government in any way keep back the grant, I take it, sir, that it is very advisable that this Council should put a sort of maximum on the educational cess that is provided for in clause 14. That educational cess I see is to be imposed under section 59 of the main act. Section 59 has several sub-heads, and I would suggest to the select committee to fix a sort of maximum for the education cess, say not to exceed the highest percentage that is imposed under any one of the headings mentioned in section 59 of the main act. I think, sir, that this sort of check or safeguard would be very necessary from a legislative body like this, in spite of our enthusiasm to see primary education made compulsory in India and in this Presidency.

There is one more obvservation that I would like to make in connection with the education cess. There is no provision made as to who should be liable for the education cess. The main act provides for taxation on carriages and other property. I would submit, sir, that if there is going to be an education cess, people who are graduates and who have had education should be asked to subscribe. I think they would be the people who would grudge the least, because it is only fair that those who have benefitted by education should contribute something. I throw out this suggestion for the consideration of the select committee. It has been suggested to me that this education cess should be imposed according to the income tax that each individual pays. I personally object to it most emphatically. Income tax is a tax that no individual would be willing to divulge to anybody else, and I think the less said about it the better

it is for us. As it is, you tax the rich people and the property owners heavily. I therefore think the educated people should be brought in, and I think they would not mind it at all. It has also been suggested that as in the case of the Muhammadan suffrage, title-holders should be brought in. I think all these details may be considered by the select committee.

With these few observations on the points that struck me as requiring explanation at the first reading, I give my hearty support to the first reading of the bill.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH:—May it please your Excellency. I heartily support the first reading of this bill. I think the Honourable Mr. PATEL has rendered great service to the country and to this Presidency in particular in introducing this bill before the Council and I also share in the appreciation that he has expressed about the help that he has received in connection with this measure from your Excellency's Government and the Government of India.

Many of my honourable friends referred to several questions of detail in connection with this bill, but I think a measure of this kind may require a considerable amount of alteration. So far as the details are concerned, I think the best thing is that they should be left for being dealt with by the select committee. The only question now before the Council is whether with the conditions as they exist, is it desirable or is it not desirable to make education compulsory in municipal areas where municipalities are prepared to accept the conditions prescribed by the bill, and I should think that there should not be the slightest hesitation that the measure is a very desirable one and will certainly help the advance of education in the country, and the power which is sought to be given by the bill ought therefore to be given.

So far as clause 18 of the bill is concerned, a certain amount of nervousness has been shown by my honourable friend Mr. DESAI, but what appears to me is that in a measure of this kind no Government will bind itself by statute to any sort of financial obligation. I understand that looking to the sympathy which Government always feels for the spread of education and the help it has hitherto been giving, it is certainly not necessary that Government should put it on paper that it binds itself to give particular help to the municipalities which introduce compulsory education. If the municipalities do their work with earnestness for the spread of compulsory education, there ought not to be the slightest doubt that Government will fail to do its own duty. Nobody throws upon Government the statutory duty of helping the local boards and municipalities for the purpose of advancing education. Government do give that help, and that help, I am quite sure, Government would be ready to give when the municipality shows its earnestness by accepting the conditions which have been laid down, and I think that there is not the slightest reason for feeling any nervousness on this point. If the bill is passed, I am sure there will not be any difficulty, so far as financing is concerned, up to the extent to which the resources of Government permit. Therefore, there ought not to be any ground for not accepting the bill, because the liability of Government to bear any share in the expenditure is not specified in the bill.

Then my honourable friend, SHEIKH GHULAM HUSSEIN HIDAYATALLAH, raised some question with reference to the acceptance of this bill by the Muhammadan community. I do not think the Muhammadan community need entertain any apprehensions that any injustice would be done to it, as I understand primary education is not intended to be given only in the language of the district, but in the language of the communities, and where there is a Muhammadan community and where the municipality is agreeable to perform the conditions necessary for the introduction of compulsory education, the Muhammadans would be educated in Urdu where Urdu is their home language. It would be

certainly attended to and would be regarded as the language of the people. I do not think there is any serious apprehension on this ground, and the bill as it is ought to be read for the first time.

The Honourable Khan Bahadur PIR BAKSH walad MIAN MAHMUD:—Your Excellency, in connection with this bill I have to say a few words only. The working of the bill entirely depends upon the municipalities. Well, sir, I do not think under any circumstances any municipality in the Presidency would be able to undertake the entire maintenance of schools for the purpose of compulsory education. The circumstances of the various municipalities are well known to my honourable friends and I do not think even Karachi, Hyderabad or Sukkur, which are well advanced municipalities, can afford to undertake all the expenses of schools.

The Honourable Mr. HARCHANDRAI VISHINDAS:—I take exception to Karachi.

The Honourable Khan Bahadur PIR BAKSH walad MIAN MAHMUD:—At this time, unless Government comes in to aid the municipalities, I think our discussion on the whole bill will be found worthless. The whole thing depends upon the financial condition of the municipalities.

Another thing is that the bill provides that children of 6 to 10 years of age should be sent to school. Your Excellency is well aware that in this Presidency or in India boys are generally weak and the 4 years' education that they will receive will not serve them in any occupation or profession they want to enter in their after-life. This should be extended to something more than 12 years.

Apart from this I do not think that certain sections are workable without causing inconvenience to the people. In the first place the bill provides that the question of a child's attending a particular school for a particular number of days in the year and the hours of attendance shall be determined by the educational department of Government. I think it is a subject in which the consultation of local officers and councillors of the municipality concerned is inevitably necessary. They are in a better position to know the sentiments and the circumstances of the different classes of the persons living in the municipalities, and I would suggest that this section 2 (*i*) requires some amendment which I think it is needless for me to suggest at this stage of the bill.

Another point which I wish to bring to your Excellency's notice is that in most of the municipalities business is transacted by a quorum of 10 persons though the number on the board is 30. Under the circumstances, if a resolution regarding application to Government for the extension of primary education to a municipality is resolved by 10 members only, it means that the whole question was not properly discussed by sufficient number of representatives on the board. This section, therefore, ought to be partially amended.

Again, section 10, sub-clauses (1) and (2), deal with the discretion of the magistrates or school committees. Of course there is no appeal against the magistrate's order, and if the parents do not obey the order of the school committee they are to be hauled up before the magistrate for punishment.

The Honourable Mr. PATEL:—The school committee is not empowered to inflict any punishment at all.

The Honourable Khan Bahadur PIR BAKSH:—But you say that they may apply to the magistrate for the prosecution of the defaulter, and there is no provision in this bill entitling the defaulter to appeal to the general body.

Another point that strikes me is the prosecution of the parent of a child. According to the definition of the word parent, it includes the guardian or any person having the charge of a child. Consequently he is liable to be prosecuted if the child fails to attend the school. I am sorry I feel bound to oppose

such a provision. In support of this I would only respectfully leave it to your Excellency to judge what consequence would arise from this procedure if a widow or other female belonging to a *purdanashin* or to a respectable family was the only parent having the care of her child and who failed to send her child to school. She would necessarily appear before a magistrate against custom and against her will. What does it mean? It will suffice on my part to say that she would prefer to commit suicide rather than be dragged to a magistrate's court. Your Excellency can very well imagine with what feelings this would be looked upon by her relatives. It would put the whole community into disgrace. So this section requires some consideration. Apart from this I would point out that it would be rather impossible for any policemen to serve such summons on such a female. I do not think it is a proper legislation and could under the circumstances be accepted.

I only want to add that the bill as it stands requires considerable amendment by the select committee, and bearing all these difficulties and fears in mind I again repeat my remark that if Government does not come to the aid of the municipalities the bill will remain a dead letter.

His Excellency the PRESIDENT:—I think it will be to the convenience of honourable members if we now adjourn till 11-30 a. m. tomorrow.

The Council then adjourned till 11-30 a. m. on Thursday the 26th July 1917.

By order of His Excellency the Right Honourable the Governor,

(Signed) R. B. MILNE,

Secretary to the Legislative Council of the Governor of Bombay.

Journal of the Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915 (5 and 6 Geo. V, Ch. 61).

The Council re-assembled on Thursday, the 26th July 1917, at 11-30 a.m., at the Council Hall, Poona.

PRESENT:

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

The Honourable Sir MAHADEV BHASKAR CHAUBAL, K.C.I.E., C.S.I., *Vice-President.*

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

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

The Honourable the ADVOCATE GENERAL (Mr. T. J. STRANGMAN).

The Honourable Mr. S. R. ARTHUR, I. C. S.

The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.

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

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

The Honourable Mr. P. R. CADELL, C.I.E., I. C. S.

The Honourable Mr. SHERRIFF DEVJI CANJI.

The Honourable Mr. JAMES GARGRAVE COVERNTON, C.I.E.

The Honourable Mr. PANDURANG ANANT DESAI, LL.B.

The Honourable Sardár SYED ALI EL EDROOS.

The Honourable Dr. C. FERNANDES, M.D.

PRIMARY EDUCATION BILL.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD.
The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.
The Honourable Mr. MAHOMEDBHOY HAJEEBHOY.
The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Lieut.-Colonel JAMES JACKSON, C.I.E., M.B., I. M. S.
The Honourable Mr. EBRAHIM HAROON JAFFER.
The Honourable Mr. J. D. JENKINS.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Mr. G. F. KEATINGE, C.I.E., I. C. S.
The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwada.
The Honourable Mr. H. S. LAWRENCE, I. C. S.
The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
The Honourable Khán Bahádur PIR BAKSH walad MIAN MAHMUD.
The Honourable Mr. CHUNILAL VIJBUKHANDAS MEHTA, LL.B.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Sardár SHRINIWAS COOPOOSWAMI MUDLIAR.
The Honourable Ráo Bahádur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. W. U. NICHOLAS.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. F. G. PRATT, I. C. S.
The Honourable Mr. MUNMOHUNDASS RAMJI.
The Honourable Mr. W. M. ROSS.
The Honourable Ráo Bahádur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. PHIROZE C. SETHNA.
The Honourable Mr. PURSHOTAMDAS THAKURDAS.
The Honourable Ráo Báhádur TEKCHAND UDHAVDAS.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

His Excellency the President : Order, order. Further discussion of the first reading of a bill to provide for the extension of primary education in municipal districts in the Bombay Presidency other than the City of Bombay (Bill No. 11 of 1917.)

The Honourable Sardar SYED ALI EL EDROOS:—Your Excellency,—It gives me great pleasure in rising to support the bill brought forward by my honourable colleague Mr. PATEL. The question of free and compulsory education, is a question which cannot but find its echoes, in the hearts that have tasted it and reaped its fruits. The policy of free and compulsory education has long been followed by the Western nations and with results which we know too well. It has also been adopted, by some of our enlightened native rulers, and not without success. Baroda and Mysore are two prominent examples. Let us not therefore lag behind, but act up to the advice of Mr. PATEL, and allow such municipalities as can afford to give free and compulsory education, on the lines advocated by him, as an experimental measure. This also solves the problem of extra expenditure on the part of Government. But there is yet another difficulty which requires consideration. The scarcity of trained teachers is well-known. Again there is not a sufficient number of good buildings for the schools and some of those available are not in a good condition. On the whole, I think Mr. PATEL'S is a good plan and argues success. If this bill is passed into law it will be a check on the parent's negligence towards their children, who are so apt to overlook their training. It will be a boon to the backward classes and especially to the Mahomedans, whose peculiar conditions are so deplorable. Let the question of Urdu or other

language be kept aside at present, because the changes in the courses and training will remain in the hands of the Government educational department, and they will act according to the wants and requirements of the people. But at present we have to deal with the principles of the bill for free and compulsory education by which, to my mind, Muhammadans will be more benefited in future, because now they are more backward in education than other communities. With these remarks I heartily support the first reading of the bill.

The Honourable Ráo Bahádur VENKATESH SHRINIWAS NAIK:—May it please your Excellency,—I have very great pleasure in supporting the first reading of the bill, so ably and eloquently moved by my friend the Honourable Mr. PATEL. Before discussing the principles of the bill, I feel it my duty to tender my grateful thanks to your Excellency's Government and also to the Government of India for their great kindness in granting the requisite leave, for the introduction of this useful measure of legislation, into our Council, and to congratulate the honourable mover, on the great distinction of bringing in the first private bill, during my as well as his term of office. It is a matter of common knowledge that to the British Government there is nothing dearer and more sacred than the spread of education amongst the teeming millions of this country. Government encourages the diffusion of education of all sorts in this country, to the best of its power and financial ability.

The bill before us, is intended to encourage the principle of self-help in the matter of the spread of primary education, on the part of municipalities in this Presidency. The great principle of compulsory education in this country, for which the late lamented Honourable Mr. GOKHALE strove with all his might underlies the bill of which the first reading is now under our consideration. The acceptance of this principle is to be left by the proposed legislation under this bill to the discretion and good sense of every municipality in this Presidency. The bill is intended as an enabling measure to make it feasible for such of municipalities in this Presidency as may desire to give to the people within their respective jurisdictions the boon of primary education to all children between the ages of 6 and 10. No municipality is to be forced to enforce this measure within its jurisdiction against its will. Though in appearance and in theory clause 18 of the bill which had evoked so much feeling on the part of certain of my colleagues seems not to affect the finances or the revenues of the Presidency as a matter of legal obligation, yet nobody is more certain than myself, that your Excellency's Government will be pleased to give larger grants-in-aid to the municipalities desiring to make education compulsory within their limits, after the unfortunate gigantic struggle in which the British Empire is at present involved is brought to a successful termination, and after the financial stringency is over. I do not entertain any fears whatever that Government will ever shirk its duty to the people entrusted to their care by the merciful Providence and I trust further that Government will be pleased to contribute to each municipality that may choose to benefit itself by the proposed legislation, at least the same amount of money that it may be able to raise by the levy of the special educational cess and by drawing upon a portion of its normal revenue. I hope that Government will be pleased to encourage one municipality after another in the Presidency, to apply for the issue of a notification under section 3 of this bill, by its liberal and generous treatment.

I confess that I was not a little surprised by certain remarks made by my honourable friend Mr. Gulam Husein in his speech yesterday. He seemed to fear that the interests of his co-religionists may suffer if the bill becomes a law. It seemed to me that he was labouring under an erroneous impression that primary education through the medium of languages not understood by the Mahomedans would be forced upon them. My honourable friend and those that share in his fears may rest assured that the children of each community living within the limits of a municipality will be given primary education through the

medium of their mother tongue, even after the bill passes into law. There is no reason whatsoever to fear that the interests of the minor communities will suffer in any way under the proposed legislation. I found it very difficult to follow the trend of the speech of my honourable friend Khán Bahádur Pir Baksh. He seemed to entertain exaggerated fears as to the safety of widows and purdanashin ladies who may happen to be guardians of children after the passing of this bill into law. But I make no doubt whatever, that the feelings and customs of such guardians, will be scrupulously respected and safeguarded under the supervision of a watchful and benign Government.

I dare say, that it is not difficult to detect many defects in the bill as it now stands and I freely admit that the bill is capable of considerable amendments in its details, but as the bill has to pass the careful scrutiny of a competent select committee, we must not enter into its details at this stage. After the bill emerges from the select committee it is open to every honourable member of this Council to move amendments if he likes. At present we are only concerned to see if the bill is grounded on sound principles. In my humble opinion, the principles of the bill are thoroughly sound and we may safely pass the first reading of the bill. With these observations I support the first reading of the bill with all my heart.

The Honourable Mr. EBRAHIM HAROON JAFFER:—My lord,—The speakers, who have gone before me, have already pointed out the urgency of introducing the principle of compulsion in elementary education and have shown how the bill before the Council ought to be welcomed by all. I shall not therefore labour this point and attempt to prove what requires no proof. It is, however, necessary to clear away certain misunderstandings with regard to the bill. It is certainly capable of modifications which are necessary, but with regard to its main principles, there ought to be, to my mind, complete agreement among us all. Compulsory primary education is required in the best interests of the country and if anybody will benefit thereby, in particular, backward communites like the Muhammadan community will derive the utmost advantage. In Poona City, hardly half the Muhammadan population of the school-going age are at school. The conditions in the mofussil are still worse. The backwardness of the Muhammadans is mainly due to the illiteracy which prevails among them and they ought heartily to welcome a bill like the one now before the Council. It must be borne in mind that sufficient safeguards have been provided in the bill and in the select committee, more may be introduced if necessary. Details with regard to language and so on may be carefully considered later, but the principle of compulsion must be generally accepted. The fears entertained about the operation of the bill, are useless. The bill is to apply to boys only. In supporting the Honourable Mr. PATEL'S resolution in this behalf at the December session of this Council, I referred to this question of the education of girls and observed that, for some years to come at least the masses of the Muhammadans may not consent to the attendance of girls, and even in the present bill, I am glad to find that my honourable friend has taken this view into consideration and excluded girls from the operations of the bill. I must congratulate the Honourable Mr. PATEL on the bill he has framed and brought before the Council, and I do so on behalf of the Muhammadan community in this Presidency and my own constituency in particular. He has been indefatigable in his efforts to promote the cause of education and it is my duty to offer him my congratulation and heartfelt thanks. With these words, my lord, I support the bill before the Council.

The Honourable Sir DINSHAW MANOCKJEE PETIT:—Your Excellency,—I feel I would be wanting in my duty if I did not openly declare my support to this bill and also if I did not add my humble voice to the chorus that has been raised in this Council of congratulations to the Honourable Mr. PATEL for having introduced into this Council a bill of such far-reaching character. As

an employer of labour and as a representative in this Council of an association which is the largest employer of labour in this Presidency and probably in this country, I welcome this measure. It is true that the City of Bombay is excluded from the scope of this bill, but it must be borne in mind that the labouring classes which are employed in the city are drawn from the various parts of the presidency, and therefore the city itself is bound to derive the advantages of this bill to a considerable extent. This bill contains several clauses which require very careful consideration at the hands of the select committee to which it is to be referred, and I have no doubt that they will thresh them out carefully and consider them in all their details before the bill is passed into law.

I have no desire, my lord, to refer to the several clauses and detain this Council further, especially as I have fresh in my mind the ruling which your Excellency gave me at the time of the discussion, in reference to the first reading, of the Bombay Boilers Inspection Bill, that it was not open to the members to discuss at the first reading the various clauses of the bill, but the bill could only be considered on its principle and its general effect. But bearing in mind that on this occasion your Excellency has allowed the different members to refer to the various clauses of this bill, I trust you will allow me to allude to clause 18 of this bill and say that I am afraid this clause if it is allowed to stand as part of this bill may have the effect of nullifying to a considerable extent the object of this bill at the same time. I therefore trust that the select committee will pay particular attention to the question as to whether this clause should be retained in the bill or not.

As regards the general principle of the bill, it would be superfluous for me to say anything in support of it. It is acknowledged beyond any doubt that most of the evils from which we are suffering come from illiteracy, and if we touch this root cause, we will be adding considerably to the progress and welfare of the people of this country.

With these remarks, I fully support the Honourable Mr. PATEL'S bill.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD:—Your Excellency,—I rise to accord my hearty support to the bill and to join the previous speakers in offering my congratulations to the Honourable Mr. PATEL for moving this bill and your Excellency's Government for permitting it to be introduced into this Council. Your Excellency, the general consensus of opinion in this country is in favour of the principle underlying this bill, and I think I need not say anything further to support the principle which has been embodied in this bill. I know there are financial difficulties in the way of carrying out this measure fully, and it will be for your Excellency's Government to meet the financial difficulties as they arise in the case of the various municipalities.

With these remarks, your Excellency, I heartily support this bill.

The Honourable Mr. PHIROZE C. SETHNA:—Your Excellency,—Hardly any more words are necessary in support of the first reading of this bill. Every member who has spoken on the bill on this occasion as also every member who spoke at the last sessions on a resolution to the same effect then before the Council has expressed his views very strongly in favour of the spread of free and compulsory education. In fact, leaders of public opinion throughout this country for years past have tried to convince Government of the importance and the advantage of lowering the percentage of illiteracy in our midst and we in this presidency have therefore every reason to be grateful to your Excellency personally and to your Excellency's Government for according sanction to the bill which the Honourable Mr. PATEL has introduced in this Council.

So far every one has spoken in favour of the bill. The only note of dissent, if it might be called a note of dissent was struck by the Honourable Khán Bahá-

dur PIR BAKSH who said that perhaps a resolution might be carried by a municipality by a sort of snatch vote, but if the Honourable Khán Bahádur reads section 5 carefully he will find that the honourable mover has laid down that a motion in regard to compulsory education cannot be brought forward before any municipality without a special notice and a special general meeting would require to be convened to consider such motion. There is therefore no fear of a snatch vote, and if there is a special meeting held we may always expect a very full debate on the question before it is decided upon. Then again the Honourable Khán Bahádur PIR BAKSH said that the feeling in Sind will run very high so much so that should any municipality compel a child, whose father was not alive to go to school and if in case of failure the mother were to be taken before a magistrate, rather than appear in a court of law she would prefer to commit suicide. Perhaps this is stretching the point too far. Instead of committing suicide she would resort to the alternative of sending the child to school and thus prefer the lesser evil of the two, if attending school be at all considered an evil.

There is one other point, your Excellency, that I wish to refer to in regard to the financial aspect of the question. That I take it is the crux of the whole matter and attention has been drawn to it by several honourable members. The honourable mover has told us that he has not chosen to put in clause 18 of his own accord, but he had to do so on account of the insistence on the part of the Government of India. The insertion of this clause has caused some alarm. The honourable mover told us that if no further monetary support is accorded by Government he for one expects the municipalities to levy what is known as an education cess to carry out the object of this bill. It was pointed out by the Honourable Mr. CHUNILAL MEHTA and very rightly that some of our municipalities are so poor that it would not be possible for them to levy any additional taxation. We would want to know therefore if Government would strictly adhere to clause 18 or it will be possible for us to come forward with a request to Government for the grants to municipalities being enhanced. I hope, sir, that the honourable member in charge of the portfolio of education when he rises to speak on this resolution will make a pronouncement to the effect that in spite of clause 18, should funds permit, Government will be prepared to give additional grants to those municipalities which will enforce compulsory education.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE :—Your Excellency,—I rise to support the first reading of this bill and in doing so I wish to put forward this point, that this is the second private bill that has been introduced into this Council. The first private bill that was introduced into this Council by the Honourable Sir IBRAHIM RAHIMTOOLA did not meet with a happy fate, but I hope that this Council will consider this bill in a very favourable light and will pass it as speedily as it possibly can. Several members of this Council have spoken on the various clauses and on the principles of those clauses, but I would request them to consider whether, if they agree with the general principle of the bill, it is worthwhile fighting very much about the details of the bill; otherwise we would let, as it is said, the best be the enemy of the good. If we agree upon its principle and the general desirability of introducing compulsion under certain circumstances, I think we ought not to cavil at particular details. If every member had the choice of drafting a bill himself, he might possibly have it slightly different, but on the whole, we ought to meet each other to a certain extent and I hope that no special objection will be raised to the various details of the bill. I am sure that the select committee will take into consideration all the difficulties that have been raised and any others which any members or any public bodies might bring to the notice of the select committee, and I am sure they will consider these very carefully.

I am not particularly diffident about the operation of the financial clause, although I should have been glad if it were not considered necessary to insert

such a clause. I myself, on reading the seventeen sections of this bill, do not find that there is any single clause to show that Government is bound to spend a single pie, but if legal technicalities require that a saving clause is required, I have no objection to let it stand. There is no harm even if that clause stands and takes away from Government any legal or statutory obligation for financial aid. I do not think that there will be any difficulty in moving in this Council a resolution that such and such a grant should be made or set apart in a particular year for helping those municipalities who introduce this compulsion principle. I do not believe that your Excellency will debar any private or non-official member of this Council from moving a resolution of that kind. If any member feels any doubt about it, the select committee might consider whether it is not worthwhile inserting another saving clause in this bill, somewhat to this effect: "Nothing in this bill shall prevent any municipality from applying for an increased grant from Government for bringing in compulsion as embodied in this bill." On this account I am not afraid of that last saving clause, clause 18.

As regards other points that have been raised, I think the select committee will consider them. But I might point out, with reference to my honourable friend, Mr. GHULAM HUSSEIN HIDAYATALLAH'S remarks, that his objection about the question of language in the case of Mahomedan students in rural areas does not seem to me to have much weight. There is a clause in the bill which requires the educational department to see whether proper arrangements have been made for imparting education. If there is in any municipality a considerable number of people whose mother tongue is Urdu, I am sure the educational department will first of all see whether a proper provision has been made for imparting education through their mother tongue. I go further still and think that, if occasionally it happens that in a large town there are only four or five families speaking Urdu and it is not possible for the municipality to make special provision for them, the school attendance committee will, if the guardians of those children think that it is a sin to get primary education through the medium of other languages, consider their case favourably and will excuse the children from attending school for this or in fact for any other necessary cause. I do not think that such a contingency will arise, but I am sure that the Honourable Mr. PATEL has taken every possible precaution in the opinion of some of us too many precautions in getting this very desirable measure of compulsory education introduced. I am, however, not quarrelling about these precautions, because I have every hope that once the principle of compulsion is accepted this principle will be extended further and further until, within a not very long period, the whole presidency will be permeated with the idea of compulsion, not only in municipalities but local board and all other areas.

With these words, your Excellency, I have great pleasure in supporting the first reading of this bill.

The Honourable Mr. BALKRISHNA SITARAM KAMAT:—Your Excellency,—While heartily supporting the principle of the bill now before the Council, I wish to refer only to the last clause, namely, clause 18, to which reference has already been made by my honourable friends, Mr. PAREKH and Mr. PARANJPYE, who say that although it would be preferable not to have section 18 in the bill, still it would do no harm if it is allowed to remain. Well, on principle, I take the strongest objection to section 18. It is a saving clause which has perhaps been suggested by the legal department, but I should be very glad indeed to hear whether the suggestion emanated from the Government of India first, or whether it was suggested to the Government of India by the legal department of the Government of Bombay and since approved by the Government of India. The whole point is whether section 80, sub-clause (*2*), of the Government of India Act, 1915, bears the interpretation necessitating the insertion of such a clause. Section 80, sub-section (*2*), of the Government of India Act, as far as I can read it, is

intended to point out what business can be transacted in a local legislative council, what measures could be introduced. It only says that it shall not be lawful for any member to *introduce* a measure which has any connection with the public revenues without the sanction of the local Government. That refers to the introduction of a bill only. From the marginal note "Business at meetings," it is perfectly clear that both these clauses (1) and (2) only indicate what business could be transacted and what business could not be transacted, and in sub-clause (2) we are told that if a bill has any connection with public revenues or if it imposes any charge on public revenues, then the introducer of the bill shall take the previous sanction of the Governor. The whole spirit of this clause refers to the introduction into this Council of a bill. It does not mean, to my mind at any rate, that every private bill introduced by a non-official member should have a label, as it were, attached to it indicating that notwithstanding anything contained in the bill such and such a thing will follow. If we accept that interpretation of sub-clause (2), all that will follow is this: every bill introduced by a private member will have to be labelled with this saving clause; in fact, it will become a formula, as it were, of each and every private bill, and I do not think that sub-section (2) of section 80 bears that interpretation. I therefore think that section 18 ought to be expunged from the bill entirely. Once, of course, permission to introduce a bill is granted, there is no necessity to tack on this section to every private bill. Besides I think there are other safeguards in the bill itself which make the saving clause totally unnecessary. For instance the Honourable Mr. PATEL has provided that it lies in the hands of the local Government to give or to refuse permission to a municipality to issue a notification making primary education compulsory. Well, if Government at the time when an application from any particular municipality is received think that that municipality seeks to impose any charge on the public revenues, it lies in the hands of the Government to refuse permission. That is a sufficient safeguard. Then again there is a second safeguard, that even after giving that permission if it is found that that municipality is not able to stand financially upon its own legs, so far as the educational expenditure is concerned, then it lies under the sections in this bill in the hands of Government to cancel the notification and withdraw the compulsory eduction from its area. Both these are sufficient safeguards in my opinion and I do not think that the bill should include a saving clause, namely section 18. Furthermore, it is not prefectly equitable to my mind why we should have a saving clause in the bill. The Honourable MR. PATEL does not throw upon the Government any statutory burden to give any grants; at least no statutory provision is made in the bill itself. Yet Government have the fullest control of all the municipal schools. He proceeds to say that even the schools maintained by any municipality where compulsion has been introduced are liable to inspection at the hands of the educational department. School hours, curriculum, and practically everything will have to be according to the standard approved of by the educational department. Although he has given these two safeguards, yet Government want to keep in their hands still further a special reserve power, as it were, to say that they are under no circumstances bound or are under the least liability, limited or unlimited, to give any grant to any municipality. I think the insertion of this clause would affect not only this particular primary education bill, but it may apply perhaps to all bills brought forward by non-official members. This sort of power is rather unsafe. It only means that in connection with any bill which a non-official member wishes to introduce and which has the remotest connection with public revenues he shall have to admit into the body of the act a saving clause in each and every case. That is not in my humble opinion, the interpertation of sub-clause (2) of section 80; otherwise it would be impossible—I am speaking only on principle—for any non-official member to inroduce any legislation which can be construed to have a remote connection with the public revenues, without the necessity of adding in each case such sort of clause. Therefore, not only in the interests of this primary

education bill, but in the interests of the right and privilege of non-official members to introduce, subject no doubt to the sanction of the local Government or the Government of India, bills having reference to public revenues, I think it is necessary that section 18 of this bill should be expunged altogether.

The Honourable Mr. DATTATRAYA VENKATESH BELVI:—Your Excellency,—I think I should add my feeble voice to the chorus of congratulations which your Excellency's Government and the honourable mover of the bill have been accorded by more speakers than one. I congratulate your Excellency's Government on the fact that it has availed itself of the earliest opportunity of emerging from what I consider to be an unenviable position into which it had landed itself in December last by rejecting the resolution of my honourable friend Mr. PATEL on leaving it to the option of municipalities to make primary education free and compulsory within their limits. I believe I am echoing the sentiments of the people of this presidency when I say that the attitude, I should say the illiberal attitude, which was then adopted by your Excellency's Government came as a painful surprise to the presidency as a whole. We, non-official members, never expected that there would be such an impenetrable wall of opposition offered to us by Government, but fortunately for us we found the Honourable Mr. PATEL a persistent worker who was able to wear down the opposition of even Government. My honourable friend Mr. PATEL deserves our congratulations for various reasons. Mr. Patel is nothing if he is not indomitable and persevering.

Now as to the principle of the bill, I do not believe there can be any divergence of opinion. The main principle which underlies this bill is the principle of introducing compulsion into matters educational. Is it or is it not right to compel a parent or guardian to educate his child or ward? That is the one question with the consideration of which we are at present concerned. We find that in all civilised countries universal and compulsory primary education has been found to be absolutely necessary and civilisation has been based more upon universal education than on anything else, not only in England, not only on the continent of Europe, but also in other civilised countries such as Japan. We are unfortunately very much behind these civilised countries and are only now awakening to our position as regards matters educational. The late Mr. Gokhale, an illustrious patriot, did his best to introduce compulsory and free education into this country, but unfortunately for us his efforts did not meet with success. But what the Honourable Mr. GOKHALE could not achieve as a whole, will now be achieved piecemeal by gentlemen like the Honourable Mr. PATEL in the Bombay Legislative Council and by other non-official members in other legislatures in the continent of India. I was glad to read only yesterday that a similar bill is very soon to be introduced into the Legislative Council in the Madras Presidency. That is a matter of sincere congratulation not only to me, but to all my non-official colleagues.

I have already said that there cannot possibly be any divergence of opinion as to the main principle underlying this bill, but fears have been expressed in this Council by more than one speaker as to the attitude which Government may take up hereafter if clause 18 were allowed to pass into law. I do not entertain any such fears at all. In the first place I do trust and hope that section 18 of the present bill will not survive the ordeal of a select committee, but if it does, it will be for such of us as may not be on the select committee, to see that it is pruned off. Even if we fail in expunging it altogether, yet I have a robust faith in the generosity of Government. Whatever may be the law, the British people in this country will do their utmost to extend primary education. I do not believe that Government will ever take its stand upon a legal technicality when it is asked to liberally contribute towards the expansion of primary education in this country, because I know as a matter of fact that a mandate has been given, not only to the people but to every public servant of this country by such a high authority as His Imperial Majesty the King-Emperor of India. When His Imperial Majesty

visited this country last, he commanded the people of India to hope, unite and educate. These are the three words which he asked us to very solemnly remember. That is what we are doing. We trust that education will be in course of time universal in this country, we have already tried and done our best to unite amongst ourselves and we do hope that freedom and education will soon come to every household in this country.

His Imperial Majesty was pleased to command that an additional grant of 50 lakhs of rupees a year be given to the people of this country for promoting the cause of primary education. The Government of Bombay got for some years a contribution from the Government of India for the diffusion of primary education out of this royal bounty. It is only owing to the unfortunate circumstance that the empire has been drawn into a gigantic struggle with powerful enemies that that contribution has now been stopped, and unfortunately for us Government have not been able during the last two years to open the new primary schools which they had promised to do. We know that your Excellency's Government has already declared its intention to open at least 500 new primary schools every year in this presidency. But for this war there would have been 1,500 schools added to the list of schools in the presidency during the last three years. I do not believe that Government will ever take its stand upon technicalities, and my firm belief is that wherever the British flag flies the cause of freedom and the cause of education must advance. It is but too true that there are at times some Englishmen in India who are reactionaries and who try to hold us back in our onward march, but a time does come sooner or later when every Briton must come forward and advocate the expansion of education and freedom, among us.

If this bill fortunately proves a success, it is very likely that a similar bill may be introduced for permitting district local boards to make education compulsory in selected places within their jurisdiction. We know there are many taluka towns where there are no municipalities and where it is not possible under the present bill for any taluka town to avail itself of the provisions of this beneficent measure. But that is a matter of some distance of time. I only point to the great possibilities which lie hidden within the bosom of this bill and I trust that your Excellency's Government will give this bill its whole-hearted support and make its passage through the Council easy.

Various clauses of the bill before us have been dealt with by some of my honourable colleagues and several defects in the bill have been pointed out. I do not mean to say that the bill is one which does not admit of any improvement or amendment at all. It is susceptible of amendments, but we must wait and see what the select committee will do. If we do not find that the select committee gives to the bill a form which is acceptable to every one of us, it is open to us to make suggestions at the proper time to bring it into harmony with our ideas, but that is a matter with which we need not at present trouble ourselves. What we are concerned with at present is whether the principle of the bill is or is not sound. In my humble opinion it is perfectly sound and I repeat my congratulations to my honourable friend. The principle apparently seems to be very small, but it is really a very great principle indeed. Great things, it is said, have very often small beginnings and the present instance is one of that kind.

It seems to me that the bill only permits certain municipalities in the presidency to make, if they please, primary education compulsory in their own area, but when once that principle is accepted, a time may come when another bill may be introduced making it compulsory upon every municipality and, for the matter of that, upon every institution of local self-government to provide for free and compulsory education within its limits. The honourable mover of the bill has made it wisely optional in this bill to make or not to make education free on the part of a municipality within its jurisdiction. It may or may not do so, but it is a great thing that a municipality, if it likes, should be permitted to compel people to give education to their children and make that education free if it can do so.

PRIMARY EDUCATION BILL.

[26TH JULY 1917.] [*Mr. Abdul Kadir* alias *Fakir Mahomed* walad *Ibrahim Khan*; *Mr. H. S. Lawrence.*]

With these few observations I support this bill with all my heart.

The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN:—Your Excellency,—It has been observed by some of my honourable friends that there is some opposition on the part of the Mahomedan community to the bill now before the Council. I therefore feel compelled that I should join as a member of the Mahomedan community in according my support to this bill and I beg to bring to your Excellency's notice that the Presidency Mahomedan Educational Conference recently met at Dhárwâr, which was attended by not less than 300 delegates from different parts in the presidency, and they have unanimously passed a resolution asking Government to introduce free and compulsory education in the Presidency. If any community is going to be benefited by the introduction of universal free and compulsory education, it is the Mahomedan community and if any proof is required to show that compulsion will do good to the Mahomedan community, one has simply to pass through Mahomedan streets of big cities like Bombay and he will find Mahomedan boys playing with pebbles, playing kites and smoking cigarettes, and so on.

Finding as I do that some of my friends have removed the fears which were expressed by the Honourable Mr. GHULAM HUSSEIN HIDAYATALLAH and Khán Bahádur PIR BAKSH, I do not think I should take the time of the Council longer. But apart from that the only fear expressed by the Honourable Mr. HIDAYATALLAH was that, if compulsion were introduced in a municipality for primary education, it is very likely that in the absence of Mahomedan representation in the Council the two-third majority of the municipal council would force compulsion on the Mahomedans without consulting Mahomedan wishes. Apart from this question of due Mahomedan representation in municipal bodies as well as local bodies, which will I am sure receive consideration at the hands of your Excellency's Government, as well as this Council, and particularly in view of the provisions of this bill which enables a municipality to levy an education cess, as a matter of fact, I would welcome compulsion even against the wishes of the Mahomedan community. Of course, the Honourable Mr. GHULAM HUSSEIN has told us that the municipalities have power to introduce compulsion without consulting Mahomedan wishes and perhaps it is very likely that they will levy a cess to introduce this compulsion. I must assure my honourable friend that wherever there is a considerable number of Mahomedan inhabitants in a municipal area, there are generally Urdu schools and as my honourable friend has been assured by the Honourable Ráo Bahádur NAIK, I think the municipality cannot interfere with the form of instruction and if the municipality in any way interfere with the medium of instruction, it would be for Government in the education department to see that there is an adequate number of primary schools, and that the proper medium of instruction is used for the different communities. I, therefore, on behalf of the Mahomedan community which I have the honour to represent in this Council, accord my hearty support and at the same time congratulate Government with feelings of gratefulness for permitting the Honourable Mr. PATEL to introduce this bill.

The Honourable Mr. H. S. LAWRENCE:—Your Excellency,—I am moved to offer a few remarks on this bill chiefly by the reception which this Council gave to the speech of the Honourable Mr. PIR BUKSH.

Many members evidently thought that the honourable member was jesting, or at the least using the language of violent exaggeration, when he depicted the grave consequences that would follow upon the compulsion of purdah-nishin women to appear before an attendance committee or a magistrate. Sir, I am persuaded that the honourable member spoke in complete seriousness, and that he represented views which will be held most tenaciously by a large section of his co-religionists.

PRIMARY EDUCATION BILL.

[*Mr. H. S. Lawrence; Dr. C. Fernandes.*] [26TH JULY 1917.]

References have been made to the bill which the late lamented Mr. Gokhale placed before the Imperial Council. It was a great misfortune, in my humble opinion, that it was rejected on the first reading, and not referred to a select committee. That was in March 1912; and we are still in the same state of uncertainty as to the reception that this law will obtain from the people as the Imperial Council was in five years ago. Members of this Council have no doubt studied the discussion in the Imperial Council, but I venture to remind them that that bill was strenuously opposed by several Mahomedan councillors; and even those who accepted the principle of the bill maintained that certain safeguards were necessary, and that unless those safeguards were inserted in the bill by the select committee, it would be impossible for Mahomedan representatives to accept the bill. This emphatic view was expressed by a gentleman from Bombay, whose judgment is, I believe, held in high esteem by certain members of this Council. I refer to the Honourable Mr. JINNAH. This point of view is of considerable importance to the province of Sind, and I venture to express the hope therefore that in the select committee which will be appointed to consider this bill the Mahomedan case may be fully considered.

I would ask permission to draw attention to the principles underlying clauses 4 and 14 of this bill. A municipality must first get a certificate from the educational department that they have made sufficient provision for the new influx of pupils; they must then induce Government to issue a notification; and only after they have done so can they introduce an education cess. Now, many towns would not be in a position to finance new schools and to train new teachers from their existing revenue, and so the procedure suggested would land them in a deadlock; they could not get sanction to the notification, because they have not got the money, they have not got the money, because they have not got the sanction for the notification. I trust that this point, which appears to me vital to the success of the measure, may be set right in the select committee.

Certain members appear to advocate this bill in a very light-hearted manner. If I understood their views aright, they said in effect: "Let us pass this bill; and gain great merit by being the first to introduce compulsory education in India. We leave the enforcement of the measure to Government, and if it proves a dead letter or gives rise to trouble, that is the affair of Government." That cannot be applauded as the attitude of responsible legislators.

Government in this country have hitherto refrained most scrupulously from interference in the domestic concerns of the people. This measure is intended to control the relations of parents and children, and will affect every home in the selected localities in a manner never yet dreamt of by the people.

I submit, sir, that we must select our localities with the greatest care. I do not oppose this bill. I approve of the measure most fully; and I wish to see the defects of this bill removed in the select committee. This bill must be made far more elastic in its provisions; to enable small areas to be selected; to enable separate communities to set up their own attendance commitees; and so on; and if this measure is to be fruitful of benefit to the country, it will require the best service that every man can give in thoughtful and zealous consideration, and above all in good will.

The Honourable Dr. C. FERNANDES:—Your Excellency,—As this bill is of such far-reaching utility and as its fate is being watched with keen interest and warm enthusiasm, I feel that I shall be failing in my duty to the people of the presidency if I did not give articulate support to the first reading of the bill. As various speakers have already made valuable suggestions for the consideration of the select committee, I do not wish to detain the Council with any lengthy remarks. I wish however to make one suggestion. The bill provides for an enquiry at the hands of magistrates in certain cases. Such an enquiry will, I am

afraid, be looked upon with disfavour. Besides, convictions by magistrates are looked upon by the generality of the Indian public and generally by those from out of whom such cases must arise, as a stain on their reputation, though such a view would be difficult to be appreciated by the educated classes. To avoid this I would suggest another equally effective but far less objectionable machinery, namely, that a bench of the president and vice-president of the municipality, who owe their position to the confidence of their brother councillors, should be entrusted with the power to dispose of such cases without any appeal being provided against their decision. With these words I cordially support the first reading of this bill.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—May it please your Excellency,—I most heartly join in thanking the Honourable Mr. PATEL for having brought this measure before this Council. I also join in thanking your Excellency's Government for granting permission to bring this measure before the Council. I cannot, however, congratulate Government on the tardy and halting support which it would appear to have given to this measure. It was strongly opposed by Government when it first came before this Council in the form of a resolution moved by the Honourable Mr. PATEL in December last and it was a great disappointment to non-official members to find that it was not then accepted by Government. It is also disappointing to hear that the bill should not have been accepted by Government as it was originally submitted by the Honourable Mr. PATEL, though it was drawn up by him in an excessively modest spirit to make it acceptable to Government in every way. In the first place the Honourable Mr. PATEL expressly provided in clause 3 that the issue of a notification making primary education compulsory should be subject to the previous sanction of the Local Government.

Then in clause 4 he provided that the notification under clause 3 should not issue unless the municipality made such provision as the Educational Department of the Local Government consider necessary and sufficient for the primary education of all children in the Municipal District.

Then further he added a clause, No. 14, binding the municipality to impose an education cess to provide funds necessary for this additional liability.

Then again he added a further clause, No. 17, giving Government absolute power to withdraw the notification in case the municipality made default in any of the requirements imposed on it by the bill. In fact he imposed every possible liability on the municipality for the carrying out of this measure, while he left absolute power to Government to accord or not its sanction to its introduction and to withdraw it at any time as it pleased. Not a word was introduced in the bill to bind Government's hands in any way or to impose on it any liability whatever. The bill brought forward in this form should have met with warm support from Government without any further insistence of any amendment in it. It appears, however, that the Government were pleased to insist on clause 16 being added, which provides that all primary schools maintained by a municipality in any municipal district in which a notification making primary education compulsory is issued shall be open to inspection by the Education Department of the local Government and the municipality shall maintain such buildings, staff and appliances for all such schools as the department may from time to time require. This was already sufficiently provided for in clause 4 and there was no need to insist on this clause 16 being added. Government, however, did not stop even there but insisted on still another clause, *viz.*, 18, being added, and it was seriously objectionable. My lord, it is often complained that legislation by Government is introduced more or less to strengthen the hands of Government and to bind the public and other bodies concerned with one-sided obligations. I am sorry that a bill brought forward by a private member should also be open to the same objection. I should have felt more glad if Government instead of insisting on insertion of clause 18 had been able to persuade itself to ask the Honourable

Mr. PATEL to embody in this bill a statutory assurance binding it to give the needful additional help to municipalities for the successful working of this measure. That would have been in the fitness of things especially as Government knows full well that even the existing liability which municipalities have to bear in connection with education is found to be far too heavy for them and that the help which Government is giving them is not adequate enough. The help at present given to municipalities is not in proportion to that given to the local boards, and even for what the municipalities are required to do now more assistance at the hands of Government is necessary. It is not, I think, denied that in respect of elementary education the primary responsibility is on Government and that responsibility must be cheerfully accepted. Illiteracy is still rampant in this country and as my honourable friend, Mr. DESAI, said, it is very disappointing and unsatisfactory to find that even in large towns the percentage of illiterate voters should be found to be from 50 to 75 per cent. The state of things ought to be removed and I think we have a claim on Government to insist on its giving us all the help that is needed in carrying out this measure. I can say with confidence that unless such help is forthcoming it will not be possible for even the more advanced municipalities to bring this measure into force within their area. My lord, the people of the Presidency pay as much as about Rs. 20 crores a year to Government by way of revenue and it is due to them that Government should provide for them sufficient funds from the public revenue to give them at least primary education. Therefore, instead of embodying a provision like clause 18 which expressly exempts Government from any liability in respect of that help, we should certainly insist on Government embodying in the bill a clause conveying Government's statutory assurance that in cases where a municipality may come forward to tax itself to give effect to this measure, Government help will be far more liberally given than at present. I have no doubt that Government will give it, but this clause 18 as it stands raises unnecessary alarm and this alarm, I think, should be removed.

Our friend, the Honourable MR. PATEL, told us that though this clause may stand in the bill there will be nothing to prevent Government from giving needful help. We shall be glad to receive that assurance from Government and if that assurance is given, and if as a matter of fact the required help will be forthcoming, then where is the need to have an express provision on the statute exempting Government from liability to give that help. How can we ask our people and the municipalities to impose additional taxation upon themselves for this measure when there is no assurance in this act itself to indicate that the needful help will be forthcoming from Government, and if clause 18 is to stand as it is, we cannot approach the public unless this assurance is embodied in the statute itself.

The Honourable Mr. PATEL pleaded that this clause 18 was not originally put in by him but that it was inserted to secure the assent of Government to introduce this bill. For my part, I agree with my Honourable friend, Mr. KAMAT, in thinking that there was no need for it. The bill as it stood did not impose any specific liability upon Government, and, therefore, there was no need for clause 18. Even in the bill which the late Mr. GOKHALE presented to the Imperial Government no such saving clause was deemed necessary. If I am right in that, well, I do not know why we should not insist upon this clause being removed from this bill. If it be not possible to embody in this act a provision conveying an express assurance that the necessary help to cover three-fourths or two-thirds of the required additional expenditure will be given by Government, the next best thing that we should do is at least to delete this clause 18 and leave it open to Government to render such help as they can and as the circumstances of each case may require. I have no doubt that Government will discharge its own part of the responsibility, but the public will always want the assurance that Government will do so. With these few remarks I support the bill. As regards the other matters of detail I think we might very well leave them to be consi-

dered minutely in the select committee. My honourable friends should remember that in every country in the west and in Japan also compulsion had to be used to fight this demon of illiteracy and if we wish to make any advance and come to a level with the more advanced nations we must introduce this measure in our country. All those fears which were expressed by our honourable friend from Sind would be found to be groundless and I am sure if we only heartily co-operate, the people and Government together, it will be a glorious achievement for which the coming generations will thank your Excellency's Government and the Council itself for having carried this measure through.

The Honourable Mr. F. G. PRATT :—Your Excellency,—I do not wish unnecessarily to prolong the discussion upon this bill, but there are a few remarks which I would like to put before the Council about some of the principles of the bill.

The first fact which, I think, would not be irrelevant to notice is the fact that under the Local Boards Act legislative provision has been made as to the proportion of the income on the one anna cess which should be spent for educational purposes. That proportion, by statute, is laid down as one-third. In the case of municipalities there is no such statutory provision as to the amount that should be spent upon education. It is left entirely to their option; it is enacted only that they must make reasonable provision for primary education. The percentage so spent out of the taxation revenues of municipalities varies very greatly. On the average, I think it falls very far short of the $33\frac{1}{3}$ per cent., which is laid down by statute in the Local Boards Act. In some municipalities in my division it is as much as 40 per cent., but these are exceptional municipalities. There are other municipalities in which the amount spent on education has been as little as 6, 7 or 8 per cent., and those municipalities are not, by any means, the smallest or the least advanced. These considerations are not irrelevant in connection with the matter which we are now discussing.

Turning now to the honourable member's bill, it has practically got only two main principles. The first principle is that compulsion should be applied to parents to send their children to school and the second is that it should be optional for the municipalities to apply that compulsion. The honourable member has satisfied himself and has stated in his statement of objects and reasons that this principle commands the enthusiastic support of all classes of people in the country. He must also have satisfied himself—it is clear he has satisfied himself—that the residents of the areas to which he proposes to apply this legislation will be willing to tax themselves in order to carry out the objects of the legislation. It is clear to anybody who thinks out the question—I am sure the honourable member has devoted a very great deal of thought and trouble to it—that even on the most favourable assumption, that is to say, on the assumption that the municipalities are assisted by appreciable subventions from Government,—even on that assumption, the adoption of the option given to municipalities by this legislation would involve many such municipalities in an appreciable increase of expenditure. They will not be able to make primary education compulsory without spending a good deal more money, which they will only be able to get by increasing any existing taxation or by introducing new taxes. The honourable member is satisfied that the municipalities are willing and eager and anxious to adopt this measure and to tax themselves. He has this faith and he has had the courage to put his faith to the test of practical experience. Time alone will show whether his faith would be justified and his courage rewarded. I hope very sincerely that it will. I do not in the least wish to damp the honourable member's enthusiasm, but I cannot help recalling to mind the instance of another piece of optional compulsory legislation which is analogous to this in some ways. I refer to the Town Planning Bill, which a few years ago was passed by a very strong, numerous and representative select committee and on which a similar

chorus of congratulations was accorded by the honourable members of this Council.

The Honourable Mr. PATEL.—No.

The Honourable Mr. UPASANI.—We opposed it.

The Honourable Mr. PRATT.—My remarks can easily be verified by reference to the proceedings of this Council. Well, sir, since this act has been brought into force, in my division only one municipality has introduced a town planning scheme, although the introduction of a town planning scheme involves financial obligations of a very much smaller and a very much less serious nature than would be involved by the adoption of legislation of this kind.

I do not want to discourage the honourable member, but I hope that the results in the case of this legislation will be different. Time alone will show how it will work out, and I can only say that I hope that his courage will be rewarded and that this measure will be a success, and when I say so I do not merely mean that it should pass smoothly through its second reading and third reading, but that it will form a real, living, working part of the legislative machinery of this country.

The Honourable SARDAR SHRINIWAS COOPOOSWAMI MUDLIAR:—Your Excellency,—With your permission, I would like to say a few words in support of this useful bill introduced by my honourable friend Mr. PATEL. The whole of this Presidency is indebted to the mover for having introduced a bill, which is for the benefit of this Presidency, and when this bill is passed into law we shall be able to promote the education of the backward class, which is an essential factor for the uplifting of our country.

Before I proceed further it is my duty, my lord, to thank you and your Government for having given this bill very kind consideration and for having obtained the necessary sanction of the Government of India. This good act of yours will always be remembered by the people of this Presidency.

At this stage we have to see to the principles of this bill and from the speeches of the honourable members it is proved that these principles are acepted. The previous speakers have made suggestions as to the changes in the bill and I do not wish to take the time of the Council by going over these items again. I am sure the select committee will take into consideration all the suggestions made. My honourable friend Mr. PIR BAKSH need not be so very nervous about supporting this bill, for all his objections will be carefully considered by the select committee. I would only add that the select committee will seriously consider clause 18 which is of very great importance. With these few words I support this bill.

The Honourable Mr. J. G. COVERNTON:—Your Excellency,—In rising to speak on this bill I have no intention of criticising it in detail. This is not, I take it, the most suitable opportunity on which to do so. There are, however, a few general remarks which I should like to make, and if I may say so, a few queries which I should like to put from the point of view of a person who possibly hereafter may have something to do with the working of the bill.

In the first place we heard a good deal about the good effects, the great results, which are supposed to be likely to accrue from a bill of this kind. I do not wish to deny that in certain countries and in certain circumstances a great deal has been done which probably could not have been done in other ways than by and through compulsory education. But I do not know that we can take it altogether for granted that compulsory education is the only means by which we can push and promote primary education in a country of this kind. If I may be pardoned for referring to my own previous experience, I would point out another country in which primary education has extended on a far greater scale

than obtains anywhere in India or, if I may say so, than is likely to obtain, at any rate in our generation in India, and that that has been effected by a system totally dissimilar from anything like statutory or legal compulsion. I only throw that out as a suggestion, because I think that it has been taken too much for granted throughout this discussion that we are in such circumstances as render it impossible for us to dispense with the principle of compulsion. I do not wish to discuss that point further, but I leave it to honourable members to think about.

A corollary from the question of the application of compulsion seems to me to be this: it has been assumed, not by all honourable members but by a certain number of honourable members, that compulsion is going to be universal. Some honourable members have come to the conclusion that once this bill is passed we shall see a rush on the part of municipalities to introduce compulsory education. Personally I do not anticipate anything of the kind, and speaking for myself I am very glad that I have not to anticipate such a conclusion to this bill, because with our present machinery and with the present appliances and staff and so forth it would be utterly impossible either for us or the municipalities or anybody else concerned to cope with such a condition of things.

The way I should look at it is this, that a bill of this kind is experimental or tentative.

It has been assumed again that the whole principle of compulsion has been adopted by the Government of India and that this is the first fruit of such adoption. Of course I am not entitled in any way whatever to speak for the Government of India, but so far as I know the expression of the Government of India's view is limited to the statement that there is no objection to the introduction of this particular bill. That you will see is a purely negative statement. And as I say, this measure, if adopted, will be a tentative and experimental measure and as has been pointed out by, I think, the Honourable Mr. PRATT, and by other honourable members, this compulsion is purely optional. It will be at the pleasure of any municipality that complies with the conditions of the bill to introduce compulsion. But even if it is in a position to comply with the provisions of the bill, there is no compulsion on the municipality to compel the children in its jurisdiction to go to school. We cannot therefore regard it in any sense as a bill for the introduction of universal or general compulsory education.

There are a few points of some importance which I should like to indicate to the Council, because, as I said at the beginning of my speech, they particularly concern people like myself who will have to do with the actual working of the bill. This bill is not a new bill in the sense that it is something entirely novel which is just placed before us. It is based on the late Mr. Gokhale's bill of 1911 or thereabout and in certain respects coincides very closely with that bill. In other respects and in certain important respects it departs a good deal from that bill.

In the statement of objects and reasons of this bill we are told that various things are intended by this bill and at the end of the statement it is said that the number of boys in elementary schools is little more than half of the total number of boys of school-going age. The idea there seems to be that we are going to introduce elementary education. If you turn to the bill there is not a word about elementary education, so far as I can see. The term used is primary education. Primary education is defined in sub-clause (4) of clause 2 at page 1 of the bill. It says, "'primary education' means such instruction in reading, writing and arithmetic and other subjects (if any) as may be prescribed from time to time for primary schools by the educational department of the local Government."

Again in clause 9 we are told that the child may be excused from compulsion for a reasonable excuse defined in sub-clauses (*a*) and (*b*) of that clause. I want to know what the honourable mover intends by primary education. It is all very well to say "such instruction in reading, writing and arithmetic and other subjects, etc." But that covers a very large field and it certainly does not cover what I personally would consider as purely elementary education.

Most of you are aware that our primary system consists of seven standards and works upto what is called the vernacular school final examination. If you compare that system with the system of primary education or vernacular education in other provinces, you will find what we call primary here is called to a large extent secondary in other provinces. For instance, if you take our seven standards of vernacular education, the first four would be denominated primary and the rest might be denominated secondary. I do not think an ordinary person reading this bill and being aware of the standards of the Presidency here would understand what apparently is the intention, which as judged from the wording of the statement of objects and reasons is that the education to be given should be elementary. I admit I may be wrong in my interpretation. If the education is to be fully elementary and not primary, then I think we should consider that point in select committee which is appointed to discuss the bill.

A point not unconnected with that is the age question. Now this bill is, as I have said, modelled on the late Mr. Gokhale's bill, and this age of 6 to 10 is taken directly out of Mr. Gokhale's bill. Well, I do not, at present at any rate, intend to criticise the age-limit, but I have heard it criticised and the only point I wish to put forward is that that does not coincide with any beginning or ending as things are at present in our primary system. Children go to vernacular schools in the Bombay Presidency at a very early age. I find that quite a number go, in fact, I should say, are sent, not to say are dragged, to school at the (shall I say) premature age of 4, and quite a number go to school at 5. I do not intend to imply that the honourable mover should put compulsion on the hapless infant of 4 and compel it to go to school, or to what they would consider something little better perhaps than a prison under such circumstances. But at the same time it is very awkward if we are to have a mixture of ages to begin wtih. Also what about the final limit of 10? I suppose that was taken because six from ten leaves four; and therefore you have 4 years of instruction and in some vague way that was supposed to coincide with a certain number of standards, which again in some vague way were supposed to convey what was called either primary or elementary education. Well what I want to know is exactly what sort of education is going to be given? Is it elementary or fully primary, and if so, how you are going to class the ages? I only put this point in a general way, because it is one which will have to be worked out in the select committee.

The Honourable Mr. LAWRENCE pointed out what I think is a very serious conflict (I hardly like to use the word) and possibly a dead-lock resulting in the application of section 4 in combination with that of section 14. I need not enlarge on the point but it does seem to make it extraordinarily difficult for a municipality to get any Government to sanction any action it wishes to take under the act.

Coming to another section, in Mr. Gokhale's bill, a specific clause was introduced requiring that a municipality should satisfy itself and Government should also be satisfied, that a certain percentage of attendance had been reached in the area concerned before compulsion was going to be applied. In the actual bill which Mr. Gokhale brought forward no particular proportion or percentage was laid down. But in the speech which the late Mr. Gokhale made afterwards when the bill was rejected, he stated incidentally that he had had discussion with other people and on consideration with his own supporters he had come to the conclusion that it was necessary to lay down a percentage of 33 per cent. As I understand the position, no municipality was to be in a position to move for compulsory education, unless it had got at least 33 per cent. of the school-going children in its schools. It then would have a fair prospect of making up the difference and could start ahead with compulsion. That seems to me to be a precaution which was valuable and although it has been dropped in this bill brought forward

by the Honourable Mr. PATEL, I am not quite sure that some precaution of that sort, in order to give a practical point from which to start, might not with advantage be inserted. Because it is not only a question of costs, of building and staff, but also, I may remark incidentally, of children, and although a municipality may have made all the other provisions that are requisite, if it has not got the children and if it seems to me unlikely that it will get them without extraordinary pressure, it is a great question whether the application of compulsion would be desirable in a municipality in those conditions.

A point which of course will affect the question of compulsion very largely when we come to practice is the position of the parents. I think the whole discussion has, if I may venture to say so, rather left the unfortunate parent out of account. There is a clause in the bill (rather a hard clause) which threatens the employers of child labour with all sorts of pains and penalties if they employ children who are to be at school. One point that I should like to find out is whether employers of labour are to include parents. We know that in every country many such poorer classes of parents have to employ their children in certain forms of occupation and to a large extent the prosperity and in fact the absolute subsistence of the family may depend on the labours of the children. I do not say it is a good thing, I do not uphold such a state of things for a moment, but at the same time it is a fact which we have got to face, and I do not think that it is possible to gloss it over and to assume that no difficulties will be met with from the opposition which may be expected from parents.

In the same way I am inclined to agree with the representations made by Mahomedan members, so strongly supported by the Honourable Mr. LAWRENCE, in regard to the position of the Mahomedan community. Their circumstances are very special and the application of compulsion to Mahomedan families involves possibly operations which would be extremely repugnant to the people concerned. It will be one of the most important and possibly one of the most difficult questions which the select committee will have to face, namely, to render any compulsion which may be adopted acceptable to the poorer Mahomedan community

The clause in regard to free education strikes me as being inferior to the proposal made by the Honourable Mr. GOKHALE. Mr. GOKHALE'S proposal was at any rate practical and I am afraid I cannot say the same about the present clause. What will happen under this clause is, to use well known phraseology, that each man will take his pen and sit down quickly and write down *ham gharib admi hai* (I am a poor man), and the school-master will not be inclined to push the matter further. In fact he will not have the power to push it further.

As regard the last clause about which a great deal has been said, I imagine that, as my honourable friends, Mr. PARANJPYE and Mr. PAREKH, have indicated there is nothing in the bill or in the clause to derogate from Government's power of giving grants to municipalities under such conditions as have already proved suitable or may prove so in the future. Where the conditions are suitable and where Government is able to support an extension of education, we can assume that in future as in the past Government, to the best of its ability, will be willing to grant whatever actual funds can be given and are required.

I should like to say before I sit down that though I have perhaps criticised this bill, or at any rate, pointed out certain defects in this bill, I do not wish either for myself or for my department, if and when the bill comes into operation, to make difficulties in the way of its working. I am sure all of us recognize the excellent intentions of the honourable mover in regard to this bill and we are at one with him in our wish to promote primary education amongst the younger children of the Presidency and I myself and my staff and the whole department will do our best to make the bill a great success. (Hear, hear.)

PRIMARY EDUCATION BILL.

[*Mr. Munmohundas Ramji; Mr. Lalubhai Samaldas Mehta; Sir Mahadev Bhaskar Chaubal.*] [26TH JULY 1917.]

The Honourable Mr. MUNMOHUNDASS RAMJI :—Your Excellency,—I also rise to support the bill and in doing so I have to make one or two points clear, arising out of the bill. Some of my honourable colleagues said that this bill was fraught with some danger; I say that there is no danger at all, because a municipality will have to apply for sanction to Government for being allowed to operate under this bill which application will have to be duly notified. People will have every opportunity then to protest against the proposed action of the municipality, because they will have to find the money for the introduction of this measure from their own area, and will have ample time to consider what their municipality is going to do. Then, Government before granting their sanction will have ample opportunity of gauging the feelings of the people of that area. So far as that apprehension goes, I think, it is groundless. Of course, I quite agree with my honourable friend, Mr. PRATT, that this bill if not supported by Government is going to prove to be a dead letter. It is the Government only who will be able to put the operation of this bill into motion by coming forward and giving sufficient grants to enable the municipalities to introduce compulsory education in their area. If Government see their way to grant funds and help the municipalities, then only the municipalities will be able to cope with this measure and I think as a first measure to introduce compulsion in this country this bill is a good one as it can be introduced by parts or bits into municipalities and then into the local boards and so on. Thereby gradually the whole principle of compulsory education can be introduced. Moreover it will also help Government in granting funds from time to time according to the ways and means at their command. Therefore, I say that the whole success of this bill is in the hands of Government. If this bill becomes law, then it will be only Government who can put it into operation; otherwise it would be a dead letter in the hands of the municipalities.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA :—Your Excellency,—I rise to protest against the remarks made by my honourable friend, Mr. LAWRENCE, to the effect that this bill has been brought forward in a light-hearted manner with a view to getting this bill first placed on the statute book and leaving Government to face all the difficulties. I believe, my lord, that this is not the spirit in which the work of this Council should be carried on. It should be carried on in the spirit in which my honourable friend, the Director of Public Instruction, has just spoken of. I believe with the Honourable the Director of Public Instruction that we should all do our best to help the cause of free and compulsory primary education. I hope that everyone will accord his support to the bill and that we shall not hear any remark of this sort in this Council in future.

The Honourable Sir MAHADEV BHASKAR CHAUBAL :—Your Excellency,—I will not take up the time of the Council by going into any detailed discussion of the bill, because, all the points which have been made by the various speakers have, I have no doubt, been taken a note of by the honourable mover of the bill, and it would be appropriate to leave it to him to reply to them. But there is one point on which I think it is my duty to address the Council as a member of the Government which has permitted this bill to be brought before the Council to be introduced. Several speakers have addressed the Council on the scope and limitations on the usefulness of the bill owing to the existence of clause 18 in the bill. Several honourable members went so far as to throw broad hints to the select committee to recommend the scoring out of that clause. If I had any doubts before about the expediency or necessity of that clause, the speeches to which I have listened have cleared those doubts and convinced me that the introduction of that clause was necessary if for no other purpose at least in order to make people clearly understand the position that Government have taken up as regards this bill. The clause as it stands does not prevent a municipality from asking for financial assistance towards making education compulsory,

nor does it prevent Government where they consider it necessary or desirable, from offering such assistance. I have heard it said in this hall that the existence of this clause makes the intoduction of the bill a useless measure, and that no advance in the direction of universal education was possible unless a municipality or a local body was enabled or entitled to claim in some way help from the public revenues of the province. The insertion of the clause was necessary to make it clear to every one that such a claim will not be listened to: and I am inclined to think that with that clause in the bill and the reasons for its insertion it will hardly be within the scope of the select committee to recommend its deletion. Had it not been for the insertion of that clause, this Council may never have seen the bill. If the honourable mover had not accepted the suggestion that he should make it clear by a clause that his bill did not intend to throw any liability on the revenues of the province, the imminence of its effecting such revenues was so great, that the Governor would probably have held that the bill was a measure affecting the public revenues, and that it could not be introduced or that a motion for leave to introduce it could not have been entertained without his previous sanction. It was upon this express understanding that this clause was inserted in the bill, and the necessary stage of leave to introduce was dispensed with in the case of this bill.

The Honourable Mr. PATEL:—Will my honourable friend quote his authority for the statement he makes?

The Honourable Sir MAHADEV BHASKAR CHAUBAL:—My authority for the statement is that the law does not permit it.

The Honourable Mr. PATEL:—You say that on the express understanding that the clause was to be inserted in the bill, the bill was permitted to be introduced. Will you kindly give your authority for saying so?

The Honourable Sir MAHADEV BHASKAR CHAUBAL:—Well, it was perhaps strong to put it as an express understanding. To put it accurately the honourable mover of the bill was given to understand that if he made it clear in his bill that the bill threw no sort of liability on provincial revenues, then Government would accept the principle of the bill and permit it to be moved. The honourable member accepted this and we need not pause to consider how far it falls short of an express understanding. I may be permitted to explain the position still more clearly by referring to the correspondence. When his bill was submitted to the Government of India, the Government of India stated:—"The Government of India agree with the Governor in Council that there is no objection to the principle underlying the bill, but they desire that the following provisions should be inserted in it before it is introduced. As pointed out in paragraph 2 of your letter, it will be necessary to add an express provision that nothing in the bill will affect the public revenues of the Bombay Presidency or impose any charge on these revenues, and it should be stated that the schools in respect of which the bill will apply should be subject to inspection by the education department, and that the staff, buildings and appliances should be such as that department may from time to time consider necessary and sufficient." I believe—I am speaking open to correction—that a copy of this letter was sent to the honourable mover and he was asked whether he would allow the officers of Government to redraft his bill; otherwise it would take longer.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—May I explain that the drafting is mine?

The Honourable Sir MAHADEV BHASKAR CHAUBAL:—In order to avoid delay, a redraft was made and that redraft embodying the suggestions which the Government of India wanted to insist upon was sent to the honourable mover and he was asked whether he accepted the redraft of these provisions. Well, I do not think there is any doubt after that that the honourable mover consented to the introduction of the bill on the condition that he accepted that redraft with the insertion of the clauses which the Government of India insisted upon being put in the bill. If the Council looks at section 80 of the Government of India Act, to which my

honourable friend, Mr. KAMAT, drew attention, and to the rules for the conduct of legislative business, as a matter of fact, he will find that this bill has now been published and the publication itself under rule 28 of our business rules is introduction, and therefore directly the bill was published in the *Government Gazette*, it was introduced. Section 80 says: "It shall not be lawful for any member of any local legislative Council to introduce, without the previous sanction of the Governor, Lieutenant-Governor or Chief Commissioner, any measure affecting the public revenues of the province or imposing any charge on those revenues." It was because the honourable mover accepted the redraft with the insertion of the clauses which the Government of India wanted, that this step of "the previous sanction of the Governor" was not insisted upon. The Governor was not called upon to exercise his right as to whether to grant his sanction or not, because the honourable mover accepted the redraft, making it clear that the object of his bill was not to throw any liability on provincial revenues or public revenues. I might make it absolutely clear to the honourable mover that if he had not accepted the redraft which according to the letter of the Government of India, a copy of which was sent to him, was necessary, I think I am perfectly correct in stating that the bill would not have been introduced, as it was introduced, by the publication of it in the *Government Gazette*.

The Honourable Mr. PATEL:—Do you make that statement on behalf of Government? May I know whether the honourable member speaks for His Excellency or the Government?

The Honourable Sir MAHADEV BHASKAR CHAUBAL:—Well, I do not think it makes much difference on whose behalf I am speaking. I do not purport to speak on behalf of His Excellency, but I do purport to speak on behalf of the Government, that under the rules and under the provisions of the Government of India Act, by which we are bound the Governor would not have permitted this bill to be published unless the honourable mover had accepted the redraft with the clause inserted which runs as clause 18 in this bill. Therefore let it be absolutely clear to all honourable members of this Council that it will not be within the province of the select committee to suggest, after having in a way got the introduction of the bill by an assurance that the bill does not propose to impose a charge on the revenues of the province, after having secured that object, which would not have been secured unless the honourable mover had allowed that clause to be inserted in the bill, it will not be open to the select committee to say, "Yes, we have got it introduced, and the introduction being secured we can ignore the provisions of section 80, clause 2."

The Honourable Mr. PATEL:—May I know under what rules do you limit the functions of the select committee to a particular course?

The Honourable Sir MAHADEV BHASKAR CHAUBAL:—Well, it is perfectly open to the select committee to make any proposal they like, but when the report comes before this body it will be for this Council to consider whether its recommendations are within its powers, or are *ultra vires*. I would submit with all deference that this Council will undoubtedly pronounce an introduction of any measure in direct conflict with the provisions of the act of Parliament to be *ultra vires*, and if it did not and allowed the measure to be passed it would probably only attract the veto of His Excellency the Governor or of the Viceroy. So far on the point of how this clause 18 came to be inserted.

Now as regards the scope and effect of that clause, I have not the slightest hesitation in repeating what I have observed at the begnining that there is nothing in section 18 which debars the Government from going to the assistance of a municipality. What it does say in effect is that it does not permit a municipality to claim as a matter of right anything from Government. Supposing this bill was allowed without that clause, every municipality might feel itself justified in coming to Government and saying "Government must give us a subvention from the public revenues without which we cannot carry out the object of this bill." Well, I do not

consider that to be the main object of the honourable mover of this bill. The congratulations which have been showered upon him, to which I might be permitted to add my quota, are due and deserved in my personal opinion, from the point of view from which I look at it, *viz.*, that the Honourable Mr. PATEL wishes every municipality to realise and appreciate what it has not realised and appreciated hitherto that it is the duty of the municipalities to try and help themselves in a way in which they have not done so hitherto, for, I would ask honourable members to consider, what is it that has prevented municipalities from extending primary education in any way they liked hitherto? Look at the duties which are cast upon the municipalities by the present act. If you look at section 54, you will see that clause (*p*) says that it shall be the duty, one of the imperative duties, of every municipality to make reasonable provision for establishing and maintaining primary schools. Another thing is, if you look at section 56, clause (*c*), this is one of the discretionary powers given to the municipalities, it says "furthering educational objects other than those set forth in sub-clause (*p*) of section 54." Well, here are at present powers which municipalities possess. Why have they not been able to carry out those powers in the way in which they would like to do? Because, as everybody here has admitted, of want of means. So far as making proper provision for buildings for primary schools is concerned, at every place that you go to, you see that the municipality asks Government to grant funds for the purpose when it is really the duty of the municipality under the act to make that provision. For everything connected with primary education there are so many wants and their revenues are so limited that they do not find any other way out of the difficulty except to ask Government to come to their aid. Now the real principle of the bill in my opinion is this, that the bill professes not in terms to throw any liability upon the revenues of the province, but rather that every municipality should realise that principally and mainly the duty of spreading education and cutting down illiteracy in municipal areas should be thrown, so far as possible and so far as the individual circumstances of each municipality will permit, on the municipality itself. That I take to be the real object of the honourable mover's bill and he tries to attain that object by empowering municipalities to levy a special education cess.

Now there is one point about this cess which I would like to mention for the consideration of the honourable mover of the bill. Up to this time I think every member was under the impression—at least I was under that impression—that the bill provides for municipalities getting the means for making primary education compulsory within their areas by the imposing of a fresh and new cess, but unfortunately the wording is very vague so far as the bill itself goes. I do not think that the real object is gained if in the select committee he clause is allowed to stand in the way that the honourable mover has allowed it to stand. In one sense he makes the position of a municipality perhaps worse than it is at present. As I understand it, under clauses (*1*) and (*2*) of section 14 of his bill he wants the municipality to have an education cess, but that education cess is to be one of the taxes mentioned in section 59. Am I right there?

The Honourable Mr. PATEL :—Yes.

The Honourable Sir MAHADEV BHASKAR CHAUBAL :—Then the position to which we are reduced is this. Section 59 of the Act mentions certain taxes which a municipality can impose in a certain way, and you have got there about *ten* or eleven sources of income mentioned, to be raised by the imposition of certain taxes. Well, the municipality says, as every municipality to my knowledge does, that for a number of reforms and improvements in the way of sanitation and other things they have got no sources of revenue left, that they have tapped all the possible sources of income, so far as the municipality goes. I take it that, so far as they possibly could, they have tapped all these eleven sources of revenue. Therefore to my mind this bill does not give to the municipality anything substantial if they in the end are only going to be empowered, for the purpose of the spread of education, to levy only any of the taxes mentioned in section 59 of the

act. I do not think it becomes an additional source of revenue at all. You say a municipality is empowered to levy an education cess and in the wording of the section you limit the municipality only to one of the sources mentioned in section 59. Therefore that will never do, because as a matter of fact we know that most of the municipalities have used up all these sources. The municipalities cannot make anything more from these taxes which are mentioned here and therefore they must have the power to impose upon the people in the area an additional cess. Whatever standard they choose to adopt is quite a different thing, but it must be an additional cess entirely devoted to the purpose of education, the amount of which is not to be diverted for any other purpose, however useful or whatever its public utility may be. Therefore I think one of the points which will have to be settled by the select committee is as to whether the cess called the "education cess" is going to be in the real sense of the word an education cess, in the sense that the people are prepared to tax themselves more in order that education should be compulsory and free within their area. I use the word "free" without the sanction for it in the bill, but I suppose the honourable mover has admitted yesterday that practically it is also a motion for free education in addition to its being compulsory. Well, therefore, honourable members and particularly representatives of municipalities ought to bear in mind—I perfectly sympathise with the observations that fell from some honourable members—that it will be impossible for municipalities to work out this bill if you leave it to them to raise funds for educational purposes under the powers given by this bill, namely, trying to raise a fund for educational purposes from the sources which are mentioned in section 59 of the act. But if the motion or object of the bill is that people are more and more alive to the necessity of going in for compulsory education, that the municipalities and inhabitants of municipal areas are becoming more alive to and enthusiastic about compulsory education and in that sense are prepared to do their best in a greater degree than hitherto, then only the working of this bill will be possible.

I am not prepared to retract in any way from the principles which I mentioned when I opposed the honourable mover's resolution last December on primary education being made free and compulsory in municipal areas. I think those objections still hold good, not only on the ground of the policy hitherto enjoined by the Government of India, but also on the ground of the propriety of the application of provincial revenues to education within municipal areas. As a matter of fact it is this call for extended education and reducing illiteracy in rural areas that is far more important than education in municipal areas from the point of view of Government. I then pointed out that when Government considered the question in 1912, it found that in municipal areas under the voluntary system of education within ten years the school-going percentage had been raised from 16 to 34. One of the objections which were mentioned by this Government to the Government of India was this, that the Honourable Mr. GOKHALE'S bill proposed to make education compulsory wherever there was a 33 per cent. of school-going population and that that would mean that education was to be made compulsory and free in municipal areas only. In these areas, as a matter of fact, without compulsion, under the voluntary system, within the last ten years before 1912, we had been able to raise the school-going percentage from 16 to 34 and it was to Government a question of vital importance not to divert revenue—principally the local fund cess, which is a cess largely falling upon rural areas—from rural to municipal areas. It was very questionable how far Government would be justified in diverting a large slice out of this revenue, which comes mainly from rural areas, for the purpose of education within municipal areas. That was the point which I think I had mentioned at the time of opposing the resolution last year, and I am not prepared to resile in the slightest degree from the ground which I took up then. If any members suppose that Government should freely assist the municipal areas, not minding the calls upon their finances from rural areas, I think they can be said to be labouring

under a delusion. It is education in rural areas which requires to be attended to far more strenuously and closely than education in municipal areas. Therefore it was that we were particular in stating that, under the circumstances as they are at present, Government would not be prepared to take upon itself the whole burden if education were made free and compulsory within municipal areas. This only emphasises the point I have previously made, *viz.*, that municipalities should realise the difficulty in the way of Government in diverting to any large extent revenue mainly derived from rural areas for the education of children in municipal areas, and appreciating this, to realise that the burden of educating their children should appropriately and mainly fall upon the inhabitants of municipal areas. Last December the Rander municipality instance was cited in this Council—that it wanted to make education free and compulsory and Government did not permit it. In so far as this permission was not given Government have modified their policy, and under this new policy if any municipality comes forward and thinks that it has got the means of making primary education within its area free and compulsory, Government will not only not come in its way but I go further on behalf of Government and state for the satisfaction of those in whom clause 18 has raised serious apprehensions that Government will cordially welcome its efforts, and if Government sees that a municipality has striven and tried its best to add to its resources, to put on an education cess and to set it apart for educational purposes and that notwithstanding its best efforts it has not been able to get up the requisite amount to effectively start a scheme for free and compulsory education within its area, Government will only be too pleased to find itself in a position to assist such a municipality financially from the public revenues. Nobody in this Council doubts the earnest desire and endeavour of Government to promote elementary education, and on its behalf I affirm that if Government are satisfied that honest efforts have been made by a municipality to increase its resources by overhauling its taxation and putting on an education cess and that the people in the municipal area are really keen and striving hard in the matter, Government will do their best to support financially such municipality. That is really the point which I wish to make clear about clause 18.

And having done that I do not think I need detain the Council over minor points which I have no doubt will be fully considered and thrashed by the select committee: among some of these would be—

(*a*) the question whether the provision in clause 14 is ample and sufficient to secure the purpose for which it is meant.

(*b*) whether the period of age for compulsory education should be as proposed between 6 and 10 or higher. In Baroda, *e.g.*, I am told they started with 6 to 10, but it has been considered necessary to increase the age limit to 11 or 12.

(*c*) the sufficiency or otherwise of the reasonable excuse provided for by clause 9, sub-clause (*a*), *e.g.*, may be an excuse for occasional absence—but it is to my mind doubtful how far that is or should be any reasonable excuse for permanent exemption. Sub-clause (*b*) would also appear to be objectionable on the ground of vagueness. Would it be enough for a parent of a child to say that he or she is teaching the child at home?

(*d*) the question whether it is worth while troubling a magistrate with these petty cases of non-attendance or whether it would not be desirable to empower the president or vice-president or one or more members of the school committee to take cognisance of these cases.

(*e*) the question whether the proceeds of the fines should not be credited to the municipalities.

These are all matters of detail which I have no doubt will be considered in the select committee.

PRIMARY EDUCATION BILL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I am very much thankful to your Excellency's Government and the members of this Council for the reception that they have been pleased to extend to my bill. I have no reason whatever to be dissatisfied, because I never thought when I gave notice of this bill that it would escape all criticism. I know instances where bills drafted by experts and introduced in this Council were subjected to most severe criticisms, and it would be simply absurd on my part to expect that the defects in the drafting of the proposed measure would escape the attention of the members of this Council. What we are concerned with, however, at this stage, your Excellency, is the principle of the bill. At the first reading of the bill, if the honourable members agree to the main principle, then the bill goes to the select committee and the various criticisms as to details and draft that are offered by the members of the Council are considered in that committee. I am very glad, extremely glad indeed, that almost unanimously and with one voice the principle of compulsion underlying this bill has been accepted by this Council. I am conscious of the fact that there was a discordant voice here and there, but after all one has got to remember this fact, that those who raised that voice had a very very difficult position to meet. They knew very well that your Excellency's Government and the Government of India had accepted the principle of the introduction of compulsory education in the system of our elementary education in spite of their strong opinions to the contrary. That being so, they could not oppose openly the principle to which the Government, whom they are serving, had given its assent. However, if I were in their position I would certainly be true to my conviction and say openly, instead of showing all sorts of misgivings, *e.g.*, that no municipality would take advantage of the bill, that there would be financial embarrassment, and the rest of it, "I oppose the principle of the bill." What is the use of beating about the bush and saying "The thing is impracticable, though we accept the principle"?

In all fairness, I am bound to say that I cannot accept the compliments and congratulations for managing and handling this all important question of compulsory education so well and so soon. Very soon after I moved my resolution at the last December meeting I drafted this bill and went to His Excellency personally. I had an interview with him and showed the draft bill to him. He then encouraged me and it was because of that encouragement and his sympathy that the bill sees the light of the day. (Hear, hear.) I with the permission of the honourable members, therefore, transfer all those congratulations to the person who deserves them most. (Hear, hear.)

Your Excellency, I should like to make one or two points perfectly clear in regard to the speech made by my honourable friend, Sir MAHADEV CHAUBAL. He says on behalf of Government that it is not open to the select committee to modify or delete clause 18 of the bill. In this connection—your Excellency will please excuse me for repetition—I should like to bring to the notice of this Council once again that the Honourable Mr. GOKHALE'S bill, which did not contain the saving clause and which under section 66 of the Government of India Act would require a saving clause if the interpretation now proposed to be put by your Excellency's Government on that Act were correct, was allowed to be introduced, passed through the stage of the first reading and was then referred to the select committee without any such saving clause. No objection was taken by the Government of India on the ground that a saving clause of the kind was necessary. Not a suggestion of the kind was made on behalf of Government during the debate that took place on Mr. GOKHALE'S motion for leave to introduce that bill or for its first reading. I may tell for your Excellency's information and for the information of this Council that this clause 18 is not of my initiative. My honourable friend, Mr. BELVI, wanted to know who first took objection to the absence of the saving clause. I may tell him for his information and for the information of this Council that it was the legal department of

this Government that wrote to me that a saving clause of the kind was necessary. Subsequently the bill was reported to the Government of India who, in communicating its approval to the principle underlying the bill through its legislative department, observed that they agreed with the view of the legal department of the Government of Bombay on the question of the necessity of a saving clause. Be that as it may, the question for the Council to decide is "whether under section 80 (2) this bill would be bad without clause 18 in it". The section provides that it shall not be lawful for a member of the Legislative Council to introduce into any Legislative Council any bill which affects the revenues of the Presidency or imposes any charge on those revenues. If my bill, *minus* clause 18, does not in any way purport to affect the revenues of the Presidency, I submit the clause is superfluous. Is there anything anywhere in any of the clauses of the bill which by any stretch of imagination could be construed to mean that the bill purports to affect the provincial revenues or to impose any charge on them? Absolutely nothing. I admit that I allowed the insertion of that clause in order that there would be no difficulty in the way of this bill being introduced and discussed in this Council. I quite agree that I was not sure that your Excellency's Government would have dispensed with the leave stage if I had not consented to the insertion of that clause. At the same time I am bound to say in fairness to myself that your Excellency never put to me the question " Mr. Patel, unless you insert this clause I cannot dispense with the leave stage." I was also never told that your Excellency dispensed with the leave stage because I allowed the insertion of that clause. These matters, however, are immaterial. As I have already observed, the sole question is whether the clause is legally necessary. This is a question of law. The Honourable Sir MAHADEV CHAUBAL may say anything, I may say anything, but the law is there, section 80, sub-clause (2), of the Government of India Act. It is a question of its interpretation and I do not see how this Government can limit the functions of the select committee. It is for the select committee to say whether under the law as it stands the clause is legally necessary or not. If the select committee by a majority comes to the conclusion that it is not legally necessary, then, with due deference to the Hon. Sir MAHADEV CHAUBAL'S views, it is quite open to the select committee to delete the clause or modify it in such a manner as the select committee might deem fit.

My honourable friend, Sir MAHADEV CHAUBAL, tells us that the mofussil municipalities do not spend as much towards primary education as they ought to. Is that really so? Let me here say for the information of this Council that Government have by several press notes accepted the principle that they would contribute one-half towards the expenditure of primary education. Now, I ask, have they done so? In 1912 when Government found that municipal grants were dwindling down to one-third and one-fourth, they revised them and said that they would in future pay half the expenditure incurred by the municipalities in 1911. Accordingly in 1912 grants were given up to 50 per cent. of the expenditure of 1911. After that there has been no revision whatever and the state of things has come to this pass that although municipalities have gone on increasing their expenditure on primary education so much that in some cases Government contribution has gone down as low as nearly one-third instead of one-half, Government have not moved in the direction of revising their contribution. No doubt, as the Honourable Sir MAHADEV CHAUBAL says, there is a section in the Municipal Act under which a municipality is bound to provide for primary education. That is all true. But as in all countries, in this country also, it should be the duty of the State to contribute mostly towards the cost of the diffusion of primary education. I submit, in this country, municipalities have done more than they should or could in this respect, but Government have not done their part. I do not wish to go into the question at any length at this stage because I have a resolution on the subject which this Council, if not to-day, will, to-morrow, discuss, but the statement of the Honourable Sir MAHADEV CHAUBAL that the

municipalities have not been doing their part in the matter of expenditure on primary education is one which I take strong exception to. I again repeat that the municipalities have been doing more than they should or could.

The Honourable Sir MAHADEV CHAUBAL takes somewhat strong objection to the wording of the clause regarding education cess. He points out that such cess should have nothing to do with and should be quite apart and different from any of the items of taxes which municipalities are empowered to impose under section 59 of the District Municipal Act. May I for the information of my honourable friend tell him that the original draft bill which I sent to Government did not contain the words "any of the taxes mentioned in section 59 of the Act"? I then held the same view as my honourable friend now holds. But as my honourable friend told the Council, the legal department have got a lot to do with our private bills, and the credit or discredit of the alteration is due to that department. I shall read the clause as it stood in the bill drafted by me :—

"After the issue of notification the municipality may levy an education cess the proceeds of which shall be devoted to the maintenance and establishment of elementary schools."

Now the clause as altered reads thus : "The Municipality may select as an educational cess any tax which may be imposed under section 59 of the principal Act."

That is the change which the legal department of the Bombay Government has made in my original draft. However, when I received that altered draft, I read section 59 and finding that the last clause of the section in fact meets every requirement of the case, I did not take any objection to the alteration. That clause says that the municipality is empowered to impose any other tax to the nature and object of which the approval of the Governor in Council shall have been obtained prior to the selection contemplated in sub-clause (*i*) of clause (*a*) of section 60. Under the circumstances I thought that the clause as altered by the legal department of your Excellency's Government would do in view of the very wide terms of the last clause of section 59. However, this is a matter which, as my honourable friend Sir MAHADEV CHAUBAL said, will be considered very carefully in the select committee.

Let us come now back for a moment to clause 18 of the bill. The Honourable Sir MAHADEV CHAUBAL says that the said clause merely means that municipalities shall not be entitled to *claim* from Government contribution towards the cost of primary education as a matter of right. If the clause is intended to secure that object, I respectfully submit that it is superfluous. Is there any law or executive order in force at the present moment which entitles any municipality to claim any contribution from Government as a matter of right? The contribution which Government now makes towards the cost of primary education is by way of grace only. The position will always remain the same as long as such contribution is not fixed by law. I am strongly of opinion that there should be a legal guarantee binding Government to bear a certain definite proportion of the total expenditure by the local bodies on primary education. Government, no doubt, does now and will in future make such contribution as they think proper. The insertion of this clause, however, has created serious apprehensions in the minds of the several honourable members as to the future intentions of Government in this matter. I trust, therefore, that Government will make a clear declaration of their future intentions, or better still, the select committee will remove these apprehensions by deleting the clause altogether.

I do not wish at this stage to go into the question of the working of the system of compulsory education in Baroda; but when my honourable friend, Sir MAHADEV CHAUBAL, has made certain disparaging statements in regard to it, I am bound to reply. Let me tell this Council that as a result of the introduction of compulsion in Baroda, as many as 93 per cent.—

PRIMARY EDUCATION BILL.

[26TH JULY 1917.] [*Sir Mahadev Chaubal; The President; Mr. Vithalbhai Jhaverbhai Patel; Mr. Covernton.*]

The Honourable Mr. PARANJPYE :—I rise to a point of order, your Excellency, whether it is permissible to refer to native states in this Council?

His Excellency the PRESIDENT :—Order, order. I think my honourable friend Mr. PARANJPYE is perfectly correct. I should have called my honourable colleague to order when he referred to a native state.

The Honourable Mr. PATEL :—Let us now examine the financial effect of this bill when it becomes law. There has been, I am sorry to say, a good deal of loose talk on the subject during the debate. I would ask the Council to examine the question in the light of facts and figures which I propose to place before the honourable members. These facts and figures will make it perfectly clear that the apprehensions of my honourable friends are exaggerated, if not unfounded. There are in this Presidency 156 municipal areas. The population in all these municipal towns is roughly speaking *24 lakhs*, say 12½ lakhs male population and 11½ lakhs female. Taking primary-school-going population at the conventional figure of 15 per. cent. of total population—and this proportion has been proved to be substantially correct in the latest quinquennial Educational Report of the Government of India—

The Honourable Mr. COVERNTON :—No. It has been discontinued since the directors' conference.

The Honourable Mr. PATEL :—Then may I know the correct figure?

The Honourable Mr. COVERNTON :—No correct figure has been arrived at.

The Honourable Mr. PATEL (continuing) :—Then we might take 15 as the correct figure for the present. We have thus in all municipal towns of our Presidency 1,88,000 boys and 1,72,000 girls of primary-school-going age. We had on 31st March 1916, 1,27,000 boys and 42,000 girls in schools of all types in towns, I mean Government, municipal, aided and unaided but all recognized. Deducting these figures from the first set of figures, we have 61,000 boys and 85,000 girls to be brought to school under compulsion, at any rate under threat of compulsion, for I believe a large majority of these children will require only mild persuasion and no compulsion to be brought to school. Taking the cost of schooling a child at Rs. 10 per annum—the present cost is only Rs. 9-6-0—the *additional* total cost works out for the boys to Rs. 6,10,000 and for girls to Rs. 8,50,000. Going on the assumption that half the cost of primary education is to be borne by the local body and half by Government, and further that the half share of Government will not be only a *theoretical half*, dwindling to an actual one-third share, but *actual half*, the additional cost to Government will be Rs. 3,05,000 for boys and Rs. 4,25,000 for girls. We have only to consider the cost of boys to start with. The cost to the general tax-payer of this Presidency will not exceed Rs. 4,76,000, including the present under-payment to municipalities of a lakh and a quarter and half the loss from fee-receipts, when all the 156 municipalities will have adopted effectively compulsory law. Is this too much for a province the annual budget of which is over 8 crores?

No doubt, there will be some further expenditure on the score of more training colleges. But we have recently got from the Government of India a sum of 2½ lakhs for this and other purposes and I am sure a large part of this sum will be spent for providing additional vernacular training colleges. On the cessation of war, we do hope to get further educational grants from the same source, so that I do not think the Educational Member in charge need have any anxiety on that account. Buildings will come in course of time, we can go on with hired buildings at present, and with advent of better times—better seasons—buildings may be provided for in the course of the next 15 or 20 years. We need not unnecessarily encumber our estimates with cost of buildings, and needlessly frighten ourselves.

PRIMARY EDUCATION BILL.

[*Mr. F. G. Covernton; Mr. Vithalbhai Jhaverbhai Patel; the President.*] [26TH JULY 1917.]

The Honourable Mr. COVERNTON:—May I ask if the Honourable Mr. PATEL has included in his figures the cost for inspection?

The Honourable Mr. PATEL:—I have taken my figures from the late Mr. SHARP'S report and I understand the cost of inspection which after all must be very small is perhaps included in it.

This is all, your Excellency, that I wanted to say about the financial aspect of the question. With these few words I hope the Council will pass the first reading of the bill.

His Excellency the PRESIDENT:—I do not propose to detain the Council for more than one moment. I think that the honourable member who has introduced this bill may be very well satisfied with the course of the discussion and with the general reception that has been accorded to it. At least he can satisfy himself with the reflection that we have had a plethora of oratory. He has met with some searching criticism, but he may claim some satisfaction on this head too, for I noticed that most of the critics concluded, at all events, with a moderate blessing on his proposals.

I should like to thank my honourable friend very sincerely for his generous appreciation of such efforts as I and my Government have been able to make to push forward the introduction of the measure. He, and I think also others, are rather inclined to suggest that the passing of this bill is going to hand His Excellency the Governor's name down to posterity. Grateful as I am to him for his generous remarks, I cannot possibly assume these borrowed feathers, for I think the credit—and I hope this will be generally agreed to by the members of this Council—for pushing forward this measure is entirely due to the energy and the assiduity of my honourable friend, Mr. PATEL.

I have very little to say with regard to the bill itself, but in passing I must take exception to a certain remark which fell from my honourable friend, Mr. BELVI, and which I thought was extremely unfair to the Bombay Government. I felt thoroughly in agreement with nearly every word that Mr. BELVI spoke during his speech, but he did make this one observation that, with regard to the resolution moved by my honourable friend Mr. PATEL a few months ago, he thought that the attitude of Government was extremely illiberal. I am inclined to think that that was not a fair statement of the facts. He well knew the main reason why the Government of Bombay could not accept that particular resolution, which was that it was against the confirmed policy of the Government of India. But he further went on to say—and this is what I strongly object to—that, notwithstanding that extremely illiberal attitude on the part of Government, my honourable friend Mr. PATEL wore down the Bombay Government. Now let me assure him that, if our attitude had been illiberal and obstructive, not even the keen assiduity of my honourable friend, Mr. PATEL, would have worn down the obstruction of the Government of Bombay.

When this bill is referred to the select committee, I feel sure that those members who will be on that committee will go most carefully into all the various points that have been raised with regard, for instance, to the Mahomedan question and many others which I have in my mind but which I do not think it is necessary to refer to. But I wish to make some reference to the much vexed question of clause 18. There are certain honourable members who seem filled with a fire of determination that, if they are fortunate enough to be on the select committee, they will use their best endeavour to have clause 18 eliminated from the bill. But most Governments, and the Bombay Government certainly, are always anxious as far as possible to guard themselves against possible unforeseen circumstances that may arise, and are bound to take the necessary measures to this end: that is in the main the reason for clause 18. With regard to the general question of finance, to which clause 18 refers, Government feel that we cannot allow ourselves to be tied in any way so that we may have to give

preferential treatment to the municipalities over any of the rest of the country. We are not, I quite admit, under the honourable member's bill as it stands at the moment. But we have a certain amount of money each year that is allocated to be spent on education. That amount of money it is the duty of the educational member and the Government as a whole to distribute as fairly as it possibly can be distributed. We want to make quite sure that there will be no possibility of a demand being made on us which may seem to give preferential treatment to the municipalities as against the rest of the country. On the other hand, if any municipalities show enterprise and keenness for compulsory education and wish to tax themselves, and are ready to tax themselves, there is not the least objection to such municipalities coming to Government and asking them to help towards furthering compulsory education. Government will be certain to give the most sympathetic consideration to each application as it comes before them. (Hear, hear.) I have one other remark to make on the general question raised by the bill, and it will be my last word to you to-day on this subject. Government is fully alive, as every Government must be alive, to the extreme importance of primary education to the children of our country. I can assure you, speaking as the head of this Presidency, that nothing has been a severer blow to me than to feel that for nearly four years of my life here money has been curtailed, and many excellent measures have been postponed owing to the war. But I am perfectly certain that after the war is over the question of primary education will have to be seriously and comprehensively met, not only by this Government but by the whole of India. I feel it absolutely necessary that in the near future we should as far as possible educate our young children so as to raise up in our midst an educated and intelligent public opinion, without which the general administration is very severely handicapped.

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

His Excellency the PRESIDENT:—I think perhaps it will be convenient if we now adjourn till a quarter past three.

The Council then adjourned for lunch till a quarter past three.

After Lunch.

The Council reassembled after lunch at 3-15 p. m.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I now propose that the bill shall be referred to a select committee consisting of the Honourable Sir MAHADEV BHASKAR CHAUBAL, the Honourable Mr. KEATINGE, the Honourable Mr. PRATT, the Honourable Mr. COVERNTON, the Honourable Mr. BELVI, the Honourable Mr. UPASANI, the Honourable Mr. PAREKH, the Honourable Mr. HARCHANDRAI, the Honourable Mr. KAMAT, the Honourable Mr. BHURGRI, the Honourable Mr. PARANJPYE, the Honourable Rao Bahadur SATHE, the Honourable Mr. PATHAN, the Honourable Mr. CHUNILAL V. MEHTA, and myself.

My only excuse for proposing a big committee is that the bill is of such great importance that the committee which has to consider it should be really a representative one. We have a precedent for the adoption of this course. We had 17 members appointed on the select committee to consider the Town Planning Bill. That bill was a very important measure as this bill is, and I ask the Council to consider whether it is not desirable that we should have all the four representatives of the mofussil municipalities, at least two representatives of the Mahomedan community and the two educationists, we have amongst us, I mean the Honourable Mr. PARANJPYE and the Honourable Mr. COVERNTON, on the committee to consider this bill. I have also proposed the names of the Honourable Mr. PRATT, Commissioner, N. D., and the Honourable Mr. KEATINGE, both of whom, I understand, will render useful assistance to the committee.

PRIMARY EDUCATION BILL.

[*Mr. Vithalbhai Jhaverbhai Patel; the President; Sir Mahadev Bhaskar Chaubal.*] [26TH JULY 1917.]

The next question which the Council has to consider is the question of the appointment of the chairman of the committee.

As the rules stand, there is no provision empowering this Council or the President of this Council to appoint a chairman. All that the rules provide is that the Council shall appoint a select committee. In practice, however, the Council does appoint a chairman, but where it does not, the member in charge of the bill, when the committee meets, takes the chair as a matter of course.

I may here refer to the rules of the Madras Council. In Madras the rule is that the member in charge of the bill shall be invariably the chairman of the select committee, no matter whether he is official or non-official. The Bengal rule provides that the member in charge of the bill shall ordinarily be the chairman of the select committee. For the Imperial Legislative Council the rule is that the law member, and in his absence the member in charge of the bill, shall be the chairman of the select committee.

I do not know whether this Council would be in order in selecting a chairman of this committee in the absence of any rule empowering it to do so. If your Excellency holds that the Council could elect a chairman, I propose that my honourable friend, Sir MAHADEV CHAUBAL, should be elected. My reason is this: Sir MAHADEV CHAUBAL is the Vice-President of our Council and personally I think if the Vice-President of the Council is on the committee he should take the chair. This is the only reason why I propose the name of the Honourable Sir MAHADEV as chairman. In asking the Council to adopt this rather unusual course, I must make it perfectly clear to Government that they shall not cite this as a precedent on future occasions. It should be distinctly understood that a member introducing a bill has a right to be elected chairman of the committee appointed to consider that bill unless he chooses to waive that right as I propose to do in this case.

His Excellency the PRESIDENT:—I hardly think this motion is in order. I should like to put the position before the Council. Honourable members are aware that the whole question with regard to the "member in charge" is going to come up for discussion in a very few moments, but until the question is settled we have absolutely nothing to guide us in the matter. I do not think, on a point of order, I can allow the establishment of a precedent that the chairman of the select committee should be voted on by the Council at this moment, pending the decision that may be arrived at in consultation with regard to these rules. What I would suggest to the Council is that when the select committee meets they should then elect their own chairman, and in the meantime we shall be able to come to a decision as to our procedure in the future.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I am perfectly willing to abide by the ruling. But the fact is that this is not a precedent. It is not a question of creating a new precedent. This Legislative Council has been exercising the right of electing the chairman of a select committee. My friend, Sir IBRAHIM RAHIMTULLA, was elected by the Council as chairman of the select committee on the Registration of Charities Bill.

The Honourable Sir MAHADEV BHASKAR CHAUBAL:—Was he elected by the Council?

The Honourable Mr. PATEL:—Yes.

The Honourable Sir MAHADEV CHAUBAL:—My impression is that a select committee was proposed and as he was the person who moved the bill, it was naturally assumed that he would act as the chairman. But subsequently, I think, Sir RICHARD LAMB took charge of the chairmanship of the select committee on that bill. I do not think, if the original appointment was by the Council, if Sir IBRAHIM was appointed by the Council, then unless the Council displaced him

PRIMARY EDUCATION BILL: MEDICAL BILL: RULES FOR THE CONDUCT OF BUSINESS.

[26TH JULY 1917.] [*Sir Mahadev Bhaskar Chaubal; Mr. Vithalbhai Jhaverbhai Patel; the President; Mr. Raghunath Purshottam Paranjpye.*]

and put in Sir RICHARD LAMB, how could Sir RICHARD LAMB take Sir IBRAHIM'S place?

The Honourable Mr. PATEL:—I have read the proceedings of 1911 and I am absolutely certain that Sir IBRAHIM was proposed as chairman of the select committee on the Registration of Charities Bill and he was appointed chairman, and I do not know how he was displaced.

His Excellency the PRESIDENT:—I think the honourable member will agree that there is nothing in the rules that lays it down. Under these circumstances I shall be glad if the Council will accept my view, that it would be better on this occasion that when the select committee meets that they should select their own chairman, pending the further discussion of these rules.

Bill referred to a Select Committee.

There will be of course some difficulty with regard to the first meeting of the select committee. So I would suggest that Government should call together the first meeting.

The Honourable Mr. PARANJPYE:—A time limit has to be fixed.

The Honourable Mr. PATEL:—I suggest the 15th October.

His Excellency the PRESIDENT:—It appears the general opinion is in favour of the 15th November.

It was decided that the report of the select committee should be submitted by the 15th November.

His Excellency the PRESIDENT:—A bill further to amend the Bombay Medical Act, 1912. Motion for leave to introduce the bill. The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I should like to inquire whether your Excellency's Government is going to oppose the motion for leave to introduce the bill.

Sub-rule (3) of rule 28 of the Rules for the conduct of Council business 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 should therefore like to know whether your Excellency's Government is going to oppose the motion.

His Excellency the PRESIDENT:—I may tell the honourable member that Government is not going to oppose the motion for leave to introduce this bill.

The Honourable Mr. PATEL:—Then I formally propose the motion.

The motion was then put to the vote and carried.

His Excellency the PRESIDENT:—Rules for the conduct of business at meetings of the Legislative Council of the Governor of Bombay. The Honourable Sir MAHADEV CHAUBAL.

The Honourable Sir MAHADEV BHASKAR CHAUBAL:—Your Excellency,—As regards this item of business it has probably been noticed that there are certain amendments which stand in my name and others which stand in the name of my honourable friend, Mr. PATEL. In several places these amendments conflict with each other and I took the sense of my honourable friend, Mr. PATEL, and he is quite agreeable to the motion that I am making, that these amendments or certain of these amendments excepting the last one to Rule 42, about which I shall make separate mention, be referred to a small committee who should sit and bring definite proposals as regards the amendments before the Council and

then they should be discussed fully here. Instead of each conflicting amendment being taken it would perhaps be more convenient if a small committee sat and discussed these different amendments and placed a definite set of amendments for consideration before the Council. The Council could then discuss them and come to any conclusions they consider best about them, instead of discussing these conflicting motions. There will be only one set to discuss and I think that that will probably be the better course to adopt and will result in some saving of time. My proposal will apply to all the amendments of which notice has been given and which are on the agenda papers except, as I have said, the amendment to Rule 42, and as regards that, I have to request your Excellency to consider the objection which I take to the notice of that amendment. I submit that the said notice of amendment to that rule, in the way it is suggested, is *ultra vires*. The amendment proposed reads thus:—

"The following sub-rule shall be added:—(7) To maintain a register of all questions and resolutions disallowed and to deposit a copy of it in the reading room for the use of the honourable members of the Legislative Council."

Now honourable members will please note that we have separate sets of rules relating to each class of business before the Council. First we have a set of rules that relate to the conduct of legislative business. Then we have another and separate set of rules, for the discussion of the annual financial statement. We have then a third set relating to resolutions on matters of general public interest; and lastly, we have a fourth set of rules governing interpellations. This amendment, of which the Honourable Mr. PATEL has given notice, obviously relates to resolutions and questions, so that the proper place for this amendment would be in the set of rules relating to those two classes, *viz.*, resolutions and questions. It is, I submit, entirely out of place as an amendment of the Rules relating to the conduct of legislative business. Now it will be seen that the first set of rules about the conduct of legislative business is framed under section 83, clause (1). Section 83, clause (1), says:—

"The Local Government of any Province for which a local Legislative Council is hereafter constituted under this Act shall, before the first meeting of that Council, and with the sanction of the Governor-General in Council, make rules for the conduct of legislative business in that Council (including rules for prescribing the mode of promulgation and authentication of laws passed by that Council)."

Then clause (2) provides that alterations in these may be undertaken or may be suggested by the local legislature, that is to say, this Council has a perfect right to move for any alterations of the rules appearing in Part I and relating to the conduct of legislative business. But as regards the other three, the financial statement, resolutions and questions, the rules as to these are framed under section 80, clause (3), which runs in this way:—

"Notwithstanding anything in the foregoing provisions of this section, the local Government may, with the sanction of the Governor-General in Council, make rules authorising, at any meeting of the local Legislative Council, the discussion of the annual financial statement of the local Government (that is, the second set of rules) and of any matter of general public interest (that is, the third set of rules relating to resolutions) and the asking of questions (the fourth set of rules)."

Then you will see after 2 lines:—

"Rules made under this sub-section for any Council may provide for the appointment of a member of the Council to preside at any such discussion in the place of the Governor, Lieutenant-Governor or Chief Commissioner, as the case may be, and of the Vice-President, and shall be laid before both houses of Parliament as soon as may be after they are made, *and shall not be subject to*

repeal or alteration by the Governor General in Legislative Council or the local legislature".

So that these rules as regards resolutions and questions are rules which are framed under section 80, clause (3). They have been laid before both houses of Parliament and the local legislature has got no power whatever to alter those. The Governor-General's Legislative Council has no power and the local legislature has no power. Therefore, my learned friend's amendment as regards resolutions and questions cannot be undertaken by the local legislature. If there is any change which is sought to be introduced in the resolution or question rules, that alteration it is not in the power of the local legislature to undertake. I do not know if this difficulty had occurred to my honourable friend. It probably had, otherwise he would never have moved an amendment which obviously relates to resolutions and questions by an alteration of the rules in the 1st set of rules. There is no doubt that it is open to this Council or any honourable member to suggest any alterations they consider proper to rule 42 in the 1st set, but I think the present amendment is out of order because it relates to resolutions and questions which ought not to have any place in part I, *i.e.*, in the rules for the conduct of legislative business, and, as alterations in the rules relating to resolutions and questions cannot be undertaken by this legislature. I submit that this amendment as proposed is irregular and should not be allowed.

The Honourable Mr. HARCHANDRAI VISHINDAS:—With your Excellency's permission I may point out to the Honourable Sir MAHADEV CHAUBAL that his interpretation is subject to criticism. For instance, he says that the amendment that is sought to be proposed by the Honourable Mr. PATEL does not come under rule 42 of the rules for the conduct of legislative business but that it comes under section 80, clause (3), of the Government of India Act, and therefore, it is necessary for it to go through the two houses of Parliament and the reason for that is that this amendment relates to resolutions and questions. I submit that that argument is not sound. If that interpretation were correct then there are many matters relating to resolutions and questions which would also not be permissible under rule 42 but as a matter of fact they are. Rule 42 says:— "To take charge of the records of the council". Now these records of the council do include resolutions as well as questions. The other duties of the Secretary to the Legislative Council are:—

(2) "To keep the Journals of the Council and of the select committee."

Now these Journals do include resolutions and questions.

(3) "To keep a minute book, in which he shall enter all the proceedings of the Council, and of the select committee, in the order in which they occur and the names of the members present";

These "proceedings" include resolutions and questions. No. 4 of course relates to printing, and No. 6 says.

"To write all letters ordered by the Council or by any committee".

These "letters" may also relate to resolutions and questions. Then the amendment or addition that is sought to be inserted by my honourable friend Mr. PATEL reads:—

"(7) To maintain a register of all questions and resolutions disallowed and to deposit a copy of it in the reading room for the use of the honourable members of the Legislative Council".

His Excellency the PRESIDENT:—Will the honourable member read question rule 16 and resolution rule 8, the second part. I am only asking the honourable member to do so as this amendment is in direct contradiction of rules 16 and 8 of the resolution and question rules respectively.

RULES FOR THE CONDUCT OF BUSINESS.

[*Mr. Harchandrai Vishindas; Mr. Raghunath Purushottam Paranjpye; Mr. Balkrishna Sitaram Kamat; Mr. Dattatraya Venkatesh Belvi; the President; Mr. Siddahnath Dhonddev Garud; Sir Mahadev Bhaskar Chaubal.*] [26TH JULY 1917.]

The Honourable Mr. HARCHANDRAI :—That is quite different to what the Honourable Sir MAHADEV CHAUBAL says, your Excellency. He is referring to some other thing; that, of course, is a kind of answer.

The Honourable Mr. PARANJPYE :—Would not "Records" also include correspondence of the Council.

His Excellency the PRESIDENT :—But I would draw the honourable member's attention to the rules which refer specifically to questions and resolutions.

The Honourable Mr. KAMAT :—Might I ask just another point. The Honourable Sir MAHADEV CHAUBAL is going to appoint a committee to consider the rules.

His Excellency the PRESIDENT :—Order, order. I must ask the honourable member to let me have his opinion on this particular matter and not on the committee.

The Honourable Mr. KAMAT :—My question is whether it refers only to these 4 or 5 amendments or are they going to refer to them all the 42 rules?

The Honourable Mr. DATTATRAYA VENKATESH BELVI :—My lord, one word as to the interpretation that is to be put on rule 16 of the question rules at page 228. I respectfully submit that the interpretation which your Excellency puts upon it is not sound, because the rule says all questions that are allowed shall be entered in the proceedings of the Council, and not disallowed questions. What my honourable friend, Mr. PATEL, asks is not to enter the questions and resolutions disallowed in the proceedings of the Council, but he says that a separate register shall be kept for the information of honourable members, so that a question or a resolution that is disallowed on a previous occasion may not be repeated.

His Excellency the PRESIDENT :—The amendment is specifically with regard to resolutions and questions and my honourable friend will admit that under the Government of India Act, 1915, it is perfectly clear that this amendment ought to be brought forward under the rules for questions and resolutions. Under the Government of India Act section 80 (3) no question or resolution rule can be altered except by both the houses of Parliament. That is the position. I only want to hear what honourable members have got to say before I give my final decision in the matter.

The Honourable Mr. SIDDAHNATH DHONDDEV GARUD :—Your Excellency, the Honourable Mr. PATEL does not seek to include disallowed questions in the proceedings of the Legislative Council, but only desires to enable the secretary to the Legislative Council to maintain a separate register of disallowed questions and resolutions for the information of honourable members.

His Excellency the PRESIDENT :—But with regard to questions and resolutions we are governed by the provisions of the Government of India Act.

The Honourable Mr. GARUD :—What I want to point out is that this is not an amendment to rule 16 of the question rules. Rule 16 provides "that no question which has been disallowed by the President shall be so entered." This amendment I may point out does not seek to enter disallowed questions and resolutions into the proceedings of the Council, but suggests the maintenance of a separate register for them.

The Honourable Sir MAHADEV CHAUBAL :—But it seeks an amendment in the question rules. The amendment whether it is accepted or not, or whether it is within our power or not, is quite a different thing, but the subject of the amendment relates to Parts III and IV, governing resolution rules and question rules. That is the first thing to start with. Therefore, if this amendment has got to come in, it is pertinent and relevant to point out, if the amendment sought

a change with regard to resolutions and questions, that it would be out of order that amendments which obviously relate to resolutions and questions should be introduced in the first part which relates only to rules for the conduct of business and does not relate to questions and resolutions.

The Honourable Mr. UPASANI:—Your Excellency, there is no doubt the difficulty pointed out by the Honourable Sir. MAHADEV CHAUBAL, but if power is given to the local Government to frame rules subject to the sanction of the Governor-General and then subject to the final approval of the houses of Parliament, then we may well assume that these rules are capable of being altered by the local Government subject to the required sanction. If any contingency arises, Government themselves will raise no objection to alter them and to submit them for the requisite sanction.

His Excellency the PRESIDENT:—Will the honourable member kindly read clause (3) of section 80, the last two lines?

The Honourable Mr. UPASANI:—If the motion had been for an alteration or repeal, it would be another thing. The resolution now moved is in the form of a recommendation to Government and if Government approve the recommendation it may be accepted.

His Excellency the PRESIDENT:—Order, order. It is not a recommendation at all, it is an amendment to rule 42. I think on the whole on hearing honourable members I have had enough of legal opinion to make up my mind on this matter.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency, I do not want to go over the same ground again. All that I want to be satisfied with is whether after a motion has been admitted by your Excellency under the rules of the Legislative Council and entered by the secretary on the agenda, any member of Government has a right to rise to a point of order and question your Excellency's ruling and ask that the business be expunged from the agenda?

His Excellency the PRESIDENT:—Order, order. There are two points I think that I have finally to decide upon. The one is as to whether this amendment having got on the agenda paper, any honourable member can move that it is out of order, and the second point is whether under all the circumstances of the case, this amendment should stand. Well, with regard to the first point I am quite clear that my honourable colleague is in order in moving this amendment out of order, for this reason, that sub-rule 5 of rule 5 of the rules for the conduct of Council business says:—"Motions which may be made consistently with the Indian Councils Acts, 1861 to 1909, and the rules applicable to the Council." Well, if we hold that this particular rule must come under clause 80 (3) of the Government of India Act, 1915, the amendment is out of order on this occasion just as much as on any other. Then with regard to the other point I think it is perfectly clear that the Honourable Mr. PATEL'S amendment must come or should come, if it is to be properly moved, under the question and resolution rules. The amendment refers specifically to questions and resolutions and under section 80 (3) of the Government of India Act, 1915, no alterations can be made in the matter of questions and resolutions without the consent of Parliament. We can do nothing in the local legislature without the authority of Parliament and for that reason I must rule that the amendment is out of order.

The Honourable Sir MAHADEV BHASKER CHAUBAL:—Your Excellency.—With regard to the other amendments to rules of which notice has been given I propose that the questions involved in the different amendments be referred to a small committee consisting of

The Honourable Mr. PATEL,

The Honourable the ADVOCATE-GENERAL,

RULES FOR THE CONDUCT OF BUSINESS. ENQUIRY INTO PUBLIC EXPENDITURE.

[*Sir Mahadev Bhaskar Chaubal; the President; Mr. Raghunath Purushottam Paranjpye; Mr. Gokuldas Kahandas Parekh.*] [26TH JULY 1917.]

The Honourable Rao Bahadur GANESH KRISHNA SATHE,
The Honourable Mr. Pathan
and
myself,

and that they should after discussion settle the exact amendments and alterations of the rules and adopt the shape in which they should be brought before the Council, as one set of rules instead of different amendments, or conflicting amendments, so that the Council will be in a position to discuss and decide upon each of the amendments and settle exactly which alterations to adopt and which to reject. It is necessary that the terms of reference to the select committee should be settled, and I propose that that committee should consider the several amendments in the rules of business of which notice has been given other than the disallowed amendment and report to Council what modifications should be made in the rules in view of the points raised in the said amendments.

The motion to appoint the proposed committee to consider the amendments to the rules for the conduct of legislative business was then put to the vote and carried.

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

His Excellency the PRESIDENT:—Discussion of matters of general public interest. Resolution No. 1. The Honourable Mr. PATEL.

The Honourable Mr. PARANJPYE:—I want to request your Excellency to take resolution No. 24 first. If that resolution is taken first and is accepted, we might possibly be able to drop or postpone some of the numerous resolutions to some other meeting.

His Excellency the PRESIDENT:—In answer to the honourable member's suggestion, I may inform the Council that the Governor in Council has had an opportunity of discussing this particular point with His Excellency the Governor and he very much regrets that he finds that he is exceedingly unwilling to bind himself. He does not wish to give way entirely and allow Council meetings to be held at least six times a year. His Excellency thinks that he ought to be given a free hand with regard to the number of times that the Council should meet and he hopes that the Council will leave that discretion with him in the future as in the past.

The Honourable Mr. PARANJPYE:—My point is if that resolution is discussed first it would enable us to say whether other resolutions cannot be postponed to another sessions.

His Excellency the PRESIDENT:—I am afraid I can give very little hope about No. 24.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH:—Your Excellency.—I rise to support the first resolution that stands on the agenda and has been moved by the Honourable Mr. PATEL and now I beg leave to offer a few remarks on that resolution.

I have stated to the Council the reasons why I consider this resolution ought to pass. The facts which I want to put before the Council in connection with this resolution are that the rate of increase of expenditure has gone up in a series of years under different heads. I shall also try to show that so far as the main heads of the revenue are concerned, elasticity has considerably diminished. Then I shall try to show that so far as the public are concerned there are several urgent wants which cannot be met unless there is a considerable revenue avilable and this would not take place unless much economy is practiced in the matter of expenditure.

ENQUIRY INTO PUBLIC EXPENDITURE.

For the purpose of proving the proposition I am going to place before the Council certain figures for a series of years and the period that I select would commence from 1904.

His Excellency the PRESIDENT.—I hope the honourable member will no doubt remember that he had spoken for 7 or 8 minutes on the last occasion and so he has not got much time. I only wish to warn the honourable member.

The Honourable Mr. PAREKH (continuing):—I shall try to finish what I have to say within the few minutes at my disposal.

In the first instance I shall try to show how the expenditure has increased during the last 11 years. I take these 11 years because the years 1915-16 and 1916-17 are abnormal years in consequence of the war. I take the year 1904-05 because this was the last year of the provincial contract and it would be necessary for the Council, I submit, to have the figures of this year in order to ascertain how the changes of revenue and expenditure have taken place. The figures to which I refer will show the increase of 43 lakhs in expenditure under the head of police the expenditure in 1904-05 was of 64 lakhs and in 1914-15 it rose to 107 lakhs.

In reference to the head of land revenue your Excellency will find that in 1904-05 the expenditure was 67 lakhs and in 1914-15 it was 90 lakhs. It gives increase of 23 lakhs.

Then under the head of superannuation the Council will find that in 1904-05 the expenditure was Rs. 23,00,000 and in 1914-15 it rose to Rs. 38 lakhs, an increase of 15 lakhs. In 1904-05 under the head of courts of law the expenditure was 48 lakhs, in 1914-15 it rose to 57 lakhs, which gives an increase of Rs. 9 lakhs. Under the head of excise the expenditure was Rs. 5 lakhs in 1904-05 and it rose to 12 lakhs in 1914-15, which gives an increase of 7 lakhs. Under the head of forest the expenditure in 1904-05 was 19 lakhs and in 1914-15 it was 26 lakhs; this gives an increase of 7 lakhs. Under agriculture the increase was of Rs. 1½ lakh and under the heads of stationery, general administration, and jails the increase has been 4 lakhs under each. Under the head of public works, excluding the public works which are remunerative the increase has been 115 lakhs. The Council will now see how this expenditure is met. There has been an increase of revenue due to two causes. One of the reasons of this increase is due to the circumstance that the Government of India, which before 1904-05 gave small shares in some of the most important items of revenue to the provincial Government, subsequently changed their policy and some of the heads of revenue were completely provincialized and under some other heads the Government of India gave to the provincial Government much larger shares than they used to do before. The other cause was the normal increase of revenue due to general causes. The large increases that were due to these causes enabled the province to spend adequate sums of money under the heads education, sanitation, and medical relief. The province was not able to provide for them from any normal general increase of revenue, but because there were windfalls brought on by the provincialization of some of the heads of revenue which were till then divisible, and, the increase of provincial shares in some other divisible heads of revenue.

The Honourable Mr. CARMICHAEL:—Might I ask the honourable member if he knows what the Government of India gave to this Government in 1905-06?

The Honourable Mr. PAREKH:—So far as the subventions were concerned in 1904-05 they came to 70 lakhs of rupees and in 1914-15 to 9 lakhs of rupees.

The Honourable Mr. CARMICHAEL.—Under land revenue what were the definite and fixed allotments given by the Government of India? They amount to Rs. 1,79,00,000.

The Honourable Mr. PAREKH.—These are the figures that I have here, but irrespective of what had been given by the Government of India in supplementing the share in the revenue, what I submit to the Council is that, unless there are very great urgent needs and unless there is some sort of economy or some rules

laid down and an enquiry held for the purpose of ascertaining why there has been so large an increase in expenditure and especially in administrative expenditure, I think that a time might possibly arrive when some of the most important departments which serve the public may either have their progress stopped or retarded and it is for that reason that I submit it is necessary that there should be an enquiry.

I have next to place before the Council some of the urgent needs of the Presidency and I submit that unless some economy is practiced in some of the spending departments, the cause of education, of sanitation and medical relief will suffer considerably and for the advance of reform in these departments, it is absolutely necessary that an enquiry of the kind which has been pressed for ought to be made. The urgent needs to which I would refer are needs firstly in connection with higher education; the support of new colleges, the providing for larger accommodation of students in colleges, the providing for the staff and equipment for the Institute of Science, for which a building is already ready, the provision in reference to the commercial college, etc. These would be for higher education. Then in reference to middle class education your Excellency will note that there is the general complaint about want of accommodation in schools and provision shall have to be made in order that those people who wish that their children should have middle class education placed within their reach may not be disappointed and may not be deprived of all facility for English education. Then the other thing for which, I submit—

His Excellency the PRESIDENT.—Order, order. I am afraid the honourable member has had 5 minutes over his time.

The Honourable Mr. PAREKH.—These being the circumstances and our provincial needs being of a considerably urgent character, I submit there is a necessity for the enquiry which is the subject of this resolution.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.—Your Excellency.—Within the short time that is at our disposal to discuss this question, it will not be possible for me to go through all the figures which the Honourable Mr. PATEL has placed before us, nor would it be necessary for us to go through the figures. I would only make a few general remarks.

The Honourable Mr. PATEL'S resolution, as it stands, only asks that this Council may be pleased to direct an enquiry by a committee or otherwise on the question of the public expenditure of this Presidency with a view to secure economy wherever possible. I think this is a very small demand. The time that is allowed to us for the budget discussion hardly allows of the searching enquiry which is needed for the complete examination of the increase in our income as also in the expenditure. So far as the rise in income is concerned, the powers of Government are unlimited. Government have power to increase revenue in several ways and we have no control by the Council over the exercise of that power by Government. As regards expenditure, we do exercise some power, but it is feeble and very limited. Therefore, I think it is necessary for us to know our position as to how we actually stand both as regards income and expenditure, whether the income is over-assessed and whether the expenditure is over-incurred.

Whenever any demands for new improvements or reforms are made, Government always pleads want of funds for provision for them. But we have seen, looking at the budget, that there are several itmes in which, *prima facie*, it might be possible to make retrenchments. We have several times drawn the attention of Government to the excessive expenditure on the police. Then there is an enormous increase in the expenditure in almost every department. In the excise department we have to consider whether a duplicate machinery is necessary for the work of that department or, whether with the addition that has been made to the police force it may not be possible to reduce part of the excise force. In the same way there are numerous items relating to other departments which also admit of retrenchment. There is at the outset the

question as to the necessity to retain the scale on which the higher services are constituted. The Public Services Commission made a searching enquiry in connection with this but we understand that they have made recommendations, which if adopted, might cost us further expenditure on these higher services which may come to over Rs. 40,00,000 a year. While this has been proposed for the higher services, the lower services have not been taken into consideration in the proposals submitted by the commission. We will have to consider how far it is necessary to improve both the strength and the remuneration of these services below Rs. 200. These services were not, I believe, included in the enquiry of the Public Services Commission. Then there are also other items like exchange compensation special and acting allowances, etc. It must be considered whether the higher services should with the large increase in their pay still continue to receive any exchange compensation or special allowances and whether it is necessary to allow acting allowances for the same kind of work during the absence of leave of permanent incumbents. Then there are also the items of travelling allowances for which objections are now and then taken. It will not be possible for us to go through all the items in the budget discussion and to point out in detail where there should be reduction. It can only be done by a committee. The details are so many. There are grants made to papers like the *Jagadvritta* which also have been the subject of protest. There are other large and small items. Therefore, I think the demand made by the Honourable Mr. PATEL for a committee of enquiry is a just demand. It is very legitimate and it will, I think, strengthen the hands of both the Government and the Council to know our actual position and to find money for the necessary reforms which have to be kept back both by the Government and by the Council.

With these few words I support the resolution of my honourable friend, Mr. PATEL.

The Honourable Mr. PANDURANG ANANT DESAI.—Your Excellency, the resolution asks the Government to direct an inquiry by a committee or otherwise on the question of the public expenditure of this Presidency with a view to secure economy whenever possible.

These days are days of stringency and every attempt should be made to reduce public expenditure as far as possible. We make certain suggestions at the time of the budget but there being no sufficient time to discuss the matter it is left where it is.

Now it might be said that this matter might be left to the finance committee for discussion. But your Excellency knows that the time at the disposal of the finance committee is also limited. Therefore it is desirable that full inquiry should be made as regards both the expenditure and revenue and steps should be taken to reduce the expenditure as far as possible.

Now references were made to the expenditure on the police department. Several honourable members have referred in their budget speeches to the police department saying that that department costs much more than is absolutely necessary. We have alluded to the fact that in certain stations sub-inspectors are appointed where there is very little work to do. I submit if a full inquiry is made by a committee consisting of official and non-official members, all these matters would be discussed and then it would be very easy to see whether any reduction in the expenditure is possible.

I therefore support the resolution which has been moved by my honourable friend Mr. PATEL.

The Honourable Mr. LALLUBHAI SAMALDAS METHA.—Your Excellency, reference has been made to the finance committee by my honourable friend Mr. DESAI, who preceded me in connection with this question. I do not see why this question should not be gone into by the finance committee and I do not

see the necessity of appointing another committee to go into this question. The finance committee is appointed not by the Council as a whole but its members are elected by non-official members of this Council. So that these members with the honourable the finance member and the Chief Secretary can very well be trusted to sit together and go into this question of public expenditure.

The question of expenditure is a ticklish one. All the honourable members of this Council, whenever they meet ask for an increase of expenditure for their different departments. Some want more money for the medical department, others for sanitation, agriculture, etc. At the same time we generally say that expenditure should be reduced in particular departments. All these are facts which can very well be taken up in the finance committee. Therefore I do not think it is necessary to have another committee. I therefore oppose this resolution.

The Honourable KHAN BAHADUR PIR BUKSH *valad* MIAN MAHMUD:—Your Excellency.—I quite agree with the Honourable Mr. LALLUBHAI that there is no necessity for appointing an extra committee to pursue this work. The finance committee has sufficient time to consider this question fully and I do not think that my honourable friend, Mr. PATEL, has made out a very strong case for an extra committee. I know that the circumstances of Sind are quite different from those of the Presidency proper. I think it will be sufficient if the matter is referred to the finance committee who have yet 7 months' time at their disposal to go into this question and within which they can meet and fully discuss the whole question.

The Honourable Mr. G. CARMICHAEL:—Your Excellency.—The honourable mover's argument seemed to me very illusive. He made general statements at the beginning of his speech with regard to small items of expenditure. He referred to two items on which he thought the expenditure might be greater than it is. He also referred to other items on which he thought the expenditure should be less, and than he went on to say that very possibly each particular item could be defended in detail, but that there was possibly extravagance somewhere. He expressed his personal apprehension that there was extravagance, but there was no certainty in his own mind. I think it is unfair and unusual for a member to come to this Council on points on which he himself had not made sure.

Another point I may mention is with regard to the figure that he gave to this Council. He gave us at the first meeting, a number of slips showing certain figures giving income and expenditure under certain heads. Now at the time he gave us these figures he had been supplied by the financial department with figures of a later date—more recent figures. He compared the actual expenditure with estimates, which by the nature of things have to be framed with considerable caution, and at the time he was making this comparison of actuals with estimates, he had at hand the actual figures of the year for which he was giving the estimates.

I should like to refer first to some of his general statements. One of the most important points is his reference to a very large rise in the revenue which has occurred during recent years; but he does not allow for the fact that when the provincial settlements were made, first in 1905-06 and then in 1911, Government undertook with the increase of revenue certain responsibilities. In 1911 when the provincial revenues were given the whole of the forest and excise revenue, this Government had naturally to take over the whole of the expenditure in both these departments.

The Honourable Mr. PATEL makes a somewhat rhetorical reference to the position of local boards. He said that our local bodies are in a financially hopeless condition. He indicated that this has been proved by the report of the local boards committee, of which the Honourable Mr. PATEL was a member. But what the local board committee actually pointed out was that the revenue of the local

boards had increased in much the same proportion as provincial revenue in the period for which the figures were examined. It must be borne in mind that though the provincial revenues did increase, a very large proportion of the increase has been spent on works which are really local works. Under the public works head a large length of roads, which formerly were maintained at the cost of the local boards, was taken over and their maintenance has been provided for at the cost of provincial revenues. New roads have been made, and for municipalities a large number of new schemes of sanitation, water-works, drainage and opening out insanitary areas—not town-planning—have been undertaken out of the increased revenue which has accrued. In local board areas, also, a considerable sum of money has been spent on new bridges and roads. I think I may safely say that it has not been proved that the local bodies have been starved financially. Possibly the Honourable Mr. PATEL thinks that they should have had the spending of a larger part of the increased revenue. That, I think, is a separate question. It is a matter of policy in connection with the local self-government question. I understand that the Honourable Mr. PATEL thinks that unless the local board has a non-official president and the majority of the members are elected members, the local board is practically an official body. If he holds this view—perhaps I may be doing him a wrong, but that is the impression I have received from a good many speeches of his which I have heard—then I do not see that he has any great complaint if in spending their increased revenue Government have used their own agency instead of what he would call another official agency, namely, the local boards.

The Honourable Mr. PATEL refers to village servants as being underpaid. I do not think he can be aware of the fact that in the last ten years a very considerable re-organization has been effected in the village servants establishment and also with regard to village officers. With regard to the latter the improvement has not been so comprehensive, but numerous individual cases have been dealt with by Government and it must be remembered that the remuneration of this class ordinarily increases with the land revenue.

The Honourable Mr. PATEL said that nothing has been done for the last 50 years to improve the position of the mamlatdars. That statement I do not think has been made with the honourable member's usual fairness. The grading of the mamlatdars' service was improved, as I said the day before yesterday, in 1905 and though the maximum or minimum rates of pay have not been altered, any more than they have been in the I. C. S., a very considerable improvement has been effected in the remuneration.

Finally, the Honourable Mr. PATEL attempted to bolster up his case by a reference to two points which really do not concern provincial finance. One is the question of the fees of the official assignee and the other, the fees paid for the liquidation of certain banks in Bombay. I do not think Government can be held responsible for the amount of work which had to be done in connection with these banks. It is true they had to authorize the payment in connection with one case because the work was entrusted to a Government Officer, but the work had to be done and had to be paid for; and I believe it was very cheaply done.

Coming to the houourable member's figure slips, I should like to deal more particularly with the one under the head of the public works department. In order to understand the figures a considerable amount of explanation is necessary, but I hope I shall not detain the Council very long over it. He compares the actuals of 1908-09 and those of 1913-14 with the budget figures of 1914-15 and of 1916-17 and he deals practically entirely with the allotment under 45, civil works, that is, works carried out by our own provincial civil works—the roads and buildings branch. He made a brief reference also to expenditure under irrigation in both cases. In both cases his suggestion is that the cost of establishment is excessive. The work of the department must be examined as a whole. I am

quite ready to take the roads and buildings branch alone, but I think it will give a better view of the work of the whole department if I include the irrigation department. Firstly, I will give the actual figures of expenditure in three years: In 1908-09 the total spent by the department was 155 lakhs, in 1914-15 it was 230 lakhs, and in 1915-16 196 lakhs. That includes irrigation, military works, local fund works and contribution works, *i.e.*, local fund works which were carried out by Government officers and contribution works which were carried out by the Government engineering establishment. The percentage of establishment expenditure on the cost, deducting the cost of the establishment itself, *i. e.*, the percentage on what is actually paid for work alone, and also, deducting the amount on which establishment charges are not admissible, such as machinery imported from England, was in 1909 20·3 per cent., in 1914-15 it was 17·8 per cent. and in 1915-16 it was 23·6 per cent. Now I do not think that this variation of from 20 per cent. in 1908-09 to 23·6 in 1915-16 is at all serious when you remember that the work to be carried out is scattered over the whole Presidency and includes a considerable length of roads in every district, which have to be looked after, whether the engineer has Rs. 5 per mile to spend on it or Rs. 500. I may point out that in 1904-05 and 1905-06 the total percentage calculated in the same way was 26 per cent.

Now I will take the roads and buildings branches alone, but in that connection I must take into consideration the work done for local boards, contribution works and military works because the establishments carrying out these works are one and the same. The percentage was 16 in 1908-09, it was 15 in 1914-15, and in 1915-16 22 per cent. Now one reason why variations occur is this. The work done for local boards and for contribution is fixed at a reduced percentage.

For local boards the establishment charge is fixed at 10 per cent. and I find that on an average the contribution works' charge has been 5 per cent. over a series of years. Thus though it may actually cost us, say, 20 per cent. to carry out the work, we charge the local boards only 10 per cent. and the other bodies or persons for whom contribution works are carried out, 5 per cent. But the establishments have to be paid and the balance that we remit to the local boards and persons on whose behalf we carry out contribution works, the 10 and 15 per cent., is all added against Government work proper. In 1908-09 the total amount of local fund and contribution works was rather over 19 lakhs: local fund works 17 lakhs and contribution works 2 lakhs. In 1915-16 we had 34 lakhs: 17 lakhs local fund works and 17 lakhs contribution works. So that in that year when the actual establishment percentage worked out to 22 per cent. you have to take a percentage of 12 per cent. on 17 lakhs local fund work and 17 per cent. on 17 lakhs contribution work and debit the total as establishment charges against works which are purely Government works, in addition to the amount calculated at 20 per cent. Thus you can realise that the establishment charges on these works, that is to say, under 45, civil works, alone may mount up very quickly, and particularly so if you have in any particular year, like the year 1915-16, to cut down your programme under 45, civil works.

Another important point which should be remembered is this, that since 1908-09 we have had more money to spend and we have been spending part on certain new establishments under the public works head. We have extended the work of the sanitary engineer. I do not know whether the Honourable Mr. PATEL will complain of this because it goes to benefit the municipalities. Again, we have appointed a mechanical engineer with his establishment. His work is practically entirely for the benefit of local bodies and, so far as I know, his advise and help are free. Unless any very large work is carried out by him no charge is made. Also the boring engineer is a new officer with his establishment and he is doing a great deal of work for municipalities and for the water-supply of the Presidency generally. There has also been a very considerable extension of the activities of the electrical engineer and the establishment of the electrical

engineer has had to be increased. The whole cost of these extensions under the sanitary engineer and the electrical engineer and the new departure in connection with the mechanical engineer and boring engineer all come under the head of establishments debitable to 45, Civil Works—Public Works Department.

The Honourable Mr. PATEL makes the astonishing statement with regard to land revenue that in the year 1903-04 (I think he gave that year) our land revenue was higher than in the years 1914-15. I think he must have made some mistake. On examination of the figures I think he will see that the actual land revenue was smaller but that we were receiving from the Government of India very considerable sums of money accounted for under the head of land revenue. This was not land revenue, it did not represent our half share of the land revenue. At that time we were actually living on the bounty of the Government of India. The Honourable Mr. HARCHANDRAI referred yesterday to the Honourable Mr. PATEL'S assuming the mantle of the late Mr. Gokhale, and if he does so, I would really ask the Honourable Mr. PATEL to take the same trouble as the late Mr. Gokhale did and the Honourable Sir DINSHAH WATCHA does to verify his figures and ascertain their true meaning.

The Honourable Mr. PATEL in one of his remarks in his speech in connection with this motion said that the ways of spending money were inscrutable. I can assure him that they are not so very difficult to understand and the financial department of this Government will always be ready to help him to understand particular points.

Then the Honourable Mr. PATEL complained that the expenditure on forests is from 55 to 60 per cent. of the income. The Honourable Mr. PATEL, I believe, comes from the Kaira District. I think he was connected with a land owning family there, but of late he must have been living too much in towns and his agricultural instincts are becoming dulled, otherwise he would not have made this extraordinary statement that from landed property you can expect to get as large a proportion of revenue as you can from ordinary taxation. I think he might consult the Honourable Mr. Bhurgri. He will probably tell him that he has to put in a great deal of labour and of money into the land before he gets a substantial return.

I referred to the police expenditure yesterday. The increase has been the result of the recommendations of the Police Commission which held a very extended inquiry into the work of the police in India. On the basis of their report a scheme for the improvement of the police in this Presidency was considered and after a great deal of discussion has been finally sanctioned. As I have said, the matter is again under examination, but that any committee will be of any use in the matter I very much doubt.

With regard to stationery and printing I wish to bring to the notice of this Council that in 1913-14 the cost was Rs. 14,97,000, in 1914-15 Rs. 15,34,000, but in 1915-16 the cost has been brought down to Rs. 12,43,000. The Honourable Mr. PATEL had the whole of these figures before him when he told us that there had been a slight decrease. I submit, sir, that a decrease of Rs. 3 lakhs in one year, in a year when the cost of paper was going up by leaps and bounds, was a very considerable reduction indeed and it was effected entirely by the officers of Government undertaking a detailed review of the expenditure of the department.

Coming to general administration, the Honourable Mr. PATEL and the Honourable Mr. GOKULDAS PAREKH referred to the increase which had occurred. The Honourable Mr. PATEL indicated that there has been some extravagance, as I said before, but he did not indicate in which particular sub-head or main-head had occurred the extravagance of which he complains. There are four main causes for the increase: one is the fact that a fourth Member of Council was appointed. I do not know whether the honourable member considers that extravagant. The Legislative Council was enlarged and that necessitated a considerable increase in the travelling allowances of

honourable members. Then there are two particular items. The local audit establishment which accounts for a considerable sum had to be increased. That is work undertaken by Government on behalf of local bodies and municipalities and a number of other bodies like the nursing associations. Lastly, there is a sum of about three-fourth lakhs of rupees of which expenditure Government relieves the local boards. This is properly local board expenditure, incurred on clerical establishment maintained for local board work. Perhaps the honourable member will tell us in his reply in which of these four items he thinks extravagance has occurred.

Your Excellency, I think the position is this, that Government are continually subjecting the expenditure to scrutiny, both at close range for economic adjustment of details and also at a wider range to see that the various allotments are properly and proportionately made. The enquiry which the Honourable Mr. PATEL suggests would, as pointed out by the Honourable Mr. UPASANI, mean going over the ground which has been covered by the Police Commission, the Decentralization Commission, the Public Services Commission, the Excise Committee and the Public Works Department Committee. It seems to me, sir, that it is entirely unnecessary, in view of the scrutiny which is being carried on every day throughout the year, to undertake a special enquiry into this very vast subject.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I am very much pleased that so far as my non-official colleagues are concerned, there is no difference of opinion on this resolution. The only two members of the Council who spoke about this resolution rather haltingly were the Honourable Mr. LALUBHAI and the Honourable KHAN BAHADUR PIR BAKSH. Both of them, however, admit the necessity for an enquiry; but they say that such an enquiry must be made not by a special committee appointed for the purpose, but by the finance committee. They do not dispute the fact that some enquiry is necessary. The Honourable Mr. CARMICHAEL on behalf of Government tells us that the funds at the disposal of Government are equitably distributed among the various services and that everything is all right and no one has any reason to grumble. Only the other day, your Excellency will remember, we heard member after member criticising the budget, and complaining about the inequitable distribution of the funds at the disposal of Government among the various services under them. With regard to the police expenditure the Honourable Mr. KAMAT raised a vehement protest and Government had no reply to give except that they were making an enquiry.

The Honourable Mr. CURTIS:—I do not want to interrupt the honourable member, but with regard to the police expenditure there is a resolution further down the agenda, and I can say that Government have got a complete answer to that resolution.

The Honourable PATEL:—I submit that it also forms a part of my general resolution, and if this resolution is accepted it will not be necessary to move the other. However, the question for this Council to decide really is whether the time has come when the whole budget should be thoroughly examined and whether there should not be a redistribution and reallocation of the funds at the disposal of Government among the various services. That is the whole question before this Council. I quite agree with my honourable friend Mr. LALUBHAI that the finance committee has several months at its disposal; but as I have said more than once to this Council, your Excellency, we are not allowed to go into questions of expenditure on existing establishments. That being so, the finance committee could do nothing. They merely allot a few lakhs of rupees which are at the disposal of Government for the coming year. They cannot go into past things. Under these circumstances, I submit that there is a very good case for inquiry and I trust that those who have followed and studied the figures of income and expenditure as presented by me at the December meeting will have no hesitation in supporting this resolution.

ENQUIRY INTO PUBLIC EXPENDITURE.

[26TH JULY 1917.] [*The President.*]

His Excellency the PRESIDENT.—I think that honourable members must have observed that this resolution is really a vote of censure on the administration of Government in general. That is what it comes to, and my honourable friend Mr. PATEL must recognise that. It is quite obvious therefore that Government cannot accept it. I would ask the honourable member one question. He is very anxious that a committee should be formed to inquire into the necessity for a general reorganization of our expenditure, but when he has done that, what does he propose should follow? Does he propose to say that this committee should have plenary powers to order Government to reorganize its departmental expenditure in accordance with its suggestions? Or, what is the position? The position at the present moment is this. Under existing conditions the Executive Government has to do the best it can, and I think does the best it can; for after all we had a budget meeting the other day and I can remember very well honourable members getting up and saying what an extremely satisfactory state of things existed. Why then the need for this committee? I should like to know exactly what my honourable friend Mr. PATEL'S position is. If he really could tell us or if any of the honourable members who spoke could have told us of any definite matter on which Government has been either disgracefully extravagant or ridiculously niggardly, then there would have been something to go upon, but my honourable friend generalizes in a most unsatisfactory manner. I am bound to say there is only one course for Government to take and that is, absolutely to refuse to accept this resolution. There is one further remark which I should like to make. Surely under the present system it is within the power of honourable members to send in resolutions dealing with such matters. During the budget meeting in March honourable members can move resolutions stating their views and putting forward their ideas with regard to particular forms of expenditure. That is a means of criticising the Government, but the vote of censure, I am afraid, is becoming a rather common habit among honourable members. I may inform honourable members that several other resolutions have recently been proposed, suggesting committees for enquiry into various other departments of Government, which I think are mere votes of censure. I do really ask the Council, unless they think that Government have done so extraordinarily badly and that generally our finances are in such a deplorably bad condition, to support executive authority and not to pass this resolution.

The resolution was then put to the vote and lost, with 12 members voting for and 33 against.

The Council divided as follows :—

Ayes.	Noes.
The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.	His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E., Governor of Bombay.
The Honourable Mr. Ghulam Muhammad walad Khan Bahadur Wali Muhammad Bhurgri, Bar.-at-Law.	The Honourable Sir Mahadev Bhaskar Chaubal, K.C.I.E., C.S.I.
The Honourable Mr. Pandurang Anant Desai, LL.B.	The Honourable Mr. G. Carmichael C.S.I., I C.S.
The Honourable Dewan Bahadur Kashinath Ramchandra Godbole.	The Honourable Mr. G. S. Curtis, C.S I., I. C.S.
The Honourable Mr. Ebrahim Haroon Jaffer.	The Honourable the Advocate General (Mr. T. J. Strangman).
The Honourable Mr. Balkrishna Sitaram Kamat.	The Honourable Mr. S. R. Arthur, I. C.S.
The Honourable Mr. Raghunath Purshottam Paranjpye.	The Honourable Mr. Salebhoy Karimji Barodawalla.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.	The Honourable Mr. P. R. Cadell, C.I.E., I. C. S.
The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.	The Honourable Mr. Sherriff Devji Canji.

ENQUIRY INTO PUBLIC EXPENDITURE; TRAINING COLLEGES IN BOMBAY CITY.

[*The President; Mr. Vithalbhai Jhaverbhai Patel.*] [26TH JULY 1917.]

The Honourable Mr. Abdul Kadir *alias* Fakir Mahomed walad Ibrahim Khan Pathan.
The Honourable Mr. Shridhar Balkrishna Upasani.
The Honourable Mr. Harchandrai Vishindas, LL.B.
The Honourable Mr. James Gargrave Covernton, C.I.E.
The Honourable Sardár Syed Ali El Edroos.
The Honourable Dr. C. Fernandes, M.D.
The Honourable Mr. Siddanath Dhondev Garud.
The Honourable Mr. Mahomedbhoy Hajeebhoy.
The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.
The Honourable Lieut.-Colonel James Jackson, C.I.E., M.B., I. M. S.
The Honourable Mr. G. F. Keatinge C.I.E., I. C. S.
The Honourable Sardar Dulabawa Raisingji, Thakor of Kerwada.
The Honourable Mr. H. S. Lawrence, I. C. S.
The Honourable Surgeon-General R. W. S. Lyons, M.D., I. M. S.
The Honourable Khan Bahadur Pir Baksh walad Mian Mahmud.
The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL.B.
The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.
The Honourable Rao Bahadur Venkatesh Shriniwas Naik.
The Honourable Mr. W. U. Nicholas.
The Honourable Sir Dinshaw M. Petit, Bart.
The Honourable Mr. F. G. Pratt, I. C. S.
The Honourable Mr. Munmohundas Ramji.
The Honourable Mr. W. M. Ross.
The Honourable Rao Bahadur Ganesh Krishna Sathe, C.I.E.
The Honourable Mr. Phiroze C. Sethna.
The Honourable Mr. Purshotamdas Thakurdas.
The Honourable Rao Bahadur Tekchand Udhavdas.

His Excellency the PRESIDENT:—Resolution No. 2. The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—May it please your Excellency, the resolution which I have the honour to move reads thus:—

"This Council recommends that His Excellency the Governor in Council may be pleased to take steps to have at least one training college for primary school teachers and mistresses established in the city of Bombay at an early date."

TRAINING COLLEGE IN BOMBAY CITY.

[26TH JULY 1917.] [*Mr. Vithalbhai Jhaverbhai Patel; the President.*]

My lord, this resolution appeared on the agenda of the March meeting of this Council. Very soon after I gave notice of it I read the speech of the Finance Member of the Government of India announcing a recurring grant of £2,00,000 from 1917-18 onwards earmarked for improving the pay and training of teachers in primary and secondary schools in all the provinces of this country. I was also informed on enquiry that out of this grant our Presidency was to get Rs. 2½ lakhs, and that your Excellency's Government had called for the reports of the Director of Public Instruction on the question of the establishment of more vernacular training colleges. Under the circumstances I did not think it right to move this resolution at the last meeting and accordingly asked your Excellency's permission to allow me to postpone its discussion to this meeting. In moving for postponement I observed that if I were not satisfied with the action that Government would take in the meanwhile, I would move my resolution at this meeting. With a view to find out what action Government had taken during this long interval of four months I gave notice of a question asking Government whether any vernacular training colleges would be started, and if so, where and when. This question was disallowed by your Excellency. I do not know at what stage the question has reached; but I believe that the discussion of this resolution in this Council will help Government to solve it in a satisfactory manner.

My lord, on this question of the necessity for more training colleges there can be no two opinions. We have in this Presidency only four Government training colleges for men and three for women. The last college was opened as early as 1889 at Dhulia. Nothing seems to have been done by Government since that year in the direction of opening new colleges. The number of primary schools in the Presidency has increased and is increasing. The demand for a further supply of trained teachers is consequently becoming more acute. The total number of trained teachers in the whole Presidency engaged in all schools under all managements is about 25,000. There is no official estimate of the annual wastage caused by death, resignation or retirement. We might safely put it, as per estimate of the late Mr. G. V. Joshi, a distinguished statistician, at about 8 per cent. annually. According to this calculation 2,000 teachers are required to meet the annual wastage. To this figure of 2,000 should be added the number required to staff the undermanned schools and additional schools which surely will be opened immediately after the cessation of the war. I have not attempted, nor is it necessary for the purpose of this resolution, to estimate this number. The fact remains that the existing state of affairs is far from satisfactory. At the present moment about 2,100 persons—men and women—are under instruction in all the training institutions, Government as well as private, in the Presidency. Taking a two years' course on an average as sufficient for equipping a teacher, not more than 1,050 teachers can be sent out well equipped in the method of teaching. This number is half the total number of teachers required to meet the annual wastage.

His Excellency the PRESIDENT:—I think the honourable member's resolution has reference entirely to the city of Bombay. He had better confine himself to the matter of teachers in the Bombay city.

The Honourable Mr. PATEL:—I would first establish the necessity for the opening of more colleges and then their location.

His Excellency the PRESIDENT:—I must ask the honourable member to look at his resolution. It says: "This Council recommends that His Excellency the Governor in Council may be pleased to take steps to have at least one special training college for primary school teachers and mistresses established in the city of Bombay at an early date." I cannot hold the honourable member in order if he spreads himself over the Presidency.

The Honourable Mr. PATEL:—I will confine myself to Bombay. I have said enough to establish the necessity for opening more colleges.

TRAINING COLLEGE IN BOMBAY CITY.

I now come to the question of their location. I do not know what the views of the Government or the Bombay corporation are on this question. I feel convinced that Bombay is badly in need of a training college. There are at present only 340 trained teachers out of a total of 800, attached to the municipal schools. Besides there are 140 aided schools and perhaps an equally large number of unaided schools. There is no question that all these schools are manned by a very large percentage of untrained teachers. The Bombay Corporation is seriously considering the question of extension of primary education in that city as early as possible. Now let us see what is the provision for the supply of trained teachers for Bombay schools. The Bombay Corporation sends year after year, say, 20 or 30 persons to receive training in the Government colleges at Poona and Ahmedabad. This is utterly inadequate to meet the existing requirement of the Corporation schools. The Corporation has, therefore, recently opened three training classes. Apart from the question of efficiency of men trained in those classes, the fact remains that the opening of such classes will not solve this problem. Another reason why a college in Bombay is a necessity is that the Urdu schools in that city are manned by mostly untrained teachers, and no efforts on the part of the Corporation to get their Urdu teachers trained in other colleges will suffice to meet this want. According to my information out of the four colleges, Ahmedabad is the only college having a branch of equipping Urdu teachers attached to it. Unless, therefore, you have a training college at Bombay with an Urdu branch attached to it, education of Mahomedan children is bound to suffer. Then again, how are we going to solve the problem of supplying trained teachers to the large number of aided and unaided schools in the city? The proprietors of these schools under existing conditions find it difficult to man their schools with trained teachers. Those who pass out from training colleges are under agreement to serve Government or municipalities who pay their stipends. If there is a college in Bombay, I am sure these proprietors will send teachers of their schools for receiving training.

There is one other circumstance to which I should like to draw the attention of the Council in connection with the question of location of training college in Bombay. In 1906 Government had appointed a committee consisting of eminent educationists and public men of this Presidency, including Dr. F. G. Selby, the late Sir Pherozeshah Mehta and Sir Narayan Chandawarkar, to consider the question of extension of primary education in the city. The committee submitted its report to Government in 1908 wherein they expressed their deliberate opinion that there was a great need of additional trained teachers and recommended to Government to bear the expenditure necessary for the maintenance of a training college. Thereupon Government projected a scheme for the establishment of a college in Bombay and asked the Corporation to contribute a portion of the cost. The Corporation whilst admitting the necessity of the college contested its liability to contribution. The scheme, therefore, had to be dropped. I refer to this history to show to this Council that both Government and the Corporation regarded till 1909 that the establishment of a training college in Bombay is a necessity. I shall be glad to be told that the necessity has now ceased to exist. This Council would certainly like to hear members of the Bombay Corporation who are members of this Council on this point. I believe myself that an urgent necessity exists. But if Bombay corporators in this Council think otherwise, this resolution will give them an opportunity to express their views for the information of the Bombay rate-payers. With these words I commend this resolution to the acceptance of this Council.

The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA:—Your Excellency,—I have heard very carefully the speech of the Honourable Mr. PATEL and I confess that I fail to find any arguments which show that the location of a training college in Bombay is the most suitable arrangement for the purpose of increasing the percentage of trained teachers in the city of Bombay.

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All his arguments tend to show that there is a need for increasing their percentage, but that has been admitted not only by me but by the Corporation for several years past. I would like to point out in this connection that the percentage of trained teachers in the Bombay schools has been steadily rising and I shall give the percentages for the last five years—

In 1912-13	the percentage was	35.
„ 1913-14	„	37.
„ 1914-15	„	40.
„ 1915-16	„	42.
„ 1916-17	„	44.

You will see, sir, that there is therefore a steady rise in the increase of trained teachers in spite of a substantial rise in the total number of teachers It may not be sufficient—we ourselves do not think it is sufficient. But still that percentage is better than the percentage obtaining in the mofussil municipalities where, I understand, it is under 40 per cent.—it is about 38 to 39 per cent.

But I do not take my stand upon any comparison between the Bombay municipality and the mofussil municipalities. In a question that I put at the last sitting of this Council I asked whether the Government proposed to take any action with regard to increasing the accommodation in the existing colleges or with regard to the establishment of more training colleges. The reply from Government was that the matter was under enquiry. That being the case, I respectfully submit that the proper form which the resolution of my honourable friend, Mr. PATEL, should have taken ought to have been not merely for confining the college to Bombay alone, but for asking for more colleges throughout the Presidency. If your Excellency will permit me, I would like to move an amendment as follows :—

"This Council recommends that His Excellency the Governor in Council may be pleased to take steps to increase the accommodation in the existing colleges wherever possible and to have more training colleges for primary school teachers and mistresses established at suitable centres."

I will mention, sir, why I consider this amendment should meet with the approval of this Council. There is no doubt that more accommodation is required to increase the output of primary teachers. In reply to a question that the Honourable Mr. PATEL put at the previous sitting of this Council he was given figures which show clearly that the accommodation is very inadequate in the existing colleges and that at Poona and Ahmedabad a very small percentage only of the students that apply for admission are admitted into the colleges, no doubt for want of accommodation. The question therefore is that it will be more advisable to start these colleges in the mofussil where there already exists every facility and there is keen demand for admission to these colleges. So far as the city of Bombay is concerned, although there is a great need of trained teachers, I do not think it is necessary to establish a training college there for the following reasons.

Admissions to these colleges are governed by the stipends that the municipality of Bombay pays for its own teachers and the stipends that Government pays for its teachers in the mofussil schools. Now, even with regard to the city of Bombay the stipends amount to Rs. 10 a month; in the mofussil it is even smaller. I would ask the Honourable Mr. PATEL whether he thinks on a salary of Rs. 10 a month for two or three years he will find a sufficient number of students to attend that college, which will justify the large expenditure that is bound to be incurred if it is established in Bombay. In the year 1909 when the proposal was first made to the Bombay municipality, the estimate that was framed by Government provided for an expenditure of Rs. 30,000 per annum

towards which they asked the municipality to contribute Rs. 11,900. That scheme made very poor provision for the training of Urdu teachers. The Honourable Mr. PATEL has appealed to the Muhammadan members of this Council to see that they get a sufficient number of trained teachers. If that branch is also to be added to any college that may be established in Bombay or in the mofussil, it would mean an increased expenditure which will come to possibly over Rs. 5,000 a year. In other respects also the scheme will have to be revised and the cost, I venture to think, will be no less than about Rs. 40,000 a year. Is there sufficient justification to incur this cost in Bombay, when we know that the number of students that the college might find in Bombay is bound to be limited, on account of the scanty stipends that they get and also because of the fact that only a very few number of persons pass the vernacular school final examination, which is a test you must pass before you are admitted into any of the training colleges? Now, your Excellency, I attach great importance to the figures that I am going to quote presently. It is only when you have passed this examination that you can be admitted into the college, and the figures of passes for the last five years as I have got them are as follows :—

1912	..	...	15
1913	...	...	12
1914	..	...	23
1915	...	...	32
1916	...	...	39

You will see, sir, that the number of students that pass in this manner is, at the highest, 40 and, at the lowest, 12. It has further to be remembered that about three-fourths of this number refuse altogether to join Government or municipal service, so that provision will have to be made for a number which may possibly be 15 or 20 at the outside.

I may remind the Honourable Mr. PATEL that when the negotiations with the municipality were brought to an abrupt conclusion in 1909, this was the governing idea that was in the mind of Government when they suggested that, instead of starting a training college in Bombay, the municipality should make arrangements to supply stipends to about 75 students whom they should be at liberty to send to the existing colleges. I venture to point out to the Council that it is not altogether a question of cost that guides me in putting this proposition before the Council. I know that it has been suggested that it is because the Bombay municipality may have to bear the cost, that we propose to oppose the resolution of the Honourable Mr. PATEL. I can assure him that it is nothing of the kind and he will see presently that it cannot be the governing factor at all. As I have said, according to the scheme that Government proposed in 1909 the cost to be borne by the municipality was, at the outside, Rs. 11,900. As against that undertaking we were to send 75 students to the existing colleges with a stipend of Rs. 10 each. We have undertaken and are undertaking a charge of Rs. 9,000 per annum, so that the difference is only about Rs. 2,900; but that is not the reason which makes me suggest the modification in the resolution of the Honourable Mr. PATEL. He referred to the liability that the Corporation might have to incur. I may point out that counsel's opinion was taken on this matter in addition to the definite opinion of the Honourable Sir Pherozeshah Mehta that the Bombay municipality was not liable to pay any contribution towards the cost of the primary training colleges. The opinion was given by Mr. Inverarity and Mr. Lowndes and it distinctly stated that it was only if the Bombay municipality considered that the establishment of the training college in Bombay was necessary that they would have to bear the cost of such a college. It is obvious therefore that it is entirely for the municipality to say whether they will have a college in Bombay or not and whether they will bear the cost. That is also clear from the wording of the section in the Bombay Municipal Act, which says that

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[26TH JULY 1917.] [*Mr. Chunilal Vijbhukhandas Mehta; the President.*]

the Bombay municipality is only liable to maintain, equip, aid and suitably accommodate schools for primary education. That is the whole liability and it is not, as is loosely supposed, that they are liable for the entire cost of primary education in the city of Bombay. However, that is a matter which can be considered when the question really comes to be dealt with between Government and the Corporation. For the present I only say that it would be advisable to leave the Government to decide at what centres they will put these new training colleges, and I leave them also to decide whether they think that Bombay city is the proper centre for these colleges. Then let negotiations be opened between Government and the Bombay Corporation; but unless it is clearly proved, which I consider will be very hard in this case, that Bombay is the proper centre for the establishment of a new training college, I think that it should be left to the discretion of Government to make enquiries and find out where the college should be located.

I hope the Council will pass my amendment.

His Excellency the PRESIDENT:—The Council, I think, is anxious to meet at 11 o'clock to-morrow morning.

The Council then adjourned till 11 a.m. on Friday, the 27th July 1917.

By order of His Excellency the Right Honourable the Governor,

R. B. MILNE,

Secretary to the Legislative Council of the Governor of Bombay.

H 2125—154

Journal of the Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915 (5 and 6 Geo. V, Ch. 61).

The Council re-assembled on Friday, the 27th July 1917, at 11 a.m., at the Council Hall, Poona.

PRESENT:

His Excellency the Right Honourable Lord WILLINGDON OF RATTON, G.C.I.E., Governor of Bombay, *President.*
The Honourable Sir MAHADEV BHASKAR CHAUBAL, K.C.I.E., C.S.I., *Vice-President.*
The Honourable Mr. G. CARMICHAEL, C.S.I., I. C. S.
The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.
The Honourable the ADVOCATE GENERAL (Mr. T. J. STRANGMAN).
The Honourable Mr. S. R. ARTHUR, I. C. S.
The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.
The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.
The Honourable Mr. GHULAM MUHAMMAD walad Khan Bahadur WALI MUHAMMAD BHURGRI, Bar.-at-Law.
The Honourable Mr. P. R. CADELL, C.I.E., I. C. S.
The Honourable Mr. SHERRIFF DEVJI CANJI.
The Honourable Mr. JAMES GARGRAVE COVERNTON, C.I.E.
The Honourable Mr. PANDURANG ANANT DESAI, LL.B.
The Honourable Sardar SYED ALI EL EDROOS.

TRAINING COLLEGE IN BOMBAY CITY.

[*The President; Mr. Raghunath Purshottam Paranjpye.*] [27TH JULY 1917.]

The Honourable Dr. C. FERNANDES, M.D.
The Honourable Mr. SIDDHANATH DHONDDEV GARUD.
The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE.
The Honourable Mr. MAHOMEDBHOY HAJEEBHOY.
The Honourable Sheikh GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Lieut.-Colonel JAMES JACKSON, C.I.E., M.B., I. M. S.
The Honourable Mr. EBRAHIM HAROON JAFFER.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Mr. G. F. KEATINGE, C.I.E., I. C. S.
The Honourable Sardar DULABAWA RAISINGJI, Thakor of Kerwada.
The Honourable Mr. H. S. LAWRENCE, I. C. S.
The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
The Honourable Khan Bahadur PIR BAKSH walad MIAN MAHMUD.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Sardar SHRINIWAS COOPOOSWAMI MUDLIAR.
The Honourable Rao Bahadur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. W. U. NICHOLAS.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. F. G. PRATT, I. C. S.
The Honourable Mr. MUNMOHANDAS RAMJI.
The Honourable Mr. W. M. ROSS.
The Honourable Rao Bahadur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. PHIROZE C. SETHNA.
The Honourable Mr. PURSHOTAMDAS THAKURDAS.
The Honourable Rao Bahadur TEKCHAND UDHAVDAS.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

His Excellency the PRESIDENT:—Order, order. Further discussion of Resolution No. 2, moved by the Honourable Mr. PATEL with an amendment by the Honourable Mr. CHUNILAL MEHTA. The Honourable Mr. PARANJPYE.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE:—Your Excellency, I would not have taken part in the discussion of this resolution if it were merely a family affair between the city of Bombay and Government, but the resolution goes further than the mere reference to the city of Bombay and has reference to increasing generally the number of training colleges in the Presidency. Now, I feel very strongly that a greater number of trained teachers for primary schools is absolutely essential if our primary education is to expand and be of real benefit to the pupils, for any teacher, anybody who can read and write, is obviously not fitted to teach our children properly. Pedagogy nowadays is a great science and our teachers have got to learn at least the rudiments of this science. Now, this resolution of the Honourable Mr. PATEL asked only for a single training college, and our friend the Honourable Mr. CHUNILAL'S amendment asks for apparently more training colleges; I can only say that this would be like being given two eyes when the devotee only prayed for one; and hence I shall be very well satisfied if the amendment of my honourable friend, Mr. CHUNILAL, is accepted. It would be an improvement on the old resolution, and I think it will do a great good to the people of this country. I know there may be some objections to starting a training college in the city of Bombay, and it is

evidently a point which deserves to be considered whether at the same cost a training college in some other part of the Presidency might not be more economical. This question of the location of the training colleges may very well be gone into further before coming to a decision, but in any case, I think, more training colleges are required and I suggest that Government had better consider this question first by itself before declaring or committing itself in this Council to act in a particular or definite matter. I have, therefore, great pleasure in supporting the amendment brought forward by my honourable friend, Mr. CHUNHLAL, and suggest to my honourable friend, Mr. PATEL, that he will do well to accept this amendment.

The Honourable Mr. EBRAHIM HAROON JAFFER:—My Lord, I wish to move an amendment to the resolution moved by my friend, the Honourable Mr. PATEL. The amendment will be thus:—

"Adequate provision being made for turning out trained Urdu teachers by starting special Urdu classes in Bombay and a separate Urdu training college for the mofussil."

His Excellency the PRESIDENT:—Order, order. The honourable member cannot move an amendment to the resolution. He can move an amendment to the amendment.

The Honourable Mr. PATEL:—Can there be not more than one amendment to the original proposition?

His Excellency the PRESIDENT:—I think under rule 19 (1) the amendment must be to the amendment and not to the resolution.

The Honourable Mr. PATEL:—I submit, your Excellency, that my honourable friend, Mr. JAFFER, can move an amendment to the original proposition under the rules.

His Excellency the PRESIDENT:—Yes, I think my honourable friend, Mr. PATEL, is right; under the terms of the present rules although it is not the custom in other parliaments. Does the honourable member wish his amendment to come at the end of the resolution or what?

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

His Excellency the PRESIDENT:—Then the resolution as amended by my honourable friend, Mr. JAFFER, will be as follows:—

"This Council recommends that His Excellency the Governor in Council may be pleased to take steps to have at least one special training college for primary school teachers and mistresses established in the city of Bombay at an early date, adequate provision being made for turning out trained Urdu teachers by starting special Urdu classes in Bombay and a separate Urdu training college for the mofussil."

The Honourable Mr. JAFFER:—I believe it is not necessary for me to speak at length to commend this amendment to the acceptance of the Council. The importance of having trained teachers in our schools, primary as well as secondary, is admitted on all hands. The Muhammadan community is backward in education, and if progress is to be made by it, the Urdu schools must be provided with trained teachers. From the statistics which have been supplied to me by Government it is clear that the condition of Urdu schools is very unsatisfactory with regard to qualified teachers and much worse with respect to trained teachers, the percentage of unqualified teachers in Urdu schools being as large as 36·3 as against 15 in other primary schools. I hear again a large number of candidates seeking admission to training colleges at Poona and Dharwar are rejected for lack of accommodation. Out of the 68 male candidates, who sought admission at these two places in 1915-6, only 30 could get admission and in 1916-7 these figures were 39 and 15 only. The case of the Urdu training class at Ahmedabad

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[*Mr. Ebrahim Haroon Jaffer; Sheikh Ghulam Hussein Hidayatallah; Mr. F. G. Pratt; Mr. J. G. Covernton.*] [27TH JULY 1917.]

is well known and I need not refer to it again. Government have not seen their way to add a second year's class to the college at Ahmedábad though the experiment has proved a great success and Muhammadan candidates cannot be admitted to other training colleges for lack of accommodation. Under these circumstances, I hope it will be clear to the Council how urgent is the need for making greater provision for the training of Urdu teachers. I have every hope therefore that my amendment will be accepted by the Council.

The Honourable Sheikh GHULAM HUSSEIN HIDAYATALLAH:—Your Excellency, I rise to support this amendment moved by my honourable friend, Mr. JAFFER. At present for training Urdu teachers there is one school at Ahmedabad with its training class and two other colleges. Now, most of the people would not like to go to this training class because the training there is only for one year. Owing to the training there being given only for one year they do not turn out efficient teachers and besides that they have no prospects. Therefore, many young men do not like to go to this training class at Ahmedabad and my honourable friend, Mr. JAFFER, has stated that the two other colleges have not sufficient accommodation for more Mussalman young men to go there for training themselves as teachers in Urdu. Therefore, it is necessary to have a Muhammadan training college as suggested by my honourable friend, especially in view of the fact that primary education is going to be made compulsory. With these remarks I commend the amendment of my honourable friend, Mr. JAFFER, to the Council.

The Honourable Mr. F. G. PRATT:—Your Excellency, there are only two remarks that I wish to make in connection with this resolution. The first is that I agree that the provision of a training college in Bombay would be desirable from the point of view of the mofussil, because every Bombay man that is getting training in the mofussil vernacular training colleges is to that extent taking up the accommodation that would be available for an increased number of mofussil students. The second remark that I have to make is that I was a little surprised that speaking on behalf of the Bombay Corporation the Honourable Mr. CHUNILAL MEHTA should apparently be satisfied with the existing Bombay standard of efficiency in the matter of trained teachers. It is only a very little advance on the standard which has been reached in the mofussil. He told us that in the mofussil the percentage of trained teachers was 38 while in Bombay city it was 44. I should like to submit to the honourable member's consideration that in view of the enormous resources, intelligence, and wealth of the Bombay city I think the proportion should be not 44 but more like 88 per cent.

The Honourable Mr. J. G. COVERNTON:—Your Excellency, it may perhaps save time and trouble if I explain to the Council, as far as possible, exactly what the present position is.

In the first place, a reference has been made by the honourable mover of the original resolution, I think, to a grant which has been made by the Government of India, a grant of Rs. 2,50,000 That particular grant was not made specially for training colleges or for the extension or improvement of training colleges, but rather for the improvement of the pay of teachers in primary and other schools. We have been ascertaining from the inspectors what the demands of the various divisions are under that grant and we have now our proposals practically ready and they will be submitted to Government very shortly.

As regards the particular question of a training college in Bombay, there seems to be some difference of opinion as to whether a college should be in Bombay or for Bombay. There are obvious difficulties about planting a large college in Bombay. The question of expense, the question of a suitable site, the question of buildings—all afford difficulties which at present we are in no financial

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position whatever to cope with. I understand that the Bombay municipality would not object to have a training college in Bombay, provided they were not called upon to pay for the establishment of such a college. On the other hand, it is stated that the incidence of finance in this respect falls upon the Bombay Corportion, because the training of vernacular teachers is an inherent part of the maintenance of primary education by that body. However that may be, and without going into the legal point which I am not competent to discuss, I should like to say that the Government of India have now raised the whole question of the training of teachers. We had a letter from them some time ago and the whole question has been reviewed from the point of view of this Presidency since the receipt of that letter. We find that we are most undoubtedly very much in arrear in the outturn of trained teachers in this province. It is a little difficult to calculate exactly what the numbers required are, because a good deal depends upon the data from which you start; but even on one of the most economical estimates which I have seen, we should require to turn out something like 900 or 1,000 more teachers a year in order to meet the actual demands of the situation. It is quite obvious that for that purpose our present colleges are insufficient. If you take the present numbers in the training colleges, you will find that they cannot possibly meet that demand. If you extend and add to the present colleges you will be able to meet that demand partially, but in the letter I have submitted to Government I have suggested that the demand could not adequately be met in that way. We should have, I think, to establish additional colleges. That question will be carefully examined by Government and we shall have to decide where the additional colleges are to be placed. If it is found that Bombay, after all, would be a suitable position for a college,—I am not saying that it would not in certain respects,—then, provided that funds are available, we shall be very glad to do what we can to meet the proposition which the Honourable Mr. PATEL has put forward. But I think honourable members must understand that at present we are not in any position to do so. We have not got the staff, we have not got the buildings, and we have not got the subventions necessary to create these new colleges. On the other hand, Government and the department are fully conscious of the needs of the situation and are prepared to do all they can, as soon as money is available, to meet those needs.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency, the necessity for additional training colleges and the insufficiency of the existing provision for the same are admitted by the Honourable the Director of Public Instruction. It is also admitted that all those who present themselves for admission do not get admission. It will be seen from the last report of the Director of Public Instruction that in Poona only 119 students could be admitted out of 426 who presented themselves. At Dhulia only 85 out of 137 were admitted. At Ahmedabad 110 out of 145 were admitted and at Dharwar 140 out of 500 were admitted.

So it appears that there is no want of competent candidates who are eligible to be admitted but that there is want of accommodation in the existing institutions. The first step, therefore, that will have to be taken will be to extend the present accommodation. And if this could not be done by starting new training colleges, it should, I think, be done by making some provision to strengthen the staff and accommodation in the existing institutions, specially with regard to the third year of training teachers. Their number, I think, is quite out of proportion to the needs of the schools that at present exist. Under the standing rules the 5th, 6th and 7th standards have to be taught by those who have passed the third year examination. But there is no sufficient number of these, and therefore the teaching of those standards suffers seriously. We had for this reason proposed the addition of a third year class for the Dhulia training school, and if that proposal had been seriously considered, I think, the need, so far as the higher standards are concerned, would have been met in part.

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As regards the training college in Bombay or for Bombay, I think the location may be left to Government. But there is no doubt that there ought to be a training college not only for Bombay but for students who come from Ratnagiri, Thana and Kolaba. Bombay itself or some place near Bombay will be convenient to those who come from Ratnagiri and Kolaba and also Thana.

As regards our Mahomedan friends, I think they are placed in a very inconvenient position in having to work with Marathi boys. In fact, they cannot compete with them and the training of the Marathi boys also suffers. As a matter of fact the Mahomedan boys are not so far advanced as the Hindu boys are and many of them have to be admitted with grace-marks as is expressly stated in the last year's report of the Director of Public Instruction. They had to be admitted as students belonging to the non-Brahmin classes who are to be encouraged under the rules. It is hard on Brahmin boys that they should be kept back even though they may stand higher up in rank and that the Mahomedan and other candidates should be given preference over them though less qualified. This, really, is not a satisfactory arrangement and in the circumstances as they stand, I think, that a separate college for Mahomedans would be a better arrangement. They will thereby be all brought together and there will be a a far greater improvement in their efficiency than is possible by putting them together with more advanced Hindu students as is being done at present.

I think, therefore, that the whole question may be seriously considered in the interests of the vernacular education on the whole.

The Honourable Sardar DULABAWA RAISINGJI, Thakor of Kerwada:—Your Excellency, I rise to support the resolution. I also congratulate my honourable friend, Mr. EBRAHIM JAFFER, for having taken this opportunity of moving an amendment, in doing which he has done a great service to the Mahomedan community, and I am sure my honourable friend, Mr. PATEL, will have no objection to accepting this amendment.

This, your Excellency, is a matter of great urgency in view of the fact that we have empowered the municipalities to make primary education compulsory and free. Your Excellency's Government have accepted the Honourable Mr. PATEL'S bill and therefore the need for Mahomedan teachers is still greater. There has always been a very great need for Mahomedan trained teachers and if the amendment proposed by my honourable friend, Mr. EBRAHIM, is accepted, I venture to submit that it will be a move in the right direction.

The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA:—Your Excellency, I am speaking now on the amendment moved by my honourable friend, Mr. EBRAHIM HAROON JAFFER.

The amendment that I moved left room for all considerations to be met, and no doubt when the department considers in what localities new training colleges should be started, they could give adequate attention to the question of attaching either special Urdu classes or starting special Urdu training colleges at suitable centeres.

So far as Bombay is concerned we have started there three special classes—one for Gujarati male teachers, one for Urdu male teachers and one for Urdu female teachers. Out of the three classes we have started for training teachers so that they may be able to appear at the existing training colleges, we have started two classes for Urdu teachers, and I have no objection whatever, if more Urdu men are available who have passed the vernacular final examination, that they should be admitted and that proper accommodation should be provided for them either in the mofussil or in Bombay, if a college comes to be started in Bombay after due inquiry has been made by the department. I, therefore, think, sir, that nothing will be gained by merely having one training college in Bombay city. I am not perfectly clear about the amendment which my

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honourable friend, Mr. JAFFER, has moved. I understand him to ask for a special training college in Bombay and in addition a special Urdu training college. In my amendment I have asked for more training colleges at suitable centres, and one of them, if necessary, might be a Urdu training college.

With regard to the remarks of my honourable friend, Mr. PRATT, I do not think he was quite fair. I yesterday distinctly stated that I do not wish to gain any credit by comparison with the mofussil municipalities. I am afraid I did not make quite clear to the Honourable Mr. PRATT the real nature of the rise in the percentage of trained teachers, inasmuch as in 1911 there were 566 teachers out of whom only 204 were trained, in 1916 there were 924 teachers out of whom 409 were trained; so that the percentage reflects not only a rise in stationary figures but a rise in spite of the substantial increase from 566 to 924 Our ambition is not, as the Honourable Mr. PRATT says, to limit trained teachers to 88 per cent., but we are striving at 100 per cent., and we hope we will be able to get that number.

The Honourable Sir MAHADEV BHASKAR CHAUBAL:—Your Excellency, I think it will perhaps clear the situation if I rise at this stage and state that Government have no hesitation in accepting the amendment moved by the Honourable Mr. CHUNILAL MEHTA which runs to the effect that—

"This Council recommends that His Excellency the Governor in Council may be pleased to take steps to increase the accommodation in the existing colleges wherever possible and to have more training colleges for primary school teachers and mistresses established at suitable centres."

In accepting this resolution, however, the Council will permit me to make a statement. There are two propositions which are not disputed by anybody in this Council or by any member of Government. One is that we sadly want more trained teachers for primary schools, as also for secondary schools, though the resolution is not directly concerned with the latter. The second is that, under the present financial circumstances, and such circumstances as one can anticipate in the immediate future, it is impossible to expect to start with any idea of supplying the whole need within a year or two. For that, as explained by the Honourable the Director of Public Instruction, on the rough calculation he has made, you would have to supply trained teachers at the rate of 900 or 1,000 teachers a year. Well, that is impossible. But I can explain to the Council what we are engaged in doing at present. I think I mentioned on the last occasion, when this question was raised, what that was. Seeing, as the Government of India do, that complete satisfaction on this point is not possible under the present financial circumstances, what they have asked us to do is this. They say:—"In view of the fact that for several years to come there can be no expectation of a grant of money from the imperial Government for this class of expenditure, it is recognized that any standard which may now be adopted must necessarily fall far short of the standard which can be prescribed if suitable funds were available; but at the same time it appears to the Government of India that it would be useful for the several local governments to have before them some standard in dealing with this question and, as at present advised, they are of opinion that the lowest result which should be aimed at by local governments is that the number of teachers, male and female, to be trained in each year for Indian schools should not be less than the number of new teachers whom it is necessary to provide during the year in order to take the place of teachers who have died, or resigned or retired, or in order to meet the demands caused by the extension of education." Any funds that may be required for this purpose the Government of India feel that they will be in a position to give, with such assistance as the provincial revenues will be able to make. And this is what we are engaged on at present. We are trying to find out what

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would be the total output required, taking into calculation the deaths, resignations or retirements and the additional provision that will have to be made on account of the increase in the number of primary schools. Having ascertained this, under the instructions of the Government of India it would be the duty of this Government, if not to do more (which it would be very willing and glad to do) at least to supply that number of trained teachers and mistresses each year. Now, coming to the relevancy of this to the resolution which has been moved, the first thing to consider, is to what extent we can avail ourselves of the existing institutions in supplying this minimum want, if necessary and where possible by enlarging the scope of these institutions. Then if it is found that we cannot get the minimum number from the existing institutions, we have then to consider what number of additional colleges would be necessary, and the suitable centres at which to start them: to see what funds we have for the purpose and to ask the Government of India to give us the promised assistance as to the balance. As this is what we are engaged in, I stated at the outset that I have no hesitation in accepting the resolution which only recommends to Government action in the direction in which Government is actually working at present.

The question as regards the original proposition of establishing a training college in Bombay is slightly complicated on account of the peculiar position of the Bombay primary schools, which is a question mainly between the municipality and Government. As explained by the Honourable Mr. CHUNILAL MEHTA yesterday, the last arrangement to which the Bombay municipality consented was that we were to turn out for them in the existing institutions outside Bombay a certain number of trained teachers every year. That we are doing, and if the Bombay municipality wants more and gives more stipends, if we find that we have accommodation for larger numbers in these institutions, then we will consider how many more we can take from Bombay and what additional stipends the Bombay municipality is prepared to give. I ask the mover of the original proposition to take this into consideration: so far as primary education goes, I do not see any particular advantage in locating a training college for primary schools in Bombay, because the education in the primary schools in the first three or four standards is practically the same whether you are dealing with a primary school in Bombay or in the mofussil. It is not as if a person, who is trained as a teacher in the Ahmedabad or Poona or Dhulia training colleges, is not able to teach in a primary school in Bombay or elsewhere. But, on the other hand, the fact remains, as explained by the Honourable Mr. MEHTA yesterday, that in order to keep the men in Bombay and to train them in Bombay a very large amount of expenditure will have to be incurred unnecessarily. Larger stipends will have to be paid and there is the great difficulty about buildings, to which reference has already been made. Therefore, while, on the one hand there is no particular advantage to be gained by having a college in Bombay, on the other hand there is the certainty of increased cost. Again, supposing a training college were started in Bombay, is it to supply the wants of mofussil schools as well as Bombay primary schools? And, if both, the question of how to distribute and adjust the expenditure between the municipality and Government would introduce a further complication. Instead of doing that if we can find that with less expenditure the same object can be attained by starting a training college elsewhere, Government will take steps to do that. I myself feel that the utmost output we can get from the existing institutions will hardly be enough to satisfy the minimum which the Government of India prescribe and there are already suggestions which Government will have to consider very shortly as to the location of a fresh training college or colleges outside the city of Bombay.

There is only one more point that I need mention, namely, that I do not wish to complicate the present resolution, as moved by the Honourable Mr MEHTA, by any consideration as regards separate and exclusive Urdu training colleges. Upon that question I am not, unfortunately, able to make any pronouncement at the present moment. I think the pronouncement may be expected soon, when

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Government publish their decision upon the recommendations which have been made by the Mahomedan education committee and the conclusions that Government have come to on those recommendations. I think they will probably be very shortly published, but until that is done I do not think I am in a position to make any pronouncement about separate Urdu training colleges, to which the honourable mover of the second amendment has made a reference.

With these remarks, I think all further discussion may perhaps be cut short if I state that Government are at present actually engaged on carrying out what this resolution recommends Government to do.

The Honourable Mr. PATEL:—Am I to understand that Government have already decided not to start any training college in Bombay?

The Honourable Sir MAHADEV CHAUBAL:—I cannot say that they have decided not to do so, but I think I am fairly correct in stating that the conclusion to which they have arrived at present is, that the starting of a college in Bombay for the purpose that you want is rather inconvenient and that, if that is to be done, the want would be better satisfied by starting a training college elsewhere.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency,—There is only one remark that I want to make and that is that in the course of the discussion it has been stated that the municipality of Bombay is making use of our training colleges and school at Ahmedabad, Poona and Dhulia for the training of their teachers. I wish that the finance department should see that the Bombay Municipality pay proportionately towards the cost of the maintenance of these three institutions in consideration of the use that they make of them.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I may say at once in rising to reply that I am quite prepared to accept the amendment of my honourable friend Mr. CHUNILAL MEHTA, but in doing so I should like to make one or two observations. My honourable friend, Mr. COVERNTON, told us that the grant by the Government of India was not at all intended for the purpose of improving the training of teachers.

The Honourable Mr. COVERNTON:—I said that it was not intended for establishing training colleges as such.

The Honourable Mr. PATEL:—But I understand that that grant is intended for the purpose of improving the training of teachers. If that is so, how are we going to improve the training of teachers without opening new colleges?

The Honourable Sir MAHADEV CHAUBAL:—That grant is for the purpose of adequately paying and training teachers, so that what the Director of Public Instruction stated was that the grant was not wholly for the purpose for which you want it to be allocated.

The Honourable Mr. PATEL:—I am glad to know that Government have not committed themselves to any view as to the question of location of the new college. My honourable friend Mr. MEHTA'S amendment also does not commit Government to open a college in any particular place—it may be in Bombay or in the mofussil—, but I was certainly surprised to hear, your Excellency, from Sir MAHADEV CHAUBAL that there was no particular advantage in having a training college in Bombay. Until 1910 this Government was of opinion that a college in Bombay was a necessity. They had appointed a committee on which such distinguished men as Dr. Selby, Sir Pherozeshah Mehta and Sir Narayan Chandavarkar were members and that committee had recommended unanimously that a college in Bombay should be opened. Government had then accepted their view and projected a scheme. That was the position in 1910. I do not know on what authority Sir MAHADEV CHAUBAL says that there is no particular

advantage in having a training college in Bombay. Anyhow, as the resolution as amended by my honourable friend, Mr. MEHTA, leaves the question of location open I accept the amendment.

The amendment moved by the Honourable Mr. EBRAHIM HAROON JAFFER was then put to the vote and lost, with fourteen members voting for and twenty-eight against it.

The Council divided as follows:—

Ayes.	Noes.
The Honourable Mr. Salebhoy Karimji Barodawalla.	His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E., Governor of Bombay, *President*.
The Honourable Mr. Ghulam Muhammad walad Khán Bahádur Wali Muhammad Bhurgri, Bar.-at-law.	The Honourable Sir Mahadev Bhaskar Chaubal, K.C.I.E., C.S.I., *Vice-President*.
The Honourable Mr. Pándurang Anant Desai, LL.B.	The Honourable Mr. G. Carmichael, C.S.I., I.C.S.
The Honourable Sardár Syed Ali El Edroos.	The Honourable Mr. G. S. Curtis, C.S.I., I.C.S.
The Honourable Dr. C. Fernandes, M.D.	The Honourable the Advocate General (Mr. T. J. Strangman).
The Honourable Mr. Siddhanath Dhonddev Garud.	The Honourable Mr. S. R. Arthur, I.C.S.
The Honourable Mr. Mahomedbhoy Hajeebhoy.	The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.
The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.	The Honourable Mr. Sherriff Devji Canji.
The Honourable Mr. Ebrahim Haroon Jaffer.	The Honorable Mr. James Gargrave Covernton, C.I.E.
The Honourable Mr. G. F. Keatinge, C.I.E., I.C.S.	The Honourable Dewán Bahádur Kashinath Ramchandra Godbole.
The Honourable Sardár Dulabawa Raisingji, Thákor of Kerwada.	The Honourable Lieut.-Col. James Jackson, C.I.E., M.B., I.M.S.
The Honourable Khán Bahádur Pir Baksh walad Mian Mahmud.	The Honourable Mr. Balkrishna Sitaram Kamat.
The Honourable Mr. Abdul Kadir *alias* Fakir Mahomed walad Ibrahim Khan Pathan.	The Honourable Mr. H. S. Lawrence, I.C.S.
The Honourable Mr. Shridhar Balkrishna Upasani.	The Honourable Surgeon-General R. W. S. Lyons, M.D., I.M.S.
	The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL.B.
	The Honourable Mr. Lalubhai Samaldás Mehta, C.I.E.
	The Honourable Ráo Bahádur Venkatesh Shriniwas Naik.
	The Honourable Mr. W. U. Nicholas.
	The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
	The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.

TRAINING COLLEGE IN BOMBAY CITY: ENQUIRY INTO THE WORKING OF THE POLICE DEPARTMENT.

[27TH JULY 1917.] [*Mr. Vithalbhai Jhaverbhai Patel; Mr. Raghunath Purshottam Paranjpye; the President.*]

Ayes.	Noes.
	The Honourable Mr. F. G. Pratt, I.C.S.
	The Honourable Mr.. Munmohundass Ramji.
	The Honourable Mr. W. M. Ross.
	The Honourable Ráo Bahàdur Ganesh Krishna Sathe, C.I.E.
	The Honourable Mr. Phiroze C. Sethna.
	The Honourable Mr. Purshotamdas Thakurdas.
	The Honourable Ráo Bahádur Tekchand Udhavdas.
	The Honourable Mr. Harchandrai Vishindas, LL.B.

The resolution as amended by the Honourable Mr. CHUNILAL MEHTA was then put to the vote and carried.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—Will you please permit me to move resolution No. 18? I want priority to be given to this resolution.

The Honourable Mr. PARANJPYE:—Is there any particular reason for that?

His Excellency the PRESIDENT:—I am inclined to think that after the various discussions in the Council resolution No. 18 is one of the most important matters among the resolutions and as I have authority under rule 9 to give priority to any resolution and think that this is the most important one before us, and, in any circumstances, as honourable members have various engagements within the next two days, I think it would be better to have resolution No. 18 before us and have it discussed.

The Honourable Mr. PATEL:—As your Excellency remarked just now, this resolution is the most important one on the agenda before the Council. Matters connected with this resolution have been discussed at the budget meeting every year and I have now first thought it proper to bring them in the form of a resolution before the Council.

Your Excellency, I now have the honour to move the following resolution:—

"This Council recommends that an enquiry be made by the appointment of a Committee or otherwise into the working of the Police Department since its reorganization and report on the propriety and necessity of the existing establishment and of redistribution of areas."

My lord, a commission to make inquiries into the state of the Police and to submit recommendations was appointed in the year 1902 by Lord Curzon's Government. That commission recorded evidence from every British province throughout India and submitted its recommendations. The reforms contained in those recommendations were recommended to local Governments by the Government of India in 1905. Since then each local Government has been at work in introducing the reforms recommended for its province.

The Bombay Government began to give effect to these reforms in or about the year 1908. Since then we are having, year after year, proposals from the officers in charge of districts, the Inspector General of Police and the Police Commissioner of Bombay. We find that Government are too ready to meet these

proposals. This extraordinary treatment is no doubt good. But the question is whether Government shall go on expending money on the lines now pursued without further investigation, simply for one reason that the reorganization scheme has not had a fair trial: or whether if, after eight or nine years' experience, it is not found that the whole thing has progressed satisfactorily, Government would not begin to reinvestigate and set right the several joints so that the subsequent organized body may be complete in itself and as satisfactory as possible. If Government is of opinion that the ideal has been well settled upon and it must be carried through without a halt—if that is the view—, there are circumstances in this case which I propose to put forward to enable Government to come to a conclusion that such opinion is not entitled to any respect. It is proved that the working of the scheme for the past eight or nine years has failed to give satisfaction; it will be for your Excellency's Government to say whether an investigation should not be made before we decide to go on increasing our expenditure and increasing establishment. One thing, my lord, is certain that in spite of the reorganization scheme it has not been felt in the interior part of the Presidency or by people generally that we have had very good results in the working of the police administration. Here I am supported not only by non-official but also by official opinion. During the budget debate of 1915 the Honourable the CHIEF OF KURUNDWAD quoted facts and figures to show that the expenditure on police had during the last 10 years doubled itself. The Honourable Mr. KAMAT, referring to the work of the police in the Town of Bombay, pointed out that from the annual report of the police for the year 1913 the percentage of true cases of all classes which remained undetected rose from 5·96 to 8·32 over previous years, that out of 24 cases of murder 9 remained undetected and the percentage of recovery of stolen property fell from 39·52 to 33·72. He further pointed out that the efficiency of the district police was not at all encouraging and cited the opinions of the district superintendents of police of Nasik and Poona. The Honourable Mr. PAREKH emphatically stated that judging by results the efficiency of the police had decreased rather than increased and urged Government to stop at that stage and institute investigation The Honourable Rao Bahadur SATHE pointed out that there were some police stations in the districts of Ahmednagar, East Khandesh and Bijapur where registration of cognizable crimes had not exceeded 12 during the whole year and urged Government to inquire whether the increased number of police stations was really required and, if necessary, to readjust existing stations. The Honourable Mr. UPASANI laid stress on this point and submitted that in days gone by we had only one chief constable for a taluka and one or two inspectors for the district. Now we have a number of sub-inspectors in each taluka and inspectors in every district. He pointed out how inadequate was the provision for village police and urged upon Government the desirability of postponing the further prosecution of the police reorganization scheme. The Honourable Mr. BELVI has been repeatedly protesting against the top-heavy character of the police department and once more raised his voice in support of the honourable members who had urged an inquiry.

So far with regard to non-official opinion. I find even the official opinion that is recorded in the course of administrative reports points out that the results of the reorganization scheme are far from satisfactory.

The Honourable Mr. LAWRENCE in his last divisional police report says:—"It must be recognized that the cost of the police force has increased enormously under the police reorganization scheme, and it is time to scrutinize that scheme once more and to ascertain whether some of the urgent reforms cannot be financed by removing superfluity in other directions."

The Honourable Mr. PRATT in his report says:—"No district magistrate who has served in any of the criminal districts of Sind, can fail to be struck by the contrast with some of the Gujarat talukas where a touring officer will, from beginning to end of his tour, find nothing in any village he visits of crime or

ENQUIRY INTO THE WORKING OF THE POLICE DEPARTMENT.

[27TH JULY 1917.] [*Mr. Vithalbhai Jhaverbhai Patel; Rao Bahadur Ganesh Krishna Sathe.*]

criminals. There seems to be some reason for believing that it may be possible to get a considerable increase of efficiency without any extra cost, by readjusting in the light of our subsequent experience the distribution settled at the time of the last reorganization."

Here, my lord, I am tempted to quote one line from the report of the district superintendent of police, Surat, Mr. Greenaway. He says: "There is little crime, little real work, many police stations and outposts being in my humble opinion mere loafs (or *baithna ki jagas*), while in my opinion both the city and Rander are over-policed as well"

I do not want to dilate upon figures in support of my resolution. It is enough for me to point out that the total number of cognizable offences has not, in spite of this huge expenditure and wholesale reorganization, decreased. The number of such cases in 1904, 1905, 1906, 1907 and 1908 was 32,921, 34,084, 33,022, 29,617 and 33,648, respectively. In the years 1911 and 1915 it was 35,721 and 34,447, respectively.

Under these circumstances I submit that undue importance should not be attached to the report of the police commission framed so long back as 1905 and based, as it was, upon generalizations regarding the whole of India. The recommendations contained therein have been, in actual working, found to be defective and the time has come when Government should institute an inquiry through a committee into the working of the police department since its reorganization. With these words I commend this resolution to the acceptance of this Council.

The Honourable Rao Bahadur GANESH KRISHNA SATHE:—Your Excellency,—In the budget discussion of 1915, as my honourable friend, Mr. PATEL, has quoted from the remarks I then made, my point was to impress upon your Excellency's Government that the expenditure which is being made on the police department is far in excess of the requirements. To-day I wish to show, by citing a few figures, how much we have advanced and how many more officers we have engaged in the several districts during the last six years. The district from which I come—Sholapur—had only nine sub-inspectors before the reorganization scheme was introduced. That number of nine was increased to twenty-two in the year 1911 and it was thirty-three in 1916. I take Sholapur first, because it is one of the smallest districts of the Presidency in this division. Taking Satara I find that there were thirty-one in 1911 and forty in 1916; in Poona thirty-two in 1911 and forty-six in 1916; in Nasik thirty-six in 1911 and forty-four in 1916; in West Khandesh twenty-six in 1911 and thirty-two in 1916, and in Ahmednagar twenty-nine in 1911 and forty-two in 1916. So after having given these figures let us enquire into the question whether these officers were really necessary and were useful, either in detecting more crimes or for giving greater protection of property and life to the people of their respective districts. I will not trouble this Council by giving quotations from several of the divisional commissioners' reports, but it is a fact which may be taken as not requiring any proof that the police have not shown any greater efficiency in the discharge of their duties because their number is increased. If we look to the duties of these officers, they are mainly two—protection of life and property and detection of crime—and the divisional commissioners' reports on the police administration do not disclose that there is any greater efficiency shewn in that direction by the police. Sir, we are increasing the cost of this department, when such increase is unnecessary and, in the interest of other departments which are being starved, it is really necessary that your Excellency's Government should undertake an enquiry into this question.

I do not wish to detain this Council by any further remarks except by stating that I strongly support the resolution moved by my honourable friend, Mr. PATEL.

ENQUIRY INTO THE WORKING OF THE POLICE DEPARTMENT.

[*Mr. Balkrishna Sitaram Kamat.*] [27TH JULY 1917.]

The Honourable Mr. BALKRISHNA SITARAM KAMAT :—Your Excellency,—In supporting the resolution of my honourable friend, Mr. PATEL, I wish in the first place to observe that, as I remarked the other day, non-official members are at a disadvantage in criticising the police department because they can speak only from the statistics and blue books supplied to them, and not from a first-hand knowledge or information of the department and its working. However, it is not their fault. Secondly, I wish to observe and respectfully urge that if non-official members press upon the attention of Government that there is necessity to undertake a particular enquiry regarding a particular department it should not be taken as implying that they mean that Government are not alive to their responsibilities. It does not mean anything of that sort at all. It only means that from the point of view of non-officials what Government may perhaps think to be the irreducible minimum of expenditure in a particular department may not be the irreducible minimum, but it may be further capable of reduction. Thirdly, I should like to observe that when we are asking for an enquiry of such a nature into the whole working of the police department, figures should be taken for the last eight or ten years and no statistics of a particular budget year, for instance this year, should only be taken into consideration.

With these preliminary remarks, I should like to add a few observations to what has fallen from my honourable friends, Messrs. PATEL and SATHE. They have quoted official and non-official opinion and they have quoted figures that I gave on former occasions. I should like to trouble this Council with a few more figures and I trust that both your Excellency and this Council will bear with me if I trouble them with statistics. I shall take the city of Bombay first and I shall take the year before the war, 1913, and compare it with 1915, the latest figures which are available. Now the total strength of the Bombay city police in 1913 was roughly 2,832; during 1915 the total strength of the Bombay city police was 2,998 or 3,000—an increase of nearly 200. I take two things as a standard, namely, recoveries of stolen property and the detection of crime. Now although there has been an increase in the strength of the police force during the last two years, although we are in the midst of the war, I find there is no appreciable increase in the detection of crime or recovery of stolen property. I have compared a few figures both before the war and during the war, and I find that so far as the percentage of recovery of stolen property is concerned, it is something like this; in 1910 it was 52 per cent., in 1911 48·7 per cent., in 1912 39 per cent., in 1913 33 per cent., in 1914 37 per cent. and in 1915 36 per cent. That is to say, commencing from 52 per cent. in 1910 we come down in the year 1915 to 36 per cent.—a descending scale, although we are, so far as the expenditure is concerned, in the ascending scale.

In 1913 we had something like 128 policemen to the square mile in the city of Bombay; in 1915 we were having 139 per square mile, and yet the detection of crime works out like this: in 1913 it was 8·32, in 1915 it was only 7 per cent.; so that the detection of crime is not increasing, it is rather going less and less, although there has been an increase both in numbers as well as in expenditure.

I now wish to trouble the Council regarding the executive police of the districts. The same has been the case to my mind in the mofussil, perhaps. I made out the point the other day that although we are in the midst of the war, the police department is the only department which knows no retrenchment—I should like to reiterate that point once again. In 1913 we had a strength of police as follows:—one inspector-general, five deputy inspectors-general, something like forty-two superintendents, twenty-seven assistant superintendents and so on. The total strength of the mofussil police was 24,000 in 1913 and in 1915 that strength has been increased to something like 28,000, and yet we are told that there has been a reduction in the expenditure on the police. Now I do admit that certain items which were probably intended under the reorganization scheme, namely, Rs. 50,000 in 1916 and some other item under that scheme, have not

been expended. But the fact remains that the total expenditure has been going on increasing from year to year, although we are told that a good deal of retrenchment is the rule in very many departments.

There is one more fact which I wish to bring to the notice of this Council. It is a comparatively minor one. The reorganization scheme, as we have been told by the Honourable Rao Bahadur SATHE and the Honourable Mr. PATEL, was brought into force or recommended by the Police Commission for the whole of India. I therefore think it is pertinent to point out the total expenditure on the head of police in other Presidencies. I find that although the Madras Presidency is much larger than our Presidency, still the police expenditure in Madras is 116 lakhs of rupees as compared with 112 lakhs for the Presidency of Bombay. Now everybody knows the Presidency of Bombay is much smaller in point of population than Madras. I will also quote figures in regard to the police department of this Presidency as well as Bengal Presidency. Now in the first place I may tell the Council that the total expenditure in Bengal for the police department is much less than our own. It is something like 86 lakhs, whereas we are having here 1 crore and 12 lakhs, and comparing the strength of the police in Bengal with that in Bombay, I will quote a few figures which are rather significant to me. I find that the total number of superintendents, inspectors and sub inspectors there is much less than it is in this Presidency. Now I know the city of Bombay requires perhaps a larger number of policemen, owing to Bombay being the gate of India; but still making allowance for that fact it will be interesting to see how many superintendents we have in this Presidency and how many they have there. We have in Bombay 42 superintendents; in Bengal there are 45, although Bengal is twice as large as the Bombay Presidency. Here we have got something like 916 sub-inspectors of police; Bengal has got 1,610, not double the number. We have in Bombay 4,101 head constables, in Bengal Presidency only 2,300. In the Bombay Presidency the ordinary constables are 20,998; in Bengal 17,000. I believe the figures are significant in themselves. My point is that Bengal, which is a larger Presidency than ours, has a less number of police comparatively than Bombay.

I think these facts alone are sufficient to convey to the mind of any one that there is need for an enquiry as suggested by the Honourable Mr. PATEL. I do not wish to trouble this Council with further figures. I believe, however, that an enquiry of this nature is essential and I strongly support the motion of my honourable friend Mr. PATEL.

The Honourable Lieut.-Col. JAMES JACKSON:—Your Excellency,—I would like to speak on this matter entirely from knowledge based on the working of my own department.

Now, one of the first questions alluded to has been the over-policing of Bombay city. I am quite sure some of my honourable friends from Bombay would tell me and would tell the Council that Bombay is gravely under-policed. The other thing with regard to the police of Bombay, which I think my honourable friend, Mr. KAMAT, hardly recognises and which makes a very great difference, is that when you have got a criminal population whose friends live in the place, who are born in the place, and who are residents of the place, the recovering of stolen property is a comparatively easy thing. But when you have a criminal population, 90 per cent. of whom are from Gujarat, the Konkan, the Deccan, the Punjab, Calcutta, Lahore, and trans-frontier provinces, it is an extremely difficult thing to trace out the threads of a criminal's connection with other men and find out the stolen property. There is another thing about stolen property: an instance occurred the other day which shows the difficulty that the police sometimes have to experience. A prisoner who was captured by the police was taken to a jail and the head warder of the jail took him out on an extramural party; the prisoner showed him the stolen property and the head warder took

it into his custody and removed it to his quarters. That shows one of the difficulties that the police have to face.

Figures, I think, are always very fallacious. We have heard them in large quantities from the Honourable Mr. SATHE, the Honourable Mr. PATEL and the Honourable Mr. KAMAT. But if the police are detecting less crime, why is it that the prison population is steadily going up? I cannot reconcile the two things.

But the point that I really got up to speak on is this. There is an enormous amount in the police budget that is improperly borne, as I consider, by that department. Now, if you take my own department, all the guards for a greater proportion of the jails are police. That is not a genuine police charge. I suppose that accounts for something like 50 or 60 head constables and something like 300 or 400 men scattered all over the Presidency and Sind. In the second place, people very often say "What an awful lot of police!" But they are not all of them on duty. You must have a reserve for the police. Take one question alone. One thing that the police do not do in any other country and they do here is this. If I want to transfer 1,000 prisoners from one district to another owing to administrative exigencies, whom do I call upon to assist me? I call upon the police and they have to furnish the necessary guard. There must be a reserve. I am constantly sending transports to Calcutta and prisoners from one jail to another owing to the economy or, as my honourable friend, Mr. MUNMOHANDAS, would say, the parsimony, that has led to the building of insufficient jails. All these charges for the fixed guards, the escorts bringing these prisoners backwards and forwards, etc., are charged to the police department. It should be charged to my department.

Then there is another thing. From a sincere desire to benefit the general population, for some years past—I should think it began about 1905 or 1907—a completely different procedure has been adopted about the release of certain prisoners. Heretofore a trans-frontier Pathan, a confirmed habitual from Madras, or a blackguard from Calcutta went out from, say, the Yeravda Jail to the Poona bazar to give further trouble and to harass the people. I have seen at a way side station in the Ahmednagar District several Pathans getting out of a carriage. I asked them where they were going and they told me that they were going to Calcutta. As a matter of fact they were paying a visit to a neighbouring village to recover their usury. All these men now are sent to the jail nearest their home and they no longer remain to persecute and bother the people of Bombay. What does that mean? A considerable increase in the police guards, and it is charged to police. But this is not really a police charge, but a charge that ought to go to Law and Justice, or to my own department. We also get a certain number of prisoners from regiments, mostly Pathans. They used to be discharged from the jail where they were incarcerated, and they joined the local population to give trouble. All these men are now sent out to their homes and a police guard has to go with them. I think I am underestimating when I say that there is considerably over a lakh of rupees that should be transferred from the police budget to my budget, and if you look into it you will find that there are many other departments in connection with which the Bombay police are doing duty which the police in no other civilised country do.

The Honourable Mr. HARCHANDRAI VISHINDAS:—Your Excellency,—I have no hesitation in according my hearty support to the resolution of the Honourable Mr. PATEL, but it is not necessarily for the reasons that have been suggested by the various speakers, but for reasons of my own.

I cannot pretend to have expert knowledge with regard to the police and the police affairs in various parts of the Presidency proper, but I do know something about the wants and requirements of the police in Sind and probably I have got a different tale to tell as regards the police in Sind from the tale that has been told

about the other parts of the Presidency. All the same, my facts make as much for a thorough investigation and overhauling of the police department as the circumstances pointed out by the other speakers. Now, so far from our complaining of Sind being over-policed, as seems to be the trend of the complaints that have gone round this hall to-day, for a long time we have been bitterly complaining of the under-policing of Sind, and when some years ago I had an occasion to accompany a deputation of panchayats from various villages to the then Commissioner in Sind in regard to the havoc that dacoits were committing in Sind in those days, the then Commissioner very piteously pointed out to me that unfortunately for them the recommendations of the Police Commission for the reorganisation of the police had not been carried out and that he had been doing his level best to induce the Government to carry out those recommendations. Thank God, since then that defect has been almost adequately remedied. We have now a considerable strength added to the police and I do not think I shall be justified in talking in the same strain as about seven years ago, that we have not got the strength of police for Sind that is necessary for the requirements of the case. But there is one crying evil about the inadequacy of the police requirements which I think will appeal to every common-sense man, I mean, the ridiculously low pay of the subordinate police establishment. Now, when in this very Council the other day I appealed to His Excellency for improving the pay of the menial establishment of Government in Sind, you could very easily imagine the great necessity for the increase of pay of those men who are in receipt of the lower grades of pay. My pattawalas appeal to me to have their pay increased on account of the rise in the price of food-stuffs and we are obliged to increase their pay to Rs. 15 from Rs. 11 to Rs. 13. Would it not cause you a shock of surprise to hear that the constabulary of Sind do not get more than Rs. 10 to Rs. 13? There is a general cry that the police are unintelligent, illiterate, and therefore corrupt and unskilled in detection. Is it reasonable to expect all these qualities from a man who gets only Rs. 10 to Rs. 13? It is a crying and most shameful evil that has been existing for a very long time, and it has been commented upon in the press and elsewhere as far as my knowledge goes. Therefore, I am very glad to hear that representatives of other parts of this Presidency are quite prepared to discard a good deal of the money that is being spent upon their police. I am quite prepared to absorb a good deal of that. But all the same, as I have said, it makes for a thorough investigation and overhauling of the police organisation.

I do not mean to commit this Council to a thorough acceptance of the facts and figures that I have given. That is simply a kind of tentative remark in the manner as some honourable members have made remarks. But, that the police commission should have made their report in 1905, that such a long time should have elapsed and that some of the recommendations that have been carried out, as has been pointed out by several honourable members, have not been quite satisfactory—in most cases they have been rather in the way of extravagance than otherwise and in the case I have just now quoted they are not in the shape of adequate provision—these facts prove that a very strong case has been made out and the time has come for the overhauling of the whole question.

The Honourable Mr. F. G. PRATT:—Your Excellency,—Yesterday we had before us a resolution from my honourable friend Mr. PATEL in which he wished to pass under review the expenditure of every branch in the administration. That resolution practically would have amounted to a vote of censure on the administration at large. That resolution was lost yesterday, but my honourable friend Mr. PATEL, out of the 26 various heads under which the expenditure of this Presidency is carried on, has now singled out this one head of police, in order to introduce a resolution which practically amounts to a vote of censure on the administration of the police department.

Now, sir, I confess to a feeling of considerable surprise, after listening to the speech of the honourable member, to find how remarkably little—in fact, I may say, there is none at all—ground there is in justification of this vote of censure, which he brings forward against this department. He tells us that throughout the Presidency it is well-known—it is an open secret—officials and non-officials, he says, are agreed about this. Official and non-official opinion, he says, is unanimous in the statement that the results of the reorganization scheme are not at all satisfactory. He asks for an enquiry into the working of the police department. He brings into question the efficiency of the district police. Well, sir, I think that when statements of this kind are made, one would expect something more than statistics to be put forward in support of them. One would expect chapter and verse in the way of actual observation and experience of the real bad working of the police. One would expect to find that the crime in particular districts or particular talukas is out of hand, that the police are incompetent to perform the duties with which they are entrusted, that a public scandal of this sort exists in either the whole Presidency or any considerable portion thereof. Nothing of the kind has been stated. The one criticism or complaint which I find in the speech of the Honourable Mr. PATEL, is that there is not enough crime to keep the police fully employed.

Well, sir, this brings me to criticise the remarks which we have heard in this discussion from another point of view. Honourable members attacking this department have spoken sometimes as if the functions of the police were confined to the detection of crime and the recovery of stolen property, and we are given statistics of the drop in the percentage of the recoveries of stolen property as 48 to 46, as if that was a really serious indictment against the police department. We are told nothing about the very important duties which are connected with the prevention of crime. I would suggest to the consideration of the honourable gentleman that the absence of crime, that the small amount of crime registered and enquired into, is a matter of congratulation and may be taken to show that the police are getting a real grip upon the criminal classes and that their activities are resulting in the prevention of crime.

Dealing with the statistical criticisms, I would like to say, what most practical administrators are thoroughly well aware of, that there is nothing so fallacious as to criticise any results in a department purely from a statistical point of view, especially when, as is here admittedly the case, the criticisms are unsupported by any practical knowledge of the facts and are based upon arm chair study of blue books in libraries, without any practical knowledge or observation outside. Dealing with the statistical argument from this standpoint, I would like to put before the Council some figures which I have boiled down into as convenient a form as possible in order to give a bird's-eye view of the actual facts. We are told by the Honourable Mr. Patel that the expenditure doubled during the last ten years. That is one of the statements which we have listened to. What are the facts? I give in round figures the actual expenditure of the year 1906-07 and the actual expenditure for 1915-16. In 1906-07 the actual figures were 73 lakhs. In 1915-16 the actual figures were 105 lakhs. This is very far from a doubling of the expenditure. It is an increase from 73 to 105. A few details would be interesting as to the distribution of that increase. We have an increase of 32 lakhs. What is the distribution of that increase? Seven lakhs go to Bombay. That is purely a book entry. It represents the police charges which used to be incurred by the municipality of Bombay but which in the year 1909 were taken over by Government in the course of a contract, of the details of which members of this Council are aware. That accounts for 7 lakhs. In the course of these ten years there has been considerable extension of railways. Necessarily that means an extension of police duties. You must have more police to watch and guard the railway lines whom we are bound to pay. I think I am right in saying that three-tenths of this expenditure is borne by the railway company.

Coming to the most important item, that of the district executive police, the actual figures in 1906-07 were 47 lakhs and in 1915-16 70 lakhs. Again this is

very far from a doubling of the expenditure. Well, sir, that increase is due to the bringing into force of the police reorganisation scheme. What was the principal item in that reorganisation? The heaviest item was the increase in the payment of the constabulary. I need add little—I do not think that I need add anything—to what the Honourable Mr. HARCHANDRAI said as to the urgent and imperative necessity of giving the constabulary a living wage. Even at the present moment, when honourable members are complaining that there is an increase of expenditure, there is one thing which is an open secret, which is universally admitted on every side, and that is, that the unfortunate police constable is not getting a living wage. They are paid from Rs. 10 to Rs. 12. A sepoy in an Indian regiment gets Rs. 11 and in addition free quarters, free rations, free fuel and uniform. Compare that with the pay of the unfortunate police sepoy. It is bad enough that school masters should be paid a starvation wage. The school masters are in charge of children. The police sepoy is in charge of the lives and liberties of his fellow-subjects. That he should be paid a miserable, inadequate wage and kept in a state of chronic discontent is a state of things which would justify an increase of expenditure much more than has been shown in the figures which I have just read out.

I would like now to go back a little to the reference which my honourable friend Mr. PATEL made to the reports which I personally made about the police establishments and the reconsideration of some of the details and the changes which were introduced in the police reorganisation. In the first place, I would like to dissociate myself most emphatically from the statement which is attributed to me that the results of the scheme are not at all satisfactory. What the Honourable Mr. PATEL asks for is apparently a reconsideration, casting into the melting pot again, all the principles laid down in the Police Commission report which came out 8 or 9 years ago and which forms the basis of the present organisation of the police. Against those main principles I think I am correct in saying that there is no official opinion which says that those principles are wrong and require amendment. What we have been asking for, what I understand the Honourable Mr. LAWRENCE is asking for, is a reconsideration, here and there, of the detailed working out of some of those main principles which he and I most fully accept. Practically it amounts to this. The Honourable Mr. PATEL is hammering at a door which is already open. We have been giving our best consideration and our best endeavours to the reduction of expenditure, so far as possible, wherever economies can be made, and a good deal has already been done in this connection. In pursuance of that I will give the Council an illustration. One of the main principles laid down by the Police Commission is that the employment of mounted police should only continue where very strong reasons can be made out in support of it. In past years in this Presidency we had mounted police; for various reasons it was found to be necessary. But things change as time goes on and that matter has recently been carefully taken into consideration and considerable savings have already been made, and further considerable savings are about to be made, by the reduction of mounted police which are considered to be unnecessary under present conditions in various districts—I do not say in every district and every part of the Presidency, but practically in all the districts of the Presidency proper at the present moment. Other reductions have been made including, I may say, a reduction which would meet the criticisms of the Honourable Rao Bahadur SATHE, a reduction in the number of sub-inspectors. All these matters have been fully and recently and carefully considered and action, as I say, has been taken and is about to be taken.

There is another point which I would like to refer to. It is to invite a comparison between the progress in the police expenditure and the progress of the expenditure of the Presidency as a whole. I submit for the consideration of the Council that if the police expenditure were to stand still at what it was ten years ago, that would be a dangerous condition of things. There would be stagnation, discontent and inefficiency in that department. The expenditure of the

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Presidency has increased in these last ten years from 477 lakhs to 788 lakhs. That very closely corresponds with the ratio of increase in the cost of the district police, which has increased from 47 lakhs to 70 lakhs.

I submit, therefore, for the consideration of this Council that this resolution asks for a general enquiry into the working of the police department, which there is nothing in the condition of that department that would justify. It asks for economies which are already under consideration, which have already been passed into effect, and therefore I would suggest that this resolution should be treated in the same way as the resolution of yesterday about the general increase in the expenditure of the Presidency.

The Honourable Mr. CHUNILAL VIJBHUKANDAS MEHTA:—Your Excellency,—I do not see from the resolution of the Honourable Mr. PATEL that he means to cast any reflection on the administration of the police or that he wishes to suggest that there should be a reduction or decrease only even if the committee should come to the conclusion that an increase in certain cases is necessary. No doubt he has used the words "to report upon the propriety and necessity of existing establishments and of redistribution of areas". The resolution might have been better worded, but I understand from him that it is his intention that the committee should make full enquiry and should be at full liberty to suggest increases for improvements wherever they are necessary. Then—I speak now on behalf of Bombay city—certain figures have been quoted as regards the increase in the police expenditure for Bombay city. Ever since the police charges were taken over by Government, the municipality and the public of Bombay have felt that sufficient attention and sufficient expenditure have not been bestowed upon the police department and that the city would be very much better for an increase in the number of policemen and also for an improvement in their status as well as their efficiency. Only a few weeks ago, honourable members must have noticed the many complaints that appeared in the vernacular and English papers about what I must call a sort of "terrorism" that prevailed in the suburban parts of the city; and it would be an exceedingly good thing if more police could be found for the Salsette area, so that people may feel safe in moving to the suburbs, by which means the congestion in the city might be reduced. There is no doubt that the public have often times expressed a fear that the police are not as efficient as they might be and that crimes do not get detected in the same proportion in the city as they used to be in the past. The reason may be that during the period of the war a great many irresponsible and dangerous people have entered the city and, as has been pointed out by the Honourable Lieut.-Col. JACKSON, the police have had their hands full in dealing with trans-frontier men. That no doubt explains in part the falling off in efficiency the public have noticed in Bombay city. I do not think therefore that the proposition of my honourable friend Mr. PATEL need be taken as suggesting that there should be a decrease only in the number of men.

The Honourable Mr. MUNMOHUNDASS RAMJI:—Your Excellency,—Speaking for Bombay, I support the view of my honourable friend Mr. CHUNILAL MEHTA. As things are in Bombay, we do want a considerable increase in the number of police for the adequate control of the city. It is observed by many people in Bombay that the actual number of policemen doing duty at certain places is not sufficient for the detection and prevention of crime.

Now, what is the state of affairs in Bombay? Of course the figures are sometimes misleading. Although there is an increase shown in Bombay by the reports, one has to take into consideration the extended area of Bombay during recent years. There is another thing also, *viz.*, the vehicular traffic in Bombay. A number of motor-cars have to ply in Bombay as it is a business city. The vehicular traffic has, therefore, to be regulated and a large number of police is devoting its attention to that purpose.

Then again, as pointed out by my honourable friend Mr. MEHTA, a large number of people come to Bombay from different parts of India a greater number of whom come with the idea of sometimes committing thefts. We see that thefts are committed in Bombay to such an extent that supposing the tenants of a floor at a particular time are out, a theft is sure to be committed there.

The general experience is that Bombay, as a whole, is not sufficiently policed to cope with the extra work.

Then, there is another thing, while I am on this subject; I may point out that the policemen in Bombay are not adequately paid and are not adequately housed. If that is to be done, I think there ought to be an increase rather than decrease in the amount of expenditure. Of course, I cannot say anything about the organization of the district police, but as far as Bombay is concerned, and as regards the figures quoted for Bombay, I think Bombay requires a thorough reorganisation as regards the police.

The Honourable Mr. PHIROZE C. SETHNA:—Your Excellency,—As a representative from Bombay I should also like to add my voice in support of what has fallen from the Honourable Mr CHUNILAL MEHTA. I believe the Honourable Mr. KAMAT observed that the increase in the number of Bombay police was 125 or 150 in the space of the last six years. I ask the Honourable Mr. KAMAT if he considers that increase sufficient for a city of the importance of Bombay. I would only call attention to the Alexandra docks. The addition of the Alexandra docks alone necessitates an increase in the number of police larger than that quoted by the Honourable Mr. KAMAT.

The Honourable Mr. CHUNILAL MEHTA says that he has no objection to the resolution, because the committee, if appointed, will consider the question from all points of view and if its members come to the conclusion that an increase is necessary, they will ask for the same. I question if that is the idea underlying the resolution and if at all the suggestion put forward by my honourable friend Mr. HARCHANDRAI will be given effect to. The one point that suggests itself to me is this. Member after member has spoken against the increase in the police charges. Is there one member amongst those speakers who will volunteer to suggest to Government a reduction in the policing of the town or district from which he hails?

The Honourable Mr. LALUBHAI SAMALDAS MEHTA:—Your Excellency,—I support all that has fallen from the Honourable Mr. CHUNILAL MEHTA and the Honourable Mr. SETHNA. I want more police not for Bombay but for Salsette. In the answer to the question asked by the Honourable Mr. MUNMOHUNDASS RAMJI, whether Government will be pleased to state the number of policemen stationed in Santa Cruz, Ville Parle, Andheri, Goregaon, Malad, Kandivli and Borivli in the Salsette district, Government in their reply have said that it is not in the public interest to publish the exact numbers of the police at particular places, but a statement of the numbers posted in the localities referred to will be supplied privately to the honourable member by the Secretary to the Council on application. I take it, sir, that the number of police is so small that the member in charge of the department is afraid to make it public. I do not know whether public interests are served by keeping the information back, but even if this is so, I would much like to have more policemen in Salsette. The Honourable Mr. SATHE was good enough to say that there are in his district more sub-inspectors than are wanted. Well, I am prepared to take the additional staff that is there over for Salsette.

The Honourable Mr. H. S. LAWRENCE:—Your Excellency,—I find myself in agreement both with the desire of the Honourable Mr. PATEL for economy in the expenditure of the police department, and with the desire of the Honourable Mr. HARCHANDRAI that the pay of the Police in Sind should be improved; and

ENQUIRY INTO THE WORKING OF THE POLICE DEPARTMENT.

[*Mr. H. S. Lawrence; Mr. Pandurang Anant Desai.*] [27TH JULY 1917.]

I may tell the Council that for some considerable time now we have been making an enquiry and are half way through that enquiry, whether it is possible to combine these two objects. We are seeking to raise the pay of the lower ranks of the police and to meet the cost by reducing the number of the police. We cannot yet say whether we shall succeed in our object or not.

There have been for some time very great difficulties in securing the recruitment of men of the proper class in Sind. In former days objection was taken to any increase in the pay of those policemen whose recruitment might interfere with the recruitment for the Army. But we all know that within this year the terms of service in the Army have been very greatly improved; free rations and other privileges have been granted; and it is now possible to remove the embargo on an increase in the pay of the police force. In fact, last March the Honourable the Finance Member referred to the need for revising the terms of service of the police department throughout India; and some time later the newspapers reported His Excellency the Viceroy, when speaking in the Punjab, as supporting this suggestion.

I hope shortly to come to Your Excellency's Government with proposals for the improvement of the terms of service of the police in Sind. We shall do our best to effect this without any additional cost, but if additional cost is necessary we shall look to the sympathetic consideration of the Government.

The Honourable Mr. PANDURANG ANANT DESAI:—Your Excellency,—One of the official members said that this resolution is practically a vote of censure on Government as far as the police department is concerned. I submit that what is meant by this resolution is, not that a special committee should be appointed or must be appointed, but that an enquiry should be made. It may be made by Government through its own officers. My honourable friend Lt.-Col. JACKSON said that there is a decrease in the detection of crime, because there are difficulties in the way of the police. Nobody denies that there are difficulties. There are difficulties and therefore it is that policemen are appointed. If it were easy for the ordinary man to prevent crime, there would have been no necessity for police at all; but some of the non-official members have also joined the official members in saying that our talk in this Council is the talk of irresponsiblity. The Honourable Mr. PRATT says it is no use quoting statistics and drawing conclusions from those statistics. He asks, is there any honourable member who has got personal knowledge and who can say from personal experience and observation that the expenditure on this department is excessive. Here I stand before him and say that there is one place in my own district, Bijápur, Algur in Sindgi Táluka where there has been a sub-inspector newly appointed after this reorganization scheme came into force. In that place not more than 10 crimes take place every year. This fact was brought to the notice of Government in the year 1914 by the Honourable Ráo Bahádur SATHE. I ask Government what has been done in that respect up till now? Three years have elapsed, still there are only 10 crimes in the area, there is a sub-inspector, there is a head-constable and there are several constables. The total number of crimes is only 10. Now these 10 crimes require Rs. 1,500 per year and, as the Honourable Mr. PARANJPYE would say, each crime costs Rs. 150. Is that appointment necessary? My other honourable friends might be able to quote instances from their own knowledge, but I have quoted one instance and I should like to learn from the honourable member in charge of the department what he has to say to this? We say that to our knowledge there are certain posts which are unnecessary and we are asked if we can quote chapter and verse? We quote chapter and verse from your own blue-books. Now if we quote from them, it is said it is no use quoting from blue-books, as they are erroneous. I ask what can we honourable members do, if we have access only to blue-books and such other public records of Government; other records of Government are sealed to us? We quote only from those books and unless Government say that those figures are not correct, we are justified in quoting from them. Therefore,

my submission, to your Excellency, is that from our own knowledge and observations we can say that there are certain places where police expenditure is excessive. Of course, we cannot say, not being in possession of all records of Government, with positiveness that the expenditure at a particular place is excessive; but as far as our own knowledge and observation goes, we say that in certain places there is police expenditure which has been carried to extremes. Under these circumstances I submit that the resolution is a modest one, because it does not say that a committee must be appointed but what it says is this:—"That an enquiry may be made by the appointment of a committee or otherwise into the working of the police department since its re-organization and report on the propriety and necessity of the existing establishment and of redistribution of areas".

From the remarks which were made by several honourable members there is a demand for more police in some palces. Therefore, I say that an enquiry is necessary, because in some places there is a demand for more police and in some places there is a demand that a reduction should be made. Under the circumstances I submit that the resolution should be passed and I strongly support the resolution.

The Honourable Mr. HARCHANDRAI VISHINDAS.—Under rule 16 at page 198 of the Council manual, I would request your Excellency to ask the honourable mover whether the purpose of his resolution is simply a decrease in expenditure or is it comprehensive enough to include increase also, because a doubt has been suggested by the Honourable Mr. SETHNA. I want to know whether it is merely a curtailment of expenditure or whether it implies an increase also?

His Excellency the PRESIDENT.—I do not think this is a matter for reference to the rules at all. If my honourable friend wants to ask a question, it is perfectly competent to him to do so.

The Honourable Mr. PATEL.—I do not mean necessarily increases. I mean increase where necessary or decrease where necessary. My resolution says "redistribution of areas".

Tho Honourable Mr. DATTATRAYA VENKATESH BELVI.—Your Excellency,—I rise to support the resolution of my honourable friend, Mr. PATEL, in a few words. But before I address myself to a consideration of the resolution before this house, I must say that I do take very seripus exception to the principle which was enunciated by my honourable friend, Mr. PRATT, that whenever an enquiry is demanded into the working of a department it is to be supposed that non-official members intend to impeach the good faith of that particular department, if not of the whole administation. That is a very dangerous doctrine to proceed upon. The position of non-official members of this Council is undoubtedly very delicate. Non-official members or, at any rate, those of them that sit upon the finance committee, have no right whatever to pry into the antecedent history of the details of a department, when examining the finances of the Presidency. They can only ask for an explanation of any addition which may be proposed in a particular year to a particular department. They cannot go behind the figures of the previous years. That is how we are stopped there. When we come into this open Council and ask that an enquiry should be made into the rising expenditure of a particular department, we are told that our sinister motive is to impeach the good faith of Government, at any rate, to impeach the honesty and the good faith of the particular department. That is a very dangerous doctrine indeed. It is indeed very wrong to attribute motives of the kind to non-official members. We ask for an enquiry into the working of the police department with the best of motives. It seems to us that the increase in the expenditure of the police of this Presidency is going up from year to year. To my knowledge I know that I have been protesting against the increase in the police expenditure from the year 1911. This is my seventh year in this Council and finding that my protests went for nothing for 6 years, I took no part whatever in the discussions of the budget to which we gave a

decent burial the other day. What is the use of talking in this Council when we are met in such a spirit? When we make any remarks against any expenditure, we are told that we question the good faith of a department and the good faith of the Government itself. There is nothing that can be further from the truth.

The Honourable Mr. PRATT.—I said nothing of the sort.

The Honourable Mr. BELVI.—My honourable friend, Mr. PRATT, did say that this resolution amounted to a vote of censure on the police department. Nobody ever thought that the police department was to be censured. We did not mean to say that there are policemen who are wasting our money for nothing. All that we submit is that it is just possible to examine the working of the department, either through a committee or with the assistance of Government officers themselves, to see whether retrenchment is or is not possible. More than once I have contended in this Council that the police department was undoubtedly top heavy. In my view there are many more sub-inspectors, many more inspectors of police, than are absolutely necessary. I have pointed out to the Council more than once that in every táluka where there was in the past one sub-inspector, there are now 3, 4 or 5. Is it not open to us to see if such a large number of sub-inspectors is necessary for each táluka? Is there anything inherently wrong in such a demand for an enquiry? It is open to gentlemen of the position of the Honourable Mr. LAWRENCE and the Honourable Mr. PRATT to satisfy us non-official members from their experience that it is necessary in the interests of good government to maintain so many sub-inspectors, but until a regular enquiry is made and until non-official members are satisfied that it is necessary to maintain the police force at a such a heavy cost, it should be open to us to ask your Excellency's Government to hold an enquiry, and as my honourable friend, Mr. PATEL, has already told us, the object of this resolution is simply to see whether the present heavy expenditure is justified He is prepared to concede that in a particular locality like Bombay it may be necessary to increase the police force. At the same time it should be open to us to point out places where the numerical strength may be reduced without any detriment to the administration of the police department or to the adminisrration of justice. My friend, the Honourable Mr. HARCHANDRAI, has said that the rank and file of the police department, the constabulary, are paid a miserable pittance. That is a fact undoubtedly. Is it not open to us to say: "Reduce the number of sub-inspectors, abolish the posts of inspectors altogether, who in my opinion do absolutely nothing." They simply occupy comfortable berths without doing anything good either to the people or to the Government. That is the view of a layman. I may be wrong. What we have to say is: "Consider the view which we place before you and then come to your own conclusion." My view is that it is possible to reduce the number of sub-inspectors, to reduce, if not altogether abolish, many posts of police inspectors, and if we effect a saving by doing this, it is possible to add to the small salary of the rank and file of the police I know that poor police constables have to do a lot of hard work. They are not well paid. They are not given even a living wage. But we may effect in one branch some saving and pay these policemen something more to induce them to do their duty more zealously. At any rate it must be understood that it is not the intention of any non-official member here to pass a vote of censure either on the Government as a whole or on the police department. Ours is a *bonâ fide* request, for making an enquiry into the working of the department. If non-official members have got any status whatever here, it should be left open to them to place their views freely and frankly without any motives being attributed to them.

I do not wish to go into any figures, because this has been done sufficiently for the purposes of this Council by my honourable friends, Messrs. SATHE and KAMAT. After all, these figures have to be examined for what they are worth. They are supplied to us by Government itself, and it has been rightly pointed out to this Council by the Honourable Mr. DESAI that we have not got any other source of information than blue-books. We do our best with these blue-books.

ENQUIRY INTO THE WORKING OF THE POLICE DEPARTMENT.

[27TH JULY 1917.]

[*Mr. Dattatraya Venkatesh Belvi; Rao Bahádur Tekchand Udhavdas; Mr. Shridhar Balkrishna Upasani; Mr. Patel; Mr. Upasani.*]

With these few observations, I support the resolution of my honourable friend, Mr. PATEL.

The Honourable Ráo Bahádur TEKCHAND UDHAVDAS:—Your Excellency,—I rise to oppose the resolution moved by the Honourable Mr. PATEL. I do not see anything to justify at this stage the passing of the resolution requiring a commission or committee of enquiry to be held in this matter. Throughout the debate, your Excellency, nothing has been shown definitely or precisely as to what the defects are which the Honourable Mr. PATEL wants to have remedied by an enquiry, as to what really has been done that should be gone into or calls for a report or enquiry, and I quite agree with the suggestion made by the Honourable Mr. PRATT that the resolution sounds, as it were, that the police department were not working satisfactorily, and, if an enquiry were to be made, it would certainly amount to a vote of censure.

Another reason why I oppose the resolution is that I understand the divisional commissioners have been asked to make enquiries, that enquiries are being made and are half way through, and it would be most inopportune to pass a resolution asking for a committee now. For these reasons I strongly oppose the resolution and I think it will serve no purpose, more especially in view of the fact that an enquiry is being held departmentally by the divisional commissioners.

The Honourable Mr. SHRIDAR BALKRISHNA UPASANI:—Your Excellency,—It is indeed very unfortunate that any criticism coming from non-official members should not be taken in the spirit in which it is meant and that it should be considered as a vote of censure. Yesterday though on my own part I expressly stated that—

His Excellency the PRESIDENT:—I should like to make the position quite clear, because I was responsible for the original remark with regard to the vote of censure. My position is—and it is the Government's position too—that whenever an honourable member brings in a sort of omnibus resolution, asking for a committee to enquire into the whole of the administration of a particular department or, as the first resolution did, asking us to enquire into the general administration of the Government, I do consider it most distinctly a motion for a vote of censure on the Government. What I would urge on honourable members to consider is this, that if they want to move a resolution with regard to a particular department, let them move it in regard to any particular matter affecting that department. Now my honourable friend, Mr. BELVI, expressed the view very strongly that there are too many sub-inspectors in the districts. Why does he not move a resolution to that effect, that a large reduction could be made in the number of those sub-inspectors? Then we can get something concrete. As it is, what always happens is, we have a general discussion with no definite accusation and we do not get any further.

The Honourable Mr. PATEL:—Your Excellency's Government had got ample powers to rule a resolution out of order if it was considered a vote of censure. If your Excellency considered it was a vote of censure, you were perfectly entitled to rule my resolution out of order.

His Excellency the PRESIDENT:—I am sorry my honourable friend is inclined to take me to task for allowing the resolution to appear on the *agenda* and I would further say this, that I hope that as a result of my remarks such resolutions as these will not be sent up in future.

The Honourable Mr. UPASANI:—We are very thankful to your Excellency for having cleared the position to a certain extent, but let me assure your Excellency on our part that, so far as we are concerned, we do not mean any vote of censure and it may be taken that whenever such an enquiry is asked for, it is asked for in the best interests of the department and also of the public

generally. As regards details, it will be difficult for us to bring in resolutions for every detail. However, it is a matter on which I need not dilate in supporting this resolution.

As regards this particular resolution, I think the remarks that have been made both by those who have spoken for and against it themselves prove the necessity for an enquiry. It is admitted that our expenditure has risen from 73 lakhs to 105 lakhs within a short period and nevertheless there are still places where the police force requires to be increased and there are places where the police force is considered to be excessive. That itself is one special reason for the enquiry.

Another thing is that while the expenditure has so far increased, nobody has noticed the miserable pittance that the police force in the inferior service is getting. As a matter of fact, we have to see whether the present increase in the number and pay of the superintendents and assistant superintendents is needed, or whether the same is needed in the lower grades of the police force. That is the first thing which requires to be enquired into. There are so many matters of detail to which enquiry should be directed.

Then my honourable friend, Mr. KAMAT, has pointed out that the area and population of our Presidency is less than that of Madras and of Bengal and yet we find that we are spending a good deal more than those provinces on our police department. I would like to know whether it is considered that the Bombay Presidency contains a larger element of criminal population than either Bengal or Madras. If that is not the case, is it quite fair that there should be larger expenditure on the police here; and is it satisfactory that in spite of that large expenditure we should not have proper distribution of the police force even in places close to the seat of our Government; if that is the position, should it be allowed to continue as it is, and is it not time for us to ask for an enquiry into this matter? I submit that this enquiry would show that the present condition of the rank and file is not satisfactory; that the higher posts are unduly increased and their pay is unduly too high. We only ask Government to satisfy the public that that is not the case.

With these words I support the resolution.

The Honourable Mr. BALKRISHNA SITARAM KAMAT:—Your Excellency,—May I give a personal explanation with regard to the figures that I have quoted? For the city of Bombay I never said that the number of police was too large or too small. What I pointed out was that although the number has been increased, there has been no corresponding increase in the detection of crime.

The Honourable Mr. G. S. CURTIS:—Your Excellency,—It gives me great personal satisfaction to have a chance of replying to the resolution which the honourable mover has brought before this Council, partly because, I think, the criticism levelled against the large expenditure which appears in the budget is at first sight a good deal justified and because personally, until I gained the knowledge that I have gained since my recent association with the department, I ranged myself entirely on the side of the economist.

But, sir, I think that if the whole question of police expenditure is carefully examined, it will be seen that the apparent increases in the expenditure are not really serious as might be imagined.

Now, sir, I will first deal with the matter on broad lines: the totals of expenditure under police, its relation to the total expenditure of the Presidency and the rise under it relatively to the rise under other heads.

In 1907-08 the total of the expenditure in the Provincial budget was 477 lakhs, that on police was 73 lakhs. I am not as good at decimals as my honourable friend, Mr. DESAI, who reeled them off at tremendous speed. But, sir, as far as I can make out, the percentage of expenditure was 15·3. In the

current year, 1917-18, the total expenditure of the Presidency is 788 lakhs and the expenditure on the police is 112. Now according to my arithmetic the percentage is 14·2. But, sir, with reference to that total of 112 lakhs, I would ask this Council to bear in mind two things. First of all since 1907-08, the gross total of police expenditure in this Presidency has been largely swollen by a big transfer of something like 5 or 6 lakhs, representing charges previously borne by the municipality, under the arrangement come to in regard to the police charges bill in 1909. Therefore, we can legitimately reduce the total from 112 to 106. There is further an extra charge of one lakh provided in the current year's budget, due to the fact that two years ago the finance department largely cut down the provision for clothing and it has been found to be absolutely necessary to make a special grant this year, the last year of the quinquennium. So we reduce that total further to 105. There is also, sir, as the Council will have noticed, always a very large excess in the original estimate owing to the impossibility of budgeting very closely, having regard to the variation in recruiting, and it is more than possible that the revised estimate may come down, allowing for the 6 lakhs allotted to the Bombay Municipality to 101 lakhs. But, sir, I put it at 103 and if allowance is made for these reductions in the police expenditure of the current year, the percentage will be 13·2 as against 15·3 ten years ago.

Now, sir, whatever may be said against the re-organization scheme (and I myself have been a very severe critic), it must be admitted that the very large increase is more apparent than real; at any rate having regard to the general increase in the wealth and in the income of this Presidency, it is not nearly so high as it looks at first sight.

The Honourable Mr. KAMAT referred to the expenditure on sanitation and he contrasted the expenditure on sanitation with that on the police. I rather doubt whether the comparison is a fair one. It is a matter of custom in this particular country that the police charges fall wholly on the provincial revenues, and sanitation mainly on local rates. In my country both fall on the rates. It is a matter of convention. But if we look at the sanitation grant in 1908, we find that it was Rs. 3,45,000. In the current year it was Rs. 10,85,000, an increase of something like 314 per cent. Added to this sum of Rs. 10,85,000 there is also a considerable sum, the details of which I have not ready to hand, representing the cost of the sanitary engineer's establishment and others, well-boring, etc., which are shown under the head No. 45, public works. It is not too much to say, therefore, that as regards sanitation the expenditure has increased by 400 per cent. during the last 10 years. The other head of expenditure which might have been held to be starved is perhaps education. The grant for education in 1907-08 was Rs. 31,52,000; in the current year it is Rs. 85,89,000, an increase of 273 per cent. The grant for agriculture was Rs. 4,57,000. In the current year it is Rs. 15,71,000, an increase of over 300 per cent.

So that, sir, as regards these four branches of expenditure, the increase in the police cannot be said to be in any way excessive. As I say once more, the proportion between the police expenditure and the total expenditure of this Presidency with the major part of the re-organization scheme carried through, is not any greater than it was in the unreformed police department ten years ago. That, sir, is an important fact which I think we must bear in mind very carefully indeed.

Now, sir, I will go a little further into details. The expenditure on police may be put down roughly at something like about 106 lakhs, and we may assume in the year 1907-08 the estimate was 74 lakhs, that is, it has gone up to about 50 per cent. Well it would be convenient if we cut up this expenditure into its constituent parts. Roughly speaking the district executive police force, which represents the police as most of us know it, is responsible for only two-thirds. The remaining one-third consists of various special bodies of great importance and with regard to which there has been a considerable increase. This one-third can

be considered first of all. This one-third consists of the Bombay city police, the railway police, what is called special police, consisting of the police in the three political agencies, the village police, also an important body, and the criminal investigation department. Out of this one-third, by far the most important is the Bombay city police. The Bombay city police figures give the impression at first sight that there has been a formidable rise. The estimate for 1907-08 was Rs. 4,14,000 and in the current year it is Rs. 13,29,000. But the most important fact to remember there is, that until July 1908, the Bombay municipality bore a very considerable share of the total expenditure on the Bombay city police. I think the reduction in the actual sum borne by the Bombay municipality in the accounts for 1906-07 is Rs. 4,76,000, in round figures Rs. 5,00,000. In the budget estimates for 1907-08, there is an amount of Rs. 6,47,000 as due from the Bombay municipality. That contribution was not eventually made. But there is no doubt that the increase which has occurred since the original estimates of 1907-08 were framed may be put down, as regards these 5 or 6 lakhs at least to the fact that the whole burden has been transferred from the Bombay municipality to Government. Therefore, the total net increase in the expenditure on the Bombay city police is something like approximately 4 lakhs.

But, sir, what I would desire to impress upon this Council is that having regard to the very large increase in the inhabited area in Bombay Island, the spread of industry, the expansion in the dock area, this particular increase that has taken place in the Bombay city is extremely moderate.

There is also one further point to which my honourable friend, Ráo Bahádur SATHE, has already referred, the automatic increase in the charges. I would invite particular attention to two instances of automatic increase in the budget of the current year. I would refer to the increase of Rs. 25,000 on account of rates and taxes levied by the Bombay Municipality. That is one instance and there is a second increase on account of the police at the Alexandra Dock. If you turn a year or two back, you will find a very large increase similarly for other docks' police. With the extension of a huge city like Bombay, with constant demand for the creation of new divisions and for the strengthening of the police force in the northern parts of the island, which is very necessary and which has been carried out as far as possible, it will be clear to this Council that the police charges must increase.

Then after the city police there is the railway police. I have details here of the various extensions of railways during the last 10 years, but I find it is somewhat difficult to distinguish which are in Native States and which in our own territory. These increases involve an automatic increase in the liabilities of Government. At the same time Government have certain liabilities wi h reference to chaukidars on these railways. The establishment of large institutions such as the big shunting yards at Bandra and Kalyan, and big works at Matunga, all these mean an increase in the liabilities of Government for extra police.

Finally, sir, I come to the three agencies. There the increase has been about a lakh of rupees. But that again is almost automatic, caused by the absolute necessity of providing a living wage for the police employed there.

Now, sir, I turn to the district police. The actual reorganization was not ours. It was the scheme of the Government of India, finally recommended and carried out after representative evidence had been heard all over India. The preliminary orders of the Government of India were given in 1905. Then there was an enormous amount of correspondence and final sanction was received from the Right Honourable Lord Crewe, the then Secretary of State for India, on the 27th November 1913, less than four years ago. Therefore, sir, the actual receipt of sanction to this scheme is a matter of very recent history. That scheme laid down certain principles. It laid down that the whole country should be divided

into circles. A circle was to be in charge of an inspector who was to have from 5 to 8 stations under him; the stations were to cover a certain area, 150 square miles was the area suggested, and the stations were to be in charge of sub-inspectors who were to be recruited from the more educated classes of society as far as possible; the old custom of investigating offences with untrained and illiterate constables was to be discontinued, and a trained and an intelligent agency was to be used; efforts were to be made to put the organization of the department and the investigation of crime and supervision of bad characters in charge of a well paid, well educated and thoroughly dependable agency right through, who moreover should be in sufficient numbers to allow of officers taking leave when they require it.

Well, sir, the result of that scheme has undoubtedly been to give us a very much larger number of superior officers than existed under former arrangements.

At the same time steps have been taken to increase the pay of the lower ranks of the force from Rs. 8, 9 and 10 to Rs. 10, 11 and 12 and to make their lot easier in other ways. Now what the Honourable Mr. Kamat wishes to say is that the extra expenditure which has been voted to the district police, which amounts to something like Rs. 28 lakhs, is wholly unjustifiable. I venture to hope that the Council will not support this statement. It is quite clear that, first of all, as regards the lower ranks of the force the Honourable Dewan Bahadur GODBOLE'S statements, which he made yesterday, must be held to apply. The Honourable Dewan Bahadur Godbole stated that where a cooly demanded 3 annas before, he now demands 6 or even 8 annas. Well, sir, as far as as the lower ranks are concerned, they are, in many cases, drawn directly from the labouring classes and it is perfectly clear, if you are to get your men, you will have to pay more. But, sir, it also applies to the literate part of the force. Employers of labour are fully aware that where 10 years ago or 15 or 20 years ago, one could obtain tolerably good clerks on Rs. 15 with great ease and graduates for Rs. 30, we now have to revise our scale of salaries and place them on a higher standard altogether. Therefore, it is absolutely necessary, I say, to have this higher scale of salaries both for the higher ranks of the police as well as for head constables and constables.

But, sir, I understand from the terms of the resolution that the Honourable Mr. PATEL has asked us "to make an enquiry by the appointment of a committee or otherwise into the working of the police department since its re-organization and report on the propriety and necessity of the existing establishment and of redistribution of areas". It occurs to me, on looking through the correspondence of the past few months, that in my answer to the honourable gentleman's question I did rather less than justice to the Commissioners, and the Inspector-General of Police, in the steps they have taken during the last 18 months to ensure economy and as far as possible to improve the state of the police in the Presidency under the re-organization scheme The Honourable Mr. PATEL asked whether there has been an enquiry into the working of the re-organization scheme? As I disliked to pretend to have carried out enquiries which may seem far more ambitious or far-reaching than is actually the case, the answer to that question was given in the negative. But sir, it seems to me that on further study of the correspondence regarding the working of the re-organization scheme it might be held that we have been making some general enquiry and therefore, I think, it would be better if I tell the Council what exactly has been done during the last 18 months to secure economy in this department. Some 18 months ago when during the early days of this terrible war the question of the preparation of the police budget came before the finance department in which I was then employed under my honourable colleague's orders, we laid down that it was undesirable to sanction expenditure on new items outside our re-organization scheme which could not be provided for by the head of the department by an economy on existing charges. I may mention that the then Inspector-General was pressing for extra allowances, for hutting allowances and

local allowances, in the case of the police employed in large centres like Ahmedabad and Sholapur and so forth. Well, sir, the Inspector-General, on receipt of these orders, took action to secure economy as far as possible and following on certain suggestions made in the re-organization scheme of the police department he effected very considerable economies, mainly in the mounted police and the criminal investigation department and I think in one or two odd ways. The economy secured in that way exceeded something like Rs. 1,15,000. The sum so saved by this economy has been devoted to providing policemen in Ahmedabad and elsewhere with hutting and local allowances on a very much larger scale than was possible before. Following the successful prosecution of one of the recommendations of the re-organization commission, further enquiries have since been made into the details of the arrangements which have been made in consequence of the adoption of the recommendations laid down by the commission. When I say that there has been an enquiry into the details, I must guard myself against saying that the actual frame-work of the police re-organization has been materially altered. It is possible that this may be done as the result of still further enquiries which are now in progress, but with the co-operation of the Commissioners and at the instance of the Inspector General of Police, to whom the acknowledgments of Government are due for his continual striving after economy, a great deal has been done in cutting down superfluous guards, in reducing the number of policemen employed in out of the way places and to ensure as far as possible that all policemen shall be employed on thoroughly useful work. Those enquiries are not yet complete. The question of various details, such as for instance the reduction of the mounted police, the removal of superfluous police wherever it is possible, will continue to receive the attention of the department and Government at the present moment have under consideration a number of recommendations from the Inspector General for the reduction of superfluous officers and superfluous stations, which will receive due consideration. If consistently with the principles laid down by the reorganization commission they should prove practicable, the economies thereby secured will be devoted, as far as possible, to raising the pay of the lower ranks of the police and strengthening the establishments in places where crime is prevalent and where the demand for a larger police force is insistent. Various speakers in the course of their remarks have referred to specific instances. The Honourable Mr. DESAI refers to a case where there are 10 crimes a year and he calculates that each of the crimes costs Rs. 150. Well, sir, I think, it was the Honourable Mr. PRATT who remarked that the detection of offenders after a crime is committed is only one of the functions of the police. After all, the prevention of offences is even more important and it is possible, at the station at this particular village, after it has been put under a vigilant sub-inspector, that crime has been reduced and possibly the criminality of the locality is not as great as it might have been. In any case, if any specific instances of that sort are brought to the notice of the local deputy inspector-general of police, the superintendent of police or the district magistrate, they will at all times receive attention. No one pretends that the scheme as introduced can be absolutely perfect, but, sir, details of this sort must always be liable to correction and can always be corrected by a stroke of the pen if necessary. If the public will bring matters to our notice no doubt action will be taken. On the other hand, it was the Honourable Mr. KAMAT who quoted the district magistrate of Poona, Mr. Hatch, as saying that there were three police stations in Sirur. It is possible that three police stations may be too many in Sirur, but if this was the case, it was open to the district magistrate to bring the matter to the notice of the Inspector-General of Police and I have not the slightest doubt the Commissioner would have supported him. It would be easy to reduce one station and possible to utilize the funds so set free for other improvements. On the other hand we have had gentlemen from the vicinity of Bombay, the Honourable Messrs. LALUBHAI and MUNMOHUNDAS RAMJI, complaining of the inadequacy of the police in Salsette. The Honourable Mr. LALUBHAI could

not understand why we were so reticent about stating the number of police allotted to each station in Salsette. Well, the position of a police officer is rather like that of a commander of an army in the field, contending against an enemy which in this particular case is represented by the criminals. He moves his forces from place to place where he thinks an attack is likely and as far as possible he conceals from the enemy the exact places where the bulk of his forces is situated. I think the Honourable Mr. LALUBHAI will gather from that why we do not wish the criminals of Salsette to know exactly where the bulk of the force is at any time situated. But there is no possible objection to the Honourable Mr. MUNMOHUNDAS passing on to the Honourable Mr. LALUBHAI the details which, I think we have communicated to him. I think when he has seen them, he will agree with me that the establishment of police in Salsette cannot be said to be in any way inadequate. Now, if as might possibly happen, local officers reported that some stations such as the one at Sirur are not wanted, it would be possible to set free funds which would allow of the forces in Western Salsette being strengthened. The matter will be borne in mind and the Inspector General will be instructed to see what can be done.

There is one more suggestion of which my honourable colleague in charge of the finance department reminds me and which I think I must mention before closing; it has reference to the financial side of the case. The total excess in the district force comes to nearly something like Rs. 28 lákhs. I should mention that we have received from the Government of India a grant of Rs. 20 lákhs for police reorganisation and we are also receiving from the Government of India Rs. 1 lákh for Sind railway ploice and Rs. 48,000 for cantonment police, so that the actual extra cost to provincial revenue must be reduced to that extent. I think, sir, I have shown that so far the growth of police expenditure has not been in any way disproportionate. I have established the fact that the percentage of police expenditure to the total expenditure of the Presidency, at the present moment, allowing for the paper charge transferred from the Bombay municipality on the police charges bill, is considerably less than it was 10 years ago. I have also shown that the total increase, when spread over its constituent heads, is not in any way excessive and that the principal excess in the district police has been necessitated by the natural rise in the general rate of wages given both to skilled and unskilled labour. I have further shown that, as a result of the united efforts of the Inspector General and the Commissioners in the past year, we have already effected considerable economies and that without in any way going behind the main principles laid down by the Reorganisation Commission. The Inspector General is now laying before Government proposals for further economy. I may add on behalf of Government that if honourable members as a result of their personal experience find cases in which they consider that economy is possible, that Government or the Inspector General will be always pleased to receive suggestions and as far as possible consider whether they can put them into practice. But sir, the resolution asks for an enquiry "by the appointment of a committee or otherwise." I must acknowledge to considerable speculation as to what the meaning of the expression "or otherwise" is. The only possible method I know of is by ordinary enquiry by Government in the ordinary way of correspondence or by sending a peripatetic committee round the Presidency. Well, sir, as regards the appointment of a committee, as I say, we have had of late years, I think, somewhat of a surfeit of committees and I think we can take it that both official and non-official members have in their heart of hearts come to the conclusion that they would like a rest from committees for some considerable time. Therefore, sir, I think that if we discard the notion of a committee, then we are left to the alternative of "or otherwise" and if "or otherwise" merely means a reference by Government to local officers, if it merely means that local officers will as far as possible devote themselves to securing economy and that they are at the present moment engaged in securing then, sir, I hope this Council will consider that this resolution is unnecessary. There is however another alternative. I may put it in the form that Government are prepared to give an undertaking that they will lay

on the table as soon as completed a memorandum showing exactly what has been done with regard to the question of existing establishments and their redistribution and I suggest to honourable members that it is possible that a resolution in this form might meet, perhaps, the whole case :—

"That this Council recommends that Government should lay on the table as soon as it is completed a memorandum of the inquiry which is being undertaken with regard to the question of existing police establishments and redistribution of areas."

With these words I would ask the Council to reject the resolution in its present form.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—Your Excellency, I am very much obliged to your Excellency's Government for the exhaustive and lucid explanation of the position of Government on this important question. Your Excellency, year after year, we have been, at the budget debate, complaining bitterly about the ever-growing expenditure on police and Government should have come out with the necessary explanation long ago. I remember in 1912 when several honourable members in their budget speeches criticised the police expenditure, my honourable friend, Sir RICHARD LAMB, made a clear statement to the Council that it was absolutely impossible to go into the working of the police department, everything was all right and no inquiry or anything of the kind was necessary. That naturally put us out and year after year we repeated our complaint, until today when we have been able to induce Government to come out with their say in the matter. As regards one matter I would like to say a word. It is a matter of great regret to me personally that my resolution of yesterday and that of today were regarded as resolutions in the nature of a vote of censure on Government or the department concerned respectively. Let me assure your Excellency and Government that nothing is further from my mind than bringing any such proposal before the Council. I am fully convinced that the expenditure of this Presidency is top-heavy and unless a thorough inquiry is made into the whole question, we shall come to a serious deadlock in some matter some day. It is, therefore, that I have been pressing for an inquiry by these resolutions. Let me at once tell this Council that in the Madras Council resolutions of exactly the same nature were discussed and not even a suggestion was thrown out by any member of Government there that non-official members had any motive other than that of the best interests of good administration. With these words I accept the resolution as amended by the Honourable Mr. CURTIS.

His Excellency the PRESIDENT :—I am very much obliged to the Honourable Mr. PATEL for accepting the amended resolution. I do not think it is necessary, after the extremely lucid remarks of my honourable colleague who has given a full explanation of our position with regard to the police department, that I need detain the Council for more than one moment. I think probably the feeling among most honourable members after listening to the debate is one of sincere sympathy for the unfortunate member who is in charge of the police department. All who have listened to this debate will agree with me when I say that to certain members—shall I say the Honourable Mr. KAMAT—the words "police department" are rather like a red rag to a bull. On the other hand, there are other honourable members who assure us that it is absolutely necessary to spend a good deal more money in various ways on the police department. Well, as my honourable colleague suggested just now, you cannot have it both ways and he has got to try and satisfy the Honourable Mr. KAMAT and others who think that increased expenditure is not necessary. I think my honourable colleague has put the position very clearly and I would merely put the resolution to the vote and conclude by saying that I do assure honourable members that my honourable colleague in charge of the department is going very carefully—without, as he says,

INQUIRY INTO THE WORKING OF THE POLICE DEPARTMENT: RECOGNITION OF MATRICULATION EXAMINATION FOR GOVERNMENT SERVICE: WATER POWER SITES IN BOMBAY PRESIDENCY.

[27TH JULY 1917.] [*The President, Mr. Raghunath Purshottam Paranjpye; Dewan Bahádur Kashinath Ramchandra Godbole.*]

undoing the frame-work of the re-organization scheme—into the details, with a view to see whether any improvements can be made and any reductions or economy can be achieved in various ways; that we have the completest confidence in the Inspector General, whose keen interest in the subordinate ranks comes very clearly to my mind and who is doing the very best he possibly can, and that, I can assure honourable members, under not too easy circumstances.

The resolution as amended by the Honourable Mr. CURTIS was then put to the vote and carried.

His Excellency the PRESIDENT:—The Council will now adjourn for lunch till 10 minutes past 3 o'clock.

The Council then adjourned for lunch till 3-10 p. m.

After lunch.

His Excellency the PRESIDENT:—Order, order. Resolution No. 3. The Honourable Mr. PARANJPYE.

The Honourable Mr. PARANJPYE:—Your Excellency,—I beg to withdraw this resolution in view of the fact that Government and the University are thinking of abolishing the school final examination. I wished to introduce it up till now, but I do not wish to move it just now, and therefore I beg to withdraw it.

The resolution was by leave withdrawn.

His Excellency the PRESIDENT:—Resolution No. 4. The Honourable Dewán Bahádur GODBOLE.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency,—The resolution that I have to place before the Council reads thus:—

"This Council recommends that His Excellency the Governor in Council may be pleased to call upon the Revenue, Public Works, Forest and Irrigation Officers of Government to submit reports as regards existing and probable water power sites in the Bombay Presidency, giving their localities, extent, duration, capabilities, etc., and to publish these reports when received after reviews of them by the expert officers of Government, the reports being based on observations and upon records in Government files."

I think, sir, that the resolution that I have placed before the Council deals with a very important subject. The importance of the subject has been well brought out in the evidence that has been recorded before the Industries Commission of Sir Thomas Holland. In the sittings of the Commission at Bangalore in February last, they examined Professor Hay of the Indian Institute of Science.

Professor Hay's evidence contains the following statements:—

"The earliest possible utilisation of the available water power of the country was a matter of primary importance to future generations. Every new hydro-electric plant which came into existence had the effect of preventing an avoidable increase in the rate at which the fuel resources were being used up. It was no exaggeration to say that the water power of the country was one of its most valuable assets, and for that reason it seemed desirable that the state should devote to it that degree of attention which was warranted by a matter of the highest national importance. He would therefore suggest that a very complete survey be made of the available water power of India, and that in addition to determining the maximum amounts available, rough estimates should be prepared of the probable cost of development, and information of that kind should be given

WATER POWER SITES IN BOMBAY PRESIDENCY.

[*Dewán Bahádur Kashinath Ramchandra Godbole.*] [27TH JULY 1917.]

the widest publicity and should be placed freely at the disposal of intending manufacturers, who should be encouraged in every possible way to utilise hydro-electric power in preference to power derived from heat engines. He believed this matter to be of sufficient importance to warrant the establishment of a special hydro-electric power department."

This extract will enable the Council to see how important the subject is.

I moved my first resolution on this subject in the March session of this Council in 1916. The resolution, on that occasion, was accepted by Government, and in response to it, they issued a press note. The press note contains information upon the three water power sites that are available in connection with the storage reservoirs that have been constructed by the Government of India in this Presidency,—I mean the storage reservoirs in connection with the Pravara, the Godavari and the Nira canals. In my opinion, sir, the collection and publishing of further information is necessary. I therefore sent a further resolution on the subject at the last March session of this Council, and in that resolution I asked that Government should appoint a special officer for the investigations of water power in this Presidency and should place the results of these investigations before the public. The Honourable Mr. CARMICHAEL, however, thought that I was making too large a demand on Government establishments. In the first place, he had no spare officers in the Public Works Department, and in the second place, he thought that it was not necessary that any detailed enquiries should be made in this matter of water power. I have, therefore, amended my resolution, made it more modest, and placed it before the Council in the shape in which it appears today. In this amended resolution, I simply ask that certain officers of Government should, from their personal knowledge and from the records that they have on their files, compile a memorandum of the water power that is already available or that can be made available in their districts. This request will not necessitate the appointment of any special officer, and will not require any extra expenditure for preparing the information that I ask for.

It will interest the Council to know that in this Presidency we have specially favourable features for the development of water power. In the first place, we have the Sahiyadri range, or the Western Ghats, with a rainfall varying from 100 to 400 inches in the year which seldom fails. In the second place, we have got a number of rivers that flow from this central Sahiyadri range and go eastwards and westwards to join the sea. In the third place, at the heads of these streams there are suitable sites for the construction of reservoirs which, on account of the rainfall in the Ghats, will easily fill. Fourthly, most of these rivers have, in in their courses, rocky rapids and rocky falls which are very favourable for the production of water power without the construction of any extra works; and lastly, after the use of the water for the production of water power, it can be run lower down and utilised in the irrigation of large tracts of country with great advantage and benefit to the rayat. These are the special features of this Presidency, and I think they ought to be made use of to the utmost possible extent.

This Council is probably aware of the two notable instances in which water power is being utilised in this Presidency at present. The first instance is that of the Tata Hydro-Electric works with which, I believe, every member of this Council is acquainted. The same enterprising firm that has constructed those works is going in for another scheme on similar lines, and that is the Andhra Valley scheme. The third instance of water power that I may draw the attention of the Council to is the Gokak falls in the Belgaum District, which have been utilised by an enterprising firm of Europeans in Bombay for running a spinning and weaving mill, with great profit to themselves and with great advantage to the community. In addition to these instances there are numerous places where water power is or can be made available in this Presidency. For instance, near Chandanpuri, the village of my honourable friend, Mr. GARUD, there is a water-

fall of the Girna river which is being used for the production of power for running a grinding mill.

What I want, sir, is that water power, wherever it exists in this Presidency, should be harnessed for industrial purposes. From personal knowledge and from enquiries that I have been making, I find that there are several sites where water power could be generated. I will mention to this Council some of these places. In the Kanara district we have got four rivers running from Ghats to the sea. These are the Kalinadi, the Gangavali, the Tadri and the Shirawati. On each of these rivers there are rocky falls which vary in extent from 200 to 890 feet. Your Excellency has seen one of these falls, and that is the Gersappa fall on the Shirawati river with a drop of over 800 feet. On the Gangavali river we have got the Magod falls with a drop of 800 feet. In the case of the Tadri river we have the Lushington falls with drops which total up to nearly 300 feet. Coming to the Belgaum district, sir, we have got the Gokak falls to which I have already referred. Then at Manoli near Saundatti we have got the rapids and falls of the Malaprabha river which probably could be utilised for the production of water power. On the Markandi river near Pachhapur station and near Gokak, at the village of Benchinmardi, there is a drop in the river bed of 50 feet. There are two falls on the Wadarhatti branch of the Gokak canal. In the Ahmednagar district there is on the Adula river near Samsherpur a fall which I am told is about 150 feet in depth. Similarly there are the Randha falls of 200 feet depth on the Pravara river. In the Nasik district we have the Gangapur fall on the Godavari river with a drop of 32 feet. In the Khandesh district we have rocky rapids on the Tapti river, above and below the railway bridge near Bhusawal. In the Surat district there is the Deer-leap or the Haran fall on the Tapti river, where it emerges from Khandesh and goes into Gujarat. Then all tank outlets have varying water power available at them and so also have many of the larger bhandaras and weirs that have been constructed for irrigation purposes. In the case of some of these sites there are great possibilities of development and expansion. For instance, in the case of the Samsherpur fall a reservoir could be constructed across the river above the fall and the water of the reservoir could be utilised in the generation of perennial water power at the fall. The perennial power could be utilised for the weaving industry near Sangamner and Samsherpur and afterwards the water could be utilised for irrigation purposes lower down by the canals that have already been constructed. Probably, the Benchinmardi fall could be utilised in the same way. I have collected all this information from enquiries. Some of it is based on personal observation also. In addition to the instances given there must be a lot of other sites in the Presidency, and I want these sites to be catalogued and brought on a regular list. I am aware that in many of the instances given by me the water power at present available is for 4 months, 6 months, 8 months or 9 months only; but even for this short duration power we can find employment, because the Council is aware that there are many industrial enterprises in this Presidency which require power for short periods only. In this connection I might mention the many cotton presses, cotton ginning factories and oil presses in this Presidency. These generally work for 4 or 6 months in the year, and there is no reason why the limited power available should not be utilised by them with profit.

What I want Government to do is, that they should call upon their officers in the departments that I have indicated, namely, the Revenue, the Public Works, the Irrigation and the Forest Departments, to submit reports as regards the existing and the possible water power sites in their districts, stating approximately what the extent of the power is in each case, and how far the same could be developed. I want these reports to be prepared not by incurring any large special expenditure. They should be based principally

on personal observations and on the records that the officers may have on their files.

Secondly, I want these reports to be scrutinised by the expert officers of Government so as to separate the chaff from what will be really useful information.

Thirdly, I want Government to publish these scrutinised reports. We will in this way secure a record of what water power sites we have in this Presidency, and what are likely to come into existence after expenditure on development. I do not want any large expenditure incurred in the detailed investigation of the sites. When a record like this is available, we will leave the industrialist that wants to make use of our sites to make all further enquiries for himself. He will frame his own estimates; he will find out what industries the power can be utilised for; he will find out what further development will be needed, and so on. All those details will be worked out by the industrialist for himself. The Government of this Presidency will simply prepare a directory containing the information that I have referred to. I think, sir, that as the landlord and administrator of this Presidency, it is a part of the duties of this Government to have a record of the possibilities of their estate. In the case of a private landlord he would not be called a wise landlord if he does not know what the capabilities of his own estate are. I therefore think that it is the duty of the state to compile a record of the water power in this Presidency in the manner I have indicated and to publish it for the information of industrialists and of the general public. With these remarks, sir, I place the resolution I have moved before the Council, for its acceptance.

The Honourable Mr. G. CARMICHAEL:—Your Excellency,—Perhaps it will save further discussion if I indicate the views which Government hold with regard to this particular resolution. The Honourable Dewán Bahádur GODBOLE has referred to his previous resolution on this subject and he criticises the press note which was published as a result of that resolution. He says that the press note refers entirely to the water power under the large irrigation works which have been constructed in the Presidency, but I think he is hardly fair in saying that that is all the information given. Reference was made to the fact that in the Bombay Presidency there are very few perennial streams, and those which do exist, namely, the Kalinadi and Tadri in the Kanara district and Vaitarna in the Thana district, were specially mentioned and some information with regard to them was given. When he again brought this particular question before this Council, his proposal was that Government should appoint a special officer in order to make local enquiries—to investigate schemes as a matter of fact. I do not remember whether the resolution was discussed, but I think I informed the Honourable Dewán Bahádur personally the view that was held by Government. That was that we could not at this time depute an officer to undertake the investigation of schemes until it was known for what purpose exactly the water power was required. He now comes before the Council with a more modest proposal and I am very glad that he has been able to give us definite instances in which he thinks that the information given in the original press note was incomplete. With regard to some of the instances which he gives, or rather with regard to all the instances which he gives, in which water power is now actually being used, I think in every case the water power has been obtained by the construction of a reservoir. I think in the case of the Honourable Mr. GARUD'S factory too the water power comes from a reservoir.

The Honourable Dewán Bahádur GODBOLE:—No; from the river.

The Honourable Mr. CARMICHAEL:—The river itself is kept supplied with water by a reservoir.

The Honourable Dewán Bahádur GODBOLE:—It is supplied with water throughout the year by the Chankapur tank.

WATER POWER SITES IN BOMBAY PRESIDENCY: MODI SCRIPT IN OFFICIAL CORRESPONDENCE.

[27TH JULY 1917.] [*Mr. George Carmichael; Dewán Bahádur Kashinath Ramchandra Godbole; the President; Mr. Raghunath Purshottam Paranjpye.*]

The Honourable Mr. CARMICHAEL:—Well, I do not know the details with regard to this particular installation but I say, assuming, that the Girna is now supplied with water from the Chankapur tank, that that is one of the reasons why the Honourable Mr. GARUD is able to run his installation throughout the year. My recollection of the Girna is that the amount of power available in the hot weather months is not large.

In the other instance which he gives where use was being made of a river—at the Gokak falls—that again is kept supplied with water by the reservoir up above and, as far as I remember, the company obtained very good terms from Government as regards the supply of water. The special features of this Presidency are that we have a very heavy rainfall on the Western Ghauts but few perennial streams, and in order to obtain any considerable and continuous supply of water power very large dams have to be constructed. The Honourable Dewán Bahádur refers to the Tapti river. I do not know whether anyone has ever contemplated the harnessing of that river. That certainly would give a big volume of water throughout the year, but I fancy the work would be a very costly one to undertake. But possibly attention should be given, first of all, to the completion of the storage schemes on the Ghauts rather than to harnessing a big river like the Tapti, which is subject to high floods.

With these remarks, sir, I venture to say that Government are prepared to accept the resolution which has been moved by the Honourable Dewán Bahádur GODBOLE to the extent, *i.e.*, on the basis of the cases which he has mentioned—that these cases should be examined and similar cases, if they are found, should be examined by the local officers in the course of their ordinary duties, and information should be collected and put on record. I feel myself that it would be a much greater help if the Honourable Dewán Bahádur would himself undertake to develop one or more of the particular schemes which he mentions. An ounce of practice is worth a good deal of preaching.

The Honourable Dewán Bahádur GODBOLE:—I am now 69 years of age.

The resolution, on the understanding indicated by the Honourable Mr. CARMICHAEL, was then put to the vote and carried.

His Excellency the PRESIDENT:—I wish to inform honourable members of the Council that a few minutes ago I received a request from several members, an extremely unusual one, to the effect that owing to other urgent—I hope they do not consider them equally important—engagements which they have got during the next few days, they were very anxious that I should be pleased to adjourn this session of the Council and adjourn all the business of the Council until the next session whenever that should be. Well, I wish to inform honourable members that Government is perfectly willing to sit on here and conclude the business of the Council and it is entirely in deference to the wishes of honourable members that I am prepared, if the Council agree, to accede to their wishes; and my proposal is that we should adjourn the session of this Council at 4-30 p. m. in order to give non-official members time to elect the members of the finance committee.

His Excellency the PRESIDENT:—Resolution No. 6. The Honourable Mr. PARANJPYE.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE:—Your Excellency,—As several honourable members want to speak on this resolution, they will want more time and so I wish to adjourn it to the next Council meeting.

His Excellency the PRESIDENT:—I think it would be better if my honourable friend would move his resolution now.

MODI SCRIPT IN OFFICIAL CORRESPONDENCE.

[*Mr. R. P. Paranjpye.*] [27TH JULY 1917.]

The Honourable Mr. PARANJPYE:—My lord, the resolution which I have the honour to move runs as follows:—

His Excellency the PRESIDENT:—Does my honourable friend propose to read out his printed speech? Can he not agree to take it as read?

The Honourable Mr. PARANJPYE:—Your Excellency—I propose to read it out to the Council as I have many alterations and additions to make in my printed speech.

My lord, the resolution that I wish to propose for the Council's acceptance reads as follows:—This Council recommends to Government that the Modi script be restored in the official correspondence and records of Government.

The history of this question is, my lord, but one more illustration of the fact that Government is not, and does not care to be, in touch with public opinion on any question under consideration. This question concerns the people of Mahasashtra only, *i. e.*, the people of the Central Division, of the districts of Ratnágiri and Kolába in S. D. and Thána in N. D. The people of the other districts of S. D., of the native states in the Southern Marátha Country and of a part of the City of Bombay are also concerned to a certain extent. Now it would not be too much to say that on no question has the opinion of the people been so nearly unanimous as on this question during recent years; and leaving aside the question of the merits of the case, I would put it to the Government and this Council whether it would be wise, whether it would be statesmanlike, whether it would be in the interests of good government in the larger sense of the term, to tell about ten millions people—or at least the educated part among them—in this presidency that their convenience and sentiments, prejudices if you will, have not the slightest weight in comparison with the whims, fads, or even the convenience of a few civilian officials. The usual arguments of prestige and the inadvisability of retracting a step once gained are brought forward in this connection. But I am sure that these arguments should not apply if we are convinced, on a consideration of the merits of the case—which would also include the feelings of the people—that the course once taken was wrong. In discussing this question I shall have to refer to matters which may seem very elementary to some, but in this case I have to convince our friends from other parts and I hope I shall be excused for giving these details.

Maráthi language is similar to the modern European languages in having one script for printing and another for writing and is unlike most other Indian languages such as Gujaráti, Kanarese, Bengáli and Hindi. The script for printing is called Bálbodh and that for writing is called Modi. There is, however, this about the Bálbodh that it is not quite so difficult to write as the ordinary Roman script in European languages and is occasionally used for writing by uneducated people, including children and ladies, for writing sacred books and poems, and in fact for writing anything where speed or convenience is not in question and very great clearness is aimed at. In the middle ages before the introduction of printing many monks used to copy the Bible in ordinary Roman script and copies of these can be seen in any famous library in Europe, but then the monks had generally nothing else to do. Bálbodh is also generally used by Maráthi authors when sending copy to the press. The one disadvantage in Modi is the want of distinction between short and long vowels *i* and *u*. Several proposals have been made by scholars to get over this, but Government through its educational department did not give heed to the matter. Also in Modi words are not generally separated. Bálbodh, or under its other name Devanagari, is a thoroughly scientific script but it has the fatal defect of inconvenience for ordinary writing. It takes very much longer to write and in the eyes of connoisseurs is not pretty to look at. It is alleged also that Modi is often written illegibly.

I shall take these arguments one by one. As regards long and short vowels they have not much real significance in Maráthi and scholars are divided into two camps as to whether the vowels in particular words should be written short according to their strict Sanskrit etymology or long as they are generally pro-

nounced. In fact I wonder how far the Bálbodh written in offices will satisfy the test of correctness. For one who knows the language they don't cause any confusion. I shall ask my English friends how many of them write so distinctly as to distinguish between *n*, *u*, *m*, *i*. Any person who was just learning English and whose eyes are not accustomed to read written English will find it difficult to read an ordinary English letter. Some time ago the newspapers announced that "Lord Brassey *starved* at the Government House for four days," a needless reflection on Your Excellency's hospitality by the bad handwriting of somebody who wished to write "stayed" but was read "starved." I shall give the instance of the various Arabic and derived Scripts. The vowel sounds and often even the various dots distinguishing different letters are never actually written but a person knowing the language has no difficulty in supplying them as he reads. I could relate an interesting instance in the etymology of the word "Sine" in Trigonometry which came through the medium of the Arabic from the Sanskrit word jyā (the string of a bow).

As regards the non-separation of words it does not form a very great difficulty, for when a word begins a new phrase it is generally written distinctly and and in fact in our old Bálbodh manuscript *pothi's* or manuscript sacred poems words were never separately written. In olden days even in Europe words were generally not separated and members will remember Mr. Pickwick's interesting excursions to find the hidden archæological meaning in the plain words written continuously "BILLS TUMPSHISMARK". In this case again reform can be introduced by insisting on separated words when writing petitions, etc.

The alleged illegibility of Modi is due to a great extent to the want of familiarity with the language. In the parts of the presidency concerned, all accounts, correspondence, even histories in olden days, and legal documents used to be written in Modi and are still written in Modi. My lord, if a man is careless, he can make any script illegible. In the civil service examination a large number of candidates have their marks reduced by as much as 150 or 200 for illegible handwriting. From the correspondence which has been published in answer to various questions in this Council you will see that Balbodh—script to be understood by children—has already become illegible in many offices. A member of a band while travelling in a train and asked to show his ticket said he had lost it. "Look into all your pockets. You can't have lost it" said the guard. "Why man," replied he, "you don't know me, I have lost my big drum." In the same way a man who takes pride in illegible handwriting as showing his importance can make anything illegible. In fact you will find in records published that signature of many officers is "illegible". Personally I think that bad or at least illegible handwriting ought to be visited with far greater penalties; it shows bad breeding as it means want of regard for the covenience of others. In work where speed is necessary a phonetic script which admits of continuous writing, *i.e.*, writing which does not necessitate taking the hand off the paper and without too many involutions, is absolutely necessary. These are the principles underlying any system of shorthand. Modi has some similar advantages; there are in it a large number of recognised abbreviations. Thus, for instance, "the fatal objection to Bálbodh", says the Collector of Ratnágiri, "is that it is not written in a cursive hand, and never was meant to be such". It is absurd to say that because the Ramayan, Shakuntala, or the Bhagwat-gita were written in the Devnagari or Bálbodh character, depositions in court should be written similarly or the various registers in the registration office. As well may you say that because the epitaph on a tombstone is written in Roman capitals, everything should be written exactly like that. If Bálbodh is made compulsory for fast writing what will happen is that it will degenerate into bad Modi—only it will give us different kinds of Modi for each individual district or each táluka. The present is a standardised script for Maráthi current from Bombay in the west to Nágpur on the east, Khándesh, and even Indore and Gwalior on the north to Sholápur in the south. Whatever tradition may say about its introduction by Hemadpant—

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a point that has been made much of by Mr. Kincaid, who says that Modi is a non-aryan script. It can be easily seen to be evolved from Bálbodh.. Is Government and this Council to stop or even undo this gradual process of evolution which has gone on for five hundred years? I shall bring to the notice of members of this Council the fact that written French books look quite different from written English although the script is the same. I can say this from experience as I have had occasion to read lithographed—therefore carefully written—books in French. The case of German will be a stronger illustration. Both German print and German handwriting have evolved on different lines from the Roman. If the standardised Modi of the present is abolished, the written Bálbodh of Nágpur, Khándesh, Ratnágiri and Sholápur will show differences as great as those between English and German writing.

The history of this question of Modi is a patent example to all how not to do things. An officer of Government who takes pride in his knowledge of the vernaculars first of all got this fad into his head. From his superior position he made this experiment in his office. It did not succeed well, but as the saheb was keen on it, it was allowed. He got it introduced in two or three other districts. But when his friends went away from these districts their successors reported against it; and in one or two cases the experiment was given up. Thus, for instance, Mr. Ghosal, the Collector of Ratnágiri, in those days says "I have consulted all my sub-divisional officers and Messrs. Divatia, Garret and Parnaik all condemn in strong language the Bálbodh script and urge that we should at once re-introduce the Modi script. The Mámlatdárs are also unanimous on this point. The universal opinion is (*a*) that Bálbodh undoubtedly takes a much longer time to write than Modi; (*b*) it is responsible for much of the arrears; (*c*) the Bárnishi work can hardly be managed unless the staff is increased; (*d*) the Bálbodh writing is daily getting more undecipherable than Modi.

Then, again, the Collector of Násik says "all the officers throughout the district are anxious for the re-introduction of Modi. The Divisional Forest Officer alone has a good word for Bálbodh, and again all my three Sub-divisional Officers are in favour of Modi and so is the District Superintendent of Police." But in the meanwhile this officer had gone to another place where he could manipulate the strings more effectively. The experiment was considered to be successful withour taking the opinion of the people best able to judge. The opinions of those officers against it were put down as one-sided; and lo! the whole Government became committed to it. It is distinctly stated that no District and Subordinate Judges were ever consulted in making this change. It is not too much to say that this officer, Mr. C. A. Kincaid, is the *fons et origo mali* in regard to this question. In the whole correspondence laid before the Council it is only he that argues this question: all others who support him merely say "ditto." On the other hand Messrs. Divatia, Ghosal, Dikshit, Brander of the superior officers ably defend it. You cannot put their advocacy down to a mere sentimental liking for it; for of these four officers only one is a Dakshini whose mother tongue is Maráthi; the mother tongues of the others are as varied as Gujaráti, Bengali and English.

We are told that the action of the Government has been made comparatively inocuous by requiring only the official records to be written in Bálbodh; petitions to government officers may still be written in Modi; private account-books may be still kept in that language. Now while this is a very diplomatic move to disarm opposition, we do not think that it does very much to alleviate our fears. If good Modi writing is not supposed to be a necessary qualification for clerks under Government, Modi will be neglected everywhere. Again, supposing that this substitution is continued, what will happen? Officers will lose all familiarity with Modi; a Modi petition is sent to the officer he will not be able to read it at all; his subordinate clerks will be able to burke that petition if it contains a complaint against themselves. All account books, as I said before, are kept in Modi; my honourable friend, Rao Bahadur Naik, will be able to tell you that even in the Karnatic in several Canarese families accounts are still kept in Modi. These account books

often come before courts in judicial cases; is it desirable that by the action of Government the judges should lose all ability to examine the account for themselves? I would like to ask honourable members to look at the opinion of the late Mr. Tyabji. "The papers which it is most frequently necessary to refer to in cases to be decided by judges are deeds which are generally in Modi and would probably continue to be in Modi even if Bálbodh is adopted as the Court script".

As has been said the main objection against Bálbodh is want of speed and want of individuality in the writing. The want of speed in Bálbodh has been admitted by everybody—even Mr. Kincaid. But we are told that the reader will be saved some time; that high civilian officers of Government will do their work faster. Now I put it to members whether members of a "heaven-born service" like our Indian Civil Service men are so incapable as to get a fair facility for reading Modi manuscripts. I think Mr. Kincaid rather overdoes it when he says that an officer will require 2 or 3 years before he can learn Modi. In every office now-a-days the writing work has so much increased that clerical establishments are now already overworked. I would now refer to Mr. Brander's opinion:—"Introducing Bálbodh would mean that merely to make the reading of vernaculars a little easier for them, the labour of hundreds of kárkuns, talátis, and others will be greatly increased and official correspondence fall into arrears". Even in schools the schoolmasters have to write so many registers that a great deal of their time is taken up in this work. I have had occasion to look over some of these registers; and I find that while they have not become more legible, they have only afforded an excuse for taking more time in writing them up. The same is the experience of most people who have to read Bálbodh depositions taken down in court in judicial cases. Mr. Ghosal says: "The great advantage claimed by Mr. Kincaid is that it is easy to write. I would respectfully urge that it is not so. Those who are accustomed to write Modi when they write Bálbodh only rarely do so in a neat style. But those who have to do so habitually always write a worse Bálbodhi than a Modi hand". Mr. Dikshit says: "It cannot be denied that hurriedly written Bálbodh is more illegible than Modi written with the same speed". The delay in deciding judicial cases has become well nigh intolerable. If we require all depositions to be taken down in Bálbodh, more time will be taken in deciding them. At present current English and Modi are written with approximately equal speed by persons who can write them with ease. If Bálbodh is required the judge will be held back, while his shirastedár takes down the vernacular deposition.

The other serious disqualification of Bálbodh is the want of individuality in writing. In these days when typewriters are coming into vogue in great numbers it is found a very difficult task to detect forgeries, and special experts are required to detect the particular typewriter on which any particular paper has been typed. Bálbodh can be very easily imitated while Modi cannot. In the story of the Count of Monte Cristo, the learned Abbe Faria showed young Dantes that a writing with the left hand shows no individuality and cannot be traced. Compare Mr. Brander's opinion: "It is important to keep Bálbodh out of Judicial work as it lands itself peculiarly to forgery and interpolation." Government action is trying to make us writers with the left hand. Any tampering with account books, petitions, and other papers will become much more easy if Bálbodh is universal.

Mr. Kincaid in his original memorandum, like a clever advocate, tries to complicate matters by the specious argument of a national script. He tells us that it may be possible to introduce Bálbodh as the script for all Indian languages. Now I would like to ask the honourable members if they seriously regard this as a question of practical politics. Mr. Kincaid tried this with Canarese in the Bijápur District and the experiment was abandoned in a very short time and he would not venture to repeat that experiment in Dhárwár, Bijápur and Belgaum again. I do not know but can easily conceive what my Gujaráti and Pársi friends would say to a proposal to do away with their script and take to Bálbodh. They learn Bálbodh from a sentimental point of view. Sanskrit quotations are written in Bálbodh and Bálbodh is occasionly used for the purpose of underlining as italics are used in English.

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Baroda is trying this experiment to a certain extent but it has not, as I understand, been very successful. I leave it to my Sindhi friends to consider whether they would change their script for Bálbodh. The history of the Nāgari and Urdu controversy in the U.P. makes quite clear what the attitude of my Moslem friends will be in the event of Mr. Kincaid starting a crusade for doing away with Urdu and substituting the Bálboth or Devnāgri for it. Why stop there! Mr.. Kincaid agrees that the Bálbodh or Devnāgri script is a more scientific script than the imperfect and redundant English alphabet. I would ask him to pursuade Government to make this reform in the writing and printing of English. If Mr. Kincaid were the inventer of letters as a fabled god among the Greeks, then he might have lighted upon Bálbodh; but we have to take facts as they are. Again when people talk of a common script in India—a movement with which I have some sympathy—they only think of printed books. It is by means of the printed book that one province comes into contact with another and the fact that all languages in India are derived from a common source in Northern India, I mean, would make the printed page in another language possibly easier for an educated person knowing another cognate language to read. Again in these days English is coming to be more and more the *lingu franca* of India and we regard it as one of the greatest gifts of the British to us Indians and the most important cement in the building up of an Indian nationality. But when Mr. Kincaid's ideal is not likely to succeed I don't see any sense in making our language the first and last sacrifice on the alter of this common script. Let me assure the Council on behalf of all my Dakshini friends that in the event of such an ideal coming within the range of practical politics we shall not be found in the way of the attainment of that ideal; on the other hand, we shall do our best to persuade our countrymen to sacrifice their sentiment for a common cause. It is because we are persuaded that our sacrifice is sure to be useless for the great cause and only harmful to ourselves that we are opposing this action of Government.

I do not intend to keep the Council much longer. I shall only refer to one personal point. I find that a leading paper of Bombay in its discussion of this question a few days ago appeared to know all about what I write and do. I can only say that that paper knows more about me than I do myself. Let me however say that whenever I have to write in Maráthi to one who knows Modi, I never do write in Bálbodh. I have gone further and have written articles in Modi for a newspaper which its compositors can very easily type in Bálbodh. I find from personal experience that writing an article or a letter in Bálbodh is at least twice as difficult as writing it in Modi. I admit frankly that I answer an English letter in English and myself write in English to friends that are quite conversant with it as my education has been through English and I find it easier to do so when I have to write seriously on any subject which I learnt through English. But when the choice is between Bálbodh and Modi I unhesitatingly choose the latter.

I will not go over the other arguments used in defending this most impolitic action. I shall pass over all the padding about what happened in the Roman Empire which Mr. Kincaid has used in his advocacy. For I hope we have gone a little further in political knowledge than the Romans did. I do not think that these arguments will deceive anybody. I shall place before this Council the one fact that all the members of this Council from the Maráthi-speaking parts of the presidency and the Kanarese members who are also familiar with Maráthi are unanimously in favour of the resolution I propose; and I trust it would not be too much to expect that the members will support me in this resolution. You may call it sentiment on our part, but the world is not led by mere material considerations alone; sentiment has to be respected and conciliated. I think I shall not appeal to you in vain. With these words I beg to propose my resolution.

His Excellency the President.—The Council will now adjourn.

The Council then adjourned *sine die*.

By order of His Excellency the Right Honourable the Governor,

R. B. MILNE,

Secretary to the Legislative Council of the Governor of Bombay.

The following papers which were placed on the Council Table at the meeting of the Legislative Council of the Governor of Bombay held on the 10th October 1917 are published for general information:—

LIST OF BUSINESS TO BE BROUGHT FORWARD AT A MEETING OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF BOMBAY TO BE HELD IN THE COUNCIL HALL, POONA, ON WEDNESDAY, THE 10TH OCTOBER 1917, AT 12 NOON.

I. NEW MEMBERS—

Before taking his seat a newly elected or nominated Additional Member should make an oath or affirmation of allegiance to the Crown.

II. QUESTIONS AND ANSWERS—

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

III. BILLS—

1. A Bill further to amend the Bombay Medical Registration Act, 1912 (Bill No. III of 1917)—(The Honourable Mr. V. J. Patel's Bill)—*First Reading.*

IV. MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED—

A.

By the Honourable Sir Mahadeo Bhaskar Chaubal, K.C.I.E., C.S.I.—

"That the amendments to the Rules for the Conduct of Business recommended by the Select Committee be adopted."

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Amendments recommended by the Select Committee.

1. In clause (*b*) of sub-rule (1) of rule 1 of the said rules, for the words "the Indian Councils Acts, 1861 to 1909," the words "sub-section (*3*) of section 75 of the Government of India Act, 1915," shall be substituted.

2. In clause (*5*) of rule 5 of the said rules, for the words "the Indian Councils Acts, 1861 to 1909," the words "the Government of India Act, 1915" shall be substituted.

3. Rule 21 of the said rules shall be numbered sub-rule (1) of rule 21, and the following sub-rules shall be added thereto :—

"(*2*) The member of the Executive Council, to whom is allotted the business of the Department of Government to which the matter referred to the Select Committee belongs, shall invariably be a member of the Select Committee. Such member shall be the chairman of the Select Committee unless he waives his right to be chairman, in which case the members present shall appoint their own chairman. In the absence of the chairman at any meeting the members present shall appoint a chairman for that meeting.

"(*3*) The chairman shall have power to report to the Governor the name of any member who is unable to attend the meetings of the Select Committee or by death, resignation or otherwise ceases to be a member thereof, and the Governor may thereupon appoint, out of the members of the Council, another member in his place."

4. In rule 28 of the said rules—

(*a*) in sub-rule (1), for the words "the Indian Councils Acts, 1861 and 1892," the words "the Government of India Act, 1915," shall be substituted.

(*b*) For sub-rule (6) the following shall be substituted, namely :—

"(*6*) Where the Bill requires the previous sanction of the Governor under section 80, sub-section (*2*), of the Government of India Act, 1915, or the previous sanction of the Governor General under section 79, sub-section (*2*) or sub-section (*3*) of the said Act, the application for such sanction shall be made through the Secretary at the time of giving notice under sub-rule (*2*), and the motion for leave to introduce such Bill shall not be made until such sanction has been received."

5. After rule 37 of the said rules, the following rule shall be inserted :—

"37A. (*1*) At any time during the progress of a Bill the member of the Executive Council in charge of the Bill or, in the case of a Bill introduced by an Additional Member, such member, may move that it be withdrawn.

(*2*) If such motion be carried, the Bill shall be withdrawn accordingly."

6. In sub-rule (*2*) of rule 38 of the said rules, for the words "sections 39 and 40 of the Indian Councils Act, 1861" the words "section 81 of the Government of India Act, 1915" shall be substituted.

Amendments to the above.

By the Honourable Mr. V. J. Patel—

1. (*a*) After sub-rule (*5*) of rule 1 of the said rules, the following sub-rule shall be inserted :—

"(6) 'Member' means an ordinary or additional member of the Council."

(*b*) Rule 21 of the said rules shall be numbered sub-rule (1) of rule 21, and the following sub-rules shall be added thereto :—

"(*2*) The member in charge of a Bill shall invariably be a member of the select committee to which the Bill is referred. Such member shall also be the chairman of the select committee, unless he waives the right to be

chairman, in which case the members present shall appoint their own chairman. In the absence of the chairman at any meeting the members present shall appoint a chairman for that meeting.

"(3) The chairman shall have power to report to the Governor the name of any member who is unable to attend the meeting of the select committee or, by death, resignation or otherwise ceases to be a member thereof, and the Governor may thereupon, appoint, out of the members of the Council, another member in his place."

2. After rule 37 of the said rules, the following rule shall be inserted:—

"37A. (1) At any time during the progress of a Bill the member in charge of the Bill may move that it be withdrawn.

(2) If such motion be carried, the Bill shall be withdrawn accordingly."

By the Honourable Mr. A. F. I. Pathan—

Rule 21 of the said rules be numbered sub-rule (1) of rule 21, and the following sub-rules shall be added:—

"(2) The member introducing any Bill shall invariably be a member and also the chairman of any select committee to which the said Bill is referred.

"(3) The chairman shall have power to report to the Governor the name of any member who is unable to attend meetings of the select committee, or by death, resignation or otherwise ceases to be a member thereof, and the Governor may, thereupon, appoint, out of the members of the Council, another member in his place."

B.

By the Honourable Mr. V. J. Patel—

1. For rules 28, 29 and 30 of the said rules, the following shall be substituted:—

"28. Any member desiring for leave to introduce a Bill in accordance with the provisions of the Government of India Act, 1915, shall give the Secretary at least two months' previous notice of his intention and shall, together with the notice, send a copy of the Bill with the full statement of objects and reasons.

29. As early as possible after the date of the notice prescribed in the last preceding rule the Secretary shall cause

(a) the Bill together with the statement of objects and reasons to be published in the *Bombay Government Gazette*,

(b) the printed copies of the Bill and of the statement of objects and reasons to be sent to all the members of the Council and also to the press and the public in such manner as the Governor may direct, and

(c) the Bill with the statement of objects and reasons to be translated into such vernacular languages as may be desirable in view of the interests likely to be affected thereby and such translations distributed in such manner as the Governor may direct.

30. (1) The member who has given notice under rule 28, may then move at a meeting of the Council for leave to introduce the Bill.

(2) If the motion is carried, the President shall declare that the Bill is introduced.

Provided that in the case of a Bill which requires the previous sanction of the Governor under sub-section (2) of section 80 of the Government of India Act, 1915, or the previous sanction of the Governor General under section 79, sub-section (2) or sub-section (3) of the said Act, the President shall not declare the Bill introduced unless and until such sanction has been duly accorded thereto."

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2. For rule 32 of the said rules, substitute the following :—

"32. The motion that the Bill shall be read for the first time may be moved at any time after its introduction, provided 18 clear days have expired from the despatch to each member of a copy of the Bill with the statement of objects and reasons under rule 29 (*b*)."

3. For rule 45 of the said rules, substitute the following :—

"The Council may, on a motion and at any time, suspend the operation of any of the foregoing rules."

C.

By the Honourable Mr. A. F. I. Pathan—

1. (*a*) For rule 28 of the said rules the following shall be substituted :—

"28 (*1*) Subject to the provisions of the Government of India Act, any member may, at a meeting of the Council, introduce a Bill.

(*2*) Any member desiring to introduce a Bill as aforesaid shall give the Secretary at least two months' previous notice of his intention and shall, together with the notice, send a copy of the Bill and full statements of objects and reasons and other papers which he considers necessary.

(*3*) The Secretary shall, within ten days from the receipt of the notice prescribed in the previous sub-rule, or, where the Bill requires the previous sanction of the Governor under section 80, sub-section (*2*), of the Government of India Act, 1915, or the previous sanction of the Governor General under section 79, sub-section (*2*) or sub-section (*3*) of the said Act, within ten days from the receipt of such sanction, publish the Bill with the statement of objects and reasons in the *Bombay Government Gazette*.

(*4*) Provided that, the Governor may order the publication in the *Bombay Government Gazette*, of any Bill at any time. In such case the statement of objects and reasons shall be published with the Bill."

2. In sub-rule (*1*) of rule 29 of the said rules for the words "under sub-rule (*4*) or sub-rule (*5*)" the words "under sub-rule (*3*) or sub-rule (*4*)" shall be substituted.

V. DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST—

Resolution by the Honourable Mr. R. P. Paranjpye—

1. "This Council recommends to Government that the Modi script be restored in the official correspondence and records of Government."

Resolutions by the Honourable Mr. V. J. Patel—

2. "This Council recommends that His Excellency the Governor in Council may be pleased to declare definitely by the issue of Press Note or in any other manner their policy governing the questions of grants-in-aid to Municipalities for primary education so as to enable them to know what their position exactly is in that respect."

3. "This Council recommends that His Excellency the Governor in Council may be pleased to direct that the Municipality of Godhra shall, from its next term, be so constituted as to have at least two-third elective members on it and have the privilege of selecting its President by two-third majority."

4. "This Council recommends that His Excellency the Governor in Council may be pleased to call for reports of the Divisional Commissioners in the Presidency whether any, and if so, which of the Municipalities constituted under section 14 of the District Municipal Act, in their respective divisions, are ripe for a constitution under section 10 of the Act."

5. "This Council recommends that His Excellency the Governor in Council may be pleased to undertake legislation to so amend section 50 of the City of Bombay Municipal Act, 1888, as to restrict the payment of fees of Rs. 30

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for attendance at meetings of the Standing Committee to members who are not salaried servants of Government."

6. "This Council recommends to His Excellency the Governor in Council that a Press Note be issued reviewing the financial recommendations of the Local Boards Committee and declaring definitely the principles and policy that will, in future, govern the financial relations between the Government and Local Boards."

7. "This Council recommends that His Excellency the Governor in Council may, with the sanction of the Governor General in Council, be pleased to direct that in all the districts of the Presidency proper, except those of Thana, Surat and Poona, the trial before any court of session of all offences punishable with death, transportation for life, or imprisonment for 10 years and of all offences in which the accused is charged that he is, by reason of a previous conviction, liable to enhanced punishment under section 75 of the Indian Penal Code, shall be by Jury."

8. "This Council recommends that His Excellency the Governor in Council may, with the previous sanction of the Governor General in Council, be pleased to direct that in the districts of Thana, Surat and Poona and in the city of Karachi, the trial before any court of session of all offences shall be by Jury."

9. "This Council recommends to His Excellency the Governor in Council that selected Local Boards and Municipalities in the Presidency be given the power of determining the number and location of liquor shops within their limits."

10. "This Council recommends that with a view to raise the status and improve the prospects of municipal employees whose pay is not less than Rs. 100 per mensem, Government may be pleased to take necessary steps to constitute a provincial or divisional municipal service."

11. "This Council recommends that His Excellency the Governor in Council may be pleased to direct that admission to the Vernacular Training Colleges shall not, in future, be restricted to those students who accept stipends for the period of their study."

12. "This Council recommends to His Excellency the Governor in Council that village officers be relieved from the duty of finding supplies to the public servants on tour, or, in the alternative, specific rules be framed that the village officers be given due notice by the touring officers concerned, for the supplies they want and they (the village officers) be allowed to draw the cost of such supplies according to the tabulated scale from the nearest treasury, and that payment be taken into consideration, while passing the allowance bills of the officers concerned."

13. "This Council recommends that His Excellency the Governor in Council may be pleased to consider the desirability of directing that, in future, no married boys will be admitted in any primary school under the control of the Educational Department and that in the case of Government Secondary Schools unmarried boys will have preference for admission over married boys."

Resolution by the Honourable Dewan Bahadur K. R. Godbole—

14. "This Council recommends that His Excellency the Governor in Council will be pleased to investigate and to subsidise, if necessary, the establishment of factories for the production of chemical manures and fertilisers in this Presidency the factories to be established being located in canal areas by preference."

Resolutions by the Honourable Mr. V. J. Patel—

15. "This Council recommends that His Excellency the Governor in Council may be pleased to rule that a member, who gives notice of a Resolution on any matter of general public interest, shall be informed of the decision of the President

under rule 6 or 7 of the Resolution Rules within seven days from the receipt of the notice by the Secretary of the Legislative Council."

16. "This Council recommends that His Excellency the Governor in Council may be pleased to rule that no controlling authority shall, in reviewing the report on the working of any local body, make any adverse comments without affording the body concerned full opportunity to offer its explanation."

Resolution by the Honourable Mr. P. A. Desai—

17. "This Council recommends to His Excellency the Governor in Council that the Government Resolution No. 10676, dated 8th November 1916, regarding the prescription of the Vernacular (or English) School Final Examination as an additional qualifying test for officiators in Kulkarni Watans, be cancelled in view of the great hardship which will be caused to the Watandar Kulkarnis and their deputies by its operation."

Resolution by the Honourable Mr. V. J. Patel—

18. "This Council recommends that the Governor in Council may be pleased to move His Excellency the Governor to consider the desirability of convening meetings of the Legislative Council at least six times in a year on such days and at such hours and places as he may appoint."

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

19. "This Council recommends that the Governor in Council may be pleased to direct that there should be held annually in each Division of the Presidency a Divisional Conference to which may be invited Heads of Departments and non-officials of standing from the districts concerned, with power to them to move recommendatory Resolutions on matters of public interest in each Division, under a prescribed procedure."

Resolution by the Honourable Mr. G. M. Bhurgri—

20. "That this Council recommends to His Excellency the Governor in Council that a mixed committee of officials and non-officials be appointed to consider what measures should be adopted for the suppression of 'rasai' or free supplies, 'Lapo' or illegal exactions, and 'cherr' or forced labour in Sind."

Resolutions by the Honourable Mr. S. B. Upasani—

21. "This Council recommends to His Excellency the Governor in Council that out of the local fund cess which is at present levied for the Local Boards a certain specified proportion not less than $\frac{1}{4}$ be reserved for being spent on the sanitation of the village from which the cess is levied."

22. "This Council recommends to His Excellency the Governor in Council that Municipal house taxes be assessed on the basis of the estimated rental value and not on the cost value of a building as is done by some of the Municipalities in East Khandesh at the instance of the Collector of that district."

23. "This Council recommends to His Excellency the Governor in Council that it is expedient to constitute notified areas with a population of over 5,000 into regular municipalities and that this may be done in the case of the notified area of Chalisgaon in East Khandesh."

Resolutions by the Honourable Mr. A. F. I. Pathan—

24. "This Council recommends that His Excellency the Governor in Council may be pleased to provide at an early date for the entertainment of a Persian Professor or Lecturer at the Karnatak College."

LIST OF BUSINESS.

[10TH OCTOBER 1917.]

25. "This Council recommends that the Government may be pleased to provide for a certain percentage of free studentships in every Government Arts College as in Government High Schools."

26. "This Council recommends that the Government may be pleased to establish a Middle School at Dharwar in view of the growing school-going population there."

Resolutions by the Honourable Mr. V. J. Patel—

27. "This Council recommends to His Excellency the Governor in Council that a committee consisting of officials and non-officials be appointed to consider and formulate proposals for the purpose of preventing professional beggary and in particular stopping minor boys and girls from being turned into or sent out as beggars and mendicants by their parents, preceptors or others who may, for the time being, have the care of such minors."

28. "This Council recommends to His Excellency the Governor in Council that the conditions of jail life in the Presidency be improved by providing separate accommodation for those prisoners whose offences do not imply any moral turpitude, so as to prevent them from coming into contact with habitual or undesirable criminals."

29. "This Council recommends that the Governor in Council may, under sub-section 2 (*c*) of section 23 of the Bombay District Municipal Act, 1901, be pleased to direct that every president of a city municipality in the Presidency shall, in future, be elected by such municipality."

30. "This Council recommends that His Excellency the Governor in Council may be pleased to rule that every controlling authority making any adverse comments on the working of any municipality or local board shall, in future, send a copy of the communication containing such comments to the body concerned for its information and guidance."

31. "This Council recommends that His Excellency the Governor in Council may be pleased to direct that the municipalities constituted under section 14 of the Bombay District Municipal Act, but enjoying the privilege of selecting their President by a two-thirds majority, shall, in future, be constituted under section 10 of the Act."

32. "This Council recommends to His Excellency the Governor in Council that an early inquiry be instituted to find out the extent to which the necessity of impressing carts for Government officers still exists, and whether steps can be taken to obviate or reduce the necessity."

Resolution by the Honourable Rao Bahadur V. S. Naik—

33. "That this Council respectfully recommends that early steps be taken to amend by legislation section 187 of the District Municipal Act (Act no. III o 1901) so as to enable the Governor in Council to issue a Notification under that section with respect to any area in which a Sanitary Committee or a Board, constituted under section 8 or 19 of the Village Sanitation Act, 1889 (Act no. I of 1889), has worked satisfactorily for at least three years, even though such area is at a distance of more than one mile from a railway station."

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

34. "This Council recommends that, in view of the increasing number of street accidents in the City of Bombay, Government may be pleased to take such steps as may be necessary to provide the City at as early a date as possible with a street ambulance service for the conveyance of injured persons to hospitals."

LIST OF BUSINESS.

[10TH OCTOBER 1917.]

Resolutions by the Honourable Mr. V. J. Patel—

35. "This Council recommends that His Excellency the Governor in Council may be pleased to rule that during the period of the prevalence of plague in the mofussil, Government should not levy any non-agricultural assessment on land used for the construction of temporary sheds for residential purposes, either by the occupant himself or by any other person with his consent, provided that (1) no rent is charged for such use and (2) the sheds are constructed in accordance with the Regulations of the local body concerned."

36. "This Council recommends that His Excellency the Governor in Council may be pleased to rule that local bodies in the mofussil shall be permitted, during the prevalence of plague, to use, free of non-agricultural assessment, unoccupied Government land for the construction of plague sheds for housing people who may be ordered to evacuate their infected buildings, provided that the local bodies concerned do not levy any rent."

Resolution by the Honourable Mr. Munmohandas Ramji—

37. "This Council recommends to the Governor in Council that the Circular of the Educational Department of the Government of Bombay dated the 7th June 1917 preventing students from attending public meetings should be revoked."

Resolution by the Honourable Sardar Syed Ali El Edroos—

38. "This Council recommends that His Excellency the Governor in Council may be pleased to appoint a special Mahomedan Deputy Educational Inspector for Urdu schools in the Northern Division."

VI. PAPERS PRESENTED TO THE COUNCIL—

1. Petition, dated the 17th July 1917, from Mr. Bhaishankar Nanabhai, Chairman of the Managing Committee of the Prabhuram Ayurvedic College, in connection with the Bill further to amend the Bombay Medical Registration Act, 1912, to be introduced by the Honourable Mr. V. J. Patel, Bar.-at-Law.

2. Letter from the Government of India, Legislative Department, No. 1858, dated the 4th September 1917.—Returning with the assent of His Excellency the Viceroy and Governor General signified thereon the authentic copy of the Bombay Municipal and Local Boards (Amendment) Law, 1917.

3. Report of the Select Committee appointed to consider amendments to the Rules for the Conduct of Business at meetings of the Legislative Council of the Governor of Bombay.

4. Memorial from the citizens of Bombay assembled in a public meeting on the 29th September 1917 in connection with the Bill further to amend the Bombay Medical Registration Act, 1912, to be introduced by the Honourable Mr. V. J. Patel, Bar.-at-Law.

R. B. MILNE,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 8th October 1917.

LEGISLATIVE COUNCIL, 10th OCTOBER 1917.

LIST OF QUESTIONS AND ANSWERS.

Questions.

Answers.

THE HONOURABLE MR. DATTATRAYA VENKATESH BELVI.

1. Will Government be pleased to state in a tabular form the annual income, the approximate population, the number of primary schools and the amount of money spent on primary education in the case of each of the Cantonment Committees in the Bombay Presidency during the last five years?

Education in Cantonment Areas.

1. The information required by the Honourable Member is given in the accompanying statement.*

* *Vide* Appendix N.

2. Is it a fact that in the Southern Division acting allowances have been withheld to certain officers who acted in leave vacancies in the Revenue and Police Departments on the ground of war economy?

Acting allowances in Revenue and Police Departments.

2. No acting allowances have been withheld from officers who acted in leave vacancies in the Revenue and Police Departments in the Southern Division on the ground of war economy. Only in two instances of privilege leave vacancies in the office of the Commissioner, Southern Division, it was not considered necessary to grant acting allowances to clerks in the intermediate grades as the duties of those clerks remained unchanged and extra men were appointed to last places.

[*These questions were asked at the meeting held on the 24th July 1917 when* ad interim *replies were given.*]

3. (*a*) Is it true that certain Police Officers at Hubli in the Dharwar District demanded a right to be present at a meeting of the members of "The Rate-payers' Association" held at Hubli in a private place on the 5th August 1917?

Alleged police interference at a meeting at Hubli.

3. (*a*) It is true that a Police Inspector, accompanied by other police officers, presented himself at a meeting of the Rate-payers' Association held at Hubli in a private place, and asked to be allowed to remain present. It does not appear that he demanded to be present as of right.

(*b*) If so, will Government be pleased to state whether the police officers so acted with the knowledge and under the orders of the District Magistrate and the District Superintendent of Police, Dharwar?

(*b*) So far as is known to Government the Inspector was not acting with the knowledge or under the specific orders of the District Magistrate or District Superintendent of Police.

(*c*) If not, has any inquiry been made into the conduct of the said police officers?

(*d*) If so, will Government be graciously pleased to state the result of their inquiry?

(*c*) and (*d*) Government do not consider the matter to require detailed inquiry, as the Inspector did not remain present at the meeting.

4. (*a*) Has the attention of Government been drawn to the leading article

Police prosecution in Shiroda.

QUESTIONS AND ANSWERS.

Questions.	*Answers.*
in the issue of *The Bombay Chronicle*, dated the 9th August 1917, under the heading "A Police Prosecution and its moral", and also to the correspondence in the same issue of the said newspaper under the heading "War Fund Performance stopped by a Head Constable. Amazing Case of Zulum?"	
(*b*) If so, has any inquiry been made in the matter, and if so, what has been the result of such inquiry?	4. (*a*), (*b*) and (*c*) The matter is under inquiry and a further answer will be given in due course.
(*c*) Is it a fact that the present Sub-Inspector of Vengurla and his subordinates who were discomfited in the Sessions Court of Ratnagiri are now endeavouring to put up another criminal case against some of the accused persons in the first case and their relatives and servants?	
5. (*a*) Is it a fact that the Assistant Collector in charge of the Sirsi Division, Kanara, issued in April 1917 a circular letter to all Temple and Mosque Committees in the district telling them that "it would be rank ingratitude and disloyalty" not to invest their savings in the Indian War Loan? War Loan Circular in Kanara.	5. (*a*) and (*b*) Information will be called for.
(*b*) Will Government be pleased to lay on the Table of the Council a copy of the said Circular?	
6. Will Government be pleased to state in a tabular form the name of each of the Secondary Schools in the Presidency which has got a hostel attached to it, the amount of money spent on the erection of the hostel, the total number of students whom it can accommodate and the actual number of students in it in 1916 and 1917? Secondary School Hostels.	6. The information has been called for.

THE HONOURABLE MR. GHULAM MUHAMMAD BHURGRI.

1. Will Government be pleased to supply the following information Constitution of District Local Boards in Sind.

QUESTIONS AND ANSWERS.

Questions.

regarding the District Local Boards in Sind according to the subjoined table?:—

Name of District Local Board.	Total number of members elected on its Executive Committee.	Number of officials on the Committee.	Number of non-officials on the Committee.

Answers.

1. The information required is given in the following tabular statement:—

Name of District Local Board.	Total number of members elected on its Executive Committee.	Number of officials on the Committee.	Number of non-officials on the Committee
Karachi ...	7	5	2
Hyderabad ...	6	2	4
Sukkur ...	8	4	4
Larkana ...	6	2	4
Thar and Parkar	6	3	3
Nawabshah ...	6	3	3
Upper Sind Frontier.	There is no such Committee.		

2. Will Government be pleased to state how many Anglo-Vernacular Schools there are in each Sub-division of each District in the Bombay Presidency including Sind?

Anglo-Vernacular Schools in the Presidency.

2. The accompanying statement* gives the information required by the Honourable Member.

* *Vide* Appendix H.

3. Will Government be pleased to state—

(*a*) if it is a fact that Government has received a report from the Civil Surgeon, Hyderabad, and the Educational Inspector in Sind on the insanitary condition of the Hyderabad Government High School;

Insanitary condition of the Hyderabad Government High School.

(*b*) if so, what action, if any, has been taken by Government in the matter;

(*c*) if no action has yet been taken, whether Government propose to take any action?

3. (*a*) (*b*) (*c*) In September 1908 a report on the insanitary condition of the Hyderabad High School building, drawn up by the then Educational Inspector in Sind, in consultation with the Civil Surgeon, Hyderabad, was received by the Director of Public Instruction. Plans and estimates for reconstructing the building at a cost of Rs. 51,004 were thereupon prepared and approved by Government in August 1912. The proposal was, however, subsequently given up as it amounted to a patching up of the existing building and it was considered desirable to build an entirely new school. The Executive Engineer, Karachi Buildings District, was thereafter supplied with the necessary information as to the requirements of the new building and the plans and estimates are under preparation, but in view of the financial situation created by the war no provision could be made for this purpose. Hence no further action has been taken in the matter.

Questions.

4. Will Government be pleased to state—

Jacobabad Municipality.

(*a*) * * * * * *

(*b*) if it is a fact that the Mukhtyarkar of Jacobabad has been appointed Vice-President of the Jacobabad Municipality and Chairman of all the three Committees of the Municipality referred to in that article;

(*c*) if on this account there has been considerable dissatisfaction among the elected members of the Municipality;

(*d*) how many of the elected members of the Municipality have since April last abstained from attending the meetings of the Committees of the Municipal Board;

(*e*) if, as a result of this abstention no meetings of the Committee could be held since April last;

(*f*) if it is true, as is mentioned in the article, that these elected councillors are ready to resign their councillorship if the Mukhtyarkar continues to hold the above-mentioned offices?

5. Will Government be pleased to state —

Is it a fact that school and college students have been acting as volunteers at the Congress and Moslem League meetings?

Students volunteering at Congress and Moslem League meetings.

[*These questions were asked at the meeting held on the 24th July 1917 when* ad interim *replies were given.*]

6. Will Government be pleased to state—

(*a*) whether they are aware that the Sind Mahomedan Association is a political body?

Answers.

4.

(*a*) * * * * * *

(*b*) No. The Mukhtyarkar of Jacobabad is the *elected* Vice-President of the Jacobabad Municipality, and as he has also been elected a member of the municipal committees, he becomes *ex-officio* Chairman thereof under section 33 (1) of the Act.

(*c*) Some dissatisfaction appears to have been caused.

(*d*) Eight.

(*e*) No meetings were held during the months of April and May.

(*f*) The Mukhtyarkar is still Vice-President, and the contingency referred to has not occurred nor is it likely to occur. The grievances of the members were inquired into by the Deputy Commissioner, Upper Sind Frontier, who has reported that harmony now prevails in the municipal council. At the last meeting of the Managing Committee all the members were present.

5. It is a fact that in some cases school and college students have acted as volunteers at the Congress and Moslem League meetings.

6.

(*a*) The Association is described as having been formed for promoting the social, educational and political position of Sindh Mahomedans.

Questions.	*Answers.*
(*b*) whether that Association has been considering the question of home rule with regard to its inclusion or otherwise in the proposed address of welcome to His Excellency the Viceroy?	(*b*) Government understand that the matter is under discussion among the members of the Association.
(*c*) if the answer to (*a*) or (*b*) be in the affirmative whether it is a fact that some officers of Government are members of that Association and are participating in its activities?	(*c*) Government have no information on these points.
(*d*) if so, whether rules for the conduct of Government servants prohibit association with any political body or participating in any political activity?	(*d*) The Honourable Member is referred to the rules themselves.

Sind Mahomedan Association.

THE HONOURABLE MR. SHERIFF DEVJI CANJEE.

Mahomedan representation on local bodies.

1. Will Government be pleased to place on the Council Table a statement showing separately the number of elected and nominated Mahomedan members in this Presidency—

(*a*) on each of the district municipalities,

(*b*) on each of the District Local Boards,

(*c*) on each of the Taluka Local Boards,

along with the Mahomedan population contained in the area administered by each and the proportion of the Mahomedan representation in relation to the population in each?

1. The statements* required by the Hon'ble Member are placed on the Council Table.

* *Vide* Appendix O.

Admission to Colleges.

2. Will Government be pleased to supply the following information:—

(*a*) What Colleges in this Presidency ask the students to make a written application for admission?

2. (*a*) The following colleges require candidates to submit a written application for admission:—

1. Government Law School, Bombay.
2. Gujarat College, Ahmedabad.
3. Deccan College, Poona.
4. Elphinstone College, Bombay.
5. New Poona College.
6. Fergusson College, Poona.

QUESTIONS AND ANSWERS.

[*Mr. Sheriff Devji Canjee; Mr. Pandurang Anant Desai.*] [10TH OCTOBER 1917.]

Questions.

Answers.

7. College of Engineering, Poona.
8. Wilson College, Bombay.
9. Rajaram College, Kolhapur.
10. Agricultural College, Poona.
11. Grant Medical College, Bombay.

(*b*) Is any register kept in the different Colleges of the Presidency to show the number of students who are refused admission for want of accommodation ?

(*b*) No register such as that referred to by the Honourable Member is maintained by any of the Colleges.

3. Will Government be pleased to lay on the Council Table a statement showing the number of Matriculates who applied to the different College authorities in this Presidency for admission into their Colleges during each of the last five years and were refused the same for want of accommodation ?

Refusal of admission to Colleges.

3. The figures for 1916-17 and 1917-18 are given below :—

1916-17.

Name of College.	Number refused.	Remarks.
Bahuddin College, Junagadh	10	Roughly.
Shamaldas College, Bhavnagar	7	Do.

1917-18.

Deccan College ...	70	Roughly.
New Poona College ...	15	Do.

As for the figures for previous years Honourable Member is referred to the statement supplied to the Honourable Mr. Gokaldas Kahandas Parekh with reference to his question No. 2 at the meeting of the Legislative Council held on the 27th July 1914.

The number as stated in that reply is merely a rough estimate as exact records are not kept and the same students may appear under different colleges.

[*These questions were asked at the meeting held on the 24th July 1917 when* ad interim *replies were given.*]

THE HONOURABLE MR. PANDURANG ANANT DESAI.

1. Will Government be pleased to state whether carts and labourers have been forced to work against their will in the Khanapur Forests ?

Forced labour in Khanapur Forests.

1. No cartmen and labourers have been forced to work against their will in the Khanapur Forests. On the contrary, inducements have been held out to them by way of liberal forest concessions and high wages.

2. Is it a fact that great hardship is caused to the candidates appearing for

School Final Examination at Alibag.

2. Yes. As it is proposed, however, to shift the date of the Vernacular Final Examination to March or April, the difficulty referred to by

QUESTIONS AND ANSWERS.

[10TH OCTOBER 1917.]

Questions.

the School Final Examination held at Alibag in the month of September, owing to the steamer-service, being temporarily closed in the rains?

3. Will Government be pleased to state—

(*a*) How many Vernacular Schools there are in each taluka of the Kolaba District?

Schools in the Kolaba District.

(*b*) In which schools, education up to the VII Standard is imparted?

(*c*) How many students are in the 5th, 6th and 7th Standards in each school?

(*d*) Whether English is being taught in any of these schools?

4. Is it a fact, as noted on page 2, column 4, of the "Kesari," dated 19th June 1917, that a license was refused on the ground of the applicant being a Brahmin?

Refusal of a license to Brahmin.

[*Mr. Pandurang Anant Desai.*]

Answers.

the Honourable Member will be removed.

3. (*a*) The number of schools on the 1st April 1917 was as follows:—

Taluka—	
Alibag	... 70
Karjat	... 45
Mahad	... 44
Mangaon	... 44
Panvel	... 41
Pen	... 36
Roha	... 35
Total	... 315

(*b*) and (*c*) The information required is given in the accompanying statements* A and B respectively.

* *Vide* Appendix K.

(*d*) The answer is in the negative.

4. The license of Gajanan Sadashiv Risbud of Tala was not refused because he is a Brahmin.

Supplementary Question to Question No. 4.

The Honourable Mr. DESAI:—I should like to know on what ground the cense was refused.

The Honourable Mr. CURTIS:—I must ask notice of the question. I have no information at present.

5. Will Government be pleased to state how many Sugar Factories there are in the Presidency and their conditions?

Sugar Factories.

5. There are four Sugar Factories in this Presidency. A statement† containing the available information regarding them is appended.

† *Vide* Appendix L.

6. Will Government be pleased to state whether it is a fact that 41 out of 47 licenses to keep arms in force in 1916 in the Roha Taluka of the Kolaba District, were cancelled in

Arms licenses in the Kolaba District.

6. The facts are not as stated by the Honourable Member. In 1916, 76 licenses were issued in the Roha Taluka. All of these were renewed in 1917 with the exception of 16, which were cancelled because the purpose for which they had been

Questions.	*Answers.*
1917; if so, what was the reason for this measure?	granted, *viz.*, the destruction of wild pigs doing injury to crops, was not carried out by the persons holding them.
7. Is it a fact that great inconvenience is caused to women passengers at Mandwa Bunder in the Alibag Taluka for want of proper sanitary arrangements? **Conveniences at Mandwa Bunder.**	7. There appears to be some want of sanitary arrangements at the Bunder. This will be pointed out to the District Local Board.
8. Is it a fact that inconvenience is caused by the absence of a supply of drinking water at Mandwa Bunder in the Alibag Taluka? **Drinking water at Mandwa Bunder.**	8. Some inconvenience is reported to be caused by the lack of a supply of drinking water. This will be pointed out to the District Local Board.
[*These questions were asked at the meeting held on the 24th July 1917 when* ad interim *replies were given.*]	
9. Is Government aware —	9.
(*a*) Of the great damage that has been and is being caused by wild elephants to the paddy crops of the ryots in Supa Petha of the Kanara District? **Damage caused by wild elephants.**	(*a*) and (*b*) Enquiry is being made.
(*b*) Of injuries that have been caused to some ryots by these wild elephants near Castle Rock Railway Station, near a village named Barchi and at Kurveli near Lona Station and to a forest guard at Alur in Halyal Taluka?	
10. Will Government be pleased to state—	10.
(*a*) Whether there are only two Water Finders with the Agricultural Department? **Water Finders in the Agricultural Department.**	(*a*) Yes.
(*b*) How many applications were made to them for a loan of their use?	(*b*) and (*c*) Information will be called for.
(*c*) Whether they could satisfy all the demands made on them?	
11. Is Government aware that inconvenience is felt with respect **Well-boring apparatus.**	11. There are a large number of well-borers with the Agricultural Engineer and not one apparatus only as

Questions.	*Answers.*
to the well-boring apparatus which is with the Agricultural Engineer.	appears to be understood by the Honourable Member. Government are not aware of any inconvenience being felt.
12. Will Government be pleased to state —	12.
(*a*) Whether it is a fact that milch as well as agricultural cattle are being killed by tigers at Roha and the neighbouring villages in the Kolaba District? *Damages caused by tigers in the Kolaba District.*	(*a*), (*b*) and (*c*) Enquiry is being made.
(*b*) Whether petitions were made to the District Magistrate of Kolaba by the inhabitants of Roha requesting him to take steps to remove this grievance about two months ago? If so, what reply was given to the same?	
(*c*) What steps have Government taken to prevent the nuisance?	
(*d*) Whether Government has discontinued the practice of giving prizes to those who kill tigers, etc. If so, for what reasons?	(*d*) Yes. The reasons are :— (1) The need for economy as a special necessity during the war. (2) No useful purpose is served by continuing the grant of rewards for the destruction of wild animals especially in the case of the larger carnivora.
13. Will Government be pleased to state whether promotions have been given in the Ratnagiri District last year to vernacular knowing clerks and English clerks in the ratio of 1 to 3? *Promotion of Government clerks.*	13. Government have no information.
14. Will Government be pleased to state—	14.
(*a*) Whether orders have been issued by Government to destroy the Khatas and Kirds showing receipts of revenue in Government villages which are older than five years? *Destruction of revenue records.*	(*a*) Yes.
(*b*) Whether similar orders are to be passed in the case of other revenue records such as refer to the	(*b*) Orders have already been passed by Government for the preservation for varying periods according to their

Questions.	*Answers.*
possession and title of the lands of the ryots?	importance of the records relating to the Record of Rights, to which the Honourable Member presumably refers. The more important records are to be kept for 30 years.
15. Is Government aware that great inconvenience is caused to the public in the Karjat Taluka and Petha Khalapur on account of the duty of issuing forest passes being given to only six forest round guards in place of 43 Talatis who used to issue them before? Issue of forest passes in Karjat and Khalapur.	15. Information will be called for.
16. Will Government be pleased to state—	16.
If it is a fact that passes for fuel taken from fields owned by ryots are issued by Talatis and passes for timber taken from the same fields are issued by the Forest Round Guards? Issue of passes for fuel and timber.	Information will be called for.
17. Is Government aware of the great hardships caused to the inhabitants of the tract between Bankot and Mahad, on account of the ferry boat of Killick Nixon & Co. not touching at Bankot as it used to do? Ferry boat between Bankot and Mahad.	17. Yes. Owing to the state of the bar at the mouth of the creek it is extremely unsafe for steamers of the Company to go up the creek. The question of improving the entrance to the creek by dredging it was fully considered by Government in 1909 after a survey had been made by the Royal Indian Marine. Government decided that owing to the cost and difficulty of the operations required, it was not advisable to undertake them.
18. Will Government be pleased to make a statement:—	18.
(*a*) As to the number of the Co-operative Stores in this Presidency dealing only in Swadeshi or indigenous goods, their capital, location and other particulars? Co-operative stores in the Presidency.	(*a*) Attention is invited to paragraph 44 of the Annual Report of Co-operative Societies for 1915-1916. Government are not aware of the extent to which such stores limit themselves to indigenous goods.
(*b*) If they have any sort of Government support?	(*b*) Government do not give to Co-operative Stores any assistance beyond the general help afforded to all Co-operative Societies.

QUESTIONS AND ANSWERS.

[10TH OCTOBER 1917.] [*Mr. Pandurang Anant Desai; Mr. Siddhanath Dhonddev Garud.*]

Questions.	*Answers.*
19. Will Government be pleased to state whether any Co-operative Housing Associations on the lines of the Bombay Co-operative Housing Association have been started, and if so, their particulars? (Co-operative Housing Associations.)	19. The Bombay Housing Association is a body engaged in drawing up schemes for co-operative building and housing Societies and in assisting in their establishment. It is understood that three Housing Societies have been formed, largely with the help of the Bombay Housing Association. Full particulars of these Societies can be ascertained from leaflets issued by the Association.
20. Will Government be pleased to state—	20.
(*a*) How many villages in the Panvel Taluka have been surveyed by the Falni Party in the last two years? (Survey in Panvel Taluka.)	(*a*) and (*b*) The information will be called for.
(*b*) What is the amount recovered by the Revenue Authorities for the expenses of such survey?	
(*c*) And whether Government had given an opportunity to the public to express their view as regards this survey?	(*c*) No. The measurement of sub-divisions of survey numbers is carried out under the provisions of the Land Revenue Code and is an administrative measure for which previous public discussion was unnecessary.
21. Will Government be pleased to state the amount recovered by Government for the "Dagad Pahani" from the villages in the Panvel Taluka?	21. The information will be called for.
THE HONOURABLE MR. SIDDHANATH DHONDDEV GARUD.	
1. (*a*) Has the attention of Government been drawn to a Circular No 10-A.M.C., dated the 26th of April 1916, issued by the Collector of Nasik, withdrawing the right of the Dumaldars of the district to pass orders in connection with the collection and distribution of "Chillar" and directing it to be credited into the Government Treasury? (Dumaldars and "Chillar" in Nasik District.)	1. (*a*) and (*b*) The Circular did not lay down any new principle, but directed compliance with the orders contained in Government Resolution No. 4168, dated 3rd June 1897, whereby it was directed that kadim allowances in alienated villages should not be handed over by the village officers to the Inamdars but should be remitted to the treasury
(*b*) Will Government be pleased to state—	

QUESTIONS AND ANSWERS.

Questions.	*Answers.*
(1) Whether this right was exercised by the Dumaldars without question till it was withdrawn by this Circular?	and disbursed therefrom to the proper recipients. As Chillar is a kadim allowance more ancient than the grant of the village revenues, the practice of paying it over to the Dumaldar was incorrect.
(2) Whether it is proposed to restore this right to the Dumaldars?	
(3) The reasons for withdrawing this grant?	
(4) The nature of the grant covered by this Circular?	
2. (*a*) Has the attention of Government been drawn to a Circular No. 13-A.M.S.N., dated the 7th of May 1915, issued by the Collector of Nasik, withdrawing the right of the Dumaldars of the district to issue orders in connection with the collection of "Miscellaneous Receipts" (Kirkol Utpanna) and directing that in future these orders were to be issued to village officers by Mamlatdars?	2. (*a*) The Circular in question referred only to Sharakati inam villages, and not to all Dumala villages. It was afterwards modified by allowing Dumaldars in such Sharakati villages to issue orders in cases of miscellaneous revenue of which it is established that Government get no share.
Dumaldars and miscellaneous receipts in Nasik District.	
(*b*) Is it true that the right of passing these orders was exercised by the Dumaldars without question till it was withdrawn by this Circular?	(*b*) Before the issue of the Circular it was ascertained by the Collector of Nasik that the Dumaldars of all Sharakati villages in the Nasik and Niphad talukas had never exercised the power in question. If others have done so, it was not as a right but as an assumption of right never conceded by Government.
(*c*) Is it proposed to withdraw this Circular?	(*c*) No further action is intended.
(*d*) Will Government be pleased to state the reasons for the Circular?	(*d*) The Circular was issued in order to (i) safeguard the interest both of Government and the Inamdars, and (ii) secure uniformity of practice in the levy of certain items of revenue, as the Dumaldars are not usually conversant with the standing orders and the procedure to be followed. The Inamdars are in no way the losers, since their share is correctly calculated in the village accounts and is paid to them.
3. Will Government be pleased to state—	
(*a*) the total number of holders of alienated villages in the Nasik District?	3. (*a*) 166, including 101 sub-sharers.

Questions.

Answers.

(*b*) the total number of such holders invested with powers under section 88 of the Land Revenue Code?

(*b*) Six.

4. Is it true that the road between the Barsi Light Railway station and the G. I. P. Railway station at Kurdu Wadi is not lighted at night?

Road lighting at Barsi Station.

4. The Agent, G. I. P. Railway Company, reports that only one "Washington" lamp has hitherto been provided, which has lighted up only a part of the road in question but that a second one is now being provided.

5. Will Government be pleased to state (*a*) how many retired officers are employed in the Public Works and Sanitary Departments, (*b*) on what pay and (*c*) for what period?

Retired officers in the Public Works Department and Sanitary Department.

5. The required information will be found in the appended statement.*

* *Vide* Appendix A.

6. Is it true (*a*) that prisoners are yoked to heavy bullock carts and paraded through streets to bring stones and sand at Dhulia? (*b*) that one of the places from which they bring stones is about four miles from the town, and that prisoners are marched to that place and back dragging heavy bullock carts full of stones in the hot sun, without shoes, on roads that become very hot in the afternoon?

Treatment of prisoners at Dhulia.

6. (*a*) Some of the short-term prisoners are employed at Dhulia to fetch stones and gravel in carts. Five prisoners are employed on each cart, of whom 3 push and 2 pull. The latter two yoke themselves to the cart for greater facility and convenience. All the 5 prisoners take turns in pushing and pulling. They have not to pass through streets of the town while so employed.

(*b*) The place from which they bring stones is about $2\frac{1}{4}$ miles from the prison. In the hot weather they are provided with chappals and with special head-gear to protect them from the sun.

7. Will Government be pleased to state—

7.

(*a*) The total number of students in the Poona Male Training College this year?

Students at the Poona Male Training College.

(*a*) 280.

(*b*) The total number in the third-year class?

(*b*) 52.

(*c*) The total number of non-stipendiary students in that class?

(*c*) 2.

8. Will Government be pleased to give details of expenditure of Notified Areas under the following heads:—

Expenditure in Notified Areas.

8. The attention of the Honourable Member is invited to the accompanying statement † which contains the information.

† *Vide* Appendix B.

QUESTIONS AND ANSWERS.

Questions.

Answers.

(1) Education; (2) Medical Relief; (3) Pay of staff; and (4) Chief Officers' pay?

[*These questions were asked at the meeting held on the 24th July 1917 when* ad interim *replies were given.*]

9. In view of the restriction of import of paper will Government be pleased to state what steps have been taken to investigate the possibility of producing paper from bamboo pulp and cotton stalk pulp?

Local production of paper.

9. As regards bamboo pulp, investigations have from time to time been carried out by the Forest Research Institute at Dehra Dun and the results published. Two Syndicates have recently been formed in Bombay for carrying out further investigations in the bamboo forests of this presidency. As regards cotton stalk pulp, this Government possess no information.

10. Will Government be pleased to state—

(1) Whether the village records in Dumala villages are in the custody of the Dumaldars and kept according to the directions issued by them?

Dumaldars.

10. (1) The accounts kept by Watandar village officers of demand and the collection of the Inamdar's revenue are subject to section 70 of the Hereditary Offices Act and are the property of Government. In villages into which the Survey Settlement has been introduced, the forms of accounts are the same as those for Khalsa villages. Government have directed that Forms III, VI, VII, XII and XIV for the whole village, and Nos. VIII-A and VIII-B for Government khatas should remain in the custody of Government, the remainder being handed over to the Inamdar.

(2) Whether the village account forms drawn up by Mr. Anderson have recently been introduced in Dumala villages without the consent of the Dumaldars?

(2) Mr. Anderson's village account forms are used in survey settled villages in the ordinary course, and the Dumaldar's consent is not necessary thereto. Government are not aware of the use of these forms in any non-surveyed Inam villages.

11. (1) Is it true that Kulkarnis in the Central Division were required to produce a certificate from the Dumaldars before their stipends were paid to them?

Kulkarni's certificate for stipends.

11. (1) Yes, in the case of villages where inamdars had accepted a survey settlement and agreed to grant suspensions and remissions as in Government villages.

(2) Has that practice been recently discontinued?

(3) If so, will Government be pleased to state the reasons?

(2) and (3) Information will be called for.

QUESTIONS AND ANSWERS.

[10TH OCTOBER 1917.]

[*Divan Bahadur Kashinath Ramchandra Godbole; Mr. Shaikh Gulam Hussain Hidayatallah.*]

Questions.

Answers.

THE HONOURABLE DIVAN BAHADUR KASHINATH RAMCHANDRA GODBOLE.

1. Will Government be pleased to state whether the question of raising the salaries of clerical establishments in the Public Works Department in the Bombay Presidency is under consideration, and if so, the probable date of issue of orders on the subject?

Clerical establishment of the Public Works Department Raising the salaries of.

Reorganization proposals were under consideration but were kept in abeyance owing to the financial conditions caused by the war. The matter is being further examined.

THE HONOURABLE MR. SHAIKH GULAM HUSSAIN HIDAYATALLAH.

1. Will Government be pleased to state—

(*a*) How much land has passed out of the hands of agriculturists by voluntary transfers or by transfers through the operation of the Civil Courts during the last ten years in Sind?

Agricultural indebtedness in Sind.

1. (*a*) The Honourable Member is referred to the Land Revenue Administration Reports, Part II, of the Bombay Presidency, including Sind, which give information regarding the area of land held by agriculturists and non-agriculturists every year. In Sind, the inclusion of the fluctuating figures of occupancies given out on yearly tenure obscures the real transfers between the two classes of holders, and steps have been taken to secure in future a more accurate presentment of the figures. A study of these figures will give some indication of the extent of the transfers of land between agriculturists and non-agriculturists. They do not show what proportion of the total transfer is due to the operation of the civil court. In a recent report to Government it was stated that the actual sales in execution of decrees of civil courts in recent years have represented an average of 1,000 acres out of the total occupied area of eight million acres.

(*b*) If they have any information about the indebtedness of the agricultural classes in Sind?

(*b*) The question of the indebtedness of the agricultural population of the Bombay Presidency, including Sind, has long engaged, and is at present engaging, the attention of Government.

QUESTIONS AND ANSWERS.

[*Mr. Shaikh Gulam Hussain Hidayatallah; Mr. Ebrahim Haroon Jaffer.*] [10TH OCTOBER 1917.]

Questions.

Answers.

(*c*) If so, what are the causes of this indebtedness?

(*c*) The general causes of indebtedness may be stated to be the lack of capital for the proper cultivation of the land, and the consequent necessity of recourse to the money-lender and to the increase of the indebtedness thus incurred by improvident expenditure on customary or social objects: and to the high rates of interest which the money-lenders are, from the absence of competition and the necessities of the borrowers, able to charge. The accumulation of such indebtedness from generation to generation often renders it beyond the power of the cultivator to redeem. The main remedies are increase of thrift, improved methods of agriculture, spread of education and the increased use of co-operation.

2. Will Government be pleased to state whether the recommendations of the Sind Muhammadan Education Committee have received their consideration?

Sind Muhammadan Education Committee.

2. Orders have been passed on certain urgent recommendations of the Committee only and the remainder are still under consideration.

3. Will Government be pleased to state whether the grant of a lakh for Muhammadan Education in Sind made this year is a recurring grant?

Grant for Muhammadan Education in Sind.

3. The answer is in the affirmative.

THE HONOURABLE MR. EBRAHIM HAROON JAFFER.

1. Will Government be pleased to give a list of the Municipalities in the Presidency where no Mahomedan member holds a seat by election and where unsuccessful attempts have been made to secure seats for that community by a redistribution of wards?

Mahomedan members on Municipalities.

1. The attention of the Honourable Member is invited to the accompanying statement * which gives the names of the municipalities in the Presidency where no Mahomedan member holds a seat by election. There are no municipalities where unsuccessful attempts have been made to secure seats for the Mahomedan community by a redistribution of wards.

* Appendix F.

2. Will Government be pleased to state (*a*) How many applications were made

Applications by Mahomedans under section 92, Civil Procedure Code.

2. A statement† containing the information has been placed on the Council Table.

† *Vide* Appendix C.

Questions.

to Collectors of districts in the Presidency by Mahomedan applicants under section 92 of the Civil Procedure Code during the years 1910 to 1916 (both inclusive)?

(*b*) How many of them were rejected?

(*c*) Why they were so rejected?

[*These questions were asked at the meeting held on the 24th July 1917 when* ad interim *replies were given.*]

Answers.

3. Will the Government be pleased to state the nationality of the Professors and Lecturers on the staff of the Agricultural College?

Lecturers at the Agricultural College.

3. The Honourable Member is referred to the University Calendar in which the list of Professors and Lecturers on the staff of the Agricultural College is published.

4. (*a*) Will Government be pleased to state the total number of Deputy Collectors, Mamlatdars and Probationary Mamlatdars in the Central Division and how many of them are Mahomedans?

Mahomedans in public service in the C. D.

4. (*a*) In the Central Division there are—

Deputy Collectors—22, of whom none are Mahomedans.

Mamlatdars—80, of whom four are Mahomedans.

There are no probationary Mamlatdars.

(*b*) What was the number of Mahomedans when the Circular was issued?

(*c*) Has any attention been paid to the above Circular in filling up these appointments?

(*b*) & (*c*) It is not known to what Circular the Honourable Member refers.

5. Will Government be pleased to state what steps they have taken to popularise the system of Co-operative Societies among the Mahomedans?

Mahomedans and Co-operation.

5. The Honourable Member is referred to paragraphs 56—58 of the Report on the working of Co-operative Societies in the Bombay Presidency for the year 1915-16, in which the efforts made by the officers of the Co-operative Department to popularise the system of Co-operative Societies amongst all communities, including Mahomedans, are described. Government have recently sanctioned the appointment of an Assistant Registrar of Co-operative Societies in Sind, with a view to popularise the movement in that province. It is not possible to do more until Mahomedans themselves take a more active share, by coming forward as honorary organisers and otherwise assisting in the formation of Societies.

QUESTIONS AND ANSWERS.

Questions.	*Answers.*
THE HONOURABLE MR. BALKRISHNA SITARAM KAMAT.	
1. (1) Have Government noticed a paragraph in the issue of the "Kesari", dated the 14th of August last, in which it is stated that in the Vengurla Taluka of the Ratnagiri District a policeman attempted to forcibly enter a place where a performance in aid of the Women's War Fund was to take place, and being refused admission without a ticket the proposed performance was stopped by the Head Constable, and that a man named Kothari and seven others were subsequently prosecuted in this connection? Police interference in Women's War Fund meeting.	1. (1), (2) and (3) The matter is under inquiry.
(2) Have Government been pleased to enquire into the case, and if so, will they be pleased to furnish information regarding the facts, and of any action taken?	
(3) If the accused in the case have been acquitted have they been awarded by the trying magistrate any compensation?	
THE HONOURABLE SARDAR DULABAVA RAISINGJI, THAKOR OF KERWADA.	
1. Will Government be pleased to state whether deceased Waghela Umedsing Harising of Motiboru executed a will in favour of his wife Baiji Lalba, giving her absolute powers regarding the disposition of his Talukdari and other properties, or, whether the will in question, only entitled Baiji Lalba to use the income derived from his share of income as maintenance for her lifetime? Talukdars—Estate of Umedsing Harising.	1. Information will be called for.
2. Did the then Talukdari Settlement Officer obtain the permission of Government to the alienation of the Talukdari property in favour of Baiji Lalba? Talukdars—Estate of Umedsing Harising.	2. Information will be called for.

QUESTIONS AND ANSWERS.

Questions.

Answers.

3. Is it a fact that Talukdars' widows are only entitled to maintenance and in case of lands given in lieu of maintenance they are not allowed to sell them ?

Talukdars—Estate of Umedsing Harising.

3. Information will be called for.

4. (1) Will Government be pleased to state whether the Talukdari Settlement Officer executed a sale-deed in respect of ·57 Dokda share of Metal for Rs. 30,000 ?

Talukdars—Estate of Umedsing Harising.

(2) Is it a fact that the amount realised was more than was actually required for repayment of the debt on this estate ?

(3) Is it true that Rs. 10,000 were allowed to Baiji Lalba, widow of Umedsing Harising, Talukdar of Motiboru, for the expenses of pilgrimage ?

(4) Is the Talukdari Settlement Officer authorised to sanction such a large amount to be spent for such purposes ?

(5) What is the income of this estate ?

(6) Was the sale of 57 Dokda, the only alternative to extricate this estate from indebtedness ?

(7) Will Government be pleased to lay on the Council Table, copies of the correspondence in which the Talukdari Settlement Officer recommended the sale of this Talukdari property, or

State the grounds on which the Talukdari Settlement Officer recommended this alienation of the Talukdar's property.

4. (1), (2), (3), (4), (5), (6) and (7) Information will be called for.

5. (1) With reference to my question No. 3, regarding disposal of forfeited or relinquished survey numbers, put at the Council Meeting held on the 13th March 1917, will Government be pleased to state how many acres of land are *kharabo* and unfit for cultivation out

Disposal of sub-divisions of survey number under section 117-B.

5. (1) In view of the information given in the reply to Question 5 (3), presumably the information asked for will not be required.

Questions. *Answers.*

of the 919 acres and five gunthas disposed of under section 117-B of the Land Revenue Code?

(2) In reference to my Question No. 3 (*b*) put at the same meeting, will Government be pleased to state whether separate entries are made in regard to land taken up voluntarily to distinguish it from that given otherwise?

(2) The order passed in each case is noted in the Record-of-Rights.

(3) Is it the intention of Government to levy assessment permanently on unculturable lands disposed of by the Collector under this section?

(3) No assessment is levied on land which is classed as *pot kharab* because it is unfit for cultivation.

6. Will Government be pleased to state how many Sardars and Inamdars are given commission under section 88 of the Land Revenue Code, within last three years, in the Northern Division?

Sardars.

6. The information will be called for.

6A. (1) Will Government be pleased to state how many Sardars of Deccan exercise civil jurisdiction under Regulation XIII of 1830?

6A. (1) Five.

(2) Is there any historical parallel between these Sardars and the Gujarat Talukdars?

(2) Government do not consider that any close historical parallel can be drawn.

THE HONOURABLE KHAN BAHADUR PIRBUX MIAN MAHMUD.

1. Will Government be pleased to state if the Imperial Government has sanctioned the revised scale of the Upper Subordinates in the Public Works Department of Bombay Presidency? If so, when it is likely to take effect?

Pay of Public Works Department Upper Subordinates.

1. The matter is still under the consideration of Government.

2. Will Government be pleased to state if Punjab Government has given effect to the revised scale of their Upper Subordinates in the Public Works Department very recently?

Pay of Public Works Department in Punjab.

2. Government has no information on the point.

QUESTIONS AND ANSWERS.

[10TH OCTOBER 1917.] [*Khan Bahadur Pirbux Mian Mahmud; Rao Bahadur Venkatesh Shrinivas Naik.*]

Questions. *Answers.*

3. Will Government be pleased to inform how many cases were tried in Sind during the past 10 years under sections 302, 304, Indian Penal Code, and under sections 325, 324, 323 where death had occurred having connection with women, or with water, or with land disputes?

Offences in Sind under certain sections of the Indian Penal Code.

3. Government do not think that the collection of the information required by the Honourable Member would be worth the time and trouble which it involves.

THE HONOURABLE RAO BAHADUR VENKATESH SHRINIVAS NAIK.

1. Will Government be pleased to collect and lay upon the Council table the following information regarding the schools imparting instruction in secondary education and the expenditure incurred on secondary education by different municipalities within their respective areas in this Presidency during the year 1916-1917:—

(*a*) The number of schools imparting secondary education in the area under the administration of each municipality, and maintained by that body;

(*b*) The standards upto which instruction is given in such schools;

(*c*) The income on account of fees recovered from the students studying in these institutions;

(*d*) The amounts of grants from Government, Local Boards, or any other body towards the maintenance of these institutions;

(*e*) The total cost of maintenance of these institutions;

(*f*) Any other expenditure the municipalities incur towards secondary education in the form of grant-in-aid, paid out of the municipal funds to the institutions imparting secondary education maintained and conducted by private bodies or missions, within their respective areas.

Secondary Education in Municipal areas.

1. As the collection of most of the information required by the Honourable Member would involve the expenditure of an excessive amount of time and labour, Government are not prepared to furnish it. The Honourable Member is, however, referred to General Table No. VII and Subsidiary Forms Nos. 2 and 3 of the supplement to the Director of Public Instruction's Annual Report and the list of recognized schools in the Presidency, which will give a general idea of the expenditure by Municipalities on secondary education and the schools maintained by them, etc.

QUESTIONS AND ANSWERS.

[*Mr. Raghunath Purshottam Paranjpye.*] [10TH OCTOBER 1917.]

Questions.

Answers.

THE HONOURABLE MR. RAGHUNATH PURSHOTTAM PARANJPYE.

1. (*a*) Is it a fact that Government have received memorials from several clerks in the Registration Department?

Registration Department: pay of clerks.

1. (*a*) Yes.

(*b*) When were the pay and prospects of these clerks last revised?

(*b*) With effect from March 1914.

(*c*) What is the net profit that Government makes from this Department?

(*c*) Reference is requested to the Annual Reports of the Registration Department.

(*d*) Is it a fact that till 1907 the clerks were paid by the Sub-Registrars from their percentage commission; and that Government in consequence do not recognise the continuous service of these clerks before 1907 towards pension?

(*d*) Yes: but service before 1907 has in several cases been considered so as to obtain exemption from the operation of Article 478(*a*) of the Civil Service Regulations.

(*e*) How do the pay and prospects of these clerks compare with those of clerks in other departments with approximately similar qualifications and duties?

(*e*) As the duties of the clerks differ entirely from those in other Departments, it is not possible briefly to compare their pay and prospects.

2. Is the printed list of questions and answers at each meeting of the Legislative Council available on sale to the public on the same day?

Publication of printed list of questions and answers.

2. Copies of the list of questions and answers of each meeting of the Legislative Council are not printed for sale to the public on the day of the Council meeting, but they are supplied, free of cost, to editors of the newspapers on the same day. Copies, if available, are also given, free of cost, in the Council Hall, to those visitors who ask for them. Soon after the close of the Council meeting the list of questions and answers, together with the papers placed on the Council Table, is published in advance in the *Bombay Government Gazette*, Part V, and copies of this part are sold to the public by the Government Central Press.

3. (*a*) Is it a fact that Government have recently issued orders that of those students who seek admission to the Poona Male Training College only those students who had obtained

Conditions of entrance to the Poona Male Training College.

3. (*a*) Orders to the effect stated by the Hon'ble Member were issued by the Director of Public Instruction. The condition requiring 45 per cent. marks is relaxed not only in the case of candidates from backward communities but also in that of assistant

Questions.

over forty-five per cent. marks at their Vernacular Final Examination are allowed to appear for the Entrance test, but that this condition is not applicable to candidates from educationally backward classes?

(*b*) Is there ordinarily an interval of about two years between the Vernacular Final Examination and the Entrance test at the Training College during which it is possible to make up one's studies?

4. (*a*) Will Government be pleased to state what number of pilgrims visited the shrine of Vithoba at Pandharpur during the last five years on the occasion of the Ashadi Ekadashi in July?

Pilgrims at Pandharpur.

(*b*) What was the rate of taxation levied upon pilgrims under section 59 of the Municipal Act, and what was the total revenue realised by the Municipality from such pilgrims tax during the last five years?

(*c*) On what work conducive to the health, convenience and safety of the pilgrims have the proceeds of the said tax been expended by the Municipality during the last five years?

(*d*) Have any assignments out of the total collections on account of the said pilgrim tax been made by the Division Commissioner to the District Local Board for execution of similar works conducive to the

Answers.

teachers of approved service.

(*b*) The minimum age for admission to the Vernacular Final Examination is 15, while that for the Training College Entrance Examination is 17. There is thus potentially an interval of about two years between the two examinations. In practice, however, the full interval seldom occurs since relatively few candidates appear for the examinations at the minimum ages prescribed.

4. (*a*)—

Year.	Approximate number of pilgrims who visited the shrine on the Ashadi Ekadashi.
1912	45,000
1913	1,23,000
1914	83,000
1915	1,21,000
1916	1,58,000

(*b*) The pilgrim tax was levied at the rate of annas 4 per pilgrim. The total revenue realised by the Municipality from such pilgrim tax during the last five years is given below:—

Year.	Amount of pilgrim tax collected.
	Rs. a. p.
1912	10,655 0 0
1913	(Not known.)
1914	19,439 0 0
1915	28,123 4 0
1916	36,925 0 0

(*c*) and (*d*) Information is being obtained.

Questions.

Answers.

health, convenience and safety of the pilgrims within the limits of District Local Board Areas, as provided by section 72 of the Municipal Act.

THE HONOURABLE MR. GOKULDAS KAHANDAS PAREKH.

1. Will Government be pleased to say—

Professional taxes at Matheran.

(1) If they are aware that the Municipality of the Hill Station of Matheran has issued a notice of imposing a professional tax of Rs. 20 for the cold season and Rs. 40 per season for the hot season on Medical Practitioners and of Rs. 40 for each of the two seasons of the year on Engineers, Architects and Contractors of Buildings residing in that Station, except gentlemen answering the said descriptions who are in Government or Municipal employ and are doing duty at Matheran and experts called for consultation by them?

(1) A notice was issued by the Matheran Municipality for the imposition of a tax of the nature referred to. As no approval of Government to the selection of the tax was applied for by the Municipality as required by section 59 (xi) of the Bombay District Municipal Act, 1901, that body has been asked to cancel the notice and to apply to Government for the necessary sanction.

(4) What is the object of imposing the said professional tax?

(4) The object of imposing the tax is to meet the necessary expenditure on the hill by making the incidence of taxation fall on the richer class.

2. Will Government be pleased to say—

Behramji Jeejeebhai Dispensary.

(1) Whether under the general orders in force on that behalf, the authorities of Behramji Jeejeebhai Dispensary were required under certain conditions to dispense prescriptions of private Medical Practitioners, if the medicines contained in them were provided by Government to the Dispensary?

2. (1) The rules regarding the dispensing of prescriptions at the Byramji Jijibhai Hospital, Matheran, require that the *bonâ fide* prescription of any duly qualified medical practitioner may be made up, provided that the medicines prescribed are in stock and in sufficient quantity, having regard to the requirements of the hospital and of other persons.

(2) Is it a fact that during the last Matheran Season the authorities of the Dispensary in several cases declined to dispense such prescriptions?

(2) Yes.

QUESTIONS AND ANSWERS.

[10TH OCTOBER 1917.]

[*Mr. Gokuldas Kahandas Parekh; Mr. Vithalbhai Jhaverbhai Patel.*]

Questions.

Answers.

(3) If so, what was the reason for the Dispensary authorities acting in this manner?

(3) Because in some instances the medicine prescribed was not in stock and in others there were just enough drugs to suffice for the requirements of the *bonâ fide* dispensary and hospital patients.

3. Will Government be pleased to say—

(1) Whether till very recently the Byramji Jeejeebhai Dispensary used to be kept open for the public for the whole day?

Byramji Jeejeebhai Dispensary.

3. (1) Yes.

(2) Whether it is now kept open only during two hours or so in the morning, and is kept closed for the rest of the day for the public?

(3) Will Government be pleased to say what was the reason for such alteration?

(2) and (3) No. According to the rules in force it is kept open from 7 a. m. to 10 a. m. and from 5 p. m. to 7 p. m. generally, but for urgent cases it is open night and day. In order to cope with the increased work an extra compounder has been recently entertained, but the number of compounders is not sufficient to allow of prescriptions other than urgent being made up at any hour during the day. For ordinary prescriptions therefore definite hours are fixed.

[*These questions were asked at the meeting held on the 24th July 1917 when* ad interim *replies were given.*]

THE HONOURABLE MR. VITHALBHAI JHAVERBHAI PATEL.

1. What is the percentage (*a*) of trained teachers to the total number of teachers in primary schools in each of the divisions of the Presidency; and

Percentage of trained teachers.

1. The percentage under is as follows:—

Central Division	... 31·4
Northern Division	... 41·8
Southern Division	... 43·6
Sind	... 39·4

(*b*) of trained teachers to the number of teachers in primary schools in the Presidency teaching (1) Marathi, (2) Gujarati, (3) Kanarese, (4) Sindhi, (5) Urdu and (6) Hindi languages?

The percentage under head (*b*) is as given below:—

Marathi	... 31·7
Gujarati	... 42·2
Kanarese	... 51·5
Sindhi	... 39·5
Urdu	... 31·5
Hindi	... *Nil.*

QUESTIONS AND ANSWERS.

Questions.

Answers.

2. Will Government be pleased to state the educational expenditure in the British districts of the Presidency in the years 1913-14, 1914-15 and 1915-16 and, if possible, in 1916-17, under the following heads :—

Educational expenditure in the British districts of the Presidency.

(*a*) Buildings.
(*b*) School and College equipment.
(*c*) Stationery.
(*d*) Clerical establishment.
(*e*) Inspection.
(*f*) Direction.
(*g*) Travelling allowances.
(*h*) Number and pay of teachers and professors in (i) primary, (ii) secondary, (iii) higher and (iv) technical branches of Indians and non-Indians, (v) other expenses?

2. The accompanying statement* gives the information required by the Honourable Member under heads (*a*) to (*g*). As regards head (*h*), the Honourable Member has already been informed that the information required cannot be supplied as the head is vague and unintelligible.

* *Vide* Appendix D.

3. (*a*) Will Government be pleased to say whether any and, if so, which of the District Local Boards in the Presidency expend money for the purpose of the camping arrangements of District officials?

District Local Boards and camping arrangements of District officials.

(*b*) Will Government be pleased to publish a statement showing the amount spent by each District Local Board on this account during each of the last five years?

3. (*a*) and (*b*) The Satara District Local Board is the only District Local Board in the Presidency which incurred an expenditure of Rs. 110-14-8 during *1914-15* for the preparation of camping grounds for District officials at Mahableshwar—(Rs. 75-15-6) and Vita (Rs. 34-15-2).

4. (*a*) Is it a fact that the Head Master of the R. S. Dalal High School at Broach refuses admission to students except on condition that they consent to reside in the Boarding House attached to that High School?

Admission of students to the R. S. Dalal High School at Broach.

(*b*) Is it true that students whose parents reside in Broach are required to live in the said Boarding House as a condition precedent?

[*These questions were asked at the meeting held on the 24th July 1917 when* ad interim *replies were given.*]

4. (*a*) Preference is given to hostel students over ordinary students in the matter of admission, especially in Standards I—III, of which there is only one division in the school.

(*b*) The answer is in the negative

Questions.

Answers.

5. (*a*) What is the total number of (*a*) village officers and (*b*) village servants in the Presidency?

Village officers and servants.

(*b*) How many village officers in the Presidency draw a salary of (*a*) rupee one and under per mensem; (*b*) over rupee one but below rupees five; (*c*) over rupees five but below rupees ten and (*d*) over rupees ten?

(*c*) What is the maximum and minimum salary of (*a*) village officers and (*b*) village servants in the Presidency?

5. (*a*), (*b*) and (*c*) Government are not prepared to call for the information asked for, as the labour of collecting it would be out of all proportion to any purpose the information is likely to serve.

6. Will Government be pleased to publish a statement of the names of village officers in the Thana and Panch Mahals Districts with the amount of salary they draw?

Village officers in Thana and Panch Mahals.

6. Government do not consider that any useful purpose will be served by publishing the names of village officers. Their salary is regulated in accordance with the scale given in Appendix IV to the Survey and Settlement Manual, 1917.

7. (*a*) Is it true that the District Board of Kaira passed a resolution in favour of having a non-official president, provided the office of the District Board were transferred to Nadiad?

District Local Board. Non-official President at Kaira.

7. (*a*) Yes.

(*b*) Will Government be pleased to say whether they propose to appoint a non-official president for that District Board? If not, why not?

(*b*) No. Government are of opinion that the head-quarters of a District Local Board should not be away from those of the district.

8. (*a*) Is it true that the Municipal Commissioner of Bombay declines to take steps to execute warrants addressed to him by the moffusal municipalities under section 83 (*2*) (*a*) of the Bombay District Municipal Act?

Municipal warrants: Execution in Bombay.

8. (*a*) The Municipal Commissioner for the City of Bombay has been asked by Government to execute the warrants addressed to him by district municipalities.

(*b*) Is it true that some of the moffusal municipalities have made representations to Government in this matter, but that Government have not so far given any reply?

(*b*) Representations have been received from some of the mofussil municipalities, and the decision of Government has been conveyed to the Commissioner for communication to the bodies concerned.

9. Will Government be pleased to say if there are in this Presidency any Anglo-Indian Associ-

Political Associations.

9. Inquiries are being made.

Questions.	*Answers.*
ations or branches thereof, objects of which are in whole or in part political? Whether any officials are connected therewith as office bearers or members and if so, who?	
10. What is the total strength of electorate on the latest electoral rolls for the taluka boards and the municipalities respectively for each district in the Presidency? (Electorates; Local Boards and Municipalities.)	10. The information is being called for.
11. Will Government be pleased to state the number of meetings of the Bombay Legislative Council held for each year since 1904, and that of the meetings of the Bengal, United Provinces and Madras Legislative Councils for the same period? (Legislative Council: number of meetings.)	11. The Honourable Member is referred to the published journals of these Councils.
12. Will Government be pleased to state the number of villages in the Presidency with a population of (*a*) 250 to 500 and (*b*) over 500 that do not possess an elementary school? (Elementary schools: villages unprovided.)	12. The information has been called for.
13. Will Government be pleased to lay on the Council Table Resolution No. 2833, dated the 7th May 1887? (Government Resolution No. 2833, dated 7th May 1887, request for supply.)	13. A copy* of the Government Resolution is laid on the Council Table. * *Vide* Appendix J.
14. Will Government be pleased to state the number and title of every Bill brought in this Council by ordinary members since the year 1861 with the following particulars in each case? (Introduction of Bills by ordinary members.) (*a*) Whether motion for leave to introduce it was made or dispensed with? (*b*) Whether it was referred to a Select Committee, and if so, who was the Chairman of that committee and how was he appointed? and (*c*) Whether the Bill was submitted to the Government of India or the Secretary of State or both, and if so, at what stage?	14. It is understood that the phrase "ordinary member" is used in the same sense as in section 29 of the Indian Councils Act, 1861. The information to be gained by compiling the required statistics would not, it is believed, justify the heavy labour involved.

QUESTIONS AND ANSWERS.

[10TH OCTOBER 1917.] [*Mr. Vithalbhai Jhaverbhai Patel.*]

Questions.	*Answers.*
15. Is it true that in the United Provinces Legislative Council and also in the Imperial Legislative Council a Government Bill has to pass through a leave stage? (Leave to introduce practice in other Councils.)	15. The statement is not true in the case of the Imperial Council (see rule 23), and apparently not in the case of the United Provinces Council (see rule 19).
16. Is it true that the Bengal and Bihar Council rules permit a motion for leave to introduce a Bill to be made, although the sanction required by the Government of India Act is not applied for nor accorded? (Leave to introduce before grant of sanction.)	16. The Honourable Member is referred to rule 31 of the Bihar and Orissa Rules and rule 29 of the Bengal Rules.
17. Will Government be pleased to publish a statement giving the substance of every point of order raised during the Council debates since 1910, and the ruling of the President in each case? (Council Procedure.)	17. The Honourable Member's attention is invited to the printed Proceedings of the Council. The collection of these statistics would involve more labour than it is believed their value would justify.
18. Will Government be pleased to say in respect of each year since 1910:— (Questions in Council.) (*a*) How many questions were sent to the Secretary by non-official members under rule 6 of the Question Rules? (*b*) How many of them were disallowed under rule 7 and how many under rules 3, 4 or 5 of the Question Rules? (*c*) How many of them were amended by the Secretary without consulting the member concerned? (*d*) How many were rejected on the ground that the notice was not given to the Secretary in due time? (*e*) How many were returned by the Secretary to the member for the purpose of amendment?	18. (*a*), (*b*), (*c*), (*d*) and (*e*). To obtain the information required would necessitate an examination of the records, regarding about 3,000 questions and the value of the information to be gained would not correspond to the labour entailed.
19. Will Government be pleased to say whether the President of this Council has since 1914 allowed questions to be put with shorter notice than that prescribed in the rules, and if so, how many? (Questions in Council admitted though time-barred.)	19. The information is being obtained.

Questions.	*Answers.*
20. Will Government be pleased to say whether since the reformed Council, the Governor has nominated less than half the number of Members of the Finance Committee, and if so, in what year or years? *Finance Committee: Government nominee.*	20. The information is being obtained.
21. Will Government be pleased to say whether in any other Province having an Executive Council, the President of the Legislative Council regards the publication of disallowed questions and resolutions as a breach of etiquette? *Questions disallowed: Publication.*	21. Government have no information on the point.
22. Will Government be pleased to name the municipalities which consist entirely of nominated members and yet enjoy the privilege of selecting a president by two-thirds majority? *Municipalities. Selected Presidents.*	22. Dakor, Mehmadabad and Panchgani.
23. (*a*) Will Government be pleased to name the municipalities in the Presidency constituted under section 14 of the District Municipal Act, 1901, which consist of partly elected and partly nominated members? *Municipalities. Partly elected and partly nominated.*	23. (*a*) Lonavla and Matheran.
(*b*) Will Government be pleased to say whether any of these municipalities enjoy the privilege of selecting a president by two-thirds majority?	(*b*) The answer is in the negative.
24. Will Government be pleased to publish a statement showing the date, month and year when each of the municipalities in the Presidency was established? *Municipalities. Date of establishment.*	24. The information is being obtained.
25. Will Government be pleased to say whether the District Board of Thana was consulted on the question of appointment of a non-official president? And if so, what reply did the Board give in the matter? *District Local Boards. Non-official President at Thana.*	25. Inquiry is being made in the matter.

Questions.

Answers.

26. Will Government be pleased to say whether they have called for report of the Commissioner of Sind, if any of the District Boards in his division are, in his opinion, fit to exercise the privilege of having a non-official president?

District Local Boards. Non-official President in Sind.

26. The answer is in the negative.

27. Will Government be pleased to say whether their (non-official) nominees for the office of the president of district board had in the past served as members of the board for which they have been selected? If so, for how many years and whether they were elected or nominated?

Non-official Presidents of local boards

27. The information is being obtained.

28. Will Government be pleased to say what stage the question of the creation of city civil court for Bombay has reached?

City Civil Court in Bombay.

28. Government have received the opinions of a number of public bodies, and the matter is now under consideration.

29 (*a*) Will Government be pleased to name the municipalities which would, but for Government Resolution No. 4945, General Department, dated the 17th July 1917, be entitled to a two-thirds elective majority under the terms of the following resolution passed at the March meeting of this Council:—

"This Council recommends to His Excellency the Governor in Council that the number of elective members on municipalities constituted under section 10 (1) of the Bombay District Municipal Act, 1901, and enjoying the privilege of selecting a president by a two-thirds majority shall, in future, be not less than two-thirds of the whole number of councillors."

Municipalties. Elective majority.

29. (*a*) A list* of the municipalities of the nature referred to by the Honourable Member is laid on the Council Table.

* *Vide* Appendix L

(*b*) Will Government be pleased to say how many of them have (1) population of 6,000 and under, (2) population of over 6,000 to 12,000,

(*b*) The attention of the Honourable Member is invited to statements I and II, appended to the last Government Resolution reviewing the

Questions.

(3) population of 12,000 to 15,000 and (4) income under Rs. 10,000, (5) income between 10,000 and 15,000, (6) income between 15,000 and 20,000, (7) between 20,000 and 25,000, (8) 25,000 and 30,000 and (9) between 30,000 and 40,000?

30. Will Government be pleased to place on the Table a list of periodicals and newspapers taken during the current year by Government together with the number of copies subscribed for in each case?

Papers: Government subscriptions.

31. Will Government be pleased to name the municipalities suspended in each year since 1910?

Municipalities, suspension.

32. Will Government be pleased to lay on the Council Table the communications containing the remarks of the Commissioner, N. D., on the annual administration reports of the Ahmedabad Municipality for the years 1915-16 and 1916-17 and say whether copies thereof have been applied for by the Municipality or furnished to it either by the Commissioner or Government?

Ahmedabad Municipality. Comments by the Commissioner on the annual report.

Answers.

reports on municipal taxation and expenditure, which contain the information desired by him.

30. The heads of Government offices have been authorised to subscribe to newspapers or periodicals for their own use and for the use of officers subordinate to them within their budget grants sanctioned for the purpose. As the collection of such information would involve an undue expenditure of time and labour, Government are not prepared to call upon their officers to supply it.

31. The following municipalities were suspended since the year 1910 with effect from the dates mentioned against them:—

Municipality.	Date of suspension.	Remarks.
Ahmedabad ...	11th May 1910 ...	Reconstituted with effect from the 1st April 1915.
Rajapur ...	4th May 1911 ...	Converted into a notified area with effect from the 1st January 1917.
Erandol ...	6th September 1911.	Reconstituted with effect from the 6th September 1917.
Vambori ...	20th May 1914.	
Hyderabad ...	6th December 1915.	

32. The communications* from the Commissioner, N. D., containing his remarks on the administration reports of Ahmedabad Municipality for the years 1915-16 and 1916-17 are laid on the Council Table. The Municipality had applied for a copy of the Commissioner's report on its working for the year 1915-16. The Commissioner was instructed to furnish the Municipality with a copy of it.

* *Vide* Appendix P.

QUESTIONS AND ANSWERS.

[10TH OCTOBER 1917.] [*Mr. Vithalbhai Jhaverbhai Patel.*]

Questions.	*Answers.*
33. Will Government be pleased to say what order they have been pleased to pass on the petition submitted by the five hundred law students of this Presidency? (Law students' petition.)	33. Government have directed that the orders contained in Circular No. 1405, dated the 7th June 1917, regarding the participation of students in public meetings, should not apply to students in the Government Law School at Bombay.
34. (*a*) Will Government be pleased to say whether they have received back the petition dated the 27th July 1914, submitted by one Jamnadas Khushaldas of Ovarsad which was returned to him by Government under rule No. 11 of the Petition Rules, from his son Bhikhalal Jamnadas, Jamnadas being dead? (Petitions of Jamnadas Khushaldas.)	34. (*a*) and (*b*) Yes.
(*b*) Is it a fact that Government declined to interfere in the matter of that petition by their Resolution No. 4020 of 1916, dated the 12th April 1916?	
(*c*) Will Government be pleased to lay on the Council Table the papers of inquiry regarding the said petition?	(*c*) Government are not disposed to place the papers on the Council Table.
35. Is Government aware of the fact that a judgment is passed by the High Court in Appeal No. 250 of 1914 in December 1915 in favour of Bhikhalal Jamnadas that the decree holder having not obtained anything during the last 28 years, the execution of the said decree should be expedited? (Delay in execution of a decree.)	35. Government are not aware of the fact alleged.
36. (*a*) Will Government be pleased to say whether they have received three petitions from July 1914 to January 1916 from one Shivlal Narandas submitting his grievances for not satisfying his decrees against the estate of Panar in the Viramgam Taluka, District Ahmedabad? (Petition of Shivlal Narandas regarding delay in execution.)	36. (*a*) Petitions were received between August 1914 and January 1916.
(*b*) Will Government be pleased to put on the Council Table the result of the inquiry in this matter?	(*b*) As the petitioner's claim was disposed of by the High Court in 1911, Government declined to interfere in the matter of the petitions.

Questions.

37. Will Government be pleased to say whether they have now fully considered the question of removing the attachment on the Bhankoda Estate about which question No. 17 (*a*) (*b*) (*c*) was put in the Council on the 12th July 1915 and Government replied that the matter was under consideration?

Attachment of Bhankoda Estate.

38. Will Government be pleased to publish a statement showing the date, month and year when each of the municipalities in the Presidency was established?

Municipalities. Date of establishment.

39. Will Government by pleased to name the taluka boards in each division that have a non-official Vice-President?

Taluka Local Board. Non-offic Vice Presidents

40. (*a*) In what year was the Bandra Ghodbander Road first vested in the Thana Local Board? When was it first metalled and by what authority?

Bandra Ghodbander Road

(*b*) What is the total amount spent by the Local Board of Thana on the Bandra Ghodbander Road since it has been in their possession and enjoyment?

41. Will Government be pleased to say whether they have since 1884 abolished any tolls on the local board or municipal roads without the consent of and without the payment of compensation to, the local bodies concerned and if so, on what roads?

Tolls abolition.

42. (*a*) Will the Government be pleased to state the number and names of the plot owners in the Ghatkoper Town Planning Scheme No. 1?

Ghatkoper Town Planning Scheme No. 1. Notice from owners.

Answers.

37. The matter has been fully considered. The attachment cannot be removed as the debt due to Government has not yet been repaid.

38. The information is being obtained.

39. The information is being obtained.

40. (*a*) Owing to the destruction of old records, no definite information can be furnished, but it appears that the road in question was built by the Portuguese and maintained entirely at their cost of Provincial funds until 1865, when it was handed over to the District Local Board, Thana.

(*b*) The total amount spent by the Board on the road from the year 1890-91 to 1916-17 is Rs. 2,55,515. Figures of expenditure previous to the year 1890-91 are not available.

41. The information is being collected.

Questions.

(*b*) Will Government be pleased to state when the first meeting under rule 6 (1) to (4) for the purpose of section 10 of the Town Planning Act was convened?

(*c*) Will Government be pleased to state whether due notices of that meeting were given to all the plot owners in the manner provided in rule 25 under the Town Planning Act? If not, for what reason? How many of the plot owners were present at the said meeting?

(*d*) Will Government be pleased to state how many of the said plot owners have communicated to the local authority their objections relating to the said scheme under section 13 of the Town Planning Act?

43. (*a*) Will Government be pleased to state whether the local authority has proposed in the said scheme to reserve the following plots free of cost for the following purposes :—

Ghatkoper Town Planning Scheme No. 1. Reservation of plots.

No. of plots	Areas in square yards	Purpose.
78	4,494	Housing Municipal Employés.
75 to 77	9,885	Municipal Milch Cattle Stable.
23 to 25	8,295	Municipal Offices and Schools.
79	21,860	Public Park.
1	2,299	G. I. P. Railway.

(*b*) Will Government be pleased to state the value of the plots so reserved at the time of making the said scheme, and the estimated value of the said land after completion of the scheme?

44. Will Government be pleased to state the total estimated cost of the proposed improvements irrespective of value of the land mentioned in the last question?

Ghatkoper Town Planning Scheme No. 1. Cost of Scheme.

45. (*a*) Will Government be pleased to state whether any arrangements have

Ghatkoper Town Planning Scheme No. 1. Drainage and water supply.

Answers.

42 to 45. As the scheme has not yet reached Government in its final form, Government are not prepared to furnish the information asked for.

Questions.

been provided for draining the storm water from the area included in the said scheme under section 3 (*e*) of the Town Planning Act?

(*b*) Will Government be pleased to state whether any provision has been made for water supply under section 3 (*g*) of the Town Planning Act?

Answers.

46. Will Government be pleased to state the number of resolutions of non-official members opposed by Government since 1910?

Resolutions opposed by Government.

46. The Honourable member is referred to the printed proceedings of the Council which contain the information he requires.

47. Will Government be pleased to state the number of resolutions carried by the Legislative Council in spite of Government opposition since 1910, and whether the recommendations contained in them have been fully carried into effect?

Disposal of opposed resolutions.

47. The Honourable member is referred to the printed proceedings of the Council as regards the first part of his question; as regards the second part, as the collection of the information will involve considerable labour, if the Honourable member will kindly specify the particular resolutions, regarding which he requires information, Government will comply with his request so far as possible.

48. What is the number of resolutions of which notice was received by the Secretary during the current year? How many of them were admitted? How many rejected and under what rules?

Resolutions: number in current year.

48. A statement* giving the information is placed on the Council Table.

* *Vide* Appendix R.

49. (*a*) Will Government be pleased to say (1) in what year and by whom were the rules for the conduct of business of the Bombay Legislative Council first made?

Council Rules: Revision.

49. (*a*) (1) The first meeting of the Bombay Legislative Council was held on 22nd January 1862; the first rules of business, made by the Governor in Council under section 37 of the Indian Councils Act, 1861, were prepared before that date in accordance with the Act.

(2) Whether any general revision had been undertaken in the past, and, if so, by whom, in what manner and how often?

(2) The occasions on which revision to any considerable extent appears to have been undertaken are the following:—

(i) In 1862 a draft was prepared by the Advocate General and the amendments were considered and passed in the Legislative Council.

(ii) In 1863-64 the rules were revised to give effect to certain

Questions. *Answers.*

alterations that had been suggested and to assimilate them to the rules of other councils; a select committee was appointed for the purpose.

(iii) In 1895-96 the rules were revised, mainly in view of alterations which had been made in the rules of other councils and to improve their form; a select committee was appointed.

(iv) In 1910-11 the rules were revised in accordance with a draft prepared by the secretary; a select committee was appointed on this occasion also.

(*b*) Is it true that the power to dispense with the leave stage of a Bill was vested in the Governor by a rule made by the Governor in Council? When was such a rule first made?

(*b*) No. The rule was adopted by the Legislative Council at the meeting on 1st February 1865 on the motion of the Honourable Sir W. Mansfield.

Supplementary Question to Question No. 49 (a).

The Honourable Mr. PATEL:—Is it not true that the rules were again revised in 1883?

The Honourable Sir MAHADEV BHASKAR CHAUBAL:—The Honourable Member's question was whether any general revision had been undertaken. It is rather difficult to say exactly what he means by a general revision. But I do not think that the revision that he speaks of in 1883-84 was a general revision. At least Government do not understand this to be so.

THE HONOURABLE MR. ABDUL KADIR *alias* FAKIR MUHAMED WALAD IBRAHIM KHAN PATHAN.

1. Will Government be pleased to state whether parties interested in the decisions of the Revenue Commissioners of the different divisions are given notice when the Government feel inclined, on appeal or in revision, to modify, alter, or reverse the Commissioners' decisions?

Revenue appeals.

1. Such notice is not given.

2. Has the attention of Government been drawn to the fact that in the greater part of the Presidency there has been a dearth in the supply of fodder in consequence of a lack in the

Lack of fodder in the Presidency.

2. There has been no such lack of rainfall as supposed by the Honourable Member and consequently no dearth of fodder. The Honourable Member's attention is drawn to the reports published in the weekly *Government Gazette*.

Questions.	*Answers.*
rainfall and inadequate Railway facilities for carrying fodder?	
3. Will Government be pleased to state—	
(*a*) Whether it is a fact that cattle are dying out in large numbers and that the cattle-owners are disposing of their cattle for want of fodder? Alleged mortality amongst cattle through fodder famine.	3. (*a*) and (*b*) Government are not aware of any extraordinary mortality among cattle.
(*b*) If so, what steps has the Government taken in the matter?	
4. (*a*) Will Government be pleased to state whether the fares on the coasting steamers plying between Bombay and Mangalore have been increased?	4. (*a*) Government are informed that an increase in fares has taken place.
(*b*) Is it a fact that the public along the whole of the western coast is very apprehensive of the proposed increase in the fares?	(*b*) Government have no information that a further increase over the rates in force in the earlier months of this year is contemplated.
THE HONOURABLE MR. MUNMOHANDAS RAMJI.	
1. Will Government be pleased to state—	
(*a*) What was the initial capital expenditure for the Pottery School attached to Sir J. J. School of Art and what has been the running expenditure every year during the last five years? Expenditure on the Pottery School.	1. (*a*) The initial capital expenditure for the Pottery School attached to Sir J. J. School of Art was as follows:—

		Rs.	a.	p.
Buildings	...	1,30,987	0	0
Equipment	...	21,210	13	4
Total	...	1,52,197	13	4

The running expenditure every year during the last five years was as shown below:—

		Rs.	a.	p.
1912-13	...	13,843	8	0
1913-14	...	15,340	4	9
1914-15	...	16,734	6	2
1915-16	...	16,103	8	9
1916-17	...	16,215	12	4

(*b*) What has been the number of students on its roll every year since the beginning?

(*b*) The number of students on the roll each year since the beginning has been:—

1912-13	...	5
1913-14	...	7
1914-15	...	7
1915-16	...	7
1916-17	...	6
1917-18	...	6

QUESTIONS AND ANSWERS.

[10TH OCTOBER 1917.] [*Mr. Munmohandas Ramji; Rao Bahadur Ganesh Krishna Sathe.*]

Questions.

(*c*) What are the qualifications of the Superintendent of the School?

[*This question was asked at the meeting held on the 24th July 1917 when an* ad interim *reply was given.*]

Answers.

(*c*) Mr. Fern, the present Superintendent of the School, served as an apprentice at the Pilkington Tile and Pottery Factory at Clifton Junction, Manchester, for fifteen months, and was Pottery Chemist to Pilkington's Tile Factory for three months. He has passed the City and Guilds of London Examination with Honours Grade in Pottery and Porcelain, has worked for three months as under-manager to Shorter & Son, Pottery Manufacturers, Stoke, and for nine months as under-manager to Frank Beardmore & Company, earthenware manufacturers, Fenton, Staffordshire. He has also passed the course of Chemistry and Physics in the Funstall Technical Institute, Staffordshire, and has nine years' experience with Indian clays and labour.

2. Will Government be pleased to state expenditure separately for all the different items in Detailed Account No. 18-F (General Administration) of the Civil Budget Estimate for the year 1917-18 which are at present grouped together?

Account No. 18-F.

2. A lump sum is provided for several of the items included in Detailed Account 18-F, but the actual expenditure is separately shown for each item (*vide* for the year 1914-15, page 87 of the Civil Budget Estimate for 1916-17, and for the year 1915-16, page 102 of the Civil Budget Estimate for the year 1917-18).

THE HONOURABLE RAO BAHADUR GANESH KRISHNA SATHE.

1. (*a*) Will Government be pleased to state whether Subordinate Judges, Deputy Collectors and Mamlatdars serving in the Marathi-speaking districts were consulted by the respective heads of offices in the matter of Modi Script before Government Orders Nos. 6598, Revenue Department, dated the 17th June 1915, and 2852, Revenue Department, dated the 8th March 1917, were published?

Modi Script.

1. (*a*) All Collectors and District Judges were consulted on the subject, and in many cases they appear to have taken the opinions of the Deputy Collectors, Mamlatdars and Subordinate Judges subordinate to them.

(*b*) And, if so, will Government be pleased to place their opinions on the Table?

(*b*) Government do not think it necessary to place more papers on the Table than those already there recorded.

QUESTIONS AND ANSWERS.

[*Mr. Shridhar Balkrishna Upasani.*] [10TH OCTOBER 1917.]

Questions. *Answers.*

THE HONOURABLE MR. SHRIDHAR BALKRISHNA UPASANI.

1. (*a*) Will Government be pleased to state from which of the villages in East Khandesh contributions have been received for school* buildings and which of them have not yet been provided with the buildings for which they were levied ?

Contributions for school buildings in East Khandesh.

1. (*a*) The accompanying statement* gives the information required by the Honourable Member.

**Vide* Appendix M.

(*b*) What contributions were paid by the villagers of Bahal in taluka Chalisgaon and how long ago and is it true that the school-building for which they were paid is not yet provided ?

[*This question was asked at the meeting held on the 13th March 1917 when an* ad interim *reply was given.*]

(*b*) Sums of Rs. 300 and Rs. 1,200 were contributed in 1906 and 1914, respectively, by the people of Bahal. The former amount was paid to the Local Board, but it is not known whether it was intended for original work or for extending the small local board building in the village. The latter sum was given to the School Fund Association, taluka Chalisgaon, for the extension of the school building. The amount of Rs. 300 was subsequently transferred to the account of the School Fund Association along with all such sums previously collected. As the attendance at the Bahal school increased later the idea of extending the school-house was abandoned. Provision has however been made in the supplementary local fund educational budget for 1917-18 for a new school-house to be constructed by the Public Works Department at a cost of Rs. 16,604 exclusive of help from the School Fund Association.

2. Is there any foundation for the complaints made by a correspondent in the *Khandesh Vaibhava* newspaper of the 25th June 1917 with regard to the thefts committed at the Jalgaon Railway Station by the railway's own hamals ?

Thefts at Jalgaon railway station.

2. A copy of letter† from the Agent, Great Indian Peninsula Railway Company, No. 207-C.—7, dated 15th September 1917, is laid on the table.

† *Vide* Appendix G.

3. Is it true that certain lands required for a causeway over the Palaspa Nalla in the Panvel Taluka for

Land acquired in Panvel Taluka.

3. The lands were taken from the owners' possession with their verbal consent given to the Sub-Divisional Officer, Public Works Department. Compensation for one year's crop was

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acquisition of which notification was published only in the *Government Gazette* of the 15th March 1917 were taken from the owner's possession in December 1915 or January 1916 without payment of any compensation, and was he made to pay the assessment for them for 1915-16 and 1916-17 though they were taken from his possession ?

allowed to the owners. The assessment was inadvertently recovered by the village officers. Orders for its refund have issued.

4. Will Government be pleased to state the amount recovered as notice fee and fine from owners of houses in Dhulia in connection with the cost of the City Survey to be levied from them ?

City Survey in Dhulia.

[*These questions were asked at the meeting held on the 24th July 1917 when* ad interim *replies were given.*]

4. The amount recovered as notice fee was Rs. 168-12-0 and as fine (*i. e.*, additional fee) Rs. 754.

5. (*a*) Has Government's attention been drawn to the complaints made in the Press as regards the large proportion of failures at the last Matriculation Examination of this University ?

Results of the Matriculation Examination.

5. (*a*) The answer is in the affirmative.

6. (*a*) Will Government be pleased to state the number of students in the Secondary Teachers College at Bombay and number of teachers engaged to teach them and their pay ?

Secondary Teachers College at Bombay.

6. (*a*) The number of students in the College is 34. In addition to the Principal, whose pay is Rs. 1,000 per mensem, there are three lecturers on Rs. 150 per mensem each.

(*b*) Will Government be pleased to state the reasons for abolishing the Vice-Principal's place and engaging junior men as lecturers in his place ?

(*b*) It was found that the need for appointing a Senior Head Master as Vice-Principal had disappeared and that the work which the late incumbent of that post had performed could be done by some of the younger men, who had been trained at the College and had had experience in the schools with better results than if an older man who had never been at a training institution were appointed as Vice-Principal. It is also expected that with the additional number on the staff it will be possible to give more practising work to the teachers under training.

Questions.

(*c*) What subjects are taught by the Principal and by the lecturers, respectively, and how many hours' teaching work have they to do in a week?

(*d*) What degrees do the lecturers hold and how many years' teaching experience they had before they were taken as lecturers for the College?

7. (*a*) Is it true that fresh teachers entered in the Educational Department are engaged only as probationers and that for want of accommodation in the Teachers' College they have to remain as probationers for 4/5 years and in case they subsequently fail to pass the S. T. Examination they are liable to be thrown out after they are overage?

Teachers' College.

(*b*) How many probationary teachers are there in the Department at present?

(*c*) Is the supply of trained teachers from this College sufficient to meet the requirements of the several Government and aided high and middle schools in the Presidency?

8. Have standard plans for cheap village schools been prepared by the Public Works Department? If so, what is the approximate estimated cost for a village school to accommodate 50, 100 and 200 boys in the Central Division, respectively?

Standard plans for village schools.

9. Will Government be pleased to state if the resolution moved in the Imperial Council in 1916 by the Honourable Khan Bahadur Asad Khan suggesting that steps be taken to investigate the possibility of placing the ancient and indigenous systems of medicine on a scientific basis and increasing their usefulness was referred to this Government for opinion, and if so, will the Government be pleased to lay its opinion on the Table?

Ayurvedic medicine.

Answers.

(*c*) The accompanying statement* gives the information required.

* *Vide* Appendix E.

(*d*) All the three lecturers hold the B. A. degree. One of them had nine years' teaching experience and the other two eight years' experience.

7. (*a*) Yes. Temporary assistants are made probationers after one year's service, if they are recommended by the Educational Inspector concerned. Probationers failing to obtain the Secondary Teachers' Certificate Diploma are relieved but are given previous notice of at least three months to enable them to seek employment elsewhere and in order that they may not lose their pensionable service in the Educational Department.

(*b*) 98.

(*c*) The answer is in the negative.

8. The answer to the first part of the question is in the affirmative. As regards the second part, the approximate cost is Rs. 1,700, Rs. 3,400 and Rs. 6,800, respectively.

9. Yes. As the matter is still under consideration, Government do not propose to place their reply on the Council Table.

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10. Has provision been made or is proposed to be made in any of the Government or aided Arts Colleges for giving the necessary training for the Teachers' Diploma?

Teaching for Teachers' Diploma in Arts Colleges.

10. Enquiries are being made.

11. (*a*) Will Government be pleased to state the probable cost for a hostel for the students of the Government Law School in Bombay?

Government Law School.

11. (*a*) The question is too vague for a definite answer to be given.

(*b*) How many hours a week have the students to attend the school and what will be the cost if provision for similar instruction is made at Poona, Ahmedabad and at Karachi in Sind?

(*b*) The students have to attend six hours a week. The cost of providing for similar instruction elsewhere is not known.

12. (*a*) With reference to the answer given to Question No. 3 (*c*) and the supplementary question asked by me at the last Council Meeting, will Government be pleased to state whether the whole of the cost of the Dhulia City Survey amounting to Rs. 17,633 was charged on the owners of private houses alone or was apportioned between them, the Municipality and Government in proportion to the areas belonging to them respectively which were surveyed?

Dhulia City Survey.

12. (*a*) The whole cost on account of the survey was recovered from the private house-holders concerned.

(*b*) If charged on the house-owners alone, will Government be pleased to state why it was so done when the charge was increased for surveying a total area of 2,144 acres 18 gunthas, of which only 150 acres and 32 gunthas were covered by private houses and their premises, as stated in answer to my said question 3 (*b*) asked at the last meeting?

(*b*) The cost was recovered in accordance with the usual practice under Rule 83 of the Land Revenue Code. It would not be possible to apportion the cost according to the proportions of the various areas included within the limits of the survey, since open sites, agricultural land, rivers, nallas, etc., are not measured in detail. Their boundaries only are shown, the labour of demarcating which is trifling. The main cost and labour is involved in the demarcation of land covered by private houses. Municipalities are charged survey fees on the properties from which they derive revenue.

(*c*) Had the townspeople or the Municipality applied for the City

(*c*) The survey was carried out as a work of public benefit and

Questions.	*Answers.*
Survey or was it ordered by Government itself at its own instance ?	utility to the persons concerned. No application from the Municipality or from the townspeople was required.
13. Will Government be pleased to state the number of subordinates in the Revenue line in the East Khandesh District drawing less than Rs. 50 who have passed the Higher or Lower Standard Examinations ? Pay of certain revenue subordinates in East Khandesh.	13. Information will be called for.
14. (*a*) Will Government be pleased to give the number of trained vernacular teachers in the Northern and Southern Divisions who have not received their maximum Code-pay ? Pay of teachers.	14 (*a*) The information has been called for.
(*b*) Will Government be pleased to state the minimum and maximum pay fixed— (i) For untrained Head Masters ? (ii) For untrained Assistants who have passed the qualifying vernacular final examination ?	(*b*) Untrained Head Masters in the Presidency proper start on a minimum of Rs. 11 and, if specially selected, may rise to Rs. 15, while untrained Assistants are engaged on a minimum of Rs. 9 and, after 5 years' service, may rise to Rs. 10. Thereafter unless these Assistants become Head Masters they do not get any increase of substantive pay, but in special cases allowances of Rs. 3 per mensem per head are given. In Sind untrained men duly qualified start on a minimum of Rs. 10 and may rise to Rs. 15, whether they are Assistants or Head Masters, but the latter begin on Rs. 11 as a minimum.
(*c*) What is the total number of such Head Masters and Assistants in the Local Board Schools in each district in the Central Division and what is their average pay ? (*d*) How many of them have put in more than 20, 15, 10 and 5 years' service and how many less than 5 ?	(*c*) and (*d*) The information has been called for.
(*e*) Has any scheme for the revision of the pay of these teachers been submitted to Government ? If so, will Government be pleased to give its details and to state when it will be given effect to ?	(*e*) Proposals for the improvement of the pay of untrained primary teachers have been received by Government and are under consideration.

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Questions. *Answers.*

15. Are the gymnasium teachers now receiving their pay according to the revised scale for which provision was made in this year's budget? If not, from what date will they be paid according to that scale?

Pay of teachers of gymnastics.

15. The question of sanctioning the revised scale of pay proposed for the gymnastic teachers is still under consideration.

16. Is it a fact that a scheme for entertaining special Persian and Sanskrit teachers is under consideration of the Educational Department, and if so, will Government be pleased to indicate its lines and to state when it will come into force?

Persian and Sanskrit teachers.

16. Enquiries are being made.

17. (*a*) What provision is usually made in the annual budget for prize books, dead-stock articles and class books for the several districts in the Presidency?

(*b*) Is it a fact that no provision for this is made this year in the West Khandesh Educational Budget?

Budget provision for prize books, etc.

17. (*a*) and (*b*) Enquiries are being made.

18. (*a*) Will Government be pleased to lay on the Table the original scheme of the staff sanctioned for the Secondary Teachers' Training College and to state why the post of the Vice-Principal carrying a salary of Rs. 500 a month was abolished and three junior men appointed as lecturers in his place on Rs. 150 each?

Secondary Teachers' Training College.

18. (*a*) The teaching staff of the College originally consisted of a Principal and a Vice-Principal. The reasons for the abolition of the latter's post have been given in the reply to part (*b*) of Question No. 6 put by the Honourable Member at the last meeting of the Legislative Council.

(*b*) What degrees do these lecturers hold and how many years' teaching experience they had before they were appointed to their present posts?

(*b*) The attention of the Honourable Member is invited to the reply given to part (*d*) of his question referred to in (*a*) above.

(*c*) What is the present number of students in the College, how many of them are (*a*) graduates and (*b*) under-graduates and what teaching experience they possessed before they joined the College?

(*c*) The number of students is 34. The remainder of the information required has been called for.

(*d*) Is it a fact that graduates are engaged in the Educational Depart-

(*d*) The answer is in the affirmative.

Questions.	*Answers.*
ment at first as probationers and then sent to the Secondary Teachers' College?	
(*e*) How many such probationers are at present serving in the Department and for how many years?	(*e*) There are 98 probationers. Enquiries are being made as regards their length of service.
(*f*) Have any cases occurred of the probationers having had to wait for their turn until they became over-age before they could be sent to the College?	(*f*) Enquiries are being made.
19. Will Government be pleased to give the following information as regards the Chief Officers engaged for the several Municipalities and Notified Areas in East Khandesh :— (1) The educational qualifying test, if any, which the individual may have passed? (2) The post, if any, he held and the pay he received before he was taken into the municipal service in the district and the pay he now receives and his standing in the municipal service of the district? (3) If taken from Government service his standing in that service?	19. The information is being obtained.
20. (*a*) Has Government's attention been drawn to a letter published in the "Times of India" of the 15th August 1917 under the signature of "a Government Pensioner" ventilating the grievances of the subordinates in the Lower Branch of the Revenue service?	20. (*a*) Yes.
(*b*) What is the minimum and maximum pay fixed for this Branch of the service?	(*b*) Rs. 15 upto Rs. 50. Very few places on Rs. 15 now remain and they are being abolished as opportunity offers.
(*c*) Is it a fact that several Collectors and some Commissioners also have reported that this service is overworked and underpaid and that the present pay and prospects are quite insufficient to attract any but inferior	(*c*) It is not correct that none but inferior men are recruited, but it is always desirable to improve the standard of recruits. The question to what extent better prospects of promotion can be offered to the

Chief Officers in East Khandesh Municipalities.

Pay and conditions of revenue subordinates.

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men to it, and that the difficulty of finding suitable recruits is acute?

Lower Subordinate Branch without unduly interfering with the recruitment and promotion of graduates is under consideration.

(*d*) Is it true that non-graduates in this Branch, who were qualified and eligible to appear for the Lower Standard Examination in 1910 are not now allowed to appear for that examination under the rules introduced in 1910?

(*d*) The Special Lower Standard Examination referred to was abolished in 1910, and consequently no one can enter for it. Members of the Lower Branch regarded as possessing special qualifications for the Upper Branch may be promoted to it.

(*e*) Will Government be pleased to lay on the table a statement showing the total number of men in this lower branch of the revenue service in each District and the number of them who are (*a*) graduates, (*b*) school final men, (*c*) Matriculates, (*d*) Vernacular final men and (*e*) of those who have not passed any English or Vernacular qualifying test?

(*f*) How many of those in (*a*), (*b*) and (*c*) have passed the Higher Standard and how many the Lower Standard Examinations?

(*e*) and (*f*) The labour involved in compiling the statement called for would be incommensurate with any advantage to be derived from it.

21. What educational qualifications are required for first appointments to the posts of Sub-Registrars and Abkari Sub-Inspectors' posts and what is the minimum and maximum salary of those posts?

Appointments of Sub-Registrars and Abkari Sub-Inspectors.

21. Sub-Registrars are generally appointed either from the clerical staff in the various registration offices or from the class of Probationers who are men of good education with a knowledge of English, a few being graduates.

In the case of Excise Sub-Inspectors men who have passed the School Final, Matriculation or other higher University Examination are generally selected.

The minimum and maximum salaries of the posts of Sub-Registrars and Excise Sub-Inspectors are as follows:—

	Minimum. Rs.	*Maximum.* Rs.
Sub-Registrars—		
(*a*) Presidency proper (exclusive of the Sub-Registrars, Bombay) ...	40	200
(*b*) Sind ...	25	150
Excise Sub-Inspectors ...	30	75

22. (*a*) With reference to the answers given to question No. 20 and the supple-

Commutation of Kulkarni watans.

22. (*a*) and (*b*). The Honourable Member is referred to the statements placed on the table in reply

Questions.

mentary question asked by me at the last meeting, will Government be pleased to state how many of the talatis who have been appointed by Government in place of the watandar kulkarnis whose watans were commuted have passed both the kulkarni's qualifying test as also the School Final or Vernacular Final Examination?

(*b*) How many of the talatis have passed only one of these tests and how many none of them?

(*c*) How many watandar kulkarnis in the several districts in the Central and Southern Divisions who have not consented to the commutation of their watans will be affected by Government Order No. 10676, Revenue Department, dated the 8th November 1916, which now requires them to pass the double tests referred to in the said order?

Answers.

to question No. 15 (ii) put by him at the meeting of 8th December 1914, which shows the number and qualifications of talatis up to then appointed in lieu of watandar kulkarnis, and the examinations passed by them. Government do not consider that any useful purpose would be served by collecting information beyond that contained in those statements.

(*c*) The orders are of general application but as they come into operation in regard to any particular representative watandar only when his turn of service comes round it is not possible to exhibit their application by figures. The order in question has been modified by Government Order No. 10717 dated 5th September 1917 which allows discretion to the officers making the appointments to appoint as officiators representative watandar kulkarnis who have not passed the Vernacular Final or School Final Examination but have rendered recent service which has been satisfactory and up to the standard of the work done by stipendiary village accountants. A copy* of this order is placed on the Table.

* *Vide* Appendix Q.

Agricultural Farms.

23. (*a*) Will Government be pleased to state how many of the Government Agricultural farms in the Presidency are working at a profit and how many at a loss?

23. (*a*) The farms are intended for experiment and demonstrations and their usefulness cannot be gauged by a bare profit and loss account.

(*b*) Have any agricultural classes been attached to these farms and, if so, to which of them and what is the total attendance in these classes?

(*b*) A school is attached to the Mirpurkhas farm. The attendance in 1915-16 was nine.

(*c*) Is any provision made for instruction in fruit cultivation in the Agricultural College or any of the Agricultural farms and have any of the agricultural graduates engaged in the Department specialised in this branch of agriculture?

(*c*) The information required is given in the Annual Report of the Department of Agriculture for 1915-16, *e. g.*, Appendix I, paragraph 36 of Appendix E and paragraph 30 of Appendix F of the Appendices attached to the Report.

(*d*) Will Government be pleased to state how the sum placed at the disposal of the Agricultural Department out of the wheat profits' grant is proposed to be utilised?

(*d*) The question of the distribution of the whole grant is still under consideration.

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Questions.

24. (*a*) Has Government's attention been drawn to the large increase in the cattle pound receipts in the districts of East and West Khandesh as also in Nasik as shown in the Local Board's Administration Report for 1915-16?

Increase in Cattle Pound Receipts.

(*b*) Is this due to higher rates being charged for cattle pound and, if so, at whose instance and in what talukas were the rates increased and to what extent? Were the Municipalities or the Local Boards in the districts consulted in the matter before raising the normal rates?

25. (*a*) Will Government be pleased to state if any complaints were made to the Collector or the Commissioner of undue pressure being used for levy of war loan in the Parner Taluka of the Ahmednagar District and, if so, what was the result of the inquiries, if any, made with reference to the same?

Alleged forced levy of war loan.

(*b*) Is it a fact that one Khushalchand Khubchand Marwadi of Padali Darga in the said taluka was detained at the *chavdi* and his house kept locked on the 28th June 1917 while there was a marriage at his house on the 29th June 1917?

(*c*) Was the house of one Saga Appaji Pawar of Babhulwadi in the same taluka kept locked for more than ten days?

26. Is it a fact that in several cases of lands taken up for Local Fund roads in East Khandesh compensation has not been paid for years? If so, will Government be pleased to state in how many cases it remains to be paid, how many years ago were the lands taken up for the roads and what is the total amount to be paid? Have any steps been taken to expedite the payment?

Compensation for lands taken for Local Fund roads.

[*Mr. Shridhar Balkrishna Upasani.*]

Answers.

24. (*a*) There was an increase in the cattle pounds receipts in the districts of East Khandesh and Nasik and a decrease in those of West Khandesh, in the year 1915-16 as compared with those of 1914-15. The aggregate figures for the three districts were less in 1915-16 than in 1913-14.

(*b*) Enhanced fees under sections 12 and 26 of the Cattle Trespass Act were applied by Government notifications in certain village areas in East Khandesh, and in and near the Municipal limits of the town of Nasik. No enhanced fees were ordered in West Khandesh. The notifications were issued on the recommendations of the District Magistrates supported by the Commissioner.

25. (*a*) Government were aware that the Commissioner and the Collector had received one complaint of the nature referred to from the Parner taluka but did not consider it necessary to take any action as these officers had the matter in hand for disposal.

(*b*) and (*c*) Government do not propose to call for the information asked for, as no representation has been received from the persons named that they are dissatisfied with the action taken by the local officers.

26. Between the years 1912 and 1917 notifications were issued in thirty cases for acquiring land for Local Fund roads in East Khandesh. Government will request the Commissioner to enquire whether payment has been unduly delayed in any case, and if so, to expedite payment. Government do not think that any useful purpose would be served by incurring the labour that would be involved in supplying the statement asked for.

Questions.

27. Is it a fact that quarry and stone fee which used to be charged at one anna a cart is now raised to six annas a cart in East Khandesh District?

Quarry and stone fee.

28. (*a*) What was the amount of the original estimate of the Lonavla Municipal Water Works and what did the actual cost ultimately amount to?

Lonavla Water Works.

(*b*) How much of the total cost was shared by the Municipality and Government?

(*c*) Did the G. I. P. Railway contribute any portion of the cost?

29. (*a*) Is it a fact that widows of deceased co-sharers in hereditary Kulkarni Watans have been allowed to pass commutation agreements under section 15 of the Watan Act and to also surrender their right to the one-third allowance on receiving cash payment?

Commutation of Kulkarni Watans.

(*b*) Have the other co-sharers, who had a right to officiate in respect of their share, been deprived of their watan under such commutation, both in respect of their own share and as reversion owners of the deceased sharer to even the one-third allowance, though the widow had only a life-interest in her husband's share?

(*c*) Has this happened in the case of one Govind Daji Kulkarni of Rajapur under a commutation agreement executed by Radhabai, widow of Govind Ramkrishna Kulkarni of that village, in taluka Dindori in the Nasik District?

(*d*) Has one Dhondu Narayan Kulkarni of Malpur in taluka Sakri been similarly deprived of the watan by his uncle passing a commutation agreement and surrendering his right on receiving a cash payment though he represented a younger branch and was not entitled to be the registered holder under section 36 of the Watan Act?

Answers.

27. The information will be called for.

28. (*a*) The original estimate was for Rs. 3,67,801. The completion certificate has not been received but the actual cost will be about Rs. 4,73,100.

(*b*) and (*c*) The cost is being shared equally by Government and the Municipality.

29. (*a*) and (*b*) Such widows have been permitted to commute the right of service, but Government are not purchasing from them by lump payment the cash allowances they receive in commutation.

(*c*) Radhabai's case has been dealt with as indicated above.

(*d*) So far as Government are aware the facts are not as stated.

APPENDIX A.

Statement showing Gazetted Officers re-employed after retirement in the Public Works and Sanitary Departments.

No.	Appointment held.	Pay at present drawn.	Re-employed for what period.		Remarks.
			Date from which first re-employed.	Date on which existing sanction terminates.	
		Rs. per mensem.			
1	Executive Engineer ...	P. 1,250 ...	9th January 1917 ...	31st December 1917...	Pension held in abeyance during term of re-employment.
2	Assistant Engineer ...	P. 700 ... L. A 80.	9th August 1903 ...	31st December 1917...	In addition to pension.
3	Do. ...	P. 450 ...	8th April 1914 ...	31st December 1917...	Pension held in abeyance during term of re-employment.
4	Do ...	P. 400 ...	1st April 1913 ...	31st December 1917...	
5	Do. ...	P. 400 ...	1st September 1916...	31st December 1917...	
6	Sub-Engineer ...	P. 500 ...	13th September 1916.	31st December 1917...	
7	Do. ...	P. 300 ...	19th September 1916.	31st December 1917...	
8	Deputy Sanitary Commissioner, Western Registration District	P. 1,450, Tentage 20.	11th March 1915 ...	Until a suitable officer of the I. M. S. can be made available.	In addition to pension.

APPENDIX B.

Statement showing details of expenditure of the Notified Area Committees for the year 1916-17 under the heads (1) Education, (2) Medical Relief, (3) Pay of staff and (4) Chief Officer's pay.

Name of District.	Name of Notified Area Committee	Details of expenditure on				Remarks.
		Education.	Medical Relief.	Pay of staff.	Chief Officers' pay	
		Rs. a. p.	Rs. a. p	Rs. a. p.	Rs. a. p.	
	Northern Division.					
Broach ...	Palej ...	.....	.....	684 0 0	.....	No taxation is levied and no establishment is entertained in the Notified Areas of Kankaria, Asarwa, Ellis Bridge and Sabarmatti in the Ahmedabad district, and of Kandivli, Bhynder, Goregaon, Vikhroli, Bhandup and Mulund in the Thana district.
Thana ...	Andheri ...	.....	.....	4,158 0 0	.....	
	Borivli ...	.....	.....	2,618 0 0	.....	
	Malad ...	.....	.....	2,229 0 0	.....	
	Santa Cruz ...	.....	.....	2,819 0 0	.....	
	Vile Padle ...	.....	.....	1,773 0 0	.....	
	Central Division.					
East Khandesh .	Pachora ...	.....	.....	485 0 0	.....	
	Chalisgaon ...	6,889 0 0	2,079 0 0	488 0 0	313 0 0	
Nasik ...	Nandgaon ...	2,515 6 1	2,121 5 1	556 5 6	.....	
	Manmad ...	.....	.....	1,077 0 0	.....	
Poona ...	Dhond ...	.....	165 0 0	1,021 13 10	.....	
Sholapur ...	Madha ...	.....	.....	1,188 0 0	.....	
	Kurduwadi ...	.....	.....	1,212 0 0	.....	
	Malsiras ...	.....	.....	384 0 0	.....	
	Southern Division.					
Belgaum ...	Chikodi ...	.....	102 0 0	1,512 0 0	.....	
	Bailhongal ...	.....	.....	1,501 0 0	.....	
	Khanapur ...	.....	.....	516 0 0	.....	
Bijapur ...	Hungund ...	.....	125 0 0	683 0 0	.....	
	Muddebihal ...	.....	.....	542 0 0	.....	
Dharwar ...	Hangal ...	.....	.....	510 0 0	.....	
	Hirekerur ...	.....	.....	362 0 0	.....	
Kolaba ...	Karjat ...	.....	.....	780 0 0	.....	
Ratnagiri ...	Dapoli ...	.....	250 0 0	1,599 0 0	.....	
	Rajapur * ...	3,324 0 0	1,515 0 0	2,221 0 0	.....	* This was a Municipality and was converted into a Notified Area with effect from 1st January 1917. The figures relate to the whole year 1916-17.

Note.—There are no Notified Area Committees in Sind.

APPENDIX C.

Statement showing the number of applications made to Collectors in the districts of Bombay Presidency by Mahomedans under section 92 of the Civil Procedure Code, during the years 1910—1916, the number rejected, and the reasons for rejection.

Name of the District.	Number of applications made.	Number of applications rejected.	Reasons for rejection.
Ahmedabad ...	16	5	In one of these five cases the application was not properly stamped. The remaining four did not fall within the terms of the section; the property referred to in them was found to be privately owned.
Kaira ...	Nil.	Nil.	.....
Panch Mahals ...	1	Nil.	.....
Broach ..	Nil.	Nil.	.....
Surat ...	11	4	In one of the four cases the Collector directed that a certificate was not necessary, in 2 he held that there was no wakf or public trust, and in one the application was withdrawn.
Thana ...	1	1	The income of the trust (*viz.*, the Thana Tembhi Mosque) was small, whereas the trustee, called the Mutwali, had spent large sums in the interest of the Musjid.
East Khandesh ...	Nil.	Nil.	.....
West Khandesh ...	Nil.	Nil.	.....
Nasik ...	Nil.	Nil.	.....
Ahmednagar ...	5	2	The property attached to the institutions was not proved to be a public charitable trust, as defined in section 92 of the Civil Procedure Code.
Poona ...	1	1	The alleged misappropriation and mismanagement by the trustees was not proved.
Satara ...	Nil.	Nil.	.....
Sholapur ...	1	Nil.	.....
Kolaba ...	Nil.	Nil.	.....
Ratnagiri ...	1	Nil.	.....
Bijapur .	1	Nil.	.....
Dharwar ...	Nil.	Nil.	.....
Belgaum ...	1	Nil.	.....
Kanara ...	Nil.	Nil.	.....
Karachi ...	Nil.	Nil	.....
Hyderabad ...	1	1	No trust was proved.
Sukkur ...	Nil.	Nil.	.....
Larkana .	Nil.	Nil.	.....
Nawabshah ...	Nil.	Nil.	.....
Thar and Parkar ...	Nil.	Nil.	.....
Upper Sind Frontier ..	Nil.	Nil.	.....

APPENDIX D.

Statement showing the educational expenditure in the British Districts in the Presidency in the years 1913-14 to 1916-17.

Year.	Buildings. (a)	School and College equipment. (b)		Stationery. (c)	Clerical establishment. (d)	Inspection. (e)	Direction. (f)	Travelling allowance. (g)	Total.
		School equipment.	College equipment						
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1913 1914	9,09,85	90,088	13,276	22,927	1,14,693	3,65,9[illegible]	63,741	91,049	16,71,539
1914-1915	10,69,360	3,91,423	14,864	30,949	1,61,594	4,09,303	69,311	1,10,573	22,57,377
1915 1916	7,19,493	49,635	5,762	30,335	1,74,554	4,27,968	65,895	1,09,331	15,82,973
1916-1917 .	7,61,84	19,344	1,330	9,799	1,80,824	4,30,024	61,333	1,06,600	15,91,095

APPENDIX E.

Statement referred to in the answer to question No. 6 (b) put by the Honourable Mr. Shridhar Balkrishna Upasani at the meeting of the Legislative Council held on the 24th July 1917.

Subjects taught by the Principal—

General Method. Psychology. Phonetics and Elocution.

The use of the Black board. Also Demonstration lessons in English, History, Geography, Civics and Morals.

By Mr. V. H. Anklesaria—

English Method. School Organisation. Also lessons in English.

By Mr. D. M. Doshi—

Method in Science. School Physiology and Hygiene.

Also lessons in Science and Vernacular lessons in Geography.

By Mr. M. R. Nadkarni—

Method in Mathematics. The History of Education.

Lessons in Mathematics and Vernacular lessons in History.

The number of periods assigned to the Principal is 13, to Messrs. Anklesaria and Nadkarni 15, and to Mr. Doshi 12. In addition there is a common-room meeting once a week and usually an excursion which occupies Saturday morning. An exercise in Composition is set every week and examined by each member of the staff in turn. The length of a period is 50 minutes.

APPENDIX F.

Name of the Division.	Name of the District.	Names of the Municipalities where no Mahomedan member holds a seat by election.
Northern Division ...	Ahmedabad ...	Prantij.
		Sanand.
	Kaira ...	Anand.
		Kaira.
	Broach ...	Ankleshwar.
	Thana ...	Bassein.
		Mahim.
		Thana.
		Ghatkopar.
Central Division ...	East Khandesh ...	Savda.
		Yawal.
		Faizpur.
		Amalner.
		Jalgaon.
		Raver.
	West Khandesh ...	Shirpur.
		Betawad.
		Nandurbar.
		Shahada.
	Nasik ...	Sinnar.
	Ahmednagar ...	Sangamner.
	Poona ...	Khed.
		Jejuri.
		Junnar.
		Baramati.
		Alandi.
		Indapur.
		Lonavla.
		Poona City.
	Satara ...	Mhaswad.
		Karad.
		Ashta.
		Islampur.
	Sholapur ...	Barsi.
		Karmala.
		Pandharpur.
		Sangola.
Southern Division ...	Belgaum ...	Nipani.
		Athni.
		Gokak.
		Saundatti-Yellamma.
	Dharwar	Dharwar.
		Gadag-Bettigeri.
		Navalgund.
		Nargund.
		Ranebennur.
		Byadgi.
		Haveri.
	Kanara ...	Karwar.
		Kumta.
		Honavar.
		Haliyal.
	Kolaba ...	Pen.*
		Matheran.
	Ratnagiri ...	Vengurla.
		Chiplun.
		Ratnagiri.†
Sind ...	Upper Sind Frontier ...	Jacobabad.

* There is a special ward for Mahomedans at Pen, but no Mahomedan stood as a candidate at the last election.

† A Mahomedan Councillor had been duly elected at the triennial election held in 1915, but owing to his non-attendance at meetings he vacated his office in December last.

APPENDIX G.

GREAT INDIAN PENINSULA RAILWAY COMPANY.
(Incorporated in England.)

AGENT'S OFFICE.

No. 207-C.—7.

VICTORIA TERMINUS:
Bombay, 15th September 1917.

THE JOINT SECRETARY TO THE GOVERNMENT OF BOMBAY,
PUBLIC WORKS DEPARTMENT,
Bombay.

Dear Sir,

Re *Thefts at Jalgaon Railway Station.*

In continuation of my letter No. 207-C.—3, dated 19th July 1917, I beg to state that the Superintendent of Government Railway Police advises me that eight cases of theft are reported to have occurred at Jalgaon during the year. The particulars of these cases are as under:—

(1) A passenger's trunk disappeared and the hamals who handled it were suspected.
(2) Two porters were convicted for stealing 0-6-0 worth of *dhál*.
(3) Investigation was refused in the absence of evidence to work on.
(4) Two porters were convicted for theft of wheat.
(5) Theft of *sáris*: undetected.
(6) Theft of tea: an outsider convicted.
(7) Theft of gram: watchman convicted.
(8) Theft of cash from a passenger, by an outsider: case under trial.

2. The merchants of Jalgaon recently complained that the Railway hamals were detected while misappropriating sugar from a consignment. The matter was carefully enquired into and it was ascertained that the consignment in question was received along with a consignment of twist in a road van, and the hamals finding it difficult to open the road van on the platform side, opened it on the off side. On opening the door one of the bags of sugar was found to be slightly torn, which was probably due to its having come in contact with the bolt of the wagon door. The bags were delivered the next day under clear receipt which fact goes to prove that no sugar was misappropriated by the hamals.

3. I do not consider that the merchants of Jalgaon have any just cause for complaint against the staff at that station.

4. In regard to the closing in of the goods shed the matter has not been lost sight of and when the station is remodelled, this work will be taken in hand.

Yours faithfully,

(Signed) FRANK J. CLARK,
for Agent.

APPENDIX H.

Statement referred to in the reply to question No. 15 put by the Honourable Mr. G. M. Bhurgri at the meeting of the Legislative Council held on the 24th July 1917.

	Number of Anglo-Vernacular schools.
CENTRAL DIVISION.	
Bombay	74
Poona District.	
Bhimthadi	1
Haveli	16
Junnar	1
Maval	2
Purandhar	1
Shirur	2
Satara District.	
Karad	1
Satara	3
Tasgaon	1
Wai	2
Sholapur District.	
Barsi ...	1
Pandharpur ...	2
Sholapur	3
Ahmednagar District.	
Nagar	5
Newasa	1
Rahuri	1
Sangamner	1
Nasik District.	
Chandor	2
Malegaon	2
Nasik	6
Sinnar	1
Yeola	1
East Khandesh District.	
Amalner	1
Bhusaval	1
Chalisgaon .. .	1
Erandol	2
Jalgaon	2
Raver	1
Yawal	2
West Khandesh District.	
Dhulia	2
Nandurbar	1
Shahada	1
Sirpur .. .	1

	Number of Anglo-Vernacular schools.
NORTHERN DIVISION.	
Ahmedabad District.	
Daskroi	11
Sanand	2
Dholka	1
Dhandhuka	3
Prantij ...	2
Viramgam	3
Kaira District.	
Nadiad	5
Mehmadabad	2
Anand	9
Borsad	6
Kapadvanj	2
Thasra	2
Panch Mahals.	
Godhra	3
Kalol	2
Dohad	1
Halol	1
Baroda Camp	2
Broach District.	
Broach	6
Amod	1
Hansot	1
Ankleshwar	1
Jambusar	1
Surat District	
Chorasi	12
Bulsar	2
Olpad	1
Mandvi	2
Chikhli	2
Jalalpore	2
Bardoli ...	4
Pardi	1
Thana District.	
Salsette	5
Kalyan ..	1
Shahapur	2
Bhivandi	1
Dahanu	2
Umbergaon	1
Bassein .. .	3
Deesa Camp.	
Deesa Camp	1

	Number of Anglo-Vernacular schools.
SOUTHERN DIVISION.	
Dharwar District.	
Dharwar	3
Hubli	4
Gadag	1
Hangal	1
Karajgi	2
Navalgund ...	2
Ranebennur	2
Belgaum District.	
Belgaum	4
Athani	1
Chikodi	1
Gokak	1
Savadatti	1
Sampgaon	1
Bijapur District.	
Bijapur	3
Bagalkot	1
Hungund	1
Kanara District.	
Karwar	3
Ankola	1
Kumta	2
Honavar	3
Sirsi	1
Ratnagiri District.	
Ratnagiri	4
Malvan	3
Dapoli	1
Rajapur	1
Vengurla	4
Chiplun	1
Khed	1
Sangmeshwar	1
Deogad	1

	Number of Anglo-Vernacular schools.
SOUTHERN DIVISION— *continued.*	
Kolaba District.	
Alibag	2
Mahad	1
Panvel	2
Pen	1
Roha	1
SIND.	
Karachi District.	
Karachi	12
Kotri	2
Tatta	1
Hyderabad District.	
Hyderabad	13
Tando Allahyar	1
Nawabshah District.	
Naushahro	6
Kandiaro	3
Shahdadpur	2
Sukkur District.	
Shikarpur	2
Sukkur	2
Rohri	2
Garhi Yasin	1
Upper Sind Frontier.	
Jacobabad	1
Larkana District.	
Larkana	2
Sehwan	2
Kambar	1
Ratodero	2
Mehar	1
Dadu	1
Thar and Parkar.	
Mirpurkhas ...	1
Mithi	1
Pithoro	1

APPENDIX I.

Statement of Sugar Factories in the Bombay Presidency and their condition.

	Locality.	Names of Factories.	Condition.	Remarks.
1	Sirsi (Kanara District) ...	The Venkatrao V. Nilekani Rice and Sugar Factory.	.....	The manufacture of sugar has been abandoned since 1912 as unprofitable.
2	Sholapur	The Mallappa Basappa Varad Sugar Factory.	This factory turns out 8 to 10 bags per year, the produce being mostly for private consumption.	
3	Fursungi (near Poona) ..	The Hanuman Sugar Factory.	.....	This factory is worked for about 6 months of the year only. The working of this factory is reported to be unprofitable.
4	Mundhwa (Poona District).	The Poona Sugar Factory	.....	This factory is not worked at present.

APPENDIX J.

Local Self-Government: Power of Vice-Presidents of Taluka Local Boards to perform the duties of the President during the interval between the latter officer vacating his post and his successor assuming charge of his duties.

No. 2833.

REVENUE DEPARTMENT.

Bombay Castle, 7th May 1887.

Read again paragraph 3 of Government Resolution No. 2228, dated 13th April 1887—Stating that orders will be issued hereafter on the suggestion made by the Collector of Poona in paragraph 3 of his letter No. 510, dated 29th March 1887, to the effect that the President, District Local Board, may be vested with power to authorise Vice-Presidents of Taluka Local Boards to perform the duties of President, Taluka Local Board, during the interval between the latter vacating his post and his successor assuming charge of his duties.

Government memorandum to the Remembrancer of Legal Affairs, No. 2265, dated 15th April 1887—Forwarding to him extract paragraph 3 of a letter No. 510, dated 29th March 1887, from the Collector of Poona; and requesting his opinion on the proposal made therein by the Collector.

Letter from the Remembrancer of Legal Affairs, No. 449, dated 19th April 1887:—

"In reply to Government memorandum No. 2265, dated 15th instant, I have the honour to report that I am not aware what are the difficulties which Mr. East's proposal is intended to meet, but that a modification of the Act would, in my opinion, be necessary to give effect to that proposal.

"2. It seems possible, however, that the desired end might be obtained by a deputation of powers and duties under section 29 (*b*) of the Local Boards Act."

Government memorandum to the Remembrancer of Legal Affairs, No A.—7, dated 29th April 1887.

Memorandum from the Remembrancer of Legal Affairs, dated 29th April 1887:—

"I still think that the Collector's proposal could not be carried out without an amendment of the Act.

"2 Nor do I think that it would be in accordance with the intention of the Legislature that a President about to resign and knowing that his office would probably remain vacant for some time should depute the powers and duties of the President during such vacancy only to the Vice-President.

"3. But section 29 (*b*) of the Local Boards Act contemplates the deputation of powers and duties by every President of a Local Board to the Vice-President as an ordinary feature of the administration; and if, in addition to the powers and duties deputed to the Vice-President absolutely, the President were to depute to him certain other powers and duties to be exercised and performed by him only when the President himself is absent from the head-quarters of the board or from the district, such deputation would hold good during any temporary vacancy in the office of the President.

"4. The Act, of course, does not contemplate that there will ever be a prolonged vacancy in the President's office."

RESOLUTION.—Copies of the Legal Remembrancer's reports should be sent to the Commissioner in Sind, the Divisional Commissioners and all Collectors for information and guidance.

T. D. MACKENZIE,
Acting Secretary to Government.

To

The Commissioner in Sind,
The Commissioner, N. D.,
The Commissioner, S. D.,
The Commissioner, C. D.,
All Collectors, including the Collectors and Deputy Commissioners in Sind,
The Remembrancer of Legal Affairs,
The General Department of the Secretariat,
The Accountant General,
The Educational Department of the Secretariat,
The Public Works Department of the Secretariat.

APPENDIX K.

Statement B referred to in the reply to Question No. 8 (b) and (c) put by the Honourable Mr. P. A. Desai at the meeting of the Legislative Council held on the 24th July 1917.

Name of School in the Kolaba District.	Number of students in each standard.		
	Standard V.	Standard VI.	Standard VII.
LOCAL BOARD SCHOOLS.			
Taluka Alibag.			
Akshi	4	...	...
Awas	14	8	18
Bandhan	8	...	...
Choul	6	3	10
Chari	11	6	3
Hashivre	16	7	7
Kihim	16	6	3
Kusumbale	3	2	4
Nagaon	21	23	18
Poynad	7	9	10
Revdanda	8	3	7
Sasavane	10	4	...
Shahabaj	12	8	15
Thal Agar	17	...	...
Vaghran	2	...	...
Taluka Karjat.			
Chouk	3	...	...
Dahivali	2	4	...
Jambivali	4	3	...
Karjat	4	6	2
Khalapur	6	4	4
Neral Boys'	8	3	5
Neral Katkari	4	...	...
Taluka Mahad.			
Birawadi	24	16	16
Dasgaon	5	4	...
Nate	3	4	3
Poladpur	7	1	...
Chimbhave Urdu	5	...	...
Vahur Urdu	2	4	...
Taluka Mangaon.			
Goregaon	19	16	16
Nizampur	4	1	1
Tale	18	8	11
Utekol	5	3	3
Morbe Urdu	10	...	...
Taluka Panwel.			
Apte	6	6	5
Chirner	4	3	6
Kegaon	3	...	...
Palaspe	12	2	1
Sai	9	...	...

APPENDIX K—*continued.*

Name of School in the Kolaba District.	Number of students in each standard.		
	Standard V.	Standard VI.	Standard VII.
LOCAL BOARD SCHOOLS—contd.			
Taluka Pen.			
Nagothane	17	3	...
Varsai	4	...	....
Vashi	7	8	4
Vavoshi	4	...	...
Nagothane Urdu	1	...	...
Taluka Roha.			
Chanhere	8	5	...
Medhe	11	...	...
	374	193	172
MUNICIPAL SCHOOLS.			
Taluka Alibag.			
Alibag No. 1	34	7	7
Taluka Karjat.			
Matheran	2	4	...
Taluka Mahad.			
Mahad No. 1	45	20	28
Taluka Panwel.			
Panwel No. 1	4	...	1
Uran No.	10	2	6
Panwel Urdu	3	...	...
Uran No. 2 (Girls)	4	...	...
Taluka Pen.			
Pen No. 1	25	15	2
Pen Girls'	3	...	...
Taluka Roha.			
Roha No. 1	17	16	17
Ashtami	5	...	...
	152	64	61
AIDED SCHOOLS.			
Taluka Alibag.			
Alibag Mission Boys' ...	2	...	...
Do. Girls' ...	6	...	...
Choul Dadar	11	...	...
Revdanda Mission Girls' ...	11	...	...
Taluka Roha.			
Ingalsai	11	...	...
Ashtami Mission Girls' ...	1	...	...
	42	...	...
Grand Total ...	568	257	233

APPENDIX K—*continued.*

Statement A referred to in the reply to Question No. 8 (b) and (c) put by the Hon'ble Mr. P. A. Desai at the meeting of the Legislative Council held on the 24th July 1917.

Name of taluka in the Kolaba Distric .	Name of school in which education up to the VII standard is imparted.
Alibag	Avas.
	Choul.
	Chari.
	Hashivren.
	Kihim.
	Kusumbalen.
	Nagaon.
	Poyanad.
	Revdanda.
	Shahabaj.
Karjat	Karjat.
	Khalapur.
	Neral.
Mahad	Birwadi.
	Nate.
Mangaon	Goregaon.
	Nizampur.
	Tale.
	Utekhol.
Panwel	Apte.
	Chirner.
	Palaspe.
Pen	Vashi.
Alibag Municipality	Alibag No. 1.
Mahad do.	Mahad No. 1.
Panwel do.	Panwel No. 1.
Uran do.	Uran No. 1.
Pen do.	Pen No. 1.
Roha do.	Roha No. 1.

APPENDIX L.

List of the municipalities constituted under section 10 (1) of the Bombay District Municipal Act, 1901, which enjoy the privilege of selecting their president by a two-thirds majority, but which do not enjoy the privilege of electing two-thirds of their total number of councillors.

Northern Division.

Dholka.	Borsad.	Jambusar.	Kalyan.
Viramgam.	Kapadvanj.	Rander.	Kurla.
Gogha.	Umreth.	Bulsar.	Mahim.
Sanand.	Ankleshwar.	Thana.	Bhiwndi.
Anand.			

Central Division.

Sangamner.	Erandol.	Saswad.	Poona suburban
Vambori (at present under suspension).	Dharangaon.	Jejuri.	Ashta.
	Faizpur.	Baramati.	Islampur.
Kharda.	Sindkheda.	Indapur.	Tasgaon.
Yaval.	Shirpur.	Sirur.	Karad.
Raver.	Nandurbar.	Talegaon-Dabhade.	Mhasvad.
Savda.	Taloda.		Rahimatpur.
Amalner.	Shahada.	Khed.	Wai.
Chopda.	Betavad.	Alandi.	Karmala.
Parola.	Sinnar.	Junnar.	

Southern Division.

Athni.	Karwar.	Alibag.	Panvel.
Gokak.	Sirsi.	Pen.	Uran.
Navalgund.	Kumta.	Roha-Ashtami.	Chiplun.
Ranebennur.			

APPENDIX M.

Statement referred to in the reply to Question No. 26 (a) put by the Hon'ble Mr. S. B. Upasani at the meeting of the Legislative Council held on the 13th March 1917.

Name of Village with Taluka.	Whether a school-building has been provided.	Remarks.
Taluka Amalner.		
Amalgaon ...	The work of constructing a new school-house has commenced.	
Amalner ...	Not provided ..	The amount has been handed over to the Municipality to build the school-house through its own agency.
Mudi ...	Do. ...	The estimates for the new school-house have been sanctioned and the work will commence shortly.
Ambapimpri ...	Do. .	The village has no school.
Jalod ...	Do. ...	All the contribution is being spent for the works referred to above and there is no balance on hand.
Petha Parola.		
Shirasmani ...	Not provided ...	Some additions were to be made to the present school building, but as the number of children was gradually decreasing no steps were taken. The school has been closed from 1st June 1917.
Bahadarpur ...	Do. ...	It was decided in the year 1914 by the Collector that the villagers should contribute Rs. 4,000 and a School Fund Association should be formed for Bahadarpur village only. As, however, the villagers have not yet paid the whole amount of Rs. 4,000, no steps have been taken in the matter. When the Association referred to is formed, the District Local Board, East Khandesh, will allow the present local board building to be sold and its proceeds to be credited to the Association as a grant for constructing a new school-house.
Taluka Bhusaval.		
Shelwad ... Jamti* ... Kurhe* ... Varad-Sin ... Sakri ... Harankhede* ... Fulgaon ...	Not provided ...	The buildings have not been provided for want of sufficient funds.
Petha Edlabad.		
Anturli ...	A new storey on the old school-house is under construction.	Has already a local board building.
Kakode ...	A new school-house has been recently built by the villagers.	
Loharkhede ...	Not provided ...	There is no school at this place.

* Has already a local board building.

Name of Village with Taluka.	Whether a school building has been provided.	Remarks.
Petha Edlabad—contd.		
Nimkhede ...	A new school-house has been recently provided by the villagers.	
Kurha ...	Not provided ...	The work has not yet been undertaken for want of sufficient funds.
Ghodasgaon ...	A new school building has been nearly completed by the villagers.	
Bhota ...	Not provided ...	There is no school at the place.
Sukli ...	Do. ...	For want of funds.
Karki ...	Do. ...	There is no school at this place.
Pimpri Nandre ...	Do. ...	For want of funds.
Belaswadi ...	Do. ...	Do.
Taluka Chalisgaon.		
Sayagaon ...	Not provided ...	The villagers are willing to build the school-house at their cost. The contribution is to be repaid.
Vaghali ...	Extension provided ...	Has already a local board building.
Hirapur ...	Not provided ...	For want of funds.
Ranjangaon ...	Provision for extension not made.	For want of funds. Has already a local board building.
Bahal ...	Do. ...	*Vide* answer to part (*b*) of the question.
Karajgaon ...	Not provided ...	For want of funds.
Mehunbare ...	Provision for extension not made.	For want of funds. Has already a local board building.
Talwade ...	Provision for extension not made. ...	For want of funds. Has already a local board building.
Hatnur ...	Do. do. ...	For want of funds. Has already a local board building.
Pilkhod ...	Do. do. ...	Do. do.
Chikhalthan ...	Do. do. ...	Do. do.
Taluka Chopda.		
Vardi ...	Provided ...	The school-house was completed by the end of March 1917.
Adgaon ...	Do. ...	Do. do.
Virvade ...	Do. ...	Do. do.
Chardhi ...	Do. ...	Under construction.
Nagalwadi ...	Do. ...	Do.
Nimbgavhan ...	Do. ...	Do.
Hated ...	Do. ...	Do.
There are many other villages that have contributed, but the details are not available.		
Taluka Erandol.		
Salve ...	Not provided. ...	Extension completed in 1916-17.
Nanded ...	Extension provided ...	Work in progress.
Sonwad ...	Not provided ...	For want of funds. Has already a local board building.
Talai ...	Do. ..	Do. do.
Rotwad ...	Provided ..	.....
Adgaon ...	Not provided ...	For want of funds.
Ringangaon ..	Do. ...	Do.
Farkande ..	Do. ...	Do.
Nipane ..	Do. ...	Do.
Kadholi ...	Do. ..	Do.
Torwad ...	Do. ...	Do.
Pimplekothe ..	Do. ...	Do.
Kasode ..	Do. ...	Do. Has already a local board building. Extension wanting.

Name of Village with Taluka.	Whether a school building has been provided.	Remarks.
Taluka Erandol— continued.		
Utran ...	Provided ...	Estimates sent for approval.
Erandol ...	Not provided ...	The amount has been handed over to the Municipality for constructing a building through their agency.
*Contributions for villages which have no schools.	.....	School-houses at Savkhede and Kharchi Bk. have been provided for out of this amount.
Taluka Jalgaon.		
Shirsoli ...	Not provided ...	The plans and estimates for extension have yet to be prepared. Correspondence is going on. Has already a local board building.
Bhadli ...	Do. ...	Do. do.
Jalke ...	Do. ...	The remaining required amount is yet to be collected and after collection the work will be taken in hand.
Pimprala ...	Do. ...	The remaining amount is yet to be collected. The contribution has been spent for acquisition of the land only.
Taluka Jamner.		
Betawad Bk. ...	Not provided ..	For want of sufficient funds.
Do. Kd. ...	Provided ...	The work was completed in April 1917.
Sunasgaon ..	Not provided ...	For want of funds.
Khadgaon ...	Do. ..	Do.
Small contributions have also been received from villages which have no schools, but the details are not available.		
Taluka Pachora.		
Nandra ...	Provided ...	The work is in progress.
Kajgaon ...	Provided ...	The work is in progress.
Chinchpure ...	Not provided ...	.....
Shindad ...	Do ...	.....
Pachora ...	Do. ..	Has already a local board building but wanting extension.
Kurangi ...	Do. ...	.....
Lohare Bk. ...	Do. ..	At present school-houses have been provided at Nandre and Kajgaon, and other villages will be provided with buildings as funds permit.
Bambrul ...	Do. ...	.....
Balad ...	Do. ...	.....
Pahan ...	Do. ..	Has already a local board building.
Nagardeola ...	Do. ...	.....
Pimpalgaon ...	Do. ..	Has already a local board building.
Vadgaon Bk. ...	Do. ..	.....
Contributions have also been received from other small villages, but the details are not available.		
Taluka Raver.		
Ainapur ...	Not provided ..	For want of funds.
Voghode ...	Do. ...	Do.
Vivre ...	Provided ...	Estimates sent for sanction.
Rasalpur ...	Not provided ...	For want of funds.
Kalmode ...	Provided ...	Estimates sent for sanction.
The details of the Taluka School Association Fund collected at big villages are not available.		

* Details are not available.

Name of Village with Taluka.	Whether a school building has been provided.	Remarks.
Taluka Yaval.		
Attrawal ...	Extension provided ...	Work in progress.
Nhavi ...	Provided ...	Do.
Adgaon ...	Not provided ...	Last year (1916-17), the School Fund Association, Taluka Yaval, was formed and the contributions received from several villagers were consolidated into one fund of the Association. This year the Association has taken up the two school buildings at Attrawal and Nhavi for which almost the whole amount of the fund had to be spent. Until grants for the school-houses built are paid or more contributions are collected from other villages, the funds cannot be recouped and no new building can be built.
Khorpawali ...	Do. ...	
Bhalod *	Extension not provided ..	
Borkhede ...	Not provided ...	
Kingaon * ...	Do. ...	
Kathore ...	Extension not provided ..	
Kolwad ...	Provided ...	
Hingone * ...	Extension not provided ..	
Sakli * ...	Do. ...	
Padalse * ...	Do. ...	
Marul ...	Not provided ...	

* Has already a local board building.

APPENDIX N.

Statement showing the amount of money spent on primary education in Cantonment areas referred to in the reply to question No. 3 put by the Honourable Mr. D. V. Belvi at the meeting of the Legislative Council held on the 24th July 1917.

Name of the Cantonment.	Year.	Annual income.	Approximate population.	Number of primary schools.	Amount of money spent.			Remarks.
					Government grant.	Other sources.	Total.	
Sind Division.		Rs. a. p.			Rs.	Rs. a. p.	Rs. a. p.	
Karachi ...	1912-13	42 0 0	6,000	2	2,269	.....	2,269 0 0	There is no school belonging to the Cantonment Committee. The two schools in Karachi are Government schools.
	1913-14	42 0 0			2,816	.....	2,816 0 0	
	1914-15	36 0 0			2,242	.....	2,242 0 0	
	1915-16	48 0 0			2,368	.....	2,368 0 0	
	1916-17	51 0 0			2,693	.....	2,693 0 0	
Hyderabad ...	1912-13	200 0 0	6,814	1	65	5 0 0	70 0 0	Aided schools.
	1913-14	200 0 0		1	75	.....	75 0 0	
	1914-15	350 0 0		1	90	.....	90 0 0	
	1915-16	350 0 0		1	100	.....	100 0 0	
	1916-17	542 0 0		2	140	25 0 0	165 0 0	
Northern Division.								
Ahmedabad ...	1912-13	462 0 0	1,500	1	150	312 0 0	462 0 0	This school is maintained by the Cantonment Committee.
	1913-14	527 0 0			150	377 0 0	527 0 0	
	1914-15	500 0 0			125	375 0 0	500 0 0	
	1915-16	500 0 0			125	375 0 0	500 0 0	
	1916-17	509 0 0			125	384 0 0	509 0 0	
Deesa ...	1912-13	2,701 0 0	7,129	4	628	2,073 0 0	2,701 0 0	Of these four schools, one is maintained by the Cantonment Committee and the rest are aided.
	1913-14	2,683 0 0			786	1,897 0 0	2,683 0 0	
	1914-15	2,713 0 0			738	1,975 0 0	2,713 0 0	
	1915-16	2,835 0 0			737	2,098 0 0	2,835 0 0	
	1916-17	2,748 0 0			759	1,989 0 0	2,748 0 0	

Baroda ...	1912-13	2,695 4 8	3,478	2	...	.....	2,695 4 8	Aided schools
	1913-14	2,564 13 8					2,564 13 8	
	1914-15	2,564 11 9					2,564 11 9	
	1915-16	2,551 1 10					2,551 1 10	
	1916-17	2,563 0 6					2,563 0 6	
Baroda ...	1912-13	4,685 8 0	3,478	3	1,344*	3,341 8 0†	4,685 8 0	* Imperial grant. † This includes Rs. 50 from Cantonment funds.
	1913-14	4,860 5 9		2	1,213*	3,647 5 9	4,860 5 9	
	1914-15	5,228 6 0		2	1,266*	3,962 6 0	5,228 6 0	
	1915-16	5,702 13 9		2	1,446*	4,256 13 9	5,702 13 9	
	1916-17	6,323 2 6		2	1,512*	4,811 2 6	6,323 2 6	
Central Division.								
Satara Suburban ...	1912-13	589 0 0	1,892	1	284	305 0 0	589 0 0	Maintained by the Cantonment Committee.
	1913-14	615 0 0			284	331 0 0	615 0 0	
	1914-15	603 0 0			284	319 0 0	603 0 0	
	1915-16	668 0 0			284	384 0 0	668 0 0	
	1916-17	635 0 0			284	351 0 0	635 0 0	
Ahmednagar ...	1912-13	No school existed.	11,188	...	...	.....	.....	
	1913-14							
	1914-15							
	1915-16							
	1916-17	31,956 0 0	...	2	...	1,589 0 0	1,589 0 0	
Poona ...	1912-13	25,493 0 0	32,226	21	6,416	19,077 0 0	25,493 0 0	
	1913-14	29,004 0 0		21	6,968	22,936 0 0	29,004 0 0	
	1914-15	29,371 0 0		20	7,354	22,017 0 0	29,371 0 0	
	1915-16	30,387 0 0		20	8,039	22,348 0 0	30,387 0 0	
	1916-17	27,911 0 0		20	7,968	19,943 0 0	27,911 0 0	
Kirkee ...	1912-13	42 0 0	14,028	1	42	.....	42 0 0	Aided schools.
	1913-14	541 0 0		2	81	460 0 0	541 0 0	
	1914-15	2,132 0 0		3	561	1,571 0 0	2,132 0 0	
	1915-16	2,389 0 0		3	486	1,903 0 0	2,389 0 0	
	1916-17	2,243 0 0		5	486	1,757 0 0	2,243 0 0	

Name of the Cantonment.	Year.	Annual income.	Approximate population.	Number of primary schools.	Amount of money spent.			Remarks.
					Government grant.	Other sources.	Total.	
Central Division—contd.		Rs. a. p.			Rs.	Rs. a. p.	Rs. a. p.	
Satara ...	1912-13	3,507 0 0	1,892	3	848	2,659 0 0	3,507 0 0	
	1913-14	1,954 0 0		2	803	1,151 0 0	1,954 0 0	
	1914-15	2,225 0 0		3	653	1,572 0 0	2,225 0 0	
	1915-16	2,221 0 0		3	682	1,539 0 0	2,221 0 0	
	1916-17	2,372 0 0		3	667	1,705 0 0	2,372 0 0	
Bhingar (Nagar District).	1912-13 to 1915-16	No school existed.	...	...	...	.....	.....	
	1916-17.	297 0 0	11,188	1	90	207 0 0	297 0 0	
Deolali Camp (Nasik District).	1912-13 to 1916-17	4,477 0 0	1,400	1	730	3,747 0 0	4,477 0 0	
Southern Division.								
Belgaum ...	1912-13	1,536 0 0	11,535	3	250	1,286 0 0	1,536 0 0	Aided schools.
	1913-14	1,787 0 0		4	336	1,451 0 0	1,787 0 0	
	1914-15	1,741 0 0		4	360	1,381 0 0	1,741 0 0	
	1915-16	2,571 0 0		6	369	2,202 0 0	2,571 0 0	
	1916-17	2,463 0 0		6	466	1,997 0 0	2,463 0 0	

APPENDIX O.

A.

Statement showing the Mahomedan representation on each of the District Municipalities in the Bombay Presidency.

District.	Name of Municipality.	Number of Mahomedan members.		Mahomedan population in the area.	Proportion of Mahomedan representation in relation to the population.
		Elected.	Nominated.		
	Northern Division.				
Ahmedabad ...	Ahmedabad ...	3	2	44,705	
	Viramgam ...	1	2	4,453	
	Dholka ...	2	1	4,513	
	Dhandhuka ...	2	1	2,733	
	Prantij ...	Nil.	1	1,570	
	Modasa ...	3	1	3,289	
	Sanand ...	Nil.	Nil.	184	
	Ranpur ...	Nil.	4	1,577	
	Dholera ...	Nil.	2	719	
	Gogha ...	1	2	1,754	
Kaira ...	Kaira ...	Nil.	2	1,188	
	Anand ...	Nil.	1	698	
	Umreth ...	1	Nil.	1,733	
	Borsad ...	1	1	2,021	
	Kapadvanj ...	1	3	5,611	
	Dakor ...	Nil.	1	332	
	Mehmadabad ...	Nil.	3	1,452	
	Nadiad ...	1	2	4,238	
	Mahudha ...	Nil.	1	2,328	
Panch Mahals ...	Godhra ...	7	1	16,430	
	Dohad ...	3	1	3,743	
Broach ...	Broach ...	2	4	12,195	
	Ankleshwar ...	Nil.	1	2,000	
	Jambusar ...	2	1	2,285	
Surat ...	Surat ...	3	2	24,345	
	Rander ...	4	1	4,229	
	Bulsar ...	1	2	2,294	
Thana ...	Thana ...	Nil.	1	1,264	
	Ghatkopar, Kirol ...	Nil.	Nil.	50 (approximately).	
	Kurla ...	1	1	2,772	
	Bandra ...	1	Nil.	3,189	
	Bassein ...	Nil.	Nil.	906	
	Mahim ...	Nil.	Nil.	115	
	Bhiwndi ...	2	3	7,592	
	Kalyan ...	3	2	2,619	
	Central Division.				
Ahmednagar ...	Ahmednagar ...	5	1	5,119	
	Kharda ...	1	2	796	
	Sangamner ...	Nil.	2	2,299	
	Vambori ...	Under supersession.	...	441	
East Khandesh ...	Jalgaon ...	Nil.	2	3,221	
	Bhusaval ...	3	1	3,283	
	Yaval ...	Nil.	2	2,054	
	Faizpur ...	Nil.	2	990	
	Raver ...	Nil.	3	1,530	
	Savda ...	Nil.	2	993	

APPENDIX O—*continued.*

District.	Name of Municipality.	Number of Mahomedan members.		Mahomedan population in the area.	Proportion of Mahomedan representation is relation to the population.
		Elected.	Nominated.		
	Central Division—continued				
East Khandesh—*continued.*	Amalner ...	Nil.	2	2,130	
	Parola ...	3	1	2,031	
	Chopda ...	2	Nil.	3,846	
	Dharangaon ...	1	1	2,930	
	Erandol ...	Nil.	2	2,952	
West Khandesh ...	Dhulia ...	2	3	6,754	
	Sindkheda ...	2	1	1,036	
	Betawad ...	Nil.	2	652	
	Shirpur ...	Nil.	1	802	
	Nandurbar ..	Nil.	1	2,433	
	Taloda ...	1	1	465	
	Shahada ...	Nil.	2	1,583	
Nasik ...	Nasik ...	3	1	4,306	
	Yeola ...	2	2	4,506	
	Malegaon ...	5	2	14,987	
	Sinnar ...	Nil.	1	260	
	Igatpuri ..	1	Nil.	1,199	
	Trimbak ...	No elective franchise.	1	119	
Poona	Poona City ...	Nil.	3	12,070	
	Sasvad ...	1	Nil.	101	
	Jejuri ..	Nil.	1	182	
	Baramati ...	Nil.	1	928	
	Indapur ..	Nil.	2	469	
	Sirur ...	1	3	914	
	Talegaon-Dabhade .	1	1	381	
	Lonavla ...	Nil.	Nil.	1,250	
	Khed ...	Nil.	1	351	
	Alandi ...	Nil.	Nil.	9	
	Junnar ...	Nil.	3	1,529	
	Poona Suburban ...	2	Nil.	999	
Satara ...	Satara ...	1	1	2,325	
	Karad ...	Nil.	2	1,841	
	Rahimatpur ...	1	Nil.	393	
	Wai ...	2	1	784	
	Mhasvad ...	Nil.	1	229	
	Islampur ...	Nil.	1	803	
	Vita ...	No elective franchise.	1	218	
	Tasgaon ...	1	1	635	
	Ashta ...	Nil.	1	603	
	Malcolmpeth ...	No elective franchise.	2	1,456	
	Satara Suburban ...	Do.	1	578	
	Panchgani ...	Do.	Nil.	92	
Sholapur ...	Sholapur ...	3	Nil.	13,575	
	Barsi ...	Nil.	1	2,105	
	Karmala ...	Nil.	2	973	
	Pandharpur ...	Nil.	1	1,313	
	Sangola ...	Nil.	Nil.	444	

APPENDIX O—*continued.*

District.	Name of Municipality.	Number of Mahomedan members.		Mahomedan population in the area.	Proportion of the Mahomedan representation in relation to the population.
		Elected.	Nominated.		
	Southern Division.				
Ratnagiri ...	Vengurla ...	...	1	379	
	Ratnagiri ...	1	1	3,737	
	Chiplun ...	...	1	2,634	
Bijapur ...	Bijapur ...	1	2	7,749	
	Bagalkot ...	2	1	4,370	
	Guledgud ...	1	...	1,987	
	Ilkal ...	2	1	2,240	
Belgaum ...	Belgaum ...	2	1	6,530	
	Nipani ...	...	1	1,043	
	Athni ...	...	1	2,113	
	Gokak ..	...	1	1,223	
	Saundatti Yellamma.	...	1	728	
Kanara ...	Karwar ...	...	1	1,348	
	Kumta ...	.....	1	1,088	
	Haliyal ...	... ..	1	1,441	
	Honavar ...	... ..	.....	343	
	Bhatkal ...	1	1	4,308	
Kolaba ...	Alibag ...	1	.....	334	
	Roha-Ashtami ...	2	.....	1,200	
	Pen ...	... ...	1	204	
	Uran ..	2	.....	709	
	Matheran ...	.....	2	150	
	Mahad ...	1	1	1,090	
	Panvel ...	3	.....	1,397	
Dharwar ...	Dharwar ...	.....	2	7,201	
	Hubli ...	1	1	18,377	
	Gadag-Battigeri ...	1	1	6,630	
	Nawalgund ...	.....	1	1,226	
	Nargund ...	.....	1	1,224	
	Haveri ...	.....	1	1,188	
	Byadgi ..	... ..	2	721	
	Ranebennur ...	.....	1	2,075	
	Sind.				
Karachi ...	Karachi ...	9	2	70,544	
	Tatta ...	.....	4	5,507	
	Kotri ...	1	2	4,857	
	Manjhand ...	.....	3	1,021	
	Keti Bunder ...	...	3	981	
	Hyderabad.				
Hyderabad ...	Hyderabad ...	.....	5	22,925	
	Tando Mahomed Khan.	Elective system not extended.	4	2,388	
	Hala ...	Do. ...	3	3,600	
	Tando Allahyar ...	Do. ...	3	1,429	
	Matiari ...	Do. ...	3	5,037	
	Nasarpur ...	Do. ...	3	2,790	
	Sukkur.				
Sukkur ...	Sukkur ...	2	7	14,693	
	Shikarpur ...	3	7	18,815	
	Rohri ...	.....	4	3,063	
	Garhi Yasin ...	.....	4	2,226	
	Ghotki ...	.....	4	1,180	

APPENDIX O—*continued.*

District.	Name of Municipality.	Number of Mahomedan members.		Mahomedan population in the area.	Proportion of the Mahomedan representation in relation to the population
		Elected.	Nominated.		
	Sukkur—contd.				
Larkana ...	Larkana ...	.....	3	6,434	
	Kambar ..	.....	4	3,980	
	Ratodero ...	.....	4	2,430	
	Sehwan ...	.....	4	2,517	
	Bubak ...	.....	3	1,450	
Nawabshah ...	Shahdadpur ...	.....	1	310	
	Tando Adam ...	.....	3	2,449	
Thar and Parkar	Mirpurkhas ...	Elective system does not apply.	3	1,323	
	Umerkot ...	Do. ...	3	662	
Upper Sind Frontier.	Jacobabad ...	.....	3	5,143	

B.

Statement showing the Mahomedan representation on each of the District Local Boards in the Bombay Presidency.

Name of the District Local Board	No. of Mahomedan Members		Mahomedan population in the area.	Proportion of Mahomedan representation in relation to the population.
	Elected	Nominated.		
Northern Division.				
Ahmedabad	1	2	26,502	
Kaira	*Nil*	2	42,879	
Panch Mahals	1	2	8,100	
Broach	4	3	50,565	
Surat	1	1	24,398	
Thana	2	*Nil*	41,979	
Central Division.				
Ahmednagar	*Nil*	1	47,957	
East Khandesh	3	1	99,521	
West Khandesh	*Nil*	1	31,323	
Nasik	1	2	47,705	
Poona	*Nil*	2	48,936	
Satara ...	1	*Nil*	36,688	
Sholapur	*Nil*	1	55,377	
Southern Division.				
Ratnagiri	1	2	86,303	
Bijapur	1	1	83,475	
Belgaum	...	...	77,075	
Kanara	...	1	25,679	
Kolaba	2	1	28,876	
Dharwar	1	1	98,301	
Sind.				
Karachi	9	4	309,893	
Hyderabad	6	5	447,483	
Sukkur	11	4	376,374	
Larkana	12	3	557,517	
Nawabshah	7	3	351,261	
Thar and Parkar	7	5	234,708	
Upper Sind Frontier ...	*Nil*	11	230,827	

APPENDIX O—*continued.*

C.

Statement showing the Mahomedan representation on each of the Taluka Local Boards in the Bombay Presidency.

District.	Name of the Taluka Local Board.	Number of Mahomedan Members.		Mahomedan population in the area.	Proportion of Mahomedan representation in relation to the population.
		Elected.	Nominated.		
	Northern Division.				
Ahmedabad ...	North Daskroi ...	1	...	3,736	
	South Daskroi ...	.....	...	2,416	
	Prantij ...	1	1	1,536	
	Modasa ...	1	...	460	
	Dholka ...	2	2	3,817	
	Sanand ...	.....	...	3,278	
	Viramgam ...	1	2	5,633	
	Dhandhuka ...	4	1	4,380	
	Gogha ...	2	1	1,246	
Kaira ...	Anand ...	.....	1	9,998	
	Borsad ...	.....	1	5,144	
	Kapadvanj ...	1	1	3,319	
	Matar ...	.....	1	5,464	
	Mehmadabad ...	.....	2	3,067	
	Nadiad ...	1	1	8,755	
	Thasra ...	1	2	7,132	
Panch Mahals ...	Godhra ...	3	1	2,721	
	Kalol ...	.....	3	3,589	
	Dohad ...	.....	2	1,790	
Broach ...	Broach ...	4	3	19,376	
	Amod ...	1	2	7,514	
	Jambusar ...	1	2	9,279	
	Vagra ...	2	2	5,141	
	Ankleshwar ...	4	4	9,255	
Surat ...	Chorasi ...	1	1	2,813	
	Olpad ...	.....	1	2,852	
	Bardoli ...	.....	1	3,019	
	Mandvi ...	1	1	3,315	
	Jalalpur ...	.....	1	3,708	
	Chikhali ...	1	...	5,628	
	Bulsar ...	.....	...	1,565	
	Pardi ...	.....	...	1,498	
Thana ...	Salsette ...	.....	1	11,438	
	Bassein ...	2	1	2,371	
	Mahim ...	.....	2	2,501	
	Dahanu ...	.....	...	2,825	
	Vada ...	1	1	2,069	
	Bhiwndi ...	3	3	11,321	
	Shahpur ...	.....	1	2,348	
	Murbad ...	.....	...	1,635	
	Kalyan ...	1	2	5,471	
	Central Division.				
Ahmednagar ...	Akola ...	Nil	1	1,340	
	Karjat ...	Nil	1	1,542	
	Kopargaon ...	Nil	Nil	3,552	
	Nagar ...	Nil	2	10,762	
	Newasa ...	Nil	1	4,103	
	Parner ...	Nil	Nil	2,830	
	Rahuri ...	Nil	1	4,150	
	Sangamner ...	Nil	2	5,094	
	Shevgaon ...	2	2	7,326	
	Shrigonda ...	Nil	Nil	2,957	

APPENDIX O—*continued.*

District.	Name of the Taluka Local Board.	No. of Mahomedan Members.		Mahomedan population in the area.	Proportion of Mahomedan representation in relation to the population
		Elected.	Nominated.		
	Central Division—continued.				
East Khandesh ...	Amalner ...	Nil	1	9,162	
	Bhusaval ...	Nil	7	10,789	
	Chalisgaon ...	Nil	2	6,771	
	Chopda ...	1	2	7,972	
	Erandol ...	Nil	1	12,066	
	Jalgaon ...	Nil	1	10,612	
	Jamner ...	1	2	9,991	
	Pachora ...	2	2	11,706	
	Raver ...	1	1	9,410	
	Yawal ...	Nil	2	10,972	
West Khandesh...	Dhulia ...	Nil	1	11,047	
	Nandurbar ...	Nil	1	5,268	
	Sakri ...	Nil	1	2,071	
	Shahada ...	Nil	2	3,465	
	Shirpur ...	Nil	1	4,068	
	Sindkheda ...	2	Nil	4,498	
	Taloda ...	Nil	1	906	
Nasik ...	Chandor ...	Nil	1	2,686	
	Dindori ...	Nil	2	926	
	Igatpuri ...	Nil	1	2,201	
	Kalwan ...	Nil	Nil	1,064	
	Malegaon ...	1	2	18,524	
	Nandgaon ...	Nil	1	1,992	
	Nasik ...	Nil	Nil	6,805	
	Niphad ...	Nil	1	5,583	
	Peint ...	.....	1	622	
	Baglan ...	Nil	Nil	1,394	
	Sinnar ...	Nil	2	1,599	
	Yeola ...	Nil	2	6,311	
Poona ...	Bhimthadi ...	Nil	Nil	5,079	
	Haveli ...	Nil	1	25,781	
	Indapur ...	Nil	Nil	2,728	
	Junnar ...	Nil	1	4,741	
	Khed ...	Nil	1	3,686	
	Mawal ...	Nil	1	2,448	
	Purandhar ...	Nil	1	1,587	
	Sirur ...	Nil	1	2,886	
Satara ...	Javli ...	Nil	Nil	2,296	
	Karad ...	Nil	1	5,455	
	Khanapur ...	Nil	Nil	3,030	
	Khatav ...	Nil	1	2,403	
	Koregaon ...	2	1	2,236	
	Man ...	1	Nil	1,419	
	Patan ...	Nil	Nil	1,471	
	Satara ...	Nil	1	4,693	
	Tasgaon ...	Nil	1	3,889	
	Wai ...	Nil	2	2,869	
	Walwa ...	Nil	2	6,927	
Sholapur ...	Barsi ...	Nil	1	9,146	
	Karmala ...	Nil	1	4,297	
	Madha ...	Nil	1	4,919	
	Maksiras ...	Nil	1	2,373	
	Pandharpur ...	Nil	1	4,067	
	Sangola ...	Nil	1	2,761	
	Sholapur ...	1	1	27,814	

APPENDIX O—*continued.*

District.	Name of the Taluka Local Board.	Number of Mahomedan Members.		Mahomedan population in the area.	Proportion of Mahomedan representation in relation to the population.
		Elected.	Nominated.		
	Southern Division.				
Ratnagiri	Vengurla		1	710	
	Malwan		2	1,791	
	Deogad		1	4,717	
	Rajapur		2	11,284	
	Ratnagiri		2	19,217	
	Sangmeshwar		2	7,617	
	Chiplun		2	13,744	
	Khed	1	2	9,432	
	Dapoli	2	1	17,791	
Bijapur	Indi	1	1	11,333	
	Sindgi		1	14,454	
	Bijapur	1	3	10,710	
	Bagewadi		2	13,444	
	Muddebihal	1	1	11,114	
	Bagalkot			8,422	
	Badami		1	5,956	
	Hungund	1		8,052	
Belgaum	Belgaum		2	12,648	
	Chikodi		1	5,542	
	Hukeri		1	9,262	
	Athni		1	12,756	
	Gokak	1	1	8,133	
	Parasgad		1	8,029	
	Sampgaon		1	11,008	
	Khanapur		1	4,697	
Kanara	Karwar		1	2,173	
	Ankola		1	1,118	
	Kumta		1	2,758	
	Honawar	1	1	10,202	
	Siddapur			1,128	
	Sirsi		1	1,642	
	Yellapur			3,430	
	Haliyal			3,228	
Kolaba	Alibag		1	1,886	
	Pen	2	2	2,147	
	Panvel	1	2	5,210	
	Karjat	2	1	3,867	
	Roha	1	1	2,161	
	Mangaon	3	1	5,583	
	Mahad	1	2	8,022	
Dharwar	Dharwar			16,157	
	Hubli		1	6,882	
	Kalghatgi		2	4,311	
	Bankapur		1	12,947	
	Karajgi		1	11,516	
	Hangal		1	11,506	
	Kod		1	10,871	
	Ranebennur	1	1	9,091	
	Gadag		1	3,379	
	Navalgund		1	3,002	
	Ron		1	8,639	

APPENDIX O—*concluded.*

District.	Name of the Taluka Local Board.	Number of Mahomedan members.		Mahomedan population in the area.	Proportion of Mahomedan representation in relation to the population.
		Elected.	Nominated.		
	Sind.				
Karachi ...	Tatta ...	3	3	33,419	
	Ghorabari ...	3	2	29,020	
	Sakro ...	6	2	29,124	
	Karachi ...	2	3	29,503	
	Kotri ...	2	4	61,260	
	Shahbandar ...	3	2	29,915	
	Jati ...	4	4	33,187	
	Mirpur Bathoro ...	4	2	33,632	
	Sujawal ...	3	2	30,833	
Hyderabad ...	Hyderabad ...	5	4	82,364	
	Hala ...	7	4	81,038	
	Tando Allahyar ...	6	3	49,639	
	Guni ...	5	3	75,928	
	Badin ...	5	2	67,100	
	Dero Mohbat ...	6	3	39,905	
	Tando Bago ...	6	2	51,509	
Sukkur ...	Sukkur ...	8	5	47,599	
	Shikarpur ...	6	4	75,778	
	Garhi Yasin ...	7	3	57,834	
	Rohri ...	3	3	60,823	
	Pano Akil ...	6	3	22,709	
	Ghotki ...	6	5	37,086	
	Mirpur ...	6	3	41,773	
	Ubauro ...	5	1	37,033	
Larkana ...	Larkana ...	7	5	78,138	
	Labdaria ...	10	1	58,440	
	Kambar ...	7	4	80,579	
	Ratodero ...	3	4	47,032	
	Mirokhan ...	6	3	...	
	Mehar ...	4	5	50,363	
	Kakar ...	4	5	44,286	
	Warah ...	6	6	51,477	
	Sehwan ...	3	3	43,231	
	Dadu ...	3	1	48,246	
	Johi ...	4	2	44,286	
Nawabshah ...	Nawabshah ...	4	3	28,760	
	Shahdadpur ...	2	4	55,604	
	Sinjhoro ...	6	1	30,458	
	Naushahro ...	6	2	82,869	
	Moro ...	7	4	51,394	
	Kandiaro ...	4	2	52,237	
	Sakrand ...	6	3	49,939	
Thar and Parkar	Umarkot ...	4	4	22,110	
	Khipro ...	4	4	34,939	
	Sanghar ...	4	3	24,547	
	Pithoro ...	5	3	22,648	
	Mirpurkhas ...	4	3	22,482	
	Jamesabad ...	4	3	22,357	
	Digri ...	4	2	12,933	
	Chachro ...	Elective system does not apply.	2	22,462	
	Mithi ...		2	18,811	
	Diplo ...		2	16,913	
	Nagar Parkar ...		2	14,470	
Upper Sind Frontier.	Jacobabad ...	.....	3	62,613	
	Shahdadkot ...	.....	3	31,732	
	Thul ...	.....	3	47,985	
	Kandhkot ...	.....	3	47,933	
	Kashmor ...	.....	3	40,564	

APPENDIX P.

Report of the Commissioner, N. D., on the working of the Ahmedabad Municipality for the year 1915-16.

"Submitted to Government. It will be noticed that the President has forwarded the report without comment.

2. There are hardly any points in the record of this year's administration upon which it is possible to dwell with satisfaction.

3. The financial condition of the Municipality is unsound, the normal expenditure being in excess of the income. The income of the year under report fell off, because the proceeds of the terminal tax were disappointing for several months after its introduction.

4. The Engineering Department was in a state of considerable confusion, not to say chaos, for want of an efficient organization under a competent head. These causes combined to produce stagnation and a general suspension of works programmes. In my opinion the time cannot long be deferred when the Municipality will have to thoroughly overhaul its whole system of finance and taxation.

5. As regards the working of the new system under which the Municipal Commissioner has become the executive officer of the Municipality the report is completely silent, and the reason of this is, I think, that the Municipality as a body has made little or no effort to co-operate with the Municipal Commissioner in making the system work successfully. On the contrary, the tendency has been to regard the new system and its representative with jealous mistrust and prejudice. There is still far too strong a tendency to subordinate public interest to private factions and to judge all questions on the narrowest of personal grounds. Unless these tendencies are counteracted and checked by the growth of worthier and saner views of public duty, the administration is not likely to improve or progress.

6. It is discreditable to the Municipality that practically no progress should have been made during their seventeen months' tenure of office since April 1915 with the work of revising and remodelling their rules. Other important matters are treated with similar neglect. A sub-committee is appointed to attend to them and the matter drifts indefinitely.

7. The two Municipal Commissioners, Mr. Monteath and subsequently Mr. Shillidy, have worked with zeal and energy under difficult conditions."

Report of the Commissioner, N. D., on the working of the Ahmedabad Municipality for the year 1916-17.

"The Commissioner regrets to have to record his opinion that the administration of the Ahmedabad Municipality during the year under report (1916-17) was if anything more unsatisfactory than in the previous year.

"2. The financial condition and prospects of the Municipality are bad and there is no improvement in the broad facts of the situation as stated by Government in their review of last year's report. The necessity of raising the additional revenue required has been repeatedly impressed on the Municipality and its leading Councillors. The result so far has been very small but there is some reason for hoping that in the ensuing year there may be some acceleration of the rate of progress in financial and other reforms and organization.

"3. There was a great increase in the number of meetings of the Municipality (last year 42 and this year 70), but this has not remedied the defect which I pointed out last year of excessive delays in the treatment of all matters which are of real importance. Until the Ahmedabad Municipality has learnt the lesson of decentralization and delegation to its committees and officers it will continue to spend all of its time over routine matters. The importance and dignity of its committees may be gauged from the fact that they are only allowed to hold office for three months at a time.

APPENDIX P—*continued.*

"4. The President remarks that 'Mr. Shillidy has applied himself with great energy to the work of overhauling the Municipal administration and he has placed before the Board schemes for the reorganization of almost all departments of the Municipality'. References will be found throughout Mr. Shillidy's report to these proposals for reform, but one looks in vain for any indication of prompt and business-like consideration of or decisions on those proposals.

"5. The proposals for the reform of the Cess Collection Department were passed by the Managing Committee on the 31st October 1916 and were then handed over by the Municipality at a meeting held on 4th December 1916 to a Sub-Committee which is still sitting on them and when I last enquired into the matter in April of this year the Sub-Committee had already held or adjourned for want of a quorum no less than fourteen meetings.

"6. It is therefore not a matter for surprise if as the President remarks there has been no improvement in the general sanitary condition of the City or in the efficiency of the Municipal Executive.

"A Municipality which refuses to support its superior Executive staff and which keeps its inferior staff on starvation wages must not expect a high degree of efficiency. Till quite recently the Municipal sweepers have been paid at the rate of five rupees a month. Servants so paid will inevitably shirk most of their work and will do the rest dishonestly and inefficiently.

"7. The Municipality in spite of very numerous reminders failed to complete the revision of their rules during the year under report."

APPENDIX Q.

Watans.

Prescription of the Vernacular (or English) School Final Examination as an additional qualifying educational test for officiators in kulkarni—.

GOVERNMENT OF BOMBAY.

REVENUE DEPARTMENT.

Order No. 10777.

Bombay Castle, 5th September 1917.

Petitions from Narayan Deshpande and others, representative watandar kulkarnis and their deputies in the Dhárwár District—Praying that, in the circumstances stated, Government Order No. 10676 dated 8th November 1916, prescribing the English School Final or Vernacular Final Examination as a qualifying test for officiators in the kulkarni watans, may be cancelled, or that the watandar kulkarnis and their deputies who have been already officiating, at least, may be exempted from passing the said test.

ORDER.—Government Order No. 10676 dated 8th November 1916 is intended to apply to fresh appointments of officiators in kulkarni watans made (i) in the case of representative watandar kulkarnis serving in person after 1st January 1918 and (ii) in the case of deputies after 1st January 1917, and would not apply to persons already appointed. There is, however, the case of representative watandars not now working as kulkarnis but whose turn will come again. On a strict reading of the Order it might be held that they could not officiate, as they had not acquired the necessary qualification. This is likely to cause hardship in the case of representative watandars who had rendered efficient service in former rotation periods and are now not in a position to pass the required test. The officers making the appointments are accordingly allowed discretion to appoint kulkarnis who are not so qualified but have rendered recent service which has been satisfactory and up to the standard of the work done by stipendiary village accountants. The discretion should, however, be exercised only in the case of representative watandars serving in person and not in the case of deputies.

2. The petitioners should be referred to the Collector of Dhárwár for a reply to their petitions.

P. R. CADELL,
Chief Secretary to Government.

G. O. No. 10777, R. D., dated 5th September 1917.

To

The Commissioner, N. D.,
The Commissioner, C. D.,
The Commissioner, S. D.,
The Collector of Dhárwár,
All other Collectors in the Central and Southern Divisions,
The Settlement Commissioner and Director of Land Records,
The Director of Agriculture,
The Remembrancer of Legal Affairs,
The Resident, Kolhápur, and Political Agent, Southern Marátha Country States,
The Petitioners (by memorandum).

No. of 1917.

Copy forwarded for information and guidance to

APPENDIX R.

Number of Resolutions of which notice was received by the Secretary	Number of resolutions admitted.	Number of resolutions disallowed and reasons therefor.	Remarks.
73	41	1, under rule 7 (1) of the Financial Rules and under the Resolution Rules. 13, under rule 7 of the Resolution Rules. 4, as not being of general public interest (rule 2 of the Resolution Rules). 2, under rule 3 (*a*) of the Resolution Rules. 3, on the ground that they did not fall within the sphere of the Legislative Council. 2, returned to the Honourable Members for amendment under rule 6 (1) of the Resolution Rules. 6, as time-barred. 31	

THE PRABHURAM AYURVEDIC COLLEGE,
Bhuleshwar, Bombay,
17th July 1917.

To

THE SECRETARY TO THE COUNCIL OF
HIS EXCELLENCY THE GOVERNOR OF BOMBAY
FOR MAKING LAWS AND REGULATIONS.

Sir,

Re A bill to further amend the Bombay Medical Act, 1912.

On behalf of the Managing Committee of the Prabhuram Ayurvedic College I have the honour to submit this representation and shall thank you to lay the same before His Excellency and the Honourable Members of Council for consideration in connection with Bill to further amend the Bombay Medical Act, 1912, which the Honourable Mr. V. J. Patel is about to introduce.

Our Committee is concerned only with clause 3 of the Bill which introduces an explanation and illustrations of the phrase "infamous conduct in any professional respect" occurring in sections 7 and 9 of the said Act. Our Committee feel it necessary to submit this representation as they are of opinion that the view taken by the Executive Committee of the Medical Council appointed under the said Act of the meaning and operation of that phrase is prejudicial to the welfare of our Institution and unless disallowed will give a severe blow not only to our Institution but to the Ayurvedic and Unani systems of medicine generally and eventually wipe off the same altogether.

The Institution now known as Prabhuram Ayurvedic College, of which Dr. Popat Prabhuram Vaidya, L.M. & S., is the Principal, was first established in the year 1896 by the late Vaidyaraj Prabhuram Jivanram of Porebunder who possessed a thorough knowledge of the Ayurvedic system and his ability and experience were admitted by eminent Doctors like Col. Carter, Col. Grey, Col. Arnott whom he frequently called in consultation and it was at the suggestion of eminent Doctor friends and certain leading Citizens of Bombay that he started the School with a view to spread the knowledge of that system of medicine for the benefit of the Vaidyas and the public who trusted to their treatment. How far the Institution has achieved success could be judged from the following opinions expressed by leading and eminent Citizens of Bombay at the annual gatherings and distribution of diplomas.

The Honourable Chief Justice Sir Lawrence Jenkins said :—"I think there "can be no doubt that this Institution is capable of doing great and good work "and I say this with more confidence when I see on my right and left such distin-"guished medical experts as Sir Francis Lovell, Dr. Quick, Dr Turner and "Sir Bhalchandra Krishna."

Sir Narayen G. Chandavarkar said :—"The Institution carries on its opera-"tions in a scientific manner. I consider that the Institution deserves the support, "the sympathy and the patronage of every right-minded man."

Honourable Dr. Sir R. G. Bhandarkar, M.A., LL.D., M.R.A.S., K.C.I.E., said :—"The Doctors turned out of the Institution will meet a want that is widely "felt."

The Honourable Mr. Justice Badruddin Tyebji said :—"The Institution does "furnish its students with sufficient knowledge of Eastern System of Medicine to "make it safe for our people to entrust their health to the care of its students."

The late lamented Col. K. R. Kirtikar, I. M. S., said :—"It is my privilege to "know almost all the teachers who are on the staff of this Institution. They are "all able men, young men and men who are sure of success in teaching the special "subjects which they have selected for imparting instructions in."

Dr. M. G. Deshmukh, M.D., B.A., B.Sc., said :—"The Institution is every "year making good progress and any one who cared to see for himself the way in "which the instruction was being imparted in the school would be satisfied that "everything there was arranged in the properly systematic manner."

Dr. Sir Bhalchandra Krishna, Kt., said :—"The instruction is given by means "of lectures, charts, models, specimen of drugs and clinical practice in a Dispen- "sary and a Hospital."

The late Dewan Bahadur Ambalal Sakarlal Desai said :—"I sat through "Dr. Popat's lecture and must say it was very clear, able and instructive. I was "fortunately present when it was opened and it has given me great pleasure to "observe the remarkable progress made by it during the short time."

Dr. G. B. Prabhakar, L.R.C.P., L.M. & S., said :—It has grown into a "full fledged medical School."

The Committee has very often thanked Dr. Popat for the interest he has been taking in the welfare of the Institution without any remuneration and its present success and position are mainly due to his earnest and disinterested work. The Institution would be deprived of his help and advice if the narrow and unwarranted interpretation of the phrase "infamous conduct in any professional respect" which the Executive Committee of the Medical Council press on the Government is accepted, as such a view would enable the Council to remove the name of Dr. Popat from the Medical Register on account of his association with the Institution.

We submit that the view taken by the Executive Committee and by the Medical Union in their protest is erroneous, illiberal, unsustainable, unworthy of a learned body belonging to a noble and liberal profession and opposed to the view of eminent Judges in England and expressed in the following words :—"If it is shown that a medical man in pursuit of his profession has done something with regard to it which would be reasonably regarded as disgraceful or dishonourable by his professional brethren of good repute and competency then it is open to the General Medical Council to say that he has been guilty of infamous conduct in professional respect."

Our Committee respectfully submit that it would be gross perversion and abuse of language to say that Dr. Popat's action in imparting his knowledge of Ayurvedic Medicine to the students of this Institution and his association with it as an act of filial duty as an honorary worker and helper can reasonably be regarded as disgraceful or dishonourable conduct in pursuit of his profession. Indeed such action ought to be regarded as honourable and creditable and it has moreover no reference to or connection with the pursuit of his own profession as a registered Medical practitioner. Eminent members of the profession such as Lieut.-Col. Kirtikar, Sir Balchandra Krishna, Dr. Deshmukh, Dr. G. B. Prabhakar, warmly approve and support such action and Dr. Turner, our Health Officer, has expressed his opinion as follows :—

"I have read the report of your Society with interest and note the rapid "extension and improvement in the teaching of the Ayurvedic College.

"There is no doubt that you reach a class of people who would otherwise be "without any medical help and this class is large even in Bombay, where there "are so many qualified medical men. I know from personal observation that "many of the poorer classes die without calling in any medical aid. If your "Society could reach them you would be doing a very useful work."

His Excellency Lord Hardinge, Viceroy and Governor-General of India, laid the foundation stone of a similar Institution at Delhi on 29th March 1916 and in the course of his speech said :—"90 per cent. of the population of the country took "advantage of the Ayurvedic and Unani systems of medicines" and further "I cannot but recognize that there is good in them and it is far better for the "masses of people where Western Science cannot for a long time reach that these "ancient systems of medicine should be modernised as much as possible to meet "present-day requirements and that they should have their benefit rather than "have no treatment at all."

Sir Pardey Lukis, Director General of the Indian Medical Service, in his speech in the Imperial Council in March 1916 said :—"I resent strongly that "spirit of trade-unionism which leads many modern Doctors to stigmatise all Vaids "and Hakims as quacks and charlatans" and further he observed that "he "cannot recognize any fixed line of demarcation between the Eastern and Western

" systems of medicine." Further, Order No. 36569, dated 23rd May 1916, under the signature of Mr. P. W. Monie, Secretary to Government of Bombay, says :—" It is not denied that there are at present capable practitioners of the ancient methods" : and yet the Bombay Medical Union in their representation, dated 7th July 1917, in sweeping terms says " that the majority of men practising under the designation of Vaids and Hakims are illiterate and uneducated and therefore even the educated of these Vaids and Hakims should not be associated with or educated by the Medical practitioners."

Our Committee has ascertained that Dr. Nariman has not studied the Ayurvedic system at all and he has no knowledge of Sanscrit and yet in his speech in the Bombay Legislative Council he undertook to say that " Ayurvedic " is no system at all. We crave permission to quote the opinions of learned members of the profession and other eminent men to show how unfounded Sir Nariman's doctrine is :

On Medicine and Surgery.

Professor Wilson :—" The ancient Hindus attained as thorough a proficiency in Medicine and Surgery as any people whose acquisitions are recorded."

Medicine.

Dr. Hunter :—" Their practice of Physic embraced the classifications, causes, symptoms and treatment of diseases, diagnosis and prognosis."

Curative and Preventive Medicine.

Lord Ampthil, while declaring open the Indian Institute of Preventive Medicine at Madras, said that " they can lay claim to have been acquainted with the main principles of curative and preventive medicine ".

Surgery.

Mr. Weber says :—" In Surgery too the Indians seem to have attained a special proficiency and in this department European Surgeons might perhaps even at the present day still learn something from them as indeed they have already borrowed from them the operation of Rhinoplasty."

Mr. Elphinstone :—" Their surgery is as remarkable as their medicine."

Dr. Hunter :—" The surgery of the ancient Indian physicians was bold and skilful. They conducted amputations, arresting the bleeding by pressure, 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 operation for improving deformed ears and noses and forming new ones, a useful operation which European surgeons have now borrowed The ancient Indian surgeons also mention a cure of neuralgia analogous to the modern cutting of the fifth nerve above the eye-brow. They devoted great care to the making of surgical instruments and to the training of students by means of operations."

Mr. Elphinstone :—" They cut for the stone, couched for the cataract."

Midwifery.

Dr. Hunter :—" They were expert in Midwifery, not shrinking from the most critical operations."

Mr. Elphinstone :—" They extracted the fœtus from the womb."

Hygiene:

Dr. Hunter :—" Much attention was devoted to Hygiene, regimen of the body and diet."

Dr. Furnell, Dy. Surgeon General and Sanitary Commissioner, Madras, in his lecture delivered on the 1st April 1882 most vigorously supported the claims of Hindu Medicine as the most advanced sciences ever cultured in the world. Speaking of the importance of drinking unpolluted water, he said that " As the ancient Hindus were superior to all others in other respects, so also were they superior to the others in recognising the importance and value of water as well as in insisting upon preserving the water from fifth of any kind whatever". He

added that in his address to the Convocation in 1879 he had said that the Hindu physicians were unrivalled in all branches of Medicine. He then described the instructions contained in the Hindu Medical works with regard to the use of water which he said were most remarkable.

Colonel King gives clear proof that the ancient caste injunctions of the Hindus were based on a belief in the existence of transmissible agents of disease.

BACTERIOLOGY.

Colonel King :—" Both Hindus and Mahomedans used inoculation by small-pox virus as a protection against small-pox, and certain it is that long before Jenner's great discovery, or to be more correct re-discovery of vaccination, this art of inoculation was used for a while in Europe, where it has been imported from Constantinople, and knowledge of Medicine which flourished in the Near East at the commencement of the Christian Era emanated, as I have already shown you, from India."

Dr. J. A. Turner, M.D., Executive Health Officer, Bombay, in his book styled " Sanitation of India " says :—" Inoculation (for small-pox) was a most ancient custom of India practised by a particular tribe of Brahmins delegated from the different Colleges of Brindaban, Benares, etc."

H. E. the Governor of Madras :—" It is also very probable, so Colonel King assures me, that the ancient Hindus used animal vaccination secured by transmission of the small-pox virus through the cow."

His Excellency Lord Ampthil further said that " modern plague policy of evacuation and disinfection is not a wit different from that enjoined in ancient Hindu Shastras."

Mr. Elphinstone :—" They have long practised inoculation."

DISEASES OF WOMEN AND CHILDREN.

Mr. Elphinstone :—" They were experts in the diseases of women and children."

ANATOMY.

Sir William Hunter :—" Indian Medicine dealt with the whole area of science. It describes the structure of the body, its organs, ligaments, muscles, vessels, and tissues."

CHEMISTRY.

Mr. Elphinstone :—" As regards their knowledge of the science of Chemistry, their chemical skill is in fact more striking and more unexpected."

Dr. Ray says :—" We have only to refer our readers to the chapter on the preparation of caustic alkali in the Susruta with the direction that the strong lye is to be preserved in an iron vessel, as a proof of the high degree of perfection in scientific pharmacy achieved by the Hindus at an early age. It is absolutely free from any trace of quackery or charlatanism."

" From the evidence we have adduced all along there can now be scarcely any question as regards the priority of the Hindus in making mercurial remedies a speciality; and they are entitled to claim originality in respect of the internal administration of metals generally.

" In Europe however the medical virtues of mercury do not appear to have been at all ascertained even in the days of Pliny the elder; that writer termed quicksilver the bane and poison of all things and what would with more propriety be called death silver."

BOTANY.

Professor Wilson :—" The extent and fertility of their native country furnish them with many valued drugs and medicaments."

METERIA MEDICA.

Sir W. Hunter :—" Materia Medica of the Hindus embraces a vast collection of drugs belonging to the mineral vegetable and animal kingdoms, many of which have now been adopted by European physicians."

Professor Wilson :—" Their Materia Medica is most voluminous."

PHARMACY.

Sir W. Hunter:—"Their Pharmacy contained ingenious processes of preparation with elaborate directions for the administration and classification of medicines."

The action of the Executive Committee of the Medical Council in reference to Dr. Popat as disclosed by the annexed correspondence is sufficient to show the imperative necessity of the explanation in the interest of Schools and Institutions like the Ayurvedic College teaching the ancient systems of Medicine and turning out practitioners to whom thousands of the population of India resort for relief and who would otherwise go without any medical help or relief at all. Such a result must be regarded as a public calamity and it would be highly inexpedient and impolitic to coerce however indirectly 90 per cent. of the population of the country to resort to practitioners of Western Medicine in whom rightly or wrongly they do not feel confidence or go without any medical relief at all. Such an action moreover would seem only to accentuate and intensify the public prejudice and dislike of the European system of medicine.

We trust Government will be pleased to appreciate the necessity of such an amendment as the Honourable Mr. Patel intends to propose and of exemplifying and illustrating the true meaning and intent of the phrase "Infamous conduct in any professional respect" even if it be not possible to give a clear and comprehensive definition of the phrase.

I have the honour to be,

Sir,

Your most obedient servant,

BHAISHANKAR NANABHAI,

Solicitor, High Court,

and Chairman of the Managing Committee

of the Prabhuram Ayurvedic College.

Copy of an advertisement that appeared in the "Jame Jamshed" on the 21st May 1915.

આયુરવેદ વિદ્યાલય.

Prabhuram Ayurvedic College, Bombay.

આ વીદ્યાલયનો નવો અભ્યાસક્રમ આવતા જુન માસની અધવચમાં શરૂ કરવામાં આવશે. તેની પ્રવેશ પરીક્ષા ગુરવાર તા. ૧૦મી જુનને દીવસે વીદ્યાલયના હોલમાં શરૂ થશે. પ્રવેશ પરીક્ષા માટેની અરજી ગુરવાર તા. ૩ જી જુન સુધી લેવામાં આવશે.

નવા કોરસ અને નીયમો માટે વીદ્યાલયના પ્રીનસીપાલને અરજ કરવાથી તે મોકલી આપવામાં આવશે.

પોપટ પ્રભુરામ,
એલ. એમ. એંડ. એસ.,
પ્રીનસીપાલ.

તા. ૩ જી મે ૧૯૧૫.

(English Translation of the above Gujarati advertisement.)

Ayurved Vidyalaya.

Prabhuram Ayurvedic College, Bombay.

The new course of the College will begin from the middle of June next. The Entrance Examination will begin on Thursday the 10th June in the College hall. The applications for the Entrance will be accepted till Thursday the 3rd June. The rules and regulations with the curriculum of the new course will be sent by applying to the Principal.

POPAT PRABHURAM, L.M. & S.,
Principal.

Bombay, 3rd May 1915.

Office of the Bombay Medical Council,
Murzaban Road, Fort :
Bombay, 18th June 1915.

No. 363.

To

Popat Prabhuram Vaidya, Esq., L.M. & S.

Sir,

I am directed by the Executive Committee of the Bombay Medical Council to draw your attention to an advertisement regarding the Prabhuram Ayurvedic College, Bombay, which appears over your name in the *Jame Jamshed* newspaper of the 21st May 1915, and to inform you that the association of your name with the Institution in question is incompatible with your status as a registered medical practitioner.

I have, etc.,
(Sd.) Joseph Bocarro,
Registrar, Bombay Medical Council.

Office of the Bombay Medical Council,
Murzaban Road, Fort :
Bombay, 17th August 1915.

No. 459.

To,

Popat Prabhuram Vaidya, Esq., L.M. & S.

Sir,

I am directed to refer to my letter No. 363 of 18th June last, a copy of which is enclosed, and to state that the Executive Committee will be glad to be informed of the action which you have taken thereon.

I have, etc.,
(Sd.) Joseph Bocarro,
Registrar, Bombay Medical Council.

Office of the Bombay Medical Council,
Murzaban Road, Fort :
Bombay, 18th June 1915.

No. 363.

To

Popat Prabhuram Vaidya, Esq., L.M. & S.

Sir,

I am directed by the Executive Committee of the Bombay Medical Council to draw your attention to an advertisement regarding the Prabhuram Ayurvedic College, Bombay, which appears over your name in the *Jame Jamshed* newspaper of the 21st May 1915, and to inform you that the association of your name with the Institution in question is incompatible with your status as a registered medical practitioner.

I have, etc.,
(Sd.) Joseph Bocarro,
Registrar, Bombay Medical Council.

True copy.
(Sd.) Joseph Bocarro,
Registrar, Bombay Medical Council.

"Vaidya Bhuvan," Bhuleshwar:
Bombay, 23rd August 1915.

To

Joseph Bocarro, Esq.,
Registrar, Bombay Medical Council,
Bombay.

Sir,

I have the honour to acknowledge receipt of your letter No. 363, dated 18th June last, and letter No. 459, dated 17th August last, and in reply I request that you will be so good as to let me know under which rule and regulation of the Bombay Medical Act the association of my name with the Prabhuram Ayurvedic College is incompatible with my status as registered Medical Practitioner.

I regret that owing to my absence from Bombay soon after the receipt of your first letter I was not able to acknowledge it earlier.

I have, etc.,
(Sd.) Popat Prabhuram Vaidya.

Office of the Bombay Medical Council,
Murzaban Road, Fort:
Bombay, 27th August 1916.

No. 484.

From

Joseph Bocarro, Esq., I.S.O.,
Registrar, Bombay Medical Council;

To

Popat Prabhuram Vaidya, Esq., L.M. & S.

Sir,

I have the honour to acknowledge the receipt of your letter of the 21st August 1915, and to say that it will be laid before the Executive Committee of the Bombay Medical Council at its next meeting for consideration.

I have, etc.,
(Sd.) Joseph Bocarro,
Registrar.

Office of the Bombay Medical Council,
Murzaban Road, Fort:
Bombay, 13th October 1915.

No. 564.

To

Popat Prabhuram Vaidya, Esq., L.M. & S.,
Bombay.

Sir,

Replying to your letter dated 21st August 1915, I have the honour by direction to state that under the powers vested in the Medical Council by section 9 of the Medical Act, your association with the Ayurvedic College is considered incompatible with your name remaining on the Medical Register.

I have, etc.,
(Sd.) Joseph Bocarro,
Registrar, Bombay Medical Council.

Vaidya Bhuvan, Bhuleshwar:
Bombay, 23rd November 1915.

From

Popat Prabhuram Vaidya, L.M. & S.;

To

The Registrar,
Bombay Medical Council.

Sir,

I have the honour to acknowledge receipt of your letter No. 564, dated 13th October 1915, in reply to my letter of the 23rd August last, enquiring under which rule and regulation of the Bombay Medical Act the association of my name with the Prabhuram Ayurvedic College is incompatible with my status as Registered Medical Practitioner and referring me to section 9 of the Medical Act, and request you to let me know whether the enquiry made is under rule 78 of the rules made under the Medical Act, 1912, and whether any complaint has been made under rule 78 or under rule 75 and in any case let me have a copy of the abstract of information made or copy of complaint if any received with the necessary declaration accompanying it. As soon as I am favoured with this, I shall be able to send my explanations for the consideration of the Council.

I thank the Council for thus affording me an opportunity to offer my explanation and I hope to satisfy the Council that there will be no necessity to make further investigation or to take evidence in the matter.

I have, etc.,

(Sd.) Popat Prabhuram Vaidya.

Office of the Bombay Medical Council,
Murzaban Road, Fort:
Bombay, 23rd November 1915.

No. 642.

From

Jahangir Barjorji Sanjana, Esq., B.A.,
Ag. Registrar, Bombay Medical Council;

To

Popat Prabhuram Vaidya, Esq., L.M. & S.

Sir,

With reference to the correspondence ending with this office letter No. 564, dated the 13th ultimo, I have the honour by direction to enquire what action is being taken by you with a view to your disassociating yourself from the Ayurvedic College.

I have, etc.,

(Sd.) Jahangir Barjorji Sanjana, Ag. Registrar.

The section 9 of the Medical Act referred to in the above letter is mentioned in the Act as follows:—

Removal from register.

The Medical Council may direct that 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, shall be removed from the register, and may direct that any name so removed shall be re-entered.

Rules 78 and 75 referred to in the above letter are as follows:—

78. The abstract and, where a complaint has been lodged, the complaint and all other documents bearing on the case, shall be submitted by the REGISTRAR to the PRESIDENT, who shall, if he thinks fit, instruct the REGISTRAR to ask the Practitioner by means of a registered letter for any explanation he may have to offer. The documents, including any explanation forwarded by the Practitioner to the REGISTRAR, shall then be referred to the EXECUTIVE COMMITTEE who shall consider the same, and shall have power to cause further investigation to be made and further evidence to be taken, and to refer if necessary to a SOLICITOR for his advice and assistance, and to instruct him to take the opinion of COUNSEL and otherwise to obtain such advice and assistance as they shall think fit. If the COMMITTEE are of opinion that *prima facie* case is not made out, the case shall not proceed further, and the REGISTRAR shall inform the complainant of the *Resolution* of the COMMITTEE. If the COMMITTEE resolve that the case is one in which an inquiry ought to be held, the PRESIDENT shall direct the REGISTRAR to take steps for the institution of an inquiry, and for having the case heard and determined by the COUNCIL.

75 Whenever information reaches the office of the COUNCIL, that a Registered Medical Practitioner has been convicted of a cognizable offence as defined by section 9 of the Act, or has been under the censure of any judicial or other competent authority in relation to his professional character, or has been guilty of conduct which *prima facie* constitutes infamous conduct in a professional respect, the REGISTRAR shall make an abstract of such information and shall submit the same to the PRESIDENT.

Vaidya Bhuvan, Bhuleshwar:
Bombay, 25th November 1915.

From

Popat Prabhuram, L.M. & S.;

To

Jahangir Barjorji Sanjana, Esq.,
Acting Registrar, Bombay Medical Council.

Sir,

I have the honour to acknowledge receipt of your letter No. 642, dated 23rd November 1915, and beg to state that my answer to your letter No. 564, dated the 13th ultimo, has already been forwarded to you.

I have, etc.,
(Sd.) Popat Prabhuram Vaidya.

Office of the Bombay Medical Council,
Murzaban Road, Fort:
Bombay, 27th November 1915.

No. 650.

From

Jehangir Barjorji Sanjana, Esq., B.A.,
Acting Registrar, Bombay Medical Council;

To

Popat Prabhuram Vaidya, Esq., L.M. & S.

Sir,

I have the honour to acknowledge the receipt of your letter dated the 23rd instant and to say that it will be laid before the Executive Committee of the Bombay Medical Council at its next meeting for consideration.

I have, etc.,
(Sd.) Jehangir Barjorji Sanjana,
Ag. Registrar.

Office of the Bombay Medical Council,
Murzaban Road, Fort:
Bombay, 9th December 1915.

No. 670.

To

Popat Prabhuram Vaidya, Esq., L.M. & S.,
Bombay.

Sir,

Referring to your letter dated 23rd November 1915, I have the honour to state that pending an explanation from you the Executive Committee have not resolved to institute an enquiry under the rule to which you refer.

2. They have merely intimated their opinion to you that your position in connection with the Prabhuram Ayurvedic College is incompatible with your status as a Registered Medical Practitioner and left it to you to take such action or offer such explanation as you might desire.

3. I am now directed to call upon you formally for any explanation you may have to offer justifying the position referred to.

I have, etc.,
(Sd.) Jehangir Barjorji Sanjana,
Ag. Registrar.

Cathedral Street, Bhuleshwar:
Bombay, 8th January 1916.

To

The Registrar,
Bombay Medical Council,
Bombay.

Sir,

I beg to acknowledge receipt of your letter No. 670, dated 9th December 1915, and in reply I beg to state as follows :—

I note that pending an explanation from me the Executive Committee have not resolved to institute an inquiry under the rules to which I refer and that they have merely intimated their opinion to me that my position in connection with the Prabhuram Ayurvedic College is incompatible with my status as a registered medical practitioner and left it to me to take such action or offer such explanation as I might desire.

I thank the Committee for the consideration they have shown to me and conveying me their opinion simply, but I again beg to submit that in doing so they ought in all fairness state to me the information that may have reached the office or complaint if any received setting out the circumstances under and the grounds upon which and how far and in what way and manner my position with and what kind of connection or what act or commission or omission of mine in connection with the Prabhuram Ayurvedic College is incompatible under section 9 of the Act, for, so far as the provision of the said section is concerned, it simply empowers the Committee to direct the removal of a medical practitioner's name from the Register on two grounds, *viz.*:—

(1) His conviction of a cognizable offence as defined in the Criminal Procedure Code, or

(2) He, after due enquiry, having been held guilty by them of infamous conduct in any professional respect.

Your letter under reply is quite explicit that the 1st ground is not the one on which Committee asks for my explanation. The 2nd ground is not in any way defined or made explicit in the section under notice and it therefore requires that he should be found guilty upon due enquiry being made and the rules made thereunder lays down a procedure for it.

You as well as the Committee will thus see that I ought to know, before I can offer my explanation, the nature of the information that may have reached the office, or any complaint made against me charging me of any and what infamous conduct in any professional respect, with full particulars of any act, commission or omission of mine and the circumstances under and the grounds upon which the Committee have formed their opinion so kindly conveyed to me, that I may be able fully to explain the same and remove any misapprehension they may have regarding my such connection and association with Prabhuram Ayurvedic College; and I need hardly say that in deference to the consideration shown to me I am most anxious to offer my explanation that may be required of me by the Committee as soon as I am made aware of the points as to which of my action, commission or omission in connection with my association with the Institution they require my explanation or to what the Committee take an exception in reference thereto.

Trusting you will please at the earliest opportunity possible convey me the information asked for by me in the above paragraph, so that I may offer my explanation as early as possible and remove any misapprehension the Committee may have on the subject of my association or connection with the said Prabhuram Ayurvedic College.

I beg to remain, etc.,
(Signed) Popat Prabhuram Vaidya.

H 2125—190

Office of the Bombay Medical Council,
Murzaban Road, Fort:
Bombay, 23rd February 1916.

Dear Dr. Popat Prabhuram,

I should be greatly obliged if you would kindly furnish at a very early date, for the use of this office, one copy of the pamphlet which you have published containing notes on the Ayurvedic system of medicine as taught in the Prabhuram Ayurvedic College. I believe that you have presented copies of the pamphlet to the Surgeon General and certain other members of the Medical Council.

Yours truly,
(Signed) Joseph Bocarro,
Registrar, Bombay Medical Council.

Vaidya Bhuvan, Bhuleshwar,
Bombay, 28th February 1916.

Dear Mr. Joseph Bocarro,

Yours of the 23rd instant. As desired therein I have great pleasure in sending you under separate cover a copy of the pamphlet containing "Notes on the Ayurvedic system of Medicine as taught in the Prabhuram Ayurvedic College." The contents of the pamphlet were furnished by me to the Surgeon General at his request and were subsequently published by the Committee of the College. Yes, I have presented copies to certain medical gentlemen, some of whom are members of the Medical Council.

Yours truly,
(Signed) Popat Prabhuram Vaidya.

Office of the Bombay Medical Council,
Murzaban Road, Fort:
Bombay, 1st March 1916

Dear Dr. Popat Prabhuram,

Many thanks for your letter of the 28th February and the pamphlet therein referred to.

Yours truly,
(Signed) Joseph Bocarro.

Office of the Bombay Medical Council,
Murzaban Road, Fort:
Bombay, 18th November 1916.
No. 740.

From

Joseph Bocarro, Esq., I.S.O.,
Registrar, Bombay Medical Council;

To

Popat Prabhuram Vaidya, Esq., L.M. & S.,
Bombay.

Sir,

Your association with a system of treatment foreign to that which the Bombay Medical Act has been framed to protect became known to the members of the Executive Committee through advertisements appearing in the daily paper and has since been admitted by you in your letters and in a prospectus which you have sent to some of the members.

2. Such association would appear to constitute a *primâ facie* case of unprofessional conduct inasmuch as it implies that you being a registered practitioner, by your presence, countenance, advice, assistance and co-operation, knowingly enable unqualified or unregistered persons to attend, treat and perform operations upon patients in respect of matters requiring professional discretion or skill as if such persons were fully qualified. For this reason the Executive Committee first sent you a warning note as to the incompatibility of your status and subsequently informed you that their opinion was based on the powers prescribed by section 9.

3. As from your reply dated the 8th January 1916 to the letter, you evidently mistook the position, the matter was taken up under Rules 75 and 78 and I was directed to call for an explanation as required by the latter rule which I did in my last letter.

I have, etc.,

(Signed) Joseph Bocarro.

Cathedral Street, Bhuleshwar,
Bombay, 11th December 1916.

To

The Registrar,
Bombay Medical Council,
Bombay.

Sir,

I beg to acknowledge the receipt of your letter of 18th November.

Now that I know for the first time the reasons for your previous correspondence with me, I am preparing a detailed reply which will be sent to you as early as possible. It will take some time because instead of replying to my specific questions put by me in my last letter, your Committee has taken up quite a different position based on mere conjectures and inferences on surmises only, as will be pointed out in my next letter.

I am, etc.,

(Signed) Popat Prabhuram Vaidya.

No. 205.

Office of the Bombay Medical Council,
Murzaban Road, Fort:
Bombay, 12th April 1917.

From

Joseph Bocarro, Esq., I.S.O.,
Registrar, Bombay Medical Council;

To

Popat Prabhuram Vaidya, Esq., L.M. & S.,
Bombay.

Sir,

I am directed to invite your attention to your letter, dated the 11th December 1916, and to request that you will be so good as to state when the Executive Committee of the Bombay Medical Council may expect to receive your "detailed reply" to my letter No. 740, dated the 18th November 1916.

I have, etc.,

(Signed) Joseph Bocarro,
Registrar.

Cathedral Street, Bhuleshwar,
Bombay, 28th April 1917.

From

Popat Prabhuram Vaidya, L.M. & S.,
Bombay;

To

Joseph Bocarro, Esq., I.S.O.,
Registrar, Bombay Medical Council,
Bombay.

Sir,

I beg to acknowledge receipt of your letter No. 740, dated 18th November 1916, and your reminder No. 205, dated 12th April 1917, in answer to my letter dated 8th January 1916 and in reply to observe as follows, *viz.*, you have not stated the circumstances under and the grounds upon which and how far and in what way and manner my position with and what kind of connection or what act or commission or omission of mine in connection with the Prabhuram Ayurvedic College is incompatible under section 9 of the Medical Council Act, with my position as a registered Medical practitioner, nor have you conveyed to me the nature of the information that might have reached the office, or any complaint made against me charging me with any and what infamous conduct in any professional respect, and the full particulars of any act of commission or omission of mine, and the circumstances under and the grounds upon which the Committee has formed their opinion so kindly conveyed to me, so as to enable me fully to explain the same and remove any misapprehension they might have regarding my connection or association with the Prabhuram Ayurvedic College, which I requested the Committee through you to furnish by my letter of the 8th day of January 1916, notwithstanding that I furnished to you as required by the Committee (*vide* your letter of 23rd February 1916) one copy of the pamphlet compiled by me, containing notes on the Ayurvedic system of medicine as taught in the Prabhuram Ayurvedic College with my letter of the 28th idem. This gives full details as to :—

(1) How the Institution came into existence;
(2) The course of study in detail;
(3) The text books and the books of reference recommended;
(4) The facilities for teaching;
(5) The prescribed examinations, and
(6) The names of the successful students since the year 1901, to which I shall refer in detail later on.

Nor have the Committee indeed asked you to mention any specific instance on which they have formed their opinion, that my association with the Prabhuram Ayurvedic College is *prima facie* a case of unprofessional conduct, an expression to which I take exception and protest against its use in correspondence in general sweeping terms, without stating what acts, commission or omission in respect thereof is considered unprofessional conduct.

2. I note that the Committee in asking you to write to me for explanations consider that—

(*a*) My association is with a system of treatment foreign to that which the Bombay Medical Act has been passed to protect, and
(*b*) That such association would appear to constitute a *prima facie* case of unprofessional conduct inasmuch as it implies that I being a registered practitioner by my (1) presence, (2) countenance, (3) advice, (4) assistance, and (5) co-operation, knowingly enable unqualified or unregistered persons to (*a*) attend, (*b*) treat and (*c*) perform operations on patients in respect of matters requiring professional discretion or skill, as if such person was duly qualified.

(*c*) That as in the opinion of the Committee my letter of the 8th January shows that I mistook the position the matter was taken up under Rules 75 and 78 and I was called upon to give explanation as required by the latter.

A. As regards point (*a*) suggested in your letter under reply, I submit that a perusal of the Statement of Objects and Reasons published in the *Bombay Government Gazette*, Part VII, page 389, of 21st August 1911, will clearly show that the Act was not intended, and does not as a matter of fact pretend to protect any particular system of treatment as is erroneously supposed by the Committee, nor indeed does it compel any one to get himself registered. This misapprehension on the part of the Committee as to the aims of the Act at once explain that the position taken up by the Committee regarding my association with the Prabhuram Ayurvedic College is altogether unsustainable.

As to point (*b*), the more I go into it the more I am convinced that the Committee have formed its opinion on mere surmises and inferences of their own, unsupported by any facts and it is stated so vaguely in general terms, that it can only be refuted by a general denial of the charge.

The Statement of Objects and Reasons published with the introduction of the Bill for the Medical Act, while stating in the clearest terms that the Bill is to protect the public, afford means for ascertaining whether any particular medical practitioner possesses certain scheduled qualifications, says that the Bill follows in general outline the English Act (21 and 22 Vic. X, chap. 91) without however prohibiting in any way the recovery of charges by unregistered persons, and winds up by saying that " while therefore it places no direct restriction upon the practice of Indian Vaids and Hakims, it will improve the status of the qualified medical men ".

Having regard to the official utterances of His Excellency the Viceroy and other officers quoted below, I venture to say that I am right in thinking that the Committee has fallen into an error of judgment in arriving at the conclusion that the Act was framed to protect any particular system of treatment and that therefore I have (in the opinion of the Committee) acted wrongly in associating with the Prabhuram Ayurvedic College, which teaches the Ayurvedic system of treatment. The official utterances I have alluded to above may be summarised thus :—His Excellency the Viceroy and Governor General of India, Lord Hardinge, before leaving India, laid the foundation stone of an institution called the Ayurvedic Tibbi College at Delhi on 29th March 1916, when he observed and very rightly that " 90 per cent. of the population of the country took advantage of the Ayurvedic and Unani systems of medicine " and further that " I cannot but recognise that there is good in them (the Ayurvedic and Unani Systems) and it is far better for the masses of people where Western science cannot for a long time reach, that these ancient systems of medicine should be modernised as much as possible to meet present-day requirements, and that they should have their benefit rather than have no treatment at all.

Order No. 36569 of 23rd May 1916 under the signature of Mr. P. W. Monie, Secretary to the Government of Bombay, says " It is not denied that there are at present capable practitioners of the ancient methods " and the fact has been corroborated by Sir Pardey Lukis, the Director-General of the Indian Medical Service, who in his official speech in the Imperial Council in March 1916 says that " I resent strongly that spirit of trade unionism, which leads many modern doctors to stigmatise all Vaids and Hakims as quacks and charlatans ". He further says in the said speech that " I do not recognise any fixed line of demarcation between the Eastern and the Western system of medicine ".

Not only do the above official utterances clearly show that the Government is not partial to any system, but there are still more weighty and matured opinions of officials and professional men practising Western medicine, that the Ayurvedic system is complete in itself, as will appear from the following quotations which are very important for the Committee to consider in judging my connection with Prabhuram Ayurvedic College, before characterising it as unprofessional conduct on my part, and to which as stated above I take exception. I resent the insinuation and deny it *in toto*.

On Medicine and Surgery.

Prof. Wilson :—"The ancient Hindus attained as thorough a proficiency in *Medicine* and *Surgery* as any people whose acquisitions are recorded."

Medicine.

Dr. Hunter :—"Their practice of Physic embraced the classifications, causes symptoms and treatment of diseases, diagnosis and prognosis."

Curative and Preventive Medicine.

Lord Ampthil, while declaring open the Indian Institute of Preventive Medicine at Madras, said that "they can lay claim to have been acquainted with the main principles of curative and preventive medicine".

Surgery.

Mr. Weber says :—"In Surgery too the Indians seem to have attained a special proficiency and in this department European Surgeons might perhaps even at the present day still learn something from them as indeed they have already borrowed from them the operation of Rhinoplasty."

Mr. Elphinstone :—"Their surgery is as remarkable as their medicine."

Dr. Hunter :—"The surgery of the ancient Indian physicians was bold and skilful. They conducted amputations, arresting the bleeding by pressure; 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 operation for improving deformed ears and noses and forming new ones, a useful operation which European surgeons have now borrowed. The ancient Indian Surgeons also mention a cure of neuralgia anologous to the modern cutting of the fifth nerve above the eye-brow. They devoted great care to the making of surgical instruments and to the training of students by means of operations."

Mr. Elphinstone :—"They cut for the stone, couched for the cataract."

Midwifery.

Dr. Hunter :—"They were expert in Midwifery, not shrinking from the most critical operations."

Mr. Elphinstone :—"They extracted the fœtus from the womb."

Hygiene.

Dr. Hunter :—"Much attention was devoted to Hygiene, regimen of the body and diet."

Dr. Furnell, Dy. Surgeon General and Sanitary Commissioner, Madras, in his lecture delivered on the 1st April 1882 most vigorously supported the claims of Hindu medicine as the most advanced sciences ever cultured in the world. Speaking of the importance of drinking unpolluted water, he said that "As the ancient Hindus were superior to all others in other respects, so also were they superior to the others in recognising the importance and value of water as well as in insisting upon preserving the water from filth of any kind whatever". He added that in his address to the Convocation in 1879 he had said that the Hindu Physicians were unrivalled in all branches of medicine. He then described the instructions contained in the Hindu Medical works with regard to the use of water which he said were most remarkable.

Colonel King gives clear proof that the ancient caste injunctions of the Hindus were based on a belief in the existence of transmissible agents of disease.

Bacteriology.

Colonel King.—"Both Hindus and Mahomedans used inoculation by small-pox virus as a protection against small-pox, and certain it is that long before Jenner's great discovery, or to be more correct re-discovery of vaccination, this art of inoculation was used for a while in Europe, where it has been imported from Constantinople, and knowledge of medicine which flourished in the Near East at the commencement of the Christian Era emanated, as I have already shown you, from India."

Dr. J. A. Turner, M.D., Executive Health Officer, Bombay, in his book styled "Sanitation of India" says:—"Inoculation (for small-pox) was a most ancient custom of India practised by a particular tribe of Brahmins delegated from the different Colleges of Brindaban, Benares, etc."

H. E. the Governor of Madras—"It is also very probable, so Col. King assures me, that the ancient Hindus used animal vaccination secured by transmission of the small-pox virus through the cow."

His Excellency Lord Ampthil further said that "modern plague policy of evacuation and disinfection is not a wit different from that enjoined in ancient Hindus Shastras".

Mr. Elphinstone.—"They have long practised inoculation."

DISEASES OF WOMEN AND CHILDREN.

Mr. Elphinstone.—"They were experts in the diseases of women and children."

ANATOMY.

Sir William Hunter.—"Indian medicine dealt with the whole area of science. It describes the structure of the body, its organs, ligaments, muscles, vessels, and tissues."

CHEMISTRY.

Mr. Elphinstone.—"As regards their knowledge of the science of Chemistry, their chemical skill is in fact more striking and more unexpected."

Dr. Ray says:—"We have only to refer our readers to the chapter on the preparation of caustic alkali in the Susruta with the direction that the strong lye is to be preserved in an iron vessel, as a proof of the high degree of perfection in scientific pharmacy achieved by the Hindus at an early age. It is absolutely free from any trace of quackery or charlatanism.

"From the evidence we have adduced all along there can now be scarcely any question as regards the priority of the Hindus in making mercurial remedies a speciality; and they are entitled to claim originality in respect of the internal administration of metals generally.

"In Europe however the medical virtues of mercury do not appear to have been at all ascertained even in the days of Pliny the elder; that writer termed quicksilver the bane and poison of all things and what would with more propriety be called death silver."

BOTANY.

Prof. Wilson.—"The extent and fertility of their native country furnish them with many valued drugs and medicaments."

MATERIA MEDICA.

Sir W. Hunter.—"Materia Medica of the Hindus embraces a vast collection of drugs belonging to the mineral, vegetable and animal kingdoms, many of which have now been adopted by European physicians."

Prof. Wilson.—"Their Materia Medica is most voluminous."

PHARMACY.

Sir W. Hunter.—"Their Pharmacy contained ingenious processes of preparation with elaborate directions for the administration and classification of medicines."

B. Now as to the second point mentioned in your letter under reply and noted by me as above, allow me to say that I emphatically deny the charge that my association as stated in point B noted by me as above would appear to constitute a *prima facie* case of unprofessional conduct. I also deny that it implies that I by my presence, countenance, advice, assistance and co-operation knowingly enable unqualified or unregistered persons to attend, treat and perform operations upon patients in respect of matters requiring professional discretion or skill. I challenge you to cite a single instance of the kind. There is no room even to suppose anything of the kind as my notes, which I sent you at the request of the Committee long before the date of your letter under reply, amply prove

that nothing of the kind supposed by the Committee could occur. The students are taught the Ayurvedic system scientifically which is perfect in itself, and the principal and other teachers do nothing more than what every professor does in any recognised college, viz., they teach and impart instruction to students how to treat a case, and do not allow them to attend, treat or perform operations by themselves, until they pass their examinations and satisfy the tests fixed by the rules and regulations of the College. All the teachers in the college are well qualified in the Anyurvedic system, and no unqualified man is employed in the college as is clearly stated in my notes sent to you.

I cannot help expressing my surprise at the general way and on mere surmise and imagination on which the Committee has gone to the length of saying that it is a *prima facie* case of unprofessional conduct. Seeing that there can be no objection to Ayurvedic practitioners who have studied the science completely to practise, your Committee have no business to describe all who do not practise Western system as unqualified, and if I am permitted, I will quote one instance which in itself is quite sufficient to say that the Government of Bombay by legislation amended the Medical Act in order to recognise one of the graduates of the Prabhuram Ayurvedic College to hold an appointment which according to the Act could be held by a registered practitioner only.

With due respect and deference to the opinion of the Committee I must protest against the insinuation made by the Committee against the whole system, and say that I am guilty of unprofessional conduct because I have associated myself with an institution teaching Ayurved. This institution, according to the opinion of many local eminent and professional men, is doing good to the public in supplying well educated and trained practitioners of the Ayurvedic system for upwards of 20 years openly and with the knowledge of the whole profession.

The College has been successful and has passed out 52 graduates during these years and has conferred its Ayurvedic Diplomas on these graduates at the hands of eminent citizens of Bombay whose utterances and opinions expressed at public meetings are quoted below:—

Hon. Chief Justice Sir Lawrence Jenkins says:—"I think there can be no doubt that this Institution is capable of doing great and good work, and I say this with more confidence when I see on my right and left such distinguished Medical experts as Sir Francis Lovell, Dr. Quick, Dr. Turner and Sir Bhalchandra Krishna."

(Presidential address.)

Hon. Sir Justice N. G. Chandavarkar says:—"The Institution carries on its operations in a scientific manner I consider that the Institution deserves the support, the sympathy and the patronage of every right-minded man."

(Presidential address.)

Hon. Dr. Sir R. G. Bhandarkar, M.A., LL.D , M.R.A.S., K.C.I.E., says:—"The doctors turned out by this Institution will meet a want that is widely felt."

(Presidential address.)

The Hon. Mr. Justice Badruddin Tyebji says:—"The Institution does furnish its students with sufficient knowledge of Eastern system of medicine to make it safe for our people to entrust their health to the care of its students."

(Presidential address.)

H. H Sir Bhavsingji Maharaja Saheb of Bhavnagar says:—"The Institution is one which had a vacancy long since in the minds of persons knowing the importance of the Hindu Ayurved."

(Visit, 1905.)

The Hon. Mr. Goculdas Kahandas Parekh says:—"The Ayurved Vidyalaya (The Prabhuram Ayurvedic College) is one of the various indications of the intellectual advance that the country has been making in recent years."

(Speech, Con. Gathering, 1901.)

Lieut.-Colonel K. R. Kirtikar, I.-M. S., says:—"It is my privilege to know almost all the teachers who are on the staff of this Institution. They are all able

men, young men, and men who are sure of success in teaching the special subjects which they have selected for imparting instructions in."

(Speech, Con. Gathering, 1902.)

Dr. M. G. Deshmukh, M.D., B.A., B.Sc., J.P., says:—"The Institution is every year making good progress and any one who cared to see for himself the way in which instruction was being imparted in the school would be satisfied that everything there was arranged in the properly systematic manner."

(Speech, Con. Gathering, 1904.)

Dr. Sir Bhalchandra Krishna, Kt., L.M., J.P., says:—"The instruction is given by means of lectures, charts, models, specimens of drugs and clinical practice in a dispensary and an hospital."

(Speech, Con. Gathering.)

Dr. Shivnath Ramnath, Chief Medical Officer, Bhavnagar State, says:—"The Institution is towards the best direction at a time when petty Vaidyas are cropping up by cramming stray translations."

(Visit.)

Divan Bahadur Ambalal S. Desai says:—"I sat through Dr. Popat's lecture and must say it was very clear, able, and instructive. I was fortunately present on the day the Institution was opened, and it has given me great pleasure to observe the remarkable progress made by it during the short time."

(Visit.)

Dr. G. B. Prabhakar, L.R.C.P., L.M. & S., J.P., says:—"It has grown into a full fledged medical school."

(Visit.)

No. 25057 of 1915-16.

Bombay, 3rd November 1915.

Municipality of Bombay,
Public Works Department.

From

John A. Turner, M.D., D.P.H.,
Executive Health Officer.

Dear Dr. Popat,

I have read the report of your Society with interest and note the rapid extension and improvement in the teaching of the Ayurvedic College.

There is no doubt that you reach a class of people who would otherwise be without any medical help, and this class is large even in Bombay where there are so many qualified medical men. I know from personal observation that many of the poorer classes die without calling in any medical aid. If your Society could reach them, you would be doing a very useful work.

Yours faithfully,
J. A. Turner.

I have been in my humble way assisting a cause to put an end to quackery by training and producing efficient men to practise the Ayurvedic system and in doing so I must again repeat that, with due deference to the opinion of your Committee, I am not in any way guilty of unprofessional conduct.

The pamphlet I sent to you gives a full and detailed curriculum and the titles of the books which are taught to them. These books, as is stated by eminent professional men and other officials, contain a complete system of medicine, and to which for a certain extent in their opinion the Western system owes a great deal; and yet your Committee, without giving any reason, or stating any facts, simply held that my connection with this Institution, of the nature stated above, is *prima facie* a case of unprofessional conduct.

C. I do not understand the 3rd point suggested in your letter and stated above by me. If your Committee is acting under rules 75 and 78 of the Medical Act, then I say the explanations should have been asked for in the name of the President, and not the Committee, and a copy of an abstract reported to be made by the Registrar under rule 75 and to be submitted under rule 78 should have been in all fairness forwarded to me, which would have saved time and given me an opportunity to explain, and the matter would not have been ventilated to the prejudice of the Institution and myself in so vague a manner.

I need hardly say that from the very commencement I have been trying my best to give the Committee any explanation they want and convince them that my association with the Prabhuram Ayurvedic College is what it should be, and with a laudable object to train and turn out qualified men under the Ayurvedic system, which I consider to be most useful to the masses of people, say 90 per cent. according to official statements, without in the least degree under-rating the Western system I have learnt and practise, and for which I entertain the same opinion as the members of the Committee and the profession. If your Committee however decide to investigate the matter under the said rules, I shall be but too glad to stand the investigation and defend myself, if and when a formal charge with the necessary particulars are furnished to me. To such open enquiry and investigation I am entitled as a matter of right and claim, if after the above explanation, your Committee still think it right and proper to persist in an opinion formed *ex parte* by them.

In conclusion I give my honest opinion that after having studied the Western system, to assist the ancient Ayurvedic system so ably spoken of by men higher in rank than myself, is no sin, and not in the least degree either *prima facie* or at all unprofessional on my part. My presence, countenance, advice, assistance and co-operation are not with unqualified men, and I have not helped such persons to attend, treat or perform operations upon patients. All I have done and am doing is to teach the students and show them how to attend and treat patients, as all other professors and teachers do in Medical Colleges. Hence to say or to infer that I do so to enable unqualified persons to attend, treat, etc., is not true and I challenge the Committee to prove the same.

Trusting that these explanations will be found satisfactory to the Committee,

I have, etc.,

(Signed) Popat Prabhuram Vaidya.

No. 1858.

From

THE HON'BLE MR. A. P. MUDDIMAN, C.I.E., I.C.S.,
Secretary to the Government of India, Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Simla, the 4th September 1917.

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. 674, dated the 18th August 1917.

The Bombay Municipal and Local Boards (Amendment) Law, 1917.

I have the honour to be,
Sir,
Your most obedient Servant,

(Signed) A. P. MUDDIMAN,
Secretary to the Government of India.

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER AMENDMENTS TO THE RULES FOR THE CONDUCT OF BUSINESS AT MEETINGS OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF BOMBAY.

We, the undersigned members of the select committee appointed to consider certain amendments in the Rules for the Conduct of Business at meetings of the Legislative Council of the Governor of Bombay, of which notice had been given and which are shown in Part I of the schedule appended to this report, and to report to the Council what modifications should be made in the rules in view of the said amendments, have the honour to report as follows:—

The amendments referred to us raise questions of principle falling under two main heads, to which we will in the first instance allude.

(1) The rule which the Honourable Mr. Patel proposes to introduce as rule 21A, makes the "member in charge" of the bill the chairman of the select committee *ex officio*, but does not define the expression "member in charge". This expression is ambiguous. We think, however, that if it came to be construed, the meaning attributable to it would be that given in the definitions in rule 1 of the Rules relating to Financial Resolutions, to the discussion of matters of General Public Interest and to the asking of questions; that is (in effect) the member of the Executive Council in charge of the department concerned. It is however necessary to avoid any ambiguity on the point. It was with this end in view that the Honourable Sir M. B. Chaubal proposed to insert an express definition of "member in charge" in rule 1. The questions of principle then, which are raised by these two proposals, are (*a*) whether the member of the Executive Council in charge of the department concerned should invariably be a member of the select committee, and (*b*) whether if so he should be chairman thereof. Government, being charged with the welfare and good governance of the Presidency, must necessarily be interested in all legislation. Further the member of the Executive Council in charge of the department concerned has either a greater knowledge or at any rate a greater means of knowledge on the matters under discussion than any other member, including the introducer of the bill. Lastly, from the point of view of the introducer of the bill, it is to be presumed that he desires to make use of the knowledge at the disposal of Government and to know the views of Government on all matters under discussion. We are therefore of opinion that question (*a*) should be answered in the affirmative.

We are further of opinion that if once it be conceded that the member of the Executive Council in charge of the department concerned should be a member of the select committee, it is but in the fitness of things that he should be chairman, unless he is prepared to waive his right to be so. The sub-rules (*2*) and (*3*), which we recommend should be added to rule 21, have been framed to give effect to these views. These sub-rules represent the substance of the Honourable Mr. Patel's proposed rule 21A, combined with the Honourable Sir M. B. Chaubal's proposed definition.

(2) The second main question which we have considered is whether the procedure at present provided for in rule 28, according to which a member desiring to introduce a bill first asks leave of the Council for its introduction, should be done away with, as proposed in the Honourable Mr. Patel's group of amendments dealing with rule 28. The stage of legislation in question is recognized in section 80 of the Government of India Act, 1915, and in the rules of all legislative councils in India, and we are of opinion that no case has been made out for its abolition. It is true that in the case of bills framed by Government, this stage is usually omitted and introduction is ordinarily effected by publication in the Gazette as provided by Proviso (*5*) to Rule 28. Government bills however stand on a somewhat different footing from additional members' bills. A Government bill is generally the outcome of prolonged consideration, and the resources at the disposal of Government enable it to undertake enquiries and to obtain information more readily than an additional member can do. Hence a Government measure is first published in a more mature state than would ordinarily be the case with an additional member's

bill. Moreover the local Government is not the only Government concerned in local legislation. A proper interval is required to enable the local Government to inform the Government of India and the Secretary of State of a bill of which notice is given and to receive replies. Lastly in the case of an additional member's bill the drafting frequently requires considerable alteration. We should further point out that Proviso (5) to Rule 28 permits the Governor in his discretion to order the introduction by publication in the Government Gazette of bills in suitable instances, whether they be private bills or Government bills. This was done in the case of the bill for compulsory education which was read for the first time at the sessions of the Council in July last. For these reasons we advise the retention of the present procedure.

2. We considered the question whether leave to introduce a bill must be dispensed with in the case of bills that require the sanction of the Governor, and we think it is more in accord with the spirit of sections 79 and 80 of the Government of India Act, 1915, that the sanction should have been given previous to the motion for leave to introduce. This recommendation, we may mention, is in accord with the decision on the question in the Madras Legislative Council and in accordance with the rules in force in the Imperial Legislative Council.

3. The other amendments do not appear to require discussion. We have altered the wording of the Honourable Mr. Patel's proposed rule 31A and advise that it should be inserted after rule 37. The amendments of the rules which we recommend for adoption are collected in part II of the schedule.

(Signed) M. B. CHAUBAL,
(„) T. J. STRANGMAN,
(„) G. K. SATHE.

MINUTE OF DISSENT BY THE HONOURABLE MR. V. J. PATEL, BAR.-AT-LAW.

This select committee as appointed by the Council consists of three official and two non-official members. I regret that the point of view of the official members is so diametrically opposed to that of the non-officials on the main questions referred to the committee that I find myself unable to sign the majority report. I, therefore, record my views in this separate minute.

Chairman of Select Committee on Bills.

The rules made under section 37 of the Indian Councils Act, 1861, make no provision for the appointment of chairman of select committee. Rule 21 of the said rules merely empowers the Legislative Council to appoint a select committee but makes no mention of the appointment of its chairman. In practice, however, the Council appoints the chairman or, where it does not, the member in charge of the Bill takes the chair as a matter of course. This practice, in my humble opinion, is, to say the least, irregular. I, therefore, gave notice to the Secretary of the Legislative Council of my intention to move the Council at its last meeting to add the following new rule after rule 21 of the rules for the conduct of Council business:—

"21(*a*). The member in charge of the Bill shall be invariably a member and also the chairman of any select committee to which the Bill is referred."

The Government thereupon in their letter No. 1825-L., dated 17th July 1917, inquired whether I would be prepared to substitute the words "the member of the Executive Council in charge of the Bill" in the place of the words "the member in charge of the Bill". I did not see my way to accept that suggestion.

Subsequently this motion along with several other motions was referred by the Legislative Council at its last meeting to this committee. During our deliberations the official members on the commitee took the same view as was intimated to me by the Government in their letter above referred to. It was contended by them that a member of the Executive Council knew more about the subject-matter of a Bill referred to a committee and that knowledge would be of immense use to the committee if he were the chairman. I cannot for a moment endorse the view that a member of the Executive Council, however well

trained he may be in his official routine, knows more about the subject-matter of every Bill which an additional member, after careful study and anxious thought, may bring before the Council. It is matter of common knowledge that Government members, partly on account of their supposed exalted position which keeps them aloof from touch with popular feelings and grievances, and partly on account of heavy burden of their official duties, have not got the advantage of obtaining first-hand knowledge which the non-official members possess. Assuming, however, that a member of the Executive Council possesses greater knowledge than an ordinary member there is no reason whatever to suppose that he would not condescend to give the benefit of that knowledge to the committee as a member rather than as a chairman of that committee.

There is again a very serious objection to the proposal of the majority of the committee. Suppose, for instance, that an additional member's Bill is very vehemently opposed and severely criticised by the member of the Executive Council at its first reading. The Council, however, passes the first reading and refers it to select committee. Is it fair under those circumstances that the member who holds and has expressed very strong views against a measure should be the chairman of the committee appointed to consider it ?

It was further contended that the position of a member of the Executive Council ought to entitle him to become the chairman of the committee of which he is a member. I wish this argument had not been advanced. One wonders how long it is proposed to maintain the official element in our constitution on a tottering pinnacle of ' prestige '. The public interests demand that the members of the Government and representatives of the people on the Legislative Council should co-operate and work in harmony on a footing of absolute equality. After all the former are paid public servants and the latter honorary. How is harmonious working possible if one assumes an air of superiority over the other ? When a non-official member is reminded of the ' position ', ' prestige ', etc., of a member of Government, is not he justified in retorting that under some Government disciplinary rules, a member of Government is deprived of his liberty of speech or vote, for, whatever his personal convictions on a particular question may be, he must voice the views of Government and vote with them ; while a non-official member can speak out his mind freely and is at liberty to vote according to the dictates of his conscience ?

Having thus briefly answered the only arguments urged against my proposal that a member in charge of a Bill whether he be a member of the Executive Council or an ordinary member of the Legislative Council, should invariably be the chairman of the select committee, I now proceed to cite below the appropriate rules of some of the other Legislative Councils dealing with this question in the hope that the honourable members of the Legislative Council, who are really the ultimate judges of the propriety or otherwise of my proposal, will take them into their consideration at the proper time.

Rules 25 and 26 of the Burma Legislative Council rules.

" 25. The Government Advocate General, if he is the member of the Council, shall be a member of every select committee.

26. The other members of every select committee shall be named by the Council when the Bill is referred to a select committee or at any subsequent meeting.

The member in charge of the Bill shall be the chairman of the committee and in the case of equality of votes shall have a second or casting vote."

Rule 43 of the Madras Legislative Council rules.

" 43. The member in charge of a Bill shall invariably be a member and also the chairman of the select committee. . . . . "

Rule 10 of the Punjab Legislative Council rules.

" 10. .....

The member in charge of the Bill shall be the chairman of the committee and in the case of equality of votes shall have a second or casting vote."

Rule 35 of the Bengal Legislative Council rules.

"35. (1) The member in charge of a Bill shall ordinarily be the chairman of any select committee to which the Bill is referred.

(2) In the case of an equality of votes at any meeting of the select committee the chairman shall have a second or casting vote."

Rules 34 and 35 of the Assam Legislative Council rules.

"34. The Legal Remembrancer, if he is the member of the Council, shall be a member of every select committee.

35. .....

The member in charge of the Bill shall be the chairman of the committee and in case of equality of votes shall have a second or casting vote."

Motion for leave to introduce a Bill.

During our deliberations it was suggested that my motion to dispense with the leave stage was *ultra vires* of section 80 (1) of the Government of India Act, 1915, which contemplates a motion for leave for the introduction of any Bill. According to this view every Bill, whether of Government or of an additional member, must pass through the leave stage. I have carefully considered this aspect of the question and I am inclined to take the same view. Section 38 of the Indian Councils Act, 1861, laid down as follows :—

"It shall not be lawful for any member or additional member to make or for the Council to entertain any motion unless such motion shall be for leave to introduce some measure as aforesaid into the Council or have some reference to some measure actually introduced thereinto."

This section is repealed by the section 80 of the Government of India Act which provides :—

"At a meeting of local Legislative Council no motion shall be entertained other than a motion for leave to introduce a measure into the Council for the purpose of enactment or having reference to a measure introduced or proposed to be introduced into the Council for that purpose."

These statutory provisions make it perfectly clear that the first stage of a Bill to be introduced into any Legislative Council in India is motion for leave to introduce it. When such a motion is made it is for the legislature to say whether leave should be given or refused. If the legislature is satisfied that a practical necessity exists for the proposed legislation or that a state of things has arisen that necessitates such legislation, it may grant the necessary permission. The Government of India Act does not empower the legislature to dispense with the leave stage or to delegate its function to grant or refuse leave. Sub-rule 5 of rule 28 of our rules, however, gives the Governor power to order publication in the *Bombay Government Gazette* of any Bill though no motion for leave to introduce it has been made; and rule 29 (1) provides that such publication shall be deemed to be the introduction of the Bill. The result is that these rules give the Governor a power and a function which ought to rest and which do rightly rest in all constitutional countries with the legislature. The legislature is not responsible for these rules. They were made by the Executive Government when the Bombay Legislative Council was first established. It is difficult to understand, however, how the Government, who themselves did not possess these powers, transferred them to the Governor, when as a matter of fact even the legislature, as I have just observed, could not legally part with them. In this connection I should like to quote below a very emphatic expression of opinion recorded in 1862 by the then Secretary of State for India in his despatch No. 25 of 31st July in reference to a similar rule of the rules for the Imperial Legislative Council.

"A rule, the practical effect of which is that instead of moving for leave to introduce a Bill into the Council a member may send it to the Secretary to the Government in the Home Department to be dealt with as if leave has been given to introduce it, appears to me open to serious objection. The power vested in this Council at its meeting for making Laws and Regulations, of exercising a

control over the introduction of the Bills is not to be considered a matter of form. There are certain subjects in regard to which the Council has no power to legislate; there are others in regard to which no member or additional member can introduce a Bill without the previous sanction of the Governor General, and others again in regard to which it may for obvious reasons be highly inexpedient to attempt legislation. In all such cases the power of imposing a check upon the introduction of Bills can be most effectively exercised at meetings of the Council. It must be further borne in mind that on such questions the additional as well as ordinary members have the privilege of voting. But the practice under your rules would go to deprive them of that privilege. The Government might, indeed, refuse to take any steps upon a Bill sent to the Secretary, but it is not fitting or expedient that the members of the Executive Council alone should exercise a power which belongs to every member of the Council when assembled for making Laws and Regulations. For these reasons I am of opinion that the initiative step for the introduction of every Bill should be taken at some such meeting of the Council."

For these reasons I maintain that sub-rule 5 of rule 28 and sub-rule (1) of rule 29 which, in effect, delegate to the Governor the function of legislature and thus empower him to dispense with the leave stage, are *ultra vires* and must be repealed.

Assuming for argument's sake that the legislature can legally dispense with the leave stage or delegate its function to do so to the Governor, I respectfully submit that all Bills whether of Government or of additional members should be treated alike in this respect by the delegate. Past experience has, however, shown that the Governor to whom are transferred the powers of legislature has invariably exercised those powers in favour of Government Bills and not in favour of Bills of additional members except in one solitary instance where the Government of India and the Bombay Government had accepted the principle of the particular Bill. That being so, the legislature should repeal the rules which empower the Governor to dispense with the leave stage at his discretion and resume the said powers and regulate the exercise thereof by a formal rule to the effect that in future any member of the Legislative Council may introduce a Bill at a meeting of the Council provided he has given to the Secretary two months' previous notice of his intention and sent with it a copy of the Bill and a full statement of objects and reasons.

Procedure where previous sanction of the Governor or the Governor General is required before the introduction of Bill.

Section 79, sub-sections (2) and (3), of the Government of India Act, 1915, enumerates cases in which it is not permissible for any local legislature to make or take into consideration or repeal or alter any law without the previous sanction of the Governor General. Section 80, sub-section (2), of the said Act makes it unlawful for a member of any local Legislative Council to introduce without the previous sanction of the Governor any measure affecting the public revenues of the province or imposing any charge on those revenues. The Honourable Sir Mahadev Chaubal proposes that an application for the necessary sanction shall be made through the Secretary by the member at the time when he gives notice of motion for leave to introduce a Bill. He further proposes that a member shall not be permitted to make motion for leave to introduce his Bill until such sanction has been received. With regard to the first proposal I contend that it is not necessary to make any rule fixing the time at which application for sanction must be made. It is, in my opinion, quite sufficient if the necessary sanction is obtained at or before proper time. So far as I know, no Legislative Council in India has made such a rule.

I now proceed to examine the second proposal of the Honourable Sir Mahadev Chaubal. Sub-section (1) of section 80 of the Government of India Act confers an absolute right on every member of any local Legislative Council to make a motion for leave to introduce a Bill. This sub-section read with sub-section (2) of the said section makes it perfectly clear that there is a distinction between a motion for leave to introduce a measure and the actual introduction of

it after leave has been granted. There is no limitation on a member's right to make a motion for leave to introduce a measure. Sub-section (2), however, imposes limitation on his right to introduce the said measure after leave has been granted. That sub-section says: "It shall not be lawful for any member of any local Legislative Council *to introduce*, without the previous sanction of the Governor, Lieutenant-Governor, or Chief Commissioner, any measure affecting the public revenues of the province or imposing any charge on those revenues." Once a motion for leave to introduce any measure contemplated in this section is granted, the member shall not be permitted to introduce it unless he obtains the necessary sanction. The proposal of the Honourable Sir Mahadev, if accepted, would seriously interfere with a member's right to make a motion for leave and is therefore *ultra vires* of sub-section (1) of section 80 of the Government of India Act. No Legislative Assembly in India can pass laws or make rules which override any Parliamentary Enactment.

I should like in this connection to refer to the rules of some of the other local Legislative Councils on this question. Bengal and Behar Rules leave a member's right to make a motion for leave untouched. They clearly provide that after leave is obtained by the member he shall not be permitted to introduce the measure unless and until the necessary sanction has been accorded thereto. I quote below for the information of the Council the appropriate rule of the Bengal Legislative Council Rules:—

"29. (1) Any member desiring to move for leave to introduce a Bill in accordance with the provisions of section 37 or 38 of the Indian Councils Act, 1861, shall give the Secretary at least two months' notice of his intention and shall together with the notice send a copy of the Bill and a full statement of objects and reasons.

(2) If after expiration of the said period such motion be carried in Council the Secretary shall cause the Bill together with the statement of objects and reasons to be printed (if not already in print) and send a copy to each member and the Bill shall thereupon be deemed to have been introduced in the Council.

Provided that the President shall not permit the introduction of any Bill which requires the previous sanction of (*a*) the Governor under section 38 of the Indian Councils Act, 1861, or (*b*) the Governor General under—

(i) Section 43 of the said Act, or

(ii) Section 5 of the Indian Councils Act, 1892, as the case may be,

unless and until such sanction has been duly accorded thereto."

Rule 31 of the Behar Council Rules makes similar provision.

In Madras, however, a proposal similar to the one which we are considering was discussed and passed at the last meeting of its Legislative Council in the teeth of very strong opposition by the non-official members, 21 voting for and 17 against it.

Apart from this question of *ultra vires* there is another very serious objection to the proposal of the Honourable Sir Mahadev Chaubal. If a motion for leave to introduce a measure is allowed to be discussed the Governor, who has to decide whether he should grant or refuse his sanction, will be in a far better position to exercise that discretion one way or the other on the materials brought to light during the course of such discussion. On the other hand, if the proposal of the Honourable Sir Mahadev Chaubal is accepted, the Governor will be deprived of the opportunity of having before him the views of the official and non-official members of the Council which can only be elicited if motion for leave is allowed to be discussed and he will have to grant or refuse sanction almost in the dark on the information supplied to him by the Secretariat. It seems to me, therefore, that the balance of advantage is in favour of allowing the motion for leave to be discussed before the Governor makes up his mind to grant or refuse sanction.

For these reasons, I am of opinion that the rules of our Council should provide that introduction of any Bill which requires the previous sanction of the

Governor or the Governor General shall not be permitted unless and until such sanction has been duly obtained.

(Signed) V. J. PATEL,
Additional Member.

Bandra, 10th September 1917.

MINUTE OF DISSENT BY THE HONOURABLE MR. A. F. I. PATHAN.

I also decline to sign the report and record my view in this separate minute under rule 24 of the Rules for the conduct of Council business. I have had the advantage of seeing the very able and instructive minute of the Honourable Mr. V. J. Patel and I endorse fully his views on the first two questions dealt with by him.

The first question is whether an additional member of the Legislative Council, if he happens to introduce any bill, should not preside over the deliberations of the Select Committee to which the bill is referred. The official members contend that the member of the Executive Council, possessing, as he does, greater knowledge of the subject-matter than the introducer of the bill, would be very useful, if he were the Chairman of the Committee. Assuming for argument's sake that he does possess greater knowledge, I agree with the Honourable Mr. Patel that there is no reason to suppose that he would not give the benefit of that knowledge, if he were merely a member. I am quite confident that the member of the Executive Council, as a member of the Select Committee, would enlighten the Committee with the knowledge at the disposal of Government and also the views of Government on all matters under discussion. The Honourable Mr. Patel has quoted in his minute the rules of other Provincial Legislative Councils bearing on the question and I do not wish to repeat them. Under the circumstances I am of opinion that the introducer of the bill whether he be an additional member or a member of the Executive Council should, invariably, be the chairman of the Select Committee.

The second main question is whether leave stage should be dispensed with in the case of bills of additional members. If section 80 (i) of the Government of India Act is construed to mean that leave stage is legally required I am humbly of opinion that the section is applicable to Government bills also. That being so, the Legislative Council alone has the power to grant or refuse motion for leave to introduce any bill. If, however, it is thought that there is nothing illegal in dispensing with the leave stage, I strongly hold that bills of additional members should be placed on an equality with Government bills in this respect. I regret that the majority of the Committee thinks that in the case of an additional member's bill the drafting frequently requires considerable alterations. Any one who has compared the original bill on compulsory education as drafted by the Honourable Mr. Patel with the bill, as altered by the Legal Department, cannot fail to observe that the bill, as originally drafted, should have evoked much less comments than the altered bill as it appeared before the Council. I may further observe that just as a Government bill is the outcome of a prolonged consideration, that of an additional member is matured by the member after long thought, careful consideration, and mutual consultation. Besides, the Government gets two months' notice of an Ordinary Member's bill and that ought to suffice.

With regard to the 3rd question whether sanction, where necessary, should be obtained before motion for leave or before introduction. I may say that the decision of the question rests on the construction of section 80 (2) of the Government of India Act. The Honourable Mr. Patel and the Honourable the Advocate General have both differed from each other on the construction to be placed on this sub-section. The question is one, therefore, which requires to be thoroughly threshed out in the Council. Madras Council has supported the contention of the Honourable the Advocate General, while the rules of the Bengal and Behar Councils are in accordance with the views of the Honourbale Mr. Patel.

(Signed) A. F. I. PATHAN,
Additional Member.

Dharwar, 14th September 1917.

SCHEDULE.

(PART I.)

Amendments in the Rules for the conduct of business at meetings of the Legislative Council of the Governor of Bombay referred to the select committee.

Rule 1.

(1) *From the Honourable Sir Mahadev Bhaskar Chaubal, K.C.I.E., C.S.I.*—

(*a*) In clause (*b*) of sub-rule (1) of rule 1 of the said rules, for the words "the Indian Councils Acts, 1861 to 1909," the words "sub-section (*3*) of section 75 of the Government of India Act, 1915," shall be substituted.

(*b*) After sub-rule (5) of rule 1 of the said rules, the following sub-rule shall be inserted, namely:—

"(6) 'Member in charge' means the Member of the Governor's Council to whom is allotted the business of the Department of the Local Government to which the subject under discussion belongs, and includes any Member to whom such Member in charge may delegate any function assigned to him under these rules;"

Rule 5.

(2) *From the Honourable Sir Mahadev Bhaskar Chaubal, K.C.I.E., C.S.I.*—

In clause (5) of rule 5 of the said rules, for the words "the Indian Councils Acts, 1861 to 1909," the words "the Government of India Act, 1915," shall be substituted.

Rule 21.

(3) *From the Honourable Mr. V. J. Patel*—

After rule 21 of the said rules, the following new rule shall be added:—

"21A. The member in charge of a Bill shall, invariably be a member, and, also the chairman of any select committee to which the Bill is referred and shall have power to report to the Governor the name of any member who neglects or is unable to attend its sittings or by death, resignation or otherwise ceases to be a member of the committee and the Governor may thereupon appoint, out of the members of the Council, an additional member to the select committee."

Rule 28.

(4) *From the Honourable Mr. V. J. Patel*—

For rule 28 of the said rules, the following words shall be substituted:—

"28. (1) Subject to the provisions of the Government of India Act, 1915, any member may, at a meeting of the Council introduce a Bill.

(2) Any member desiring to introduce a Bill as aforesaid, shall give the Secretary at least two months' previous notice of his intention and shall, together with the notice, send a copy of the Bill and a full statement of Objects and Reasons and any other necessary papers.

(3) The Secretary shall within ten days from the receipt of the notice prescribed in the preceding sub-rule, or where the Bill requires the previous sanction of the Governor under section 80, sub-section (*2*), of the Government of India Act, 1915, or the previous sanction of the Governor General under section 79, sub-section (*2*) or sub-section (*3*) of the said Act, within ten days from the receipt of such sanction, publish the Bill with the statement of Objects and Reasons in the *Bombay Government Gazette*.

(4) Provided that the Governor may order the publication in the *Bombay Government Gazette* of any Bill at any time. In such case the statement of Objects and Reasons shall be published with the Bill."

(5) *From the Honourable Sir Mahadev Bhaskar Chaubal, K.C.I.E., C.S.I.*—

In rule 28 of the said rules,

(*a*) in sub-rule (1), for the words "the Indian Councils Acts, 1861 and 1892," the words "the Government of India Act, 1915," shall be substituted.

(*b*) for sub-rule (6) the following shall be substituted, namely :—

"(6) Where the Bill requires the previous sanction of the Governor under section 80, sub-section (*2*), of the Government of India Act, 1915, or the previous sanction of the Governor General under section 79, sub-section (*2*) or sub-section (*3*), of the said Act, the application for such sanction shall be made through the Secretary at the time of giving notice under sub-rule (2), and the motion for leave to introduce such Bill shall not be made until such sanction has been received."

Rule 29.

(6) *From the Honourable Mr. V. J. Patel*—

In sub-rule (1) of rule 29 of the said rules, for the words "under sub-rule (4) or sub-rule (5)" the words "under sub-rule (3) or sub-rule (4)" shall be substituted.

Rule 31.

(7) *From the Honourable Mr. V. J. Patel*—

After rule 31 of the said rules, the following new rule shall be added :—

"31A. (1) At any time during the progress of a Bill the member who, for the time being, is in charge of the Bill, may move that it be withdrawn.

(2) If such motion be carried, the Bill shall be withdrawn accordingly."

Rule 38.

(8) *From the Honourable Sir Mahadev Bhaskar Chaubal, K.C.I.E., C.S.I.*—

In sub-rule (2) of rule 38 of the said rules, for the words "sections 39 and 40 of the Indian Councils Act, 1861," the words "section 81 of the Government of India Act, 1915," shall be substituted.

(PART II.)

Amendments recommended by the Select Committee.

1. In clause (*b*) of sub-rule (1) of rule 1 of the said rules, for the words "the Indian Councils Acts, 1861 to 1909," the words "sub-section (*3*) of section 75 of the Government of India Act, 1915," shall be substituted.

2. In clause (*5*) of rule 5 of the said rules, for the words "the Indian Councils Acts, 1861 to 1909," the words "the Government of India Act, 1915," shall be substituted.

3. Rule 21 of the said rules shall be numbered sub-rule (1) of rule 21, and the following sub-rules shall be added thereto :—

"(*2*) The Member of the Executive Council, to whom is allotted the business of the Department of Government to which the matter referred to the Select Committee belongs, shall invariably be a member of the Select Committee. Such member shall be the chairman of the Select Committee unless he waives his right to be chairman, in which case the members present shall appoint their own chairman. In the absence of the chairman at any meeting the members present shall appoint a chairman for that meeting.

(*3*) The chairman shall have power to report to the Governor the name of any member who is unable to attend the meetings of the Select Committee or by death, resignation or otherwise ceases to be a member thereof, and the Governor may thereupon appoint, out of the members of the Council, another member in his place."

4. In rule 28 of the said rules,

(*a*) In sub-rule (1), for the words "the Indian Councils Acts, 1861 and 1892," the words "the Government of India Act, 1915," shall be substituted.

(*b*) For sub-rule (6) the following shall be substituted, namely :—

"(6) Where the Bill requires the previous sanction of the Governor under section 80, sub-section (*2*), of the Government of India Act, 1915, or the previous sanction of the Governor General under section 79, sub-section (*2*) or sub-section (*3*) of the said Act, the application for such

sanction shall be made through the Secretary at the time of giving notice under sub-rule (2), and the motion for leave to introduce such Bill shall not be made until such sanction has been received."

5. After rule 37 of the said rules, the following rule shall be inserted :—

"37A. (1) At any time during the progress of a Bill the member of the Executive Council in charge of the Bill or, in the case of a Bill introduced by an Additional Member, such member, may move that it be withdrawn.

(2) If such motion be carried, the Bill shall be withdrawn accordingly."

6. In sub-rule (2) of rule 38 of the said rules, for the words "sections 39 and 40 of the Indian Councils Act, 1861," the words "section 81 of the Government of India Act, 1915," shall be substituted.

The humble Memorial of the Citizens of Bombay assembled at a public meeting on the 29th day of September 1917.

RESPECTFULLY SHEWETH :

1. That your Memorialists are desirous of submitting for the favourable consideration of Your Excellency in Council this Memorial with reference to the Bill to further amend the Bombay Medical Act, 1912.

They strongly feel that the view taken by the Executive Committee of the Medical Council appointed under the Act, of the meaning and operation of the phrase "infamous conduct in any professional respect" occurring in sections 7 and 9 of the said Act and sought to be pressed on Government for acceptance is not only erroneous and unsustainable but calculated to deal a serious blow to the ancient and renowned systems of Ayurvedic and Unani medicine so widely prevalent in this country and ministering to the wants and sufferings of at least 90 per cent. of its population.

2. As a concrete instance of the grave hardship and injustice involved in the acceptance of the view of the Medical Council your Memorialists crave leave to refer to the well-known and very popular Institution in Bombay known as the Prabhuram Ayurvedic College on whose behalf a representation has already been submitted to Government by the Managing Committee of the Institution and which your Memorialists fully endorse and support and with which they are in entire sympathy.

3. The Institution now known as Prabhuram Ayurvedic College of which Dr. Popat Prabhuram Vaidya, L. M. & S., is the Principal, was first established in the year 1896 by the late Vaidyaraj Prabhuram Jivanram of Porebunder who possessed a thorough knowledge of the Ayurvedic system, and his ability and experience were admitted by eminent Doctors like Col. Carter, Col. Grey, Col. Arnott, whom he frequently called in consultation, and it was at the suggestion of eminent Doctor friends and certain leading citizens of Bombay that he started the school with a view to spread the knowledge of that system of medicine for the benefit of the Vaidyas and the public who trusted to their treatment. Leading and eminent citizens of Bombay have expressed warm appreciation of the work and success of this College as set out in the aforesaid petition of its Managing Committee and Dr. Popat has repeatedly been thanked for the interest he has been taking in the welfare of the Institution without any remuneration, and its present success and position are mainly due to his earnest and disinterested work. The Institution would be deprived of his help and advice if the narrow and unwarranted interpretation of the phrase "infamous conduct in any professional respect" which the Executive Committee of the Medical Council press on the Government is accepted, as such a view would enable the Council to remove the name of Dr. Popat from the Medical Register on account of his association with the Institution.

4. Your Memorialists submit that the view taken by the Executive Committee and by the Medical Union in their protest is erroneous, illiberal, unsustain-

able, unworthy of a learned body belonging to a noble and liberal profession and opposed to the view of eminent Judges in England and expressed in the following words: "If it is shown that a medical man in pursuit of his profession has done something with regard to it which would be reasonably regarded as disgraceful or dishonourable by his professional brethern of good repute and competency, then it is open to the General Medical Council to say that he has been guilty of infamcus conduct in professional respect."

5. Your Memorialists respectfully submit that it would be gross perversion and abuse of language to say that Dr. Popat's action in imparting his knowledge of Ayurvedic Medicine to the students of this Institution and his association with it as an act of filial duty as an honorary worker and helper can reasonably be regarded as disgraceful or dishonourable conduct in pursuit of his profession. Indeed such action ought to be regarded as honourable and creditable, and it has moreover no reference to or connection with the pursuit of his own profession as a registered medical practitioner. Eminent members of the profession such as Lieut.-Col. Kirtikar, Sir Bhalchandra Krishna, Dr. Deshmukh, Dr. G. B. Prabhakar warmly approve and support such action and Dr. Turner, our Health Officer, has expressed his opinion as follows:—

"I have read the report of your Society with interest and note the rapid "extension and improvement in the teaching of the Ayurvedic College.

"There is no doubt that you reach a class of people who would otherwise "be without any medical help and this class is large even in Bombay where there "are so many qualified medical men. I know from personal observation that "many of the poorer classes die without calling in any medical aid. If your "Society could reach them you would be doing a very useful work."

His Excellency Lord Hardinge, Viceory and Governor-General of India, laid the foundation stone of a similar Institution at Delhi on 29th March 1916, and in the course of his speech said: "90 per cent. of the population of the country took advantage of the Ayurvedic and Unani systems of Medicines," and further "I cannot but recognize that there is good in them and it is far better for the masses of people where Western Science cannot for a long time reach that these ancient systems of Medicine should be modernised as much as possible to meet present day requirements and that they should have their benefit rather than have no treatment at all."

Sir Purdy Lukis, Director-General of the Indian Medical Service, in his speech in the Imperial Council in March 1916 said: "I resent strongly that spirit of trade-unionism which leads many modern Doctors to stigmatise all Vaids and Hakims as quacks and charlatans" and further he observed that "he cannot recognise any fixed line of demarcation between the Eastern and Western systems of medicine." Further Order No. 36569, dated 23rd May 1916, under the signature of Mr. P. W. Monie, Secretary to Government of Bombay, says: "It is not denied that there are at present capable practitioners of the ancient methods;" and yet the Bombay Medical Union in their representation, dated 7th July 1917, in sweeping terms says, "that the majority of men practising under the designation "of Vaids and Hakims are illiterate and uneducated and therefore even the "educated of these Vaids and Hakims should not be associated with or educated "by the medical practitioners."

6. Your Memorialists crave permission to refer to the opinions of learned members of the profession and other eminent men as to the high value of the Ayurvedic system of medicine in all departments of Science set out at length in the above representation of Ayurvedic College.

7. The action of the Executive Committee of the Medical Council in reference to Dr. Popat is sufficient to show the imperative necessity of a clear business-like and sympathetic explanation of the much disputed expression "infamous conduct in a professional respect" in the respect of Schools and Institutions like the Ayurvedic College teaching the ancient system of medicine and turning out practitioners to whom thousands of the population of India resort for relief and who would otherwise go without any medical help or relief at all. Such a result

must be regarded as a public calamity, and it would be highly inexpedient and impolitic to coerce however indirectly 90 per cent. of the population of the country to resort to practitioners of Western Medicine in whom rightly or wrongly they do not feel confidence or go without any medical relief at all, such an action moreover would seem only to accentuate and intensify the public prejudice and dislike of the European system of Medicine.

Your Memorialists therefore pray that Your Excellency in Council will be pleased to reject the view and action of the Medical Council and provide a just, liberal and judicious interpretation of the clause "infamous conduct in a professional respect" in sections 7 and 9 of the Bombay Medical Act, 1912, in consonance with the feelings, needs and interest of the large bulk of the Indian population and with the high value of the Indian systems of Medicine.

And your Memorialists as in duty bound will ever pray.

(Signed) N. G. CHANDAVARKAR and others.

Journal of Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915 (5 and 6, Geo. V, Ch. 61).

The Council assembled at 12 noon on Wednesday, the 10th October 1917, in the Council Hall, Poona.

PRESENT:

His Excellency the Right Honourable Lord WILLINGDON OF RATTON, G.C.I.E., Governor of Bombay, *President.*
The Honourable Sir MAHADEV BHASKAR CHAUBAL, K.C.I.E., C.S.I., *Vice-President.*
The Honourable Mr. G. CARMICHAEL, C.S.I., I. C. S.
The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.
The Honourable the Advocate General (Mr. T. J. STRANGMAN).
The Honourable Mr. S. R. ARTHUR, I. C. S.
The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.
The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.
The Honourable Mr. P. R. CADELL, C.I.E., I. C. S.
The Honourable Mr. SHERIFF DEVJI CANJI.
The Honourable Mr. JAMES GARGRAVE COVERNTON, C.I.E.
The Honourable Mr. PANDURANG ANANT DESAI, LL.B.
The Honourable Sardar SYED ALI ELEDROOS.
The Honourable Dr. C. FERNANDES, M.D.
The Honourable Mr. SIDDHANATH DHONDDEV GARUD.
The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE.
The Honourable Mr. MAHOMEDBHOY HAJEEBHOY.

MEDICAL BILL.

The Honourable Mr. EBRAHIM HAROON JAFFER.
The Honourable Colonel W. E. JENNINGS, I. M. S.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Sardar DULABAWA RAISINGJI, Thakor of Kerwada.
The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
The Honourable Khan Bahadur PIR BAKSH walad MIAN MAHMUD.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Sardar SHRINIWAS COOPOOSWAMI MUDLIAR.
The Honourable Rao Bahadur VENKATESH SHRINIWAS NAIK.
The Honourable Sir TEMULJI BHIKAJI NARIMAN, Kt., L.M., F. C. P. S. (Bom.)
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. F. G. PRATT, I. C. S.
The Honourable Mr. MUNMOHUNDASS RAMJI.
The Honourable Mr. W. M. ROSS.
The Honourable Dr. RAGHAVENDRA ROW, M.D., etc.
The Honourable Rao Bahadur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. C. N. SEDDON, I. C. S.
The Honourable Mr. PHIROZE C. SETHNA.
The Honourable Rao Bahadur TEKCHAND UDHAVDAS.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

The Honourable Lieutenant-Colonel JENNINGS, the Honourable Sir TEMULJI BHIKAJI NARIMAN, the Honourable Dr. RAGHAVENDRA ROW and the Honourable Mr. C. N. SEDDON took the oath of allegiance to the Crown.

His Excellency the PRESIDENT:—Bill further to amend the Bombay Medical Registration Act, 1912 (Bill No. III of 1917), first reading. The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I rise to move the first reading of a bill to amend the Bombay Medical Registration Act, 1912. The first object of the bill is to secure an elective majority in the constitution of the Medical Council. The Punjab Medical Act provides for such majority on the Medical Council of that province. After the last meeting of the Council at which leave to introduce this bill was given to me, the Government of the United Provinces have published in their Gazette, dated the 4th August 1917, the United Provinces Medical Act, No. III of 1917. That act also gives an elective majority to the Medical Council of those Provinces. The Honourable Mr. O'DONNEL, while presenting the report of the select committee on the bill which became law as published in the Gazette just referred to, said as follows:—

"Honourable members will have doubtless read the report and the bill as amended by the select committee and I need, therefore, only refer to a few of the changes that have been made. The more important of these relate to the composition of the Medical Council. The bill as originally introduced provided for a council to consist of eight nominated and five elected members. The first select committee reduced the nominated element to 6 and increased the elected element to the same figure. The committee with whose report we are now concerned has carried this process still further. Whilst leaving the nominated element unchanged it has increased the number of elected members from 6 to 8.

The Medical Council of these provinces will thus have a substantial elected majority and in this respect will be unique in India. In Madras, Bombay and Bengal there is a nominated majority on the Medical Council, and in the Punjab there is an elected majority, but a majority of only one. I hope it will be recognized that the select committee has gone as far as would be prudent and reasonable having regard to the existing circumstances of the medical profession in those Provinces."

The Bombay Medical Council consists of 13 members, 7 nominated and 6 elected. In order to secure an elective majority, it is proposed to reduce the number of nominated members from 7 to 5 and to increase the number of elected members from 6 to 8. It is further proposed in the bill that these two additional seats should be filled by persons elected from among the members of the faculty of medicine by the senate of the Bombay University. I know there is some difference of opinion on this point; that, however, is a matter, which can be satisfactorily settled in the select committee. What the Council is really concerned with at this stage is the principle of elective majority. If the honourable members agree—and I hope they will—that there should be a substantial elective majority in the constitution of the Medical Council, I trust they will vote in favour of the first reading and the method by which such a majority could be effectively secured may safely be left to be determined by the select committee.

The second object of the bill is to provide that persons trained in a Government medical college or school holding a Government diploma or certificate that they are qualified to practise Medicine, Surgery, or Midwifery or that they are qualified for the duties of a military assistant surgeon, hospital assistant, or a sub-assistant surgeon, shall be eligible to be members of the Medical Council. This provision is introduced in order to give effect to the recommendation of this Council on a resolution moved by my friend the Honourable Mr. PAREKH at the March sessions of the Council.

I now come to the last and most important part of this bill. It is in reference to the interpretation of the words "infamous conduct in any professional respect" occurring in sections 7 and 9 of the Medical Act. I am glad to tell this Council that the United Provinces Medical Act above referred to has, while empowering the Medical Council under section 26 (1) to prohibit the entry in, or order the removal from, the register the name of any medical practitioner found guilty of "infamous conduct in any professional respect" provides in sub-clause (2) of the same section as follows :—

"Nothing in sub-section (1) shall be deemed to justify the exclusion or removal from the register of the name of any medical practitioner on the ground of his adoption of the theory of Medicine and Surgery not in accordance with the accepted views for the time being or of his association with a vaidya, hakim or homeopath or an unregistered practitioner..... ....".

The Honourable Mr. O'DONNEL, on behalf of Government while presenting the report of the select committee on the bill, said as follows on this question :— "Lastly, it has now not only been definitely provided that nothing in the bill shall affect in any way a homeopath and ayurvedic or unani practitioner but it has also been definitely laid down that association with such a practitioner shall not be regarded as constituting unprofessional conduct."

Now let us examine the history of this question in our Presidency.

Honourable members will remember that when the measure, which became law in 1912, was discussed in this Council it was distinctly understood that it was not calculated to lower the prestige of the ayurvedic or the unani system of medicine, that it was in no way intended to impair the dignity of those practising these systems, but that it was primarily and solely meant for the purpose of bringing within the disciplinary jurisdiction only those practitioners who possessed certain scheduled qualifications. There were certain members of this Council

and a large section of the public outside it, who feared that indirectly, at any rate, the passing of the measure would strike a heavy blow at the growth and advancement of the ayurvedic and unani systems, and will ultimately have the effect of wiping out the systems altogether. But judging from the tenor of the bill, as it was put through the Council, all were under the impression that those fears were perhaps unfounded, and would easily prove to be unjustified by the working of the act in actual practice. Under the cricumstances, the bill was passed into law. My Lord, under sections 7 and 9 of the act, disciplinary jurisdiction is conferred upon the Medical Council to deal with cases of "infamous conduct in any professional respect". The act has made no attempt to define by any special clauses what would amount to professional misconduct and what would not. That being so, the Medical Council of Bombay has recently proposed to interpret the phrase to mean any association by a registered practitioner with any institution teaching the ayurvedic or unani system of medicine. I may allude at this stage to what has become public property, Dr. Popat's case. But before I do so I may remind the Council that the President, in summing up the proceedings of the Council when the bill was read for the first time in answer to the apprehensions of the members, said that "the bill will not affect the vaids and hakims". Again at the second reading of the bill as amended by the select committee the Hon'ble Mr. LAMB, who introduced the bill on behalf of the Government, denied that the bill excluded from the advantages of registration doctors who practise ayurvedic medicine. He said "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". Your Excellency, there is existing for the last twenty years an ayurvedic institution in Bombay which is now known as the Prabhuram Ayurvedic College doing its work scientifically and turning out qualified men to practise the system. About this institution some of the leading and distinguished men of this Presidency, Indian as well as European, have from time to time testified to the efficiency of this Institution and the good work that it has been doing, at various gatherings for giving certificates and degrees to qualified students.

Dr. Popat is the Principal of this Institution. In the month of May 1915 an advertisement in a Gujarati newspaper appeared under the signautre of Dr. Popat giving information to the public that "the college will begin its sessions from the middle of June next and entrance examination will begin on the 10th idem. The rules and regulations with curriculum of the new course will be sent on applying to the Principal".

On the 18th June a letter was sent to Dr. Popat by the Registrar of the Bombay Medical Council, saying that the executive committee of the Council had directed him to draw Dr. Popat's attention to the advertisement appearing over his signature and informing him that the association of his name with the ayurvedic college was incompatible with his status as a registered medical practitioner. Dr. Popat naturally asked how it was incompatible. He in answer was referred to the provisions of section 9 which empowered the Council to erase the name of a registered member from the register. Without replying to the specific questions put by Dr. Popat as to who was the complainant, what was the complaint, and as to what act or omission or commission of his in connection with the institution was considered amounting to infamous conduct, the Registrar simply said that his mere connection with the institution constituted *primâ facie* infamous conduct.

My Lord, Sir Pardey Lukis, the Director General of the Indian Medical Service, in his speech in the Imperial Council in March 1916 says: "I resent strongly that spirit of trade unionism which leads many modern doctors to stigmatise all vaids and hakims as quacks and charlatans and further that I do not recognise any fixed line of demarcation between the eastern and the western systems of

medicines." Your Excellency, I may be pardoned for quotations but I cannot help reading to this Council a sentence or two from the speech delivered by Lord Hardinge, the late Governor General and Viceroy of India, when laying the foundation stone of the Ayurvedic Tibbi College at Delhi on the 29th March 1916. He says "that 90 per cent. of the population of the country took advantage of ayurvedic and unani systems of medicine and further that I cannot but recognise that there is good in them and it is far better for the masses of people, where western science cannot for a long time reach, that these ancient systems of medicine should be modernised as much as possible, to meet present-day requirements and that they should have their benefit rather than have no treatment at all".

It is impossible to understand, my Lord, how the ayurvedic system can be modernised as Lord Hardinge said it should be, if western practitioners are not allowed to associate with institutions wherein eastern systems are taught. This step of the Council has roused a fear in the minds of the public that the construction attempted to be put on the provisions of the act, by the executive committee of the Medical Council, will no doubt completely wipe out the ayurvedic and unani systems of medicine. I confess I cannot understand the action of the executive committee because no stretch of words can enable them to put such a violent construction upon the phrase "infamous conduct in any professional respect". By the construction proposed to be put on it by the Bombay Medical Council it has been made to mean that no doctor who has studied the western system of medicine and got himself registered under the act can impart to others the knowledge of any other system which he happens to know, and which not only he but eminent doctors like Sir Pardey Lukis and others consider to be useful. Your Excellency, I do not for a moment attribute any motive of oppression or animosity to the gentlemen under whose orders the notice was issued, because at the second reading of the bill the Honourable the Surgeon General had assured us, that there was no danger that the clause would be made use of for the purpose of oppression or animosity but I must say that the action of the Medical Council in issuing such a notice and not coming to any conclusion for the last two years, keeping all the time a drawn sword over Dr. Popat, is open to grave suspicion.

When the act was passed many members wanted to define the phrase "infamous conduct" but then it was said that it was impossible to give an adequate and exhaustive definition of the phrase. The mover of the bill, while admitting that the substitution of the phrase "infamous" in place of the phrase "grave misconduct or professional misconduct" carried more obloquy, said if he himself had to draft it he would have preferred those original words in place of "infamous conduct". The select committee, however, recommended the phrase on the ground that it would help the Council to construe that phrase better with the help of English cases.

Your Excellency, I am glad to say that there is one case reported in I. Q. B., 1894, where a definition is given of that phrase by more than one of the English Judges. It is explained in very few lines, and I crave indulgence to read them more especially as the Bombay Medical Union has sent in a protest supporting the construction put upon the phrase, by the executive committee of the Medical Council. Now let us see what these learned and independent Judges say what that phrase means :—

Lord Esher M. R. says (at page 760 of I. Queen's Bench, 1894) :—

"I adopt the definition which my brother Lopes has drawn up, at any rate, of one kind of conduct amounting to infamous conduct in a professional respect, namely, if it is shown that a medical man in the pursuit of his profession has done something with regard to it, which would be reasonably regarded as disgraceful or dishonourable by his professional brethren of good repute and competency, then it is open for the General Medical Council to say that he has been guilty

of infamous conduct in a professional respect, but on the other hand, an act which is not done in a professional respect does not come within this section. There may be some acts which, although they may not be infamous in any other persons yet if they are done by a medical man in relation to his profession, that is, with regard either to his patients or to his professional brethren, may be fairly considered infamous conduct in a professional respect."

Again, the British Medical Act considers one who by his presence, countenance, advice, assistance or co-operation knowingly enables unqualified or unregistered persons to attend, treat and perform operations upon patients in respect of matters requiring professional discretion or skill, as if such persons were duly qualified, to be guilty of infamous conduct. The Bombay Medical Council has taken the same ground but I request your Excellency and the honourable members of the Council to refer to what the Honourable Surgeon General said on this matter in his speach at the time of the second reading of the bill. He says "it was never pretended for one moment that the passage of the bill was to protect the qualified medical practitioners from the vaids and hakims". What was said was that it was to protect the qualified medical practitioner from the unqualified men practising according to western methods—the untrained compounders—such as may be found in every bazar and so on. These are the men who are going about pretending that they are medical men. Dr. Popat surely, from what information has reached us, does not by his presence, countenance, assistance, co-operation or advice enable these unqualified and unregistered persons, the untrained compounders practising western methods, to act as if they are fully qualified. He is simply giving scientific instruction in the ayurvedic system to students who attend a particular course of instruction in the Ayurvedic College for a specific period. These students pass several test examinations and then get a qualifying certificate. One cannot understand how this kind of work can be even for a moment taken as infamous conduct when 90 per cent. of the population depend for their relief on the indigenous systems and cannot get scientific medical help unless such institutions are worked. I think your Excellency and the whole Council will agree with me when I say that taking into consideration the present situation as described by His Excellency Lord Hardinge, Dr. Popat is doing a laudable work such as Government should have begun long ago.

Under the circumstances and in the light of Lord Esher's ruling it becomes the plain duty of this Council to explain clearly to the public and to the Medical Council, which administers this act, that it would not be unprofessional conduct on the part of a medical practitioner to countenance in any way or encourage or to associate with any institutions where the unani or the ayurvedic systems are taught or practised or with any persons practising either of those systems.

I, therefore, propose by this bill that the following explanation should be added at the end of section 7 of the act :—

Explanation.—The commission of all or any of the following acts shall not be deemed "infamous conduct in any professional respect" within the meaning of this section or section 9 of this act :

(*a*) Studying or practising the ayurvedic, unani or other indigenous systems of medicine.

(*b*) Managing, assisting, encouraging, supporting, co-operating or in anywise associating with any hospitals, asylums, infirmaries, dispensaries or lying-in hospitals, wherein the ayurvedic, unani, or other indigenous methods of treatment are carried on.

(*c*) Managing, assisting, encouraging, supporting, co-operating or in anywise associating with schools, colleges or other institutions, wherein the ayurvedic, unani or other indigenous systems of medicine are taught, or

(*d*) Consulting, advising, assisting, encouraging, co-operating or in anywise associating with medical practitioners adopting the ayurvedic, unani or other indigenous systems of medicine.

MEDICAL BILL.

[10TH OCTOBER 1917.] [*Mr. Vithalbhai Jhaverbhai Patel; Dr. C. Fernandes.*]

With these observations I move the first reading of the Bill.

But before I close, your Excellency, I want to make one further observation. I have deliberately refrained from drawing comparisons between the relative merits of the western and indigenous systems of medicine and I trust that your Excellency, as President of this Council, will not allow any discussion on the relative merits of the different systems of medicine.

His Excellency the PRESIDENT :—I am very much obliged to the honourable member for his advice.

The Honourable Dr. C. FERNANDES :—Your Excellency,—I rise to speak on the bill as a medical man of some years' standing in the city of Bombay and as one who is well acquainted with the conditions affecting the profession and who has a fair knowledge of the views and feelings of my fellow practitioners. Dealing first with the proposed reduction of the nominated members from six to four I may say at once that while I think it highly desirable to have an elected majority on the Council, there seems to me no justification for adding two members to the number at present representing the faculty of medicine of the University. There are already ten members of the faculty on the Council out of a total membership of thirteen. The proposed amendment would add two more by election, which, I think, is superfluous. I would suggest that one of the seats should be given to the College of Physicians and Surgeans for which only the members on the Council of the college should be eligible We might then be spared the repetition of such a calamity to the Council as the exclusion from it of the principal of the only medical college in the Presidency, who is principally responsible for the training of the cream of the profession of the Presidency. The other seats should be given to the graduates of the University, thus bringing up the number of seats to which the latter are entitled up to five. I may also suggest that two more seats might be added to the present thirteen to bring the number on a par with that of Bengal and Madras, each of which has a total of fifteen. If this suggestion should be adopted, one of the two additional seats might be given to the faculty of medicine of the University and the other to the College of Physicians and Surgeons. The position would then be as follows:—Out of a total of fourteen members excluding the president who should always be nominated, four members would be nominated and ten elected, the latter being distributed as follows:—5 to the local graduates, 2 to those eligible under section 2, sub-section (2), clause (*a*), of the act, 2 to the College of Physicians and Surgeons and 1 to the Medical Faculty of the University. I feel no doubt that the profession generally would approve of this arrangement. I now come to sub-section (3) of section 2 of the bill.

I would say in regard to this that the view put forward in the representations of the Bombay branch of the British Medical Association and the Bombay Medical Union are entitled to the fullest consideration. It is far from my intention in any way to reflect upon a deservedly respected class of men, but it is natural that the higher qualified men should regard this proposal to make military assistant surgeons and sub-assistant surgeons eligible for membership of the Council with strong misgiving, justified by the obvious undesirability and indeed the anomaly of a proposal which would qualify men of inferior status to themselves to sit in judgment on them when cases of inquiry into alleged professional misconduct come up for consideration. I may be pardoned if I emphasise the high importance of preserving the status and educational and professional standard of the Council. Now whatever else may be the merits of this class of men, and their claims to consideration, they are after all admittedly below the status that is required of medical men by the various professional governing bodies throughout the world, and I think it must be admitted that there is sound reason in the contention that only those members of the profession who have qualified in the fullest degree can be fitted to deal with all the delicate and complicated matters that come before

the Council for consideration. There is another point which I should mention. We are looking for reciprocity in the matter of registration with the governing bodies of the profession in other countries. That will not be conceded to us while we admit to our register men of an inferior status who would not be admitted to the register of the United Kingdom or accepted as members of the British Medical Association. Thus we are already suffering from a heavy disability by the existence of a common register for fully and lesser qualified men and instead of emphasising this by admitting the latter to the Council I would submit that the proper course would have been to have had schedules as was proposed in the draft act of the British Medical Association. Even now it would not be too late to do this.

I think we have gone far enough in admitting this class to the electoral roll. It is true it is proposed only to remove the bar to the eligibility for membership of the Council and that it does not necessarily mean admission into the Council, but they are in an enormous majority on the register, and can there be any doubt that they would immediately take advantage of the concession thus opened to them? Moreover, I agree with the representation of the Medical Union that exclusion from the Council should serve as a desirable inducement to them to qualify themselves for the higher grade of the profession.

Coming to the last and most important clause of the bill I must say that this clause would deprive the Council of its legitimate control over registered practitioners. A registered practitioner might associate himself with the veriest quack, and do so under the most disgraceful circumstances, and the Council would be powerless to deal with his conduct, to the extent of placing it within the definition which would exclude such an offender against professional propriety from the pale of recognition. It seems to me there is a great deal of misapprehension regarding the meaning of the phrase "infamous conduct". The word "infamous" no doubt has a very unpleasant interpretation in common parlance, but it is used in a special sense and has a limited meaning in this connection. Its application is confined solely to the matter of professional conduct, it does not imply any moral reflection but merely a failure to conform to the rules of professional conduct recognised by the legally constituted professional governing body. In conclusion, I would say that more encouragement is needed for the use of indigenous drugs in our medical practice and we might well follow the example of Madras and institute a chair of pharmacology at the Grant Medical College or elsewhere, with a laboratory attached where the medical virtues of these drugs could be scientifically tested and demonstrated. The results of such investigation could be made available for medical men generally, but in a more special manner to those who choose to undergo a post-graduate course in this branch of medicine, as I am sure many of them would be only too glad to do. It must be recognised that the indigenous drugs used in the ayurvedic system of medicine are of high value, many of them perhaps unequalled in their efficacious properties and require to be scientifically investigated, although the system itself is antiquated and obsolete.

The Honourable Mr. PHIROZE C. SETHNA:—Your Excellency,—The Bombay Medical Act was passed only five years ago in 1912. Since then there have been two amendments which are Bombay Acts Nos. III and IV both of 1916 and now after a little more than a year the Honourable Mr. PATEL has brought forward a bill proposing further amendments. In the first place he asks for a redistribution of seats on the Medical Council; secondly, his object is to enable medical undergraduates who are allowed to register under this act and who at the moment are only permitted to vote for two seats on the Medical Council to be also able to offer themselves as candidates for these two seats. Lastly, the bill aims at compelling, as it were, the medical fraternity registered under this act to recognise practically on a footing of equality those who profess to practise the ayurvedic, the unani or other indigenous systems of medicine.

MEDICAL BILL.

[10TH OCTOBER 1917.] [*Mr. Phiroze C. Sethna.*]

Members of this Council have been favoured with copies of representations from different medical bodies and others on the changes proposed by the Honourable Mr. PATEL. These representations are all agreed that in future, instead of Government nominating six members besides the president in a council of thirteen, they should nominate only four, exclusive of the president. Whilst there is complete agreement in regard to the reduction in the number of Government nominees, all these medical bodies differ from one another in the recommendations they make as to the assignment of the two seats that would be so released. The honourable mover suggests a change in the act whereby these two seats could be filled by the members of the medical faculty of the senate of the Bombay University As the Honourable Dr. FERNANDES has just pointed out, the medical faculty of the Bombay University consists of twenty members, and it so happens that as many as ten out of these twenty are already on the Medical Council of thirteen. This large proportion is likely to continue for years to come and it is therefore not at all advisable to allot any seat or seats to the medical faculty of the senate. The Bombay branch of the British Medical Association propose that one of the seats should be allotted to the medical faculty of the University and the other to the Fellows of the College of Physicians and Surgeons, Bombay. The Bombay Medical Union, on the other hand, recommend that these two seats should both go to the medical graduates of the Bombay University. Sub-section (2) (*c*) of section 2 of the act lays down that four members of the Council be elected by doctors, bachelors and licentiates of medicine, and masters, bachelors and licentiates of surgery of the University of Bombay who are registered under the act. The Bombay Medical Union are not only for increasing this number from four to six, but add the proviso that all the six must be no other than members of their own body, namely, graduates of the Bombay University. There is yet another recommendation, and that from the Gujarat branch of the All-India Sub-Assistant Surgeons' Association, and naturally to the effect that these two seats be reserved for sub-assistant surgeons with an independent electorate from their own class. These various suggestions will require to be fully considered in select committee. Personally I am of opinion that because the Bombay medical graduates are primarily concerned with the Bombay Medical Act, they should be given a larger representation and they be allowed to elect five members instead of four as at present. In regard to the other seat, I propose a separate electorate altogether consisting of medical men holding diplomas and degrees of Universities other than the Bombay University, who might thus be enabled to return one of their own number. I make this suggestion because as time goes on it seems to me that all the elected seats will be filled up by the Bombay medical graduates, and medical men, whether I. M. S. or from Universities other than that of Bombay, will have to depend exclusively on Government nominations.

The Honourable Mr. PATEL'S second point is to enable the medical non-graduates, generally known as sub-assistant surgeons and military assistant surgeons, to offer themselves for two seats on the Medical Council. The medical practitioners who come under this class are men who are trained at the Grant Medical College in Bombay for the work of military assistant surgeonships or those who are trained at the medical schools in Poona, Ahmedabad and Hyderabad (Sind) in this Presidency for sub-assistant surgeonships. It is a matter of common knowledge that the standard of ducation required of pupils who aspire to these positions is comparatively very low. Even for the most junior clerkships in Government service the school final examination, which is a severer test than the matriculation, is considered essential, whereas the fifth and the sixth years classes in schools are all that students are required to go through if they propose to qualify for this lower branch of the medical profession. The Bombay Medical Act of 1912 and similar acts in the other Presidencies are framed on the lines of the medical acts in the United Kingdom. Medical under-graduates with the qualifications of our sub-assistant and military assistant

surgeons would not be registered as medical students and much less as medical practitioners under the acts in the United Kingdom. They have been treated more leniently under the local act and are allowed to be registered, as also to vote for two representatives. To suggest now that they should sit as equals with fully qualified medical graduates on the Medical Council is perhaps stretching the point a little too far On account of their limited school education, as also on account of the difference in rank and status in their own profession, they are not so qualified and the attempt to put them on the Medical Council might result in driving out of the Council men with the highest medical diplomas serving on it at present but who would hesitate to continue on a body with colleagues intellectually and professionally very much their inferiors. The honourable mover is a member of the bar. He knows that for any dereliction of duty on the part of a member of his profession, on the motion of the Advocate General, such member can be brought up for trial before the judges of the High Court. Will my honourable friend approve of a proposal that at such a trial a munsiff from one of the lowest courts in the mofussil be appointed as a colleague of the High Court judges? And this is exactly what his proposal amounts to. It is one of the functions of the Medical Council, to try cases where perhaps a fully qualified medical graduate is brought up on the charge of 'infamous conduct'. If two of his judges according to the proposed amendment are medical undergraduates, their position would correspond to that of the munsiffs associated with High Court judges enquiring into charges against a barrister-at-law. It is said that in Bengal and Madras the medical undergraduates do not suffer from the disqualification which the honourable mover is trying to remove in the case of the Bombay Presidency and that they have been given the same status.

The Honourable Mr. PATEL:—I have never stated it.

The Honourable Mr. SETHNA:—The Honourable Mr. PATEL, I believe, has not. But I will qualify my statement by observing that it is so stated in the press and in the various representations that have been received. If the other Presidencies have made this mistake, it does not follow that we should do likewise, for I feel certain that if the other Presidencies are given a chance they would be only too willing to take away this concession which perhaps they granted in a hurry and regret having done so.

According to the last Bombay Medical Register there were 1,944 men registered under this act up to the end of 1916. This number is made up of 805 Bombay graduates, 18 from other Indian universities, 97 from European universities and 1,024 medical undergraduates. Out of these 1,024 some may have passed the matriculation or the P. E. examinations. Such men can qualify for the membership diploma of the newly founded College of Physicians and Surgeons in Bombay This diploma is recognised to be a fair test and in many ways conforms with the M. B., B. S. examination of the Bombay University. It would be unfair not to allow those who have received these diplomas to be elected to the council, and if the Honourable Mr. PATEL'S motion were restricted to such men alone, I am sure the same would have found favour, for it would then delete the whole class with just the registrable diplomas and holding subordinate status, but extend the privilege to those few who care to rise to a higher status and possess the ability to do so. It may be urged that such men who have obtained this diploma, are at the present moment very few; but the college itself was opened as recently as 1911. Between 1912 and 1916 as many as 57 obtained the Licentiate diploma and 22 more in March of this year, which brings up the total so far to 79, and there is sure to be a steady increase as time goes on. In the same manner there will be a gradual increase in the number of men who obtain the Membership diploma. If these men are recognised for admission to seats on the Medical Council, we cannot find fault with them.

MEDICAL BILL.

[10TH OCTOBER 1917.] [*Mr. Phiroze C. Sethna; Mr. Munmohundas Ramji; the President.*]

We now come to the third and perhaps the most important part of the Honourable Mr. PATEL'S bill. In the United Kingdom every medical man intending to practise must perforce register himself, for otherwise his certificates would not be accepted. Out here only medical men in Government service must compulsorily register themselves. The rest may do so or not. Although the number of medical graduates is much larger, only 920 have so far registered under the Bombay Medical Act. The General Medical Council of the United Kingdom issues what is called a warning notice to every practitioner requiring him not to assist any unqualified person, which is in other words an endeavour to do away with quackery as best as possible. The explanation, as proposed by the Honourable Mr. PATEL to be added at the end of section 7 to interpret what is meant by "infamous conduct", would clearly permit any one registered under the Bombay Medical Act to associate with those who practise the ayurvedic, the unani or other indigenous system of medicine. The reprint of a very able paper read about fifteen months back before the Poona Medical Society by the late Dr. Garde of this city has been placed in our hands. Whoever is "Magna est veritas et prevalebit", to whom we are obliged for this reprint; he has struck the right note by observing that "any consideration of the relative value of the eastern and western systems should be conducted not on racial lines, but on a basis of scientific reason and common sense", and the late Dr. Garde must certainly have had this very idea in mind, for he says that with all its shortcomings the ayurvedic had many things to teach. The clinical experience and observations of ancient physicians, which have stood the test of several centuries, are of immense use, and it must not be forgotten that the hymns in which their medical works were written were sung long before Homer sang the glories of the Trojan war or the first pyramid saw light in the land of the Nile. But with equal fairness Dr. Garde adds that the old phycisians had been handicapped by the absence of the solid foundation of physical science, anatomy, physiology and pathology, on which they take their stand to-day, and that lines of research have been opened to us now which the ancients never knew. There is no evidence of the ayurvedic or unani systems having made any advance of importance, and as is the common complaint against most things Indian, those who practise the ayurvedic or the unani systems of medicine are content to go on and work on the identical lines adopted by those who went before them ages ago. Indians are proverbially conservative. Our agriculturists use to-day the same kind of implements as were in vogue in the country centuries back. Our skilled artisans just copy the old designs and employ the same methods of workmanship as did their forefathers, with the result that their works of art when shipped to foreign marts never sell so largely or command the same attention or fetch the same high prices as do works of art from other Asiatic countries which are more progressive. When medicine and surgery are advancing every day in the west, can the unani or ayurvedic systems in our midst show any progress whatsoever? It would be no exaggeration to say—

The Honourable Mr. MUNMOHUNDAS RAMJI:—May I rise to a point of order, your Excellency? The speaker is here discussing the systems of medicine, western and eastern, which it is not for us to consider.

His Excellency the PRESIDENT:—I think the question of eastern and western medicine has got a great deal to do with the subject.

The Honourable Mr. PHIROZE C. SETHNA:—It would be no exaggeration to say that perhaps the drugs used and methods employed to-day are no different from what was the case in the days of Akbar the Great or no different even from the days of Charak and Sushruta, the originators of ayurvedic medicine. Great importance is attached to the opening of a unani College in the beginning of last year at Delhi and reference has been made in the press and by the public, as also by the Honourable Mr. PATEL to-day, to the speech made on the occasion by the then Viceroy Lord Hardinge. His opinion on the unani system and the

opinions of various others on the ayurvedic system are frequently quoted. They all serve to show that there is much good in these systems which none of us will deny, but the same authorities, if asked to compare, would be the first to admit that the western system has gone much further, and with great profit to humanity at large. The benefits of western medicine and surgery cannot be expected to reach the masses in this country for years to come. The masses are accustomed to the indigenous systems and for their good it may be necessary to encourage the establishment of schools for the improvement and advancement of indigenous systems. Government may certainly do so, but that surely ought to be no reason for Government, as is evidently the object of this part of the bill, to compel those qualified under the western systems to recognize the others practically on a footing of equality.

The Honourable Mr. PATEL:—That is not the object of my bill.

The Honourable Mr. SETHNA:—The Honourable Mr. PATEL has referred to the Prabhuram Ayurvedic College. A leaflet extending to the size of 30 sheets of foolscap has been issued by the Prabhuram Ayurvedic College and sent to the Members of this Council over the signature of the chairman of the managing committee of this college. The chairman of the medical college, strange as it may appear, is not a member of the medical profession, but a solicitor of the High Court, and I understand that some other members of the managing committee are likewise laymen. This institution which revels under the high sounding title of a college is located on one of the floors of a four-storeyed building above Dr. Popat Prabhuram's dispensary in the crowded locality of Bhuleshwar in Bombay, paying, I understand, about Rs. 80 as rent per mensem. The representation makes out that the views of the Medical Council are prejudicial to the welfare of this institution in particular, but to the ayurvedic and unani systems of medicine generally, and will eventually wipe out the same altogether. Now, this so-called college, on its own admission, during its existence of 21 years has turned out as many as 52 graduates, or an average of 2·5 per annum. Further, this is the only institution of its kind throughout the Bombay Presidency. If the need for this system of medicine is as great as it is made out to be, surely there ought to have been more ayurvedic schools in Bombay as well as in other parts of the Presidency. Again in this representation great stress has been laid on the fact that the late Vaidraj Prabhuram used to call in consultation various eminent members of the Indian Medical Service. This only proves that whenever the ayurvedic treatment did not effect cures, the vaidraj preferred to avail himself of the help of western medicine. The late Mr. Prabhuram Jeevanram had the reputation of being a very able vaid, and his contemporary the late Mr. Baker Ali a very capable hakim—

The Honourable Mr. PATEL:—The time is up, your Excellency.

His Excellency the PRESIDENT:—Will the honourable member kindly point out to me any time limit in the rules?

The Honourable Mr. SETHNA:—But to every single such vaid or such hakim worthy the name how many hundreds upon hundreds of others are there calling themselves vaidrajs or hakims who cannot claim even a nodding acquaintance with the healing art? In fact there is no qualifying test, nothing to separate the wheat from the chaff, and the explanation relating to the words "infamous conduct" as proposed by the Honourable Mr. PATEL, if passed, would mean that every qualified practitioner registered under the act would have to recognize every one without any discrimination. If to-morrow my friend the Honourable Mr. PATEL and myself take it into our heads to put signboards over our houses calling ourselves hakims or vaidrajs, there is nothing to prevent us from doing so.

His Excellency the PRESIDENT:—I think the honourable member must recognize that we do not want to go closely into the merits of the two systems.

MEDICAL BILL.

[10TH OCTOBER 1917.] [*Mr. Phiroze C. Sethna; Mr. Vithalbhai Jhaverbhai Patel; the President; Rao Bahadur Venkatesh Shriniwas Naik.*]

The Honourable Mr. SETHNA:—I only want to say that the Honourable Mr. PATEL would not construe it as "infamous conduct" on the part of registered practitioners if they "assisted, encouraged or co-operated" with us should we decide to call ourselves hakims or vaidrajs. In the agenda before the Council for this session there is a resolution standing in the name of my friend the Honourable Mr. PATEL for amending section 50 of the Bombay Municipal Act. I think that following the same reasoning, which he has put forward in connection with this part of his bill, he might perhaps with greater justice have brought forward another resolution for amending another section of the Bombay Municipal Act, *viz.*, section 344A. Vaids and hakims have to do with the health of the public. The supervision of houses built in the city was carried on at one time by any one calling himself a "mistry". It appeared to the Municipal Corporation that the time had arrived for public safety to legislate that the supervision of the construction of houses be entrusted only to licensed surveyors or to those persons who may be approved of by the Municipal Commissioner. Now, the Municipal Commissioner may approve of a mistry if he is satisfied that he is thoroughly conversant with his duties, but according to the Honourable Mr. PATEL this restriction ought to be removed from this section.

The Honourable Mr. PATEL:—Why don't you move another amendment in the Corporation?

His Excellency the PRESIDENT:—The honourable member is quite capable of looking after that himself.

The Honourable Mr. SETHNA:—I do not move such an amendment because I do not hold the same views as the mover of this Bill; buf I say, sir, that it would be consistent on the part of my honourable friend Mr. PATEL tq bring forward such an amendment whereby the Municipal Commissioner would be bound to recognize anybody calling himself a "mistry" in the same manner as the Medical Council is expected to recognize anybody calling himself a hakim or vaid.

The Honourable Mr. PATEL:—That is entirely outside the scope of the bill, your Excellency.

His Excellency the PRESIDENT:—The honourable member will have every opportunity of answering that when he replies.

The Honourable Mr. PATEL:—If my honourable friend makes a wrong statement, your Excellency, am I not entitled to correct it?

The Honourable Mr. SETHNA:—I shall now conclude and observe that this will be the result of the Honourable Mr. PATEL'S amendment, and no matter whether this Council accepts his two other recommendations in the bill in the form in which he has proposed them or in any modified form, I for one trust that this Council will certainly not accept the "explanation" he desires to be added to section 7 to interpret the meaning of the words "infamous conduct", for otherwise we would be vitiating the very object for which the Bombay Medical Act of 1912 was brought into existence a few years ago.

The Honourable RAO BAHADUR VENKATESH SHRINIWAS NAIK:—May it please your Excellency,—I have very great pleasure in supporting the first reading of the bill, now before the Council. The most important principle, involved in this proposed amendment, about which I should like to make a few observations, is that which defines more clearly to the public and to the Medical Council, which administers the Act, what would not constitute infamous conduct in the medical profession. The chief reason that has induced my friend the Honourable Mr. PATEL to introduce this amendment of the Bombay Medical Act, defining more clearly the vague and wide term infamous conduct, occurring in sections 7 and 9 of the act, seems to have arisen from the correspondence, circulated to the

members of this Council,-between the Bombay Medical Council and Dr. Popat Prabhuram, regarding the latter's association with the Prabhuram Ayurvedic College of Bombay. By carefully going through the correspondence it is found that the Medical Council is led to think that Dr. Popat Prabhuram's association, as a registered medical practitioner, with the Ayurvedic College, is objectionable. Leaving off this individual case for itself, the chief point to be considered by this Council is whether the association of a registered medical practitioner with any institution teaching or administering the indigenous medicines under the ayurvedic or unani systems, or with any vaidya or hakim practising these systems of medicines, is so sinister as to lead the Bombay Medical Council to think that it is an infamous conduct on his part. It must be admitted that ayurvedic and unani systems of medicines have existed from time immemorial, have done and are doing a great deal to relieve human suffering, and were once in almost a complete state of perfection, and this fact cannot at all be suppressed. But unfortunately on account of want of encouragement and proper facilities and institutions to develop their study and research, these oriental systems of medicines are obliged to rely upon text-books which are in some cases centuries old. In view of the fact that the population of this country is a vast one, whereas the number of qualified medical practitioners brought up under the western system of medicines is a very small one, and considering that the disproportion between the demand and supply is so woefully glaring, and is palpably so large, is it not crucial to the country that the Medical Council, instead of encouraging schools in which ayurvedic and unani systems of medicines are taught, should take action that would go to paralyse these institutions, and would ultimately lead to their utter extinction? It is not necessary or me, my Lord, to refer to the assurances, given to the public at the time of the enactment of the Bombay Medical Act, that its object was never intended to operate in any way to the prejudice of these systems of medical treatment, although apprehensions were then entertained in several quarters It is true that the Medical Council even now does not interfere directly with the working of ayurvedic or unani systems of medicines, but if they were to restrict, in the way they have now been doing, the association of registered medical practitioners, on whose co-operation and working these systems of medicines are required to regain their former reputation, with the unani and ayurvedic schools of medicines, these institutions are sure to disappear and the community will have to depend greatly upon the self-styled vaids and hakims. On account of the want of such institutions there is a very great difficulty of making a distinction between the accredited, recognised or authorised ayurvedic or unani practitioners and anybody. Under these systems any one can style himself as vaid or hakim. When the medical institutions established in this Presidency, taken together, are quite insufficient and inadequate to meet the wants and requirements of the people, when they do not cover even a small area of this province, and when a great number of people residing in rural areas, whether rich or poor, educated or uneducated, high or low, have still faith in these indigenous systems of medical treatment, and still have recourse to such medicines for several ailments and diseases, is it not fair for the Medical Council as far as possible to encourage such institutions, wherever they are working, by allowing their registered practitioners to help them and try to develop the science? In many Indian families, ladies and elders, through superstition, have recourse only to indigenous systems of medicines, and I know that in many families both kinds of doctors are sent for and consulted, and both classes of practitioners are getting on very well. If the words "infamous conduct" occurring in sections 7 and 9 of the act are not made clear, as now proposed in clause 3 of the amending bill, the registered practitioners would not visit a house or family, and give advice or medicine to those people who have called in a vaid or hakim, even though they may like to take medicine under western system, and the family will have to rely upon the vaid or hakim for ever, which situation I believe your Excellency's Government do not hope to countenance.

MEDICAL BILL.

[10TH OCTOBER 1917.] [*Rao Bahadur Venkatesh Shrinivas Naik; Mr. C. N. Seddon.*]

Very recently in the United Provinces of Agra and Oudh they have passed their Medical Act (Act No. 3 of 1917) which has also been approved by His Excellency the Viceroy, and in sub-section 2 of section 28 of that act they have provided that the association of a medical practitioner with a vaid or hakim or a homeopath or any unrecognised practitioner, or the adoption of a theory of medicine and surgery not in accordance with the accepted views for the time being, shall not justify the Medical Council's exclusion or removal from the register of the name of such practitioner. When a sister province has enacted that there is no harm for a registered medical practitioner to associate with an institution or person teaching or practising any indigenous systems of medicines, I do not understand why your Excellency's Government, which has the reputation of being the most liberal and progressive one in the whole of India, should not pass this small bill. With these remarks, your Excellency, I support the bill in its first reading.

The Honourable Mr. C. N. SEDDON:—Your Excellency,—I should like, with your Excellency's permission, to say a few words in opposition to this bill, confining myself only to the third part. The bill proposes to force the Bombay Medical Council into a decision which seems perfectly impossible. It will tend gravely to impair its powers for good, and perhaps will break it up altogether. I am afraid that many honourable members look upon this controversy from the point of view of sentiment, and consider that they are bound to champion a system which they regard as their own national property. I submit that there is no need for sentiment in the matter at all It is a practical question which concerns the health, and therefore the happiness, of millions of our fellowmen, and there is no reason for sentiment. I find in the bill that reference is made to the ayurvedic, yunáni and other indigenous systems. I do not know what other indigenous systems are in the mind of the honourable mover of the bill. So far I have heard none spoken of or suggested.

The Honourable Mr. BELVI:—Homeopathic, for instance.

The Honourable Mr. SEDDON:—That is not indigenous.

Possibly the words are merely a rhetorical flourish. It is claimed that the yunáni and ayurvedic systems are national, and therefore they are to be supported. Let us look for one moment at the yunáni system. Your Excellency, the word "yunáni", which is spelt wrongly now-a-days—it is misspelt in the draft bill—is a Greek word. It is not indigenous. The system was first propounded by Hippocrates, and Galen developed it further, and later on in the days of the great Caliph of Baghdad, Haroun-al-Raschid, it was taken over by the Arabs, and there are many hundreds of Arab works on the subject of yunáni medicine as it is understood in the present day. It was summarized and brought to perfection by Abu Ali-ibu Sina, the great Persian, better known in Europe as Avicenna. It was brought into India by Moslem conquerors. There is no reason why it should be called indigenous, or why Indians should take to-day any particularly national interest in it.

With regard to the ayurvedic system our information is much less complete. But I think investigation tends more and more to show that most of the ayurvedic knowledge was also brought in from Greece. The Honourable Mr. SETHNA has spoken of the ayurvedic as existing for a couple of thousand years. I think that idea should be given up. It was probably for the most part brought in between 300 and 400 A. D. by Brahmin savants who visited Alexandria and other parts. For further information on this subject I should like to refer to an article in the current journal of the Royal Asiatic Society. It will show what connection there was between the Brahmins of India and Alexandria and other parts of the west about that time. But, your Excellency, the fact is that no system of medicine can be called national. There is no eastern or western system of medicine.

There is no science other than true and false. The true system of medicine does not belong to any time or any country, but it is the property of the whole world.

With your Excellency's permission, I should like to say a few words about the yunáni system, not with the intention of stirring up controversy, but in order that honourable members may understand something of the foundation upon which it is based. The main idea is that there are four elements in the body, and when the four elements are mixed in proper and due proportion they are in equilibrium and a man is healthy. But when by some cause one of these elements (or more than one of these) is in excess, a distemper or disease is set up, and it is the physician's task to discover what element it is that is in excess, and to introduce into the body by some drug or some food which contains a large amount of the opposite element sufficient to counterbalance that element which is in excess and which is causing the disease. The elements, of course, are heat, cold, dampness and dryness, so that if a man has fever—

His Excellency the PRESIDENT:—I really do not think that the details of the unáni system need be referred to.

The Honourable Mr. SEDDON:—I have no intention of going into details, but I thought I might as well explain the idea that is at the bottom of it. I have nothing to say against the yunáni system as it originally existed and as it exists now, but I simply wish to point out that it is a system which in fact will have to be given up, and anything that supports what eventually must be given up supports what must interfere with the due development of modern science and the due development of medicine in this country, and must be given up.

Now. your Excellency, it may very well be said that even though these systems are not in themselves based on such scientific foundations as modern medicine, still they are of much practical good. I submit, your Excellency, the proper way would be to investigate the drugs and the food and the method of treatment, and I see no reason why our scientific associations should not assist such institutions, and why Government should not assist them; but I submit that that is a very different thing from according support to a *system* which is not indigenous or national, the recognition of which is bound to have an unfortunate and harmful effect upon the welfare of the people of this country, and I am sure that none of the honourable members here have the least desire for any such untoward result.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD:—Your Excellency,—I beg to accord my hearty support to the first reading of the bill moved by the Honourable Mr. PATEL. The bill does not propose to extend recognition to any indigenous system of medicine, but merely seeks to remove the bar which the Medical Council desires to impose upon the association of registered medical practitioners with the followers of an indigenous medical system.

The Honourable Mr. SEDDON, in referring to the words "other indigenous systems" in the third clause of the bill, inquired what system other than the two systems already mentioned was intended to be included in the bill, and as he could think of no other indigenous system, he proceeded to describe the words as "a mere flourish of words". But these words probably refer, or should refer, to the *Hata yoga* system—the first complete drugless system of healing given to the world by the Hindoos long before Hippocrates and his cult were born. This system is now being so widely studied in America and has been proved, to the satisfaction of some of the most eminent medical men, to be so efficacious in its results that I shall not be surprised if it comes back again to us as a great American discovery. This system has suffered here entirely from lack of sympathy and has so far been only in the hands of people who could not sufficiently investigate or develop it. The main principle upon which this system is based is internal and external cleanliness—which they call *Malashuddhi* (मलशुद्धि)—with the aid of (1) water, by means o

the lavage of the stomach—which they call *Dhowti* (धौती)—and flushing of the colon—which they call *Basti* (बस्ती), (2) air, by means of breathing exercises and (3) heat, by means of muscle-tension exercises.

His Excellency the PRESIDENT :—Is the honourable member referring to an indigenous system ?

The Honourable Mr. GARUD :—Yes, my Lord. The Hata yogis were the first to recognise that there was no such thing as a remedial drug in this world and I am sure that the better mind of the medical profession will one day come round to this conclusion. The medical faculty has investigated several drugs and it is now being slowly realised that if there were any such thing as an efficacious drug in this world, past civilizations would have left at least some drugs as an infallible remedy against some diseases. With the huge number of drugs that are at the command of the present medical practitioners there is not a single disease which is absolutely curable. The list of incurable diseases is so large and is being added to every day to such an extent that the utility of what we call the medical system should soon cease in the eyes of laymen. Under the Hata yoga system every disease is curable and the great panacea is water. Eliminate the wastes and there will be no germs to eat them. These questions are being studied widely elsewhere and they will one day call our attention to them. Books have been written upon this water cure system in America and a great deal of the new hygiene and physical culture systems is undoubtedly taken from, and is a part of, the *Hata yoga* system. This system needs investigation, but the professional interests of the medical faculties have prevented them from recognising the utility of its very simple fundamental principle, of that very valuable therapeutic agent—water, and it has therefore so long remained disused. When this system comes to be widely known, as it undoubtedly will be in a few years' time, it will not be possible to prevent people from taking largely to it. It is therefore time that we do not shut our eyes entirely to this system, that we allow our medical practitioners to learn the truth, that we do not cut off their association with truth itself, and that we enable them to remove a reproach which has been frequently levelled against them that they know everything about the medical science except the art of healing.

The Honourable Sir TEMULJI BHIKAJI NARIMAN :—Your Excellency,—I rise to oppose the amended bill moved by my honourable friend Mr. PATEL, more particularly the new explanation proposed to be added at the end of section 7 of the Bombay Medical Registration Act of 1912.

Before I proceed I tender my grateful thanks to your Excellency for giving me the opportunity of taking part in the debate by nominating me as an additional member of your Excellency's Council. I was one of the first to agitate about the introduction of the Medical Registration Act in our Presidency, and I was the secretary of the Grant College Medical Society when we first memorialised Government in 1881 on the subject.

I am not a lawyer, but I understand that you make amendments to the act only to improve upon it, and not for taking a retrograde course, as is proposed by the honourable mover of the bill. The duly qualified Indian medical profession was opposed to this act (of 1912) because they thought that the hospital assistants and the subordinate medical practitioners were not competent and that the privileges given to the registered pratitioners were almost nil. I myself expressed my opinion at that Council that the bill gave the registered practitioners what we call *cholelo bore*, that is, a plum deprived of its succulent part, leaving the stone behind. My honourable friend Mr. PATEL specifies the commission of all the acts which in his opinion shall not be deemed infamous conduct in any professional respect, and here he encroaches on the rights of the registered medical practitioners, who are better able to judge what ought or ought not to be deemed infamous conduct than any lay members of the public. It is our code of honour

or ethics and those who join us or get themselves registered must abide by the rules and regulations framed by us, and the outsiders have no voice to interfere. We do not force any one to join our ranks, but once they join us they must respect our code of ethics. There are as many registered practitioners as there are unregistered ones, and those connected with and encouraging or supporting any ayurvedic or unani institutions will be no worse off than the unregistered medical graduates and will be at liberty to do what they like. But if they once join our rank they must abide by our code of ethics.

The words "infamous conduct in professional respect" have been in current use in the British Medical Act for more than half a century and the British public have not taken any objection to their introduction, and I understand that similar acts in America and Australia have the same words in their acts. Our Indian leaders have been clamouring for western methods of administration and western institutions, but when it suits their purpose they say that east is east and west is west, and that India has not sufficiently advanced in that respect, and that the customs, the traditions, the feelings and the prejudices of the people must be respected. I believe that there is considerable misapprehension or misrepresentation on the part of those who are agitating to support this amendment. They believe, or make others believe, that those practising western method of medicine and the Government are opposed to the advancement and encouragement of the ayurvedic system of medicine, that there are innumerable valuable indigenous drugs unknown to those practising western methods, and that the ayurvedic school was founded with the object of encouraging and reviving the ancient ayurvedic system.

The Grant Medical College was founded about 70 years ago by Dr. Charles Morehead, its first principal, and his object was "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." 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 they make us and the public believe that here medicine is taught both in European and ayurvedic systems, and that they are going to develop and bring into prominence the ayurvedic 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 any one now without a complete knowledge of anatomy, physiology, 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 we expect pupils of the ayurvedic school with little or no preliminary culture to comprehend and fully understand 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 vaidyas will eke out their existence; but is it creditable to those of us who, instead of using all their influence and resources for the advancement of the medical science by carrying on investigations and research into the properties and uses of our indigenous medicine, fritter away their time and energies and turn out men who for want of real knowledge will lower the profession to deeper depths of ignorance and superstition? And the honourable mover of this bill wishes to force us to co-operate and associate with such class of practitioners!

Your Excellency, I do not deny, and no medical man ever denied, the existence of some Indian drugs which may be more effective in some cases or have miraculous effects in some diseases. But instead of bringing those effective 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. A little

smattering of some of the western sciences connected with medicine is taught here by translations and the Indian therapeutics, they say, are taught here. The best course would be to add a chair of Indian therapeutics to our curriculum, and if there is real need of a large number of medical men in the country, let our friends start schools under state control where some supervision can be exercised and a lower standard of teaching adopted. We have seen the prescriptions of those practising both western and ayurvedic medicine, and very often have found 18 drugs out of 20 in their prescription to belong to our British pharmacopœia and 2 or 3, supposed to be Indian drugs, to belong to our Indian pharmacopœia. 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. As I have said, your Excellency, I do not deny the existence of some effective Indian drugs, but have the principal and his co-workers in the ayurvedic school given out during the last twenty years a single specific or a single drug of proved efficiency for the benefit of suffering humanity?

I received a pamphlet only last week, written by one Dr. Garde, a great admirer and supporter of the ayurvedic system and one who was entrusted by His Highness the Gaekwar of Baroda to translate the Vagbhat into Marathi. Dr. Garde has clearly shown what the works of Charak and Sushrut, the greatest ayurvedic authors, teach us. He there impartially says that the modern vaidyas do not follow the teaching of the ayurvedic authors and that their knowledge of physiology, anatomy, materia medica, pathology and bacteriology is based on a later system of treatment, devised by the alchemical school of medicine, which was not known in the days of Charak and Sushrut, as the theories and treatment propounded by the old ayurvedic authors were primitive and heroic. I will not give, your Excellency, all the quotations, but only one quotation about which he speaks so much. He says that the flesh of animals that are not usually used as food is recommended in phthisis, for instance, crows, owls, serpents—

His Excellency the PRESIDENT:—Order, order. I really do not think that it is necessary to go through all this.

The Honourable Sir TEMULJI NARIMAN:—Very well, your Excellency. I will not give any further quotations, but simply ask my honourable friends here present, and those who wish to revive the old ayurvedic system, whether by so doing they will promote medical science or the native medicine or simply retard its progress, and I ask Sir Narayan Chandawarkar, the chairman of the memorial meeting, whether this is quackery or not. Sir Narayan in the memorial speaks in a most contemptuous way of the different theories which are exploded in the western medical science in the course of 20 or 25 years. Medical science is a progressive science and no wonder such things happen. Your Excellency, we know that Sir Narayan Chandawarkar's views on politics and social reform have changed so often. So, I submit, his views on medicine do not signify anything. Many names of men in high position who have spoken well of the ayurvedic system are quoted in the memorial of the vaids and hakims. They are all very good and honourable men, but some of these were carried away by sentiment or love of antiquity and others through sympathy have said things of which they had superficial knowledge. It is not medical officials like Sir Pardey Lukis and others who, though very high in rank in the service, have come into intimate contact in their practice with the vaids and hakims, but men like ourselves who for nearly half a century in the profession have seen both the good and the harm done by these native vaids and hakims The good they have done is a thousand times overshadowed by the harm and mischief of their practice and profession. I would appeal to my Hindu friends that if they have the interest of humanity at heart, instead of frittering away their money in the school which has passed

only 50 students in 20 years, to close it and make use of this money for starting a pharmacological laboratory or research institute in medicine, where all Indian graduates who have the inclination and will to prosecute research in indigenous medicine may be encouraged by grants or scholarships to devote their whole attention to the development of Indian medicine, and the registered medical graduates would be the first to come forward and help them and co-operate with them in their beneficent work. If such an institution is started, on the lines I suggest, I am willing to come forward with a sum of Rs. 25,000 to found scholarships, etc. But the way proposed by my honourable friend Mr. PATEL is not the right way of dealing with the subject.

In conclusion I most earnestly appeal to your Excellency and to the honourable members of this Council not to be carried away by sentiment and the clamour of those interested in the agitation, but to calmly and dispassionately judge what harm would be done to the medical profession and the medical science if this amendment is ever carried. I would rather see the whole medical act erased from the statute, as I honestly believe that the amendment proposed will not benefit the advancement of native medicine, but on the contrary will encourage quackery and put the progress of medical science a few centuries back.

The Honourable Mr. F. G. PRATT:—Your Excellency,—the Honourable Mr. PATEL wishes that the door should be closed in this discussion against all consideration of the relative merits of the methods of the western and eastern systems of medicine. Consistently with that wish of his we find that in his proposed explanations there is no suggestion whatever that those who associate with ayurvedic or unani systems or hospitals in this way should be careful to pick and choose and take the best and eliminate the bad and to find out if there is anything good or useful or true or scientific in those systems and to make use of what is good and true to the exclusion of the useless and false and unscientific. Is not that rather as if a college of science were to ask for recognition and affiliation, a college of science displaying in its prospectus a course of lectures on alchemy and the philosopher's stone, and if the question were raised as to the desirability of those lectures, it should be strongly objected that there should be no discussion as to the merits of alchemy or of its claims to inclusion in a course of modern science study? It appears to me that it is impossible to exclude considerations of that kind, and it is because he has excluded considerations of this kind that the explanation which he proposes to add must be regarded as totally unacceptable.

Before I sit down I should like to supply some information which the Honourable Mr. SEDDON asked when he enquired what my honourable friend Mr. PATEL means by "other systems of medicine". In Ahmedabad at the present moment we are having a very severe plague epidemic and a number of registered medical practitioners responsible for the public health there have been carrying on a strenuous inocculation campaign. But during the last few days I have heard to my regret that the figures of inoculation have been dropping because of the recent popularity of a system of indigenous medicine which, advocates, instead of inoculation, the use of a kind of bean, to be tied round the wrist. This bean may be purchased in the bazar for two pice, and I am sorry to say that the growing popularity of this indigenous system is reducing the figures of inoculation.

The Honourable Mr. HARCHANDRAI VISHINDAS:—Your Excellency,—I rise at this stage to speak on this bill, not because as a member of this Council I am entitled to speak, but for one particular reason, and I have to tackle one particular aspect of the question, which has not been hitherto touched. I say I am speaking because I was one of those few, whose number to-day would not be counted on the fingers of one's hand, who were parties to the passing of the original Medical Registration Act in 1912. The Honourable Sir Temulji Nariman was another. Now, what I want to say is that I regret to find that owing to the

absence of a very large number of members of this Council who were parties to the introduction of this act, the real question which should be touched has been entirely overlooked, and that question is this. Now, while considering this question, I would certainly concede a mead of praise to the very eloquent and able addresses that we have heard from the Honourable Mr. Sethna and the Honourable Sir Temulji Nariman, which, so far as they go, may be entirely accepted as true in all their aspects. But, as I said at the outset, the reason for my claiming to speak to-day is that the real question at issue, which was considered at very great length at the passing of the original act, has been entirely ignored and overlooked, and it is this. I say that I, as a member of this Council, am responsible, although in a very limited measure, to keep the faith of this Council. Now, at the time when this act was being passed, as the Honourable Sir Temulji Nariman will bear testimony to-day, this question was definitely and distinctly raised as to whether the status or the practice of the ayurvedic and indigenous practitioners of medicine was going to be interfered with, and time after time—I cannot exactly reproduce the names of the members who spoke to that effect—we were being assured that it was not the intention of the act or the framers of the act to interfere with the indigenous systems at all. A passing reference, of course, we have had to that from the Honourable Sir Temulji Nariman, also in the complaint which he says he made at the time that they were only getting the kernel and not the fruit itself. That was exactly so. Whilst the western medical profession complained against the then bill that it did not aim at the abolition of the ayurvedic system, those who were the sponsors of the bill distinctly said that it was not the intention of the bill to interfere with the ayurvedic or other systems of medicine, and the members of the Council who were then present understood that from the Government as well as from those who were responsible for the passing of that measure. There was conveyed a kind of assurance that in the actual working of the act the ayurvedic system would not be interfered with, and my reason for interfering to-day and speaking on this matter as a mere layman, which otherwise I think I would not be competent to do, is that as a member of this Council I with others pledged ourselves to the effect that the ayurvedic system was not going to be interfered with and that pledge is to a certain extent—

His Excellency the PRESIDENT:—I think the honourable member is rather suggesting that Government is opposed to the ayurvedic system. I can tell him on behalf of Government that Government have no objection at all and will encourage the ayurvedic system if suggestions are made in the proper manner in the matter.

The Honourable Mr. HARCHANDRAI VISHINDAS:—What I mean to say is this, that if it is true that the Honourable Mr. PATEL'S present bill is intended to check or to meet an attempt to exclude from the Medical Council certain members on the ground that they associate themselves with practitioners of ayurvedic medicine, I am afraid that that will be to a certain extent indirectly interfering with the ayurvedic system. Of course, my interpretation may be entirely wrong. It may be that your Excellency thinks that my construction is too remote, that it does not bear directly upon the question; but I submit, your Excellency, that when we hear the Honourable Sir TEMULJI NARIMAN and other gentlemen of the medical profession say that the Medical Council should not be interfered with in their practice, that the Medical Council are the most competent authority for the purpose of deciding whether any member of that Council has acted professionally or not, and whether such member has lowered the standard or not, then I say "No". The Medical Council, in view of the fact that we passed this act, are not the sole judges. One cannot deny that the profession in England and western countries and in India have got certain standards of conduct, deviation from which would authorise them to punish in any way the defaulter. But those who support or oppose the bill are apparently confounding the two issues. It is quite open to the members of the profession under the rules which they observe, quite apart from this act, to bring to book anybody who has been

guilty of unprofessional conduct from their point of view, but when they invoke the provisions of the Medical Registration Act, I respectfully submit, your Excellency, then our honour comes to the stake and we say that according to the assurances that we had given at the time of the passing of the act, such an act would be an act of breach of faith on the part of this Council.

Therefore I say the point is entirely a new point of view. It does not touch the expert, or the scientific or the medical aspect of the question and I submit that if you look at it from that point of view, you would find that you may admit in their entirety the arguments advanced by the opponents of the bill but still say that so far as this Council is concerned it will put its foot down upon the practice which it is the object of the honourable mover to put down, namely the absolute exclusion in other words the tabooing of the ayurvedic system.

Now what is it that has inspired the Honourable Mr. PATEL to bring forward this bill? It cannot be denied his motive is that a particular medical practitioner who by reason of his associating, in the treatment of a particular case according to the ayurvedic system, with vaids and hakims, was considered to be guilty of professional misconduct and therefore under the operation of this act was called upon to explain or to show cause why he should not be excluded from the register, should not be affected in this way. What I submit is that if that is the case, if the facts are true, then I say that it is going against the principle recognised in this Council at the time of the passing of the act that ayurvedic medicine would not be interfered with, by tabooing in this way a practitioner who associates himself with ayurvedic medical men. I say by that we shall be, to a certain extent, abusing the privileges which we gave to the Medical Council by which they were recognised and were brought into existence. When the Medical Registration Act was passed it was on several hands objected to on the ground that it was an attempt on the part of the framers of the bill to overlegislate and to bring about a state of things for which there was no reason, that in spite of the agitation that had been carried on in this regard by the Honourable Sir TEMULJI NARIMAN about which we have received testimony from him to-day, there was no necessity of creating any new legislation. But better counsels prevailed and they thought that it was high time that some kind of regulation should be adopted towards the medical practitioners of the city of Bombay and that they should be regulated in their conduct. But it was never contemplated that directly or indirectly, nearly or remotely, the effect of this act should be that ayurvedic medicine should be interfered with. I understand, your Excellency, I am open to correction if I am wrong, that the Government in no way desire to interfere with ayurvedic medicine. I do not say that Government desire that at all. But I say that this Medical Council which has been created by us, by this Council, under a particular act, will be transgressing the limits that have been prescribed for them by that act if they bring into operation this particular law for the purpose of serving the object in view. It may be laudable, it may be praiseworthy, it may be salutory, but there are other methods of enforcing it. That is to say, if anybody has offended from their point of view against their professional standard, they have the means of punishing him through the profession.

His Excellency the PRESIDENT.—Will the honourable member tell us what they are?

The Honourable Mr. HARCHANDRAI VISHINDAS.—I understand that in all professions there is a particular rule that if there is any member of the profession who offends against a particular standard then he can be reported as not belonging to the profession or, as is the case with our bar associations. Although the members of the bar association who practise the legal profession are not regulated by any such corresponding act, still in England as well as in this country the bar associations report the name of such an offending member whose conduct is unprofessional to the superiors and those superiors deal with him. I daresay

members of the medical profession who are in the enjoyment of diplomas and degrees can very easily be reported, if they are guilty of unprofessional conduct, to the universities who granted them those diplomas or degrees and they can be deprived of the diplomas.

His Excellency the PRESIDENT.—But may I just suggest to the honourable member that the bar associations can take action under their rules? Similarly the Medical Council wish to take action, if necessary, under their rules. Has the honourable member any objection to that?

The Honourable Mr. HARCHANDRAI VISHINDAS.—My point of view is this, that if the present sense and the conscience of this Council and the public is that this kind of concession or privilege should be granted to the Medical Council, then we must boldly face the situation and come forward with an act in which the Medical Council should be recognised to exercise this power.

His Excellency the PRESIDENT.—Has the honourable member any objection to the Medical Council acting under their rules?

The Honourable Mr. HARCHANDRAI VISHINDAS.—If they are acting according to this particular act in a manner which was opposed to the declared assurances given by this Council, then I certainly would have an objection. There are many other lines of conduct which members of the Medical Council can object to, but when there is a particular act which is directly in consonance with the declared wishes of this Council, then for the Medical Council to attack and punish a hypothetical offender is tantamount to a breach of faith on the part of this Council. That is the only question I wanted to touch and I say the object which the Medical Council have probably in view, of bringing to book the conduct of any member who offends against their professional standard, can be achieved by the Honourable Sir TEMULJI NARIMAN boldly coming forward before the Council and asking for the amendment of the act and making it quite clear and saying that although this Council five years ago gave an assurance that ayurvedic medicine would not be interfered with, in so far as it does not carry out the objects of the Medical Council, such and such changes should be made in the act, but so long as the act remains, so long as it is based on that assurance that was given at the time, then any attempt to trench upon the assurance would not be consonant with the dignity and honour of this Council to encourage.

His Excellency the PRESIDENT:—The Council will now adjourn till 3 o'clock.

The Council then adjourned for lunch.

After Lunch.

(The Council re-assembled after lunch at 3 o'clock.)

His Excellency the PRESIDENT:—Order, order. Further consideration of the bill to amend the Bombay Medical Act, 1912, first reading.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency,—I am going to accord my support to the bill that has been brought forward by my friend the Honourable Mr. PATEL.

The first two clauses of the bill, I see, are not opposed by the previous speakers. Only a few changes are recommended and these changes will probably be carried to the satisfaction of the Council when the bill goes before the select committee.

As regards the third clause there has been very determined opposition, but I think, sir, that some provision like the one that has been proposed by the Honourable Mr. PATEL seems to be really necessary as will be apparent from a hypothetical case which I will place before the Council. We know that nearly 80 per cent. or as it was stated here, 90 per cent., of the population of this

Presidency resort to hakims and vaids for medical treatment. Now I will put it to my honourable friend, Sir TEMULJI NARIMAN, what will he do in a case like the one that I am going to place before the Council? Suppose a man goes to a vaid or a hakim for treatment. He places himself under the treatment of this vaid or hakim and after a certain time finds that the treatment is hopeless; he then changes his mind and wants to consult Sir TEMULJI NARIMAN. What will Sir TEMULJI do? Will he let this man die or will he go to his assistance? I think as a professional man it is his duty to go to his assistance and he cannot render any assistance unless he consults the vaid or hakim under whose treatment the patient was. Sir TEMULJI will have to find out whether this vaid or hakim has been administering purgatives or what other treatment he has been giving to his patient, and until he ascertains this, he won't be able to treat the case. Sir TEMULJI must thus place himself in communication with this vaid or hakim, and associate himself with him to this extent. Either he must let the patient die (which I think would be very unprofessional) or he must consult the vaid or the hakim to the extent I have indicated. To meet cases of this kind it is necessary, I think, that some proviso to clause 7, of the description indicated by the Honourable Mr. PATEL is necessary, and I therefore think that the bill deserves to be brought before the select committee and that its first reading should be passed.

The Honourable Mr. PANDURANG ANANT DESAI:—Your Excellency,—I rise to accord my support to the first reading of this bill which has been moved by the Honourable Mr. PATEL The bill consists of 3 parts.

The first part wants an increase in the elective principle. At present out of 13 members of the Medical Council, in addition to the chairman, 6 are nominated by Government. The bill wants that out of these, two seats should go to the elected members. At present the number of elected members is 6. We want that number to be increased by 2. It would be then 5 nominated and 8 elected. If this principle of election is taken into consideration, then the next question would be, as the honourable mover proposes, whether these two seats should be given to the members of the Faculty of Medicine. As regards this there is a difference. Some propose that these 2 seats should not be given to the members of the Medical Faculty because already there are about 10 members of that faculty on the Council; and therefore these two seats should be given to other bodies. The Honourable Dr. FERNANDES proposes that 1 out of these 2 should be given to the College of Physicians and the other should be given to the medical graduates. Of course, these details may be left to the select committee when the bill comes before it, and therefore, we need not trouble ourselves with this question at present. It can very well be disposed of by the select committee.

Now, the second part of the bill is with respect to the hospital assistants or sub-assistant surgeons. At present they have got the power of voting but the sub-assistant surgeons want that they should be held eligible for membership of the council itself. Now we have learnt that there are about 1,024 or 1,025 such persons as sub-assistant surgeons and I think that such a large body as that should have their representatives on the Council. The demand is certainly not unreasonable, because out of the 2,000 members, more than half are sub-assistant surgeons and as the Council is at present constituted there is no representation for them. Therefore, I submit that if there is a demand that sub-assistant surgeons should have representation, that demand is not unreasonable.

Then comes the third part of the bill which is the principal part that has been strongly opposed by some of the honourable members and that is the most important part of this bill. As regards this, the first thing which has been suggested by some of the honourable members who have spoken before is that the Medical Council should be at liberty to frame rules and regulations for its own

conduct. I admit that the Medical Council should frame rules and regulations for its own conduct, but they must take care to see that those rules and regulations do not affect any body else. The present question is whether the interpretation which the members of the Medical Council want to put upon the association of registered graduates with unregistered men or men who practice the ayurvedic or unani system is correct. They now propose that this association should be looked upon as "infamous conduct". The case before us is that of Dr. Popat Prabhuram who has opened a college in Bombay which has been in existence for over 20 years. A notice has been issued to him to show cause why his name should not be expunged from the medical register. He has asked the Medical Council to give specific reasons as to why they want his name to be expunged. No definite answer has been given to him though two years have elapsed. But the act of issuing a notice clearly shows that the Medical Council warts to say that this association is a disqualification. We must consider whether that is proper and whether that should be done. If this interpretation is allowed, what would be the direct and indirect effect of this interpretation? We have seen that since this act was passed in 1912 those teachers of western science, who were actually teaching this ayurvedic system in this college, have left the college because they thought that if they had association any further with this institution their names would be expunged from this register. Now the only men who are competent to teach western science are—

The Honourable Mr. CURTIS:—I beg the honourable member's pardon—will the honourable member please give the names of members who have left the college?

The Honourable Mr. DESAI:—I do not know—my instructions are to that effect—I have not got the names but my honourable friend Mr. UPASANI has got the names and I am told that since this act was passed they have left the college, and I suppose Dr. Popat Prabhuram is now the only man there who has passed an examination in western medical science. My opinion is that Dr. Popat is not guilty of any infamous act. He is a person who has taken a great interest in the welfare of this college. Now can this association of Dr. Popat be treated as infamous? Your Excellency will see that this phrase "infamous conduct" is just after the words "any medical practitioner who has been convicted of a cognizable offence or who after the due enquiry has been held guilty by them of." Now I ask whether this conduct, namely, association with students or teaching students in the college is infamous or whether that association is in any way against the conduct of a professional man? Is there any dishonesty in it? Is it in any way dishonourable? Therefore, my submission is—

The Honourable Mr. CURTIS.—Do I understand the honourable member to say that the Council has definitely decided that association with the college is infamous conduct?

The Honourable Mr. DESAI.—It is not decided yet, but they have issued a notice to Dr. Popat to show cause why his name should not be expunged from the register. As far as we see Dr. Popat is not guilty of any infamous act. The only thing he has been doing is that he has been giving instruction to the students. Therefore, my submission is, can this be called infamous conduct? Then if this is called infamous conduct what would be the direct and indirect result? The direct result would be that people would not dare to open such colleges or schools and the indirect result would be that people who are dependent upon unani and ayurvedic systems of medicine will suffer. We have been told that 90 per cent. of the population are dependent upon these systems. What would be the fate of these 90 per cent.? If they are to depend upon these systems of medicine, then there ought to be some provision made for the education and instruction of some persons at least in these systems.

Now if we take into consideration the present state of things we see that there are about 700 or 800 hospitals in this Presidency. Taking the number of the hospitals and the population of the province we see that for one hospital there are about 30,000 people. Now is it possible, I ask, that these 700 or 800 hospitals can give medical aid to so many persons? And we know that these hospitals as they stand are at distances of 20 or 30 miles. Is it possible for a villager to go to the hospital whenever he is in need of medical aid? If Government is not in a position to make provision for these 30,000 people, is it not necessary that some provision should be made for the encouragement of ayurvedic or unani systems? People have faith in those systems.

I admit that there are defects in those systems. It is said by some that the physiology, anatomy and pathology of the ayurvedic and unani systems are in their crudest form. I admit that they are in the crudest form, but, I ask, are you, persons who have to look to the interests of the public, not bound to make improvement in those systems? If you say that persons who teach, persons who have connection with the ayurvedic or unani systems are to be condemned as undesirable persons, where is the possibility, I submit, of making any improvement? If these 90 per cent. of the people are to go to these hakims and vaids, is it not obvious that improvement is necessary in their case? Therefore, I say, if improvement is necessary, then if you admit this interpretation, the direct and the indirect effect of that interpretation would be disastrous. People will not dare to go to these schools, they will not dare to open these schools and colleges to teach students, and people will not dare to have consultation with vaids and hakims.

Now of course I am a layman. I have got no knowledge either of the ayurvedic or of the western science. But as a man with common sense I am competent to say as others have done, that I have seen several instances in which patients who have been given up as hopeless have been treated by hakims and vaids and have been cured. Now how can that be accounted for by the persons who are against this bill? Well they might say it was a cure by nature or that it was a cure by accident. But I say if it was a case of a single man, it could have been said so. But I have seen several cases of chronic diarrhœa and of pthisis, which were given up by doctors and which have been successfully treated by these hakims and vaids. Therefore my submission is that if this interpretation is allowed, that would be a death-blow given to these indigenous systems of medicine and therefore I submit that this interpretation should not be allowed.

Now we have seen that in the United Provinces a bill of a similar nature was brought and it has been passed into law. There it has been held that nothing shall be deemed to justify the exclusion or removal from the register of the name of any medical practitioner on the ground of his adoption of a theory of medicine and surgery not in accordance with the accepted view for the time being or of his association with a vaid, hakim or homeopath or an unregistered practitioner so long as that unregistered practitioner is possessed of one of the qualifications specified in the schedule. Now this definition according to our Medical Council in Bombay is clearly wrong. But your Excellency will see that this act has been passed by the United Provinces Legislative Council and it was submitted in the usual course to His Excellency the Viceroy and His Excellency the Viceroy has given his consent to it How could this conduct in Allahabad or in the United Provinces be looked upon as approved, while it is looked upon in Bombay as infamous? According to the views of the Bombay Medical Council a person who has passed the university examination in Allahabad is qualified to be a member of that Council. Now take a hypothetical case. Suppose a medical man comes from Allahabad to Bombay. The Bombay Medical Council is bound to register his name according to its rules. If he is in consultation with a vaid, then how can you interpret in his case that it is a disqualification. He might say that according to the law which is prevalent in his province he has not committed any bad act in associating with a vaid or a hakim and that therefore his name

should not be expunged from the register. Therefore an act which is held reasonable in Allahabad cannot be held unreasonable in Bombay. There is no atmospheric condition which renders it undesirable in these places, and therefore, my submission is that if it is held as reasonable in Allahabad it should be also held reasonable in Bombay, and that there is no force in the argument that the rules which have been framed by the Bombay Medical Council ought to be obeyed. The rules should not be inconsistent with the interests of the medical practitioners in the other provinces. In this case if you admit the interpretation which the Bombay Medical Council want to put upon this association with a vaidya or a hakim, I submit that it is going to affect the interests of all the persons other than those who are on the Medical Council.

Now I have admitted that there are many defects in the ayurvedic or the unani systems. But an attempt should be made to improve those systems, and therefore, I say, it is the bounden duty of Government to open schools and to prescribe any tests in those systems. I admit that the motive of Government is excellent. There is nothing objectionable in the motive of Government, because the object of this act is to protect the interests of the public. No doubt if a person poses himself as a doctor who has got no knowledge of medicine and who was simply a compounder for a year or two, the Medical Council may ask that such a person should be stopped from practising his fraud. But as regards men who have regularly studied the science of ayurved or the unani system, it cannot be said in their cases that those persons are undesirable. Both these sciences, namely, the ayurvedic and the unani have been practised for over 2,000 years.

The Honourable Mr. SEDDON said that it is not a question affecting the Hindu nation because he thinks that this ayurvedic system was perhaps transferred from Greece to India and that Hippocrates was the father of western medicine It cannot be so because our ayurved was in existence about two or three centuries before Hippocrates was born in Athens. Therefore my submission is that our science is the science of the soil, and of course we have got this sentiment also, namely, that if this system has been in practice for over two thousand years and has satisfied the wants of all of us it should not be swept away by a stroke of the pen.

Then as regards these sciences the author of the bill has quoted some important speeches and among them that of Sir PARDEY LUKIS, the Director General of Indian Medical Service. Nobody has tried to contradict the view of Sir PARDEY LUKIS and I submit the opinion of such a responsible officer is entitled to much weight.

Then another indirect effect of this interpretation would be that persons who have studied the ayurvedic or unani systems would not get any post under any municipality or local board. The other day there was a case in Poona itself. A man who had studied in this college in Bombay was placed in charge of an ayurvedic hospital in Poona. There was some row about it and Government had to change the law in that case. I submit therefore that if we want to make provision for the 90 per cent. of the population, we must try to improve these systems and try to remove the defects and the drawbacks which are at present found in these systems. We must try our best to modernise the ancient systems and therefore I submit that Government ought to establish colleges and schools where these subjects will be taught with the aid of modern science.

With these words I support the first reading of the bill.

The Honourable Mr. SHERIFF DEVJI CANJI :—Your Excellency,—I shall begin by offering my congratulations to my honourable friend Mr. PATEL on his bringing forward this bill before the Council. Evidently one of the objects of his bill is, to lay down definitely that certain courses of conduct on the part of the registered medical practitioners shall not be declared as infamous conduct in any

professional respect. The Medical Council in declaring association with the ancient systems of medicine as infamous conduct has rendered such a measure absolutely necessary. In a matter like this, we, as legislators, have not only to note the public feeling and public opinion on this question, but have to be guided by what conduces to their welfare. The most important consideration is this. Whether in the existing circumstances of this country, is it desirable for the benefit of the public and in the larger interests of humanity that registered medical practitioners should associate with and encourage the ancient systems of medicine?

Now let us look at the facts. As Lord Hardinge has said 90 per cent. of the population in this country takes advantage of the ancient systems of medicine. They are the cheapest agencies of medical relief and the people of this country have very great faith in them. Is it then wise that the Medical Council should look upon these vaidyas and hakims as untouchables? Is it possible for years to come to substitute a cheap agency of doctors qualified according to western science in the place of vaidyas and hakims who carry medical help and medical relief to the vast majority of the people of this country? That is not possible. I therefore venture to think that it is the duty of the Government to improve and encourage the indigenous systems of medicine. But it has been contended that these vaidyas and hakims are quacks. Is that so? Even Mr. Monie, a Secretary to the Government of Bombay, has admitted that there are at present capable practitioners of the ancient methods, while Sir PARDEY LUKIS has strongly resented "that spirit of trade-unionism which leads modern doctors to stigmatise all vaidyas and hakims as quacks and charlatans." As a layman I shall not venture to decide between the claims of the western and the eastern systems of medicine, but I cannot help observing that I know of several cases where the treatment according to the western science has failed, while that according to the indigenous systems of medicine has succeeded.

What the public wants is a cheap agency of effective medical relief—it matters not whether it is western or indigenous. I may, however, admit that all the vaidyas and hakims are not properly trained. Even for the sake of argument let us say that they are not trained at all. What should be our duty in that case? Either to prevent them all from practising their profession which I believe will be disastrous in the interests of the vast majority of the people of this land who have great faith in them, or to create and encourage those facilities which increase their knowledge and impart them regular training. The Prabhuram Ayurvedic College is doing excellent work in this direction as testified by the remarks of several eminent men who have visited that college. Even such a high authority as Dr. Turner has not only approved and praised their work but has held that it is absolutely necessary to carry cheap medical relief "to those poorer classes who die without calling in any medical aid." But such excellent and useful work would not have been possible without the association and devoted labour of such a well known registered medical practitioner as Dr. Popat Prabhuram. While the public of this city hold him in high regard for his self-sacrificing spirit, the Medical Council has been thinking of declaring his conduct in this matter as infamous It is *this* spirit against which we must strongly protest. It is evident that such association with the ancient systems of medicine on the part of registered medical practitioners not only improves and develops those systems but also increases the number of regularly trained vaidyas and hakims. I therefore hold that such association, for the benefit of the public and in the interests of humanity, should be strongly encouraged and the Government should see their way to start schools and colleges to further the interests of the indigenous systems of medicine.

One word more. It is a truism to say that those who are in search of truth should welcome light from whatever quarter it comes. It is therefore necessary that to achieve the progress of medical science both the western and the ancient

systems of medicine should be studied together. He who does this should receive encouragement and not disgrace. We should not give legal sanction to those rules which seek to guard the spirit of narrow professionalism but should always be ready to welcome and encourage those practices which conduce to the welfare of the people. My Lord, if this restriction on the liberty of the medical practitioners associating with the ancient systems of medicine is not removed, I am afraid such useful institutions as the Prabhuram Ayurvedic College will not come into existence in future. And the consequence would be that the public would be condemned for ever to the treatment of vaidyas and hakims, many of whom are not regularly trained, and would be thus deprived of the prospective benefit which they would otherwise receive from the treatment of trained practitioners of ancient methods. My Lord, I therefore strongly feel that if we do not accord our support to this measure, we shall fail in our duty by the public.

The Honourable Mr. BALKRISHNA SITARAM KAMAT :—Your Excellency,—I wish to make a few remarks regarding the subject matter of this bill. I think it is necessary to slightly correct the statement which has fallen from my honourable friend Mr. DESAI when he relied on a certain quotation from the recent act of the United Provinces on the subject. The quotation which he gave leads one to the impression that there that act allows the registered practitioner to associate with an unregistered practitioner unconditionally. I hold in my hand a copy of the gazette in which the act has been published, and so far as association with unregistered practitioners goes, the wording there is :—"Nothing in sub-section (1) shall be deemed to justify the exclusion or removal from the register of the name of any medical practitioner on the ground of his adoption of a theory of medicine or surgery not in accordance with the accepted view for the time being, or of his association with a vaid, hakim, or homœopath or an unregistered practitioner, so long as that unregistered practitioner is possessed of one of the qualifications specified in the schedule." That is to say, if a registered practitioner has been associated with an unregistered practitioner, that unregistered practitioner must have certain qualifications specified in that schedule. However, that qualification does not apply to vaids and hakims, and therefore the proposition of the Honourable Mr. DESAI and of the Honourable Mr. PATEL remains, that in the United Provinces the Government there have admitted the principle that a registered practitioner *can* associate with a vaid or a hakim; and as the assent of the Government of India has been given to that act, all the discussion that has been going on in this Council at present can be cut short, I think, by a declaration on behalf of Government. After all, the Government of India have given their assent to the main principle of the bill that a registered practitioner can with immunity associate himself with a vaid or hakim.

Now coming to the observations of the various speakers, my honourable friend Mr. SETHNA referred to the practice followed in the United Kingdom and he quoted certain figures as to the number of registered practitioners in Bombay. Now speaking about a certain point referred to by him about the elective principle, may I point out to Mr. SETHNA that according to section 7 of the English act, on which after all the Bombay act is modelled, the total number of members of the General Medical Council in England is 25 and out of those 25 only 5 are nominated by Government, and the remaining 20 are elected by the various bodies. Out of these 20, eleven members are returned by the various universities, and the remaining nine by the various medical colleges. That is to say, even in England under the English act, which has been quoted, the proportion of the nominated members to the elected members is something like 5 to 20 or 1 to 4. Then the Honourable Mr. SETHNA also referred to the medical graduates who have registered themselves in Bombay, from which he drew a certain inference. May I also point out to him that, so far as the English act goes, the system or at any rate the condition of things in the United Kingdom is such that there is homogeneity among the medical practitioners? We are

told that prior to 1912 during the previous 24 years the total number of medical men registered was something like 35,000 per annum and during the course of 24 years there was only one expulsion from the register; that is to say, the conditions in England are so widely different from those that prevail here that there can be no analogy between the two. There almost all doctors belong to a certain system of medical science; not so in India, where if there are 9,000 graduates trained in western science, there are perhaps 90,000 who are not trained in any particular science, who are vaids and hakims and who have no system and qualifications as such, and yet they are very useful to the country.

The Honourable Mr. SETHNA also referred to the school or college—call it by whatever name you like—which has been started by Dr. Popat Prabhuram and he made much of the fact that on the managing committee there is a solicitor, and that in the course of 20 years they have turned out only 52 trained men. May I mention to him that after all, it is not a college and nobody contends that it is a college in the same sense as the Grant Medical College is? But, even then, Government have recognised its work and it has been recognized for the purpose of a dispensary in Poona, namely, the ayurvedic dispensary maintained by the Poona City municipality and recognition has been given after a good deal of discussion and consideration by the Government of Bombay to a graduate from the Prabhuram Ayurvedic School. The managing committee have to look, after all, to nothing beyond the management of this institution, which has been doing work of a very useful nature.

The Honourable Mr. SEDDON to my mind went into almost an academical discussion. His contention was that the unani system was not a pure native of the soil. Whatever it is, if the unani system is not a native of the soil, my Mahomedan friends can take up the cudgel on that particular point. My point is this, that at any rate the ayurvedic system is a very ancient system and contains several useful drugs, and if that is so, I submit that the Bombay Medical Council ought to look upon it in a catholic spirit and wherever there is a useful drug it must be picked up, whether it be from the indigenous system of ayurvedic or unani, irrespective of the fact whether the system practised by a vaid or hakim belongs to India or to Greece or to any other country.

Turning to my friend the Honourable Sir TEMULJI NARIMAN, he in the first place maintained that the Bombay Medical Council has every right to lay down its code of ethics. I demur. Of course, to a certain extent a body of a professional character has a certain right, no doubt, of laying down its code of ethics. That proposition, as a general rule, I accept, but if the rules laid down by that body are so framed as to materially affect the interests of the country at large, then I believe that it is our duty, as legislators and as men who have passed the act, in the interests of the public at large to see that the Medical Council frames rules of such a nature as could be tolerated. I put it to Sir TEMULJI NARIMAN that supposing a body of literary men, of scholars, lay down that no scholar of western training ought to associate himself with a shastri, or a pundit or a munshi or a person having some knowledge of oriental learning, how would he, Sir TEMULJI NARIMAN, like that idea? Should not western scholars associate themselves with our shastris or pundits? Should they be shunned as men who are a polluted, contaminated humanity and be excluded as morally depraved?

My Honourable friend Dr. FERNANDES said that in the word "infamous" there is no suggestion of any moral reflection. That proposition is not acceptable to me. After all, as we understand the term "infamous" there is a certain moral dereliction implied in the case of a man who has been removed from the register. If it was not so, why should not Dr. FERNANDES allow a certain modification of the definition of the word "infamous" to be put in the act itself? If there is no moral reflection passed upon a man removed from the register, say so in the act itself that there is no reflection whatsoever.

MEDICAL BILL.

[10TH OCTOBER 1917.] [*Mr. Balkrishna Sitaram Kamat; Mr. Shridhar Balkrishna Upasani.*]

Then Sir TEMULJI NARIMAN in the course of his remarks said that a good deal has been made of Sir PARDEY LUKIS'S speech and he went on to say that he may not have come in contact with men who practise the ayurvedic and the unani systems. Well, this Council will pardon me if I give another quotation from Sir PARDEY LUKIS'S speech, delivered at Indore in 1915 in which he said :—"I wish to impress upon you most strongly that you should not run away with the idea that everything that is good in the way of medicine is contained within the ring-fence of allopathy or western medicine. The longer I remain and the more I see of the country and the people, the more convinced I am that many of the empirical methods of treatment adopted by the vaids and hakims are of the greatest value; and there is no doubt whatever that their ancestors knew, ages ago, many things which are now-a-days being brought forward as new discoveries." From this quotation it seems that the Honourable Sir PARDEY LUKIS is not a stranger to India and that he has come into contact with the people of this country as much as is necessary. But as the Honourable Sir TEMULJI NARIMAN has said that he, Sir PARDEY LUKIS, may have never come into contact with the people of this country, may I also, by similar analogy, ask him whether he, Sir TEMULJI himself, has studied as closely as perhaps it should be done, the systems of ayurvedic or unani medicine? If he can tell me that he has very closely studied and tried by experiment certain drugs of the two systems, then in the opinion of the Medical Council he is guilty in a way of infamous conduct. If he has not studied the systems, then his testimony will be out of court. In either case his testimony is out of court or, if he has studied the system then it only proves to our lay minds at any rate that there is no harm in studying eastern medicine on the part of western men and associating themselves with the ayurvedic and unani vaids or hakims.

Sir TEMULJI NARIMAN says that there has been no single medicine produced by the ayurvedic school of Dr. Popat. On the contrary, let me ask him whether in the schools started by Government for the hospital assistants—men of lower status—they have given to the world any discovery regarding any medicines from the education which they have received? If then the education which they are receiving at the hands of Government is after all of an inferior character and if such schools for hospital assistants have not produced any new medicine, why should the ayurvedic schools be expected to make discoveries in medicine?

The argument of the Honourable Sir TEMULJI NARIMAN about physiology, pathology, anatomy, biology, etc., has been met by my friend the Honourable Mr. DESAI. The whole issue is this. No exponent of the ayurvedic or unani systems maintains that the systems are as perfect as the western system. I for one never contend that it is an up-to-date or a perfect system. We all admit that it is antiquated, that it is crude and that perhaps it is an unscientific system. But the whole issue as I say is this. Is it such a scandalous system that even the very association with it ought to put a man outside the pale of decent society? I cannot maintain that the greatest western scholar should feel ashamed if he is, out of necessity, compelled to associate himself with the Indian systems. That is the whole point. I believe, as members of this Council and as legislators, we should see that the rules laid down by the Medical Council are not of such an anamolous and preposterous a character as to affect the interests of the public. It is from this point of view that we have to approach this question. If we do so, I believe we can come to one decision only, that it is desirable, in the interests of the country not to stigmatise a man who must, for the sake of the country and owing to the peculiar circumstances of this country, associate himself with the Indian systems of medicine.

For these reasons I have very great pleasure in according my hearty support to the Bill of the Honourable Mr. PATEL.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.—Your Excellency.—The Honourable Mr. PATEL deserves our best thanks for having brought

this bill before the Council. The bill is a very modest one and the Honourable Mr. PATEL seeks only a few amendments in the existing act. He first aims at making the Council more representative by increasing the proportion of elected members which at present stands at six elected to seven nominated. His proposal is to reverse this by putting it otherwise, seven elected to six nominated members. For my part, I should think that considering that the number at present standing on the medical register has gone up, as stated by the Honourable Mr. SETHNA, to 1,944, the time has come to increase the number on the Medical Council, to at least 15 which will correspond to the number on the Bengal Medical Council. There the Medical Council consists of a president, seven nominated members and seven elected including the registrar. Now here, I think it would be better to have a constitution on the same lines, but with six nominated members including the president, and the rest elected. While having the constitution thus amended, provision might be made for allowing representation to that large class of registered practitioners, I mean the medical undergraduates, about whom so much has been said. Their number on the register stands at 1,024 against 805 Bombay graduates, 18 graduates of other Indian universities, and 97 gentlemen of European qualifications. Considering their number, they are entitled to have seven members elected from them for their proper share of equal representation, and I think the least that we can do in their interest is to give them at least three seats in a medical council of 15. This is the more necessary, because there is a feeling of prejudice with reference to them and we have every reason to fear that their interests will not be treated with the same consideration as the interests of the gentlemen with higher qualifications. Even in this Council when references were made to them, they were spoken of as if they were a body of inferior men with inferior qualifications, but as regards them I will only beg your Excellency's leave to refer to what was said about them by the Honourable Sir RICHARD LAMB when the bill was first passed in 1912. He spoke as follows :—

"Among the persons qualified to be registered, we have included the sub-assistant surgeons and military assistant surgeons. These men go through a four years' course of instruction in a Government medical college or school, as compared with five years for the degree of L. M. & S., and on passing the final examination receive a certificate from Government declaring them to be qualified to practise medicine, surgery and midwifery. Most of the mofussil dispensaries are in sole charge of men of this grade, and they are found to be fairly competent medical practitioners. Except in the larger towns, the greater part of the medical practice in the mofussil is in their hands and Government have to depend on them for medico-technical legal work. We consider that they are entitled to be treated as fully qualified medical practitioners, and indeed it would be impossible to rule them out without leaving the greater part of the mofussil entirely without 'duly qualified practitioners' for the purpose of certificates and for the officering of dispensaries. Their inclusion in the register is, therefore, essential to the working of the act." The Honourable Surgeon-General H. W. STEVENSON spoke of them in still more eloquent terms and with greater emphasis as regards their qualifications. That being the case, it is not only desirable but necessary that they should be allowed their proper share of representation on the Medical Council which is due to their number and also to their position if they are to be registered members.

Your Excellency very pertinently enquired, while the Honourable Mr. HARCHANDRAI was addressing the Council, as to whether it was not open to the Medical Council to have its own rules. I say that it should be open to the Council to have its own rules. But my point is that they should be consistent with the spirit of the law which does not leave it entirely to the option of the medical practitioners whether they should or should not get themselves registered. In fact these practitioners are allowed certain privileges only if they get themselves registered. Unless they are registered they would not be eligible for service

under Government or in municipalities or local boards. They have also other privileges, such as the granting of medical certificates, etc. Therefore, when Government imposes these conditions and these disabilities and allows the Medical Council to have special disciplinary jurisdiction over the sub-assistant surgeons, it is desirable that they should have representation on the Council which is necessary in their interests.

Now we come to the other point which has provoked so much discussion as to the meaning of the word "infamous". It was unfortunate that it was not possible to find out a better word than this word "infamous". Well, it conveys to my mind some moral dereliction or gross failure of duty and its use should be confined to only such dereliction or gross professional failure. Its extended application by the Medical Council has necessitated the amendment which the Honourable Mr. PATEL now proposes to make. The same necessity was felt in other Presidencies and I am glad that in the United Provinces, at any rate, this grievance has been redressed.

A good deal has been said about the relative merits of one science or the other, but I think it is well known that any system which is at present giving relief to 90 per cent. of the population should be recognised, whatever its inherent merits may be. But as regards the inherent merits of the ayurvedic system, I will only refer this Council to the opinion of a distinguished and eminent doctor, the late Dr. Garde. He was a very keen admirer of the western medicine and was also a diligent student of the ayurvedic system and he had practised both the systems for more than 25 years—and in a public address delivered by him in Poona he summed up his conclusions as follows :—

"To sum up we arrive at the following conclusions :—

"I. That the science of medicine was developed in India at a very early date, *i. e.*, long before the Greek father of medicine Hippocrates.

"II. That the progress made in that science even in those early days was far in advance of Greece and Rome.

"III. That notwithstanding the defects in the theoretical part of the science, the practical part is of much use even for practitioners of western culture.

"IV. That we can introduce into our practice many of the drugs and preparations of Hindu medicine with advantage so that we may recoup or replenish our means of cure.

"V. A scientific study of Indian medicine will cause a regeneration of the system and thus will be of vast benefit to the whole world and more so to the people of this country."

That is what he said and he further strongly urged that the subject of ayurvedic medicine should be taken up by our medical men earnestly as a post-graduate study. Now what the Honourable Sir TEMULJI NARIMAN says is that we should allow the Medical Council to treat even mere association with an ayurvedic school or institution as a disqualification, nay as infamous conduct on the part of a registered practitioner. I am simply surprised that he should say so; I can well understand that our European friends may not be in a position to study this science or to appreciate its value, but it is certainly surprising that a veteran doctor like Sir TEMULJI NARIMAN should insist that our own young, medical graduates, even if they wished to bring the ayurvedic system up to the level of the western system, should not be allowed to do so, and if they did it, that it should be considered infamous conduct on their part justifying the removal of their name from the register.

Then I will only beg leave to quote the opinion of some of the more advanced thinkers in the west like professors of the King's College, London. Dr. J. Clark says:—"If the physicians of the present day would try and treat their patients according to the method of Charak, there would be less work for the undertakers and fewer deaths in the world." This is said by a man of European

repute. I, therefore, say that our medical practitioners should not only be allowed to associate with practitioners of ayurvedic medicine but it should be compulsory on all our medical graduates to devote some time to the study of the ancient methods of medicine, and it should be a part of the duty of the Medical Council itself to help them in doing so, instead of acting like a bureaucratic body which would not itself do what it should and would also not let others do it. Considering this aspect of the case I hope this bill will meet with strong support from the Council.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA:—Your Excellency,—Your Excellency put a direct question to the Honourable Mr. HARCHANDRAI whether the Medical Council should not be allowed to frame rules in the same way as a law association or a bar association would be allowed freedom to proceed against its own members according to the rules made by them. My friend did not reply to it. What I would say is this, that if the Medical Council had been a private association registered under one of the existing acts of legislature, then they would have full freedom to frame their own rules and demand that every member who joined them should follow those rules or act according to the rules laid down by them. But in the case of the Medical Council the Government have passed a special act and have given certain concessions. As my honourable friend Sir TEMULJI NARIMAN said, the concessions may not be worth very much to them, but the Legislative Council was, when the bill was moved in 1912, specially prepared to give those concessions to protect their interests. As the Medical Council has been created by a statute of the Bombay Government, have not the Bombay Government the right to see that the action taken by the Medical Council is in consonance with the general lines laid down by Government? It is only for these reasons that I would like to see that the bill goes to the select committee. I do not approve of all that the Honourable Mr. PATEL has said about the explanations in the bill but the simple question is this: Has this Council the right or is it justified in laying down general lines in defining the words "infamous conduct" and then leaving the Medical Council to act according to this definition? My Honourable friends Sir TEMULJI NARIMAN and Dr. FERNANDES said that they strongly resented any interference of the Legislative Council in the matter of their rules. Sir TEMULJI went to the other extreme in saying that he would rather like that the existing act should be erased than have this amendment passed. It is merely to give the Medical Council a guidance in the matter that the amendment is proposed. That is how I look at it. Possibly my friend Sir TEMULJI NARIMAN has been frightened by the explanations proposed by my friend Mr. PATEL that these would be restricting their freedom of action. What I would suggest is, that, if the bill goes to the select committee, the definition laid down by Lord Esher and accepted by the Honourable Mr. PATEL as regards the words "infamous conduct" under the British medical act be adopted. This is what Lord Esher says:—"I adopt the definition which my brother Lopes has drawn up, at any rate, of one kind of conduct amounting to infamous conduct in a professional respect, namely, if it is shown that a medical man in the pursuit of his profession has done something with regard to it which would be reasonably regarded as disgraceful or dishonourable by his professional brethren, of good repute and competency, then it is open for the General Medical Council to say that he has been guilty of infamous conduct in a professional respect, but on the other hand, an act which is not done in a professional respect does not come within this section. There may be some acts which although they may not be infamous in any other persons yet if they are done by a medical man in relation to his profession, that is, with regard either to his patients or to his professional brethren, may be fairly considered infamous conduct in professional respect." If such a definition is put in and if the Medical Council is given full freedom to decide, for instance, what "unqualified" means, then I do not think the Medical Council can take any umbrage at this bill being sent to the select committee.

MEDICAL BILL.

[10TH OCTOBER 1917.] [*Mr. Lalubhai Samaldas Mehta; Mr. Raghunath Purshottam Paranjpye.*]

As to what the Honourable Sir TEMULJI NARIMAN said it appears, your Excellency, there has been some misunderstanding. He thinks that this bill is brought forward with the idea of forcing or allowing all members of the Medical Council to participate or take part in ayurvedic institutions. I do not think that this would be the possible effect of the explanations which the Honourable Mr. PATEL proposes to include in the act. Personally, I do not want all those explanations. After the attitude taken up by the Honourable Sir TEMULJI NARIMAN, when he says, as a matter of fact, they should have nothing to do with ayurvedic medicine, I would suggest to my friend the Honourable Mr. PATEL to start a separate association. If Government is so good as to give to the new association the same concessions as are given to the present Medical Council and if that association comes up to Government with a definite concrete proposal for a concession for starting a large number of schools and the lines of work to be done are definitely laid down, we may perhaps be able to control the vaids and hakims who are lately moving about in the bazar. If that can be done then we can benefit the 90 per cent. of the population who are referred to in this debate. We have been asked how can 52 men turned out in these 20 years be supposed to treat 90 per cent. of the population. I submit they cannot do it. The present ayurvedic school can only have done some good work, but if we are going to approach the public, for whose welfare we hold ourselves responsible, the best way of doing that is to go to Government with a definite constructive proposal to allow them to start an association on the lines suggested and to give that association practically the same concession that has been given to the Medical Council and to give them grants to support schools where the entrance examination would not be very high and instruction should be given in vernacular, This would give the country a much better class of vaids and hakims than are now found in almost all the large cities of India.

Then my honourable friend Mr. KAMAT said that the Medical Council put a stigma on the registered medical practitioners who associated themselves with men practising ayurvedic medicine. I do not think that is what is meant. The Bombay Government is in no way opposed to the system of ayurvedic medicine. The only thing is, if I understand the Honourable Sir TEMULJI NARIMAN right, that the two systems are so opposed to each other, practically so contradictory that they cannot work together. And if that is his opinion and if that is also confirmed by the other medical gentlemen here, what I would suggest to my honourable friend Mr. PATEL is to drop the bill and to work up for a new association which would be a real constructive proposal for the good of the country.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.—Your Excellency,—I wish to accord my hearty support to this bill the first reading of which is moved by my honourable friend Mr. PATEL. As regards the first two parts of this bill there has not been very much heated controversy. I would only say, however, that the status of sub-assistant surgeons as regards the Medical Act requires to be reviewed. At present, as we have been told, more than half the number on the medical register are sub-assistant surgeons. These together with graduates of foreign Universities are allowed to elect two members on the Council and another section of the same act says that these two members must be only of the graduate class and not belong to the sub-assistant surgeon class.

Now the Honourable Mr. PATEL in one of the sections proposes that sub-assistant surgeons also should be capable of standing and competing for these two places. Now while that would be a certain sort of encouragement to the sub-assistant surgeons, I do not think that it would quite meet the legitimate grievences of sub-assistant surgeons. Well, what the sub-assistant surgeons want is a real and live representation upon the Medical Council. Now when graduates of foreign Universities also are allowed to stand as candidates for the same seats, who I say are mostly I. M. S. people, I am afraid sub-assistant surgeons would not stand the chance of getting elected because the officers of

the I.M.S., are the official superiors of the sub-assistant surgeons. What I, therefore, propose is that in this elective element I would reserve one or two seats entirely for the representation of sub-assistant surgeons. Of the two seats which the Honourable Mr. PATEL proposes to take away from the nominated portion to be given to the elected portion, I would suggest one seat at least should be given to the sub-assistant surgeon. That would give them a real and live and not too much representation considering their educational status, but it would allow them to have their voices represented on this governing body of the medical profession in this Presidency. That will remove the very reasonable grievance that these sub-assistant surgeons have. There is only one point as regards this which has been brought out by some honourable members and which requires to be answered, and that is this. They say that these sub-assistant surgeons are of comparatively low qualifications and so they are not qualified to stand as candidates for the Medical Council. I can understand the objection if the Medical Council is to be called in consultation at the bedside of a patient when it would be a question of purely professional medical skill only. But this purely professional skill is not a matter of great importance on the Council; here their interests as members of the profession really are involved. It is not technical knowledge that is wanted in any medical council, but a general knowledge of medicine together with a knowledge of all the professional interests to be represented and regulated. That is the kind of representation that we want in a medical council, and I think that at least some representation, separately and independently of being grouped together in a class with foreign university men, should be given. They are a majority on the register and we are getting accustomed to the cry of no taxation without representation, and when these people are required to pay fees and submit to the rules made by the Council, I submit that there should be some representation for them.

Now coming to the other and more important part of the Honourable Mr. PATEL'S bill, I think a great deal of heat has been introduced which is of the nature of a trade union spirit. The Honourable Dr. Sir TEMULJI NARIMAN and other professors of western medicine have been attacking us for introducing sentiment into this question. Now, I appeal to this Council and ask on what side this sentiment is being introduced. It is certainly on the side of the professors of western medicine that sentiment has been mostly used. They say we do not want to have anything to do with the people who practice Ayurvedic system. Anybody who touches them is polluted. So sentiment, or rather prejudice, is on their side. Their spirit is a spirit of trade unionism. We want to resist the spirit of trade unionism at least in this Council to a certain extent. The Honourable Sir TEMULJI NARIMAN and his friends have put a pointed question: If Dr. Popat Prabhuram does not want to be bound by the decisions of the Medical Council why should he get himself registered and be on the medical register? The plain answer to that is that the legislature has passed an act which has given special privileges to this class of registered graduates. If, for instance, the Medical Council was a private body of medical men, they might make any laws and regulations, and this Council would have nothing to say to them.

We by our act have given these registered practitioners special privileges and I think the Council is bound in duty to see that these special privileges are not abused. According to section 19 of the Bombay Medical Act you will find that "Subject to the provisions of this act, the Medical Council may from time to time make rules and regulations generally to carry out the provisions of this act: provided that no rules or regulations made by the Medical Council, whether under this or under any of the foregoing sections of this Act, shall have any force or effect unless the same shall have received the previous approval of the Governor in Council". So that any action taken by the Medical Council is to a certain extent the indirect action of the Government and therefore the Legislative Council have certainly every right to look into the way in which they exercise the powers that have been given to them by the legislature. If, as

I said, the Bombay Medical Council were a private body, we should not have discussed this matter in this Legislative Council and there would have been no need of introducing this bill.

The Honourable Mr. PHIROZE SETHNA took the example of the legal profession and asked us if this Council would be justified in interfering with the lawyers' association. But let me point out to him that according to the Legal Practitioners' Act it is the High Court that has got to consider the unprofessional conduct of any member of the legal profession. The Bombay Medical Council is not a High Court. Even the High Court is bound by certain statutes. People have confidence in the High Court and it would not therefore be right to say that the case of the registered medical practitioners registered under the Bombay Medical Registration Act is on all fours with the case of the legal practitioners under the Legal Practitioners' Act in which the jurisdiction is vested in the hands of the High Court. There is, as I said, a certain sort of compulsion upon professors of western medicine to join this association, namely, the Bombay Medical Council, if they want to get the benefit of the act which confers exclusively upon them certain rights. The Government and this Legislative Council have conferred a monopoly on the professors of the western medical science, and therefore it is the bounden duty of this Council to see that that monopoly is not abused.

The Honourable Sir Temulji Nariman has also said a good deal to a certain extent in a ridiculing vein about the size and management of the Prabhuram Ayurvedic College. Now, I think the honourable member ought to have looked at this in a more sympathetic spirit. He ought to have seen first of all that this is a private institution, not at all supported by Government or getting any help from Government. Anybody who knows how difficult it is to manage an institution on a private basis will find the efforts of this Prabhuram Ayurvedic College a matter for congratulation rather than a matter for ridicule. I know it is a comparatively small institution. But as regards one point about its location, I may mention that several years ago it was housed in an independent and a comparatively big building.

The Honourable Sir TEMULJI B. NARIMAN :—I never said a word about its location.

The Honourable Mr. PARANJPYE :—I beg my honourable friend's pardon. I think it was the Honourable Mr. PHIROZE SETHNA who said that.

As I said before, the Prabhuram Ayurvedic College was housed a few years ago in a comparatively big building. However, we have to make allowance for the fact that it is a private institution and nothing like the Grant Medical College or anything like it. The college was housed, as I said, in a private house, but there was some legal difficulty about that house and the question of the proprietorship of that house had to go before the High Court and the suit has only very recently been decided in favour of that college and I hope soon the college will be properly housed in that building. It was taken out of this private house and located on the third floor of the present building as a case of necessity, because it was not possible to do anything else. However, it is not a matter for ridicule. I quite appreciate the idea of the Honourable Sir TEMULJI NARIMAN'S coming forward with an offer of a donation of Rs. 25,000. That at any rate is an honest effort to show that he is willing to put his hands in his pocket. But it was not right on the part of my honourable friend Mr. PHIROZE SETHNA to ridicule the location of the school unless he is prepared to do something in the same manner as the Honourable Sir TEMULJI NARIMAN. After all these matters are to be taken up in a practical spirit.

We know how conservative this country is. To get the influence of western science to act upon Indian medicine is after all a very difficult task. The Prabhuram Ayurvedic College is trying its best to do something in this direction.

It may have done very little, but we ought to help it and we ought to encourage it We would like the professors of western science to take some interest in the systems of medicine, which, whether we like them or not, are the only systems to which the majority of the people of this country will resort. And therefore we have got to see whether we can find means of doing this. The way to do it is by research. But what kind of research? The Honourable Sir TEMULJI NARIMAN tells us that the best way to make research in this direction will be to endow a chair for this purpose in the Grant Medical College. Now, I submit in these days a college like the Prabhuram Ayurvedic College would be a far better method of conducting research. It has got an almost infinite hospital in the form of the whole of Bombay in which one can try eastern science. There if for instance an Ayurvedic physician were associated with a western physician in the treatment of a case, the western physician may simply watch even if he is not allowed to treat it. He may simply watch it and find out the effects of the remedies and treatment prescribed by the ayurvedic physician and in this manner he can best find out the effects of eastern drugs upon the patient and his knowledge will be an experimental knowledge conducted under reasonable and ordinary conditions, not in the conditions of a pathological dispensary or on a small experimental scale. Here then we have got a vast field for research. If western practitioners are allowed to associate themselves with eastern practitioners in this manner, we shall probably find a great deal of light and truth, perhaps even all falsehood if you like, but practically demonstrated as such. I therefore think that we ought not, by any direct or indirect action of ours, to prevent our registered practitioners from associating with eastern practitioners and conducting research under the most natural conditions.

I am not going to deal with the historical disquisition of my honourable friend Mr. SEDDON as to whether unani and ayurvedic systems were really Indian systems or were borrowed from the Greeks. But after all if they had been borrowed from the Greeks they have been in this country for a very very long time. Well, after all in the same manner you might say that the Parsis are foreigners in this country or you might even say that Englishmen are foreigners in England. These systems have been in this country for over 1,000 years, and as it is said, possession is nine points of law. The foundations of the Ayurvedic and Unani systems may be wrong. We have often found in other sciences also that the theories may be wrong but the results may be right. The Ptolemaic system of astronomy for instance was wrong, but the predictions of eclipses, etc., according to it were always found to be right. The same has perhaps happened in the science of medicine. So we cannot look at these matters from entirely a theoretical standpoint, and as I said, astronomers have found that although the foundation of the Ptolemaic system might be wrong, there was a great deal of truth underlying that system, and therefore it would not be right simply to look down on that system and say that there is nothing in it. After all the principles of science, of chemistry, or of medical science even, have begun on wrong theories, but all the results that were obtained by these theories have not been found to be wrong. If you only take the most up-to-date theories and take the results which have been deduced only from these theories and not from wrong old theories, your medical science itself will be found to be only of limited extent. Therefore I say that it is not right to say that simply because the fundamental theories of the science underlying these ancient systems were wrong, therefore the practical operations of it should also be wrong. Therefore, considering all the circumstances of this country, the fact that a large number of people will not have anything to do with the western systems and the fact that we have somehow to approach them, we must do something for them by our legislative acts to help them. It is only by associating physicians of western medicine with these eastern vaids and hakims that we can effect any improvement in the eastern systems, and it is therefore necessary that the autocratic methods of the Bombay Medical

Council should be checked. If they had taken a commonsense view of the matter, if they had seen the circumstances of the case and not gone merely by the letter of their law and not simply followed precedents which might be all right in the case of the United Kingdom but which are not all right in the case of this country, then there would not have been any necessity for a bill of this character. It is because the Medical Council have not acted in a commonsense manner that my friend the Honourable Mr. PATEL has had to bring this bill forward, and I hope the bill will pass the first reading.

The Honourable RAO BAHADUR GANESH KRISHNA SATHE:—May it please your Excellency,—The first part of the bill seems to me not to be contentious, because various speakers who have made speeches on this bill do not find fault with the principle underlying that part of the bill. The principle underlying that part of the bill is that there ought to be a majority of elected members over nominated members. How that majority is to be secured is a matter of detail, and as it has been rightly observed by several speakers, it had better be done in the select committee. However, before proceeding to the third point, that is, the third clause of the bill, I wish to make one observation, viz., that the sub-assistant surgeons who get themselves registered under this act should have an independent electorate. It was observed by one of the speakers that it was not right that men of inferior qualifications should be allowed to take part in the discussion of subjects likely to come before the Medical Council where more competent and better equipped gentlemen of the profession take their seats. But if we look to the total number that is to be on the Council and if we give one or two seats to these sub-assistant surgeons, I think the effect will be rather to give a stimulus to the sub-assistant surgeons to improve their status and to enable them to take a broader view of things, and it will in no way affect the dignity and prestige of the Medical Council which consists of 11 or 12 other members elected from out of the graduates who have got themselves registered.

Now, sir, going to the third part, namely, whether it is really desirable to have a definition of the words "infamous conduct" in the act or not, I would tell this Council that I went through the proceedings of 1912 when this bill was passed, and I find that the apprehensions which were then entertained by the Honourable Mr. SETALVAD and the Honourable Sir Pherozeshah Mehta seem to have been realised to-day, and there was an amendment in the name of the Honourable Mr. SETALVAD to the effect that the clause about infamous conduct should be omitted. I will not weary this Council by reading extracts, but I think it is necessary to read one or two extracts from the speech of the Honourable Sir Pherozeshah Mehta. It is on page 77 of the Council proceedings of 1912. He said:—

"*Prima facie* it seems to me that there are likely to be a 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?"

That was the question or query put by the Honourable Sir Pherozeshah Mehta and we find to-day that objection on the very same ground has been taken by the Medical Council to the association of Dr. Popat with an ayurvedic school. As to the utility of that school and the standard in which it is maintained, I am not in a position to speak. Even assuming that Dr. Popat's case gave occasion to the introduction of this bill, still we should not brush aside the question on that account. There are other aspects of the case which have to be looked at when we are considering the question as to the necessity of having a definition of

the words "infamous conduct" in the act itself. There is, as has been stated by several speakers, a large percentage of the population of this country which is beyond the reach of medical practitioners who are trained in the western methods. Now, those have got themselves to be treated by ayurvedic doctors and unani doctors or vaids and hakims. Now, if in such cases the patient thinks of discontinuing the treatment of the ayurvedic vaid and calls in the aid of a registered medical practitioner, will it be open to him to go and see that patient and just have a consultation with the previous ayurvedic vaid, not because that consultation will necessarily help him in his diagnosis, but because it will help him to know from him what medicines were given and whether the treatment which was followed was beneficial or otherwise. If we take account of the present attitude of the Medical Council, it appears to me that even such a connection of the registered medical practitioner with the vaids may be considered by it as amounting to infamous conduct, and if that is going to be the result, I think a large percentage of the people living in this country and in cities other than Bombay will be put to a very great difficulty. In fact, there will be two alternatives before them. Either they have to bring in the services of a registered medical practitioner or they have to prefer to die at the hands of the ayurvedic vaid even if his treatment becomes unsuccessful. To me it appears, sir, that if this question is looked at from this point of view, then there really appears to be a necessity of defining the words "infamous conduct" in the act itself. Now, are we not going to leave the question of association on the part of a registered medical practitioner with an ayurvedic vaid or unani hakim to the good sense of those who get themselves registered and to whom the interest and prestige of their own profession must be very dear? It is really paying a very poor compliment to those who have passed under western methods, who have graduated themselves by taking instruction in the Grant Medical College and other colleges, to apprehend that they would stoop so low as to associate themselves with those whom we call quacks and nothing better than quacks. I think such a position of distrust does not reflect credit on those who have been already practising under the western method and are registered practitioners.

If you look at the English Act, section 28, you will find that the name of a practitioner cannot be struck off merely because he adopted any theory of medicine or surgery. I do admit that conditions in England are materially different from conditions in India; however, one thing appears to me to be certain from this section, and from the quotation from a decision that has been read out to us, that there is nothing infamous on the part of a registered medical practitioner if he wishes to practise or learn any other theory of medicine or surgery. If that is so, are we going to say that any association with—or any such study of—the ayurvedic system ought not to be allowed, and that if any one prosecutes that study, his conduct should be considered as infamous? It is practically putting a bar on one's desire to learn the ayurvedic system. Suppose, for instance,—I am only giving a hypothetical case—if a registered medical practitioner studies at home the ayurvedic system and begins to give such medicines of the efficacy of which he has assured himself, then is the Medical Council going to say "Because you have studied the ayurvedic system and because you are using certain medicines from the ayurvedic system, we will hold your conduct as infamous conduct"? I think that such a result ought not to follow. Now, if we look at the explanation proposed by the Honourable Mr. PATEL, I do think that some changes would be required, but at any rate I think your Excellency's Government will appreciate the hardship that will accrue to the registered medical practitioners by their association in the way I have just described. If this bill therefore goes to the select committee, there the question will be thoroughly threshed out, and that will be a proper place to consider whether the whole of the explanation is necessary or such of the explanation is necessary as would safeguard the interests of the general public without undermining the prestige of the medical profession trained under western methods.

MEDICAL BILL.

[10TH OCTOBER 1917.] [*Rao Bahadur Ganesh Krishna Sathe; Surgeon-General R. W. S. Lyons.*]

There was one small point made by some honourable members, namely, whether this Council should draw up a definition or whether it should better be left to the Medical Council itself to determine what is infamous conduct. Personally I do not see any objection to have such a definition drafted in the act itself. It will only serve as a principle which will guide the Medical Council in deciding such cases.

Your Excellency, my point is that certain latitude should be allowed to these practitioners to develop the ayurvedic system. And how are you going to facilitate its development if a prohibition is placed in their way, inasmuch as any the least association with the ayurvedic practitioners is likely to be styled as infamous conduct by the Medical Council?

With these words, sir, I think the bill ought to go to the select committee where the explanation will be thoroughly threshed out.

The Honourable Surgeon-General R. W. S. LYONS:—Your Excellency,—This bill which is before the Council is the outcome of the resolution passed by this Council which the Honourable Mr. PAREKH had moved and in which a proposal was made that sub-assistant surgeons should have the privilege of representation in the Medical Council. With that proposal I may say I am quite in agreement. This bill, however, is much more than that proposal.

With regard to the second clause of the bill, I may say that I am in agreement with the principle involved in that clause, because that clause has the support of the majority of medical men and it has been specially asked for by sub-assistant surgeons in their petition to Government. There are two strong reasons for supporting that clause. Sub-assistant surgeons and military assistant surgeons form more than half of the total number of registered medical men and it is only right and fair to my mind that they should be capable of having representatives on the Medical Council elected from among their number. It is illiberal to deny them this right and to continue to do so would be unworthy of the profession of medicine. Although I am in agreement with this principle, I entirely disagree with the way in which it is proposed to be carried out. My reason for this is that in the clause of the act which it is proposed to amend only such persons as are practising in the Bombay Presidency are allowed seats in the Council, whereas by the new clause any registered man, whether he practises in the Presidency or not, is eligible for a seat on the Medical Council.

With regard to clause 1, I cannot support it because I consider it unnecessary and in no way an improvement on the present arrangement. The constitution of the Bombay Medical Council is based as closely as possible on that of the General Medical Council in England.

Now, the Honourable Mr. KAMAT gave a composition of the General Medical Council which, I am afraid, was taken from some old register. At any rate that is not the present composition. The General Medical Council consists of five members nominated by His Majesty, five direct representatives, of whom three are elected by the registered practitioners in England, one by the registered practitioners in Ireland, and one by the registered practitioners in Scotland. In addition to these each of the 23 examining bodies is allowed to send a representative to the Medical Council. Honourable members will see from this composition that there are five nominated members, five elected members, and one member from each of the examining bodies in the United Kingdom.

The Honourable Mr. PATEL:—Are they elected or nominated?

The Honourable Surgeon-General LYONS:—I will come to the question presently. The nominated members are chosen from medical men at the top of the profession with high scientific attainments; the direct representatives are chosen by agreement from amongst the most prominent members of the medical

societies in England, Ireland and Scotland. The representatives of the examining bodies are chosen from the medical faculties of the colleges and the universities without any ballot such as we had in India a few days ago in connection with our Medical Council; that is to say, there is no ballot such as the Honourable Mr. PATEL would want. In the case of the General Medical Council all the members were chosen, there is no ballot from the beginning to the end. Although I am registered in England I have not given a single vote in the whole of my life as I have not attended any meeting of these societies. But if I attended I would agree with the majority in saying that so and so is our most distinguished medical man and he should be our representative. Your Excellency will see that the men are chosen. There is no such thing as election, there is no such thing as canvassing, and there is no such thing as ill-feeling in the case of the Medical Council in the United Kingdom.

In Bombay when the Medical Act was passed there was only one examining body, namely, the University of Bombay, and it was given four representatives on the Medical Council, that is to say, four times the number allotted to any examining body in the United Kingdom. It is now proposed that we should give to the Bombay University two more representatives, that is, the number will be increased to six—practically half of the Medical Council—while the number who represent all the other registered practitioners is only two, although they are 50 per cent. more than the Bombay University graduates, and the number nominated by Government from among the medical profession will be reduced to four. In England, it should be remembered, the number of nominated members is equal to that of the elected members. In the Medical Councils of Bengal and Madras also the number of nominated members is equal to that of the elected. Instances have been given of the Medical Council of the United Provinces and the Punjab in which Medical Acts have been passed. But the Medical Councils there have done no work yet. Ours is the first Medical Council which has been established in India and has worked well for five years.

At present the Bombay Medical Council consists of four members elected by graduates of the Bombay University, two elected by medical practitioners who are not graduates of the Bombay University, and six members nominated by Government. But when the actual composition is examined it will be seen that it consists of four graduates of the Bombay University elected by the university graduates, four graduates of the Bombay University nominated by Government, two non-graduates of Bombay elected by the medical practitioners other than the Bombay University medical graduates, and two nominated members of British Universities. It will thus be seen that the Bombay University is represented on the Council by eight of its graduates. To add to this number is to transform the Council into a department of the university. But it might be said "Why should not two or all of the Bombay University graduates nominated by Government be elected?" The Hon'ble Mr. Patel dwells very much on the elective principle and he thinks that it is the remedy for many evils in the future in India. Well, in a political matter it may be so. But when we come to the Medical Council the first thing that comes to my mind is that it is a judicial body of experts to try cases of infamous conduct and many other things. It is a body of experts appointed especially to judge and see that examinations are kept up to the proper standard and that the graduates in medicine shall be duly qualified to undertake their duties. It is absolutely different from a political assembly in that it cannot go one hair's breadth outside the lines of the Medical Act. No man, whether radical or conservative, can be one thing or the other in the Medical Council. He will have to go exactly as the act prescribes. So the elective principle to my mind is of very little value.

Now, as I have stated, it may be said, why should not two or all of the Bombay University graduates nominated by Government be elected. A reference to the names of those nominated will show excellent reasons for not resorting to election. Dr. Rajaballi Patel, a distinguished university graduate, would have

small chance in an election owing to the small number of Mahomedan graduates in the university. Dr. Viegas is also a distinguished university graduate who has been on the senate of the University for years and is also an examiner in the University, but although he would be most suitable to sit on the Medical Council, he would stand no chance of election at all as the Goan community cannot claim a large number of graduates. Dr. Row, another distinguished graduate, although from his scientific attainments a most suitable candidate, would be the last person to push his canvassing to the extent required to secure election. Sir Temulji Nariman, also a most distinguished graduate, would not care to stand for election. All these desirable persons, if a canvass is carried out, would not be available. It will be seen, therefore, that nomination is the best and indeed the only means of securing the services of these distinguished medical gentlemen. For these reasons I consider the existing arrangements better than those proposed in the bill, and because also there is no strong support of the change from registered medical men. We have had representations from only two bodies, namely, the Sind Medical Association and the Gujarat Medical Association. I oppose clause 1. I think we should have strong support before we make any change in an act of this nature.

Then I come to clause 3. I consider that it is most undesirable that this should be considered at the present time. With regard to what it proposes to do I would draw attention to certain facts which do not appear to be widely known in the country and certainly not known by those who have spoken before me. The Medical Act of 1912 is an act for the registration of medical practitioners. It is not compulsory. No one is compelled to register or is in any way prevented from practising medicine because he is not registered. In this Presidency out of over 5,000 medical graduates of universities and medical schools only about 2,000 have registered themselves. These 2,000 who have registered have voluntarily submitted themselves to the conditions imposed by the act, and the conditions imposed by the act are enforced by the Medical Council which is established by the act. These conditions are that any person seeking registration must (1) hold the qualification of one of the bodies mentioned in the schedule of the act, and (2) that he is not disqualified by having been convicted of a cognizable offence or been guilty of infamous conduct in a professional respect.

Before going further I would like to deal with the expression infamous conduct. It was introduced in the English Act of 1858. That act has been amended at least three times and during the years that have elapsed there has been ample opportunity offered to alter the expression if it was considered necessary to do so. But it has never been done. The assumption is, I think, that the General Medical Council have found it a useful expression and a proper one.

Now as regards the removal of a name from the register for infamous conduct in a professional respect certain principles are involved with which the public generally are *not* well acquainted. For example it is not generally known that both the General Medical Council and the Bombay Medical Council accepted the principle involved in section 28 of the Medical Act of 1858 that no one should be in any way penalized because he has adopted or refrained from adopting any particular theory of medicine or surgery. Now the result of that is that any medical man whatsoever can adopt the ayurvedic or unani system or any other system and no one will interfere with him. It will be seen from the Medical Act of 1858 and the Bombay Medical Act of 1912 that it is left to the respective medical councils to decide what constitutes infamous conduct in a professional respect. This has to some extent been settled by the decisions of the Medical Council which are summarized on certain forms of professional misconduct which have come before it and which are given in a warning notice which appears in the medical Register. The instances given of professional misconduct rendering a medical man liable to have his name erased from the register are as follows :—

Firstly, "any registered practitioner who shall be shown to have signed or given under his name or authority any certificate, notification, report or document

of a kindred character which is untrue, misleading or improper." I think every one will agree with this.

Secondly, " the employment by any registered practitioner in connection with his professional practice of an assistant who is not duly qualified or registered and the permitting of such unqualified person to attend, treat or perform operations upon patients in respect of matters requiring professional discretion or skill, is in the opinion of the Council in its nature fraudulent and dangerous to the public health." I think the majority will agree with this also.

"Any registered practitioner who by his presence, countenance, advice, assistance or co-operation knowingly enables an unqualified or unregistered person, whether described as an assistant or otherwise, to attend or perform any operation upon a patient in respect of any matter requiring professional discretion or skill, to use or procure the use of any certificate, notification, report or other document of a kindred character or otherwise to encourage any professional practice as if the said person were duly qualified and registered, is liable on proof of the facts to have his name erased from the register." This is the particular clause to which the Honourable Mr. PATEL takes exception. But I think the majority of honourable members will see that it is a clause provided in the interests of the public who know no better and who may go to any one registered or unregistered. It has also an effect which may not be generally recognized but which all medical men know, namely, that if a man were exempted from the influence of this particular clause, he might employ as an assistant an unqualified man to boom his name, as a consultant, in order to bring him practice, to the detriment of the public and of other medical men who are working straightforwardly and honestly. This clause protects the public and also the medical practitioners amongst themselves.

The third of the rules is: " The employment, for his own profit and under cover of his own qualifications, by any registered practitioner who keeps a medical hall, open shop or other place in which scheduled poisons or preparations containing scheduled poisons are sold to the public, of assistants who are left in charge but are not legally qualified to sell scheduled poisons to the public, is in the opinion of the Council a practice professionally discreditable and fraught with danger to the public, and any registered practitioner who is proved to have so offended will be liable to have his name erased from the register." I think every one will agree with this clause.

The fourth rule is: " Any registered practitioner, who either by administering anæsthetics or otherwise assists an unqualified person to attend, treat or perform an operation upon any other person in respect of matters requiring professional discretion or skill, will be liable on proof of the facts to have his name erased from the register." I think honourable members will agree that this is a very judicious clause indeed.

Fifthly, " the practice of advertising by a registered medical practitioner with a view to his own gain, particularly if depreciatory of other practitioners, or of sanctioning such advertising, of employing or sanctioning the employment of agents or canvassers for the purpose of procuring patients and of associating with or accepting employment under any association which practises canvassing or advertising for the purpose of procuring patients are in the opinion of the Council contrary to the public interests and discreditable to the profession of medicine and any registered medical practitioner resorting to any such practices renders himself liable on proof of the facts to have his name erased from the medical register."

These rules are based on decisions in cases which came before the Medical Council in England. They are not impracticable rules at all and the list is not intended to be a complete list. The warning notice says that the Council are in no way precluded from considering and dealing with any other forms of professional misconduct, as for example immorality involving the abuse of professional relationship, which may be brought before them.

MEDICAL BILL.

[10TH OCTOBER 1917.] [*Surgeon-General R. W. S. Lyons.*]

The general guiding principle in dealing with the different forms of misconduct is that a medical practitioner is considered to be guilty of infamous conduct in a professional respect if it is shown that in the pursuit of his profession he has done something in regard to it which will be reasonably regarded as disgraceful or dishonourable by his professional brothers of good repute and competency. They are sound rules passed in the interests of the public as much in those of the medical profession and binding only on those who have themselves registered. An unregistered medical practitioner can practice his profession without let or hinderance and break any or all these rules every day of his life with impunity. But a registered medical practitioner who wishes to break them must either remove his name from the register or expect to have it removed by the Medical Council.

This is the position in which matters stand at present. I would point out, before going further, that when the Bombay Medical Act was passed in 1912 Government promised that it would in no way affect the ayurvedic or unani vaids or hakims. The present bill, if passed, would cause the act to gravely affect these practitioners. In the first place it would be necessary to define exactly who are to be considered as vaids and hakims. That alone will immediately affect the ayurvedic and unani practitioners. It must be decided also what qualifications are necessary before a man calls himself a vaid or a hakim. Then these men must be brought under some sort of control, as it could not be permitted that a convicted person, for example, or one given to immorality, should be allowed to practice and call in the assistance of a registered man, who is penalized by such practices. Indeed a medical man whose name has been removed from the register for one or other of the reasons that I have mentioned might call himself a vaid or hakim and go in to the bazar and practice with immunity or try even to compel, under the proposed amendment of the Honourable Mr. PATEL, a registered man to consult with him. To allow registered medical men to associate with them in practice unless they are bound by suitable rules and under control will certainly lead to such offences as advertising and canvassing for practice, covering the practice of unqualified men and to other dishonourable procedures which in their nature are fraudulent and dangerous to the public health and are demoralizing to the medical profession.

Has it been considered also whether the vaids and hakims generally will look upon it as fair that some of their number should gain the advertisement of working in partnership with registered medical men? I should think not. And up to the present the general body of these practitioners have not expressed any wish to be so associated. The whole clause represents the wishes of one small ayurvedic school in Bombay, so small that it may be considered negligible.

On the other hand I think this Council should consider the probable effect on registration. Will medical men who hold European qualifications and are registered in England remain on the Bombay Register and will the best sort of medical men continue to register in Bombay? I am sure not. In deciding to pass the first reading of this bill these considerations should be weighed.

There are further considerations which are against this clause being passed at the present time. A large number of medical men are on war service and they have no opportunity of learning what is proposed or of expressing their views. It is unfair to pass a bill, which would gravely affect their position, without their knowledge. In the next place there is no considerable number of registered medical men who desire to have the privilege offered. I doubt if there are 20 out of 2,000 who have registered. Lastly, there is a very strong feeling among registered practitioners against any interference with the act as it stands, and this will be apparent to this Council from the representations submitted by the members of the Bombay Branch of the British Medical Association, the Bombay Medical Union, and also I think by the Surat Medical Union which has sent me a copy of its resolutions which it has forwarded to His Excellency the Governor

against this proposal. Every medical body that has had an opportunity of expressing its views of this clause is against it.

For these reasons, and also because 300 or 400 registered medical men are on war service, because it is not desired by any large number of registered medical men or ayurvedic or unani practitioners, and because of the fact that there is very violent opposition on the part of registered medical men to the proposed amendment of the act, I oppose this clause and suggest that it should be dropped. Indeed I would suggest that the whole bill should be dropped and that Government should bring in a bill which would properly provide for the case of sub-assistant surgeons.

The Honourable Col. W. E. JENNINGS:—Your Excellency,—I should like to preface my remarks by stating that my appeal to honourable members to oppose this bill is not the outcome of any fear on my part that any honourable member who has had proper opportunities of studying it in its right perspective would for one moment vote for it, but because it seems to me easily conceivable that, the bill being a purely technical one, there are many members who from the lack of proper professional guidance and advice have not had the opportunities to enable them to give it the consideration which it deserves and who might therefore, from sentimental or other reasons, be led to vote for it without appreciating that the bill is unnecessary, logically imperfect and premature, and without foreseeing that its safe passage into law might endanger the very existence of an act of their own creation.

I may also say that my opposition is not based upon any prejudice against indigenous systems or methods, but upon a pure conviction on my part that the passage of this bill would be retrograde and unworthy of this Council.

The honourable mover of this bill has referred to the last clause as the most important and I therefore propose to confine my remarks to that clause first. I am of opinion that the amendment proposed is unnecessary. When this honourable Council passed the Medical Act they gave an assurance that no interference was intended with indigenous systems. Well, no act of the Medical Council properly construed has given any one any justification to consider that that attitude has in any way been altered. There is no member of the Medical Council, I am certain, who would object to any registered practitioner practising any theory or any system of medicine that he conscientiously believed in, provided that he did not resort to practices which would render any registered practitioner amenable to the discipline of the Medical Council. There is no member of the Medical Council who would not welcome any conscientious or sustained effort to bring out what is good in foreign systems on the lines suggested by the Honourable Surgeon-General Sir Pardey Lukis, with whom we all agree though much has been hinted to the contrary. I therefore consider that legislation is unnecessary to compel acquiescence to this extent. The only result of the amendment would be to authorize unscrupulous persons under the guise of registration to have recourse to methods such as advertising, canvassing, covering unqualified practitioners and other irregularities which have been mentioned this afternoon, and thus to gain pecuniary advantages over other more scrupulous brethren of the profession. The amendment seems to me, therefore, unnecessary on these grounds.

I also consider it to be logically imperfect and by that I mean that it would not attain the object which it professes to seek. The honourable mover of the amendment has said that he wishes to make it clear what "infamous conduct in a professional respect" means. Well, his amendment does not in any way make it clear. It neither defines nor describes the expression nor does it in any way make it clear to any one. All that it does is to eliminate from inclusion in the expression three or four specific acts among many hundreds which might be included. There is nothing that could be said to define what infamous conduct in this sense means. Decisions in particular cases must be left to the discretion of

a body of men elected by the profession concerned and they can only be guided in their conclusions by the principles laid down by the Master of the Rolls, which I will now quote: "If it is shown that a medical man, in the pursuit of his profession, has done something with regard to it which would be reasonably regarded as disgraceful and dishonourable by his professional brethren of good repute and competency, then it is open to the Council to say that he has been guilty of infamous conduct in a professional respect." I consider, therefore, that the amendment should not pass on this ground, because it would not attain the object which it is intended to attain.

Now, as to the consequences, I have said that the passage of this amendment into law might endanger the very existence of the Medical Act and I think that I cannot do better to illustrate this than quote a few lines from an article which appears in this month's issue of the leading medical journal of India, the Indian Medical Gazette:—

"A bill further to amend the above act, introduced by a lay member of the Bombay Legislative Council, bids fair, so far as one of its provisions is concerned, to prove the undoing of the Council in that it seeks to largely deprive its members of discretionary power in dealing with offences by enumerating a list of such which should not, in the opinion of the author, be considered as meriting their censure.

"No self-respecting medical practitioner could, in our opinion, seek election upon a body so constituted or accept office if nominated thereto without contravening the ethical considerations by which he is bound as the holder of a diploma or degree. It therefore behoves those responsible for passing or rejecting the amendment to weigh very carefully all the considerations involved lest by hasty legislation the very existence of the Medical Act be jeopardized; a highly regrettable sequence, seeing that it is the first of its kind in India and has, more or less, served as a model in establishing similar institutions in other provinces.

"The hampering of any judicial body with limitations of such discretionary power is obviously to render such body powerless and we would strongly urge upon medical men registered under the Bombay Medical Act and medical societies to lose no time in expressing their views to the Bombay Government on the certain results of the amendment should it become law."

What has been written by the Indian Medical Gazette is not the whole of what might happen. As had been pointed out by the Honourable Surgeon-General Lyons, a Medical Act so constituted would offer very little attraction to graduates to become registered and those who are at present registered would remove themselves from the register, and the result would be that we would have a Medical Act without a Council and with a blank register. It would thus become a dead letter. Similar legislation would follow in other provinces and with the same results. The hands of the clock would thus be put back indefinitely, for generations perhaps, or, as the Honourable Sir TEMULJI NARIMAN said, for centuries. I consider the amendment to be premature because it would be impossible at present to work the act as amended on account of the difficulties pointed out by my honourable friend Surgeon-General Lyons of classifying or limiting the class of people with whom association would be permitted.

I have always had reason to believe, your Excellency, that the honourable mover of the amendment is a patron of reform and progress and I cannot help thinking that he has brought forward these proposals without giving due consideration to their possible results. It was not many years ago that determined efforts were made to start and establish an independent medical profession in India. The establishment of Medical Councils has gone fully half way towards attaining that goal, and we are now face to face with the undoing of all that has been done by hasty and ill-considered legislation. It therefore behoves the honourable mover of this bill to consider very carefully the possible consequences before allowing it to be pressed to what might prove a disastrous issue, and it also behoves the

honourable members to pause before they consent to any act or action which might result in the destruction of laws which they have created themselves.

The other clauses of the bill refer to the inclusion in the Council of sub-assistant surgeons and military assistant surgeons and also to an alteration of the constitution of the Council by reducing the number of nominated members and increasing that of the elected members. There is really very little to add to what has fallen from the Honourable Surgeon-General Lyons. I would only point out, in the latter connection, that it is desirable to have a continuity of personnel in any judicial body, and therefore, it is better that nominated members should predominate. There appears to be no reason at all for having any amendment and no reason has been shown by my honourable friend the mover. There is moreover, as the Honourable Surgeon-General pointed out, no scope for differences of political, racial or religious feelings as the Council is bound by the letter of the act. I would also take the opportunity of saying that those who administer common law are all appointed and not elected. I think, therefore, your Excellency, that this bill, if not withdrawn on the grounds that I have stated, should not be passed because it is unnecessary, logically imperfect and premature and because its passage would be fraught with disastrous consequences to the Medical Act.

The Honourable Dr. RAGHAVENDRA ROW.—Your Excellency,—I rise to oppose the bill moved by my friend the Honourable Mr. PATEL, as I feel convinced it is a retrograde measure.

Before proceeding further I beg to express my gratitude to your Excellency for the honour you have done me in nominating me as an additional member of this august assembly. I thank you, sir, not only for the honour but the opportunity afforded by this nomination to be present here in response to what I consider my duty, duty to the profession to which I have the honour to belong, duty to the good name of ayurvedic medicine, and duty to my country, for it is needless to say I yield to none in my enthusiasm or my earnest desire to see my countrymen taking their fair and legitimate share by sheer force of merit in all the activities of the present times, including the activities of the medical profession. Nothing will gladden my heart more than to see the ayurvedic system of medicine taking its proper place, if it deserves it, in the front rank of the medical profession or to see the ayurvedic pharmacopœia taking a similar place in the pharmacopœias of the world.

I am afraid I have to confess my ignorance of the ayurvedic or unani systems of medicine beyond what is known to any lay man. We all know we have a mass and wealth of literature referring to the old systems of medicine and they being the work of old sages and records of observations of learned men of ancient times, I bow to them for their antiquity, for their having stood the test of so many centuries. They have their own interest not only to the student of antiquity but also to the student of comparative histories of medicine.

Now to come to the bill under discussion, I propose to confine myself to only the most contentious part of it, *viz.*, that referring to clause 3. No one disputes about any one studying any system of medicine or any branch of learning but when one comes to the question of practice, it seems to me that the whole subject revolves round the question of propriety of one set of registered medical practitioners having professional relations with another set of practitioners, and those of the ayurvedic and unani systems. This leads me to consider what is common to the practitioners and what is not and I propose to deal with them by dividing the practitioners into 3 divisions and set them before you for comparison.

First we have the registered medical practitioner of the western school. These before registering have to qualify for practice: it is nedless to remind this house of the requirements of preliminary education before one enters into a very

exacting course of professional studies before qualifying to practice. In all civilized countries a qualified man gets registered before he becomes a practitioner. In England this is a *sine qua non* for practice and has its own advantages but here the advantages are few compared with the restrictions a practitioner imposes on himself voluntarily. Not only does he voluntarily submit himself to the code of disciplinary laws framed by a body of his seniors but he thinks it is a good thing and an honour to do so, because he knows these disciplinary laws are made with the object of preserving the interests and dignity and honour of the medical profession.

This leads me to consider the genesis of registration. A practitioner in medicine apart from his professional qualities is brought face to face with what I consider the human factor. The very conditions which bring the practitioner and his patient into close relation are those in which this human factor plays such an important role. Here a patient, in the grip of disease and amidst suffering, is in a state of despair, despondency and hope which borders on credulity, and it is remarkable that however strong may be the personality when in health, to what a pitiable and helpless state the patient is reduced when he is suffering. It is just under these circumstances that a practitioner gets unlimited scope, if he is so inclined, to practice on the weakness of his patient or take advantage of him. But he has always before him the high ideals of his profession and the lives of his great masters and as a result of his education and of his discipline he has deserved well the confidence of the public. To further safeguard the interests of the public and thus further ensure the prestige of the profession the register has come in, and it is a pride to every qualified man to enter the register not only voluntarily but with a feeling of honour in doing so.

Now I come to the consideration of the practitioner of the ayurvedic school. Such practitioners are soon dying out but here and there we still find them and the description given below is that derived from an interview I had with one yesterday, an old ayurvedic practitioner of the old school. They were turned out in the following way. The pupil had to undergo a course of preliminary education of 2 or 3 years in Sanskrit before apprenticing himself to an old vaidya; at his feet he sat for 12 long years or more, drinking a few drops of knowledge and it is only after this period of decipline and instruction that he got the command from the master to go abroad and practice. Such a practitioner would by the very nature of his discipline and contact with the master be worthy of the trust which is imposed on him by his profession.

The third class of practitioner is one who goes by the name of the modern ayurvedic practitioner or vaidya whom one sees everyday. His preliminary education may be anything. It may be 2nd or 3rd or 4th standard of an English school; perhaps a little better education in the vernacular. He goes to an institution going by the name of an ayurvedic school or college, where he goes through a professional training in the translation of some of the old books with a smattering of the scientific knowledge of the western school, imparted by a staff of teachers of questionable qualifications in ayurvedic medicine, and after a course of studies lasting, sometimes two and sometimes three years, in books of the ayurvedic system as well as those of the western school, the pupils are declared qualified to practice, and thus, we get a body of men whom we always meet with as practitioners of ayurvedic medicine. But those of us who know the real state of affairs are convinced that these practitioners set up practice in the western system under the cloak of ayurvedic vaidyas. It is needless to ask if with such a state of training the modern "ayurvedic" practitioner does not savour of fraud or imposture. It is this class of men and their masters whom the honourable mover of the bill would not think it infamous for registered practitioners (of the first category above described) to associate with professionally.

A more practical plan to promote ayurvedic system of medicine will be for the remants of the ayurvedic practitioners of the old school, described under

heading 2 of the practitioners, to gather together and band themselves in the form of an academy of the ayurvedic system and draw up their own syllabus of training and studies for the benefit of the pupils. Then it will be time for considering how far the present conditions can be modified for their benefit and in the interests of ayurvedic medicine.

One word more, your Excellency, with regard to the practice of ayurvedic system of the present day. It seems there is a great deal of confusion in the lay mind as to the exact part played by ayurvedic medicine. As the modern colleges of ayurvedic medicine admittedly assume that they have to base their theories on the western lines because they impart a knowledge of modern scientific knowledge as a part of their studies—the whole ayurvedic system is reduced to a very small part of medicine, *i.e.*, a branch dealing with a small part of the medical armamentarium, *viz.*, a study of ayurvedic drugs. These are reputed to be of high value, it is said, but I may inform this house that I have waited in vain these 20 years for even one drug to test and study in the scientific way, in spite of all my efforts to do so from these very men who boast of their advocacy of the ayurvedic system. To me it seems a hopeless task as there seems to be a certain secrecy or mysticism observed in all preparations of the so called potent remedies.

Perhaps by the suggestion I have made above that the ayurvedic vaids should band themselves in the form of an academy we may yet hope to obtain some useful results. Therefore, I would request my honourable friend Mr. PATEL either to withdraw the bill or postpone its consideration till then and this I do in the interests of ayurvedic medicine.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH:—May it please your Excellency,—I heartily support the first reading of this bill. There are three systems of medicine that prevail in this country. The first is the ayurvedic system of medicine It may or may not be in reference to the ayurvedic system that they got a portion of their knowledge through the Greeks, inasmuch as India came in contact with the Greek civilisation so early as about 2,200 years ago and thus it is not at all unlikely that the Greek system of medicine to some extent exercised its influence over the Indian system. But as a matter of fact, the system has existed for a very long time and its professors and the people who have practised under that system have reached great eminence from time to time. There have been people of great learning and ability practising and studying the system and some of them have earned not only provincial but Indian reputation. I would mention only one man, Jandhu Bhat, whose high reputation for great skill, deep learning and vast experience was not confined to this Presidency but spread throughout the whole of India. In this system there may have been faults and imperfections, but it has not remained what it was and it has received considerable development in the course of centuries, from the experience and observations of numerous practitioners. The other system namely the yunani system was introduced and became much developed under Muhammadan rule. It brought the learning and experiences of Western India and it produced great many practitioners of great learning and experience who contributed to enrich it. In reference to the western system, the British Government has been good enough to encourage the spread of the learning of the west in the east and we are really much indebted to Government for establishing the western system in our country. This, I submit, is material for the purpose of considering what action should be taken in connection with the bill under discussion.

The present bill is neither unnecessary nor premature. The necessity for its introduction has arisen in consequence of an action taken by the Medical Council which put a particular interpretation on certain words appearing in the Medical Act. The question before the Medical Council was "What was the meaning of the words 'infamous conduct' in the exercise of the medical profession." The Legislature could not have intended to use these words otherwise

than in their natural and ordinary sense and the most important question was whether the Medical Council did not act *ultra vires* in interpreting these words in a different sense. So far as the action of Dr. Popat was concerned, there was nothing dishonest or dishonourable in it. He was sacrificing his own time and labour for the purpose of what he considered to be the good of the country and the good of the medical profession. Therefore the question arises whether under the ordinary interpretation of the word the Medical Council was justified in treating this as an act of infamy.

Then the other question is was it intended that the Medical Council should utilise this act for aggrandising the western school at the expense of its rivals. I quite admit that if it was a private association which was formed for the purpose of benefiting its members, the Medical Council would have been perfectly justified in taking the action that it did, but when it was created by law, I submit that it was not within its power to do anything for the purpose of the aggrandisement of its branch of the profession, unless the thing that was done was one that was required in the interest of the country. Therefore I consider that in both ways the action taken by the Medical Council was *ultra vires* and thus rather than take the course of going to law, my honourable friend Mr. PATEL was quite right in trying to obtain the sense of this Council as to the powers of the Medical Council.

Then the question arises as to whether the limitations which the Medical Council proposes or intends to apply to the registered practitioners is in the interests of the country. I say that they are not only inconsistent with public good, but they are exceedingly detrimental to it. One important thing to which I would draw the attention of this Council is that it is not only the two classes of practitioners (people who are trained in the western system and the vaids and hakims) who practise in this country. The great mischief in this country is done by a lot of people who have had not a particle of medical training, but who still pose before the public as doctors.

It is admitted that the number of practitioners who are trained in the European system is too small, too inadequate, to meet the medical needs of the country, particularly when we consider that a large portion of the population is rural population spread over villages which are distant from each other. The question of the greatest importance is that if the Medical Council makes any rules the effect of which is, either immediately or in the long run, to prevent the recruitment of people trained in oriental science of medicine, what would be the result? The result would be that these people who would take the place of the vaids would not be trained vaids, but people who merely pretend or pose as vaids or doctors and have not the slightest training. The question then is whether it is in the interest of the public that this recruitment of vaids and hakims should be stopped for the purpose of replacing them by people who have no training whatever, and I respectfully submit that whatever may be the defects of the oriental system of medicine, that a man who is trained in an ayurvedic school or under the yunani system would be a much better man than one who has not received any training at all.

Then the next question to be considered is, who can revive, if you have to revive, the ayurvedic study or bring the vaids in a proper line with the western science? The vaids themselves, either in consequence of demoralisation that has followed amongst them by the development of the western system in which they find they are recognized very little or because their patronage is considerably diminished, have become very weak and they have lost all power of organization. Therefore, if it is left to the vaids themselves, they would be altogether unable to organize or establish a school for the teaching of their science. That difficulty having arisen, the only party to whom we can look for the purpose of advancing the ayurvedic knowledge in our part of the country and furnishing people with cheap medical facilities are the persons who are trained in the western science

and who have the patriotism and the self-denial to make efforts for the purpose of advancing ayurvedic learning in their country, and therefore this is the only way in which the science could be advanced.

My honourable friend Dr. Row has referred to the class of people who are now practising the ayurvedic art. It is quite true that in the olden days under the old system of learning, when there was very little of written literature, when all the literature was conveyed from one man to another by memory, considerable time was lost or required for the purpose of acquiring the necessary knowledge. But it is not at all necessary for the success of ayurvedic learning that this old system of teaching should be continued. We have more modern systems, which prevail in our schools and colleges, which will enable the recipients of instruction to acquire knowledge much earlier than under the old system.

Then it is stated that there are certainly modern theories of medicine which are not at all found in the ayurvedic system, but taught in this school. But where is the harm if we try to bring the ayurvedic learning in contact with modern learning and have medical practitioners who not only know the ayurvedic science but are also acquainted with other supplementary study of things which do not appear in the ayurvedic system? This can only be done by medical people trained in the knowledge of the western science, and if, in these circumstances, any embargo is placed on them, I think the whole efforts of improving the ayurvedic system will fall through and the learning will be practically killed, to the great detriment and to the great loss of the rich treasure of literature which now lies hidden in India. Therefore I submit that in the public interests it is most undesirable that there should be placed any obstacle to the teaching of ayurvedic learning by the practitioners of western medicine.

But, your Excellency, the embargo does not stop there. These people trained in the learning of the western medicine say that, so long as there are theories in the ayurvedic learning which do not accord with their theories, they shall not have anything to do with it. This may be right or wrong, but I submit that to consider the teaching of what is contained in their own books to be something which would bring infamous conduct, a stain of infamy, upon the registered practitioner is nothing else but a piece of trade unionism, and therefore I consider that it would be most improper for the Medical Council to frame any rules or carry out any rules the effect of which would be to stop the recruiting of medical students and the recruiting of medical men trained in oriental learning.

There is one more thing to which I wish to draw the Council's attention. One of the evils which my honourable friend Mr. PATEL wishes to guard against is that if a man is ill and he was attended by a man who has knowledge of the western system he should not be prevented from having consultation with a person who is a hakim or vaid. Now that may be a part of medical etiquette. If it is a mere matter of medical etiquette I have nothing to say. But what I have to say is that if you have not got a sufficient number of doctors who are trained in the learning of the west for the purposes of attending to cases and therefore if one be called into consultation it would very ordinarily be a local man, either a vaid or a hakim or some other unqualified man. Now I ask whether it would be right, whether it would be just, whether it would be human if a qualified doctor who has been called is prevented from 'obtaining' any information about the sickness, the history of the sickness, the treatment given and the effect of the treatment? If he is not supplied with information of that kind how can a medical man be expected to cure a man. This information is absolutely necessary and this information could not be had unless a man has consultation with the previous man whether he is a man trained in the learning of the west or in the ancient system? Whether you may consider it good etiquette or bad etiquette it is something which would interfere with the ordinary treatment of humanity and I therefore submit that the first reading of this bill should be passed.

MEDICAL BILL.

[10TH OCTOBER 1917.] [*The President.*]

His Excellency the PRESIDENT.—The Council will now adjourn till 11-30 to-morrow morning.

The Council then adjourned till 11-30 a. m. on Thursday the 11th October 1917.

By order of His Excellency the Right Honourable the Governor,

R. B. MILNE,

Secretary to the Legislative Council of His Excellency the Governor of Bombay.

H 2125—209

Journal of the Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915 (5 and 6 Geo. V, Ch. 61).

The Council re-assembled at 11-30 a.m., on Thursday, the 11th October 1917, in the Council Hall, Poona.

PRESENT.

His Excellency the Right Honourable Lord WILLINGDON OF RATTON, G.C.I.E., Governor of Bombay, *President.*
The Honourable Sir MAHADEV BHASKAR CHAUBAL, K.C.I.E., C.S.I., *Vice-President.*
The Honourable Mr. G. CARMICHAEL, C.S.I., I. C. S.
The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.
The Honourable the ADVOCATE GENERAL (Mr. T. J. STRANGMAN).
The Honourable Mr. S. R. ARTHUR, I. C. S.
The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.
The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.
The Honourable Mr. P. R. CADELL, C.I.E., I. C. S.
The Honourable Mr. SHERRIFF DEVJI CANJI.
The Honourable Mr. JAMES GARGRAVE COVERNTON, C.I.E.
The Honourable Mr. PANDURANG ANANT DESAI, LL.B.
The Honourable Sardar SYED ALI EL EDROOS.
The Honourable Dr. C. FERNANDES, M.D.
The Honourable Mr. SIDDHANATH DHONDDEV GARUD.

MEDICAL BILL.

[*Rao Bahadur Tekchand Udhavdas; Mr. Dattatraya Venkatesh Belvi.*] [11TH OCTOBER 1917.]

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE.
The Honourable Mr. MAHOMEDBHOY HAJEEBHOY.
The Honourable Sheikh GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Mr. EBRAHIM HAROON JAFFER.
The Honourable Colonel W. E. JENNINGS, M.D., I. M. S.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Sardar DULABAWA RAISINGJI, Thákor of Kerwada.
The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
The Honourable Khan Bahadur PIR BAKSH walad MIAN MAHMUD.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Sardar SHRINIWAS COOPOOSWAMI MUDLIAR.
The Honourable Rao Bahadur VENKATESH SHRINIWAS NAIK.
The Honourable Sir TEMULJI BHIKAJI NARIMAN, Kt., L.M., F.C.P.S. (Bom.).
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. F. G. PRATT, I. C. S.
The Honourable Mr. MUNMOHANDAS RAMJI.
The Honourable Mr. W. M. ROSS.
The Honourable Dr. RAGHVENDRA ROW, M.D.
The Honourable Rao Bahadur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. C. N. SEDDON, I. C. S.
The Honourable Mr. PHIROZE C. SETHNA.
The Honourable Rao Bahadur TEKCHAND UDHAVDAS.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

His Excellency the PRESIDENT: Order, order. Further discussion of a bill further to amend the Bombay Medical Act, 1912 (Bill No. III of 1917)—first reading.

The Honourable Rao Bahadur TEKCHAND UDHAVDAS:—Your Excellency,—I oppose the bill and confine myself only to clause 3. In order to save time I will take my objection on a very simple ground indeed, and that is that clause 3 would needlessly fetter the discretion of the Medical Council. Clause 3 itself and the exceptions and explanations given by the honourable mover of the bill would attract many similar cases which will embarrass the discretion of the Medical Council in determining what is or is not infamous conduct. Why not therefore leave the Medical Council to exercise their discretion and leave it to their sense and judgment to decide what is or is not infamous conduct? If there is any reason to fear that the exercise of their discretion would be questionable, it is open to the Honourable Mr. PATEL to include it in his many resolutions which he often moves and the many questions which he generally asks. I think that will safeguard the interests of the registered medical practitioners instead of embarrassing the position of the Medical Council.

The Honourable Mr. DATTATRAYA VENKATESH BELVI:—Your Excellency,—The bill before the Council seems to cover three different principles in three of its clauses. It is therefore better to discuss each clause of the bill separately. This is a matter of convenience and I have thus to follow this course.

The first principle which is embodied in one of the clauses relates to the necessity of increasing the elective majority on the Medical Council. On that point it seems many of the opponents of the bill as a whole are inclined favourably. My honourable friend Dr. FERNANDEZ was the first to accor hi;

support to that part of the bill He was, however, doubtful as to whether the franchise should be given to the Faculty of Medicine of the University of Bombay or to the Bombay Medical Union and the College of Physicians and Surgeons and other similar bodies. It was also the opinion of another honourable friend of mine in this Council. My friend the Honourable Mr. SETHNA pointed out to the Council yesterday that at present there are about ten gentlemen who are members of the Faculty of Medicine of the University of Bombay and who are also members of the Medical Council. He put this forward as an argument that it was not necessary to grant this extended franchise to the Faculty of Medicine but to the other two bodies, the Bombay Medical Union and the College of Physicians and Surgeons. All the same, the principle of the necessity of the expansion of this elective principle is admitted by these gentlemen. The only discordant note that was struck yesterday was the one by the Honourable Surgeon General Lyons. The trend of his argument was that it was not necessary to increase the number of elected members of the Medical Council and I take it that that is perhaps a very fair index to the view which is held by your Excellency's Government. I am not quite sure of it, but it looks to me that the Honourable the Surgeon General probably voiced the views of the official circle in this connection.

Now to come to another point in this connection, it was argued that it was not necessary to extend this franchise to the Bombay University inasmuch as there were at present according to one gentleman 10 members of the Faculty of Medicine on the Bombay Medical Council and according to another gentleman there were 8, and the contention was that when so many men are both members of the Faculty of Medicine and members of the Medical Council, it was not necessary to extend any special privilege to the Faculty of Medicine in the University of Bombay. But I submit that it may be a matter of mere coincidence that there are so many gentlemen who are members of the Faculty of Medicine and who are also members of the Medical Council. There is no guarantee that only gentlemen who are members of the Medical Faculty will always be nominated by your Excellency's Government and that the Medical Faculty may not be in need of representation. But after all this is a matter of privilege and this Council will have to consider if it is not desirable to give a special privilege to the Faculty of Medicine in the University of Bombay. This is a matter which will be considered very carefully by the members of the select committee in case the bill survives the first reading, and it will be for the select committee to allot these additional seats to any constituency they please.

Let us now consider the second principle which is involved in another clause of this bill. My honourable friend Mr. PATEL wishes this Council to enact that sub-assistant surgeons and military assistant surgeons should be allowed to choose their own representatives on the Medical Council. The objection to this part of the bill was virtually stated yesterday in some such way. One of my honourable colleagues contended that these men were of very inferior medical qualifications and that they did not deserve to return their own representatives, representatives who will have to sit on the Medical Council with men of far higher medical attainments. The idea was that it would be *infra dig* for the members of that Council who hold such degrees as M.D., L.R.C.P., and the like to sit with representatives of an humbler class of medical practitioners. Now it seems to me that this is an argument which cannot possibly be accepted in these days of democracy. We find that there are not less than 1,024 medical practitioners of this particular class who are at present allowed to vote. The only disqualification imposed upon them is that none of them can stand as a candidate for election to a seat on the Medical Council. Some gentlemen think that the sanctity of the Medical Council will be violated by the presence of any one belonging to this class of humbler medical practitioners; but it should be carefully remembered that this is an argument which cannot be tolerated in these days for a moment. Are we to suppose that representatives of millionaires should not sit side by side with

representatives of poorer people? What is the trend of public opinion in these days of democratic ideas? This is an argument of very olden times and I really wonder that it should have been trotted out now in all seriousness. As to the medical qualifications of these men, I do not think that I can state their attainments in better language than was employed in this Council in the year 1911, when the first medical registration bill was considered, by the then Surgeon-General. This is what the Honourable Surgeon-General Stevenson then said :—"There has been, I understand, considerable excitement in the medical profession in Bombay with regard to the qualifications which the bill proposes should be considered sufficient to entitle its holder to have his name put on the register; and as it seems to me that a vital principle of this bill is involved in this question, I would ask to be allowed to offer a few remarks on it at this stage: As all the honourable members are well aware, Government have for many years maintained certain medical schools for the purpose of educating lads in the practice of medicine in order to supply its own services, both civil and military. These schools are, first of all, the Grant Medical College, at which is carried out the training of military assistant surgeons, and there are also the three schools at Poona, Ahmedabad and Hyderabad (Sind), where is carried on the training of sub-assistant surgeons, both civil and military. It has not been the practice of Government hitherto to give the students who pass out of these schools any real diploma or certificate of any sort entitling them to place letters after their names. They receive certificates showing that they have sat at an examination, and that they have been found capable and qualified to practise in medicine, surgery and midwifery. In former days they were only qualified to practise as hospital assistants or sub-assistant surgeons, but later they have been qualified to practise medicine and surgery. It is against the inclusion of these men in the register that so much has lately been written and said by members of the profession in Bombay. I will ask the honourable members of the Council to consider the training which these men go through, and the nature of the duties which they have hitherto performed and are at the present time carrying out all over the Presidency. I ask them to consider these before they allow themselves to be influenced by the arguments that have been brought against their inclusion in the register. These lads come to the medical schools from the high schools and elsewhere, and a certain number of them have already passed their Matriculation examination. Before they are allowed to enter the medical schools, they are subjected to an examination in general knowledge, and as the number of vacancies is usually considerably smaller than the number of those applying, it becomes a competitive examination at which, by the way, the matriculated candidates do not always succeed in securing places. This, I think, shows that the preliminary education of these students is not on such a low grade as has been stated in this city. The candidates who are successful in this examination are admitted to the medical schools and there the training lasts for four years. Their progress is constantly checked by examination, both written and oral. After they have succeeded in passing the final tests at the schools, they are admitted into Government service as vacancies occur. In addition to the Government students a certain number of pupils from Indian states and private pupils are also educated at the mofussil schools and qualify themselves for practice in their native towns or villages. After admission to Government service, the military assistant surgeon is sent to a station hospital for duty with European troops, and eventually a certain number of military assistant surgeons find their way back to the civil departments of local Governments. There they are placed in subordinate charge of large civil hospitals in the Presidency, such as St. George's, the J. J., and the Goculdas Tejpal Hospitals in Bombay, the Sassoon Hospital, Poona, the Civil Hospital, Karachi, the General Hospital, Aden, and at Asylums such as Colaba. They are also placed in sole medical charge of all the ships of the Royal Indian Marine; they are also placed—

His Excellency the PRESIDENT :—Order, order. Is the honourable member going to read the whole speech?

The Honourable Mr. BELVI :—No, your Excellency; I will only read a few lines more. "They are also placed in sole medical charge of telegraph stations and quarantine stations on the Persian Gulf; and lastly a certain number of them are placed in sole charge of revenue districts in this Presidency as civil surgeons of the district. In military employment it has been stated that they are never allowed to treat the European soldier or officer. This is entirely untrue. These men are sent on detachments in charge of European troops, in sole charge of both men and officers, and in one case, of which I am personally aware, and I have no doubt there are others, a military assistant surgeon is in sole charge of a station hospital in which both men and officers may be received for treatment. The military sub-assistant surgeon is sent on duty with Indian troops. These men are constantly sent on detachments and camps of exercise in sole charge of Indian troops and their European officers. All members of this Council are aware of the work which is done by sub-assistant surgeons in civil employ. They are in charge of practically all the dispensaries of the country, and I can only say that taking the whole of the work throughout the whole of the country that these men do, it can only be said to be good."

It is unnecessary for me to pursue this quotation any longer. It is evident that in the opinion of the late Surgeon-General with the Government of Bombay these men were wholly fit to exercise this franchise, and it was very candidly and very generously conceded yesterday by the Honourable Surgeon-General Lyons that the claims of these men to have representatives of their own on the Medical Council should be recognised, and I do not think that it is necessary for me to labour this point any longer. So, so far as the second principle is concerned, I think that there will be no difficulty whatever in accepting this bill.

Now I come to the most contentious clause of the bill, which involves the third principle, and that is as to whether it should be considered infamous conduct in a professional respect to associate with vaids and hakims. This particular point has unfortunately given rise to as acrimonious a controversy now as it did evidently in the year 1911, and I have got a very lively recollection of what then took place. It is extremely unfortunate that the western system of medicine should be pitted against the indigenous systems of medicine as found in India, and here I find that considerable efforts were made yesterday to show that the indigenous systems were absolutely worthless, so worthless that it would be disgraceful on the part of a medical practitioner whose name is registered under the Medical Registration Act to associate with a vaid or a hakim who practised the Indian system of medicine.

It seems to me that to assist the non-medical members of this Council in the consideration of this particular clause of the bill two experts have been nominated to this Council; but it is a great pity that Your Excellency's Government was not pleased to nominate medical experts in this Presidency who really knew something either of the ayurvedic system or of the unani system. There were several gentlemen available, men of the position and standing of Dr. Sir Bhalchandra Krishna and Dr. M. G. Deshmukh. But not one of them has been nominated, and we find that two experts have been given seats on this Legislative Council who are both violently opposed to this particular clause of Mr. Patel's bill. As for my old friend the Honourable Sir TEMULJI NARIMAN, his views on the indigenous systems of medicine were well known not only to the medical profession but to the people generally throughout the Presidency since the passing of the Bombay Medical Registration Act in 1912; but I had fondly thought that my honourable friend had been able to study, during the last five years, at least a portion of either the ayurvedic system or the unani system and to see if he could revise his opinion of these two systems. But I was extremely disappointed on listening to his speech with close attention yesterday to find that not only did he cling obstinately to his old views but that there was a deterioration in his usual vigour and that he could not even express

as forcibly yesterday what he had said in the year 1912. If this was the only thing which could be expected of him, I do not see why my honourable friend was put to the needless trouble of travelling such a long distance from Bombay. The same phraseology, the same quotation from Dr. Morehead and the same sly hit at Indian political leaders are to be found word for word in his speech in the year 1912. It is sufficient for me to invite reference to his speech which he delivered then. There is not one word which was said yesterday that would not be found there. Sir TEMULJI NARIMAN'S speech may be found at pages 58 to 60 of the *Bombay Government Gazette*, Part VII, for 1912 and a reference will satisfy every member of this Council that there was absolutely nothing, not even new phraseology, in his speech of yesterday. I do not think that I need ask the Council to brush aside the views of a gentleman who could not even pronounce correctly the names of ancient authors who wrote the well-known ayurvedic text-books. He could not pronounce correctly the names of Charak and Sushruta. This is one of two experts on whose evidence the destinies of Indian systems of medicine are going to be decided by this Council.

I now come to the second expert, the Hon'ble Dr. ROW. He certainly has come to this Council with a very high reputation. There is no doubt that he is one of the best medical practitioners in Bombay of the western science and I thought that he, at any rate, would be able to enlighten us in an authoritative manner as to the relative merits of the two systems on which he ventured to speak. But I must confess to a sense of keen disappointment when I heard him say that he had not been able in the 20 years of his practice to investigate in any useful manner a single drug from the Indian pharmacopœia. It would have been apparent to the members of this Council if he had said that as a student of medicine.

The Honourable Mr. CURTIS:—I think the honourable member is touching on very dangerous ground indeed. I think we agreed yesterday that the relative merits of the two systems were not to be discussed.

His Excellency the PRESIDENT:—I do not wish to prevent the honourable member from saying as much as he can, but I do wish to observe that I have laid down quite at the beginning of the discussion that Government have no possible objection to the ayurvedic system of medicine and it is not a question of relative merits of the system at all. The honourable member should not refer to those at all.

The Honourable Mr. BELVI:—Your Excellency, to me it seems that my Honourable friend Dr. ROW though a very eminent doctor of the western science of medicine was indeed a very gullible witness. I shall only examine the evidentiary value of the valuable admissions which he has made. What did he say about the indigenous systems of medicine, at any rate about the ayurvedic? Did he not admit yesterday that after a close application to the study of ayurved for 10 or 15 years it is possible to turn out an excellent vaid? His only plea was that these old vaids are dying out and their death is depriving the ayurvedic system of its existence. Does not that admission show that if the ayurvedic system is properly developed and studied it is capable of yielding good results?

His Excellency the PRESIDENT:—Order, order. I have tried very hard to keep the relative merits out of this debate and I must call the honourable member to order if he refers to them again.

The Honourable Mr. BELVI:—I simply want to refer here in a few words to the arguments advanced yesterday by the two experts in this Council.

His Excellency the PRESIDENT:—But I understood yesterday from his speech that my honourable friend Dr. ROW was rather supporting the point of view of ayurvedic medicine.

The Honourable Mr. BELVI:—I am much obliged to your Excellency for saying that the honourable Dr. ROW'S views do support the ayurvedic system

and that they are in favour of it. It is sufficient for my purpose if it is recognized that the indigenous systems of medicine are not so very crude as they are sometimes supposed to be. But I must tell the Council that ayurveda is looked upon generally by Indians, and especially by Brahmins, as sacred and as one of the vedas. It is called by Brahmins the fifth veda. This is a matter which must be well known to the Honourable Dr. ROW, who is a Brahmin. It is with peculiar feelings of veneration that we look upon the ayurveda and our feelings are much hurt when we find that our fifth veda is attacked in a merciless manner by ignorent men. I do not think I need pursue this point any longer. I am content if members of this Council are convinced that neither of the experts has proved that the indigenous systems are worthless. If that point is appreciated by my honourable colleagues I am satisfied. When the first Medical Bill was passed into law in the year 1912 it was not only not the intention of Government—and I am glad to hear that it is not the intention of Government even now—to discourage in any way the study of ayurvedic medicine. Tho Hon'ble Sir RICHARD LAMB, who introduced the bill, was careful enough to say in his speech that a time may come when gentlemen well-versed in the ayurvedic system may be admitted to the Medical Council.

His Excellency the PRESIDENT:—Is the honourable member referring to Government again?

The Honourable Mr. BELVI:—Yes. I am perfectly satisfied that so far as the attitude of Government is concerned it is sympathetic, and I acknowledge this thankfully. The Honourable Sir RICHARD LAMB, the member in charge of the bill then said:—

"But clause 20 distinctly provides that when the course of study prescribed by any college or other body offering 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 who hold 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."

That is the real index to the attitude of Government.

There is another important fact which this Council should bear in mind, and that is the act so recently passed by the Legislative Council of the United Provinces, an act which has been published under the *imprimatur* of His Excellency the Governor General of India in the month of August of this year. If I mistake not, the act was published on the 4th August 1917, and in that act it is plainly stated that it is not infamous conduct in a professional respect to associate with vaids and hakims or homeopaths. That is a very important provision of which this Council will please take note. Are we to suppose that the United Provinces are much behind us and that we are ahead of all the other provinces? Why should there be a different law so far as this particular point is concerned in the United Provinces from the law obtaining in the Bombay Presidency? And does not the fact that the Government of India have been pleased to sanction this act passed by the Legislative Council of the United Provinces show that in the opinion of the Government of India there is absolutely nothing infamous in the association of registered medical men with vaids and hakims? Are we going to ignore that act altogether? It is possible to say that the phraseology which has been employed by the Honourable Mr PATEL in his bill differs here and there from the phraseology adopted in the act passed by the Legislative Council of the United Provinces. But it is open to the select committee to adopt the phraseology wholesale from the act of the United Provinces and incorporate it into the bill of my honourable friend. But to say that the principle itself should not be accepted here in spite of the fact that the principle has been accepted by the Government of a sister province and has been sanctioned by the Government of India is, I submit, something which is very

difficult to follow. Perhaps I may be told by one of my honourable colleagues that we are clamouring for local autonomy and Bombay may have a law of her own, but I should submit that this would be an autonomy granted to us with a vengeance. Are we to suppose that there should be different laws in different presidencies on the same point? Are we to suppose that medical men in the Bombay Presidency are in any way superior to the medical men in the United Provinces? We were told yesterday that if clause 3 of the Honourable Mr. PATEL'S bill were accepted the Bombay Medical Council will have no members to sit on it. To me it seems that this is simply nothing more than a vain threat. For I make no doubt that there will never be a paucity of gentlemen who will choose to sit on the Bombay Medical Council, despite the fact that there are on it representatives of an humbler class of medical practitioners and the fact that registered graduates are allowed to associate themselves with vaids and hakims. I put it to my honourable colleagues to see carefully whether it would be right to depart from the principle which has been accepted not only by the Government of the United Provinces, but by His Excellency the Governor-General of India.

We were told that it was perfectly open to any medical graduate not to have his name registered in the medical register of the Bombay Presidency. That is a perfectly intelligible statement. Do those that advance this argument appreciate the force of what they say? Do they remember the fact that the Bombay Medical Council enjoys its powers under a particular statute? It is maintained out of the public exchequer of this Presidency and it has to exercise its rules and regulations which are sanctioned under a particular law. If statutory powers have been conferred upon the Bombay Medical Council, they must be exercised to the satisfaction of the people of the Presidency and to the satisfaction of this Council. We find by referring to the Bombay Medical Registration Act that peculiar advantages are conferred upon medical men who get their names registered. The most important of these is that none that is not registered can ever be entertained in the public service of this Presidency. He cannot be a Government servant, nor can he be a servant of any public body such as a local board or a municipality. That means that all the available loaves and fishes are thrown open only to a particular class of people and that is the reason why every medical man is anxious to have his name registered. There is another privilege, which is probably within the recollection of my honourable friends. If a certificate is to be produced in a particular case where it is absolutely necessary, it can only be granted by a medical gentleman whose name is registered. When such valuable privileges are allotted to registered graduates, it is but natural that medical graduates should be anxious to have their names registered. It is also a matter of common knowledge that gentlemen who are chosen members of the Medical Council get very handsome fees for their attendance at each sitting of the Medical Council. If I mistake not, the amount of fees is Rs. 50 per sitting. All this money is paid out of the public purse and the public has therefore a perfect right to control the Medical Council. It does not lie in the mouth of any member of the Medical Council to say that it is open to any medical man not to have his name registered.

It was suggested that if a man chooses to have his name registered he must submit himself to the code of rules that may be framed by the Medical Council. I accept this position, but I lay down only one proviso. The code must be in consonance with reason and in consonance with the habits and customs of the people of this Presidency. It is because we find that the Bombay Medical Council is at present acting in a manner detrimental to the interests of certain Indian medical graduates that this bill has been introduced by my honourable friend Mr. PATEL into this Council. The facts of the case of Dr. Popat were very freely referred to yesterday. Do they not show that instead of thanking a gentleman who has devoted something like 30 years of his life to the service of his country by maintaining an institution in which young men are

trained both in the principles of western medicine and the principles of the ayurvedic system of medicine, it is sought by the Medical Council to put a stigma upon him and a slur on his reputation by expunging his name from the medical register?

The Honourable Mr. CURTIS:—I beg the honourable member's pardon. Do I understand that the Bombay Medical Council have decided to remove his name from the register?

The Honourable Mr. BELVI:—The case is *sub judice*. I am only pointing out to this Council that it is necessary to control the action of the Bombay Medical Council. The opposition to this clause shows the direction in which the wind is blowing. Unless this Council safeguards the interests of the Indian medical graduates, it is very likely that their interests will suffer immensely. That is the position which I take up. For aught I know the Medical Council, in their wisdom, may be pleased to acquit Dr. Popat of the charge of infamous conduct and Dr. Popat may be free from his present troubles. But it is not unlikely that other registered graduates may be placed in precisely similar predicament in which Dr. Popat has at present been placed. The very wording of the notice that has been issued to him shows that infamous conduct———

The Honourable Mr. CURTIS:—I beg the honourable member's pardon Will he kindly read the notice?

The Honourable Mr. BELVI:—Yes. I have got all the papers.

The Honourable Mr. CURTIS:—But I do not think the last notice served upon Dr. Popat is among those papers.

The Honourable Mr. BELVI:—The matter is public property and there has been so much public discussion that I do not think that I need read the particular passages from the correspondence. But the correspondence shows that what was considered to be infamous conduct in a professional respect was his association with the college named the Prabhuram Ayurvedic College. He had a notice to this effect. At present the proceedings are going on and the only reason apparently suggested in support of them is the view that registered medical men shall not associate with a medical college or school in which the ayurvedic system is taught side by side with the western system of medicine.

As your Excellency has already been pleased to rule that I should not enter into a comparison of the western and eastern systems of medicine, I shall not do so. I should have otherwise called the attention of this Council to a few passages in this connection from a book known as the Symphony of Shakespeare. Honourable members will be amused to read pages 129 and 130 of that book. They will find there the barber-surgeon's crude notions of physiology and the like in Shakespeare's England. But all that, however, is a matter of past history and we need not trouble ourselves with it in these days.

Honourable members will also please bear it in mind that if there are a few doctors of the western medicine opposed to our systems of medicine, there are a very large number of European doctors who have been trained in the western system but who are in favour of the indigenous systems of medicine in India. Yesterday the name of Sir Pardey Lukis was mentioned in this connection. It was said that he perhaps had not come into close contact with Indian systems of medicine. But a perusal of his speeches in the Imperial Council will show that he even mentioned the names of vaids and hakims with whom he had come into close contact

Then it was contended yesterday that the passing of this bill would be retrograde, illogical and imperfect. I fail to understand how it would be retrograde We are told that many medical men are now out of India and it will be wrong to pass this bill in their absence. If we are to apply the same principle to His Majesty's army, His Majesty's recent pronouncement that Indians should be granted commissions in the army now would be objected to by His Majesty's

soldiers who are employed in Flanders and in other theatres of war. I do not see how this question of unfairness comes in.

It is said that the bill should be withdrawn and that another Government bill should be brought in. Why? Simply because no bill brought in by a private member is to be accepted? Is it not open to any member of this Council to suggest any alteration? I submit, your Excellency, that it is necessary to consider the bill on its own merits and to pass it with such amendments as may be acceptable to the members of this Council. This bill is not at all imperfect in my opinion.

There is nothing illogical about this bill and it is in no way a retrograde measure. It cannot be called by any stretch of imagination illogical in view of a similar act which has just been passed by the United Provinces Government. On these grounds I beg to support the first reading of this bill.

The Honourable Mr. SALEBHOY KARIMJI BARODAWALA:—Your Excellency,—I came to this Council with a very open mind on this particular question. But after the speeches made in favour of and against the bill, especially the speech of the Honourable the Surgeon General, I think there is nothing in the attitude of the Bombay Medical Council which demands the necessity of a bill of this nature. I understand the position is this The Bombay Medical Council does not recognise the hakims and vaids because the majority of them are quacks and as such are dangerous to society. It is not alleged that the eastern method of treating patients was useless, but that at the present day, to use the words of the Honourable Dr. FERNANDEZ, the system has become antiquated and obsolete. If we can demonstrate the qualities of our system nobody would condemn it for the mere reason that it is Indian. But until such time as it is proved to be useful, we cannot blame any one if it is not patronised. We are indebted to the Honourable Dr. FERNANDEZ for making a very practical suggestion in this connection—I mean his suggestion for creating a chair of pharmacology in our medical college with a laboratory attached in order to test and demonstrate the qualities of Indian drugs. I think the Indian members of this Council could well devote their enegry in getting Government to accept his suggestion. But there is no point in helping the quack. I agree with my friend Dr. Row that there is a class of men living even in this generation who know the ayurvedic and unani medicines scientifically. But there are no means of discriminating between such people who are admittedly rare and the quacks with which the country abounds, and in such a state of things we ought to be very careful before doing anything which would patronise the latter class of men. Clause 3 of the bill if carried into law will principally benefit this class.

Now we must also take into account the feeling of a class of well qualified men who consider it below their dignity to associate themselves professionally with unscientific men. It is not the case that they force all men trained in the western science to abstain from having any dealings with this class of men. They have left them free to do what they like. Not only that, but qualified doctors, whether they are registered or unregistered, can practise the unani and ayurvedic medicines if they believe in their efficacy, but all that they say is that if qualified men get themselves registered they should not indirectly patronise untrained men. The Honourable Mr. GOKULDAS PAREKH said yesterday that if a man on his death-bed who was under the treatment of an unqualified physician wanted to consult a qualified practitioner, he could not do so under the present act. I have consulted Dr. FERNANDEZ on this point and I am convinced that there is no bar to a registered man for taking over such a case from an unqualified man—nay, there is no objection even to his finding out the history of the case and the treatment followed. Your Excellency, I may not be misunderstood that I am against hakims and vaids generally. I have great regard for really good hakims and vaids, and I have seen cases in which doctors have failed and hakims and vaids have succeeded. But taking all the circumstances into consideration I will vote against the bill.

MEDICAL BILL.

[11TH OCTOBER 1917.] [*Mr. Chunilal Vijbhukhandas Mehta; Mr. G. S. Curtis.*]

The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA:—Your Excellency,—With regard to the second part of the bill, I will only say that when the Honourable Mr. GOKULDAS PAREKH brought forward his resolution to give the sub-assistant surgeons a seat on the Medical Council and that resolution was accepted by Government, I did not hear, at any rate I do not remember that I heard, any objection either from the Honourable Dr. FERNANDES or from the Honourable Mr. SETHNA, who in particular so strongly and vehemently opposed the second part of the amendment brought forward by the Honourable Mr. PATEL.

With regard to the third and most important part of the bill, I am afraid that if the interpretation that is sought to be put by the Medical Council on the phrase "infamous conduct" is supported, there will be two unfortunate consequences.

The Honourable Mr. CURTIS:—I do not wish to interrupt the honourable member, but what interpretation does he suppose that the Medical Council wish to put on the expression "infamous conduct"?

The Honourable Mr. CHUNILAL MEHTA:—Association with a school or college teaching ayurvedic system of medicine.

The Honourable Mr. CURTIS:—May I tell the honourable member that that is not the charge against Dr. Popat Prabhuram?

The Honourable Mr. CHUNILAL MEHTA:—I would like to know what the charge is, then

The Honourable Mr. CURTIS:—The charge is "You have associated yourself with an institution termed the Prabhuram Ayurvedic College, Bombay, in the capacity of the principal thereof and that as such principal you by your countenance, advice, assistance and co-operation not only enabled unqualified and unregistered persons to attend, treat and perform operations upon patients in respect of matters requiring professional discretion and skill and otherwise to engage in professional practice as if such persons were duly qualified and registered.. ..." and so on. That is the charge that has been made, the evidence has not been sifted yet and no judgment has been passed.

The Honourable Mr. CHUNILAL MEHTA:—In the first notice the charge was what I stated and the Council may make such a charge again. But I did not want to take my stand at all on Dr. Popat's case. If the Medical Council do not wish to interpret "infamous conduct" as association with vaids or hakims then what is the objection to pass the amendment that has been brought forward? I have got nothing whatever to do with this particular instance before us, namely, the case of Dr. Popat, but I may point out for the information of this Council that when Dr. Popat sought registration under the Medical Registration Act everybody knew that he had this connection with the ayurvedic college for the last twenty years. It was a matter of common knowledge and yet his registration was not objected to, and it is only now that this notice has been served upon him.

However, I have nothing whatever to do with the fate of Dr. Popat or what decision the Medical Council may come to. But I say that two unfortunate consequences will arise, not if the interpretation is supported, but, I will say, if the amendment that has been brought forward by Mr. PATEL is not accepted by this Council. The unfortunate consequences would be these. At the present moment there is no scheme on foot which is to encourage or to improve the indigenous systems of medicine. We are entirely grateful to His Excellency for his pronouncement that His Excellency's Government are not against the indigenous systems. But there is no scheme at present on foot which is going to improve these systems of medicine nor to improve the class of vaids or hakims. In the absence of any such scheme, it seems to me that the only avenue which is

open now for the improvement of these systems will be closed entirely if the amendment is not accepted by this Council. It has been said that the Medical Council have no objection to a medical practitioner either studying or practising indigenous systems of medicine, but that they have the very greatest objection to a medicial practitioner associating with a vaid or a hakim who practises the indigenous systems of medicine. Now it seems to me that there could not be any proper study without a living or substantial association with those who daily practise the indigenous systems, nor can you expect any improvement in them.

The case of England was placed before this Council in one or two speeches yesterday. I may point out, sir, that the select committee of the United Provinces Government, when they reported on the clause that has been quoted to this Council, stated that they considered that the provision regarding the removal of a name from the register should be qualified by the following words: —"provided that no person's name shall be removed on the ground that he has adopted any theory of medicine or surgery not in accordance with the accepted view for the time being". A similar qualification is to be found in section 28 of the English Medical Act of 1858. The opinion of the select committee was all unanimous, and I may mention that out of the seven members of the select committee three were Europeans and four Indians; nevertheless all unanimously came to the conclusion that the proviso clause should be inserted. In England, as was pointed out by the late Sir Phirozeshah Mehta in 1912, there is a homogeneous body of medical opinion, which makes the working of a medical act of this nature satisfactory and permissible, but the conditions in this country are entirely different and I submit that any reform that we undertake must take cognizance of the existing conditions of the Presidency. Even in England, in spite of this homogeneous opinion in favour of allopathy, it is left entirely to the option of a medical practitioner to adopt any theory of medicine or surgery which is not in accord with the accepted view of the Council, and the practitioners who adopt such theories are in England very few in number; whereas, on the other hand, here in India we have vaids and hakims who administer medicine to, as has been pointed out, 90 per cent. of the population of the country. My appeal to the medical practitioners—and indeed to all those gentlemen who have got themselves registered as a matter of honour—is to try and associate with the vaids and hakims and to raise them to a better system of science, so that the public may be protected. Instead of doing that, they are absolutely cut off from any association, and how, I ask in all seriousness, are the indigenous systems of medicine to be improved if this is the course that is going to be adopted?

The other unfortunate consequence which I mentioned will be that the public will be more and more exposed to the tender mercies of the many quacks and charlatans that undoubtedly exist among the so-called vaids and hakims. Another instance of how the wisdom and foresight of the late Sir Phirozeshah Mehta was justified is to be found in the report of the Council proceedings in 1912. Let it be remembered that at that time it was distinctly pointed out that there was no idea whatever of protecting the medical practitioners as against the vaids and hakims, and I will read to you—it is a short quotation—the very words which the then Surgeon General used. He said:—"It was never pretended for one moment that the passage of the bill was to protect the qualified medical practitioners from the vaids and hakims. What was said was that it was to protect the qualified medical practitioner from the unqualified men practising according to western methods, the untrained compounders, such as may be found in every bazaar, and so on. These are the men who are going about pretending that they are medical men, and, notwithstanding everything Sir Phirozeshah Mehta has said, people employ such men and do not know they are employing unqualified men." So it is perfectly clear from the speech of the then Surgeon General—and I have no doubt that he reflected the views of the Government at that time—that the act was never meant or intended to differentiate or to protect the medical practitioners from the vaids or hakims. It was to

protect the qualified medical practitioners from the unqualified men who posed as qualified according to the western method.

Now I could have understood the position that is proposed to be taken up if the number of medical practitioners on the registration roll was larger than it is at present. At present it is only about 2000, or perhaps 3000, practitioners who are taking the benefit of the Registration Act. The other 6000 are entitled to associate with quacks or charlatans or any body they like and yet the registered medical practitioners will associate with these other medical practitioners. If the case was that these 6000 were all agreed that they should have nothing to do with the vaids and hakims then one might have understood the logic of the restrictions; in other words, you have no homogenous opinion even amongst yourselves against the vaids and hakims. It seems to me, sir, that this position savours of an attitude of trade unionism and it is trade unionism in its worst form because it is displayed in connection with a profession whose object is to relieve human suffering and misery and to save life. Instead of training the indigenous practitioners an attempt is made to cut them out altogether and leave them to trade upon the general public who are unable to have recourse to or who have no faith in western medicine. I submit, sir, that so long as the deplorable poverty of the people of this country continues it would be impossible for them to resort to western methods of medicine even though they may be at hand. I do not at the present moment wish to compare the two methods. I have no doubt that the western method is better because it is progressive but I cannot admit that the time-honoured eastern method is no method at all and is a huge hoax. I submit that unless there is some scheme which will improve the status of the vaids or hakims it will be a great misfortune if medical practitioners should sever all association with them.

It is quite possible, and in this country it is very much the case, that out of the many medical practitioners who practise even western methods there are a great many Indians who have an honest desire to study the eastern methods in order to find out what is the good about them and to foster them. If they had this desire, and it is no doubt a most natural one, and if this amendment is not carried, they would be absolutely precluded from having any living association with the vaids or hakims without which progress is impossible. I do not wish to touch upon the case of Dr. Popat but at the same time I say that the Medical Council could not have chosen a worse case for exercising their disciplinary jurisdiction as stated in their first notice because in any case though this college is a humble one, it is an effort to turn out vaids and hakims who are not, at all events, charlatans or quacks. I therefore, think, sir, that the first reading of the bill might be passed although changes might be made in the select committe.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH:—Your Excellency,—The present bill proposes to increase the elective element. Personally I would very much like that there should be a majority of elected members in the Medical Council. But looking at the question from the Muhammedan point of view I see that not a single Muhammedan medical practitioner was returned to the Medical Council at the last election and therefore your Excellency's Government was obliged to nominate one.

Now the first amendment proposes a decrease of two nominated members. If we accept the amendment of my honourable friend, what will be the result? The elected members will be decreased by two and I am afraid that the only Muhammedan member might be thrown out. Therefore I would suggest to my honourable friend Mr. PATEL that if he were to make a provision in his bill that one of the two seats that he asks by election be reserved for Muhammedan practitioners I will vote for it.

The Honourable Mr. PATEL:—Yes, I am perfectly willing to do that.

MEDICAL BILL.

[*Mr. Sheikh Ghulam Hussein Hidayatallah; Sir Mahadev Bhaskar Chaubal.*] [11TH OCTOBER 1917.]

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH :—Coming to the second amendment, it is to the effect that a qualified class of people known as hospital assistants or sub-assistant surgeons should be members of the Medical Council. The only objection that is raised to this clause is that the educational qualifications of these sub-assistant surgeons are not sufficient to make them eligible for the membership of the Medical Council. But I am surprised at this objection. It is on the evidence of these sub-assistant surgeons that we see every day in the sessions courts and in the High Court that people are sentenced to be hanged by the neck. If their educational qualifications are not sufficient to enable them to become members of the Medical Council, then it ought to be ruled by this Council, sir, that the evidence of these people ought not be relied upon in important cases like murder cases.

Now coming to the third, and a very important amendment, it is to the effect that under the present Medical Act all association of registered practitioners with ayurvedic or unani vaids or hakims is considered as infamous conduct. The Honourable Mr. PATEL, by bringing his third amendment, wants to add certain explanation of the words "infamous conduct." I have heard all the previous speakers. The Honourable Mr. BELVI and the Honourable Mr. CHUNILAL MEHTA both of them have been simply playing on the sentiments of the Council and trying to show that there was something in the Medical Act which prevented the study or practice of indigenous systems of medicine. But so far as I see in the Medical Act there is absolutely no prohibition to the study or practice of indigenous systems of medicine. Under the act vaids and hakims are allowed to practise and give any medicine they like. Therefore, there is nothing which goes to strike a death-blow to the indigenous system of medicine. Again even the qualified practitioners, unless they are registered members, are allowed to associate with a hakim or a vaid and to use any medicines they like. Only the registered practitioners are not allowed to have association or consultation with a vaid or a hakim under the Medical Act. The reason is that there are a large number of vaids and hakims and most of them are quacks. Even these registered practitioners are allowed to use, if I mistake not, ayurvedic medicines. They may use unani or any medicines they like but they are prohibited from associating with any vaid or hakim when they have taken a case in hand. Your Excellency, registered, practitioners are not allowed to associate themselves with vaids and hakims after they have taken up a case. They may take a case through the vaids and hakims and examine the treatment, but after they have taken up a case they should not associate with them, because the majority of them are quacks.

I would suggest one thing, that if these vaids and hakims organise themselves and convince this Government that some of them are competent and qualified people, I am sure your Excellency's Government will not consider association with such qualified and competent hakims as infamous conduct.

With these remarks I oppose the first reading of the bill.

The Honourable Sir MAHADEV BHASKAR CHAUBAL :—Your Excellency,—I will not take up much of the time of the Council, but, after having closely and attentively listened to the speeches that were made yesterday and to-day, I cannot help saying that most of those who addressed themselves to the question before them were not able to keep the consideration of this bill separate from, and independent, of the question which the Medical Council has started with respect to an individual case, that of Dr. Popat Prabhuram. I think this bill, whether it is to be supported or opposed, has got to be supported or opposed on its own merits and not on the merits or demerits of Dr. Popat Prabhuram's case. Honourable members have hardly been able to keep their minds away from this individual case. Now as regards that individual case, I do not think that it is fair in this Council to make any pronouncement and thereby prejudge a case

which is before a regular tribunal. As the act requires, a notice has been issued. Dr. Popat Prabhuram will have the right of appearing by counsel before the Medical Council. He can lay his case before them. If they decide adversely, he has got the right of appeal to His Excellency the Governor, and even if he is dissatisfied with the decision of His Excellency the Governor, I do not know that he may not have further the right to go to the High Court. Therefore I submit that that case has got absolutely nothing to do with the consideration of the present bill. Whether the action of the Medical Council was right or wrong in that individual case is not a question which ought in the slightest degree to affect the merits or demerits of the present bill before the Council.

Now coming to the present bill, it has been brought out in the discussion that there is an amount of haziness about what practitioners are definitely indicated when the expression "followers of the ayurvedic, the unani or other indigenous system of medicine" is used. In common parlance all vaidyas are followers of the ayurvedic system, and all hakims of the unani system: and it embraces all sorts and kinds of medical practitioners from the veriest quack to the most highly gifted and learned vaidya or hakim. It is therefore under the present circumstances and at the present time impossible to define a vaidya or a hakim. Yesterday some speakers were puzzled and did not know what the expression "other indigenous systems of medicine" occurring in the Honourable Mr. PATEL'S proposed explanation referred to. I think the uncertainty and haziness about the connotation of the terms vaidya and hakim and along with it the merits or the demerits of the bill will perhaps be brought home to the minds of honourable members if I tell them about a dignified body of indigenous medical practitioners, who are to be found in Poona and who can well claim to come within the scope of the bill. I do not know about other towns, but my friends in Poona ought certainly be able to bear me out. They are called **naka dolyache vaidu*. There is a colony of them somewhere beyond Government House, and if you go that side in the morning, you find a specimen of these vaids coming along the foot-path of Ganeshkhind Road with a bamboo on his shoulder on which is suspended his bag of medicines and all his pharmacopœia and they come into the town of Poona and go about begging. Their way of begging is interesting. Perhaps my honourable friends Messrs. KAMAT and PARANJPYE will tell you what it is. They go about stopping at every door and loudly proclaiming their medical preparations often coupling each medical drug he possesses with the name of the disease on which it is a specific remedy: I now happen to remember only one of these medical drugs: it is *Rasashendur-matra*, but they have quite a string of names of these remedies and diseases which they proclaim in a rich musical voice. Well, that is an indigenous system of medicine and the Honourable Mr. PATEL says that it ought not to be at all undignified or unprofessional on the part of a registerd medical practitioner, whatever his qualifications, to call in perhaps one of these *naka dolyache vaidus* and be in consultation with him and prescribe medicines with him and discuss with him the virtues and properties of his drugs. This would under the bill be a way of encouraging and supporting an indigenous system of medicine. This, I think, amply illustrates what the mischief of this amending bill might be.

I think one of the points that was made by Dr. Row was not perhaps clearly appreciated by the members of this Council. As I say, I am trying to keep out the case which has been in the minds of the members entirely apart from the consideration of this bill. Suppose a person who is entitled to be a medical practitioner and who has got some degree from a recognised medical college starts an institution to-morrow and proposes to give instruction partly according to the western science and partly according to the ayurvedic system. Now, gentlemen, you all know that in order to qualify a person to be registered or to

* Literally:—Vaids of noses and eyes, *i.e.*, Doctors for treating all ailments of the nose and the eye: they however do not confine themselves to these ailments only but profess to diagnose and treat all ailments that "flesh is heir to."

get any degree which is recognised as a qualification for registration, a person has got to stu y under the guidance of distinguished professors in a recognised medical college for a certain number of years, which is supposed to give him the requisite knowledge of different branches of the medical science which again is tested by examinations. On the other hand, suppose a person starts an institution claiming to give instruction in ayurvedic medicine, and at the same time he professes to teach to his students the principles and practice of western medical science, would there be any guarantee that persons might not emerge from such an institution with a smattering and superficial knowledge of either system, setting themselves up as ayurvedic or unani doctors and under the guise of the name administering medicines and treating patients by the allopathic system with occasional use of indigenous drugs and *jurybutties*. It cannot be denied that there is this danger, and the bill is likely in that way to open a wide door for frauds of this kind.

There is another question which was touched upon by the Honourable Mr. BELVI. The Honourable Mr. BELVI eloquently said that we who have passed the Medical Registration Act and the public must be satisfied about the justice of what the Medical Council do. I think that an acute lawyer like him should have known that under section 19 of the act which he helped to pass all the rules and regulations passed by the Medical Council have got to receive the previous approval of the Governor in Council. It is the Governor in Council who has got to judge as to whether the rules and regulations that are framed by the Medical Council are proper, reasonable or unreasonable. It is clear, therefore, that according to the law which the Legislative Council of which he was a member passed it trusted Government to see that the rules framed were just and proper; and therefore according to the law he passed it is not he or the public that have to be satisfied but the Governor in Council. I do not think that the opinion of any individual person or member of the public has got anything to do with the case. But what I wish to impress earnestly on the Council is this. The Medical Registration Act was not passed for the purpose of encouraging the system of ayurvedic medicine or any indigenous system of medicine. It is really an act for maintaining a register, the persons enrolled on which are recognised as medical practitioners entitled to grant certain certificates. It is therefore a sort of union or guild which persons with certain definite qualifications may, if they so choose, have the right of becoming members. This union or guild frames certain rules to regulate the conduct of its members in accordance with the accepted etiquette of similar bodies in other countries. Now if after such rules have been framed I choose to go and apply to the Medical Council to put me on the register saying that I am qualified in such and such a way have I any right to complain if the Council take any action against me in accordance with the rules by which I offered to be bound, when I applied for membership? Have I any right to complain that a particular rule was passed unreasonably? That, it seems to me, is the position which the supporters of the present bill must take up when they consider individual cases like that of Dr. Popat. When Dr. Popat joined, he knew or ought to have known that there were certain rules of etiquette to which the conduct of each member ought to conform.

The Honourable Mr. PATEL:—May I know the particular rule under which association with vaids or hakims becomes unprofessional conduct?

The Honourable Sir MAHADEV CHAUBAL:—I am referring to the rules which the Honourable the Surgeon-General read out yesterday as the rules which have been adopted by the Medical Council.

The Honouradle Mr. PATEL:—I should like to know, your Excellency, the particular rule under which association with a vaid or hakim becomes unprofessional conduct. My honourable friend Sir MAHADEV tells us that Dr. Popat joined the

institution with full knowledge of the rules. But what are those rules which Dr. Popat had full knowledge of?

The Honourable Sir MAHADEV BHASKAR CHAUBAL:—I think my honourable colleague Mr. CURTIS has read out the notice which was issued by the Medical Council, and I think one of the rules whch were read out yesterday by the Honourable the Surgeon-General does consider the sort of conduct which is mentioned in that notice as unprofessional. My point is that if a person agrees to go and register himself it is his business to inquire what liabilities or responsibilities he undertakes along with the privileges which the membership of that body confers on him. He has no business afterwards to complain of the action of that body if it is alleged that his conduct in a particular case contravenes or goes against the accepted etiquette of this registered body. Now I request my honourable friend Mr. PATEL to bear in mind what I have premised clearly, that whether Dr. Popat's case comes within those rules or not is a thing which has still got to be decided; there is at present only an allegation made against him. If his conduct does not come under any of those rules, I dare say the Medical Council will give their decision accordingly. And I affirm that the question with which we are directly concerned, namely, the propriety of putting this amending clause on the statute-book is a large and general question which does not and ought not to depend on this particular case.

Another point made by the Honourable the Surgeon-General and the Honourable Colonel JENNINGS is that as there is a large number of practitioners who have enrolled themselves on the Medical Register it is the voice of this body which ought to decide about any standard of professional conduct to be adopted.

It ought to be obvious that the opinions of outsiders like lawyers, tradesmen and other laymen as to what is or is not unprofessional are not very material.

There is only one other point that I will mention further. It was suggested that the action of the Medical Council has the object of defeating the assurances which were given in 1912 when this act was passed. I do not see where there is any going back upon the assurances which individual members of Government or Government as a Government gave then. I do not think anybody then said that the Medical Registration Act was passed in order to enable a graduate from the Grant Medical College to study and practice ayurvedic medicine. The only assurance that was given then, so far as I remember, was that those who professed and practised the ayurvedic or any other indigenous system of medicine would be free to do as hither to and that the act will in no way interfere with their liberty. If there was a regular ayurvedic college started, with systematic courses of medical instruction in which the people and the Government could put faith then steps might no doubt be taken to recognise it in any way that might be considered feasible. They might in that case well claim to be entitled to have a separate register for graduates trained in such an institution. But I do not see how any discouragement to the study of ayurvedic medicine can be spelt out of the action of the medical council or how there is any going back on any assurance given when the act was passed. On the contrary the proposed amendment certainly encroaches upon the assurance given to the registered practitioners by a solemn legislative enactment.

The Honourable Mr BELVI mentioned two names, those of Dr. Sir Bhalchandra Krishna and Dr. Deshmukh. He said that they were studying ayurvedic medicine. Now I have great respect for these men. They hold degrees and qualifications which entitle them to put their names on this register, but they have perhaps not done so for the very reason I have mentioned above. The act is not compulsory. It is entirely optional: and there are many others who have not got themselves entered on the register.

The Honourable Mr. C. V. MEHTA mentioned yesterday, that there are a number of persons who, by there qualifications, are entitled to be put on this

egister, but who do not get themselves registered: and the services of any of these men could be enlisted in the interests of the science or practice of ayurved c medicine. But why need you impair or prejudicially affect the tone of the whole body of registered practitioners by forcing upon them an etiquette which is abhorrent to the standard of professional conduct that they have adopted? How does the ayurvedic system or the unani system suffer by leaving it to the option of any person to keep outside this register or to come within the register and be bound by rules which may be framed for the conduct and guidance of only such persons as claim to be members of that registered body?

These are the considerations which I venture to put before the Council in the consideration of this bill before honourable members accept it or make up their minds to reject the same.

The Honourable Mr. G. S. CURTIS:—Your Excellency,—There has been so much eloquence expended on this bill that—

The Honourable Mr. PATEL:—May I rise to a point of order, whether two members of the Executive Council can reply on the bill under the rules of debate?

His Excellency the PRESIDENT:—My honourable colleague Sir MAHADEV CHAUBAL was perfectly justified in speaking, and I think even the Honourable Mr. CARMICHAEL may speak if he wishes to do so.

The Honourable Sir MAHADEV CHAUBAL:—There is only one Legislative Council which is recognized by the act and I am quite as much a member of that Legislative Council as the Honourable Mr PATEL or any other member of the Legislative Council who is entitled to address himself to any question which comes before the Council.

The Honourable Mr. PATEL:—I ask His Excellency's ruling.

His Excellency the President:—I gave the honourable member exactly the same answer as my honourable colleague though not with so much force.

The Honourable Mr. CURTIS:—There has been so much eloquence expended on this bill before the Council that I shall endeavour to be as brief as possible, merely stating as far as I can the views held by a lay member of Government who is in charge of the medical portfolio.

The first clause in the bill before us provides for the reduction of the nominated element from 6 to 4. As far as I can make out, the movement in favour of this change has not been promoted by any action on the part of the profession. It is something which the honourable member, a lawyer, who has moved the bill, has evolved from his inner consciousness and the only justification for it, as far as I can see, consists in the fact that in the recent act of the United Provinces Government a similar reduction has been made.

Now, sir, we in Bombay are accustomed to consider ourselves leaders in the particular matter and it is a new doctrine put before this Council that whenever any one of the other provinces makes a change in the constitution of its particular governing body, that we should at once take steps to follow the example of that province, quite regardless of any differences in circumstances or conditions, and at once proceed to put the whole machinery of our legislation in force in order to copy its method. For there is a very considerable difference in the circumstances of the United Provinces and of Bombay. Perhaps members of this Council are not aware what the difference is. What is it? If they will look at the existing constitution of the Bombay Medical Council, it will be found that less than two-thirds of the medical practitioners registered are in the service of Government. What is the case in the United Provinces? If the proceedings of the United Provinces Legislative Council are read it will be found that speakers are unanimous that when the act comes into full operation, for the first few years 9/10 of the practitioners registered will be servants of

Government. The result is an entirely different condition of affairs and with a different condition of affairs there are naturally arrangements for a different form of electorate.

Now what is the effect first of all of the Honourable Mr. PATEL'S amendment? He reduces the number nominated by Government from 6 to 4, incidentally, as the Honourable SHEIKH GHULAM HUSSEIN and the Honourable the Surgeon General have pointed out, thereby reducing the opportunities which Government have to nominate any representatives of communities whose numbers are small, namely, the Mussulmans, the Goanese and so forth. Then the honourable mover adds these two to the representatives of the Faculty of Medicine of the University of Bombay. The result is that, excluding the nominated members, the graduates of the University of Bombay have six representatives. Now, sir, the graduates of the University of Bombay are roughly speaking one-third of the number of medical practitioners registered under the act. Is there any particular reason why one-third of the practitioners should have practically one-half of the seats on the Council? I know of none. I know of no principle of proportional representation by which one-third of the registered practitioners should have one-half of the seats. Perhaps the honourable member when he replies will tell me, but I know of none. Therefore, I say that until we have a little more justification for this change other than the fact that the United Provinces have made it, regardless of the fact that the circumstances of the United Provinces and Bombay are entirely different, I ask this Council to defer taking action and would suggest to the honourable mover that he should remand the question for further consideration and possibly bring it up a year hence.

Now I come, sir, to the second proposal: the representation of the class known as sub-assistant surgeons. On behalf of Government some time ago I accepted a resolution moved by the Honourable Mr. G. K. PAREKH that this very useful class of medical practitioners should have a representative on the Medical Council. I have no objection to the principle of that resolution being put into practice. But I object entirely to the way in which the honourable member has put it in his bill. I would point out that he leaves the act, as it will be if his bill is passed, in a most undesirable condition. But perhaps first of all I would invite the honourable gentleman's attention to the terms of the bill. The honourable member proposes to add clause (*d*) to sub-section (4) of section 2. The result of that will be that a person trained in a Government college or holding a diploma from the College of Physicians will be qualified to be a member of the Medical Council though he may be residing in Indore or Ceylon or Malay States and though he will have no vote.

Further, if the Council will look at sub-section (2) (*d*) of section 2, you will find that in the case of members elected by the medical practitioners for the time being practising in the Bombay Presidency, residence is not a necessary qualification for membership but it is for voting. Again as the bill stands, the president, the members nominated, the members elected under clauses (*a*), (*b*), (*c*), and I may add, if the honourable member's amendment is carried, (*d*) as well, need none of them be registered under the act at all. Therefore, I say, if the honourable member's amendment is carried, the result will be that it is quite possible that four-fifths of the members of the Medical Council will not be registered under the Medical Registration Act at all.

Now, sir, these facts are fully known to Government and in accordance with the undertaking which they gave to the Honourable Mr. PAREKH in the middle of March last they have had under consideration a bill, which will be published shortly and which in the ordinary course and in pursuance of the undertaking given will be introduced in the December session. I suggest, therefore, that in view of the difficulties in which the honourable mover's draft has placed us, it would be more seemly on his part if he withdrew his bill and let us proceed with ours.

I now turn, your Excellency, to the matter which has attracted such an immense amount of discussion at our present meeting.

I wish first of all to describe the facts as put before the Council by the honourable mover of this bill. I ask you to say whether the facts as put before the Council are a fair, just and adequate representation of the case and I should then proceed to ask the Council to consider whether the effects of the possible action are as has been stated by the honourable member. I shall then proceed to go further and consider the remedy proposed. Will it be efficient, or will it, as I hold it will, spell the ruin of the medical profession?

Now, sir, the honourable gentleman who has moved this bill is a member of the oldest trade union of the world. A great deal has been said in disparagement of the Medical Council as a new trade union. The honourable mover was formerly practising as a pleader. He then went to England and joined the oldest trade union in the world, the Inns of Court. A case recently occurred in the Bombay Presidency in which another member of that trade union was brought before the High Court for unprofessional conduct. The High Court suspended him from practice for a period of I think two years. The papers went home to the ruling council of that trade union, the Benchers of the Inns of Court, and the Benchers decided that he should be struck off the roll for ever. That, sir, is the trade union to which the mover of this bill belongs.

The Honourable Mr. PATEL:—I do not believe in that union, your Excellency.

The Honourable Mr. CURTIS:—Well, sir, a great deal has been said by other speakers about trade unionism. I say that the Medical Council is no worse for being a trade union. A trade union is an institution which is practically being evolved in every profession under the sun; we see that engineers, accountants and even school masters have their associations. I say that if doctors have their union too there is nothing wrong, I say that it is a tendency entirely of modern times.

Now, sir, what has this trade union done? I will read to you the Honourable Mr. PATEL'S description from his printed speech:—

> "Your Excellency, there is existing for the last twenty years an ayurvedic institution in Bombay which is now known as the Prabhuram Ayurvedic College doing its work scientifically and turning out qualified men to practise the system. About this institution some of the leading and distinguished men of this Presidency, Indian as well as European, have from time to time testified to the efficiency of this institution and the good work that it has been doing at various gatherings for giving certificates and degrees to qualified students.
>
> "Dr. Popat is the Principal of this institution. In the month of May 1915 an advertisement in a Gujarathi newspaper appeared under the signature of Dr. Popat giving information to the public that 'the College will begin its sessions from the middle of June next and entrance examination will begin on the 10th idem. The rules and regulations with curriculum of the new course will be sent on applying to the Principal'.
>
> "On the 18th June a letter was sent to Dr. Popat by the Registrar of the Bombay Medical Council, saying that the Executive Committee of the Council had directed him to draw Dr. Popat's attention to the advertisement appearing over his signature and informing him that the association of his name with the ayurvedic college was incompatible with his status as a registered medical practitioner. Dr. Popat naturally asked how it was incompatible. He in answer was referred to the provisions of section 9 which empowered the Council to erase the name of a registered member from the register. Without replying to the specific questions put by Dr. Popat as to who was the complainant, what was the complaint, and as

to what act or omission or commission of his in connection with the institution was considered amounting to infamous conduct, the Registrar simply said that his mere connection with the institution constituted *prima facie* infamous conduct."

Now, sir, I want the Council to turn over the page and read the next reference to the matter :—

"This step of the Council" (what step I do not know) "has roused a fear in the mind of the public that the construction attempted to be put on the provisions of the act by the executive committee of the Medical Council will no doubt completely wipe out the ayurvedic and unani system of medicine."

Then the honourable member goes on to another question, but finally says at the end of the last paragraph of all :—

"Dr. Popat surely, *from what information has reached us*, does not by his presence, countenance, assistance, co-operation or advice enable these unqualified and unregistered persons, the untrained compounders practising western methods, to act as if they are fully qualified. He is simply giving scientific instruction in the ayurvedic system to students who attend a particular course of instruction in the Ayurvedic College for a specific period."

I say that the honourable member has no definite information. All that he says is based on surmises.

Now, sir, I will read to you as quickly as I can the correspondence which I hold in my hand.

The letter from the Medical Council to Dr. Popat, dated 13th October 1915, is as follows :—

Office of the Bombay Medical Council,
Murzaban Road, Fort :
Bombay, 13th October 1915.

No. 564.

To

Popat Prabhuram Vaidya, Esq., L.M. & S.,
Bombay.

Sir,

Replying to your letter dated 21st August 1915, I have the honour by direction to state that under the powers vested in the Medical Council by section 9 of the Medical Act, your association with the Ayurvedic College is considered incompatible with your name remaining on the Medical Register.

I have, etc.,

(Sd.) Joseph Bocarro,
Registrar, Bombay Medical Council.

Then follows the reply from Dr. Popat, dated the 23rd November 1915. It runs :—

Vaidya Bhuvan, Bhuleshwar :
Bombay, 23rd November 1915.

From

Popat Prabhuram Vaidya, L.M. & S.;

To

The Registrar,
Bombay Medical Council.

Sir,

I have the honour to acknowledge receipt of your letter No. 564, dated 13th October 1915, in reply to my letter of the 23rd August last, enquiring under which rule and regulation of the Bombay Medical Act the association of

my name with the Prabhuram Ayurvedic College is incompatible with my status as registered medical practitioner and referring me to section 9 of the Medical Act, and request you to let me know whether the enquiry made is under rule 78 of the rules made under the Medical Act, 1912, and whether any complaint has been made under rule 78 or under rule 75, and in any case let me have a copy of the abstract of information made or copy of complaint if any received with the necessary declaration accompanying it. As soon as I am favoured with this, I shall be able to send my explanations for the consideration of the Council.

I thank the Council for thus affording me an opportunity to offer my explanation and I hope to satisfy the Council that there will be no necessity to make further investigation or to take evidence in the matter.

I have, etc.,
(Sd.) Popat Prabhuram Vaidya.

Then follows the reply of the Medical Council, dated the 9th December 1915, which runs as follows :—

Office of the Bombay Medical Council,
Murzaban Road, Fort:
Bombay, 9th December 1915.

No. 670.

To
Popat Prabhuram Vaidya, Esq., L.M. & S.,
Bombay.

Sir,

Referring to your letter dated 23rd November 1915, I have the honour to state that pending an explanation from you the Executive Committee have not resolved to institute an enquiry under the rule to which you refer.

2. They have merely intimated their opinion to you that your position in connection with the Prabhuram Ayurvedic College is incompatible with your status as a registered medical practitioner and left it to you to take such action or offer such explanation as you might desire.

3. I am now directed to call upon you formally for any explanation you may have to offer justifying the position referred to.

I have, etc.,
(Sd.) Jehangir Barjorji Sanjana,
Ag. Registrar.

As far as I can see from this, the Council wanted to treat Dr. Popat with every possible consideration.

The Honourable Mr. CHUNILAL MEHTA :—I rise to a point of order. Are we trying Dr. Popat's case at present?

His Excellency the PRESIDENT :—I think my honourable colleague is merely answering certain points that occurred in the honourable mover's speech.

The Honourable Mr. CURTIS:—The Honourable Mr. PATEL has made definite charges against the members of the Medical Council, and I am merely stating facts.

In January 1916 the Medical Council received Dr. Popat's reply.

There was some delay in dealing with it and the notice asking for an explanation was sent on the 18th of November 1916. Dr. Popat's reply, which covered eleven printed pages, finally came on the 28th of April. The Honourable Mr. PATEL'S bill was sent to the Secretary to the Legislative Council two days

later, that is, on the 30th April. There is internal evidence to show on looking through Dr. Popat's letter of explanation that Mr. PATEL saw it before he prepared his speech. At any rate the fact remains that before the Medical Council—

The Honourable Mr. PATEL:—Your Excellency,—I should like my honourable friend to repeat what he has just said.

The Honourable Mr. CURTIS:—There is internal evidence to show that before preparing this speech the Honourable Mr. PATEL saw this explanation of Dr. Popat dated the 28th of April. It is only a surmise. However, my point is that the explanation was dated 28th of April 1917 and the honourable member's bill was sent in on the 30th April 1917. Does he think that he was dealing fairly with the members of the Medical Council, who are men of scientific attainments and who have nothing to gain personally from their membership? I do not suppose that even the Honourable Mr. BELVI would press his suggestion that it is because of the fee of Rs. 50 per meeting that they get that they joined the Council. They are anxious to advance the good of their profession and so they are working there. The Honourable Mr. PATEL will tell us when he replies if it was fair to this Council, when Dr. Popat's explanation was asked for in November and only furnished on the 28th April 1917, to whip in this bill on the 30th April 1917 before the Medical Council have had a chance of weighing and appreciating the evidence that is before them and coming to a final conclusion?

Now, sir, those are the facts as affecting the present case. The Medica Council are being arraigned before this Council for action which they have never yet taken. It is perfectly clear from what the Honourable Mr. BELVI and the Honourable Mr. PATEL said, that they have not even seen the charge which has been finally brought against Dr. Popat. I doubt if there is anybody in this Council who has seen this charge. In fact the final meeting of the Medical Council was to be held yesterday. Instead of leaving the Medical Council to do their own business, we have been here sitting for the best part of ten hours trying and deciding a case in which we are ignorant of the exact charge and evidence. So much as regards facts.

Now I am going to turn to what I may call the hypothetical effect. It is very difficult to deal with, because we do not know what action is to be taken and until you know what action has been taken it is very difficult to prophesy what effect it may have; but I will try. I will ask the Council to bear in mind that Government have an entirely open mind as regards the virtues and merits of the ayurvedic system of medicine or any system of medicine other than allopathic. Personally, I am one of the many to whom reference has been made in recent English newspapers, *Truth* for instance, who have had relatives who have been damaged or wounded in various ways and who after a long course of treatment by regular practitioners have had recourse to a class of people known in England as 'bonesetters'. In my own experience I have had a relative who went to a bonesetter after a long course of treatment by a regular practitioner. He was put under an anæsthetic by a qualified practitioner, who had been struck off the rolls for infamous conduct. He was treated by the bonesetter and he left the room cured in two hours There have been so many similar cases as a result of this unfortunate war. Therefore, so far as what we may call irregular practitioners are concerned, I as a member of Government, may say that I have no bias whatever. What is the indictment made against this Council? The indictment against them is that by their possible action in taking Dr. Popat's name off the register they are pronouncing the doom of ayurvedic medicine. I find it very difficult indeed to place myself in the mental position of people who make this indictment. First of all what is the position? We have been told that ayurvedic medicine has been going on for over 2,000 years.

The Honourable Mr. PATEL:—Are we really going into the relative merits of the ayurvedic and the western systems of medicine, your Excellency?

MEDICAL BILL.

[*The President; Mr. G. S. Curtis; Mr. Dattatraya Venkatesh Belvi.*] [11TH OCTOBER 1917.]

His Excellency the PRESIDENT:—I think my honourable friend may rest satisfied that my honourable colleague will not go into the relative merits of the ayurvedic and western medicine.

The Honourable Mr. CURTIS:—Well, sir, it is said that it has been going on for something like 2,000 years. I adopt that. I believe the Grant Medical College was formed in 1863. The first action that was taken by the Medical Council was in 1915. Therefore, in addition to 2,000 years of purely ayurvedic guidance, the professors of that medicine have had the advantage of 52 years' guidance absolutely unrestricted, in any way, from professors of western medicine. Until 1915 there was no restriction placed, as far as I know, in any way on any professor of western medicine as regards imparting instruction in ayurvedic medicine or bringing it up to date in any way that he thought it necessary. Until 1915 all medical men were free, as Dr. Popat was, to use their liberty to practise the western or the ayurvedic system of medicine and to teach both or either. Now, sir, what has happened since 1915? Let us leave the case of Dr. Popat for a moment. There are now about 6,000 graduates. Two thousand of these 6,000 are registered. Therefore, excluding the 2,000, there are still 4,000 unregistered medical practitioners available for instruction and guidance and employment in the ayurvedic institutions, if the managers of those institutions are willing to engage them and are willing to pay them adequate salaries. Incidentally it seems to me remarkable that, if there is as much in ayurvedic medicine as its supporters state there is, they should not have been able to get together a large endowment and offer the professors of western medicine wages sufficient to attract them and make them devote themselves to ayurvedic medicine for the rest of their lives. They could then snap their fingers at the medical register. If there is anything in the school of medicine it is still open to the Honourable Mr. Chunilal Mehta, and others who believe in it, to collect their funds and to make it worth while for licentiates in medicine and surgery of the regular colleges to come and teach and train up the younger generation in ayurvedic medicine. But, sir, as far as I can see, nothing has been done in this connection. To say that the Medical Council by insisting on a particular standard of professional ethics are digging the grave of ayurvedic medicine is surely to make an exaggerated statement which has no foundation whatever. After all, the important thing which it seems to me necessary to remember is, that the Medical Council is a purely voluntary trade union. We have cases of gentlemen of the kind of the honourable mover of this resolution, who were pleaders in this country and who went to England and joined the Inns of Court as barristers. That was a purely voluntary action. By joining it they made themselves liable to certain penalties and certain disqualifications. They are bound by the regulations of their trade union to follow certain practices, for instance, they cannot accept any briefs in the Presidency courts except through a solicitor. When a doctor has been 18 years or 20 years in practice we must expect a reasonable care on his part when he joins any association connected with a profession which he practices and by which he lives. Now, sir, this Dr. Popat Prabhuram, when he placed his name on the register, was given a warning notice perfectly clearly saying that he was not to do certain things. If he had any doubt whatever as to whether his continuance in what he was doing was or was not opposed to the regulations of this Council, which he joined so readily and willingly, there was nothing easier for him than to refer the matter to the members of the Council with whom I understand he is on friendly terms, and ascertain from them whether or not his conduct was likely to be acceptable to them or not. What did he do? Instead of that he registered and he has been arguing for over two years

The Honourable Mr. BELVI:—Is it fair to Dr. Popat, who is not a member of the Council, to prejudice his case when the case is *sub judice*?

The Honourable Mr. CURTIS:—We know that the case is *sub judice*. That is exactly my point. We have been sitting for two days trying to

thresh out what is the right thing to do on facts which are not before us, on action of the Medical Council which has not been taken and we are trying to decide an appeal in a case on which no judgment has been passed.

I now come to the honourable gentleman's remedy. His remedy is, you will see, to define what infamous conduct means, and this he professes to do by saying that "studying or practising the ayurvedic, unani or other indigenous systems" and so on shall not constitute infamous conduct. Now, sir, we have been referred to an act recently passed by the United Provinces legislature and undoubtedly approved by the Governor General in Council. I wish to speak with all possible respect of acts passed by other legislatures in India but I think this Council will agree with me that, we were the first people to introduce legislation in this matter. We passed our act and our example was followed by Madras and Bengal. We have the largest and the most highly educated medical profession. There is no reason why we should lower our standards in order to bring them down to the level of what I may say, with all respect, may be considered to be a comparatively backward province. Incidentally I notice that various statements have been made which it is hard to reconcile with conditions in Bombay. I see His Excellency the late Viceroy, a great and good man, Lord Hardinge, has stated that only 10 per cent. of the population in India depended on western medicine, while 90 per cent. went to vaids. Let us try and figure out what that means. There are 5,000 practitioners in Bombay Presidency; now if they treat 10 per cent., there must be nine times that number for the rest of the population, *i.e.*, 45,000 vaids. Where are they? I know some districts well. Are they in taluka headquarters? I doubt if vaids in taluka towns are very much more numerous than the ordinary practitioners. I am speaking of Khandesh and Ahmedabad the places I know best. In Poona there are 30 or 40 practitioners of western medicine. If His Excellency Lord Hardinge's proportion is to hold good there must be 270 vaids. Where are they? I know of only two. If one drives through Poona one finds that vaids' shops hardly exist. Therefore I think the position has been very much exaggerated and that the rural population is not dependent on these gentlemen to anything like the extent which has been stated. However, sir, let that go.

What is the honourable member's remedy? The Honourable Mr. Patel says "studying or practising the ayurvedic, unani, or other indigenous systems of medicine." Now 'system' is a very fine word, but let us express it in terms of the human factor. India, we know, is a country which is prominent in this respect, namely, everybody wants to know what everybody else's educational qualifications are. If a chief officer is appointed to a municipality, the Honourable Mr. Patel will put a question at once "What are his educational qualifications?" If there is the appointment of an excise inspector, the Honourable Mr. Upasani at once asks "What are his educational qualifications?" But, sir, for the medical man, the man who is to treat us for diseases on which life depends, who is to be admitted to the intimacy of our homes, who is to treat all who are near and dear to us, where is the definition of educational qualifications? There is none, and what is more, I defy the honourable member to prescribe them. The whole of this matter was threshed out in the Madras Council and it was pointed out then to honourable members who opposed the act that the great difficulty was the practical impossibility of defining what a practitioner of ayurvedic medicine or unani medicine or the indigenous systems is. We are now told by the Honourable Mr. Belvi that homeopathy is an indigenous system. I have already understood that homeopathy was discovered by a native of Germany. We had another system given to us by the Honourable Mr. Garud, the Hatha Yoga, which is the Indian system apparently practised in America.

The Honourable Mr. GARUD.—It is practised even in India.

The Honourable Mr. CURTIS.—What I do say is this, that when you are dealing with medicine you are dealing with a very dangerous thing indeed. That

is a thing which goes right through your social life and that you must be prepared to be able to define with exactness. Who are the practitioners, what are their qualifications, and how are you to know them from the mere quack and charlatan? I was struck, in looking through the proceedings when the Bill of 1912 was under discussion, with a speech made by the Honourable Mr. MUNMOHUNDASS RAMJI. He said that in the course of his travels he came across a place where he saw a board over a shop. There was a name on it and below it the letters N. D., F. C. He says that it puzzled him for a long time as to what the letters meant and that after some considerable trouble he ascertained that the letters meant 'Native Doctor, First Class.' Will the Honourable Mr. PATEL tell us if that is to be included in the practitioners of ayurvedic or unani systems? I know one medical man in Bombay. I see him constantly in my walks and ride. I won't say where he is to be found. I notice that five days of the week he attends the infantile population. His treatment mainly consists in saying *mantras* over them and leaving the rest to nature. The other days of the week he concerns himself with foretelling who will win the Saturday races, and I am told by various riding boys, whom I see around him, that he is quite as successful in choosing winners as in the treatment of infants.

The Honourable Mr. UPASANI.—According to our medicine, he is a doctor who can relieve pain and suffering and that is a medicine which cures.

The Honourable Mr. CURTIS.—I am very grateful to the Honourable Mr. UPASANI for his definition, but I would like to know whether the Honourable Mr. PATEL would be prepared to graft that definition on his bill. But, sir, it seems to me that the main trouble with all these definitions—the trouble was felt in the United Provinces act—is the impossibility of defining accurately what is the ayurvedic system and what practitioners of the ayurvedic system are or are not to be respected. And there are no means of getting over the trouble.

Now, sir, having gone so far in criticism destructive, I am going to do something constructive. It seems to me that the reason why the majority of the speakers have found fault with the Bombay Medical Act was not so much that it stereotyped the qualifications of western medical practitioners, but that it has done nothing to uplift the indigenous systems of medicine. I quite agree. But, sir, that was no part of the objects which the framers of the act set out to achieve. The Honourable Mr. C. V. MEHTA, the Honourable Mr. NAIK and the Honourable Mr. LALUBHAI SAMALDAS have pleaded for a more favourable treatment of ayurvedic medicine and asked Government to consider sympathetically such measures as may possibly be evolved, in order to place ayurvedic medicine on a more satisfactory footing than it exists at present. Speaking for myself and I think on behalf of Government, I have no hesitation whatever in saying that any such movement would have the entire sympathy of Government. If the supporters of ayurvedic medicine want a Medical Council of their own, if they want their own register, if they wish to evolve their own scheme of professional etiquette, their own code of professional conduct and their own regulations, I have not the slightest doubt that Government will receive sympathetically any proposals put before them. We have been making enquiries, and so far the material that has come before us for evolving a scheme of education in Ayurvedic medicine is extremely scanty and the response to our enquiries has been disappointing. But if, as I say, the adherents of the unani school or the ayurvedic school or the hatha yoga school or homeopathy wish to have a register of their own, there is no reason as far as I know, why they should not do so and why legislation should not be undertaken in order to secure that a register can be kept up on proper lines. But, sir, it is not necessary, in order to satisfy those aspirations which are perfectly natural, to pull down what has been done already. You have here an Indian body of professors of western medicine, practising the western code of professional ethics and professional etiquette. It is a body of men on whom, I think, we are entitled to look with very great pride and for whom, as is clearly sketched in the report

of the Public Services Commission, a great future is open, if they will adhere to the pursuit of the high ideals which have been laid down for them. It is in order to ensure that the pursuit of these ideals shall be continued on uniform lines and that a large standard of professional conduct shall be maintained that the Medical Registration Act was passed. For you will see that section 13 of the act empowers the Medical Council to inspect educational institutions and standardise the level of education. Now, sir, it is the Honourable Mr. PATEL'S object that the electorate which is responsible for the selection of the Medical Council, shall be partly at least under the thumb of men whose ideas are not those of western medical science, but are, if I may call it,—I do not say tainted—but affected, at any rate, by a leaning to other schools of medicine which have not the same high code of professional ethics and which do not make the same demands of their practitioners. Now, I say, sir, that if anyone thinks that he is going to do any good to ayurvedic medicine in that way, he is sadly mistaken. As I say, the Grant Medical College was brought into being, I think, about 50 years ago. I think Sir Bartle Frere opened it in 1863-64. Therefore the present practitioners of western medicine in this Presidency with their Medical Act and their Medical College (both of them the first of their kind in India), are the product of 50 years' labour and 50 years' support on the part of the officers of Government. I ask you to pause before you do anything which will lower them in the eyes of their confreres in western countries. After all, as regards the one case around which so much eloquence has been spent, I have shown that the Council have not the facts before them, that that case has not yet been decided and I would urge that it would be at any rate more courteous to the distinguished gentlemen who form the Medical Council if the Council waited until the matter had been decided before plunging into legislation.

There are two more small points, and I have done.

The Honourable Mr. HARCHANDRAI originally voted for the passing of the act in 1912. He says that he did so on the promise given by Government that vaids and hakims would not be affected, and that that promise has been broken by the action of the Medical Council. Now I want to remind the honourable gentlemen of what happened in this case. Dr. Popat came to the Medical Council voluntarily. No one compelled him to register. He was not a candidate for any Government appointment. He was not compelled to register under the Lunacy Act or under the Vaccination Act, but he came voluntarily and placed himself under the discipline of the Medical Council. He had been 20 or 25 years in practice in Bombay, and before he joined he was given a warning notice showing clearly what registration involved. Now, sir, is it fair to say that any pledge has been broken or that the rights of vaids and hakims have been interfered with? If Dr. Popat had wished to stay in his college, and turned over his $2\frac{1}{2}$ graduates a year as he has done for the last 20 years, none would have interfered with him. But he deliberately entered into a contract with the Medical Council and bound himself to respect conditions laid down by them. Is it fair to say that any pledge given by Government has been broken, because having done so he is called to account? I think it will be admitted that it is not fair. Again it was said by three speakers that one of the effects of the Medical Council's action – we do not know what that action is to be—would be that the poor man who is about to die and who has been attended by a vaid or hakim could not call in a registered medical practitioner or, if he came, he could not take up the case and he could not ascertain from the vaid what treatment has been followed. I understand from medical men that that is not the case. There is nothing in medical etiquette which prevents a doctor going to a patient who has been under a vaid and to ascertain from the vaid what treatment has been given.

Once more, sir, as regards this bill, it treats of three points. As regards the first matter, I would point out that no case whatever has been put forward for legislation. As regards the second point, we have a bill ready which is far superior

to the one now under discussion. As regards the third point, I would implore this Council not to accept a proposal which is bound to spell ruin to an institution which has started well, which promises well and which, I have no doubt, if left alone, will continue to do useful work for many years.

For these reasons I oppose the first reading of the Bill.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL.—Your Excellency,—If it is going to embarrass the position of the Medical Council, I should like to postpone further consideration of this bill till the Medical Council has decided the matter before I make any further remarks.

His Excellency the PRESIDENT.—I think the suggestion was already made to the honourable member before and he might have thought of it then.

However, under the circumstances, as he has thrown the onus on Government, we will consider the proposal before we meet this afternoon and I will then inform the honourable member what the verdict of Government is in the matter.

The Council will now adjourn till 2-45.

The Council then adjourned for lunch.

After Lunch.

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

His Excellency the President.—Order, order. Before we proceed I wish to refer to the matter that the Honourable Mr. PATEL suggested to Government before lunch, and I may say that after consideration we have come to the conclusion that, as this matter has been under discussion for two days, we had better continue the discussion and come to a decision now.

The Honourable Mr. VITHALBAI JHAVERBHAI PATEL.—Your Excellency,—I should like to point out that so far as the drafting of this bill is concerned, I have not heard any honourable member taking any exception to any particular wording. I remember when at the last meeting of the Council the primary education bill was discussed numerous objections were raised as regards drafting. It is therefore a matter of great satisfaction to me that so far as the draft of this bill is concerned, no objections have been seriously urged by any honourable member. I must, at the same time, your Excellency, bring to the notice of the members of this Council that this particular draft has not been touched up at all by the legal department of your Excellency's Government whilst the original draft of the primary education bill was almost wholesale altered before the bill was allowed to be introduced into this Council.

Much has been said regarding the attitude of the Government of India in respect of the principle involved in this bill. Let me make it perfectly plain that so far as the position of the Government of India is concerned not only in the case of the United Provinces but also so far as our Presidency is concerned, the attitude of the Government of India is the same, namely, that they have no objection whatever to the introduction of a measure of this kind. The bill which we are now considering was reported in the ordinary course to the Government of India, and they have, so far as I understand, taken no exception whatever to the introduction of this measure, and I take it, therefore, that so far as that Government is concerned, they have not the slightest objection or desire to object to the proposed measure. If there is any opposition, it is I am sorry to say from your Excellency's Government and not from the Government of India. The honourable members must take into consideration this point before considering the merits or demerits of the bill. I trust the honourable members appreciate that the Government of India have realized the importance of this measure; they have not come in our way, and yet, unfortunately, your Excellency's Government have taken a very hostile and uncompromising attitude towards this bill.

Before I proceed further, I should like to explain one or two misstatements inadvertently made by the honourable members of the Executive Council during their speeches. My honourable friend Sir MAHADEV CHAUBAL in referring to the rules framed by the Medical Council told this Council that the Honourable Surgeon-General yesterday read those rules out. I pointedly asked my honourable friend Sir MAHADEV CHAUBAL which particular rule he was referring to. He said that the rules referred to were the rules read out by the Honourable Surgeon-General yesterday. Let me tell this Council that the rules read out by the Honourable Surgeon-General yesterday were not the rules framed by the Medical Council of Bombay but were the rules framed by the Medical Council of the United Kingdom from time to time and are in force there. That is one misstatement.

The second misstatement is the one made by the Honourable Mr. CURTIS when he said that a notice or rather a warning was given to Dr. Popat Prabhuram when he applied for registration.

The Honourable Mr. CURTIS:—The additional warning is on the first page of the Bombay Medical Register which is given to every member registering and here are the rules, the penal rules, framed by the Council. They are entirely at the honourable member's disposal.

The Honourable Mr. PATEL.—Well, if the Bombay Medical Register of 1917 is to be considered as a notice to all people who intend to apply for registration I have nothing to say, but at the same time let me read to this Council what the so-called warning is:—

"The employment by any registered practitioner in connection with his professional practice of an assistant who is not duly qualified or registered and the permitting of such unqualified person to attend, treat or perform operations upon patients in respect of matters requiring professional discretion or skill is in the opinion of the Council in its nature fraudulent and dangerous to the public health, and any registered practitioner who is proved to have so offended will be liable to have his name erased from the register."

"Any registered practitioner who by his presence, countenance, advice, assistance or co-operation knowingly enables an unqualified or unregistered person, whether described as an assistant or otherwise, to attend or perform any operation upon a patient in respect of any matter requiring professional discretion or skill, to use or procure the use of any certificate, notification, report or other document of a kindred character or otherwise to encourage any professional practice as if the said person were duly qualified and registered is liable on proof of the facts to have his name erased from the register."

Now, these are the rules which my honourable friend Mr. CURTIS construes as a notice or warning to Dr. Popat. Supposing, for argument's sake, that Dr. Popat had notice of the rules they merely conveyed to him that if he by his presence, countenance, advice, assistance or co-operation knowingly enabled an unregistered practitioner to treat or perform an operation upon a patient in a matter which requires technical skill, his name would be removed from the register.

Now let us see what is the charge against Dr. Popat. For this, I invite the attention of the honourable members to the first letter addressed to Dr. Popat by the Medical Council in June 1915. The letter says:—

"I am directed by the Executive Committee of the Bombay Medical Council to draw your attention to an advertisement regarding the Prabhuram Ayurvedic College, Bombay, which appears over your name in the *Jame Jamshed* newspaper of the 21st May 1915, and to inform you that the association of your name with the institution in question is incompatible with your status as a registered medical practitioner."

Is there any word in this particular letter of the Medical Council which contains even a suggestion that Dr. Popat was by his countenance, co-operation, advice, assistance or by any other means enabling unqualified people to treat

patients or perform operations upon patients? This is the first notice after he registered himself.

The Honourable Mr. CURTIS:—I must beg the honourable member's pardon. There is at this moment a definite charge against Dr. Popat which is under decision by the Medical Council. Before that charge was made correspondence went on for the best part of two years. There are rules which lay down the procedure to be followed. They run as follows: "Where a complaint has been lodged, the complaint and all other documents bearing on the case, shall be submitted by the Registrar to the President, who shall if he thinks fit, instruct the Registrar to ask the practitioner by means of a registered letter for any explanation he may have to offer". The first charge was as regards the association with the college. The Medical Council said they did not propose to take any action with regard to that. At a later stage they have varied the charge to the much more serious one of assisting an unqualified person in carrying out an operation which is the charge at present under discussion and on which the Medical Council has not passed any judgment. That charge is not amongst the papers which the honourable gentleman has got and it was to be heard yesterday. The honourable member may as well restrict his discussion to the matters which are not *sub judice*.

The Honourable Mr. PATEL:—What I want to point out to this Council is that the first charge against Dr. Popat was as regards his association with the Prabhuram Ayurvedic College.

It appears now the Medical Council according to the Honourable Mr. CURTIS has recently laid against Dr. Popat another charge and a very serious one. This Council knows nothing about it. We are told that the first charge is dropped. I ask why it has been dropped and how long was the accusation in respect of that first charge kept hanging over Dr. Popat. The fact is that for two years the Executive Committee of the Medical Council maintained that the association of Dr. Popat with the ayurvedic institution was infamous conduct within the meaning of the Medical Act. Here is the whole correspondence regarding the first charge. I should like to read it to this Council. The following advertisement appeared in the *Jame Jamshed* on the 21st May 1915:—

"AYURVEDIC VIDYALAYA.

PRABHURAM AYURVEDIC COLLEGE, BOMBAY.

The new course of the College will begin from the middle of June next. The Entrance Examination will begin on Thursday the 10th June in the College hall. The applications for the Entrance will be accepted till Thursday. the 3rd June. The rules and regulations with the curriculum of the new course will be sent by applying to the Principal.

POPAT PRABHURAM, L.M. & S.,

Bombay, 3rd May 1915. Principal."

Dr. Popat then received the following letters from the Registrar of the Bombay Medical Council:—

"No. 363.

To

Popat Prabhuram Vaidya, Esq., L.M. & S.

Sir,

I am directed by the Executive Committee of the Bombay Medical Council to draw your attention to an advertisement regarding the Prabhuram Ayurvedic College, Bombay, which appears over your name in the *Jame Jamshed* newspaper of the 21st May 1915, and to inform you that the association of your name with the Institution in question is incompatible with your status as a registered medical practitioner.

I have, etc.,

(Sd.) Joseph Bocarro,

Registrar, Bombay Medical Council."

Office of the Bombay Medical Council,
Murzaban Road, Fort:
Bombay, 17th August 1915.
No. 459.

To

Popat Prabhuram Vaidya, Esq., L.M. & S.

Sir,

I am directed to refer to my letter No. 363 of 18th June last, a copy of which is enclosed, and to state that the Executive Committee will be glad to be informed of the action which you have taken thereon.

I have, etc.,
(Sd.) Joseph Bocarro,
Registrar, Bombay Medical Council."

" No. 363.

To

Popat Prabhuram Vaidya, Esq., L.M. & S.

Sir,

I am directed by the Executive Committee of the Bombay Medical Council to draw your attention, to an advertisement regarding the Prabhuram Ayurvedic College, Bombay, which appears over your name in the *Jame Jamshed* newspaper of the 21st May 1915, and to inform you that the association of your name with the Institution in question is incompatible with your status as a registered medical practitioner.

I have, etc.,
(Sd.) Joseph Bocarro,
Registrar, Bombay Medical Council."

True copy.
(Sd.) Joseph Bocarro,
Registrar, Bombay Medical Council.

The following is the reply of Dr. Popat :—

Sir,

I have the honour to acknowledge receipt of your letter No. 363, dated 18th June last, and letter No. 459, dated 17th August last, and in reply I request that you will be so good as to let me know under which rule and regulation of the Bombay Medical Act the association of my name with the Prabhuram Ayurvedic College is incompatible with my status as registered Medical Practitioner.

I regret that owing to my absence from Bombay soon after the receipt of your first letter I was not able to acknowledge it earlier.

I have, etc.,
(Sd.) Popat Prabhuram Vaidya.

The following is the further correspondence that passed between the Registrar and Dr. Popat :—

" No. 484.

From

Joseph Bocarro, Esq., I.S.O.,
Registrar, Bombay Medical Council;

To

Popat Prabhuram Vaidya, Esq., L.M. & S.

Sir,

I have the honour to acknowledge the receipt of your letter of the 21st August 1915, and to say that it will be laid before the Executive Committee of the Bombay Medical Council at its next meeting for consideration.

I have, etc.,
(Sd.) Joseph Bocarro,
Registrar."

"No. 564.

To

Popat Prabhuram Vaidya, Esq., L.M. & S.,
Bombay.

Sir,

Replying to your letter dated, 21st August 1915, I have the honour by direction to state that under the powers vested in the Medical Council by section 9 of the Medical Act, your association with the Ayurvedic College is considered incompatible with your name remaining on the Medical Register.

I have, etc.,
(Sd.) Joseph Bocarro,
Registrar, Bombay Medical Council."

Vaidya Bhuvan, Bhuleshwar:
Bombay, 23rd November 1915.

From

Popat Prabhuram Vaidya, L.M. & S.;

To

The Registrar,
Bombay Medical Council.

Sir,

I have the honour to acknowledge receipt of your letter No. 564, dated 13th October 1915, in reply to my letter of the 23rd August last, enquiring under which rule and regulation of the Bombay Medical Act the association of my name with the Prabhuram Ayurvedic College is incompatible with my status as Registered Medical Practitioner and referring me to section 9 of the Medical Act, and request you to let me know whether the enquiry made is under rule 78 of the rules made under the Medical Act, 1912, and whether any complaint has been made under rule 78 or under rule 75 and in any case let me have a copy of the abstract of information made or copy of complaint if any received with the necessary declaration accompanying it. As soon as I am favoured with this, I shall be able to send my explanations for the consideration of the Council.

I thank the Council for thus affording me an opportunity to offer my explanation and I hope to satisfy the Council that there will be no necessity to make further investigation or to take evidence in the matter.

I have, etc.,
(Sd.) Popat Prabhuram Vaidya.

Vaidya Bhuvan, Bhuleshwar:
Bombay, 25th November 1915.

From

Popat Prabhuram, L.M. & S.;

To

Jahangir Barjorji Sanjana, Esq.,
Acting Registrar, Bombay Medical Council.

Sir,

I have the honour to acknowledge receipt of your letter No. 642, dated 23rd November 1915, and beg to state that my answer to your letter No. 564, dated the 13th ultimo, has already been forwarded to you.

I have, etc.,
(Sd.) Popat Prabhuram Vaidya.

MEDICAL BILL.

[11TH OCTOBER 1917.] [*Mr. Vithalbhai Jhaverbhai Patel.*]

"No. 650.

From

Jehangir Barjorji Sanjana, Esq., B.A.,
Acting Registrar, Bombay Medical Council;

To

Popat Prabhuram Vaidya, Esq., L.M. & S.

Sir,

I have the honour to acknowledge the receipt of your letter dated the 23rd instant and to say that it will be laid before the Executive Committee of the Bombay Medical Council at its next meeting for consideration

I have, etc.,
(Sd.) Jehangir Barjorji Sanjana,
Ag. Registrar."

Office of the Bombay Medical Council,
Murzaban Road, Fort:
Bombay, 9th December 1915.

"No. 670.

To

Popat Prabhuram Vaidya, Esq., L.M. & S.,
Bombay.

Sir,

Referring to your letter, dated 23rd November 1915, I have the honour to state that pending an explanation from you the Executive Committee have not resolved to institute an enquiry under the rule to which you refer.

2. They have merely intimated their opinion to you that your position in connection with the Prabhuram Ayurvedic College is incompatible with your status as a Registered Medical Practitioner and left it to you to take such action or offer such explanation as you might desire.

3. I am now directed to call upon you formally for any explanation you may have to offer justifying the position referred to.

I have, etc.,
(Sd.) Jehangir Barjorji Sanjana,
Ag. Registrar."

Then there is a long letter by Dr. POPAT justifying his position and we now hear that there is another charge against Dr. POPAT of which we do not know anything. But so far as the letters from the 3rd May to November 1915 are concerned, the whole correspondence was to the effect that in the opinion of the Executive Committee of the Medical Council the association of Dr. Popat with the ayurvedic institution was in their opinion incompatible with his status as a registered medical practitioner.

Now I ask this Council to say whether the Medical Council, on the facts disclosed, was justified in treating Dr. POPAT in the manner described in the correspondence.

If this Council is of opinion that the action of the Executive Committee of the Medical Council was wrong, I ask this Council to support this measure so as to prevent such harassment to other registered medical practitioners by the Medical Council in future.

At this stage I should like to make it perfectly clear to my honourable friend Mr. CURTIS and to your Excellency that I have absolutely nothing to do with Dr. POPAT personally. I hold no brief for him nor any other member of this Council does. A suggestion which my honourable friend Mr. CURTIS (he called it his surmise) made was that probably Dr. POPAT had shown me his explanation

of April 28th and that thereupon I brought this bill. Well that surmise according to the Honourable Mr. CURTIS was drawn from a comparison by him of my speech delivered yesterday, *i.e.*, on the 10th October 1917 with Dr. POPAT'S explanation of April 28th, 1917.

The Honourable Mr. CURTIS: —That is one fact. The first point is that the honourable member's bill was sent on April 30th and Dr. POPAT'S explanation was sent on the 28th of April.

The Honourable Mr. PATEL:—Dr. POPAT'S explanation was sent to the Bombay Medical Council on the 28th of April 1917 and I brought this bill on the 30th April 1917, and comparing the speech delivered by me on the 10th October 1917 (yesterday) with Dr. POPAT'S explanation of 28th April 1917, my honourable friend Mr. CURTIS jumps to the conclusion—jumps to the surmise, I should call it—that probably this bill was brought by me after seeing the explanation of Dr. POPAT. Well I say that that surmise, with due respect, is as violent as the construction proposed to be put by the Medical Council on the phrase "infamous conduct in any professional respect". I shall not say anything more on that point, because my honourable friend told us that it was a mere surmise, on his part.

The Honourable Mr. CURTIS:—The honourable member can disclaim it.

The Honourable Mr. PATEL:—I thank you. I now come to another point. A good deal has been said about the excellent motives of Government as regards the ayurvedic and unani systems of medicine. It is urged that Government have every sympathy with the ayurvedic and unani systems. These are, of course, words and I ask this Council to judge of the attitude of Government towards the ayurvedic and unani systems not from words, but from actions. Have they, during the course of the last 25 years since this Prabhuram Ayurvedic Institution has been in existence, recognised it by the help of any grants? Have they so far opened a single school for the teaching of the indigenous systems of medicine? Have they done anything to encourage the growth and advancement of the ayurvedic and unani systems of medicine? On the contrary, the facts are—I state them as I know—that the Madras Government have already appointed a special officer to suggest ways and means for the growth and advancement of these systems. I gave notice to your Excellency's Government of my intention to move a resolution recommending the desirability of taking steps to improve ayurvedic and unani systems in this Presidency with the result that it was not even admitted. Now how are we to feel that Government really is anxious to improve the ayurvedic and unani systems of medicine? Are we to judge of these words as words coming from God? What are we to do? Unless Government move in the matter and show by their action that they are really inclined to favour the ayurvedic and unani systems of medicine, I for one hesitate to accept their statement.

Your Excellency, the Honourable Mr. CURTIS, interrupting my honourable friend Mr. BELVI during his speech, asked him whether there were really any western practitioners on the staff of the Prabhuram Ayurvedic College and whether any of them had to resign after the passing of the Medical Registration Act. Well, my Lord, I have got with me the names of those medical practitioners and I can give them to the Council, if necessary.

The Honourable Mr. CURTIS:—What is meant by "had to resign"? My information is that they resigned of their own free will.

The Honourable Mr. PATEL:—My honourable friend Mr. CURTIS tells us that according to his information they resigned of their own free will. But, as a matter of fact, these gentlemen—they were 6 in number—were for five or six years on the staff of Dr. Popat's institution and one fine morning they left the institution shortly after the act was passed. Now I leave it to your Excellency's Government and this Council to judge whether these gentlemen resigned all of a

sudden in a body because of the passing of the Medical Registration Act or of their own free will. For 20 years this institution was being conducted. People practising western medicine, people trained in western medicine were on the staff all the time, and yet after the passing of this act they chose to resign. I understand my honourable friend Mr. CURTIS does not want to know the names of these gentlemen.

The Honourable Mr. CURTIS:—No; I quite accept my honourable friend's statement.

The Honourable Mr. PATEL:—Now I propose to say a few words on the criticisms regarding the words "other indigenous systems of medicine" in my bill. My honourable friend Sir MAHADEV CHAUBAL thought that perhaps I intended to protect a class of people who go about in the streets of Poona calling certain names—I was not able to follow the Marathi expression used by him, perhaps my honourable friend will repeat it.

The Honourable Sir MAHADEV CHAUBAL:—They are called *naka dolyache vaidu*. I further said that they purport to possess specific drugs for specific treatment; that they cry out "Rasashendurmatra" which is a *matra* for a certain ailment; people call them and they diagnose and treat cases.

The Honourable Mr. PATEL:—Well these people are called *naka dolyache vaidu*, and my honourable friend wanted to know whether by the use of the expression "other indigenous systems of medicine" they would not also get protection. Let me assure your Excellency and this Council that I have not the slightest desire to include in the term "other indigenous systems of medicine" the systems practised by *naka dolyache vaidus*. When I drafted this bill I did not even know the existence of the class of people described by Sir MAHADEV CHAUBAL. But I do say however that we should take the people as they are. If one of these *naka dolyache vaidu* were to treat a patient and that patient is on his deathbed and, as my honourable friend DEWAN BAHADUR GODBOLE put it yesterday, supposing he was inclined to consult my honourable friend Sir TEMULJI NARIMAN, would it or would it not be infamous conduct on the part of Sir TEMULJI if he took up the case and held consultation with that man? What I mean to say is that the association by a registered medical practitioner with such a man for the purpose of finding out what treatment he had so far given to the patient would according to the interpretation proposed to be put by the Medical Council be regarded as infamous conduct.

HIS EXCELLENCY THE PRESIDENT:—I think the honourable member is entirely wrong. As the Honourable Sir TEMULJI says, the first thing for the registered medical practitioner to do would be to ask the vaid what he had been doing with the poor patient and then deal with the situation himself.

The Honourable Mr. PATEL:—Your Excellency,—the words of my bill are "consulting, advising, assisting, encouraging, co-operating, or in any wise associating with medical practitioners adopting the ayurvedic, unani or other indigenous systems of medicine." As I have pointed out to this Council, I have not the slightest desire to include in "other indigenous systems of medicine" systems practised by people who go about calling themselves "*naka kancha dacter*". But I respectfully submit that unless the discretion vested in the Medical Council is limited, as I propose, a registered medical practitioner will not be safe in associating with such people even for the purpose of enquiry.

HIS EXCELLENCY THE PRESIDENT:—Assuming the honourable member's definition of "other indigenous systems of medicine" would be of rather a vague character, can he tell us where he proposes to draw the line?

The Honourable Mr. PATEL.—Your Excellency,—If these words are vague, of course there is the select committee to go into the question, but so far as the bill

relates to ayurvedic and unani systems of medicine I submit there can be no objection whatever to its acceptance.

I would ask honourable members to look at the bill as it stands. The first part, *i.e.*, clause 3 (a) relates to studying and practising the ayurvedic, unani and other indigenous systems of medicine. My honourable friend Dr. ROW says that so far as that proviso is concerned there is no harm.

The Honourable Dr. ROW.—Your Excellency,—What I meant to say was studying and practising if they get the sanction of the men properly qualified to give such sanction.

The Honourable Mr. PATEL.—So then a western medical practitioner who is on the register is not entitled, according to Dr. ROW, to practise or even to study other systems of medicine unless he gets the sanction of the men qualified to give such a sanction.

The Honourable Dr. ROW.—There is no objection to any man studying anything. It is only with regard to practising that there is objection.

The Honourable Mr. PATEL.—Very well, any man can study anything, but if he wants to practise the ayurvedic or unani system of medicine, he must obtain the sanction of a person qualified to give it. That is what I understand my honourable friend Dr. ROW to say.

The Honourable Dr. ROW.—What I said was that with regard to practising there will be no objection to any man practising ayurvedic medicine if he gets the proper sanction and training under the proper ayurvedic vaid. That is what I said.

The Honourable Mr. PATEL.—So, with regard to clause 3 (a), my point is that so far as the first part of it is concerned—studying ayurvedic, unani or other indigenous systems of medicine—there is not the slightest objection according to Dr. ROW for this Council to accept it.

With regard to the second part of clause 3 (a), "practising ayurvedic, unani or other systems of medicine" a person going in for it must get proper training and proper sanction according to Dr. ROW.

Coming to clause 3 (b)—"managing, assisting, encouraging, supporting, co-operating, or in anywise associating with hospitals, asylums, infirmaries, dispensaries or lying-in hospitals, wherein the ayurvedic, unani or other indigenous methods of treatment are carried on"—I would ask honourable members for a moment to leave out of consideration the words "other indigenous systems of medicine and methods of treatment" and confine their attention to the words "ayurvedic and unani methods" and say whether a person who is already on the register should or should not be allowed to encourge or support hospitals, etc., where these two methods of treatment are adopted.

We now come to clause 3 (c). The words are "managing, assisting, encouraging, supporting, co-operating, or in anywise associating with schools, colleges or other institutions, wherein the ayurvedic, unani or other indigenous systems of medicine are taught". This is just what Dr. POPAT is doing.

I have already told this Council in my speech in moving the first reading of this bill the object of the Government of India is, as expressed by His Excellency Lord Hardinge, to modernise the ayurvedic and unani systems in order that 90 per cent. of the people who depend for medical relief mainly on these systems may be benefited. Unless and until a person who is on the register is allowed to manage, encourge or otherwise associate with institutions imparting instruction in the ayurvedic or unani systems of medicine, how are these systems to be modernised? That is the question which I ask this Council to seriously consider. If the position of Government is that it is not the intention of Government to prohibit the doing of such a thing then there should surely be no harm, as my honourable friend Mr. C. V. MEHTA says, to accept this bill. I should like to know definitely from Government what their view really is in this respect. If it is not the intention of Government to put any embargo on a registered medical

practitioner, then where is the harm in accepting that part of the bill? It may be said that there is no necessity for it. But, as I put it to this Council, that necessity has arisen because of the attempt of the executive committee of the Bombay Medical Council to hold that the association of Dr. Popat with the Prabhuram Ayurvedic College was incompatible with his status as a registered medical practitioner. Such a sort of construction is, I respectfully submit, not only not conducive, but highly detrimental to the growth and advancement of the ayurvedic and unani systems of medicine, and it is in order that the executive committee of the Medical Council may not in future attempt to put such construction that I have brought forward this amendment.

I have already dealt with clause 3 (*d*). Of course if the select committee to which the bill may be referred consider the words used as vague or wide, they will look into the matter and recommend the necessary alterations. But so far as the principle is concerned, I believe it is admitted that there should be no objection in the way of a person who is on the medical register to, in the first place, his studying and practising ayurvedic or unani medicine, in the second place his managing and encouraging any hospitals or asylums in which these systems are practised, in the third place his managing institutions teaching these systems, and in the fourth place his associating with people who practise the ayurvedic and unani systems.

I should like to say once more to this Council that it is absolutely impossible to modernise these ayurvedic and unani systems unless and until you allow co-operation between the western and the ayurvedic and unani practitioners. All attempts should therefore be directed towards bringing them together, allowing them to co-operate.

It is said that it is a very difficult task to distinguish between a person who is a vaid or hakim and a person who merely poses as one. The same is the case in England. Take the case of an untrained compounder and a medical practitioner who is on the register. What is there to distinguish between the two? There is no feather on one man's cap so that you could say "here is a man who is not on the register". In England there are no ayurvedic and unani systems of medicine at all, and therefore the English Act merely provides that if a person who is on the register enables an untrained person or an untrained compounder to treat or perform operations which require professional skill, he is guilty of professional misconduct. In this country the conditions are absolutely different. We have got the ayurvedic and unani systems. We have got vaids and hakims. No doubt there are a good many quacks, but it may be left entirely to the good sense of a registered medical practitioner to decide whether the person with whom he is asked to associate is a real vaid or hakim or not.

Now, your Excellency, my honourable friend Mr. PHIROZE SETHNA yesterday talked about the Prabhuram ayurvedic institution rather contemptuously. He said it was situated in some Bhuleshwar quarter, probably in a dirty house, and not in any independent house. I could not understand what he meant, but he gave me the impression that he treated the institution with contempt. I am therefore tempted to read to this Council three or four testimonials that this institution has from time to time received. The Honourable Sir Lawrence Jenkins says:—"I think there can be no doubt that this institution is capable of doing great and good work, and I say this with more confidence when I see on my right and left such distinguished medical experts as Sir Francis Lovell, Dr. Quick, Dr. Turner and Sir Bhalchandra Krishna." The Honourable Sir Narayan Chandavarkar says:—"The institution carries on its operations in a scientific manner. I consider that the institution deserves the support, the sympathy and the patronage of every right-minded man."

His Excellency the PRESIDENT:—I do not think the honourable member need tell us all that. I am sure the hospital is most admirably conducted.

The Honourable Mr. PATEL:—I am glad to hear that Government think that this institution is conducted on very good lines. If that is so, will not Government take the earliest opportunity of encouraging it by substantial grants? As His Excellency thinks that the institution is conducted on very good lines, I will not read the other testimonials.

One thing more and I have done. Two public meetings to support this bill were recently held, one at Bombay and the other at Poona. I do not know whether the report of the Poona meeting has reached Government. It was held only yesterday. The Bombay meeting was presided over by my friend Sir Narayan Chandavarkar and according to my information a representation signed by about 3,000 or 4,000 people was submitted to Government some days ago. But unfortunately the petition so signed is not before us. What I want to point out is that there is a very strong public feeling in favour of this bill.

I quite realise that this Council labours under one very serious disability, and it is this: that we have on this Council medical men, five in number, who all practise the western system of medicine only and who therefore are opposed to the pesent measure. Let me point out to this Council that when the medical bill was discussed in 1912 it was pointed out that a person who really had studied both the western and eastern systems of medicine should have been on the Council. It was my honourable friend Mr. Karandikar who had then pointed out that the supporters of that measure were all representative medical men who had studied and were practising the western medicine only and there was none on the Council to represent the other side. Now it is a curious coincidence that most of the honourable members who are supporting this bill are all laymen, while the five medical men on this Council express themselves very strongly against it. Under the circumstances, I think my honourable friend Mr. BELVI was perfectly right when he stated yesterday that Government should have taken the opportunity of nominating at least one expert to represent the other side. We who support this measure are all laymen, and there were already three medical men on this Council representing the western view. They are the Honourable Colonel JENNINGS in the place of the Honourable Lieut.-Colonel JACKSON, the Honourable Surgeon General and the Honourable Dr. FERNANDES. Under these circumstances, I do think that Government should have in all fairness appointed at least one medical man to represent the eastern system of medicine. It is a pity that Government instead of adopting such a course, did the reverse. They have nominated Dr. ROW and Sir TEMULJI who have never studied the eastern systems of medicine. However that may be, we must take things as they are.

With regard to the second clause the only opponents are my honourable friend Dr. FERNANDES and the honourable Mr. SETHNA. It was very rightly pointed out by the Honourable Mr. CHUNILAL MEHTA that when a resolution was discussed in March last neither of these two gentlemen had to say anything against it. Of course people are entitled to change their opinions. But I do think that if these gentlemen really thought that sub-assistant surgeons were undesirable people to sit with honourable gentlemen of the position of Dr. ROW and Sir TEMULJI NARIMAN on the Medical Council, they should have opposed the resolution then on that ground. I most respectfully submit that the course which they now adopt in this Council amounts to a vote of censure on the whole Council.

Now with regard to the first clause of this bill dealing with the question of elective majority, the Honourable the Surgeon-General LYONS and the Honourable Lieut.-Colonel JENNINGS are the only opponents. I know that Government also opposes this part of the bill. But I trust that in these days of democracy and the growth of public opinion the principle of elective majority on the Medical Council will be conceded, particularly when the Medical Council attempts to put on the phrase "infamous conduct" such a violent construction. I think it is high time when all the interests of the profession should be

represented on the Medical Council by election and not by nomination. I think we have had enough of nominations in the past and the sooner we abolish the system of nomination, the better for the Government and the country.

With these few words I trust the Council will accept the first reading of the bill.

His Excellency the PRESIDENT:—I do not propose to detain honourable members for more than a very few moments after the various speeches that we have heard on both sides with regard to this particular bill. But I would like first of all to draw the attention of the Council to this fact, that we have been for two days discussing an amending bill on a purely hypothetical question, which is to be decided in a few weeks' time by the Medical Council and which will finally come up for the approval of Government.

I am bound to say that this seems to be rather an unsatisfactory expenditure of our time and—I am bound to say this much further, notwithstanding what my honourable friend Mr. PATEL has said—I am inclined to think that, if there had been no Dr. Popat's case, there would have been no amending bill. I consider myself justified in making that remark because—I do not know whether honourable members noticed the phrase at the time—when my honourable colleague intervened with regard to a certain statement made by my honourable friend Mr. DESAI, the Honourable Mr. DESAI lapsed into rather professional language and informed the Council that "his instructions were so and so". So it is quite evident that he arrived here with his brief very carefully prepared with regard to that particular case.

Now I do not want to enter into any controversial matter, but I want to put before this Council one point only, as fairly as I can, which I trust will bring us to a satisfactory conclusion with regard to this bill. It is a point of which I do not think enough has been made; it is a point which I seriously think is one of extreme importance. I am informed, rightly or wrongly (I believe rightly because I have taken the highest medical advice), that it is impossible to assimilate these two particular methods of medicine, the eastern and the western. They start from a different foundation and they are carried on by different methods. The western method—I am not going into the various 'ologies' because I do not remember them—pursues the most scientific methods of research and is progressing daily in its development. The eastern method—and I think everybody must agree to this—originates from, I understand, various ancient writings in Sanskrit and other languages. It has not developed, it has not advanced in any form or shape, and cannot take its stand side by side with western science for the present. Well, that is the crux of the argument I wish to put before you now. If it be true that you cannot assimilate these two methods, I beg to point out that this particular clause, the third clause, in the amending bill, that my honourable friend has brought forward, will tend to do away with what I call the hall-mark of what is at the present moment the most progressive medical science that we have in this country.

He wishes, as far as I understand him, to give full liberty to any medical man who is a registered medical practitioner at the same time to practise, study and associate himself generally with all the development of ayurvedic medicine. Well, I am bound to say that in the present condition of ayurvedic medical science that seems to me to be a perfectly impossible proposition. I would further emphasise this remark by adding that I have been informed by the Honourable Dr. ROW that he has for long been trying to get some of the drugs for purposes of experiment and research and in order to advance encourage this particular form of medicine. And what is the result? It is impossible, I am told, to extract a prescription from the gentlemen got these drugs, and that is the main difficulty which has now to be

Well, if I have persuaded the Council that it is impossible to assimilate at the present time these two forms of medicine, surely the right way to go to work is to try and encourage in every possible way the development and efficiency of the ayurvedic and unani systems of medicine. My honourable colleague has told the Council that we are anxious and ready to help these systems of medicine in every way we can. But if we are to do that, we must get the assistance of honourable members and their friends in order that we may know who are the right people to apply to in order, as I hope, to start an institution and have a register and enable the two systems to work side by side, so that they may be mutually helpful for the further advancement of medical science in future years. Government is perfectly prepared to help ayurvedic and unani and other indigenous systems of medicine; I do not quite know what the last means, but the others are systems the study of which is believed to be useful and profitable, and if honourable members will take it from me that we are anxious to help them in every way, but that we do not believe that it is a sound plan to adopt the proposal made by my honourable friend Mr. PATEL in his amending bill, and practically do away with what I have called the hall-mark of the medical profession as now organised, I sincerely trust that they will refuse to accept the bill which is before the Council.

For, as I said at the outset, this bill, as I think every honourable member knows, is really a bill with regard to an individual and I must impress upon honourable members once more that this particular matter with regard to this individual ought not to be before the Council and ought not to be discussed by the Council. It is for the Medical Council in the first place and then afterwards for the Governor in Council to decide the matter.

That is all I have to say with regard to this measure; I have put before you exactly what I feel in the matter. I believe that Government could, if we get the proper support, start a real system of ayurvedic medicine, and we are perfectly ready to do so. But as matters stand, I am fully convinced that this bill should not be accepted by the Council. I have placed my views, I hope in no controversial way, before the Council, in order that I may tell them exactly what I feel, and with my knowledge of this Council I can leave it with absolute confidence to honourable members to take such action in the division as will make each individual absolutely sure that by his action he is promoting to the greatest possible extent the highest interests of medical research in the future.

The motion was then put to the vote and lost. The Council divided as follows :—

Ayes.	Noes.
The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.	His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E., Governor of Bombay.
The Honourable Mr. Sherriff Devji Canji.	The Honourable Sir Mahadev Bhaskar Chaubal, K.C.I.E., C.S.I.
The Honourable Mr. Pandurang Anant Desai, LL.B.	The Honourable Mr. G. Carmichael, C.S.I., I.C.S.
The Honourable Mr. Siddhanath Dhonddev Garud.	The Honourable Mr. G. S. Curtis, C.S.I., I.C S.
The Honourable Dewán Bahádur Kashinath Ramchandra Godbole.	The Honourable the Advocate General (Mr. T. J. Strangman).
The Honourable Mr. Ebrahim Haroon Jaffer.	The Honourable Mr. S. R. Arthur, I C.S.
The Honourable Mr. Balkrishna Sitaram Kamat.	The Honourable Mr. Salebhoy Karimji Barodawalla.
The Honourable Mr. Sardar Dulabawa Raisingji, Thákor of Kerwada.	

Ayes.	Noes.
The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL.B.	The Honourable Mr. P. R. Cadell, C.I.E., I.C.S.
The Honourable Sardár Shriniwas Coopooswami Mudliar.	The Honourable Mr. James Gargrave Covernton, C.I.E.
The Honourable Ráo Bahádur Venkatesh Shriniwas Naik.	The Honourable Sardar Syed Ali El Edroos.
The Honourable Mr. Raghunath Purshottam Paranjpye.	The Honourable Dr. C. Fernandes, M.D.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.	The Honourable Mr. Mahomedbhoy Hajeebhoy.
The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.	The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.
The Honourable Mr. Abdul Kadir *alias* Fakir Mahomed *walad* Ibrahim Khan Pathan.	The Honourable Surgeon-General R. W. S. Lyons, M D., I.M.S.
The Honourable Sir Dinshaw Manockjee Petit, Bart.	The Honourable Khán Bahádur Pir Baksh *walad* Mian Mahmud.
The Honourable Mr. Munmohundass Ramji.	The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.
The Honourable Ráo Bahádur Ganesh Krishna Sathe, C.I E.	The Honourable Sir Temulji Bhikaji Nariman, Kt., L.M., F.C.P.S. (Bom).
The Honourable Mr. Shridhar Balkrishna Upasani, LL.B.	The Honourable Mr. F. G. Pratt, I.C.S.
The Honourable Mr. Harchandrai Vishindas, LL.B.	The Honourable Mr. W. M. Ross.
	The Honourable Mr. C. N. Seddon, I.C.S.
	The Honourable Mr. Phiroze C. Sethna.
	The Honourable Ráo Bahádur Tekchand Udhavdas.
	The Honourable Colonel W. E. Jennings, M.D., I.M.S.
	The Honourable Dr. Raghvendra Row, M.D.

The Honourable Mr. PATEL :—Your Excellency,—I rise to a point of order as to whether the gentlemen who were nominated in connection with my bill have got to vacate their seats or not.

His Excellency the President :—I think the honourable member is correct that those two honourable members must disappear.

MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED.

His Excellency the President :—The Honourable Sir MAHADEV CHAUBAL.

The Honourable Sir MAHADEV BHASKAR CHAUBAL :—Your Excellency,—The motion which stands in my name is to the effect that the amendments to the rules for the conduct of business, recommended by the select committee, be adopted. I think it would be more convenient to me and perhaps to honourable members of the Council if, in making this motion, instead of going into the details of each particular amendment I refer to the three points which have been dealt with in the majority report which the select committee have submitted to the Council. You will find on a reference to it that there are three main questions of principle into which the different amendments referred to the select committee resolve

themselves. Now of those three points the first relates to the necessity or otherwise of a definition of the expression "member in charge".

Although according to the draft of the amendments submitted by the majority report of the select committee no definition of the expression is considered necessary, the question arose in this way. The Honourable Mr. PATEL had given notice of an amendment to rule 21 of our rules, by which he proposed that the member in charge should be the chairman of the select committee to which a bill is referred. If this amendment were accepted, it would become necessary to define the expression "member in charge", for the expression nowhere occurs in the existing rules. As the honourable member's amendment for the first time proposed to use that expression, I gave notice of an amendment proposing a definition of the expression in accordance with the definition of the same expression in the other three sets of rules relating to the budget, the resolutions and questions.

The Honourable Mr. BELVI :—I wish to know, your Excellency, whether the expression is "member in charge" or "member in charge of the bill".

The Honourable Sir MAHADEV CHAUBAL.—I was referring only to the expression "member in charge" and not of the matter of which he may be in charge: that may be either a bill or any other matter. But the select committee thought—at least the majority did—that if the expression were used in any fresh rule, it ought to carry the same meaning as was given to it in the three other sets of the rules of the Legislative Council, I mean the rules relating to the financial statement and the budget, the rules relating to resolutions on questions of general public interest and the rules relating to questions. The references to these definitions in the other rules are at pages 204, 219 and 225 of the green book.

It seemed natural to the majority of the select committee that if it was necessary to define that expression for the purpose of the conduct of legislative business, the member in charge of a bill should be the member of the Executive Council to whom may be allotted the business of the department of Government to which the subject of a bill or any other matter may refer. It seemed further appropriate to them that such member should invariably be a member of the select committee to which any bill or other matter might be referred: and for the reasons stated in the report, if he was to be a member of the committee it seemed to them proper and correct that he should serve on such committee as its chairman.

It will be seen that present rules 21 and 27 contemplate matters other than bills being referred to select committees, and the rule as proposed by the majority report would be convenient whatever be the matter referred to a select committee.

Further, the rule as proposed by the majority is in accord with the rules of the Imperial Legislative Council. There the provision is that the law member shall invariably be a member of each select committee and that he shall be the chairman unless he waives his right, in which case, any other person may be appointed, or the member who introduces the bill may be appointed chairman. For these reasons the majority of the select committee thought that for the purposes of any select committee which might be appointed for the purposes contemplated by rule 21 of our rules, the person who ought to be *primâ facie* the chairman of the select committee should be the member of the Executive Government to whose portfolio the particular subject of the bill or matter referred to the select committee belongs. That is the first question which is dealt with in the select committee's report.

The second question relates to the amendment of the Honourable Mr. PATEL by which he proposed that the step in our present procedure of legislation, which

is known as "motion for leave to introduce," should be dropped altogether. As at present rule 28 runs as follows:—

"(1) Subject to the provisions of the Indian Councils Acts, 1861 and 1892, any member may *move* at a meeting of the Council *for leave to introduce* a bill."

The Honourable Mr. PATEL'S contention was or is that this step in legislation, of "motion for leave to introduce", was unnecessary and should be omitted and we should begin straight off from the introduction stage. As regards this, the select committee have pointed out that taking the language of section 80 (1) it is not possible to do away with that stage of legislation. Section 80 on page 41 of the green book runs this way:—

"(1) At a meeting of the local legislative council no motion shall be entertained *other than a motion for leave to introduce* a measure into the Council for the purpose of enactment, or having reference to a measure introduced or proposed to be introduced into the Council for that purpose, or having reference to some rule for the conduct of business in the Council, and no business shall be transacted other than the consideration of those motions or the alteration of those rules."

That is the section of the Government of India Act which recognizes and practically states that so far as this Legislative Council is concerned the only motion that it can entertain is a motion for leave to introduce. It is the first and initial step in any legislation which the local Legislative Council may undertake and it is *ultra vires* for this Council to consider whether in spite of the act this initial procedure is necessary. This is as you will see the decision that the select committee came to on the actual proposal for the amendment of rule 28 of which Mr. PATEL had given notice. In paragraph 2 of the majority report, however, they have further considered a point on which there was no notice of amendment, but which was allowed to be discussed before the select committee as being germane to the first point dealt with in paragraph 2.

This is the second point dealt with in the second paragraph of the majority report. The Honourable Mr. PATEL'S contention on this point rather touches present clause 5 of rule 28, as regards which there was strictly no notice of any amendment. That contention is that if the "motion for leave to introduce" stage is necessary, it ought to be equally obligatory in the case of Government bills as in the case of bills introduced by private members. The majority report has stated fully the points of difference between Government measures and measures introduced by private members. It states the considerations which ordinarily make it necessary for Government to have longer time for consideration and consultation with the Government of India and the Secretary of State. But let me clearly state to the Council that clause 5 as it stands makes no difference whatsoever between private bills and Government bills. I am free to concede that in the past the Governor has invariably permitted the publication of a Government bill without any motion for leave to introduce having been made. That has been so because of the considerations mentioned above—because the consideration and consultation with the higher authorities which can only be undertaken in the case of private bills after the motion for leave and before the introduction has already been gone through previous to such publication. But the point I wish to emphasise is that the rule as it stands recognises no distinction as such between private bills and Government bills. The rule gives a discretion to the Governor to dispense with the motion for leave to introduce: and he may exercise that discretion as much in the case of private bills as in the case of Government bills. As you are all aware, private members' bills are comparatively a very recent feature: so far as I know there have been hitherto only four legislative measures proposed in this Council by private members: and in 50 per cent. of these the Governor dispensed with the initial stage as in the case of Government measures.

I will only add here that the Honourable Mr. PATEL has in his dissenting minute quoted an extract from a despatch of a former Secretary of State

emphasising the necessity of a motion for leave in the case of all bills whatsoever. But he has not stated what followed this despatch. The Government of India strongly protested against the view taken by the Secretary of State explaining to him the reasons for this latitude in the case of Government measures with the result that the Secretary of State admitted the correctness of the position taken by the Government of India and directed that that view should be carried out not by different rules for the two kinds of bills—but by giving to the Governor General or the Governor the discretion to permit introduction by publication without any motion for leave: a decision which you find embodied in the present clause 5 of rule 28 and corresponding rules previous to the present ones.

This rule giving the discretion to the Governor has now been in force ever since 1865. In support of the view taken by the majority of the select committee I may further mention that the rule as recommended by them is the rule which is now adopted in the Imperial Council.

The third and last point to which the report refers is the one arising on section 80, clause 2 of the Government of India Act, 1915—on this point the majority report observes :—

" We considered the question whether leave to introduce a bill must be dispensed with in the case of bills that require the sanction of the Governor; and we think it is more in accord with the spirit of sections 79 and 80 of the Government of India Act, 1915, that the sanction should have been given previous to the motion for leave to introduce. This recommendation, we may mention, is in accord with the decision on the question in the Madras Legislative Council and in accordance with the rules in force in the Imperial Legislative Council." I think these are very good reasons why the construction which the select committee has put upon clause 2 of section 80 of the Government of India Act, 1915, should be adopted. You will probably agree with me that it is in every way convenient that the Governor should be given the opportunity of considering whether he should accord his support and sanction to a measure which is going to affect the revenues of the province, before the time of this Council is taken up, it may be, absolutely fruitlessly, and that the motion for leave to introduce or the first initial step for the conduct of any piece of legislation should come after the necessary sanction has been given. Otherwise, the Council will be in the anomalous position of solemnly giving leave for the introduction of a bill which may not subsequently be sanctioned. It is not a very dignified state of things for this august body to pass a decision granting leave to a member to introduce a measure and when in accordance with such leave granted the member proposes to act up to the decision by introducing the bill the Governor should say to him; " You shall not do anything of the kind". Nor is it a very desirable state of things. If the sanction of the Governor is at any time necessary, I think it is right and proper that the advisability of giving that sanction or otherwise should be considered by the Governor at the time when the first step in legislation has to be taken. If you make a reference to section 79, clause (3), it runs as follows :—

" (2) The local legislature of any province may not, without the previous sanction of the Governor-General, make or take into consideration any law;" (relating to certain subjects mentioned as (*a*) to (*h*). I ask honourable members what construction they will put upon this clause. There the words are " making any law " or "-take into consideration any law." Would you construe it as meaning that a local legislature may pass a motion for leave to introduce and may actually introduce any measure relating to the subjects mentioned therein, but that it shall not be made into a law before the sanction of the Governor-General has been given. No, obviously no step in any legislation whatsoever can be considered without the previous sanction of the Governor-General. Similarly where a previous sanction of the Governor is spoken of in section 80 (2) it must mean that no consideration whatever of any measure affecting the revenues of the province can be undertaken before the previous sanction. Lastly as

stated in the majority report, this identical point was discussed at length in the Madras Legislative Council only last March, and your select committee's report is in accord with the decision arrived at there. The Honourable Mr. PATEL and the Honourable Mr. PATHAN have dissented for the reasons they have given, which are before you. It is for you to consider what view you will take but for the reasons I have mentioned I move that the majority report of the select committee be adopted by this Council.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—Your Excellency,—Will it not be better to take the amendments one by one so that they may be considered separately?

His Excellency the PRESIDENT :—I think it would probably be desirable to take all the amendments of the honourable members one by one and the result whatever it may be can be put to the vote as a whole as a substantive propositicn.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—Your Excellency,—The amendment which I propose to move is stated on the agenda paper. It is :—

(*a*) After sub-rule (*5*) of rule 1 of the said rules, the following sub-rule shall be inserted :—

"(6) 'Member' means an ordinary or additional member of the Council."

(*b*) Rule 21 of the said rules shall be numbered sub-rule (1) of rule 21, and the following sub-rules shall be added thereto :—

"(*2*) The member in charge of a Bill shall invariably be a member of the select committee to which the Bill is referred. Such member shall also be the chairman of the select committee, unless he waives the right to be chairman, in which case the members present shall appoint their own chairman. In the absence of the chairman at any meeting the members present shall appoint a chairman for that meeting.

(*3*) The chairman shall have power to report to the Governor the name of any member who is unable to attend the meeting of the select committee or, by death, resignation or otherwise ceases to be a member thereof, and the Governor may thereupon, appoint, out of the members of the Council, another member in his place."

This is the first amendment which I move to the amendments proposed by the select committee. The question at issue is whether, when a non-official member brings in a bill, the member of the Executive Council in charge of the department concerned should be the chairman of the select committee or the member introducing the bill should be the chairman. The contention of the majorty of the members of the select committee is that invariably the Executive member in charge should be not only a member of that committee, but he should also be its chairman. The amendment propsed by the select committee and as put before the Council by the Honourable Sir MAHADEV CHAUBAL takes no note of the introducer of the bill. It does not matter, according to that amendment, whether the member introducing the bill is a member of the select committee or not, but it says that a member of the Executive Council shall invariably be a member of that committee. So it practically comes to this, Your Excellency, that it does not matter if a member introducing a bill is a member of the select committee to which it is referred but a member of the Executive Council *shall* be a member of that committee. This is the first point.

I respectfully submit to this Council that an additional member who introduces a bill into this Council should invariably be appointed a member of that committee. It may be that it is also necessary that a member of the Government

should also be there, but I would but it to the Council to consider whether it is not more necessary that a member introducing the bill should always be there. Now the rule proposed is that a member of the Government should invariably be a member. If you agree with me that a member introducing a bill should invariably be a member of the committee, then you are bound to vote in favour of my amendment.

Then the second question is, who should be the chairman? Here the position is this. The amendment proposed by the majority of the select committee is that the member of Government shall invariably be the chairman of that committee. Now it may be that under certain circumstances it may not be desirable to include a member of Government in a particular committee. It may be that the member for Government has expressed himself strongly against a particular bill which is referred to the select committee and that the Council in the exercise of its judgment may decide that the member for Government should not be a member of that committee. In that case what would be the position? The rule that the select committee asks this Council to adopt is that the member in charge of the department concerned shall be invariably the chairman of the committee. So necessarily the Council is bound to put him as a member. The danger, in some cases, is, as I have pointed out, obvious. Take, for instance, the bill which we discussed a little while ago. If this bill, in spite of the opposition of Government, had been passed by this Council and referred to a select committee and if my honourable friend Mr. CURTIS was made the chairman, how could he have guided the deliberations of the committee. We know how very vehemently he opposed the principle of that bill. It is not fair to the Honourable Mr. CURTIS himself, much less to the introducer of the bill. In all constitutional meetings the chairman is always a person who has sympathy with the objects of that meeting. Now here is a point which I ask the Council to consider, when a member of the Executive Council has opposed the principle of a bill, is it right that he should be the chairman of the select committee? And is it not absolutely necessary that the member introducing a bill should invariably be a member of the select committee?

The Honourable Sir MAHADEV CHAUBAL:—As a matter of fact, the honourable member never raised this question before the select committee in this way. Nobody ever suggested or dreamt of keeping the member introducing a bill out of the select committee. Everybody understood—I did and I think all the members of the select committee did—that he was, of course, to be a member, and if it is suggested by my honourable friend that there was any opposition to that motion, I do not think that it is correct, and, so far as that motion is made, I am quite prepared to admit that along with the Executive Council member in charge the member who introduces a bill should also invariably be a member of the select committee.

The Honourable Mr. PATEL:—The original amendment proposed by me was that a member introducing a bill shall invariably be a member as well as the chairman. The select committee considered the amendment and suggested another amendment instead, namely, that a member of the Government shall invariably be a member and also the chairman of the committee. Now these are the two amendments before us.

The Honourable Sir MAHADEV CHAUBAL:—I beg the Honourable Mr. PATEL'S pardon. No doubt the select committee did recommend that; but they have never said anywhere that the member introducing a bill shall not be a member. And, therefore, if the Honourable Mr. PATEL makes that motion, I am quite prepared to admit that the member introducing a bill shall invariably be a member of the select committee.

The Honourable Mr. PATEL:—All I want to point out to the Council is that the rule as proposed by the select committee makes no such provision. What I propose is that a member who introduces a bill shall invariably be a member of

the select committee, and I go further and say that he shall also be the chairman. You will find there the rules in Bengal, Madras, Burma and also in the Punjab support my case. I will ask the Council to refer to my minute of dissent on page 844 of the *Bombay Government Gazette*, dated the 21st September. Rules 25 and 26 of the Burma Legislative Council rules are as follows :—

"25. The Government Advocate General, if he is the member of the Council, shall be a member of every select committee.

"26. The member in charge of the bill shall be the chairman of the committee and in the case of equality of votes shall have a second or casting vote."

It was pointed out to the select committee, if I remember right, that the word 'member' is nowhere defined in the other Legislative Council rules. As a matter of fact, in the Madras and the Bengal rules I find that the word is defined. According to those rules a member means a member of the Executive Council or additional member. After thus defining the expression 'member' the rules further provide that the member in charge of the bill shall invariably be a member and also the chairman of the select committee. There is no question as to what the expression means. Rule 10 of the Punjab rules says :—

"The member in charge of the bill shall be the chairman of the committee and in the case of equality of votes shall have a second or casting vote."

Rule 35 (1) of the Bengal rules says :—

"35. (1) The member in charge of a bill shall ordinarily be the chairman of any select committee to which the bill is referred."

Rules 34 and 35 of the Assam rules say :—

"34. The Legal Remembrancer, if he is the member of the Council, shall be a member of every select committee."

"35. The member in charge of the bill shall be the chairman of the committee and in case of equality of votes shall have a second or casting vote."

So it is certain that according to the rules of the other provincial Legislative Councils the member in charge of the bill, whether he is a member of the Executive Council, or the additional member, becomes the chairman of the committee to which the bill is referred.

It was in connection with my primary education bill that I had occasion to refer to the rules of our Council on this subject. I found that there was no provision whatever in our rules. Then I looked up other Legislative Council rules. I there found express provision. I therefore gave notice for the necessary amendment of our rules. After I gave notice Government wrote to me inquiring whether I would be prepared to accept their suggestion, to substitute the words 'executive member' for the word 'member' in my amendment. I respectfully declined to accept the suggestion and the matter was referred to the select committee. They have made the report which we are considering. The minute of dissent of my Honourable friend Mr. PATHAN is very important in this connection. It says as follows :—

"The first question is whether an additional member of the Legislative Council, if he happens to introduce any bill, should not preside over the deliberations of the select committee to which the bill is referred. The official members contend that the member of the Executive Council, possessing, as he does, greater knowledge of the subject-matter than the introducer of the bill, would be very useful, if he were the chairman of the committee. Assuming for argument's sake that he does possess greater knowledge, I agree with the Honourable Mr. PATEL that there is no reason to suppose that he would not give the benefit of that knowledge, if he were merely a member."

I do not believe, Your Excellency, that a member of the Executive Government, if he is newly a member of the select committee, would not give the benefit of his knowledge, if he has any knowledge, to the other members of that committee.

I have already pointed out then when he has opposed a particular measure at its first reading then it is not right that he should be the chairman of the select committee. An invariable rule that he should in all cases be the chairman would be therefore detrimental to public interest. By my amendment I propose that wherever the member introducing the bill waives his right to be the chairman the member of the Executive Government may take the chair, but the rule that invariably in all cases the member of the Executive Government should be the chairman of the select committee will not, I hope, be accepted by this Council. In the first place it is necessary to define the expression 'member' as it is defined in the Bengal and the Madras Legislative Council rules, and therefore the first part of my amendment says that the expression 'member' means the member of the Executive Government or additional member, and then further provides that the member in charge of the bill shall invariably be a member and shall also be the chairman of the select committee.

We are often told that ours is a very forward province and that we lead other provinces. I wish that was true. Here is an instance where we are far behind the sister Presidencies. Let us therefore follow the lead of other provinces in this matter.

With these few words I move my amendment.

The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.—Your Excellency,—I support the amendment of my honourable friend Mr. PATEL.

The honourable mover proposes that there should be a definition regarding the expression "member in charge". So far as the wording proposed by my honourable friend Mr. PATEL is concerned it runs thus:—"The member in-charge of a bill shall invariably be a member of the select committee to which the bill is referred. Such member also shall be the chairman of the select committee, unless he waives the right to be chairman, in which case the members present shall appoint their own chairman. In the absence of the chairman at any meeting the members present shall appoint a chairman for that meeting".

With regard to a private bill an additional member moving or introducing a bill and in the case of a Government bill the member of the Executive Council would be the member in charge of that bill and there is to my mind no ambiguity about this expression. If there is, if the Council found that there would be some ambiguity about this expression, I think, the definition as proposed by my honourable friend Mr. PATEL which I read just now would remove the ambiguity altogether.

The Honourable Mr. PATEL has given all the reasons why the introducer of a bill should invariably be a member of the select committee and on behalf of the Government it has been admitted that he should be a member of the select committee. But the question is whether he should also be the chairman. So far as a Government bill is concerned, the member of the Executive Council shall invariably according to this rule be chairman of the select committee. The dispute is with regard to a private bill. I submit, that when an additional member, after mature consideration and after considering the several circumstances which have given rise to the bill, moves the bill, he is naturally and ought to be interested in seeing that it receives due consideration at the hands of the select committee. I submit, therefore that he should in the fitness of things be the chairman of the select committee.

The Honourable Sir MAHADEV CHAUBAL:—Will the honourable member pardon me. He is hardly audible at this distance. I should like to know whether the honourable member is moving the amendment which stands in his name or he is supporting the Honourable Mr. PATEL'S amendment.

COUNCIL BUSINESS RULES.

[11TH OCTOBER 1917.]

[*Mr. Abdul Kadir* alias *Fakir Mahomed* walad *Ibrahim Khan Pathan; Sir Mahadev Chaubal; Mr. Balkrishna Sitaram Kamat; the President; Mr. Dattatraya Venkatesh Belvi.*]

The Honourable MR. PATHAN :—I am supporting the amendment moved by my Honourable friend Mr. PATEL and I am moving my amendment also, because it is with regard to rule 21 and because it bears on the main question. The amendment proposed by the Honourable Mr. PATEL and that proposed by me bear on the same question and so I propose also my amendment.

The Honourable SIR MAHADEV CHAUBAL.—The honourable member is putting the Council into a rather awkward position, because the Honourable Mr. PATEL has moved an amendment to the Select Committee's Report which is put down on the agenda paper and if the Honourable Mr. Pathan thinks that the amendment of which he has given notice is covered by the amendment which the Honourable Mr. PATEL has moved (for I just now heard him saying that his amendment was virtually the same)—I do not see any reason why the Council should have these two amendments put to it separately when they really are the same.

The Honourable MR. PATHAN :—I beg to withdraw my amendment, your Excellency.

The amendment was by leave withdrawn.

The Honourable Mr. BALKRISHNA SITARAM KAMAT:—May I ask your Excellency's ruling with regard to the procedure to be adopted? The Honourable Sir MAHADEV CHAUBAL has spoken about both the topics, whereas I find that the Honourable Mr. PATEL has so far only introduced one amendment under which an additional member introducing a bill will be both a member of the select committee and its chairman. Are we to discuss both together or to take them separately?

His Excellency the PRESIDENT :—My honourable colleague made his speech on the whole report with regard to the amendments that have been proposed by the select committee and my honourable friend Mr. PATEL has moved his motion with regard to the first amendment. So we shall take them one by one.

The Honourable Mr. DATTATRAYA VENKATESH BELVI :—Your Excellency,—If I understand aright, we are discussing the amendment of my honourable friend Mr. PATEL which is on page 2 of the agenda. It is evident from the amendment proposed by my Honourable friend Mr. PATEL that he wishes to have a definition of the expression "member in charge of the bill", and not, as is supposed, of the expression "member in charge". That is what I find in his original motion. The original motion of the Honourable Mr. PATEL is to be found on page 8 of the papers which have been placed on the tables of the honourable members. There the Honourable Mr. PATEL says :—"The member in charge of a bill shall invariably be a member and also the chairman of any select committee to which the bill is referred", and so on. So it is evident from the language of the motion originally made by my Honourable friend Mr. PATEL that he has used the expression "member in charge of the bill". I am really surprised to find that my Honourable friend Sir MAHADEV CHAUBAL has taken only a part of the words, "member in charge", and he has laboured a point which does not arise at all. The amendment suggested in the rule is quite definite. The Honourable Mr. PATEL wishes to have a particular amendment introduced into the rules which regulate the conduct of legislative business of this Council. There are 45 rules and among the 45 there is rule No. 21. Mr. PATEL'S idea is that there should be a supplementary rule and that should be numbered as 21(A). I do not really understand how a shrewd lawyer of the position of Sir MAHADEV CHAUBAL fell into what I consider to be an error. "The member in charge of the bill" is the expression which has been originally used. If you take the whole expression "the member in charge of the bill", there will be no difficulty whatever. My Honourable friend Sir MAHADEV CHAUBAL'S difficulty seems to

be that the expression "member in charge" occurs elsewhere in the green book and he fancies that there will be a great difficulty and he wishes to have, in lieu of the expression which Mr. PATEL wishes to have, his elaborate phraseology, namely, "The member of the Executive Council, to whom is allotted the business of the department of Government to which the matter referred to the select committee belongs, shall invariably be a member of the select committee. Such member shall be the chairman of the select committee unless he waives his right to be chairman, in which case the members present shall appoint their own chairman. In the absence of the chairman at any meeting the members present shall appoint a chairman for that meeting." The matter is very plain and I really do not see why such an attempt has been made to give a definition of a thing which Mr. PATEL never wanted. It is quite clear to me and it may be put down in popular English in this way. Whoever introduces a bill must be considered to be the member in charge of the bill and for the purposes of the bill he should invariably be a member of the select committee that may be appointed to consider that bill and he should also be the chairman of the select committee. That is the statement in plain English of what the Honourable Mr. PATEL wants.

Then the Honourable Mr. PATEL'S amendment says that the member who introduces a bill, whether he is an additional member or whether he is a member of the Executive Council of Your Excellency's Government, should invariably be a member of the select committee. Now, in reply to this we are told by the Honourable Sir MAHADEV CHAUBAL that he is prepared to accept an amendment to the effect that so far as the inclusion of the name of the mover of the bill is concerned, he is prepared to accept the amendment that he should be a member of the select committee. But it is curious that this did not occur to my Honourable friend Sir MAHADEV CHAUBAL when he gave notice of his own amendment. On the contrary, he has been very careful to say that the member of the Executive Council to whom is allotted the business of the department of Government to which the matter referred to the select committee belo gs, shall invariably be a member of the select committee, and now he say that he is prepared to accept the amendment. It is very good of him, for if that amendment is not accepted it means that it may rest in the discretion of this Council either to include or to exclude the mover of the bill, because that would depend entirely upon the discretion of the members of this Council. So far as that amendment is concerned, I am glad to learn that the Honourable Sir MAHADEV is good enough to accept it.

Members of this Council will see by referring to the report of the majority of the select committee that two or three reasons have been advanced as to why the member of the Executive Council who is in charge of the department to which a particular bill belongs should invariably be the chairman of the select committee. The first reason is that generally he is better posted in the facts of a case which leads up to the framing of a bill or, at any rate, he is in a better position to have accurate knowledge of the circumstances leading up to the introduction of the bill, and therefore he should be a member of the select committee. I believe these are sound reasons. I do not dispute for a moment the validity of the contention that the member of the Executive Council who is in charge of the department to which a particular piece of legislation may belong should be a member of the select committee. But then we are told in paragraph 2 of the report of the majority of the select committee this wonderful thing :—

> "We are further of opinion that if once it be conceded that the member of the Executive Council in charge of the department concerned should be a member of the select committee, it is but in the fitness of things that he should be chairman, unless he is prepared to waive his right to be so."

I would like to ask why, in the first place, we should assume that the member of Government who happens to be in charge of the particular depart-

ment to which a bill may refer should be assumed to possess any *right* to preside over the deliberations of the select committee as a matter of right. So far as I can make out it appears to be so far two reasons. The idea seems to me to be that it is *infra dig* for a member of Government to be a member of a select committee and to play only second fiddle to the mover of a bill if he happens to be an additional member and the chairman of a select committee. That is derogatory to the dignity of such a superior being as a member of the Executive Council of Your Excellency's Government. The second notion seems to me that if any particular matter comes to the question of voting, the chairman should have the benefit of a casting vote.

The Honourable Sir MAHADEV CHAUBAL:—May I ask the honourable member where he gets that? Is there any provision in our rules for a casting vote anywhere for the chairman of a select committee?

The Honourable Mr. BELVI:—I have been a member of more committees than one and I have very often seen it. I think this is one of the reasons why the Honourable Sir MAHADEV wishes to empower a member of the Executive Council to preside over the deliberations of every select committee. His idea appears to be that a member of the Executive Council should not be an ordinary member of a select committee. He is a superior man and therefore he must be the chairman, and then if he is the chairman and if any particular matter comes to vote, he will have two votes instead of one.

His Excellency the PRESIDENT:—I am sorry that the honourable member has got such a poor opinion of the members of the Executive Council.

The Honourable Mr. BELVI:—Your Excellency will pardon me if I state my views bluntly. I shall not be doing justice to myself if I did not say what I feel. The days when matters of prestige and matters of superiority of members of the Executive Council even in matters of legislation should be taken into consideration have passed away. So far as legislative business is concerned, my submission is that we are all on the same footing and that no question of dignity should ever be raised. It should be all the same who presides over the deliberations of a select committee. I was reading to the Council the second paragraph of the report of the majority of the select committee. It struck me rather as a humorous thing, how such a supposition could have been made. It is taken for granted that if a member of the Executive Council happens to be on a select committee, it goes without saying that he presides over it.

The amendment which stands in the name of the Honourable Sir MAHADEV CHAUBAL says:—

> "Such member shall be the chairman of the select committee unless he waives his right to be chairman, in which case the members present shall appoint their own chairman."

This is a statement to which I humbly demur. The Honourable Mr. PATEL has already pointed out to this Council in his dissenting minute that other Legislative Councils, namely, Madras, the Punjab, Bengal, Burma and Assam have used the expression "member in charge of a bill" and they have laid it down that the member in charge shall preside at meetings of select committees. But we may perhaps be met with the usual assertion that we are a progressive presidency. I suppose the word 'progressive' is to be taken as meaning just the reverse. The word 'progressive' I suppose, is to be taken as meaning 'retrograde', because it is assumed as a sign of our progress that we invest members of the Executive Council with higher powers than are possessed and are enjoyed in the rest of India.

For these reasons I support very heartily the amendment which stands in the name of my Honourable friend Mr. PATEL and I shall vote against the motion of the Honourable Sir MAHADEV CHAUBAL.

The Honourable Mr. RAGHUNATH PURSHOTAM PARANJPYE.—Your Excellency,—I would like to support the amendments of my Honourable friend Mr. PATEL, although I do not think that the matter is of first rate importance, for on the whole bills which are introduced by a private member are few and far between, and we have just seen the fate of one private bill. All the same I believe that it is a matter of principle and I do not think that Government should take the attitude that the Honourable Sir MAHADEV CHAUBAL has taken. While discussing the preceding bill the Sir Honourable MAHADEV CHAUBAL said that he was a member of this Council as much as any other and I myself am inclined to think that so far as the power of legislation is concerned, every member is on a footing of absolute equality. When we are discussing resolutions or the financial statement we might be in a position of certain inferiority to the Executive Council member but so far as legislative powers are concerned all the members are in a position of equality. So far as bills are concerned the member of the Executive Council is on a footing of absolute equality with the member who introduces the bill. I think the difficulty of the Honourable Mr. PATEL is a real one and is quite clear. If the first reading of a bill is carried in spite of the opposition of Government and if the member in charge of the department is chairman of the select committee, it is but human nature that he will not do his best to push the bill through the committee as zealously as possible. Of course, he will not be likely to do anything consciously against the bill, but he is likely to be unconsciously lukewarm in his support during its passage in the select committee, and I therefore, submit that he should not be in a position where he may jeopardise the passage of the bill.

Again there is the question of the casting vote. Well, I have been a member of various committees and I know that it is the recognized practice of every body that the chairman of that body should have a casting vote in case of equality of votes. Many honourable members of this Council will remember that about two or three years ago there was a very singular occasion when there was a tie on an amendment moved by my Honourable friend Dewan Bahadur GODBOLE and at that time all the legal pundits in this place could not decide at the moment whether the President of this Council had the right of a casting vote or not and the session of the Council had to be postponed for that day before this very simple question could be decided, and the next day we saw that the President of this Council gave the casting vote on one side or the other. I think the question of the casting vote is comparatively an important one. If a bill is very hotly contested and opinion is equally divided, as it sometimes is bound to be when Government opposes the bill, the opportunity for giving a casting vote will very often arise. Therefore, it is important to consider as to who is to give the casting vote. I submit that the casting vote must remain in the hands of the member introducing the bill who should consequently be chairman of the select committee and we should leave it to the member in charge of the department to bring forward amendments. After all there is some tactical advantage in having your point of view put forward as a proposition and your opponents being only in a position to move amendments. I think it would be a tactical advantage in such a contingency of opinion equally divided on a question, and I do not know why this tactical advantage should be given to a member who is persistently opposed to the measure. As I said, private bills are very rare, for there had been only one bill in my recollection before, and the one that was before us yesterday. Still this is a question of principle and therefore, I accord my support to my Honourable friend Mr. PATEL.

COUNCIL BUSINESS RULES.

[11TH OCTOBER 1917.] [*Mr. Balkrishna Sitaram Kamat.*]

The Honourable Mr. BALKRISHNA SITARAM KAMAT.—Your Excellency,—I cannot quite agree with my Honourable friend Mr. PARANJPYE, when he says that this subject is of smaller importance. Although it is perfectly true that private bills come here for discussion very rarely, still it is a matter of principle, and I believe, when the question of principle is involved the Council should stand on its sense of dignity, and the dignity, so far as legislation is concerned, of additional members is just the same as that of the members of the Executive Council. I judge it from this point of view. If in Madras and Bengal private members are allowed to be chairmen of select committees, I do not understand why this Government should not subscribe to the principle that an additional member should be the chairman of a select committee of the Bombay Legislative Council. I therefore think that the question of dignity or prestige ought not to be imported in considering this question.

I am further surprised to find that the majority report thinks it necessary to define under this rule the expression "member in charge." In fact, I wonder, how the Honourable the Advocate General and so eminent a lawyer like the Honourable Sir MAHADEV CHAUBAL think it necessary to define an expression which has not been used at all in the subsequent sections. If members refer to that particular set of rules they will find that in no rule out of these 45 rules the expression occurs at all. The Honourable Sir MAHADEV CHAUBAL told us that the expression "member in charge" occurs in the other set of rules, *viz.*, the financial statement rules and the resolution rules. But there the definition is necessary simply because the expression "member in charge" occurs in various rules. Not only that, I do not think that one should presume or imagine that in this chapter the omission was purely an oversight. If one refers to the rules of the other provinces of Bengal and Madras it will be found that there also the definition of "member in charge" occurs in the chapter of resolution rules or financial rules; but even in their Council rules it does not occur in the rules for the conduct of business. Therefore, I think, in all Councils, Bengal, Madras and Bombay, the expression "member in charge" is avoided so far as its definition goes for the purpose of the rules for the conduct of legislation. It is not a matter of oversight or omission. As my Honourable friend Mr. BELVI pointed out, if now we introduce such an interpretation clause at the beginning of this set of rules, we shall be in an anomalous position. We shall have a definition of the expression "member in charge" without having any necessity for it, as the expression does not occur in the 45 rules, because, curiously enough, the Honourable Sir MAHADEV CHAUBAL instead of using that expression later on in rule 21 or 22 uses an entirely different expression, namely, "the member of the Executive Council, to whom is allotted the business of the department of Government to which the matter referred to the select committee belongs", an expression, which as the Honourable Mr. BELVI has pointed out was of an elaborate kind.

The Honourable the Advocate-General:—Your Excellency,—I rise to a point of order. There is no definition at all before this Council of "member in charge".

The Honourable Mr. KAMAT.—Is it not the proposal to define "member in charge"?

The Honourable the Advocate-General.—In the amendments proposed by the select committee there is no definition of "member in charge" at all.

The Honourable Mr. KAMAT:—I understood from the Honourable Sir MAHADEV CHAUBAL'S remarks and the remarks of the majority report that it was intended to put in a definition of "member in charge".

Now coming to the second question, whether an additional member should be chairman of a select committee or not, I submit that if the other Councils allowed such a privilege, I don't see why the non-official members of this Council should agree to surrender a principle which has been accepted by members of other Councils. And I do not know on what ground the majority report says

that it would not be in the fitness of things. I ask, only ten years ago would it have been supposed for a moment that it could be in the fitness of things to pick up from non-official gentlemen in the presidency any gentleman who could adorn the Executive Council of His Excellency the Governor General or His Excellency the Governor of Bombay. No body could have dreamt ten years ago that it was in the fitness of things, and yet at the present moment we know that there are non-official gentlemen who are capable of occupying seats on the Executive Councils in all fitness of things.

It has been argued that generally a member who introduces a private bill has not the same knowledge or, at any rate, has not the means of obtaining the knowledge which a member of the Executive Council has. In the main, of course, the proposition may be true. A member of the Executive Council has greater administrative experience and has greater resources at his hand in the Secretariat to find out the information on a subject. But still it may happen that a private bill introduced by an additional member may be of such a character that with reference to the particular subject under discussion he may know something more about that subject than the member of the Executive Council. I should just illustrate this by an example. Supposing an additional member of this Council introduces a bill having reference to the sub-division of lands and studies for a long time the subject of legislation for preventing sub-division of lands in different coun ries in the world, Italy, Germany, Switzerland and so forth, then his knowledge will be greater than that possessed by the member in charge of the department, with all due deference to the administrative experience that he has. Well, take another illustration. The late Mr. GOKHALE when he introduced his bill about compulsory education had studied the subject very closely. I believe his knowledge of such legislation was greater than that of any other man. In such a case I do not see why it should not be in the fitness of things to have a member who has expert knowledge and who has studied that particular legislation for a long time as a chairman of the select committee.

With thess few words I support the amendment of the Honourable Mr. PATEL.

The Honourable Rao Bahadur GANESH KRISHNA SATHE:—May it please Your Excellency,—I stand before this Council with a certain amount of shakiness, because in the opening paragraph of the Honourable Mr. PATEL'S minute of dissent he has classed me as an official, and if I were to oppose his amendment he would say that there was no force in my opposition, because I am likely to cling to the principle of prestige as I am one of the officials. However, although I am classed as an official on a technical ground, I think he will do the favour of crediting me when I say that I have signed this report, because I believe in the reasonableness of the suggestions adopted.

In the first place, as regards the necessity of the member introducing the bill being on the select committee, I think the Honourable Sir MAHADEV CHAUBAL has made it quite clear that he is ready to accept it. If an amendment is required on that point, I ask Your Excellency's permission to move that amendment under rule 17 on page 198 of Council Manuals.

His Excellency the PRESIDENT:—Does the honourable member propose to move the amendment on the amendment of the Honourable Sir MAHADEV?

The Honourable Rao Bahadur SATHE:—Yes, Your Excellency. After the words "member of the Executive Council to whom is allotted the business of the department to which the matter referred to the select committee belongs" I would propose the addition of the following words:—

> "and if the member introducing the bill be other than the member of the Executive Council then such member also".

The Honourable Sir MAHADEV CHAUBAL:—May I tell the Honourable Rao Bahadur SATHE that there is no question about the admissibility of the amend-

ment that he proposes? I am adopting it. But the difficulty will be how to put it in, because if he will see the amendment of the select committee as it stands, he will find that it does not relate only to a bill, but to all matters that will be referred to a select committee. The only question is of fitting it in with the language.

His Excellency the President:—I am inclined to think with my honourable colleague that that is not a satisfactory way of dealing with it. The honourable member had better put in the amendment to-morrow. We are agreed as to the proposition that the member introducing a bill should be a member of the select committee.

The Honourable Mr. PATEL:—It is not correct. I consider it to be a humiliation to a non-official member who introduces a bill to be on the select committee and not to be the chairman of it.

The Honourable Rao Bahadur SATHE.—I expected that by proposing this amendment I would shorten discussion at least on one of the points and disarm the opposition of the Honourable Mr. PATEL. That does not, however, seem likely.

The other part of the amendment of my Honourable friend Mr. PATEL is that the executive member in charge of the department to which that matter refers ought not to be the chairman of that select committee, and he has quoted precedents of other provinces. In the first place, members of this Council will member that select committees can be appointed not only for the purpose of considering bills which will be introduced from time to time, but also for the consideration of *other matters* which will be brought before the Council.

The Honourable Mr. BELVI:—I rise to a point of order, Your Excellency. I think we are dealing with the rules relating to the conduct of Council business.

The Honourable Rao Bahadur SATHE:—I beg the honourable member's pardon. If he will kindly refer to rule 21 at page 198 he will find that under that rule select committees may be appointed by the Council for any purpose connected with its business, and the amendment is to this rule. If honourable members would be pleased to refer to the precedents cited of the other provinces, they will mark the distinction which has been observed in some places as regards the chairman of ordinary select committees, namely, select committees which decide matters other than bills and chairman of select committees which decide bills and matters of legislation. As rule 21, under which the select committees are constituted, gives power to select committees to discuss questions other than legislative questions, the present select committee thought it better to add a comprehensive rule and, in order that there should be no two presidents, one for the discussion of any bills and another for the discussion of matters other than bills, it was thought necessary to put in a clause which will cover both these matters.

Then an objection has been taken that if the member of the Executive Council is opposed to the bill, how do we expect him to guide the deliberations of the select committee? Then are we to suppose that he will not act really in a constitutional manner? Even if a member of the Executive Council holds certain views, after all, he is bound by the views of the majority of this Council; and if the majority of this Council holds a particular view, the executive member even if he holds a contrary view, has to abide by the decision of the majority and to control the deliberations of the meetings in quite an impartial manner. I think if we consider that because such a member has avowedly taken an attitude against the opinion of the majority he will stifle healthy discussion of matters coming before the select committee, we are doing the member of the Executive Council a great injustice. I think in the fitness of things there will be nothing wrong if we can get the assistance and co-operation of the member of the Executive

Council, who is well posted and who is better equipped in all matters coming for discussion before the Council.

Then another objection which was taken was one of the competency of the chairman to give a casting vote and carry his own point. It is no doubt an advantage, but what would be the effect of the casting vote? Would this Council not see that there has been a substantial minority against the view taken by the majority? And, after all, a report which has been passed only by the casting vote of the chairman will be taken in the spirit in which it was passed, and I do not think it will get the same support as a unanimous report of a select committee or a report of a substantial majority of the select committee will and does receive.

Then there is one more point and that is this. The Honourable Mr. PARANJPYE says that, as the question of principle is involved, he supports the Honourable Mr. PATEL, although he thinks that private bills are generally very rare and that, therefore, it may not matter much for the present. But here when the introducer of a bill places his case before the Council at the time of the first reading and if, by the amendment which I have proposed and which I hope will be accepted, he is going to be a member of the select committee, he will have every opportunity of placing before the select committee the *pros* and *cons* of the question. Of course, if, as I take it from my honourable friend Mr. PATEL, that under these circumstances he would decline to serve on the committee, then I must say that he is not fair to the Council.

The Honourable Mr. PATEL says that he would consider it a humiliation for a private member to serve on the select committee with the executive member as chairman. I personally do not consider that there is any humiliation in that but as it is more or less a matter of sentiment I believe I should better leave it there.

On all these grounds I oppose the amendment of my honourable friend Mr. PATEL.

The Honourable Mr. P. R. CADELL:—Your Excellency,—The Honourable Mr. BELVI has introduced the question of prestige. I do not think there is any question of prestige here, but there is a question of status, *i. e.*, of the confidence likely to be placed in a member of the Executive Council as compared with the ordinary additional member. If any ordinary member of the Legislative Council is allowed to preside at the proceedings of the select committee, he cannot be expected to do so with the same certainty of impartiality or of judgment. With all respect to the non-official members of this Legislative Council, most of them will themselves agree that a member who has reached the stage of being a member of the Executive Council will probably have more experience than the average non-official members of the Council. There is the great point of impartiality, which is apparently, the real basis of the opposition to the amendment. The Honourable Mr. PATEL and the Honourable Mr. PARANJPYE have taken up the ground, that if the member of the Executive Council who is the chairman of the select committee is opposed to the bill, he will be partial as regards it, or, will in some way or other, check its progress or hamper it. I believe most of the members of the Council will agree with the Honourable Mr. SATHE.

The Honourable Mr. PARANJPYE:—I did not say at all that he would be partial. What I said was that he will be unconsciously biassed.

The Honourable Mr. CADELL:—Even if the member had such a bias as the honourable member suggests, he might be expected to overcome it. But supposing a bias did exist, it could only perhaps be occasional whereas if the member who introduces the bill were invariably the chairman of the committee, he is bound to be partial on his own subject and it is absolutely impossible for him to be impartial. Personally, I think that if I had introduced a private bill I would be very anxious to see that it is passed through the committee and that no amendments were made in its principles. I should be very sorry indeed to be the

chairman of the committee; I should prefer to be a free member and to speak as much as I liked.

Your Excellency, we have got a very excellent precedent which I would submit to members of this Council and that is in the Bombay Municipal Corporation. Members may be aware that for the very numerous resolutions which are brought before the municipal corporation numerous committees are appointed. The number of the committees has now been greatly reduced, I think, largely owing to the efforts of the Honourable Mr. CHUNILAL MEHTA, but at one time there were no less than 60 committees. As a matter of course, the president of the corporation was the chairman of such committees. I do not remember that practice ever having been departed from except in the exceptional instance of the late Sir PHEROZESHAH MEHTA, and that only in the case of certain subjects, and the committees on which he had originally been chairman as president of the corporation; but that was a very exceptional case. In no other case is anyone but the president of the corporation appointed as chairman and no one who brings a motion for the appointment of a committee ever feels himself humiliated, as the Honourable Mr. Patel has suggested, because he is not made the chairman of that committee. For these reasons, I think that the majority of the Council would prefer to get impartiality of judgment by the appointment of a member of the position of a member of the Executive Council, who, in nine cases out of ten, cannot have any personal interest, one way or other in the bill during the course of the proceedings in committee.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH:—May it please Your Excellency,—I support the amendment moved by my Honourable friend Mr. PATEL The question would only arise after the Council has accepted the motion for the first reading. In the case of a Government bill a member of Government presides at the select committee as he is presumed to be the best informed on all questions bearing on it. I understand that in every case the person who should preside at the select committee on a bill should be the one who is best able to pilot it through the select committee. I also think that it is reasonable to assume that in most cases the person who ventures to bring a bill before the Council would be the person who has studied every aspect of the question and who is most competent to pilot it. That being the case, I submit that it would certainly be wrong to take a child out of the hands of its father and put it in the hands of a step-mother. (Laughter.) A question of this kind would only arise when there is opposition between the members of Government and the other members of the Council. When there is agreement a question of this kind is not likely to arise. When there is opposition from Government I submit that it would be very improper that the bill should be taken out of the hands of the person who has introduced it and put it in the hands of a step-mother. That being the case, I submit that the Honourable Mr. PATEL is right in asking that the person who introduces a bill should preside unless he himself is willing that some member of Government should. Then the propriety of this amendment is shown also by the fact that in other provinces there is a provision to this effect, and I understand also that that is the parliamentary practice in reference to private bills. That being the case, I submit that the amendment is a proper one and ought to be accepted.

His Excellency the PRESIDENT:—Before the Council adjourns, I should like to say a few words on the length of time that Government think it possible for this session to last. We have been considering the matter and I daresay that honourable members are well aware that my Government has got a good deal of rather important work coming along in the very near future, having regard to the fact that the Secretary of State is going to be here before very long. Therefore, we shall find it impossible to sit longer than half past two on Saturday. I regret that we cannot give more time, but I will endeavour to get through with as much

business as possible, beginning to-morrow at 11 o'clock, if the honourable members wish it, and I hope we shall be able to deal with most of the subjects on the agenda.

There is only one other matter which I shall refer to. That is the question of resolutions. Some honourable members seem to me to be extraordinarily diligent in the way in which they produce resolutions, and I want just to make this observation with regard to them. I think honourable members should always bear in mind that it is not the number of resolutions that they produce but the importance of the resolutions which they bring which is of value to the Council. If Government find that resolutions keep on being adjourned from session to session and their number is really more than we can manage, we shall have to seriously consider the introduction of a method that is adopted in the House of Commons, which at any rate was adopted in the House of Commons when I was there. The method was this, that in every session on a particular day in the week the members of the House of Commons used to put their resolutions in a ballot box; so many of the resolutions were drawn out two or three days afterwards and those resolutions were brought forward for discussion during one day a week of the session. I merely suggest this, I hope it will not have to be adopted, but something of this sort may prove to be necessary. I am bound to say that I think there are certain honourable members who seem to have monopolised the attention of the Council very largely since the session commenced. I do not think that is a very desirable thing; I want to give opportunities to all honourable members to express their views on all the various subjects that arise.

I have nothing more to say, except that we shall have to rise at half past two on Saturday and then we shall have no further session till about Christmas time. The Council will now adjourn till 11 o'clock to-morrow morning.

The Council then adjourned till 11 a. m. on Friday, the 12th October 1917.

By order of His Excellency the Right Honourable the Governor,

R. B. MILNE,
Secretary to the Legislative Council of
His Excellency the Governor of Bombay.

Journal of the Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915 (5 and 6 Geo. V, Ch. 61).

The Council re-assembled on Friday, the 12th October 1917, at 11 a.m., at the Council Hall, Poona.

PRESENT:

His Excellency the Right Honourable Lord WILLINGDON OF RATTON, G.C.I.E., Governor of Bombay, *President.*
The Honourable Sir MAHADEV BHASKAR CHAUBAL, K.C.I.E., C.S.I., *Vice-President.*
The Honourable Mr. G. CARMICHAEL, C.S.I., I. C. S.
The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.
The Honourable the ADVOCATE GENERAL (Mr. T. J. STRANGMAN).
The Honourable Mr. S. R. ARTHUR, I. C. S.
The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.
The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.
The Honourable Mr. P. R. CADELL, C.I.E., I. C. S.
The Honourable Mr. SHERRIFF DEVJI CANJI.
The Honourable Mr. JAMES GARGRAVE COVERNTON, C.I.E.
The Honourable Mr. PANDURANG ANANT DESAI, LL.B.
The Honourable Sardár SYED ALI EL EDROOS.
The Honourable Dr. C. FERNANDES, M.D.

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COUNCIL BUSINESS RULES.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD.
The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.
The Honourable Mr. MAHOMEDBHOY HAJEEBHOY.
The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Mr. EBRAHIM HAROON JAFFER.
The Honourable Colonel W. E. JENNINGS, M D., I. M. S.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwada.
The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
The Honourable Khán Bahádur PIR BAKSH walad MIAN MAHMUD.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Sardár SHRINIWAS COOPOOSWAMI MUDLIAR.
The Honourable Ráo Bahádur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. F. G. PRATT, I. C. S.
The Honourable Mr. MUNMOHUNDASS RAMJI.
The Honourable Mr. W. M. ROSS.
The Honourable Ráo Bahádur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. C. N. SEDDON, I. C. S.
The Honourable Mr. PHIROZE C. SETHNA.
The Honourable Ráo Bahádur TEKCHAND UDHAVDAS.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

His Excellency the PRESIDENT :—Order, order. Further discussion of the Honourable Mr. PATEL'S amendment to the amendments recommended by the select committee to the rules for the conduct of business at meetings of the Legislative Council.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI :—May it please your Excellency,—The point to be considered is a very simple one and I think there will be not much difference on this point. As a matter of fact, nine bills out of ten are introduced by Government and in all those cases the member in charge of the executive duties is generally the member who introduces that measure and as such he will be the chairman of the select committees on those bills. That being the case, in those cases there will be no question of his being the chairman, and it will be only in the very few cases in which bills may be brought forward by additional members that there will be occasion to consider as to who should be the chairman of the select committee. The member in charge of the executive department is usually allowed to introduce Government bills because he has special knowledge of the matter to which the bills refer and because he has the means of having available to him all the needful information at the disposal of the department concerned.

In the same way an additional member is allowed to introduce a private bill because he has specially studied the subject to which the Bill refers and has collected all the needful information bearing on the same.

In the case of a bill like the one introduced yesterday by the Honourable Mr. PATEL for amendment of the Medical Act, would it have been desirable to have that bill piloted through the Council by the executive member who opposed it or by any other than the member who introduced it ? It would not serve the object with which a bill is introduced to have all the facts in support of the bill placed before the Council or the select committee by anybody but the gentleman who

moves it and it is therefore necessary that he should be the chairman. It is to his interest to place all the facts before the Council and probably he would be better coached than any other member, ordinary or additional, and would be able to place fully and faithfully all the facts before the Council. That being the case, it is in the fitness of things that he should be allowed to be the chairman and that is very correctly the practice in the other provinces.

I do not know why our Presidency should make a distinction between an executive member and an additional member in this respect and not give the same rights and privileges to the latter that are conferred upon the former in those very rare cases where an additional member may happen to bring forward his own bill.

I understand that when a private bill was introduced by the Honourable Sir Ibrahim Rahimtulla in this Council with reference to the administration of Mahomedan religious endowments, it was he who presided at the select committee on that bill. If there is a precedent for us in our own Presidency and when that precedent is supported by the rules of the other Presidencies, which have been quoted by the Honourable Mr. PATEL in his minute of dissent, I do not think there need be any separate definition of member in charge as is now proposed. We do not object to the wording "the member of the Executive Council to whom is allotted the business of the department of Government to which the matter referred to the select committee belongs shall be a member of the select committee", but we object to his being in charge of a bill introduced by an adititional member so as to be entitled *ex-officio* to be the chairman of a select committee on that bill. As I have already said, in cases where bills are introduced by him he will of necessity be a member of the select committee on that bill and also the chairman; and it is only in the rare case where a bill is brought forward by an additional member that he, the member of the Executive Council, will come in as an ordinary member and not be the chairman, and in that case even if he comes in as only an ordinary member, I have no doubt that all the information available to him will be placed by him before the select committee, whether he may happen to support or oppose the Bill. Yesterday it was urged by the Honourable Mr. CADELL that an additional member, if he be the chairman, will bring in his own bias. I think we need have no fear on that ground on the part of an additional member any more than on the part of the executive member when either may happen to introduce a bill and be the chairman of the select committee on it. In both these cases I do not think there will be any bias. But the question is of the responsibility and the special interest which the member introducing a bill has in the bill and also the information which he has at his command with reference to its subject-matter. In fact the position of an additional member having to place his bill in charge of the ordinary member will be very difficult. All his information will have to be placed by him at the disposal of the ordinary member,—in fact he will have to be in the position of a secretary who furnishes all the information to the ordinary member in the case of Government bills. That is the position to which I do not think we should reduce an ordinary member if he has to introduce a bill, and it would be anomalous to place his bill in charge of the official member who may have to oppose it.

With these few remarks I beg to support the Honourable Mr. PATEL's amendment.

The Honourable Mr. PANDURANG ANANT DESAI:—Your Excellency,—I should like to make a few observations with respect to the amendment which is now under consideration.

Clause 2 which is to be added to rule 21 as it now stands makes no room for the additional member introducing the bill on the select committee. This defect was brought to the notice of the Honourable Sir MAHADEV CHAUBAL yesterday, and I think he had expressed at the same time that he had no intention of excluding

the additional member from the select committee. An amendment on that point is under consideration, I think, so that that question is disposed of.

Now the only question is with respect to the chairman of the select committee. With respect to the chairman of the select committee there was a division in the select committee itself and three official members were in favour of reserving that post for the member of the Executive Council and the two non-official members came to the opposite conclusion.

Now the Honourable Mr. PATEL in giving his reasons in his minute of dissent has called attention to the rules of five Legislative Councils of sister provinces, Burma, Madras, the Punjab, Bengal and Assam. In these five Legislative Councils the rules permit that the member who brings the bill before the Council is as a matter of fact to be the chairman of the select committee. No attempt has been made on behalf of Government to explain that the circumstances which obtain in these five sister provinces are different from the circumstances of this Presidency, and until any attempt is made to show that the circumstances there are quite different from the circumstances here, I think we should not depart from that principle which has been admitted not by one, two or three, but by five Legislative Councils. I therefore submit that having regard to the interests of everybody concerned, the chairman of the select committee should be the member who brings a bill before the Council. He may be a member of the Executive Council or he may be an additional member.

My Lord, we are now discussing this question on principle, and your Excellency might see that the only reason given for selecting a member of the Executive Council as a chairman of select committee is that the member of the Executive Council in charge of the Department concerned has either a greater knowledge or at any rate a greater means of knowledge of the matter under discussion than any other member who brings in the bill.

Now these remarks also apply to the members of the Executive Councils of the five Councils to which I have referred, and your Excellency will see that if in those cases, having got the same means of knowledge, having got the same status, the member of the Executive Council is not given any preference over the additional member, there is no reason why we should make an exception in this Council alone.

With these few remarks I think that the amendment proposed by my honourable friend Mr. PATEL should be accepted by the Council.

The Honourable Sir DINSHAW MANOCKJEE PETIT:—Your Excellency,—I rise to accord my support to the amendment proposed by my honourable friend Mr. Patel. Bearing in mind the remark made by your Excellency yesterday just before we dispersed, regarding the time at the disposal of the Council on account of the heavy work that is on the hands of Government entailed by the pending visit of the Secretary of State for India, I will try not to repeat the arguments that have been already put forward in favour of the amendment and be as brief as possible. The arguments put forward in favour of the amendment are so strong and convincing and those that have been adduced against the amendment appear to me to be so weak and feeble that I am surprised that there could be any opposition at all in conceding the very reasonable and modest demand that has been made by the Honourable Mr. PATEL on behalf of the additional members of this Council.

His Excellency the PRESIDENT:—I cannot admit that it is on behalf of additional members.

The Honourable Sir DINSHAW PETIT:—Will you kindly allow me to explain, your Excellency, what I mean?

COUNCIL BUSINESS RULES.

[12TH OCTOBER 1917.] [*The President; Sir Dinshaw Manockjee Petit; Mr. Phiroze C. Sethna.*]

His Excellency the PRESIDENT:—All that I mean to say is that the Honourable Mr. PATEL has, I hope, moved this amendment for the good of the Council as a whole.

The Honourable Sir DINSHAW PETIT:—I don't mean to say that he is speaking on behalf of the additional members, but the demand he is making is generally for the additional members. If the demand is granted it will be a concession in favour of the additional members.

In reply to the argument put forward by the Honourable Mr. PATEL, that if a bill is introduced by an additional member against the wishes of Government the member of the Executive Council would have a certain amount of bias against the bill and therefore he should not preside, the Honourable Mr. CADELL said that, on the other hand, if the member introducing the bill presides he would have a bias in favour of the bill. With regard to that, I submit, if a bill were introduced by Government and if the member in charge of the bill presides, I do not see why in that case there should be a member presiding who has a bias in favour of the bill whilst it is advanced that in the case of a bill introduced by an additional member the member who is supposed to have a bias in favour of the bill should not preside? The Honourable Mr. CADELL further quoted the instance of the Bombay corporation and said that in the meetings of the sub-committees of the corporation the president presided, and yet no member of the corporation thought it humiliating for him to sit on the committee. Well, sir, the case of the president of the corporation is different from the case of a member of the Executive Council presiding in select committee. If the president of this Council was presiding in the meetings of the select committee it would have been a different matter altogether, but instead of that another member of the Government presides. I must say, sir, that at a time when so much has been heard and is said with regard to the legitimate aspirations of the people of this country towards having a greater hand in the government of the country, it is a matter of disappointment to me that there should be any opposition to the modest demand that has been made by the Honourable Mr. PATEL, and I may be further allowed to say that any expression of sympathy towards the aspirations of the people are of no avail unless they are backed up by Government by a reasonable attitude in matters such as the one before the Council. With these remarks, sir, I beg to support the amendment of the Honourable Mr. PATEL.

The Honourable Mr. PHIROZE C. SETHNA:—The previous speaker observed that he considers the remarks of the Honourable Mr. PATEL and his supporters very convincing and that the recommendations in the majority report of the Select Committee are weak and feeble. I for one cannot agree with him. I think the reasons advanced are sufficiently convincing. Yesterday, my honourable friend Mr BELVI urged that great importance is given to the question of prestige. Perhaps he relies on a remark in the dissenting minute of the Honourable Mr. PATEL which says:—"One wonders how long it is proposed to maintain the official element in our constitution on a tottering pinnacle of 'prestige'". The Honourable Mr. BELVI said that we are now living in an age of democracy and that all must be treated on a footing of equality. We certainly subscribe to this, but I hope that the Honourable Mr. BELVI will admit that even among the most democratic nations in bodies such as ours there may be members possessing superior knowledge and consequently have to be looked up to by the others. I ask the Honourable Mr. BELVI and those who share his views if the members of the Executive Council are not better circumstanced than the majority of the additional members even if we have amongst us some with the untiring energy displayed by the Honourable Mr. PATEL. Now, sir, members of the Executive Council may be officials or non-officials. Officials work their way up after serving in various Government departments and consequently have a better grip of the questions that come up before this Council. If a member of the Executive Council is a non-official he has ample opportunities

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to specialise in the departments entrusted to him through the machinery of Government, and I am sure the Honourable Mr. PATEL himself will be ready to admit that a member of the Executive Council has means at his disposal of obtaining information first-hand and in such quick time as cannot possibly be expected by additional members no matter however assiduous they might be. This is exactly what the majority in the report refer to, namely, that a member of the Executive Council has either greater knowledge or at any rate greater means of obtaining knowledge on matters under discussion than an additional member introducing a bill. That, sir, seems to me a special reason for allowing the member in charge of the department concerned to be chairman of the select committee to which a bill brought forward by himself or by a private member is referred.

Now, the Honourable Mr. CADELL referred to the procedure adopted in the Bombay Municipality in answer to the Honourable Mr. BELVI. In addition to what fell from the Honourable Mr. CADELL I would like to add that whilst members of this Council may be additional or executive, official or non-official, they are all on a footing of equality and the president is only *primus inter pares*. Yet the president is almost invariably chosen to preside over all committees. At the present moment there are 32 committees and the president is the chairman of every one of them. But what I want to make out in addition to the Honourable Mr. CADELL'S remarks is that whilst this Council has a right to expect special knowledge from an Executive Member of Council, the president of the corporation is only a voluntary worker in the same manner as his 71 colleagues and consequently it would not be necessary for him to be the chairman of committees and yet the corporation think it prudent to appoint him as such. This, I say, sir, is an additional reason why a member of the Executive Council in charge of the department to which a particular bill may refer to is better suited to be in the chair of the select committee to which the bill is referred. Whenever in difficulty it is best to follow the practice prevalent in the mother of Parliaments. I am not familiar with the rules for the conduct of business in the House of Commons, but I understand they make up a panel and every committee is presided over in turn by members of the House who form this panel. This much is certain that a private member introducing a bill does not preside over the committee to which such private bill is referred. For these considerations, I hope, sir, that the Council will agree with the views expressed by the majority of the select committee who have signed the report.

The Honourable Mr. HARCHANDRAI VISHINDAS:—Your Excellency,—I had no intention of speaking, but the remarks that have fallen from my honourable friend Mr. SETHNA have provoked me to say this much, that, to begin with, so far as my own information is concerned, I think the Honourable Mr. SETHNA is not correct in describing the procedure that exists in the House of Commons. But, of course, I am speaking open to correction by your Excellency, because your Excellency must be aware of the procedure there. But my own information on this subject, gathered in connection with a discussion that arose relating to this very question, was that the procedure that the Honourable Mr. PATEL is seeking to introduce into this Council is precisely the one which exists already in the House of Commons.

His Excellency the PRESIDENT:—The honourable member is wrong.

The Honourable Mr. HARCHANDRAI VISHINDAS:—Well, if I am wrong there, I leave the question alone, but I should still like more light on the point as to who is a chairman of a select committee appointed in the House of Commons. Does he occupy precisely the same position that is occupied by the member in charge of the bill as is sought to be suggested by the Honourable Sir MAHADEV CHAUBAL, or is a different party altogether appointed a chairman? Well, so far as the amendment of the Honourable Mr. PATEL is concerned, I am entirely in its favour for the considerations which have arisen in the course of the debate that has fallen upon this amendment in this Council.

Now various side-issues have been raised which to my mind do not really touch the question and ought not to carry any weight with the honourable members of this Council. There was the question of dignity, of prestige, of sentiment. All these, I think, ought to be brushed aside. All these questions do come in occasionally, but I think they are rather inappropriate or irrelevant to the present consideration. We should look at the question from a practical point of view. It is true that the member of the Executive Council who is in charge of a particular department to which a particular bill relates, on which a select committee has been appointed, is possessed with a degree of knowledge which may not be possessed by other members But at the same time the reply to that kind of argument has already been furnished by the Honourable Mr. PATEL in his dissenting minute on the report of the select committee, and that is that you can very easily remedy that by having the member in charge of the department as a member of the select committe itself, so that all the information that he would be able to furnish as chairman he could also furnish as an ordinary member.

But I approach the question from a practical standpoint and from the standpoint of principle. I think that the reason why a member of Government who introduces a bill is by virtue of such introduction the chairman of the select committee on that particular bill, or ex officio chairman, is precisely the reason why an introducer of a bill, even if he is a private member, ought to be the chairman. I think the principle is precisely the same; that is to say, the gentleman who has taken the trouble of going into the history of the thing and the whole question to such an extent as to mature it in the shape of a legislative enactment is the person who is entitled to preside at the deliberations of the select committee. Now this principle is not without precedent. The rules of a number of Legislative Councils in this country have been quoted by the Honourable Mr. PATEL to show that this principle is observed in those Legislative Councils, the Punjab, Bengal, Madras, Assam, and so on.

I attach very little importance to the argument that has been adduced on the ground of bias. The Honourable Mr. PATEL said that, if the member of the Executive Council in charge of the portfolio is against the bill that is introduced by a private member, he would carry his opposition in the select committee to such an extent that it would be undesirable that he should continue as a member. I do not recognise that as a very sound argument. That was replied to by the Honourable Mr. CADELL yesterday when he said that for the same reason a private member in charge of a bill would be so much in favour of the passage of the bill that it would not be desirable in the interests of impartiality to continue him as a member. But the reply to the Honouruble Mr. CADELL has been furnished by the Honourable Sir DINSHAW PETIT very rightly in saying that, if that principle were to be taken into consideration, then no member of Government who has introduced a particular bill would be competent to sit as chairman of the select committee. So I say these arguments are entirely wide of the mark. That a particular member has a particular bias is no ground for excluding him. On the contrary, I have noticed it frequently that the stronger a particular member is feeling for or against a particular measure, that is always considered a greater reason for appointing him. I have got one very typical instance in mind. LORD DUFFERIN introduced in his Viceregal Council a bill for limiting permanent tenancy that existed before. Mr. KRISTO DAS PAL who represented the zamindars and who was one of the Hindu patriots of the time, was strongly against that measure. But precisely because he was very strongly against that measure and he had advocated the opposite view, LORD DUFFERIN appointed him on the Council and also on the select committee. Here also I have observed times out of number that if a private member feels very strongly on a particular bill and expresses himself at great length in the matter and shows that he has taken a great interest in it, although he may be opposed to the view of the Government or opposed to the view of the particular member of the Executive Council, it is thought fit to appoint him on the select committee, because then it is considered that the question will be thoroughly

threshed out and both views, for and against, would be before the select committee in their entirety.

Therefore, I discount the view on the ground of bias that has been urged by so many protagonists in this controversy. But I say that the principle of having the mover of a bill as the chairman of the select committee is a principle which has been once adopted in other Councils, and I think that that is a very sound principle. It is common sense to back it up, and on that principle and irrespective of the considerations of dignity, prestige, position and all that, a member who has introduced the bill, who has taken the trouble and devoted himself to the study that is necessary for bringing a legislative enactment before the Council is the most competent man to be the chairman of the select committee. Therefore, I support the Honourable Mr. PATEL'S amendment.

The Honourable the Advocate-General (Mr. T. J. STRANGMAN):—Your Excellency,— The substantial question which is sought to be raised by the Honourable Mr. PATEL'S amendment is as to whether the chairman of the select committee appointed to consider an additional member's bill should be the introducer of the bill or the member of Government in charge of the department concerned. I say sought to be raised, for I am by no means sure that the question is really raised. The expression "member in charge of a bill" is an ambiguous expression and it is not rendered any clearer by defining the expression "member." And I am by no means sure that if the Honourable Mr. PATEL'S amendment were accepted and came to be construed the meaning which the Honourable Mr. PATEL assigns to that expression would, in reality, be assigned to it. But I will deal with the question on the assumption that the Honourable Mr. PATEL'S amendment carries out his intention.

In the first place, I think all of us are agreed that two particular members should invariably be members of the select committee that we are now considering. One is the introducer of the bill and the other the member of Government in charge of the department concerned. That the introducer of the bill should be a member is, I think, obvious, for it would be in the highest degree unfair that his measure should be cut about in his absence. It is perfectly true, as pointed out by the Honourable Mr. PATEL, that the proposals of the majority of the select committee do not make that clear and the reason is this. All of us, including the Honourable Mr. PATEL himself, took it for granted that the introducer of the bill would be there without providing expressly that he should be there. I admit that we made a mistake, but the Honourable Mr. PATEL is as much responsible for it as any of us. That, however, is a matter of purely academic interest, because Government have agreed to an amendment which will provide that the introducer of a bill shall invariably be a member of the select committee.

Now, sir, I come to consider the position of the member of Government in charge of the department concerned. Let us take it, first of all, from the point of view of the introducer of the bill. I say that so far as he is concerned he will naturally be desirous of having at his disposal the knowledge which Government either have or can obtain in connection with the subjects which will come under discussion. In the second place, he will naturally be desirous of knowing the views of Government on the various points which will arise. So that from his point of view it is most desirable, if not essential, that the executive member of Government should be there.

Let us now take it from the point of view of Government. Now Government,—and this is a point which seems to have been missed by most of those who spoke in favour of the Honourable Mr. PATEL'S proposals,—are directly responsible for the good governance of this Presidency. They are also directly responsible for carrying into effect any measure which may be passed into law, and I say, for that reason, it is essential that Government should keep in touch, and in the most intimate touch, with all legislative projects. For that reason, therefore, it is essential that the executive member of Government in charge of the department concerned should be upon the committee.

We have then got thus far, that both these two individuals should be on the committee, and the only question is which of them should be the chairman. Now the arguments in favour of the report of the majority of the select committee are short and simple. The executive member of Government occupi s an entirely different position to all the rest of us who are merely additional members. He, it is, as I have pointed out, who is directly responsible for the good governance of the Presidency, he it is who is directly responsible for carrying into effect any measure which we as a Legislative Council may pass into law; the rest of us on the other hand have no such responsibilities: and I say, without fear of contradiction, that it is by reason of these circumstances that from the very inception of Legislative Councils in India the executive members of Government have invariably been *ex officio* members of those Councils. I say further that precisely the same reasons which make it necessary that the members of Government should be *ex officio* members of this Council also render it necessary that the executive member of Government in charge of the department concerned should be the chairman of the select committee to which the bill under consideration is referred.

The Honourable Mr. PATEL appears to me to have entirely missed the point in his dissenting minute which is recorded on page 843 of the *Bombay Government Gazette*. What he seeks to show is that there is an attempt on the part of the majority of the select committee which considered there rules to draw an invidious distinction between officials and the non-officials.

The Honourable Mr. PATEL—I have never suggested any such attempt.

The Honourable the Advocate-General:—Let me read the honourable member's very words. He says:—

"It was further contended that the position of a member of the Executive Council ought to entitle him to become the chairman of the committee of which he is a member. I wish this argument had not been advanced.

One wonders how long it is proposed to maintain the official element in our constitution on a tottering pinnacle of 'prestige'".

I say, without fear of contradiction, that the meaning I have assigned is the meaning which any ordinary common sense individual would assign to those words, and I say further that the comment contained in them entirely misses the point. We are not considering here any differentiation between officials and the non-officials. But we are drawing a distinction between the man who is an executive member of Government and the man who is not a member of the executive Government, *i.e.*, between the man who is directly responsible for the good governance of this Presidency and carrying its laws into effect and the man who has no such responsibility. And let me put this to many speakers, and in particular to the Honourable Sir DINSHAW PETIT. Supposing that instead of being nominated by the Government, the executive members of the Council were elected direct by the people, the same distinction which is drawn here would still be drawn. That, I think, is a conclusive answer to all of those who have followed this particular line of argument.

Now, sir, I come to a point made by the Honourable Mr. BELVI. I must express surprise, in the first instance, that the Honourable Mr. BELVI who, I know, is a distinguished lawyer, should have raised such a point. The point was this: that behind the proposals of the majority of the select committee there was a sinister object, that sinister object being to give the Government an undue advantage in the shape of the casting vote. Now, one answer to this has been given by the Honourable Rao Bahadur SATHE, and it is this. Assume the most favourable case in support of the Honourable Mr. BELVI's argument, *viz.*, that in the select committee there was an equal division, say, three on one side and three on the other. The chairman would give a casting vote, and then you would have three on one side and four on the other. The select committee would make a report, the chairman's side forming the nominal majority. The other three

would, however, record dissenting minutes, with the result that every member of this Council could see that, in reality, there was an equal division and that there was no majority at all. That is the first answer.

There is, however, another answer, and a more conclusive answer, and it is this, that each member, including the chairman, in the absence of express provision to the contrary, is entitled to one vote and one vote only. That is a matter of law and I must express some surprise that it appears to be unknown to many of the legal gentlemen who have spoken. Now, here there is no express provision to the contrary, with the result that the chairman has no casting vote. Consequently, the very foundation of the Honourable Mr. BELVI'S suspicions disappears.

This leads me to deal with an instance which was quoted by my honourable friend Mr. PARANJPYE yesterday.

The instance to which he referred was this. A tie in your Excellency's Council took place, if my recollection is right, in March 1915, and on that occasion, as the Honourable Mr. PARANJPYE said, the legal pundits were consulted at the conclusion of the day's proceedings and on the following morning your Excellency held that you had a casting vote and proceeded to give it. Now the Honourable Mr. PARANJPYE is perfectly correct in his facts so far as they go. I know it because I was one of the legal pundits. But Mr. PARANJPYE did not state the whole of the facts: he omitted the most important one, and that was the reason which your Excellency gave which is contained in section 34 of the Government of India Acts 24 and 25 Vic., Chap. 62, which then applied. You won't find it in the book before us now because it has been repealed.

The Honourable Mr. HARCHANDRAI:—There is a corresponding section in the present act.

The Honourable the ADVOCATE-GENERAL:—I am coming to that.

The section I was referring to runs as follows:—"And in any case of difference of opinion at meetings of any such Council for making laws and regulations where there shall be an equality of votes, the Governor, or in his absence the senior member then presiding, shall have two votes or the casting vote." There you see there is an express provision to the effect that the Governor shall in case of a tie have two votes and not merely one. You will find a similar provision in section 75 (4) of the present act which you will find at page 38 of the green book: "If any difference of opinion arises on any question brought before a meeting of the Council the person presiding shall have a second or casting vote." And I say it was by reason of the express provision in the act that your Excellency held that you had a casting vote and gave it accordingly.

The Honourable Mr. PARANJPYE:—What will happen if there is an equal division in the select committee?

The Honourable the ADVOCATE-GENERAL:—If there was an equal division in the select committee there could be no majority report. That would be the result. The matter was considered before the select committee and no provision was thought necessary to be introduced into the rules to provide that the chairman should in such an event have a casting vote.

The Honourable Mr. PATEL:—Have not instances occurred in which the chairman has given a casting vote?

The Honourable the ADVOCATE-GENERAL:—I know of none, and if he gave it, he gave it wrongly. I have not looked into the financial rules, but certainly, so far as the rules we are now considering are concerned, there is no provision for an equal division in select committee. And as a matter of law, unless you get a provision that a person shall have more than one vote he has one vote and only one vote. That is the legal position.

Then, sir, I come to deal with another point made by the Honourable Mr. PATEL and it is a point in which he has been supported by a number of speakers. Let me read his own words. You will find them at page 843 of the *Bombay Government Gazette*:—"There is again a very serious objection to the proposal of the majority of the committee. Suppose, for instance, that an additional member's bill is very vehemently opposed and severely criticised by the member of the Executive Council at its first reading. The Council, however, passes the first reading and refers it to select committee. Is it fair under those circumstances that the member who holds and has expressed very strong views against a measure should be the chairman of the committee appointed to consider it?" Now there are two questions I should like to ask in this connection. First of all what reason is there to assume that the member of Government, even if he be opposed to the measure, will act unfairly. That is the first question. And the second question I ask is this: Let us assume that the member of Government is so biassed that he can only see the matter from his own point of view, in what manner can he as chairman of the select committee act to the detriment of the introducer of the bill? Now, no answer has been given or attempted to be given to the first question, and with regard to the second question, the only answer that has been given is that suggested by the Honourable Mr. BELVI, that the chairman has a casting vote, and that, as I have shown, is without foundation.

Now what is the logical result of giving effect to apprehensions of this kind. The logical result is this, that we shall have to amend our rules for the conduct of business in this Council to provide that when any member moves a resolution or a bill he must go in the first instance to the President and inquire of the President what views he holds on the subject, and if he finds that the President is against him, then there must be further provision that the President shall vacate his seat so long as the motion is being entertained and the mover shall be put in his place. That, I say, will be the logical result of giving effect to this suggestion. The real answer to the suggestion was that given by the Honourable Mr. CADELL yesterday, and shortly stated, it is this: If distrust is to find a place at our deliberations whether here in full Council or in select committee, then it were better to shut up this Legislative Council and put an end to it. Business cannot go on if that is the spirit in which matters are to be conducted. Those remarks, I submit, sufficiently dispose of the paragraph in the Honourable Mr. PATEL'S minute of dissent which I read a few minutes ago.

I now come to the last point, and that appears at page 844 of the *Bombay Government Gazette* where reference is made to the rules of a number of other Provincial Legislative Councils. The best answer to this is that given by the Honourable Mr. CURTIS yesterday. It is for Bombay to lead and not to follow. That is the first answer. We are not concerned with what others do. Let us do what we think best. But there are other answers. Now you notice when you read these rules that the expression member in charge of a bill or in charge of the bill is not defined and I think I am correct in saying (the Honourable Sir MAHADEV CHAUBAL will correct me if I am wrong) that correspondence took place between the secretary of this Council and the secretaries of the other Councils to ascertain their views on the subject, and apparently from the replies that were received, when the rules were drafted, curiously enough, it was never contemplated that anyone would introduce a bill except a member of Government, and consequently the rules were framed upon that basis; and it might very well be, if the expression came to be construed, it would be construed as meaning the executive member of Government in charge of the department concerned.

But I say, supposing we are going to act on precedent, then why not go to the highest precedent, the Government of India rules? There you will find from the context of the rules that the expression "member in charge" no doubt has the same meaning as the Honourable Mr. PATEL here assigns to it. But you will

find that the provision there is that the law member is to be a member of every select committee and that he is to preside at every meeting of the select committee, and it is only in his absence that the member in charge of the bill, that is to say, having regard to context, the introducer of the bill, is to preside. So, I say, if we want a precedent let us go to the highest, and if we go to the highest we find that it is a member of the Government who has to preside. Those remarks I think deal with all the arguments which have been made during the course of this debate, and for the reasons that I have given I propose to vote in favour of the proposals of the select committee and against the amendment of the Honourable Mr. PATEL.

The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA:—Your Excellency,—My reason for taking part in this debate is because the instance of the Bombay corporation and the practice which there obtains has been somewhat freely quoted. I do not think that the analogy of the Bombay corporation is on all fours with the analogy of the Legislative Council. It has been said that in the Bombay corporation the president always presides at meetings of the committees. That is so, but then the president never takes part in the actual discussion of any questions that are brought forward before the corporation. A case has occurred—I do not know whether there have been any more, one case has certainly occurred—where the corporation by a resolution has decided that a particular member shall be chairman of the committee and not the president. I will now show that there is a distinction between the president of the corporation and the chairman of the standing committee. The chairman of that committee takes part in the discussion of the questions that come before it, but nevertheless, the chairman is always the chairman of the sub-committees that may be appointed by the standing committee. But the greatest difference between this Council and the Bombay municipal corporation is this: that in the corporation every member, every one of the 72 members have for some time or another, at any rate, a chance of becoming the president and also chairman of the committees. Here, however, it is altogether denied to an additional member or any member to ever become the chairman of any committees, and the strongest reason which appeals to us in the arguments of the Honourable Mr. PATEL is that he is fighting now for a status of equality between all the members of this Council as a legislative body, except, of course the president.

His Excellency the PRESIDENT:—Please don't exclude the president.

The Honourable Mr. CHUNILAL MEHTA:—Your Excellency, the President is already provided for under our present rules. Equality in the legislative body is the strongest ground on which the Honourable Mr. PATEL has placed his case, and I do not propose to go into the various other arguments because I fully see that much can be said on both sides why the introducer of the bill should or should not be the chairman of the select committee. I would, therefore, sir, with your permission, suggest an amendment to this effect. Taking the rule as drafted by the select committee, I would propose the deletion of all the words after the first sentence. The rule would then run as follows:—

"The member of the Executive Council, to whom is allotted the business of the Department of Government to which the matter referred to the select committee belongs, shall invariably be a member of the select committee."

What would be the effect if this suggestion were accepted? The effect would be that it would entirely be left to the select committee to elect its own chairman, and I have sufficient confidence in the good sense of the members of this Council, and of any member who is appointed to the select committee, that they would elect the best amongst them to be chairman of the select committee.

Take, on the other hand, the effect of what might happen if the Honourable Mr. PATEL'S amendment were carried. It may be that a member of the Executive Council may refuse to serve on the committee. There is no provision

to compel such an executive member to serve, and in that case we will lose his valuable knowledge and assistance. Another effect might be this: that a bill might be introduced by an official member, and if the rule is that if such an official member shall always be chairman of the select committee, then again difficulties would arise on account of the status of an official member who has not reached the position of an Executive Council member. I therefore think that such being the conditions, the Bombay Legislative Council at any rate should work in a spirit of tolerance and harmony as they have done in the past, and I think those difficulties will be overcome if we leave the select committee to exercise its discretion and elect its own chairman. With these words I beg to move my amendment.

His Excellency the PRESIDENT:—The honourable member wishes to amend the amended rules of the select committee. I am afraid I cannot admit that until we have disposed of the amendment of the Honourable Mr. PATEL.

The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA:—Your Excellency,—I do not wish to be very long on this, for my honourable friend Mr. STRANGMAN has very rightly and effectively put forward his arguments. I have only a word in reply to my honourable friend Mr. CHUNILAL MEHTA. He said that the president of the corporation never takes any part in the debate of the corporation. He is right so far, because that is the rule which the corporation has adopted. He has mentioned the name of the standing committee, and in the standing committee the chairman by virtue of his office is not debarred from taking part in the deliberations of that body. He is right there also, but I must correct him when he says that the chairman, *i.e.*, president, never takes part in the committees of the corporation. There I think he is wrong.

The Honourable Mr. CHUNILAL MEHTA:—I never said anything of that sort. I said the chairman of the standing committee does take part.

The Honourable Mr. BARODAWALLA:—He is there not only as a chairman of the committee but is an ordinary member of the committee and he goes a step further. He opens the debate and he has the right not only of one vote but he has a casting vote too. And your Excellency, my friend the Honourable Mr. CADELL has very rightly pointed out that these exceptions have been made in the case of certain persons like the late Sir Pherozeshah Mehta who have been the presidents of the corporation for the period of the presidentship and then if another president is appointed and if the work was thought to be of an urgent character, it is by the wishes of the members of the committee that such distinction is given to the *ex*-president or to any individual member of the committee. And I think it is but right that the Executive Member in charge of the portfolio, *i. e.*, the department concerned ought to be the chairman of the select committees of the Legislative Council. I am not in the secret of Government, but there are certain matters which ought to be treated confidentially in the interest of the public by the members of the Executive Council and I therefore think honourable members will agree with me that confidential matters ought to be treated as such and the chairman of the select committee should be the executive member of the department concerned.

The Honourable Sir MAHADEV BHASKAR CHAUBAL:—Your Excellency,—I think the amendment which has been proposed has been so fully discussed that I need not take up the time of this Council at any length. There are, however, only one or two points that occur to me which I propose to mention with reference to the speeches that have been made in support of the amendment and against it. One thing which I fail to understand is what is meant when it is said that the chairman of a select committee has a casting vote. When a select committee is appointed and a bill is referred to it its function is to submit a report to the Council. That is the only object and the only purpose for which a select committee is appointed. The chairman there is I think merely for keeping order and for the regular conduct of proceedings: but I do not think he

has ever to decide a point by a casting vote. I am quite open to enlightenment—but supposing there are six members on the select committee, the chairman is one of them, and there is a division of three and three in the report which is going to be submitted, is the chairman on account of his having a casting vote supposed to sign his name twice to the report to make it a report of the majority. In the case I have supposed there will only be two reports—and there can be no majority report. When they come before the Council, it will only see that the committee was equally divided, and individual members can decide for themselves which of the conflicting views recommends itself to them.

Frankly I am not able to understand the Punjab rule which speaks of a casting vote, and I am not inclined to go to the Punjab for light and leading. I have not known an instance in which the chairman of a select committee to which a bill has been referred has given a casting vote and thereby manipulated a report as a majority report. The Honourable MR. PATEL is very astute, and I can see from his interruption in the Honourable the Advocate-General's speech that he has an instance perhaps to quote on the other side. But he is probably thinking of the finance committee's meetings, at one of which I have heard him complain of some point being carried by the chairman's casting vote. But, he will see, there is a distinct provision, to that effect in the rules relating to the financial statement. I refer him to page 206 of the green book where section 4 says: "The Finance Member shall be the chairman of the committee, and in the case of an equality of votes on any matter shall have a second or casting vote." There however one can understand the meaning of the provision. In the Finance Committee you have got to decide whether a certain figure shall be allotted to a certain item of expenditure or not, and there the casting vote may have its importance. Further, assuming that the chairman has given a casting vote—how is it going to affect the weight of the report which will be submitted to this Council? That is one point.

The other point which I wish to refer to in connection with the amendment proposed is that the scope of the amendment in the shape proposed by the select committee extends to all matters, whether bills or others which can be referred to committees under rule 21.

The Honourable Mr. PATEL:—Was that referred to the select committee?

The Honourable Sir MAHADEV CHAUBAL:—I beg the honourable member's pardon. His amendment was an amendment to rule 21 of the rules for the conduct of legislative business, and that rule 21 to which he proposes to put this as an addition contemplates not only references to the select committee in the matter of bills, but with respect to "other matters". That is the reason why you find the difference in language in the amendment proposed by the select committee. The amendment which they recommend reads as follows:—

"The member of the Executive Council, to whom is allotted the business of the department of Government to which the matter referred to the select committee belongs, shall invariably be a member of the select committee. Such member, etc....."

The word "matter" was taken expressly with reference to the language of rule 21 and that of rule 27. I mentioned yesterday that the report of the select committee may be on a matter other than a bill. These are the only rules relating to the appointment of select committees and the amendment as proposed by the select committee is an exhaustive one: while my honourable friend's amendment is limited to the case only of a bill. I am only pointing to an omission, that Mr. PATEL'S amendment even if it is accepted by the Council will not cover the full scope of rule 21 as it exists at present.

There is only one other point to which perhaps a reference with Your Excellency's permission may not be inappropriate. The Honourable Mr. PATEL

with his strong democratic leanings resents the bureaucratic "pinnacle of official prestige, albeit tottering", but I wonder if he realised the humour of his reply to His Excellency yesterday, that he considered it to be derogatory to the dignity of an introducer of the bill to sit in a select committee unless he was the chairman. That shows that even the Honourable Mr. PATEL is not above a certain kind of prestige: but if the introduction of a measure for consideration by this assembly is to give the mover of that measure the prestige of presiding as chairman, it may be pardonable in others to hold that a member of the Executive Government, who is responsible for good government, and has ultimately to bear the responsibility of carrying out any measure has and ought to have some prestige. My friend the Honourable the Advocate-General has clearly explained that no such distinction between official and non-official was contemplated by the majority of the select committee. They did contemplate responsibility for government or administration, and my honourable friend may note that this responsibility must attach to an office whether the officer is nominated as at present or elected as he wishes in the halcyon days of democracy.

Then after all, although there is no rule, have we not unconsciously in practice been following the rule as proposed by the select committee?

It is all very well to say that the Executive Member of Government has nothing to do with a private member's bill: but I should like to ask my honourable friends in this Council, in what capacity did my honourable colleague Mr. CURTIS, reply yesterday at the close of the discussion on the Honourable Mr. PATEL'S Medical Bill. What did you all take him to reply to and in what capacity? Was it not as a member in charge of the portfolio to which the subject of the bill belonged? Surely the Honourable Mr. PATEL could not have thought otherwise, when he called for a ruling from the PRESIDENT as to whether two members of Government were entitled to reply. I think you will all agree that when on the whole bill my honourable colleague Mr. CURTIS to whose portfolio the subject discussed yesterday related, replied, we were all unconsciously assuming that he was doing so as the member in charge. Therefore, we have been, notwithstanding that there is no definition of the expression "member in charge" acting upon the supposition that the member in charge is the member of the Executive Government to whose portfolio the subject belongs.

As regards past practice, the Honourable Mr. UPASANI mentioned the Honourable Sir IBRAHIM RAHIMTOOLA'S bill as an instance in which the introducer of the bill worked as the chairman of the select committee. I do not think it is quite accurate to say that. It was the first private bill to be introduced in this Council, and there was some irregularity about the whole procedure of that bill. The first irregularity was that there was no regular leave to introduce asked for. Sir IBRAHIM conceived and drafted his bill and sent it to the Secretary who in accordance with the practice about Government bills sent it straight for publication in the *Gazette*. So that strictly the bill was introduced by publication before Sir IBRAHIM made his first speech in Council asking for leave to introduce. But it is not correct to say that he worked as the chairman of the select committee. I was in Council for some months in 1912 after the introduction of the bill. So far as I remember there was no regular meeting of the select committee but Sir IBRAHIM frequently came to consult me in connection with the drafting and other points relating to the bill—because I was at that time the member in charge. I do not know what or how it happened but I believe that in the Secretariat proceedings and in the legislative programmes issued every month, the Honourable Sir RICHARD LAMB was put down as the member in charge of the bill. As I have said when that happened and how it happened I am not in a position to state. But it is not correct to cite that as a precedent in support of any practice that the introducer of the bill is necessarily the chairman of the select committee.

COUNCIL BUSINESS RULES.

[*Mr. Dattatraya Venkatesh Belvi; Mr. Lalubhai Samaldas; Sir Mahadev Bhaskar Chaubal; Mr. Vithalbhai Jhaverbhai Patel.*] [12TH OCTOBER 1917.]

The Honourable Mr. BELVI:—May I ask the Honourable Sir MAHADEV whether it was not because the Honourable Sir IBRAHIM was transferred to the Imperial Legislative Council that another gentleman had to be appointed in his place?

The Honourable Mr. LALUBHAI SAMALDAS:—It is not true; the Honourable Sir IBRAHIM himself moved as follows:—

> "On the present occasion I have heard from the Legal Remembrancer 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 name of the Honourable Sir RICHARD LAMB as chairman and the Honourable Mr. KARANDIKAR be added and the committee be requested to report by the 13th of June."

The Honourable Sir MAHADEV CHAUBAL:—I am much obliged to the Honourable Mr. LALUBHAI SAMALDAS for enlightening me on the point. That makes it quite clear that if it is any precedent at all, it is one the other way and not as erroneously believed by my Honourable friend Mr. UPASANI.

Further it may be doubted how far the person who introduces the bill can strictly be said to be the member *in charge* of the bill. No doubt he is the mover and introducer of the bill, but the introducer of the bill may not necessarily be the person who can be said to be the member in charge of the bill, before he has been formally put in charge of it.

As regards the Honourable Sir DINSHAW'S speech, I can only say that he struck quite a novel note when he said that the question before the Council was a question of any privilege or right which was going to be conferred on additional members of the Council. I do not look upon the subject in that light at all: and I say further that it ought not to be discussed in that spirit. There is no question of anybody's right or privilege involved here. What we have got to do here is to consider what would be the best procedure to follow when we are considering the responsible question of putting a measure on our statute book. The sole question is in what way the select committee would be serving the interests of this Council and of legislation in the best way, whether they would be best served by leaving the conduct of the proceedings before the select committee to the member who introduces a bill or whether they will be better served by leaving the conduct in the hands of a member of the Executive Council. That is the sole question. I hope no honourable member will harbour any suspicions that Government have any motive in this proposal of denying to additional members any privilege or right.

With these remarks I submit that the amendments proposed by the Honourable Mr. PATEL should not be accepted by this Council.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I was asked by my honourable friend Sir MAHADEV CHAUBAL to tell him in what capacity my honourable friend Mr. CURTIS addressed the Council yesterday, in what capacity he was replying. I say the Honourable Mr. CURTIS was addressing this Council in his capacity as a member of the Legislative Council, and not as a member in charge of the bill. I was the member in charge of the bill. That is the position which I take up and I submit most respectfully that, so far as legislative functions are concerned, every member of this Council ought to be treated alike. When the Legislative Councils were first constituted under the Indian Councils Act, 1861, it was the desire of the Secretary of State,

clearly expressed in his despatches, that every member of the Legislative Council, whether additional or ordinary, should be on the same footing.

His Excellency the PRESIDENT:—Does the honourable member mean to imply that there is no difference at all, in fact or in any other way, between the members of the Executive Council who are for the time being conducting the Government of Bombay and additional members of the Legislative Council whose privilege is generally to criticise? Is there no responsibility for the Government of Bombay? My honourable friend says that every honourable member of this House, be he an Executive Council member, be he a nominated additional member or an elected additional member, is on exactly the same footing in every respect. I just want to ask him this question. Does he say that honourable members who are for the time being executive officers carrying on the Government of Bombay are in no different position from that of any additional members, who have got no responsibility for the government of Bombay and who are probably generally merely critics?

The Honourable Mr. PATEL:—I protest against the remark that the additional members have no responsibility for the good government of the Presidency and that their only privilege is to criticise. I must make it perfectly clear that, so far as the legislative business is concerned, every member of this Council is on a footing of equality. There is no difference between a member of the Executive Council or any additional member. All members, ordinary or additional, are alike so far as the legislative functions of this assembly are concerned. That was the desire of the Secretary of State in 1862, as expressed in his despatches, and I still maintain that that should be so and that they should be all treated alike.

Now my honourable friend Sir MAHADEV CHAUBAL told us that he did not understand what the meaning of the casting vote was so far as select committee on a bill was concerned. I am simply surprised at the ignorance of the honourable member as to what the meaning of the casting vote is so far as the business of a select committee is concerned. Well, every Legislative Council, Provincial or Imperial, has got rules in which it is laid down distinctly that the chairman of a select committee to which a bill is referred has got a casting vote. The authors of those rules, from the point of view of my honourable friend Sir MAHADEV CHAUBAL, were absolutely ignorant or did not know even the A, B, C of the constitution of Councils and their regulations. What is the meaning of those rules of the other Provincial Councils which give a casting vote to the chairman of a select committee in respect of a bill?

The Honourable Sir MAHADEV CHAUBAL:—I want my honourable friend to give me the meaning.

The Honourable Mr. PATEL:—Yes, I am going to give it. The meaning of the casting vote is this. A select committee is appointed to consider a bill. The committee meets and various amendments are discussed and voted upon. Each is put to the vote and every member is entitled to one vote. Supposing there are six members of the select committee, three voting on one side and three voting on the other. Then what is the chairman to do? The chairman has got to submit his report. He therefore gives his casting vote. A report is then made which, as the Council very well knows, is called the majority report. Otherwise what is the meaning of the majority report? How does the majority report come in? The expression used in our rules is, "the majority report of the select committee." Where is the place for the majority report of the select committee when there are three on one side and three on the other? There should, therefore, be a casting vote with the chairman.

His Excellency the PRESIDENT:—A majority report means a report that has been put in by a certain select committee the majority of whom have voted for that report.

The Honourable Mr. PATEL:—If the committee is equally divided, does my honourable friend Sir MAHADEV CHAUBAL mean to say that there should be no majority report by the select committee? I have got a recollection that on one occasion, at any rate, the chairman of a select committee had given a casting vote. If the practice is against the rules, the rules require to be amended, for in the rules of all other Provincial Legislative Councils there are provisions for a casting vote of the chairman of a select committee. In all meetings, local board or municipal, everywhere in fact, the president has a second or casting vote and I cannot understand why in a select committee on a bill it should not be so, particularly when in all other Legislative Councils they have got rules that the chairman of a select committee shall have a casting vote. This is a defect, as there are many other defects, in our Legislative Council rules. The whole lot of our rules require a thorough revision. But that is a different matter, though ultimately that will have to be done and the sooner the better. If Sir MAHADEV'S view is accepted there would be no report at all. However, the point is, if there is no rule at present, we shall have a rule in course of time following the Legislative Councils of the other provinces, and in that case the chairman, will have the advantage of a casting vote. There is no question about it.

His Excellency the PRESIDENT:—May I just suggest to my honourable friend that the question of a casting vote is not of much importance in a select committee? All that a select committee has to do is to report to the full Council and leave it to the full Council to deal with the matter as they think fit. It really does not make much difference.

The Honourable Mr. PATEL:—The difference is this, that when there is a majority report, it comes as the original proposition before this Council. The same is not the case with the minority report. All other members who choose to represent their own views to this Council will have to do so by way of amendments and the mover of the original proposition has always the advantage, as the Honourable Mr. PRANJPYE put it.

His Excellency the PRESIDENT:—Surely, it is very much fairer that each man should have only one vote, so that the Council may know what the exact position was?

The Honourable Mr. PATEL:—Rule 24 at page 199 of the Council Manual, to which my attention is drawn by my honourable friend Mr. HARCHANDRAI, reads as follows:—"The report of the select committee shall be signed by all the members of the committee or by a majority of them; but any member of a select committee may record his views in a separate minute."

His Excellency the PRESIDENT:—Very well; if a committee is of five and say there is a majority of three to two, the majority report will be of three and the minority report of two, to report to the whole Council.

The Honourable Mr. PATEL:—But if there are six members on the select committee, your Excellency, three on one side and three on the other, who will sign the report?

His Excellency the PRESIDENT:—I would suggest that in that case either every one of them will make a separate report, or there would probably be two reports, one of three and the other of three.

The Honourable Mr. PATEL:—However, as I told this Council, all other Provincial Legislative Councils' rules provide that the chairman of the select committee has a casting vote, and we will have also to make similar provision sooner or later.

Much has been made of the expression "tottering pinnacle of prestige" used by me in my minute of dissent. I stated what I felt. It is no use disguising one's feelings. I felt it was so and I said so. My honourable friend Sir MAHADEV CHAUBAL said that I myself valued my prestige when I mentioned that I would not like to be dragged to a select committee over which a member of

Government was presiding when I myself was the introducer of the bill. As I maintain that the introducer of a bill should be the chairman of the select committee, I say I would certainly feel humiliated to go and sit on a committee where a person other than the introducer of the bill was presiding, because it is only human nature to resent.

Now I come to the argument of the Honourable the ADVOCATE-GENERAL. He asks why, in the case of an ordinary member of the Council, we should assume that he would act with bias and unfairly when he is the chairman of the select committee on a bill to which he is opposed. I do not say that the member of the Executive Council would deliberately act unfairly, but as I said, it is only human nature, if you have strong views on a particular point, consciously or unconsciously, I would rather say unconsciously, you would be inclined to push the view which you hold strongly. I do not think any explanation is needed with regard to it. So far as the position of a member of the Executive Council is concerned, I have stated in my dissenting minute and I also state now, he has got to voice the views of Government, whatever they may be, in the Council or in the select committee. Where is the question of bias or prejudice? He cannot say "such and such are my personal views but these are the views of Government, and therefore I put them forward." So the question of bias, prejudice or conscience does not arise. As additional members we have certainly freedom of vote and freedom of speech, but so far as members of the Executive Council are concerned, everyone knows that under some disciplinary rules, they have got to, apart from their personal convictions, voice the views of Government. I cannot therefore accept the position that an additional member has in any way a lesser status or a lesser position than a member of the Executive Council. If at all we stand on a better footing. Apart from this, a person who has strong views on a particular question, would, as I have already observed, consciously or unconsciously, try to push his own views before the committee.

Then my honourable friend Mr. STRANGMAN told us that if we were to have distrust of the members of the Executive Government, we better shut up this Legislative Council altogether. Well, I am surprised. I have been for the last 5 years in this Council, and I must speak out plainly, that we non-official members have always tried to trust Government as far as we can. But if there is no response, are we responsible? Do we distrust Government, or is it the officers of Government that distrust the additional members of this Council? If we seek some information, we are told "You are members of the public and it cannot therefore be supplied to you."

His Excellency the PRESIDENT:—I really think the honourable member is raising controversial matter without any foundation in fact whatever.

The Honourable Mr. PATEL:—It was because my honourable friend the Advocate-General said that we were not trusting Government that I felt bound to make these observations.

His Excellency the PRESIDENT:—Has the honourable member asked a question at any time and has he been told that he is a member of the public?

The Honourable Mr. PATEL:—I several times wrote for some information or the other to the Secretaries and I received replies stating that the information was not to be supplied to persons other than officials.

His Excellency the PRESIDENT:—That does not show that he is regarded merely a member of the public.

The Honourable Mr. PATEL:—There is a letter with me which I will produce if need be, which says "this information is not to be supplied to members of the public". If I am wrong there, I am perfectly willing to withdraw my statement. I have several times asked for information from the Secretaries, and I have with me the replies that I received. It is not necessary to shut up the Legislative

Council. Let us go on as we have been going on and act in the best interests of the people as far as we can. Of course, if some of the members of this Council would have their own way, they would certainly shut up the business altogether and at once, but there are higher powers. It is not in the hands of one or two individuals.

Then my honourable friend Mr. CADELL made a very startling statement that a person who is the introducer would always be partial towards his bill and he is therefore not a desirable person to be the chairman of the select committee. I am simply surprised at this argument. Does this argument apply only when an additional member is the introducer of a bill? Is that the view put forward by the Honourable Mr. CADELL? If we carry this view to its logical conclusion, then no member of Government who introduces a bill would ever be a chairman of the select committee, but as a matter of fact, in practice, we always find that Government members, as a matter of course, when they introduce bills, become chairmen of select committees.

Then we are told that we should not look for precedent to the rules of other Provincial Legislative Councils. My honourable friend Mr. CURTIS yesterday told us that we must lead. My honourable friend the ADVOCATE-GENERAL endorses that remark and says: "Well, we have to lead; we should not look to other provinces for our lead". I entirely agree. But, as my honourable friend Mr. BELVI put it, if "lead" means giving the executive more and more power, I differ. If that is the meaning of the word "lead" well, better not boast but follow the "lead" of other provinces. What is proposed to be done in this case? It is proposed that the member of the Executive Council, whether he be the introducer of a bill or not, shall invariably be a member and shall also be the chairman of a select committee. Well, that is directly an encroachment on the rights of the additional members of the Council, and, if we are going to consider that to be a "lead" for other Provincial Legislative Councils to be followed, all I say is that it is the reverse of "lead".

Though the Honourable the ADVOCATE-GENERAL tells us not to look for precedents to other Legislative Councils, when it suits his purpose, he says, why not look up to the Imperial Legislative Council rules? I say, why go there for precedent? You have to lead the whole of India; why look up to the Imperial Legislative Council rules at all? However, let us look at the Imperial Council rules. What do they provide? They provide that the law member shall be the chairman of every select committee. In the constitution of the Imperial Legislative Council there is always a law member. Our constitution does not provide for a law member. That is one thing. The second thing is that even though one member of the Executive Council of the Imperial Government is the introducer of a bill, if he is not the law member, he has to sit aside as a mere member. He does not become the chairman of the select committee although he introduces the bill. We are asked here to provide that invariably the member of the Executive Council shall be the chairman of the select committee. There it is not so. There it is distinctly laid down that the law member shall be the chairman of the select committee to which a bill is referred whether the bill be of an ordinary member or of an additional member.

Then, again, my honourable friend Rao Bahadur SATHE yesterday told us that the committee wanted to make the proposed amendment so wide as to include the cases of select committees other than those in respect of bills. Well, I say by all means, if you find that there is a necessity of a rule to provide for selecting a chairman in cases of committees in respect of matters other than bills, you may make such a rule. But, your Excellency, this Council ought to realise that we cannot have the same rules in respect of matters of legislation and the identical rules with respect to matters relating to questions, resolutions, etc. We additional members here in this Council, your Excellency, so far as legislation is concerned, claim to be on equal footing with members who sit on the other side

and I submit that all rules relating to the conduct of legislative business should be quite distinct and different from the rules regarding other matters. It has been the accepted principle. So far as legislation is concerned, we have one set of rules; so far as resolutions are concerned, we have a different set of rules; and so far as questions are concerned, we have again a third set of rules. The reason is that on all these matters our position is not identical.

That is the position. I do not intend to say anything about the rules of the House of Commons as I am sure your Excellency will enlighten us on them. My honourable friend Mr. SETHNA has given some description of the rules and the practice of the House of Commons in this respect. I am not prepared to contradict him. I am surprised, your Excellency, some members ask us to look for precedent to the Bombay corporation. I think we had better take the lead from the House of Commons or the other Legislative Councils. But it is ridiculous to ask us to follow the Bombay corporation, which, I submit, is the most backward body in the matter of local self-government. (Laughter.)—

The Honourable Mr. CHUNILAI VIJBHUKHANDAS MEHTA:—I rise to a point of order. We are not discussing the merits of the various local self-governing bodies and—

The Honourable Mr. PATEL:—With these words, sir, I fully trust that the Council will accept my amendment.

His Excellency the PRESIDENT:—I do not mean to detain the Council for more than a few moments, especially after the most convincing speech of my honourable friend the Advocate General and the concluding remarks of my honourable colleague. But it does seem to me that we have all (and I am afraid His Excellency the President has allowed himself to come into that category) allowed ourselves to wander away from what is really the main point that we are discussing under this amendment. I am inclined to think, and I cannot help feeling that other honourable members also are under the same impression, that really the whole of this discussion has been allowed to turn upon the question whether the executive, under the amendment proposed by the select committee, are so very anxious to uphold their prestige, so very averse from being on a footing of equality, with other honourable members of this Council.

Indeed my honourable friend Sir DINSHAW PETIT waxed into eloquence, which I must own appeared to me of a somewhat political character, and made certain remarks which I think might well be used on other occasions and outside the walls of this Council Hall, with regard to the political aspirations of the people and other topics which hardly arise out of the present discussion.

I want to bring the honourable members to what is really the main point. It is not a matter of prestige, it is not a matter of equality. I hope as long as I am President of this Council we shall have no parties in this Council. We are here to legislate individually, not through a caucus or anything of that sort, for the benefit of the Bombay Presidency; there should be no party feeling of any kind or description. The main question is this. Is it a sound proposition, as suggested by the select committee, that the member in charge should always be a member of the Executive Council, or is it a better proposal, as suggested by my honourable friend Mr. PATEL, that in the case of a private bill the chairman of the committee should always be the member who introduces the bill. Personally I am bound to say that to me there seem to be two strong arguments in favour of the member of the Executive Council being always the chairman of the select committee.

Let me take the case of the Honourable Mr. PATEL himself. Perhaps if he had been fortunate yesterday he might have had a private bill to bring before a select committee. The chairman of any select committee is more or less—rather more than less—sitting in a judicial capacity; he has to regulate the discussion in

which all the honourable members of the committee take part. He, at all events is not the person who should prominently advocate any point with regard to the bill. I venture to think if my honourable friend Mr. PATEL had been appointed chairman of the select committee on his bill, he would not have had the same opportunity or anything like it, for putting forward as strongly as he might his position with regard to his bill as if a member of the Executive Council had been in the chair.

There is another point. A member of the Executive Council—I am talking of the executive member of the Council who is in charge of the department to which the bill refers—must have much larger opportunities through the Secretariat of giving information to the various members of the committee with regard to the points that arise in connection with the bill; and it seems to me he would be in a far better position to do so as chairman than if the mover of the bill were in the chair and were to apply from time to time for the information he wanted. It is a question of practical expediency, to be decided on those two points. It is not a question of prestige or equality; it is a question of hard fact, which is the better proposition. The select committee by a majority have recommended that the chairman should be a member of the Executive Council, and notwithstanding what other Councils have done, I venture to think that that would be the wiser plan.

Now my honourable friend Mr. HARCHANDRAI made certain remarks with regard to parliamentary procedure and my honourable friend Mr. PATEL has asked me what is the exact procedure. Well, I am bound to say that I cannot recollect with absolute accuracy what the condition of things was in the House of Commons; but as far as I can remember, when the committee met finally, I think that whenever a Government bill was in the House of Commons it went into committee with the Cabinet Minister concerned in charge of the bill. In the case of a private member's bill, as far as I can remember, at the beginning of every session a panel of members was chosen—some 10 or 15—as chairmen of select committees. Whenever any such bill went into committee, one of these gentlemen was selected to take the chair and control the proceedings of that particular committee. It may be, when more private bills come pouring in before Government, that we shall have to adopt a similar course; at any rate I feel perfectly certain of this, that nothing would give more satisfaction to my honourable colleagues than to be relieved of the duty of piloting these committees. Their own duties are heavy enough. But it has been the decided opinion of the select committee that as a business proposition it is the best method of conducting a select committee, and I am bound to say from my experience in the past and from my experience now that I think it would give a better chance to the honourable member who introduces a bill to press his points with regard to the bill than if he were in the chair, and that it would give a better chance to the honourable members on the committee, if the executive member with all the information at his command were in the chair to control the proceedings of the committee. Under these circumstances, Government has decided to oppose the amendment of the honourable member.

The amendment was then put to the vote and lost, 15 members voting for and 27 against. The Council divided as follows :—

Ayes.	Noes.
The Honourable Sardar Shriniwas Coopooswami Mudliar.	His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E., Governor of Bombay.
The Honourable Mr. Raghunath Purshottam Paranjpye.	The Honourable Sir Mahadev Bhaskar Chaubal, K.C.I.E., C.S.I.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.	
The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.	

Ayes:

The Honourable Mr. Abdul Kadir *alias* Fakir Mahomed walad Ibrahim Khan Pathan.
The Honourable Sir Dinshaw Manockjee Petit, Bart.
The Honourable Mr. Munmohundass Ramji.
The Honourable Mr. Shridhar Balkrishna Upasani.
The Honourable Mr. Harchandrai Vishindas, LL.B.
The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.
The Honourable Mr. Pandurang Anant Desai, LL.B.
The Honourable Mr, Siddhanath Dhonddev Garud.
The Honourable Dewán Bahádur Kashinath Ramchandra Godbole.
The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.
The Honourable Mr. Balkrishna Sitaram Kamat.

Noes.

The Honourable Mr. G. Carmichael, C.S.I., I. C. S.
The Honourable Mr. G. S. Curtis, C S.I., I. C. S.
The Honourable the Advocate General (Mr. T. J. Strangman).
The Honourable Mr. S. R. Arthur, I. C. S.
The Honourable Mr. Salebhoy Karimji Barodawalla.
The Honourable Mr. P. R. Cadell, C.I.E., I. C. S.
The Honourable Mr. Sherriff Devji Canji.
The Horourable Mr. James Gargrave Covernton, C I.E
The Honourable Sardár Syed Ali El Edroos.
The Honourable Dr. C. Fernandes, M.D.
The Honourable Mr. Mahomedbhoy Hajeebhoy.
The Honourable Mr. Ebrahim Haroon Jaffer.
The Honourable Sardár Dulabawa Raisingji, Thákor of Kerwada.
The Honourable Surgeon-General R. W. S. Lyons, M.D., I. M. S.
The Honourable Khán Bahádur Pir Baksh walad Mian Mahmud.
The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL.B.
The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.
The Honourable Ráo Bahádur Venkatesh Shriniwas Naik.
The Honourable Mr. F. G. Pratt, I. C. S.
The Honourable Mr. W. M. Ross.
The Honourable Ráo Bahádur Ganesh Krishna Sathe, C. I. E.
The Honourable Mr. C. N. Seddon, I. C. S.
The Honourable Mr. Phiroze C. Sethna.
The Honourable Ráo Bahádur Tekchand Udhavdas.
The Honourable Colonel W. E. Jennings, M.D.

His Excellency the PRESIDENT:—Do I understand that the Honourable Mr. CHUNILAL MEHTA wanted to delete the whole of the last two sentences? Because, if that is so, I think I was wrong. I thought that the honourable member, as I understood him, wanted the amendment to go down to the words "select committee" at the end of the first sentence and delete all the rest. Will he tell us exactly what he proposes?

The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA:—Your Excellency,—My amendment at that time was to that effect, but now I see some difficulty in connection with it, because that would then mean that the select committee would have to elect its own chairman in the case of any bill whether it is a private or a Government bill. Therefore I want to leave it as it is; so that the member in charge of the department shall be the chairman in the case of a bill introduced by Government but that in the case of a private bill it shall be open to the select committee to appoint its own chairman.

The Honourable Ráo Bahádur SATHE:—May it please your Excellency,—In this rule after the word "chairman" in line 6 I propose to add the following words: "Where the matter referred to is a bill introduced by an additional member such member shall also invariably be a member of the select committee". The other amendment that I was going to propose was that instead of the words "members present" in line 5 the words "select committee" be substituted.

The Honourable Mr. BELVI:—It seems to me that your Excellency wishes to take votes on the whole proposition as amended by the Honourable Ráo Bahádur SATHE'S amendment. It will be much better if the amendment now suggested by the Honourable Ráo Bahádur SATHE is separately put to the vote so far as those particular words are concerned.

His Excellency the PRESIDENT:—That is exactly what I am going to do now.

The amendment proposed by the Honourable Ráo Bahádur SATHE was then put to the vote and carried.

The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA:—Your Excellency,—The amendment that I wish to move is this: I will read the whole of paragraph 2 of rule 21 as it stands with the additional words as introduced by the Honourable Ráo Bahádur SATHE, but at the end of that paragraph I propose to add the following words:—

"Provided that in the case of a select committee appointed to consider a bill introduced by an additional member the select committee shall elect their own chairman."

His Excellency the PRESIDENT:—I am afraid I cannot admit that amendment. That goes directly against the principle of the amendment of my honourable colleague and accepts the principle of the Honourable Mr. PATEL.

The Honourable Mr. CHUNILAL MEHTA:—The principle that was sought by Mr. PATEL was that the introducer of the bill should be chairman of the select committee. I want to leave it to the select committee to elect its own chairman. I do not say that a member of the Executive Council shall not be chairman of the select committee.

His Excellency the PRESIDENT:—I think there are two objections to the proposal. The one is that it is a direct negative of what we have just decided on the amendment of the Honourable Mr. PATEL, and the further objection is that notice of all amendments of principle must be given before honourable members propose them. Verbal alterations, of course, can be admitted, but this is a matter of principle and I cannot admit it.

The Honourable Mr. PATEL:—May I know, your Excellency, where there is any time specified for giving notice of amendments in the rules?

His Excellency the PRESIDENT:—It is perfectly true as the honourable member suggests that there is no time specified and there is no rule, but it has invariably been the practice with regard to these matters.

The Honourable Mr. CHUNILAL MEHTA:—May I draw your Excellency's attention to rule No. 17 on page 198 of the green book?

COUNCIL BUSINESS RULES.

[12TH OCTOBER 1917.] [*The President; Mr. Chunilal Vijbhukhandas Mehta; Mr. Vithalbhai Jhaverbhai Patel; Mr. Abdul Kadir Pathan; Sir Mahadeo Bhaskar Chaubal.*]

His Excellency the PRESIDENT:—What my honourable friend says is perfectly true, but I would suggest to him that it would make the conduct of our business almost impossible if we follow exactly on the lines of this rule. The practice has been—and I think it is a good practice—that on matters of principle it is better that honourable members should give written notice. If it is a verbal alteration, it does not matter so much. After all we may go on in this way for another fortnight, if honourable members were to continue to put forward new ideas which occurred to them in the course of discussion, and I must rule that in regard to questions of principle, whatever be the matter to which they relate, notice must be given and that in writing.

The Honourable Mr. CHUNILAL MEHTA:—Do I understand that your Excellency's ruling applies to the present case only or will it apply to all cases in future?

His Excellency the PRESIDENT:—My argument is that it has always applied. It applies to the present case and it will also apply to the future.

The Honourable Mr. PATEL:—Your Excellency, amendments of principle with regard to resolutions have always been allowed in this Council without notice.

His Excellency the PRESIDENT:—What does the honourable member exactly mean? Can he refer me to any specific case?

The Honourable Mr. PATEL:—Last meeting I moved a resolution for opening a training college in Bombay in this Council and an amendment was moved by my honourable friend Mr. CHUNILAL MEHTA. There, your Excellency, there was no notice.

His Excellency the PRESIDENT:—Quite so, but that refers to an entirely different set of rules. Well, I must tell the honourable member that I think that I am perfectly right in this matter. On resolutions which are merely matters which come up for discussion I see no harm in allowing suggestions or amendments being made during the discussion in Council; but in making suggestions or amendments in connection with bills and matters such as this—changes in the rules for the conduct of business in this Council—I think we must have practical suggestions on paper. We cannot have matters of principle continually brought in as amendments while the debate is going on. That is my ruling.

The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN:—Your Excellency, I now beg to move my amendment to rule 28—

The Honourable Sir MAHADEV BHASKAR CHAUBAL:—Your Excellency,—I rise to speak to a point of order, as to whether the honourable member is entitled to move the amendment which *now* stands in his name. I will explain what has happened. There is no motion of amendment to the select committee's proposal regarding rule 28 standing in the name of the Honourable Mr. PATEL. There is, however, one in the name of the Honourable Mr. PATHAN. This, however, is identically the amendment to rule 28 of which notice had been given at the July session of the Council by the Honourable Mr. PATEL, and which was referred to the select committee, considered by the committee and reported on. The Honourable Mr. PATEL has transferred the same now to the Honourable Mr. PATHAN. When the select committee's amendments are now before the Council for consideration, is it in order that the time of the Council should again be taken up by the same amendments which the select committee considered, simply owing to the manœuvre by which they appear under the name of the Honourable Mr. PATHAN?

The Honourable Mr. PATHAN:—I object to the statement made by the Honourable Sir MAHADEV CHAUBAL that the Honourable Mr. PATEL has transferred the amendments on to me.

COUNCIL BUSINESS RULES.

[Sir Mahadev Bhaskar Chaubal; Mr. Vithalbhai Jhaverbhai Patel; Mr. Abdul Kadir Pathan.] [12TH OCTOBER 1917.]

The Honourable Sir MAHADEV CHAUBAL :—I would like to know what is the statement to which my honourable friend takes objection? I said that the amendments are identically the amendments of which notice had been given by the Honourable Mr. PATEL at the last meeting of this Council—

The Honourable Mr. PATEL :—And that "the Honourable Mr. PATEL has transferred them on to the Honourable Mr. PATHAN". That is what the Honourable Mr. PATHAN objects to.

The Honourable Sir MAHADEV CHAUBAL :—I beg the honourable member's pardon I withdraw the word "transferred", but I confess my inability to describe the process by which this feat has been achieved.

The Honourable Mr. PATHAN (continuing) :—The amendment which stands in my name is as follows :—

For rule 28 of the said rules the following shall be substituted :—

"28 (1) Subject to the provisions of the Government of India Act, any member may, at a meeting of the Council, introduce a Bill.

(2) Any member desiring to introduce a Bill as aforesaid shall give the Secretary at least two months' previous notice of his intention and shall, together with the notice, send a copy of the Bill and full statements of objects and reasons and other papers which he considers necessary.

(3) The Secretary shall, within ten days from the receipt of the notice prescribed in the previous sub-rule, or, where the Bill requires the previous sanction of the Governor under section 80, sub-section (2), of the Government of India Act, 1915, or the previous sanction of the Governor General under section 79, sub-section (2) or sub-section (3), of the said Act, within ten days from the receipt of such sanction publish the Bill with the statement of objects and reasons in the *Bombay Government Gazette*.

(4) Provided that, the Governor may order the publication in the *Bombay Government Gazette* of any Bill at any time. In such case the statement of objects and reasons shall be published with the Bill."

In this connection, my Lord, I would refer to section 80 of the Government of India Act, which runs as follows :—"At a meeting of a local Legislative Council no motion shall be entertained other than a motion for leave to introduce a measure into the Council for the purpose of enactment, or having reference to a measure introduced or proposed to be introduced into the Council for that purpose, or having reference to some rule for the conduct of business in the Council, and no business shall be transacted other than the consideration of those motions or the alteration of those rules."

Now in the majority report it is stated :—"The second main question which we have considered is whether the procedure at present provided for in rule 28, according to which a member desiring to introduce a bill first asks leave of the Council for its introduction, should be done away with, as proposed in the Honourable Mr. PATEL'S group of amendments dealing with rule 28. The stage of legislation in question is recognized in section 80 of the Government of India Act, 1915, and in the rules of all Legislative Councils in India, and we are of opinion that no case has been made out for its abolition." And further on they say : "Government bills, however, stand on a somewhat different footing from additional members' bills. A Government bill is generally the outcome of prolonged consideration", and so on. In this connection, they make this difference between a Government bill and a private member's bill. They say in the case of a Government bill the leave stage is invariably dispensed with, but it cannot be dispensed with in the case of a private bill. Of course there is a

proviso (5) to rule 28, by which the Governor may order the publication in the *Bombay Government Gazette* of any bill although no motion has been made for leave to introduce it. But I submit that no such differentiation can be made between a Government bill and a private member's bill, and I seriously doubt, having regard to this provision of section 80, if such distinction can be drawn between a Government bill and a private bill. If that is so—

The Honourable Sir MAHADEV CHAUBAL:—May I rise to a point of order? I think the honourable member is speaking to his amendment which proposes to omit the leave-to-introduce stage, as is proposed in clause (1), namely, "Subject to the provisions of the Government of India Act, any member may, at a meeting of the Council, introduce a bill", and I understand the amendment is to omit altogether the leave-to-introduce stage. When the honourable member proceeds to address on the point that the motion for leave-to-introduce stage should be introduced in Government bills, the matter is not one which is covered by the amendment which he proposes and would be an entirely new matter.

The Honourable Mr. PATHAN:—My point is this, my Lord. There are certain bills which require the sanction of the Governor or Governor-General and others which do not require such sanction.

His Excellency the PRESIDENT:—Is the honourable member speaking on his amendment or is he not? Will he explain to me exactly what he is doing?

The Honourable Mr. PATHAN:—My position is this, that if leave stage can be legally dispensed with in the case of Government bills, it should be dispensed with also in connection with private bills.

His Excellency the PRESIDENT:—I cannot see anything about the leave stage in the honourable member's amendment.

The Honourable Mr. PATHAN:—I propose that if the leave stage is dispensed with in the case of Government bills it ought to be dispensed with for private bills and if that is done, my rules I think would be acceptable, because my amendment proceeds on that footing. With these remarks I move my amendment.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I rise now to move my amendment.

The Honourable Sir MAHADEV CHAUBAL:—May I be permitted to interrupt my honourable friend and ask if this batch of amendments can be moved as amendments to the select committee's report? There was no notice of any amendments to rules 29 and 30 at the July meeting and therefore none were referred to the select committee. As to rule 28, it is now clear why that manœuvre, the description of which as a transfer was objected to, has taken place. The Honourable Mr. PATEL, who strenuously contended that the motion for leave to introduce a bill should be dispensed with, and on which point he has written a dissenting minute at some length, obviously finds it awkward to contend at the same sitting that the motion for leave-to-introduce stage should be insisted upon in every case. I submit that the select committee's recommendations should be voted on: and then the Honourable Mr. PATEL'S present amendments be considered as substantive amendments to the rules. It is entirely new matter.

The Honourable Mr. PATEL:—It is not a different matter at all. If my amendments are not considered side by side with the amendments moved by my honourable friend Sir Mahadev Chaubal on behalf of the majority of the select committee, then it means that my amendments will not be considered at all. There is one question, and one only, and that is, whether the leave stage in respect of bills should be dispensed with or not? My amendment says that there should be a leave stage for every bill and the Governor should not have power to

dispense with that stage. That is the purpose of my amendment. The select committee's amendments provide that all bills should *ordinarily* come in the form of a motion for leave, but that the Governor should have power to dispense with that stage. Now if my amendments are not considered side by side and the select committee's amendments are carried, then my amendments would necessarily drop.

His Excellency the PRESIDENT:—I think there is a good deal of justice in what the Honourable Mr. PATEL says, but I think we had better finish with the Honourable Mr. PATHAN'S amendments first, and then we would take the Honourable Mr. PATEL'S amendments in connection with the select committee's report.

The Honourable Mr. PATEL:—Then, your Excellency, without prejudice to the amendment which I have given notice of, I rise to support the amendments moved by the Honourable Mr. PATHAN. The position is this: According to the Honourable Mr. PATHAN'S amendment, I understand there should be no motion for leave to introduce any bill. The bill should be allowed to be introduced in this Council without any motion for leave in that behalf in the first instance. That is being done if I understand the situation right, in the case of all Government bills at present. Every Government bill, so far as I understand the practice of this Council, comes not in the form of a motion for leave to introduce, but for the first reading all at once. The process under which they come directly to this Council for the first reading, I am not aware of. As a matter of fact, under rule 28 (2) every member of this Council who wants to introduce a bill, whether he is an additional member or whether he is an ordinary member of the Council, is required to give two months' notice to the Secretary of his intention to make a motion for leave to introduce it. Rule 28 (1) says:—

"(1) Subject to the provisions of the Indian Councils Acts, 1861 and 1892, any member may move at a meeting of the Council for leave to introduce a bill" and Rule 28 (2) says:—

"Any member desiring to move for leave to introduce a bill as aforesaid shall give the Secretary at least two months' previous notice of his intention and shall, together with the notice, send a copy of the bill and a full statement of objects and reasons, and any other necessary papers".

My contention is this, that the word "member" occurring in rule 28 (1) and (2) applies equally to ordinary as well as additional members of this Council. The Government of India Act under which these rules were framed knows no distinction between an ordinary member and an additional member of this Council in this respect. Therefore, I submit, your Excellency, that so long as a member is not defined by any rule, we take it that member means an additional member or an ordinary member. I therefore submit, your Excellency, that a member of Government or an ordinary member of Council, if he wants to introduce a bill, has under sub-rule (2) of rule 28 to give notice of his intention to the Secretary to move for leave in the first instance. I am not aware whether this is being done in practice or not, because I am not in the inner circle, but I know this much that every Government bill comes here for the first reading all at once. Probably an ordinary member does give two months' notice to the Secretary. However, what we who are not in the know as to the way and the manner in which these bills of Government are brought into this Council merely understand is that Government bills come for the first reading all at once. I therefore maintain, your Excellency, as my honourable friend Mr. PATHAN maintains, that if Government bills come into this Council all at once for the first reading, there is absolutely no reason why there should be differential treatment in the case of bills of additional members. It may be stated that when an additional member gives notice of motion to introduce a bill Government must have some time to be ready. There may be some justification in this plea when only 3 or 7 days' time was prescribed

for notice, but since my honourable friend Sir MAHADEV CHAUBAL joined this Council in 1915, this Council has altered the rule on his motion and provided that two months' notice should be given by additional members before they bring in a bill. Such being the case, I submit, your Excellency, that there should be no differential treatment accorded to non-official bills. You get two months' notice, you report the bill to the Secretary of State, and you also report it to the Government of India if you like, and there is plenty of time. There are two months within which you could be ready. There is therefore no reason why there should be a motion for leave to introduce a bill in the case of non-official members. The Government of India Act never contemplated, and did not as a matter of fact recognize, any distinction between a bill of Government and that of a non-official member.

The second point raised by the Honourable Mr. Pathan is that in the case of bills which require the previous sanction of the Governor or the Governor-General under section 80 or 79 respectively of the Government of India Act, the secretary shall not publish the bill unless such sanction has been obtained. That being so, a bill shall not appear on the agenda for the first reading unless and until such sanction has been obtained. The Secretary is given power under the rules proposed by the Honourable Mr. PATHAN to publish the bill in the local *Government Gazette* ten days after the receipt of the necessary sanction, and therefore there is no fear that in cases where the sanction of the Governor-General or the Governor is required any additional member will rush into this house and move for the first reading of such a bill. So what I maintain is that there is ample provision in Mr. Pathan's amendment to prevent such a result in the case of bills which require the sanction of the Governor General or the Governor. The sanction contemplated is required at the time of the introduction. The law says it shall not be lawful for any member of this Council, whether ordinary or additional, to introduce any bill which requires the previous sanction of the Governor or the Governor-General, without such sanction. So before the bill is introduced the rules provide that the secretary shall not publish the bill in the local *Government Gazette*.

Under these circumstances I heartily support the amendment put forward by my honourable friend Mr. PATHAN, of course without prejudice to the amendment that I am going to submit to this Council.

The Honourable Mr. BALKRISHNA SITARAM KAMAT:—May it please your Excellency,—I am afraid I must oppose the amendment standing in the name of the Honourable Mr. PATHAN. The Honourable Mr. PATHAN has given certain reasons why the leave stage ought to be abolished, his principal reason being that he claims there should be equal advantages both for Government bills as well as for private bills.

So far as the principle of equality is concerned I agree with him. But I do not agree with the conclusion to which he jumps. If there ought to be equality, let there be a leave stage both for private as well as Government bills. But the leave stage must be there, on this ground that after all, I believe, it is the function of the members of this Council to judge whether a particular draft of a bill, whether framed by a private member or by the legal department of the Government, should be approved of and pushed on further after such approval.

I believe even in the House of Commons there is the leave stage, and under rule 164 of the House of Commons, so far as my information goes, every bill introduced is pushed on through its various stages in pursuance of that order of the House of Commons, granted on a motion for leave to introduce.

It might happen that if this amendment is accepted either the Honourable Mr. PATHAN or, say, the Honourable Mr. PATEL may draft a particular bill and send it on to the secretary, and what Mr. Pathan wants is that the bill should be

published at once in the *Government Gazette*, so that no colleague of his knows anything whatsoever of the principle, of the propriety, or the desirability of the measure.

I therefore think that this is a procedure which is not very sound. We, as the colleagues of the Honourable Mr. PATEL or the Honourable Mr. PATHAN, ought to have and ought to know the nature of the draft bill before it appears in the *Government Gazette*. These are the privileges of honourable members of this Council, *viz.*, to know what that bill is and then grant that motion; that is to say, grant the leave to introduce that bill, with a view that the Honourable Mr. PATEL should at a later stage come here again and introduce it formally in the regular manner. So far as regards the principle whether there should be a leave stage or not.

The second point which has been touched on by the Honourable Mr. PATHAN and supported by the Honourable Mr. PATEL is regarding certain bills requiring the sanction of the Governor in the one case or the Governor-General in the other under section 80 or 79 of the Government of India Act. Here I perfectly well agree that it is necessary that in the case of bills affecting public revenues the Governor should have the right and prerogative to give his sanction or to refuse it. Similarly, if the bill affects the religion or religious rites and usages of any class of British subjects in India, under section 79 (*e*) of the Government of India Act the sanction of the Governor-General is required. Under these circumstances when a bill is to be taken into consideration it is perfectly legitimate that the Governor-General should have the right to say whether a bill of the nature should be *introduced* into the Council. The only question, however, is whether the motion for *asking leave* to introduce a bill should be made *before* the receipt of Government sanction, or in other words, whether we should wait for the sanction even for the formal purpose of asking for leave to introduce a bill. I know under section 80, sub-clause (2), that is a requisite and an obligatory requisite, but is it a pre-requisite? That clause says that it shall not be lawful for any member of a local Council to *introduce* without the previous sanction of the Governor any measure affecting public revenues. But that sanction or sub-clause does not clearly and specifically lay down that it shall not be lawful to come here for leave to introduce. A motion for leave to introduce is quite different from the actual introduction. That is the only difference. I do not contend that a member should be at liberty to introduce a bill without the Governor's sanction. But I think it should be open to him to come to this Council with his draft and ask for leave to introduce. It is only a question of construction. I am afraid both sub-clauses (1) and (2) of section 79 are not clear and therefore, as the majority report says, this construction is in consonance with the principle of section 80 and section 79. But after all when it becomes a matter of construction every member, I suppose, is at liberty to draw his own inference.

I contend that under section 80, sub-clause (1), if we read it very carefully, the construction which perhaps is placed on this section by some honourable members is not correct. Section 80, clause (1), says: "At a meeting of a local legislative council no motion shall be entertained *other than a motion for leave to introduce* a measure into the council for the purpose of enactment, or having reference to a measure introduced or proposed to be introduced into the council for that purpose, or having reference to some rule for the conduct of business in the council, and no business shall be transacted other than the consideration of those motions or the alteration of those rules." If we read that and if we construe it, it only means that a member is at liberty to come here with a motion for leave to introduce. Only sub-clause (2) of section 80 says: "It shall not be lawful for any member of any local legislative council *to introduce*, without the previous sanction of the Governor, any measure affecting the public revenues of the province or imposing any charge on those revenues." That is the construction which I place upon section 80, sub-clause (1). Similarly section 79, sub-

clause (3), is also not very clear. It says: "The local legislature of any province may not, without the previous sanction of the Governor-General, make or take into consideration any law affecting the matters referred to in the sub-clauses." The wording there is "The local legislature *may* not". It does not specify "The local legislature *shall* not", and if we proceed further, under sub-clause (5) of section 79 it is laid down "Provided that an act or a provision of an act made by a local legislature, and subsequently assented to by the Governor-General in pursuance of this act, shall not be deemed invalid by reason only of its requiring the previous sanction of the Governor-General under this act." It clearly means that if any act receives the subsequent sanction of the Governor-General, it is not invalid; that is to say, such sanction validates the act although it may have been passed in this Council without obtaining the *previous* sanction of the Governor-General. Under this construction, therefore, I contend that although the sanction of the Governor-General or the Governor in the first instance is certainly necessary, that sanction could be obtained even after a motion for leave is discussed. Now, I would like to quote an instance from another Legislative Council—

The Honourable Mr. BELVI:—I rise to a point of order, your Excellency. I want to know whether the reasons that have been advanced by the honourable member are not reasons in support of the amendment which stands in the name of my honourable friend Mr. PATEL. The Honourable Mr. KAMAT'S remarks are hardly relevant to the amendment which we are now considering.

His Excellency the PRESIDENT:—I understand the Honourable Mr. KAMAT is referring to the amendment of the Honourable Mr. PATHAN.

The Honourable Mr. KAMAT:—Yes, your Excellency, and I am also taking into consideration the majority report. I am referring to page 1 of the agenda, sub-clause (6), and the amendment of the Honourable Mr. PATHAN. May I explain to my honourable friend Mr. BELVI that the question before the Council is whether, immediately after the sanction from the Governor or the Governor-General is received, a bill should be published in the *Bombay Government Gazette* and introduced, or whether there should be the first step of leave to introduce, and then sanction, and last of all publication. I suppose we are on that point.

His Excellency the PRESIDENT:—The honourable member is perfectly correct in discussing, as he is now doing, sub-clauses (3) and (4) of the Honourable Mr. PATHAN'S amendment.

The Honourable Mr. KAMAT:—Then I say that the procedure which the Honourable Mr. PATHAN suggests is not the right one. I maintain that there should be first the leave-to-introduce stage, and if a bill requires the sanction of the Governor or the Governor-General, even then we should proceed with the motion for leave-to-introduce any particular bill and we need not wait for the sanction of the Government of India or the Governor-General as suggested in the majority report. The leave-to-introduce stage is necessary and we need not wait for the sanction of the Governor so far as the granting of leave to introduce is concerned. In support of this view I quote the instance of other Legislative Councils. In the Madras Legislative Council, a few years ago, the Post Puberty Marriage bill was introduced by the Honourable Mr. SASTRI. This bill concerned the religious rights of the Hindus and therefere it came under section 79, sub-clause (3), of the Government of India Act, for which sanction is obligatory. But I say that sanction may be obtained at a later stage. That is the only contention which I am making. And as a matter of fact the members of the Madras Legislative Council in the case cited by me discussed whether leave should be granted or not, although the Government of India had not granted sanction at that particular stage. What I maintain is that there is convenience in this way of looking at this question of the sanction of the Governor or the Governor-General, as the case may be. We must consider which is the best or the most convenient way of

affording to Government or to the Government of India an opportunity of considering whether sanction should be granted. I believe that if a draft bill is discussed at the leave stage, Government would be in a better position to know the trend of public opinion and they could grant their sanction or not according to the discussion on that particular draft bill in the Legislative Council at the time of the motion for leave. That is an advantage which would be lost if the procedure recommended by the majority report is followed. Referring again to the instance which I have quoted, it so happened that the bill was allowed to be discussed at the first stage, namely, the stage of leave to introduce. In the meantime public feeling was aroused and the Government of India and the Madras Government were in a better position to know the feelings of the Presidency and to judge whether the country was ripe for the adoption of such principles in Hindu religious rights, and they based their opinion on the discussion which went on in the Legislative Council. That is an advantage which I claim would follow if the motion for leave to introduce is discussed irrespective of the sanction to be received from the Government of India. I therefore only suggest, in respect of the Honourable Mr. PATHAN'S proposition, that the leave stage is necessary. We need not wait for such sanction; we can discuss the draft bill at the time of the motion for leave to introduce and wait for the sanction in the light of the discussions which might take place at the leave stage.

That is the only proposition which I wish to put forward and suggest that it be accepted.

The Honourable the Advocate General (Mr. T. J. STRANGMAN):—Your Excellency,—The object of the Honourable Mr. PATHAN'S amendment is to do away with the necessity in all cases of the motion for leave to introduce.

I must begin by saying that I find a little difficulty in appreciating the position of the Honourable Mr. PATEL. He supports the Honourable Mr. PATHAN'S amendment and also his own amendment which is diametrically opposite and the object of which is to insist on the necessity of the motion for leave to introduce in every case.

The Honourable Mr. PATEL:—The position is perfectly clear. The Honourable the Advocate General has not quite understood it. I am for motion for leave to introduce in every bill whether of Government or of a private member. But if this Council comes to the conclusion that there should be no motion for leave to introduce in the case of Government bills, there should be, under the circumstances, no motion for leave to introduce in the case of a private bill also.

The Honourable the Advocate General:—I can understand a person wanting the leave stage in every case or wanting to do away with it altogether. I cannot understand his wanting both. However, we are now discussing whether leave should be done away with. Now, the result of giving effect to this amendment has been pointed out in the report of the select committee. I will take a case where, in fact, no sanction under section 79 or section 80 is required. In such a case the result of adopting this proposal would be that two months after the notice is given to the secretary the bill would be put down for the first reading. Now, it was considered by the select committee that that period was wholly inadequate, and the reason is this. Three different stages have to be gone through. In the first place, Government have to consider whether or not the bill offends against the provisions of section 79 (4) of the Government of India Act, that is to say, whether it attempts to affect an act of Parliament.

In the second place, they have to consider whether or no sanction is required under section 79 (2) or (3) or under section 80, sub-section (2). Then having decided those questions, they have to consider the policy of the bill; and lastly, they have to consider the drafting of the bill. Now in considering whether or no the bill requires sanction under one of these sections and in considering

the policy of the bill frequent consultation and communication may be necessary with the Government of India and Sir Mahadev Chaubal assured us in committee that it was absolutely impossible in ordinary circumstances to go through all these operations in the space of two months and for that reason the select committee reported against this proposal.

Now it is perfectly true that in the case of Government bills the leave-to-introduce stage does not take place and advantage is taken of rules 28 and 29 to publish the bill in the *Bombay Government Gazette*, and the effect of publication is that the leave-to-introduce stage is rendered unnecessary. But entirely different considerations apply in the case of Government bills. These bills, as we were again assured by Sir Mahadev Chaubal in committee, are the result of very mature deliberation and of frequent consultation with the Government of India. It may be that a year or more is spent in preparation before the actual publication of the bill. Consequently, I say, they stand on an entirely different position from bills of which Government know nothing until they are placed before them. Now I would point out that the power conferred upon His Excellency by rule 28 (5), coupled with rule 29, is not confined to Government bills. It applies to all bills and it was, in fact, exercised in the case of my honourable friend Mr. PATEL'S compulsory education bill, and no doubt the reason for the exercise of that power was that, in view of all the circumstances, the matter could be put through within the two months to which I referred. But it does not follow, of course, that that period of two months would be sufficient or anything like sufficient in the case of other bills. And at the same time it does not follow, of course, that His Excellency will not exercise the power in the case of other private bills, provided no difficulties arise in considering the matters to which I referred.

For these reasons I propose to oppose the amendment.

The Honourable Sir MAHADEV BHASKER CHAUBAL:—Your Excellency,—I will say a very few words, and those too not with reference to any rule or its construction, but I will rather appeal to the commonsense and practical judgment of the members of this Council in the consideration of this question. I request the attention of honourable members to the latter portion of my amendment as it stands, *i.e.*, sub-rule (6), second portion. It runs as follows:—"and the motion for leave to introduce such bill shall not be made until such sanction has been received". Now I wish to state to this Council as I said to the select committee that this was put in at the express instance of the Government of India who insisted that the leave-to-introduce stage should precede all bills whatsoever, I mean, wherever any sanction of the Governor or of the Governor-General is necessary, *i.e.*, bills coming under section 80, clause (2), of the Government of India Act. Well, the relevancy and importance of this remark must be considered in the light of section 83 (2). There is no doubt that this Council has got power to make alterations in the rules that have been framed, but this power is subject to the sanction of the Governor, and further, subject to the veto of the Governor-General as you will see from the wording at page 43: "but any alteration so made may be disallowed by the Governor-General in Council, and if so disallowed shall have no effect". What I ask is, is it any good wasting time discussing the propriety of a provision which has been adopted at the express instance of the Government of India, and is it likely that the Governor would sanction or the Governor-General allow an alteration which goes against the express direction of the Government of India. Further, they have adopted identically the same provision in the rules relating to the conduct of legislative business in the Viceroy's Council. If notwithstanding this we adopt an altered rule as proposed by the Honourable Mr. PATEL, will it be a matter for congratulation that this Council should have passed a rule which cannot receive the sanction of the Governor or which, if received, is disallowed by the Governor-General?

Then coming to the question of construction, I think the Honourable Mr. KAMAT, when he referred to the Madras proceedings in connection with a certain bill, ought also to have referred to what has been stated on the point in the select committee's report. In paragraph (2) of the last sentence it is stated :—"This recommendation we may mention is in accord with the decision on the question in the Madras Legislative Council and in accordance with the rules in force in the Imperial Legislative Council". I have not got the proceedings with me of the Madras Legislative Council for March 1917, but if you refer to them you will find that there is a very long and erudite debate extending over several pages of closely printed matter, at the end of which they adopted rules which stand as rules 31 and 32, and clause (2) of rule 31 runs as follows :—

> "(2) where the previous sanction of the Governor-General or the Governor, as the case may be, is required under the Government of India Act, 1915, to the introduction of any bill, *no motion for leave to introduce it* shall be made unless such sanction has been given."

So that rule 31 is the one that we have got to deal with and you will find that identically the objection which was mentioned by the Honourable Mr. KAMAT about the construction of section 80, clause (2), was considered there and the construction which they have put upon it is the construction which the select committee has adopted in the rules which they have submitted. It is also the rule which stands now as rule 16 in the Imperial Council rules in which the leave-to-introduce stage refers to all bills. For these reasons I submit that the amendment which has been moved by the Honourable Mr. PATHAN should not be accepted by this Council and that the report of the select committee on this point be accepted by the Council.

The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN :—Your Excellency,—I have only one word to say in regard to this matter. It is stated that two months' time is not sufficient. I think that with the resources at the disposal of Government, the information that they possess and their staff, the time is more than sufficient.

As regards the leave stage, it is dispensed with in the case of Government bills, and if the Council also think that it should be dispensed with in regard to a bill introduced by an additional member, I hope they will come to one conclusion only, that the amendment I propose should be inserted in the Council business rules. It depends upon a matter of principle. If the leave stage ought to be dispensed with in the case of Government bills, it ought also to be dispensed with in the case of an additional member's bill.

With these words, I hope the Council will have no objection to the insertion of the amendment in the rules.

The amendment was put to the vote and lost.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—May it please your Excellency,—Before I read the amendments that I want to place before the Council I should like to invite once more the attention of the Council to the present procedure as contained in rule 28. Under it, a member gives two months' notice of his intention to introduce a bill to the secretary and sends with it a copy of the bill together with the statement of objects and reasons. Thereafter at a meeting of the Council he makes a motion for leave to introduce that bill. The secretary then publishes the bill in the *Bombay Government Gazette*; such publication is according to rule 29 (2) equivalent to the introduction of the bill. Sub-rule (5) of rule 28 gives power to the Governor to order the publication of the bill although no motion for leave to introduce it has been formally made. Such publication under the orders of the Governor is also under rule 29 (2) equivalent to introduction. Now, that power contained in sub-rule (5) of rule 28

has been invariably exercised to the knowledge of all members of this Council in favour of all Government bills and exercised only once in favour of a private bill. It may be said that there were not more than three private bills, but if the honourable members will look up the proceedings of the Legislative Council in earlier years, say, 1862, 1863, and onwards, they will find that a number of bills were introduced by private members in those days. There is absolutely no question that the honourable additional members of this Council used to bring a good many bills in this Council. Now in all those bills they were required to make a motion for leave. What I submit now is that every bill whether of Government or of additional member's should come before this Council in the form of a motion for leave. That should be the first step in connection with every bill. There is no question, your Excellency, that the leave stage is an essential stage of the bill. My honourable friend Sir MAHADEV CHAUBAL has told us that the leave stage is an essential stage. Under the Government of India Act, section 80, clause (1), the leave stage or a motion for leave to introduce a bill is a necessary stage. Now the question before the Council is as to whether that motion for leave to introduce a bill should be determined upon by this Council or should be determined upon by one individual, namely, the Governor. Under rule 28 (5) power is given to the Governor to dispense with the leave stage. My submission to this Council is that a motion for leave to introduce a bill being an essential stage, the bill should come before this Council and it is this Council who should determine in each case whether leave should be granted or not. That is the position I take. I most respectfully maintain that the rule empowering the Governor to dispense with the leave stage is *ultra vires* of the Government of India Act.

His Excellency the PRESIDENT:—I do not think my honourable friend can complain if I say that I think he is a most ungrateful person.

The Honourable Mr PATEL:—I distinctly remember that His Excellency was pleased to dispense with the leave stage in the case of my primary education bill, but I do think that my action in asking His Excellency to dispense with the leave stage, when as a matter of fact he had no legal power to do so, was wrong, and His Excellency's action in granting leave was also wrong. In every legislative assembly, in all constitutional countries, there is the leave stage and it is the Legislative Council that determines the question whether leave to introduce a bill should be granted or not. Now, let us see how and when the Governor got these powers. The position seems to be that when the Legislative Council was constituted under the Indian Councils Act, 1861, a section of that act gave power, in the first instance, to the executive Government to make rules for the conduct of business of Legislative Council. Now, before the Council as constituted under the Act met for the first time the executive Government made the rules for the conduct of its business:

Now, the Act merely empowered the executive Government to make rules *for the conduct of the business* of the Legislative Council. It did not empower the executive Government to deprive this Council of one of its most important functions, namely, to determine upon a motion for leave to introduce a bill. No doubt the rules were made by the Government under the Government of India Act, but that Act never contemplated that the Government would by those rules deprive the Legislative Council of one of its most important functions in regard to legislation. Under the Act, the Government may make rules *merely* for the conduct of the ordinary business of the Legislative Council. Your Excellency, at the very first meeting of the Legislative Council under the Indian Councils Act, 1861, this question was discussed and the Honourable Mr. Westropp, the then Advocate General of 1862, pointed out to Government—

The Honourable Sir MAHADEV CHAUBAL:—Will the honourable member permit me to point out that in what he speaks now he is ignoring the answer which Government has given to his question 49 (*b*)? The question was—

The Honourable Mr. PATEL:—I have not lost sight of that. The question which I had asked your Excellency was this:—

"Is it true that the power to dispense with the leave stage of a bill was vested in the Governor by a rule made by the Governor in Council?"

The answer was "No."

But when I asked the next question, "When was such a rule first made?" the answer was "The rule was *adopted* by the Legislative Council at the meeting held on the 1st of February 1865 on the motion of the Honourable Sir W. Mansfield." When was it first *made*? That question Government have not answered. I maintain that the answer as given is incorrect. I find from the Council proceedings of 1862 and 1863 that at the very first meeting it was pointed out to Government that the rules made by them needed immediate revision in material particulars. In this connection I should like to invite the attention of the council to the following reply given by Government to the first part of my question asked yesterday. It is as follows:—

"The first meeting of the Bombay Legislative Council was held on 22nd January 1862; the first rules of business, made by the Governor in Council under section 37 of the Indian Councils Act, 1861, were prepared before that date in accordance with the Act."

From this reply it is clear that some rules were made for the conduct of legislative business by the executive Government before the first meeting of the Legislative Council. At that meeting, however, it was pointed out by the then Advocate General that the rules required revision. He was thereupon asked to prepare a draft. At the next meeting he submitted his draft and made some observations in regard to it. He proposed, among other things, that there should always be a leave stage in the case of Government bills. When he pointed that out, the then President of the Council said: "No; the leave stage in the cases of Government bills should be dispensed with." The original rule empowering the executive Government to dispense with the leave stage thus remained as it stood. Then the Secretary of State wrote to the Government of India to ask the Bombay Government to amend the said rule in accordance with the spirit of the Government of India Act. A select committee was then appointed by the Bombay Council. The committee recommended that a motion for leave was necessary in respect of Government bills. In presenting the report of the select committee the Honourable Sir W. Mansfield pointed out that it was the desire of the Secretary of State for India to treat the additional members of the Legislative Council on a footing of equality with members of Government, and that therefore, they had amended the rule accordingly. The report was accepted by the then Council, but when the rules were sent to the Government of India the Government of India said:—

> "No; we do not agree with you in this. You may have a general rule that there should be a motion for leave to introduce every bill, but we are not in favour of taking away entirely the power of the executive Government to dispense with the leave stage."

The Governor General refused to sanction the revised rule and asked the Council to allow the rule empowering the executive Government to dispense with the leave stage to stand. The Council had, under the circumstances, to accept that position, and thus the rule remains upto this day as it was framed originally before the act of 1861. This, in short, is the history of the question as far as I have been able to gather from my perusal of the Legislative Council proceedings from the year 1862 to 1865, and I should be very glad if the Honourable Sir MAHADEV CHAUBAL or the Advocate General would correct me if and where I am wrong.

Now if the motion for leave to introduce is a necessary preliminary to the introduction of a bill, I cannot understand, your Excellency, how the executive

Government can deprive this Council of that function, and I go further and say, how can this Council, even if they were so inclined, delegate that power to the Governor? It is the essential function of this Council to determine whether leave should be granted or not. This is, however, not a case of delegation at all, because the executive have taken the power to themselves by a rule. But even if it were a case of delegation, I respectfully submit that this Council has no power to delegate its function to the executive Government.

The Honourable Sir MAHADEV CHAUBAL:—It is not delegated to the executive Government, but it is delegated to the Governor.

The Honourable Mr. PATEL:—I have not found any section in the Government of India Act under which the Legislative Council can delegate one of its important functions to one individual, even though that individual may be the Governor or the Governor-General. The Honourable the Advocate General tells us that the executive Government is responsible for the good government of the country. Then, why not accept that position and delegate all the powers of the Legislative Council to the Governor and shut up the Legislative Council altogether? I again say that these powers were vested in the Governor not by this Council, that the executive Government, by making rules, took those powers to themselves, that in 1865 when the Legislative Council made an attempt to have to itself those powers the Government of India came in its way, and there we are since. I respectfully submit that it is high time that we should resume those powers to ourselves. It is only right that this assembly should have the power to determine whether a motion for leave to introduce a bill should be allowed or not. We have had enough experience in the past and from that experience we must take a lesson; our delegate has exercised the power vested in him invariably in favour of Government bills and only in one case in favour of a private bill. That being so, I do not know why this Council should not stand on its rights now and say "Well, Mr. Delegate, we resume the powers to ourselves and we will exercise them as we like".

My honourable friend Sir MAHADEV CHAUBAL told us "What is the good of wasting time over these matters? The Government of India is sure to overrule us. They won't sanction such rules even if we make them." Well, I respectfully submit, your Excellency, that if we represent our case in a proper manner, the Governor-General will agree to the position that we take up now. No doubt the Governor-General overruled us in 1865, but it is now 52 years and it is high time that we should go once more to the Governor-General and say "Well, now the times are changed and we propose to have the motion for leave to introduce determined by ourselves and we do not want the Governor to determine it." I am perfectly certain that the Governor-General will respect the opinion of this Council.

Before I proceed to consider the second part of my amendment I should like to draw the attention of this Council to the despatch of the Secretary of State in regard to a similar rule of the Imperial Legislative Council. My honourable friend Sir MAHADEV CHAUBAL told us yesterday that the Secretary of State had reconsidered his decision. I shall be glad if the Honourable Sir MAHADEV would show me the authority for his statement. So far, I find nothing to that effect from the Council proceedings. The despatch I refer to is as follows:—

"A rule, the practical effect of which is that instead of moving for leave to introduce a bill into the Council a member may send it to the Secretary to the Government in the Home Department to be dealt with as if leave has been given to introduce it, appears to me open to serious objection. The power, vested in this Council at its meeting for making laws and regulations, of exercising a control over the introduction of the bills is not to be considered a matter of form. There are certain subjects in regard to which the Council has no power to legislate; there are others in regard to which no member or additional member can introduce a bill without the previous sanction of the Governor-General; and others

again in regard to which it may for obvious reasons be highly inexpedient to attempt legislation. In all such cases the power of imposing a check upon the introduction of bills can be most effectively exercised at meetings of the Council. It must be further borne in mind that on such questions the additional as well as ordinary members have the privilege of voting. But the practice under your rules would go to deprive them of that privilege. The Government might, indeed, refuse to take any steps upon a bill sent to the Secretary, but it is not fitting or expedient that the members of the Executive Council alone should exercise a power which belongs to every member of the Council when assembled for making laws and regulations. For these reasons I am of opinion that the initiative step for the introduction of every bill should be taken at some such meeting of the Council."

So, both on the ground of illegality as well as on the ground of impropriety I ask this Council to rule that a motion for leave to introduce a bill is a necessary stage both in respect of additional members' as well as of ordinary members' bills.

The second point raised by my amendment is in regard to the question of bills in respect of which previous sanction of the Governor or the Governor-General is required. In dealing with this question I should like to invite the attention of this Council to sections 79 and 80 of the Government of India Act, page 40 and page 41 of the Council Manual. Sub-clause (3) of section 79 says :—

"The local legislature of any province may not, without the previous sanction of the Governor-General, make or take into consideration any law—"

Then sub-clause 2 of section 80 says :—

"It shall not be lawful for any member of any local legislative council to introduce, without the previous sanction of the Governor, Lieutenant-Governor or Chief Commissioner, any measure affecting the public revenues of the province or imposing any charge on those revenues."

The construction proposed to be put on this sub-clause on behalf of Government is that the sanction of the Governor should be obtained before any motion for leave to introduce a bill is made. I understand that Government maintain that motion for leave to introduce and the introduction of a bill are not two different things. That is probably their view. The Honourable the Advocate General might perhaps further argue that the words of section 79, clause (3), "The local legislature of any province may not take into consideration any laws" are so wide that they would apply also to a motion for leave to introduce a bill. I respectfully submit, with due deference, that you cannot say that the Council has considered a law unless the bill is actually introduced. Because a member of this Council makes a motion for leave to introduce, you cannot say that you are taking into consideration the law. It is only when you grant him leave to introduce a bill and he introduces it, that you are said to take that law into consideration.

For these reasons I maintain that sanction of the Governor or Governor-General need not be applied for or obtained before making a motion for leave to introduce a bill. The Government on the other hand say: "No; before you make any motion for leave you must apply to the Governor or the Governor-General for sanction, and you will not be allowed to make your motion in the Council unless that sanction is obtained."

My honourable friend Mr. KAMAT observed that it would be much better if motion for leave were allowed to be discussed in this Council so that the Governor might have the advantage of hearing both sides. When the bill is fully discussed in this Council he will be in a far better position to say whether it is desirable or necessary under the circumstances of the particular case to grant the sanction.

At present what happens is this, I had bitter experience in this matter only recently. I gave notice of a bill which required the previous sanction of the Governor. I applied for it and the application was rejected. If that bill had been discussed on a motion for leave to introduce it, I feel absolutely confident that His Excellency the Governor would have granted the sanction. But as things stand at present, he has no alternative but to hear the views of the officers of the secretariat in order to decide whether he should grant or refuse sanction. The other side remains unrepresented. That is the position. Therefore, as my honourable friend Mr. KAMAT very rightly put it, it is absolutely necessary that there should be a motion for leave before sanction, so that the bill may be discussed in this Council and His Excellency may have the opportunity of hearing both sides. This contention is supported by the rules of the Behar and the Bengal Legislative Councils. They provide that after the leave is obtained by the member he shall not be permitted to introduce the measure unless and until the necessary sanction has been accorded thereto. In Madras Legislative Council, last May, the question was fully discussed and unfortunately, in spite of very strong non-official opposition, the rule as now proposed to be introduced by Sir MAHADEV CHAUBAL was carried by 21 votes against 17. Anyhow if we go by precedent the Bengal and Behar rules are in my favour and the Madras rule favours the view of the Honourable the Advocate General.

There is one more point which I should like to make clear before I sit down, and it is this. It may be contended that it will merely add one more stage to legislation and cause unnecessary delay in carrying through urgent legislation when necessary. Occasions may arise when it would be desirable and necessary to pass legislation in a shorter period. To meet these objections, one of my amendments proposes that as soon as motion for leave is granted you can at the same sitting also move for the first reading. There will thus be no difficulty and no delay. This is what is being generally done in the Imperial Legislative Council.

One more point and I have done ; and it is this. I have seen the Legislative Council rules of the United Provinces, Assam, Bengal, Burma and Punjab, and I find that there they do not provide that the publication of a bill is its introduction. According to our Council rules publication of the bill becomes introduction. I therefore propose that that should not be so. As soon as notice is given to the secretary his duty should be to send a copy of it with the statement of objects and reasons to each member and then publish it in the *Bombay Government Gazette*. On the expiration of two months this motion will be discussed in the Council, and if it is accepted the member will move the first reading. With your Excellency's permission, I now read the new rules which I propose :—

1. For rules 28, 29 and 30 of the said rules the following shall be subsituted :—

"28. Any member desiring for leave to introduce a bill in accordance with the provisions of the Government of India Act, 1915, shall give the secretary at least two months' previous notice of his intention and shall, together with the notice, send a copy of the bill with the full statement of objects and reasons.

29. As early as possible after the date of the notice prescribed in the last preceding rule the Secretary shall cause—

(*a*) the bill together with the statement of objects and reasons to be published in the *Bombay Government Gazette*,

(*b*) the printed copies of the bill and of the statement of objects and reasons to be sent to all the members of the Council, and also to the press and the public in such manner as the Governor may direct, and

(*c*) the bill with the statement of objects and reasons to be translated into such vernacular languages as may be desirable in view of the interests likely to be affected thereby and such translations distributed in such manner as the Governor may direct.

COUNCIL BUSINESS RULES.

[*Mr. Vithalbhai Jhaverbhai Patel; the President; Mr. Raghunath Purshottam Paranjpye; Mr. Siddhanath Dhonddev Garud.*]

30. (1) The member who has given notice under rule 28 may then move at a meeting of the Council for leave to introduce the bill.

(2) If the motion is carried, the President shall declare that the bill is introduced.

Provided that in the case of a bill which requires the previous sanction of the Governor under sub-section (2) of section 80 of the Government of India Act, 1915, or the previous sanction of the Governor-General under section 79, sub-section (2) or sub-section (3), of the said Act, the President shall not declare the bill introduced unless and until such sanction has been duly accorded thereto."

With these words, I trust the Council will accord their support to my amendments.

His Excellency the PRESIDENT:—Order, order. Before the Council adjourns to-day I want to tell honourable members that if we get to the resolutions to-morrow—I think honourable members understand that we are going to adjourn at 2-30 p. m. to-morrow—I propose to take the resolutions as follows: the first resolution of each honourable member who has got a resolution on the paper will come first. What I mean by that is this: the Honourable Mr. PARANJPYE'S resolution on Modi script will come first, then a resolution of the Honourable Mr. PATEL, and then one of the Honourable Dewán Bahádur GODBOLE, and so on. I want, as far as possible, to give every member a chance of bringing forward a resolution, and if we should get to the end of the list in this manner, I would come back to the second resolution of the Honourable Mr. PATEL.

The Honourable Mr. PATEL:—Does it mean, your Excellency, that only one of my resolutions will be taken?

His Excellency the PRESIDENT:—They will all be taken in order.

The Honourable Mr. PARANJPYE:—May we ask, your Excellency, whether honourable members may choose whichever of the resolutions they like to be taken first?

His Excellency the PRESIDENT:—I have got no objection to that at all. If the Honourable Mr. PATEL says which he is going to take first, there is no objection; only he will have to give a little previous notice to my honourable colleague to enable him to reply.

The Honourable Mr. PATEL:—I will take the jury resolution, No. 8, your Excellency.

His Excellency the PRESIDENT:—I should also like honourable members to bear in mind resolution rule 22. If we do not get to the end of the resolutions by the close of our sitting, the remaining resolutions will be considered to have been withdrawn. So all the resolutions that stand over will have to be re-submitted to the secretary before the next meeting of the Council.

The Honourable Mr. GARUD:—Your Excellency, according to rule 24 any resolutions that are withdrawn cannot be moved for another year to come.

His Excellency the PRESIDENT:—Rule 24 refers to resolutions withdrawn under rule 17. These resolutions are deemed to have been withdrawn under rule 22.

The Council will now adjourn till 11 a. m. to-morrow.

The Council then adjourned till 11 a. m. on Friday, the 13th October 1917.

By order of His Excellency the Right Honourable the Governor,

R. B. MILNE,
Secretary to the Legislative Council
of His Excellency the Governor of Bombay.

Journal of the Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915 (5 and 6 Geo. V, Ch. 61).

The Council re-assembled on Saturday, the 13th October 1917, at 11 a. m., at the Council Hall, Poona.

PRESENT:

His Excellency the Right Honourable Lord WILLINGDON OF RATTON, G.C.I.E., Governor of Bombay, *President.*
The Honourable Sir MAHADEV BHASKAR CHAUBAL, K.C.I.E., C.S.I., *Vice-President.*
The Honourable Mr. G. CARMICHAEL, C.S.I., I. C. S.
The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.
The Honourable the Advocate General (Mr. T. J. STRANGMAN).
The Honourable Mr. S. R. ARTHUR, I. C. S.
The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.
The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.
The Honourable Mr. P. R. CADELL, C.I.E., I. C. S.
The Honourable Mr. SHERIFF DEVJI CANJI.
The Honourable Mr. JAMES GARGRAVE COVERNTON, C.I.E.
The Honourable Mr. PANDURANG ANANT DESAI, LL.B.
The Honourable Sardar SYED ALI EL EDROOS.
The Honourable Dr. C. FERNANDES, M.D.
The Honourable Mr. SIDDHANATH DHONDDEV GARUD.
The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.
The Honourable Mr. MAHOMEDBHOY HAJEEBHOY.

H 2125—235

COUNCIL BUSINESS RULES.

[*The President; Mr. Dattatraya Venkatesh Belvi.*] [13TH OCTOBER 1917.]

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Mr. EBRAHIM HAROON JAFFER.
The Honourable Colonel W. E. JENNINGS, M.D., I. M. S.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwada.
The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
The Honourable Khán Bahádur PIR BAKSH walad MIAN MAHMUD.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL B.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Sardár SHRINIWAS COOPOOSWAMI MUDLIAR.
The Honourable Ráo Bahádur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. F. G. PRATT, I. C. S.
The Honourable Mr. MUNMOHUNDASS RAMJI.
The Honourable Ráo Bahádur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. C. N. SEDDON, I. C. S.
The Honourable Mr. PHIROZE C. SETHNA.
The Honourable Ráo Bahádur TEKCHAND UDHAVDAS.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.

His Excellency the PRESIDENT:—Order, order. Further discussion on the amendments moved by the Honourable Mr. PATEL to the amendments of the rules for the conduct of council business recommended by the select committee.

The Honourable Mr. DATTATRAYA VENKATESH BELVI:—Your Excellency,—I confess that I have found it rather difficult to make up my mind on this particular amendment moved by my honourable friend Mr. PATEL. It seems to me, looking into the provisions of section 80 (1) of the Government of India Act of 1915, that a motion for the introduction of a bill into the Council is a *sine qua non* here generally. At the same time it seems to me that such a stage though legally necessary is on most occasions inconvenient.

Now I find that in this Council there are three different phases of opinion on this particular point. It seems to me that some of my honourable friends such as the Honourable Mr. PATHAN and others are of opinion that it is not necessary at all in any case to make a motion for the introduction of a bill. Another class of gentlemen to be found here may be taken to be fairly represented by my honourable friends Mr. KAMAT and Mr. PATEL who hold that a motion for leave to introduce a bill is absolutely necessary in the case of every bill whether it is introduced by Government or by an additional member. The third class of honourable members of whom I may be taken as a representative holds that the present rules are for all practical purposes good enough, and unless it is shewn that it is absolutely necessary to make any changes in the present rules the present rules may be allowed to stand as they are. At the same time it seems to me that the Government of India Act, 1915, does not leave any room for doubting that a motion for leave to introduce a bill is a necessary step. But I find that since 1861 the Governor of this Presidency has been invested with powers to dispense with this leave stage. That is a change which, in my humble opinion, is salutary. But is there any warrant in law for this assumption of power by the Governor of the Presidency? Unless there is any warrant in law, I submit that it is legally indefensible to confer such a power upon the Governor of the Presidency. It is a power which has been vested in this legislature. The question is whether this legislature is at liberty to part with this particular power in favour of the President of the

Council or in favour of the Governor of the Presidency. I have already said that to me it seems that on most occasions it will be mere waste of time to make a motion in this Council for leave before introducing a bill. Such a motion will, on most occasions, give rise to a long discussion and at the end, more often than not, the motion will be carried. I have no doubt that in the case of a bill introduced into this Council by a member of Government such a motion is, in view of the present constitution of the Council, almost sure to be carried, because a majority is almost assured in the case of every motion which may be brought for discussion by a member of Government. The only advantage which may perhaps accrue to the public by such a motion will be that the public will have a further opportunity, and an earlier opportunity, of considering the legislative measure which it is intended to introduce into this Council. That is the only advantage which is likely to accrue to the public. But is it necessary to make a motion and to give the public such an opportunity and to waste a day or two in discussing such a motion? At present we find that under rule 32 of the rules dealing with the conduct of legislative business 18 clear days' notice is necessary to be given to honourable members before a bill can be discussed in this Council for the first reading. It may perhaps be advisable to extend that period of time, but that is another story. If any honourable member feels that it is necessary to extend that period of time, it is open to him to move a resolution on the point. So it seems to me, on grounds of practical politics, it should not be necessary to make a motion for leave to introduce a bill in every case in this Council.

I admit that there is not much force in the contention that leave is dispensed with in the case of Government bills generally but that it is not always dispensed with in the case of private bills. There are very few instances in support of such a contention. We find that there was a bill recently introduced by a private member and in the case of that bill Government was pleased to dispense with the leave stage. So we cannot draw any general conclusion against Government so far as this point is concerned. Shortly stated, my view on this point is that unless I am satisfied by the Honourable the Advocate General, who is the legal authority in this Council, that there is warrant in law for the delegation to the Governor of this Presidency of this particular power, clause (5) of rule 28 will have to be deleted and the amendment will have to be accepted. If we are satisfied by the Advocate General, then I believe it will be wise on our part to maintain the rules as they stand.

As to the other points, namely, whether it is necessary to wait before making a motion for leave to introduce a bill until sanction is granted either by the Governor of the Presidency or by the Governor-General in cases where such sanction is necessary, there also it seems to me that there will again be needless waste of time. It is not necessary, in my opinion, to make a motion for leave before sanction is granted. The only thing that can be said in favour of the proposed amendment is that perhaps we may have an open discussion in the Council which will induce the Governor of the Presidency to grant the requisite sanction. But is that the only way of persuading His Excellency the Governor to grant the requisite sanction? Is there no other way in which we can satisfy His Excellency the Governor that he should be pleased to grant the sanction? Any additional member who wishes to introduce a bill for which sanction is required may see His Excellency in private, or he may submit to him a representation along with the bill stating the grounds on which sanction should at once be granted. It will not be advisable to always insist upon the right of making a motion in this Council for leave to introduce a bill before such sanction is granted. Yesterday the Honourable Mr. KAMAT was able to show that in the Madras Legislative Council a bill was introduced some years ago and there was a full-fledged debate on it in the Council, and after all it was found that His Excellency the Governor-General was not pleased to grant the sanction. So the whole of the time that was taken up in the Council was practically lost except one circumstance, namely, that perhaps the public opinion of the Madras Presidency might

have been a little enlightened on the points covered by that measure. Thus it seems to me that it is not necessary to make any change in the existing rules so far as the second point is concerned. On the first point I have already said that I am prepared to allow the rules to stand as they are unless the Honourable the Advocate General is unable to satisfy us that there is warrant in law for the delegation of power to His Excellency the Governor by this legislature.

For these reasons I repeat my opinion that I am not able to form any definite conclusion at this moment, and I shall suspend my judgment and await the opinion of the Honourable the Advocate General on this point.

The Honourable Mr. BALKRISHNA SITARAM KAMAT:—Your Excellency,—I do not wish to detain the Council for more than a few minutes, especially as we have a very short day before us. But speaking to the amendment of the Honourable Mr. PATEL, I wish to make only one or two observations. I am glad, in a way, that although the Honourable Mr. PATEL supported the Honourable Mr. PATHAN'S amendment in which there was no provision for leave to introduce a bill, still in the amendment which stands in his own name he has provided for the stage of leave to introduce. What I said yesterday was that the leave stage is absolutely essential in the case of all legislation, but I find one great defect in the arrangement proposed in the Honourable Mr. PATEL's amendment and it is this. Although I say that the leave stage is absolutely essential, I further say that that stage ought to precede every other step in the course of legislation, whereas what the Honourable Mr. PATEL is trying to do is this. As soon as the draft of a bill is ready he wants it to be sent to the secretary and he further wants that the secretary should immediately publish it in the *Bombay Government Gazette*, and not only that, but he desires that copies should be supplied to the members immediately and also translations into the vernaculars should be done. And after all these preliminaries are effected, then he likes to come into this Council asking for leave to introduce. I believe this procédure is exactly the reverse of what I have in my mind, for this simple reason, that we the members of the Legislative Council ought to know and ought to have the first opportunity of looking at the draft of the bill and to see the language and the principles and judge for ourselves whether leave should be granted to introduce the particular measure. Before that is done I do not think that the draft bill should be published. That is the great defect which I find in the procedure suggested by the Honourable Mr. PATEL.

Regarding the other point on which he laid stress yesterday, namely, that there should be no difference whatsoever between private bills and Government bills, I agree that theoretically they ought to be on exactly the same footing. Government bills are no doubt drafted by legal experts; however, I for one have not the least objection if they are placed on the same footing as private bills according to the suggestion of the Honourable Mr. PATEL. But that should be effected by a different method, namely, that Government bills also should be compelled to come before the Council, even though purely as a matter of form. For, after all, I consider that although the leave stage is absolutely necessary in the case of private bills, in the other case it is for the sake of a legal form that Government bills should be brought up for leave to introduce, I say purely as a legal formality. If that is done, I do not think anything would be lost. Of course the Honourable Mr. BELVI thinks it purely a waste of time to bring every bill here for leave to introduce. I beg to differ from him, because after all we will have in any case an opportunity of being able to judge as to the propriety of a bill and its desirability as well as its language. I believe that the time spent in the preliminary discussion is more or less gained and not wasted, considering the fact that some discussion is after all bound to occur at a later stage, namely, when the bill is proposed for

the first reading, So if there is to be no opposition at the leave stage there is no harm if the discussion is allowed to take place before the first reading. In either case, what I would propose is this: that leave to introduce should be absolutely necessary and that Government bills should be put on the same footing with private bills, and both should not be introduced unless leave is formally granted by members of the Legislative Council for the introduction of any bill.

The Honourable the Advocate-General (Mr T. J. STRANGMAN):—Your Excellency,—The Honourable Mr. PATEL'S proposals are twofold. The first is to render it obligatory in all cases that a motion for leave to introduce should take place and that the power at present vested in your Excellency to cause introduction by publication should be taken away. The second proposal is to permit of a motion for leave to introduce a measure which requires sanction under either section 79 (2) and (3 or section 80 (2) of the Government of India Act before such sanction has been obtained. As to the first point it will be noticed that there is no suggestion—and indeed there could be no suggestion—that the power in your Excellency has in the past been improperly or perversely exercised, either in the case of Government bills or in the case of private bills, or that there has in the past been any improper or perverse failure to exercise such power in the case of any private bill. The matter has been put upon two exceedingly narrow grounds. The first of those grounds is that the rules, *i.e.*, rule 28 (5) and 29 (2), are *ultra vires* in view of section 80 (1) of the Government of India Act The second ground really amounts to this, that as a matter of sentiment Government bills and private bills should be put upon precisely the same footing in all respects and no different treatment should be accorded to the one or the other.

In dealing with the first question, let us bear in mind certain preliminary facts. Section 80, sub-section (1), is not in fact new law. It merely re-enacts in substance what had previously existed. We have this further, that a rule having the combined effect of rules 28 (5) and 29 (2) was passed at a meeting of the Legislative Council of Bombay on the 1st of February 1865, and I assume that my predecessor in office was present at that meeting and took part in the discussion. Now, that rule remained in force until the new Councils came into existence, some eight years ago. When the new Council came into existence, the executive Government, as they were bound to do, framed rules under section 83 (1) of the Government of India Act, and quite rightly, in this particular, adopted as their model the rule which had been passed by the Legislative Council so far back as 1st February 1865. Now, for 52 years no one has ever made the discovery which is claimed by the Honourable Mr. PATEL. I do not say that that consideration is fatal to the argument, but it is at any rate exceedingly inauspicious, and I think every one will agree that some very convincing and cogent reasons must be forthcoming before we can agree with him that that rule is *ultra vires* and that what has stood in the rules for 52 years is after all wrong.

Now let us go to section 80, sub-section (1), of the Act; I will read only the relevant portions of the section. "No motion shall be entertained other than a motion for leave to introduce a measure into the Council for the purpose of enactment, or having reference to a measure introduced or proposed to be introduced into the Council for that purpose." Now it will be seen that that section merely states that certain motions, and certain motions only, having legislation, in view, can be entertained by the Council, one of such motions being a motion for leave to introduce a bill. It does not say, nor does any other section in the act say, that a motion for leave to introduce a bill is a necessary step in legislation, and the fallacy which underlies the argument both of the Honourable Mr. PATEL and the Honourable Mr. KAMAT lies in the assumption that because such a motion may be made it must be made. The answer, then, to the contention that these rules are *ultra vires* is that the act nowhere provides that a motion for leave to introduce a bill is a necessary stage in the passage of a bill into law.

But, sir, I do not think it would be right for me not to deal with the arguments of the Honourable Mr. PATEL a little more in detail, and the best way of dealing with them will be to refer to what he says at page 845 of the *Government Gazette*. The first statement is this:—"These statutory provisions make it perfectly clear that the first stage of a bill to be introduced into any Legislative Council in India is motion for leave to introduce it." Now, the answer to that is that it may be and not that it must be. Then a little lower down:—"The Government of India act does not empower the legislature to dispense with the leave stage or to delegate its function to grant or refuse leave." The answer to that is that the leave stage is nowhere in the act rendered obligatory. Still further on:—"The result is that these rules give the Governor a power and a function which ought to rest, and which do rightly rest in all constitutional countries, with the legislature. They were made by the executive Government when the Bombay Legislative Council was first established." As I have pointed out, the facts are not fully stated there The rule was made by the executive Government under an obligation imposed by section 83 (1) of the Act some eight years ago when the enlarged Councils came into being, and they took as their model the rule which had been passed by the Legislative Council itself on the 1st February 1865. Then—and this is also the Honourable Mr. BELVI'S point—the Honourable Mr. PATEL says:—"It is difficult to understand, however, how the Government, who themselves did not possess these powers, transferred them to the Governor when as a matter of fact even the legislature, as I have just observed, could not legally part with them." The answer to that argument is that there has never been any transfer by the Government or by the legislature to the Governor at all. There has been no necessity for a transfer. If the act said that there must be a motion for leave to introduce, I quite agree that we could not provide by rules that there need be no motion for leave; but the act does not say that there should be a motion for leave to introduce. Consequently, there has been no transfer of any function of the Legislative Council to His Excellency the Governor.

I have now dealt with all the points that were specifically raised except one, and that is in reference to the letter from the Secretary of State. Now with regard to the letter, I understand the Honourable Mr. PATEL'S suggestion to be that it is an expression of opinion of the Secretary of State that rules such as these are *ultra vires*. Now, that is quite incorrect. It relates to rules different to those that we are now considering. I can tell the Council this further, that in the course of the correspondence, during which this letter passed, the Secretary of State at the close of that year—this letter was written in July—agreed to the principles of the rules that we now have under discussion. Your Excellency will allow me to briefly refer to the files from which this letter comes. There was a rule in Bombay, and a similar rule in the Legislative Council of the Government of India, as follows:—Rule 12. "It shall not be necessary to ask leave of the Council to introduce bills proposed for the adoption of the Council by Government. But every such bill shall be printed, with the preface hereinafter referred to, and a translation of both the bill and preface, into the vernaculars, and be circulated to the members of the Council, and also published in the *Bombay Government Gazette* at least one week before it is brought on for discussion." The next rule dealt with the power of any member to move for leave to introduce a bill. The result was that a distinction was drawn in the rules between Government bills and other bills, and there was a provision of which the effect came to this, that it was for the executive Government to decide whether or no there should be a motion for leave to introduce. It was these rules which evoked the advice which appears in the letter from the Secretary of State. That advice was given by a letter dated the 31st July 1862. Subsequently it appears that the local Legislative Council here appointed a committee to frame rules and on the 5th September 1863 the committee which was appointed made a report recommending certain rules, and amongst those rules was a rule (No. 13) which in effect provided that there must be a motion for leave to introduce in every case

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There was no provision whatever for publication taking the place of such a motion. Now this recommendation was made to embody the advice given in the Secretary of State's letter and in ignorance, curiously enough, of the correspondence which had subsequently passed between the Government of India and the Secretary of State in the course of which, as I stated, the Secretary of State agreed to the principle of the rules now under discussion which are said to be *ultra vires*. The rules recommended by the committee were sent to the Government of India, and on the 26th September 1864 the Government of India stated that there should be a rule providing for introduction by publication. On the 22nd of October 1864 this Government agreed, and they said that the only reason why such a rule had been omitted was on account of the advice of the Secretary of State, and they submitted a rule founded upon a rule which was then, and still is, in the rules of the Government of India. I will not read the rule they submitted. In effect, it was the same as the two rules we are now considering, that is to say, it provided for introduction by publication in the *Gazette*. The authority to decide whether there should be publication was the Governor and not, as in the rules which evoked the advisory letter quoted by the Honourable Mr. PATEL, the executive Government. The Government of India on the 14th November 1864 agreed to this rule and they sent copies of the correspondence which they had with the Secretary of State to the Bombay Government, *i. e.*, the correspondence which had passed at the end of the year 1862. Then, on the 1st of February 1865, as I mentioned before, the local Legislative Council passed the rule upon which these two rules in question are founded.

I will now go back to the correspondence which passed between the Government of India and the Secretary of State. We find that the Government of India pointed out, in reply to the letter of the Secretary of State which the Honourable Mr. PATEL has quoted, that the motion for leave to introduce was one of mere form and nothing else, and consequently that a rule such as that which was under consideration, that is to say, rule 12 that I read before in the Bombay rules, should be enacted with a modification, the modification being to take away from the Governor General in Council the power to publish and to give such power to the Governor General, thus putting all the members, both ordinary and additional, on precisely the same footing as regards the introduction of bills. The Secretary of State agreed to that, with the result that the Government of India passed their rule, which still exists and from which the Bombay rule was copied.

The Honourable Mr. PATEL:—Is there any letter of the Secretary of State to that effect?

The Honourable the ADOCATE GENERAL:—Yes, there is. This is what the Secretary of State says: "A despatch dated 10th of October 1862 relative o the conduct of business at the meeting of the Legislative Council of the Governor General for making laws and regulations has been considered by me in Council. With reference to the 4th and the following paragraph of your despatch, I sanction your proposal to make the publication of the bill subject to the approval of the Governor General alone instead of the Governor General in Council." Well, that correspondence then shows this, that the Secretary of State agreed to the principle of the rules that we are now considering and that, I think, really finishes the point of *ultra vires*.

Now I come to what may be termed the sentimental reasons: the suggestion is that Government bills and private bills should invariably be placed upon the same footing and treated in the same manner. In the first place the rules draw no distinction whatever between Government bills and private bills, and it is open to His Excellency to direct publication of any private bill just in the same manner as he may direct publication of a Government bill and so do away with the necessity for a motion for leave to introduce. There have been, I think, four bills,

since the enlarged councils were formed, introduced by additional members—one by Sir Ibrahim Rahimtulla, one by the Honourable Mr. BHURGRI and two by the Honourable Mr. PATEL. In two of them, namely, in the case of Sir Ibrahim's bill and in one of the Honourable Mr. PATEL'S bills, publication took place and the necessity for leave to introduce was obviated.

The only question is whether the rules should take away a useful power and provide that all bills should invariably be treated on the same footing. As far as I understand the argument of the Honourable Mr. PATEL, it really comes to this: it may very well be that this power is a useful power, but inasmuch as in the past it has been exercised invariably in favour of Government bills and only in 50 per cent. of additional members' bills, therefore take it away. Now, if I may say so without any disrespect at all, putting it in homely language, does not this amount to an expression of willingness to have one's nose cut off to spite one's face? Well, I ask, is that a reasonable attitude and is there anything whatever in this point of sentiment? I say there is no point of sentiment involved. It is a pure question of business and of business only.

Now what is the object of a motion for leave to introduce? The object of a motion of that kind is to give time, time to the people whose interests are likely to be affected, time for those people to voice any objections that they may have. In the case of a Government bill there is an elaborate inquiry before the bill is published to ascertain the views of the various classes whose interests are likely to be affected. Consequently, speaking generally, there is no necessity for the leave stage in the case of a Government bill. An additional member, on the other hand, has not at his disposal the facilities that Government have for ascertaining the views of the people at large; consequently his bill stands on a different footing. It may of course be that his bill is such that it could be said at once that it is not likely to evoke any hostile feeling or controversy, and such I presume was the case in the instance of the Trust Bill of Sir Ibrahim and the Education Bill of the Honourable Mr. PATEL.

The Honourable Mr. PATEL:—Was motion for leave dispensed with in Sir Ibrahim's Trust Bill?

The Honourable Sir MAHADEV CHAUBAL:—It was published to start with.

The Honourable Mr. PATEL:—It was discussed in this Council at a motion for leave to introduce it, and then permission was granted for the first reading.

The Honourable the ADVOCATE GENERAL:—My recollection is that the first reading took place at once and there was no mention for leave to introduce.

Whether there was a motion or whether there was not in the case of Sir Ibrahim's Trust Bill is, however, really immaterial. On one point I think all must agree, and that is that there is a possibility, indeed a probability, of additional members bringing in bills of a highly controversial character, and I say, in cases of that kind it is essential that there should be a certain amount of delay which can readily be obtained by a motion for leave to introduce.

Well, now I come to the second point and with that I can deal very shortly indeed. The suggested alteration is that a motion for leave to introduce a bill which requires sanction under sections 79 (2) (3) or 80 (2) may be made even though that sanction has not been obtained. There are several answers to this. In the first place going to section 79 (3) it will be seen that the local legislature may not without the previous sanction of the Governor General make or take into consideration any law of the kind specified subsequently in that sub-section. Now 'law' there must mean 'measure', and if they cannot take into consideration a measure of this description, they certainly cannot entertain a motion for leave to introduce such a measure, because that would be taking into consideration such a measure. So that so far as sub-section 79 (3) is concerned previous sanction is required and the rule which the Honourable Mr. PATEL proposes would be *ultra*

vires in cases covered by that sub-section. The language which is used in section 79 (2) and section 80 (2) is, it is true, somewhat different, but it seems by no means improbable that they would be construed like section 79 (3) with the result that the rule would be *ultra vires* in cases covered thereby. These are the legal objections.

Let us now deal with the practical objections. The practical objections are twofold, and the first is that supposing a motion is entertained of the kind specified and sanction is not afterwards obtained, the motion would be a mere farce. That is the first practical objection. The second practical objection is this, that under section 83 of the Indian Councils Act any alteration in the rules that we may pass is liable to be disallowed by the Governor General in Council and if so disallowed it shall have no effect. Quite recently the Government of India altered their Legislative Council rules to provide that where sanction is required under section 67 (which corresponds with section 80 (2)) no motion for leave to introduce a bill which requires such sanction can be entertained until such sanction is obtained. Consequently I think we may take it for certain that even if this alteration were agreed to here it would certainly not be agreed to by the Governor-General in Council.

The Honourable Mr. KAMAT :—May I know what would happen if sanction is received and the motion for leave is not granted ?

The Honourable the ADVOCATE GENERAL :—If the motion for leave were not granted, then of course the bill could not proceed. That is very obvious, and that is because though His Excellency the Governor or His Excellency the Governor-General might see no objection to a particular measure on the face of it, the Council might think otherwise, in which case it would never get to a first reading.

Now, there is one other suggestion made by the Honourable Mr. KAMAT with which I should deal, and it is this. He said that it might be a very useful thing to have a motion of this kind before sanction is given, in order to enable His Excellency the Governor or the Governor-General, as the case may be, to decide upon the question as to whether sanction should be given or not. But the answer to that is this—and it is a very simple and conclusive answer—that a motion for leave to introduce is of a purely formal character and consequently no discussion is allowed. Consequently all that His Excellency the Governor or the Governor-General would have before him would be a record of the votes.

The Honourable Mr. DESAI :—Is even discussion about the principle of a bill not allowed ?

The Honourable the ADVOCATE GENERAL :—I say that it has been ruled that the motion for leave being of a purely formal character, no discussion is allowed. I think, if I remember correctly, His Excellency himself ruled that in reference to a bill introduced by the Honourable Mr. PATEL.

The Honourable Mr. PATEL :—Does the discretion for any such discussion lie with the Council or with the Governor ?

His Excellency the PRESIDENT :—The discretion is with the Governor. I am talking of a particular bill. It is perfectly true that I did rule that such leave was going to be given and it was not necessary to discuss it, because that would come on at the first reading.

The Honourable the ADVOCATE GENERAL :—That is really the answer. The motion being of a formal character, no discussion would take place. The result would be that there would be only a record of the votes, and the same result could be obtained by the introducer circulating the bill amongst members of the Council and asking who is prepared to back it, and when sending a copy of the

bill to the secretary informing him of the names of the honourable members who are prepared to support it. That, I submit, is a complete answer to the suggestion of the Honourable Mr. KAMAT. I have now I think replied to the various points that have been raised by the speakers, and for the reasons I have given I propose to vote against the amendment of the Honourable Mr. PATEL.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency,—After the explanation given by the Honourable the Advocate General I will not venture to go into the question of the legality or otherwise of rule 28 (5), but I beg to point out that we have on the Statute an express provision in section 80 of the Government of India Act, which contemplates a motion for leave to introduce a measure into the Council as being of ordinary necessity. Are we to understand that under the power vested under rule 28 (5) and rule 29 that stage is to be dispensed with altogether? Rule 28 provides as follows:—

"(1) Subject to the provisions of the Indian Councils Act, 1861 and 1892, any member may move at a meeting of the Council for leave to introduce a bill.

"(2) Any member desiring to move for leave to introduce a bill as aforesaid shall give the secretary at least two months' previous notice of his intention and shall, together with the notice, send a copy of the bill and a full statement of objects and reasons, and any other necessary papers.

"(3) In speaking to the motion the member introducing the bill may state concisely the scope of the bill and the reasons in support of it, but, unless the motion is opposed, such explanation may be deferred to the first reading.

"(4) If the motion is carried, the secretary shall publish the bill with the statement of objects and reasons in the *Bombay Government Gazette.*

"(5) Provided that the Governor may order the publication in the *Bombay Government Gazette* of any bill although no motion has been made for leave to introduce it. In such case the statement of objects and reasons shall be published with the bill."

This last proviso, so far as I understand it, is meant to meet those rare cases where either owing to the mere formal nature of the subject-matter of the bill or its urgency, it may be allowable or necessary that the Governor may dispense with the motion for leave to introduce the bill and allow its publication without such motion. This should not, however, be the ordinary usual procedure. That would be clear from section 80 and rule 29 and the observations recorded by the Secretary of State in the letter, an extract from which is given by the Honourable Mr. PATEL in his minute of dissent. Therein he clearly says as follows:—

"The power vested in this Council at its meeting for making laws and regulations of exercising a control over the introduction of the bills is not to be considered a matter of form.

"In all such cases the power of imposing a check upon the introduction of bills can be most effectively exercised at meetings of the Council.

"The Government might, indeed, refuse to take any steps upon a bill sent to the secretary, but it is not fitting or expedient that the members of the Executive Council alone should exercise a power which belongs to every member of the Council. . . ."

So this power to accept or reject a motion for leave to introduce a bill is vested by Statute in the Council and must be exercised by the whole Council, and the motion for leave to introduce a bill is legally necessary and if for special reasons the Secretary of State may have consented to give to the Governor the power of dispensing with the motion in certain cases and allowing the bill to be introduced by mere publication in the *Gazette*, that ought not to be the rule but the exception. In our Presidency, however, the actual practice has been otherwise and to the detriment of public interests. We have had enough experience of

this. It is, no doubt, true that Government bills are drawn up after a good deal of official investigation, but so far as the public are concerned, there are no means for the Government to ascertain public opinion or for the public to approach the Government before a bill is published, which is a very short time before it comes for the first reading. We had sad experience of this in the case of the bill that was introduced to amend the Land Revenue Code and the bill to amend the Irrigation Act. The Council had not sufficient time to consider the provisions of the bill and the public could not express their opinion. The bills, in fact, were rushed through the Council for first reading, and even the second and third reading stages were hurried through. In these circumstances, considering the backward state of public education and of the public press in the country, and considering also that the publication in the *Government Gazette* though taken as being a publication to the whole country is a mere matter of fiction seeing that these publications are made for the most part in the English language and the publication of the translations depends upon the pleasure of the select committee after the bill is considered by it, I say, whatever the correct view as regards legality may be, and even if rule 28 (5) be legally valid, still the exercise of the power given under it to dispense with the motion for leave to introduce a bill should be an exception and not the rule and that in all ordinary cases, whether the bill be a Government bill or be introduced by a private member, it ought to come forward before the Council as an ordinary rule in the first instance on a motion for leave to introduce it, and after the leave is granted, then for the first reading.

With these words I support the Honourable Mr. PATEL'S amendment.

The Hononrable Sir MAHADEV BHASKAR CHAUBAL:—Your Excellency,—I need not detain the Council long. My honourable friend the Advocate General has explained the whole history of these rules in connection with the amendment before us. The only remark that I wish to make is that really the whole gist of the Honourable Mr. PATEL'S arguments is contained in those three sentences on page 845 of the *Bombay Government Gazette* in his dissenting minute. What he is aggrieved at and what he resents most is this. He says:—

"The result is that these rules give the Governor a power and a function which ought to rest, and which do rightly rest in all constitutional countries, with the legislature."

Then he goes on to say:—

"It is difficult to understand, however, how the Government, who themselves did not possess these powers, transferred them to the Governor."

Honourable members perhaps did not catch the earlier portion of the Honourable the Advocate General's speech which referred to the first clause of old section 37, 24 and 25 Victoria, and section 83, clause (1), of the present act, and I think that the Honourable Mr. PATEL, however much one may sympathise with his wish for this Council to have the power of framing rules in the first instance, has got to accept the constitution as it stands at present and as it had stood ever since 24 and 25 Victoria. What he considers as a power which should rest with the Legislative Council and not with the Governor or the Governor in Council has been provided for before the Legislative Council had any being at all, and the power is given by section 83 of the present act or section 37 of the old act to the local Government to frame rules. It is that that we must start with. Section 83, clause (1), distinctly states:—

"The local Government of any province for which a local Legislative Council is hereafter constituted under this act shall, *before the first meeting of that Council*, and with the sanction of the Governor-General in Council, make rules for the conduct of legislative business in that Council."

So that rules had to be framed and were in existence before the first meeting of the Council was held, and it was under those rules that this power was originally left

to the Governor in Council and subsequently, as the Honourable the Advocate General has said, with the sanction of the Secretary of State the Governor-General or the Governor came to be substituted for the Governor in Council. That is really the history of it, and if the Honourable Mr. PATEL, with his democratic leanings, wants this power for the Legislative Council, he has to get it by inducing the Parliament to alter the Government of India Act; but so long as that act stands as at present, I do not think that he can succeed in getting that power by tinkering with the rules. It is quite enough for me to say that the answer given by the Honourable the Advocate General to the amendment is conclusive.

As regards the Honourable Mr. UPASANI'S objection, I do not think he really followed the argument of the Honourable the Advocate General, and that is this: it is true, as Mr. UPASANI says, that section 80, clause (1), says that the Council as a Council shall not entertain any motion other than a motion for leave to introduce; he does not see that the Council is not contravening that clause if the Governor or the Governor-General directs the publication of any bill. You cannot say that the Council has entertained a motion not permitted to it—because the matter has never come before the Council at all. It is not a thing which is done in Council and there is no law which declares that the Governor shall take the consent of the Council before he sanctions introduction by publication. When he in his discretion passes an order under section 28, clause 5, there is nothing that this Council is doing against the provisions of section 80 (1).

The Honourable Mr. UPASANI:—I do not question the legality of the order or say that it is made with reference to anything which passes in the Council, but I say that the passing of an order ordering the publication which will have the effect of introducing the bill should be an exception and not the rule, because after publication the public have not sufficient time to express their opinion, and it is only their representatives in the Council that can express the public voice. That is my argument.

The Honourable Sir MAHADEV CHAUBAL:—Having explained that, I do not think I need go any further. There is nothing in clause 5 of section 28 which is *ultra vires* under section 80 (1), because the order for publication is not a thing which comes before the Council at all and you cannot say of it that the Council is doing something which is against section 80 (1). I must say I still do not follow the objection of the Honourable Mr. UPASANI.

The Honourable Mr. UPASANI:—I say, assuming that the power given by rule 28 (5) is valid, the exercise of that should be only in exceptional cases.

The Honourable Sir MAHADEV BHASKAR CHAUBAL:—Nobody now disputes that the Governor should have the discretion to exercise the power and to hasten the consideration of a bill by omitting the leave-to-introduce stage. The objection of the Honourable Mr. UPASANI seems to be that it is invariably done in the case of Government bills, while private bills are treated as step-children. I think that objection has been fully dealt with by the Honourable the Advocate General. I do not think any member in this Council will be able to say that it has been exercised differently in the case of Government bills and in the case of private bills. Take for instance the Honourable Mr. BHURGRI's bill. The leave-to-introduce stage was insisted upon by Government. Honourable members will remember that his bill was that the Muhammadan population in Sind should be taxed for the purposes of education. Of course if the Government took straight off the assurance of the honourable member and allowed the bill to be introduced, it would have been a different thing. But Government said that they must have the leave-to-introduce stage in that case and that they must ascertain what exactly was the state of local feeling on the point. They tried to do it and they found that there was a great difference of opinion and therefore later on the bill had to be dropped.

That is the real consideration. I do not think that anybody can say that the discretion vested in the Governor has, in any way, been wrongly exercised in the past when they see that hitherto only four bills have been introduced by the additional members of Council and in 50 per cent. of these His Excellency the Governor dispensed with the leave-to-introduce stage.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I will reply in a very few words. The amendment of wh ch I had given a notice at the last meeting was that leave stage should be dispensed with in respect of all bills and it was referred to the committee. Whilst the select committee was considering this particular question, viz., whether leave stage should be dispensed with altogether or not, it was pointed out by my friend the Honourable Sir MAHADEV CHAUBAL (and I am absolutely certain, and I am sure my honourable friend the Advocate General will bear me out) that the leave stage could not be dispensed with as section 81 of the Government of India Act contemplates the leave stage. I really am surprised at the attitude now taken by Sir MAHADEV CHAUBAL when I bring forward the present amendment that the leave stage should be required in all cases. When I propose that leave stage should be dispensed with I am referred to section 81 of the Government of India Act and am told the section comes in my way. When I propose to retain the leave stage I am told that it may be retained in respect of private bills but that section 81 does not come in the way of the Governor being empowered to dispense with it. That is the position which unfortunately the Government have taken up in respect of this amendment. However the point is this, that there is such a thing as leave stage in respect of all bills under section 80, sub-section (1), of the Government of India Act. If my honourable friends have any doubt about it, I refer them to page 842 of the *Gazette* where the select committee says: "The second main question which we have considered is whether the procedure at present provided for in rule 28, according to which a member desiring to introduce a bill first asks leave of the Council for its introduction, should be done away with as proposed in the Honourable Mr. PATEL'S group of amendments dealing with rule 28. The stage of legislation in question is recognized in section 80 of the Government of India Act, 1915, and in the rules of all Legislative Councils in India, and we are of opinion that no case has been made out for its abolition." It is thus clear that there is such a thing as motion for leave to introduce a bill. Now I ask this Council to consider, your Excellency, who has got power to say that in respect of a particular bill this stage shall be dispensed with? Who can say that this Council shall or shall not go on with all the stages, the motion for leave, the first, second and third readings? That is the only question for the consideration of this Council. My honourable friend Sir MAHADEV CHAUBAL referred us to section 83 of the Government of India Act and said that it was no use disputing the validity of the present rules, made before the Legislative Council of 1861 came into existence. Under section 83 of the act the Governor in Council has got power to make rules for the conduct of council business, and under the powers so vested the executive Government had made these rules before the first Council met in the year 1862. That is what I understand the Honourable Sir MAHADEV CHAUBAL to say. Now I grant that this particular rule giving power to the Governor to dispense with leave stage was made by the executive Government along with other rules for the purpose of the conduct of the business of the Legislative Council which came into being in 1862. My honourable friend Sir MAHADEV CHAUBAL relies on section 83 of the Act and says that the Government have absolute power to make such a rule. Well, I beg to differ from him. I say that the section merely gives power to the executive Government to make rules for the conduct of legislative business. It does not mean that the executive Government can make rules dispensing with the leave stage, the first reading, second reading, or any other stage of a bill. If his argument is

carried to its logical conclusion, it means that the executive Government can, by their rules, make or unmake, do or undo, the functions of the Legislative Council. In that way, they can make a rule and say: "So far as the Bombay Legislative Council is concerned, we shall have only one reading of a bill; there shall be no reference to the select committee, nor the second and third readings." If the argument of my honourable friend Sir MAHADEV that the executive Government can, under the Government of India Act, section 83, make rules for the conduct of Council business dispensing with any stages of a bill is right, all I say is that such power, in my opinion, could never have been contemplated by the framers of the Government of India Act. We have, as we know, rules for the first reading, second reading and third reading. We have rules regarding reference to a select committee. Does my honourable friend Sir MAHADEV CHAUBAL mean to say that under section 83 (1) of the Act the executive Government could have dispensed with any of these stages? Certainly not. The Government could not have done so. If they could not have done so, the question is whether the leave stage which is contemplated by section 80 (1) of the Government of India Act could be dispensed with by the Governor under any rules made by the executive Government.

It is admitted by my honourable friend Sir MAHADEV CHAUBAL that this rule was made before 1861 by the executive Government, and my honourable friend the Advocate General says that it was adopted by this Council in 1865. Very well. Now if the executive Government could not dispense with the leave stage, as I submit it could not, the next question is, who could? My honourable friend Mr. BELVI very rightly asked the Advocate General to say whether this Legislative Council has got power, under the Government of India Act, to delegate any of its legislative functions to any other authority. I do not think my honourable friend the Advocate General has attempted to reply that query of my honourable friend Mr. BELVI. The Honourable the Advocate General merely relies on the fact, as he puts it, that motion for leave to introduce a bill is not compulsory under the act and so the question of delegation does not arise at all. If we accept the argument of the Honourable the Advocate General as correct, it comes to this that there is such a thing as a leave stage, but it is not compulsory. But I ask who can determine whether leave stage should be required in respect of a particular bill or not? I submit that it is the Legislative Council alone whose function it is to determine on the question of the leave stage to say whether motion for leave to introduce a particular bill shall be dispensed with or not. So far as I understand, the Government of India Act nowhere lays down that the Legislative Council can dispense with any of its legislative functions. I therefore submit, your Excellency, that if, as my honourable friend Sir MAHADEV CHAUBAL puts it, the rule empowering the Governor to dispense with leave stage was made before 1862, the executive Government had no power to make it. If it was made in 1865 by the Legislative Council (which, I respectfully submit, was not the case, but assuming for argument's sake that it was made by the Legislative Council), I respectfully submit that the Legislative Council had no authority to delegate one of its legislative functions to the Governor.

The Honourable Mr. PANDURANG ANANT DESAI:—The Honourable the Advocate General told us that that rule was passed by a meeting of this Legislative Council on the 1st of February 1865. Does my honourable friend doubt the correctness of that statement?

The Honourable Mr. PATEL:—I was going to deal with that question. The Honourable the Advocate General did tell us that; but my honourable friend Sir MAHADEV CHAUBAL clearly told this Council that the rule dispensing with the leave stage was made by the executive Government before the first Council met in 1862, and I am inclined to agree with the Honourable Sir MAHADEV CHAUBAL that the

rules were framed by the executive Government before the Council met in 1862. It was pointed out at the very first meeting of the Council in 1862 that the Government bills must pass through the leave stage. The then Advocate General, the predecessor of my honourable friend Mr. STRANGMAN, was then asked to state to the Council his view in the matter. He said that the leave stage was a necessary stage and that every Government bill must pass through it.

The Honourable Sir MAHADEV CHAUBAL :—Well, the honourable member mentions that that was done because of the letter of which he has given an extract. The Advocate General no doubt did that, but the select committee reported that they did that in accordance with the orders of the Secretary of State. Paragraph 3 says :—

> " In accordance with the instructions of Her Majesty's Secretary of State we have expunged from the Bombay rules the word " Sessions " wherever it occurred."

Then they say -- I am reading from the supplementary *Bombay Government Gazette* dated Saturday, the 6th of September 1863 :—

> " With the view of placing all members of the Council on the same footing in regard to the introduction of bills, we have framed a rule which provides that the initiative step (i.e., obtaining leave) for the introduction of every bill should be taken at a meeting of the Council. This rule will enable the Council to exercise a control over the introduction of all bills. This power was not sufficiently recognized in the old rules in regard to measures proposed by the executive Government for the adoption of the Council ; but is a power which should not, in our opinion, be considered a matter of mere form."

The reference that I gave to the words " in accordance with the instructions of Her Majesty's Secretary of State " is from the despatch of the Honourable Sir Charles Wood, from which the Honourable Mr. PATEL has quoted in his dissenting minute. And I make it prefectly clear that when the Government of India asked later on our explanation for adopting the rule in the way in which the Government of India Act has framed it, we distinctly stated to them in answer that our rule was so made because we had previously received instructions to that effect from the Secretary of State and that if the Secretary of S ate's instructions had not been so received there would have been no change in the previous rules.

The Honourable Mr. PATEL :—My honourable friend Sir MAHADEV CHAUBAL and the Hon ourable the Advocate General referred this Council to the rules of 1865, but let me point out to them that at the first meeting of the Legislative Council in 1862 a difficulty was experienced. I refer the Council to the proceedings of the meeting of 8th February 1862. Mr. Westropp urged that there was a difficulty and asked how the bills then before the Council were to be treated. Mr. Frere suggested that they should be read a first time. Mr. Westropp then said that he thought that the leave of the Council should be asked before any bill be brought forward. It was then agreed that the Honourable Mr. Westropp should give his views at the next meeting. At that meeting he proposed that any honourable member desirous to introduce a bill should apply for leave in the first instance and on such leave being granted he may at the same time propose that it be read a first time. The Honourable Mr. Reeves on behalf of Government disagreed with Mr. Westropp and observed that bills introduced by Government should be brought forward without going through the form of requiring the leave of the Council, but a bill originated by a private member should not be introduced without the leave of the Council. Mr. Westropp in reply doubted the necessity of giving Government any preference in this matter but expressed his willingness to prepare a draft as suggested by Government. So apart from and long before any intimation from the Secretary of State at the very first Council meeting it was suggested by the Honourable the Advocate General that the leave stage was necessary in respect of Government bills, but Government said that it was not necessary. They said : " No, you make a draft of the rules leaving that question alone ; so far as Government bills are concerned no leave stage is necessary and you make a draft in respect of other rules ", and he made the draft accordingly. The Secretary of

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[*Mr. Vithalbhai Jhaverbhai Patel; the Advocate General.*] [13TH OCTOBER 1917.]

State then pointed out in his despatch, which I have quoted in my minute of dissent, that all additional members of this Council should be treated on the same footing and the particular rule should be amended accordingly, and thereupon a committee consisting of the Honourable Sir William Mansfield and others was appointed to draft the rules and that draft came before the Legislative Council when Sir William Mansfield said that the draft was made in deference to the wishes of the Secretary of State. That was the position. The Government from the beginning took an extremely wrong attitude on the question of leave stage in respect of Government bills. It was only when the Secretary of State pointed out that the leave stage was necessary that the rules were amended and were sent for sanction to the Government of India. The Government of India then said: "No, we do not agree with you. You are not to take away from the executive Government the power of dispensing with the leave stage." There the matter stands. My honourable friend the Advocate General said that the Secretary of State was written to and he had agreed with the views of the Government of India. He read to this Council a portion of that letter, but the letter deals with altogether a different matter. It says: "We have received your letter and we agree that publication of a bill should be made with the sanction of the Governor-General." It is not necessary that it should be with the Governor-General in Council.

The Honourable the ADVOCATE GENERAL:—The Honourable Mr. PATEL is entirely wrong. I do not want to bore this Council by reading the whole letter. What happened was that the Secretary of State wrote to the Government of India, and the Government of India wrote and pointed out that the motion for leave to introduce was of an extremely formal character and they expressly asked that there should be a rule similar to the one we have got here; they substituted in the old rule the words "Governor-General" for "Governor-General in Council", that is to say, that the discretion should rest not with the Governor-General in Council as to whether leave to introduce should be dispensed with, but that it should rest with the Governor-General. The Secretary of State agreed with them, with the result that the Government of India framed the rule, which you would still find in their rules, a rule similar to the rule that we are here considering. That is the position; if the Honourable Mr. PATEL doubts my word he can come and look at it.

The Honourable Mr. PATEL:—That is in connection with the rules of the Government of India.

The Honourable the ADVOCATE GENERAL:—Certainly, it is in connection with the Government of India, and the Government of India suggested that exactly the same procedure should be adopted in the Bombay rules.

The Honourable Mr. PATEL:—Your Excellency, the sole question is whether leave stage could be dispensed with. The executive Government could not empower the Governor to do so by any rules made by them under the Government of India Act. The act does not empower the legislature to delegate any of its functions to the Governor.

Now, my honourable friend the Advocate General gives me credit for making this discovery after 56 years. As I pointed out, your Excellency, if he had only read the proceedings of 1862 he would have found that it was his own predecessor that had made the discovery in that year at the very first meeting of the Legislative Council under the Indian Councils Act, 1861.

Now, coming to the second question, namely, whether the sanction of the Governor should be obtained before any motion for leave to introduce a bill is made in this Council or not. The position of Government is that the application for such sanction, where sanction is necessary, should be made along with the notice of motion for leave.

One great argument advanced by my honourable friend the Advocate General is that the Government of India, even if we were inclined to pass this amendment, would not sanction it. How is it, then, that so far as the Bihar and the Bengal Legislative Council rules are concerned the Government of India have been pleased to sanction them, although they are similar to the proposed amendment?

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I have quoted in my minute of dissent the Bengal rule and I do not think I need trouble the Council by reading it here. All I say is that if the Government of India were pleased to sanction the rules made by the Bengal and Bihar Councils, I cannot understand why the Government of India would give us, this Council, a differential treatment in the matter. Apart from that, your Excellency, the point is whether a member of this Council has got a right to come before this Council and make a motion for leave to introduce a bill without the sanction of the Governor in a case where such sanction is required. Although according to the Act the sanction is required for the introduction of a bill, Government goes further and says: "We shall not allow you even to make a motion for leave." All that they are entitled to say is this, "Whatever may be your position with regard to motion for leave to introduce a bill, once that motion comes before the Council for discussion and is accepted by the Council, we shall stop you and say we will not allow the introduction." That is all that you can say under section 80, sub-section (2), of the Government of India Act which merely says:—

"It shall not be lawful for any member of any local Legislative Council to introduce, without the previous sanction of the Governor, Lieutenant-Governor or Chief Commissioner, any measure affecting the public revenues of the province or imposing any charge on those revenues." If that is so, how can you insist that a member of this Council shall at such and such a stage apply for sanction to the Governor or that you will not allow motion for leave to introduce a bill without such sanction having been previously obtained when the Government of India Act does not say so? Not that the Government of India Act does not recognise motion for leave. In fact the very first part of sub-section (1) of section 80 deals with motion for leave to introduce a bill and sub-section (2) with the introduction of a bill. So, there are two stages recognised by the Government of India Act, the motion for leave to introduce a bill and the stage of introduction. Now, how can you tell us "No, we will not allow you to go on with the motion for leave to introduce your bill without sanction" when the Government of India Act distinctly tells you that such sanction is required for the introduction of the bill? It is our right to make a motion for leave without sanction. It is a legal right which is granted by the Government of India Act. I say it is the absolute right, unfettered by any conditions, of every member of this Council, whether additional or ordinary, to come before this Council and to make a motion for leave to introduce a bill, and the restrictions that the executive Government have, by rules, placed on that absolute and unqualified right are *ultra vires* of section 80 (2) of the Government of India Act. No doubt, the Honourable the Advocate General refers us to section 79 (3) of the Government of India Act. That section says that where the sanction of the Governor-General is required, the Legislative Council cannot take into consideration any law unless that sanction has been previously obtained." My honourable friend the Advocate General says according to this section any discussion on a motion for leave to introduce a bill is equivalent to taking the law into consideration. I most respectfully differ from him. I say that you take into consideration any law only when the bill is introduced, not before that. In any case, even if the construction proposed to be put by the Honourable the Advocate General on section 79 (3) of the Government of India Act be correct, what has he got to say with regard to section 80 (2) of the Government of India Act which makes sanction necessary when the bill is introduced? He cannot say that in both cases sanction shall be required before motion for leave to introduce a bill.

With these few words, I trust the Council will support my amendment.

His Excellency the PRESIDENT:—I intend to add only a few words to the discussion we have had, particularly as I am not competent to discuss in any detail the somewhat lengthy arguments that we have heard from many honourable members who are legal luminaries and who have gone very closely into the various points with regard to this amendment. But I own to honourable

members that I have not felt quite at ease during the whole of the discussion, because I think if we really come down to business—and my honourable friend Mr. PATEL seems to have raised himself to a considerable pitch of excitement during his concluding remarks—really the whole question is this: is the Governor fit to be trusted to exercise certain authority with regard to certain matters under these rules? That is the whole question before the Council. After all, what is the position? The honourable member asks for leave to introduce a bill. It rests entirely with His Excellency alone—I am sorry to say without the support of the honourable members of the Executive Council—to say whether he will give leave to introduce a bill or whether he will waive the necessity for the leave stage. I really cannot see why we have had such a lengthy discussion on the matter. Is it better that His Excellency, if he thinks a bill is entirely uncontroversial, should have the power to shorten the proceedings and to go straight to the first reading of the bill, or, on the other hand, if he thinks that further enquiry ought to be made with regard to the bill, to insist on the motion for leave to introduce? Let me say again to my honourable friend who has moved this amendment, as I said to him yesterday, that I do consider that this is rather an unfriendly act on his part, considering the treatment he has experienced at my hands. I can only say that I trust honourable members will not accept the amendment that he has proposed because—apart altogether from the purely personal aspect—in a small matter like this, I think His Excellency the Governor will probably be able to deal with the situation in a satisfactory manner.

I will add only one word more and it is this. The honourable member had a further argument in favour of his amendment, namely, that the motion for leave to introduce is not a purely formal matter. I want to make it perfectly clear to the Council that as far as I am concerned, I should always consider, if motion for leave to introduce were necessary, that it should always be a formal motion. After all, there would be the first reading and the second reading, giving full opportunity for opposing the bill, and I would give a further authority for adopting that course. In the Imperial Legislative Council proceedings of 21st March 1914 a ruling was given by His Excellency the President that as a matter of practice a motion for leave to introduce will be treated as a purely formal matter, and honourable members are also aware that in the House of Commons that is the invariable rule.

The Honourable Mr. PATEL'S amendments to rules 28, 29 and 30 were then put to the vote and lost without a division.

The Honourable Mr. PATEL'S amendments to rules 32, 37 and 45 were by leave withdrawn.

The Honourable Mr. CHUNILAL MEHTA:—Are all the rules to be taken together, your Excellency?

His Excellency the PRESIDENT:—Yes, that is so.

The Honourable Mr. CHUNILAL MEHTA:—But supposing we disagree with the recommendations of the select committee?

His Excellency the PRESIDENT:—I think my honourable friend has had sufficient opportunity for discussion during the last two days.

The Honourable Mr. CHUNILAL MEHTA:—I beg to submit that I was not allowed to move my amendment, your Excellency.

His Excellency the PRESIDENT:—The honourable member will remember what my ruling was yesterday, that on bills and on matters of this sort amendments of principle should be in writing. I think the honourable member must see that it would be impossible to conduct our business if matters of this sort are to be brought up without notice, and I think I must not allow any informal amendments to be brought in by honourable members. With regard to resolutions the matter is different. I think amendments to resolutions can be moved in the Council. If the

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honourable member wishes to propose any amendment in rules, he can do so after giving due notice on a future occasion.

I have to put before the Council one alteration which my honourable colleague thinks should be made, and that is in the 5th line "in which case the select committee may appoint its own chairman" instead of "their own chairman".

The amendment was then put to the vote and carried.

The whole of the amendments, as proposed by the select committee, as further amended in Council, were then put to the vote and carried.

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

His Excellency the PRESIDENT:—Further discussion of the resolution moved by the Honourable Mr. PARANJPYE about the use of Modi script in official correspondence.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE:—Your Excellency,—This question about Modi and Balbodh has been before this Council either in the form of a resolution or question ever since 1913. But this is the only occasion on which this question has been discussed in detail. At the last session the Honourable Mr. PARANJPYE moved this resolution and has given his reasons in full in support of it, but as so much time has passed it will be a good justification for me to enter into a short history of the question within the time allotted to me.

This question of the substitution of Balbodh for Modi was first unofficially taken up by Mr. Kincaid in 1907. He tried the experiment in Poona and Mr. Maconochie, the then Collector of Ratnagiri, tried it there in 1909 with the permission of Government, who then distinctly stated that after one year the result of the experiment should be reported to them. After that Mr. Ghosal came in office and he was emphatically of opinion that the experiment tried in Ratnagiri was not a success. Depending on the recommendation of the then Commissioner, Mr. Gibb, and the Collector, Mr. Ghosal, Government asked the Collector to discontinue the practice of having Balbodh script in official correspondence. There the matter stopped. The officer who had taken up this matter in Ratnagiri was in the meantime transferred to Nasik and he again made an experiment there for one year and Government was good enough to ask him to make a further report after the end of another year. Fortunately for that officer, he got a successor like Mr. Baker, who had served most of his time in Sind. He recommended the continuance of Balbodh, though there was not unanimity in the opinions of his subordinates. Then in 1912 Government put a seal on this question, if I am right, without consulting any other Collectors or District Judges in the Central Division, by making compulsory the use of Balbodh. This matter came up in 1913 before this Council on the motion of the Honourable Mr. UPASANI, who withdrew it, and somehow or other the matter was again taken up by Government and in the year 1915 Government issued a resolution the contents of which I am not able to give because it was not supplied to us. But I know from one of the extracts which was supplied to all the courts that Government permitted the public to give their petitions or documents in Modi. That was the attitude which Government took in the middle of 1915. Then in March 1916 the Honourable Mr. UPASANI moved a resolution on the subject which was without any discussion accepted in a modified form in order to give opportunity to Government to reconsider the whole question in the light of the experience gained. I think in the early part of this year, in March or April 1917, Government issued a resolution, which has been kindly supplied to us along with the question paper book of the July session; it states that Balbodh should be used in all the

departments, not only of the Central Division, but of all the three other Marathi speaking districts, Thana, Kolaba and Ratnagiri. So the effect of the reconsideration was not to modify any existing orders, but to extend the scope of those orders, and it was in July last that the Honourable Mr. PARANJPYE moved the resolution which is now before us for discussion.

Now the reasons which have been advanced for the introduction of Balbodh may be summarised as under. First, Modi is written in a cursive hand and has a tendency to degenérate. Secondly, clerks of the present day write illegible Modi and consequently English officers cannot read Modi correspondence for themselves. The necessary consequence of this is to depend upon subordinate officers. Thirdly, it is said that if documents were to be in Balbodh, kunbis and agriculturists would be protected. I have got a summary of this from the papers supplied to us.

Government might reasonably ask me the question, what is the reason for this agitation now? We have allowed the public to present petitions and documents written in Modi. But I think this concession itself has cut away a good deal of the ground underneath the feet of Government, and I will shortly state how. If the public are allowed to put in petitions and documents in Modi, is it not really desirable that the officers who sit in courts as judicial officers and other officers who receive these petitions should be able to know the contents of these petitions first-hand by their intimate knowledge of Modi, or are they going to take these matters on trust from their sheristedars and clerks, which, I submit, has been a great grievance made out by the champion of Balbodh, Mr. Kincaid? Then, if this is so, I would bring one fact to the notice of the members of this Council, that if such documents are allowed to be presented in Modi, all the difficulties which really stood in the way of these officers before the introduction of Balbodh do stand even now. I do not for a moment pretend to say that Balbodh is not easier to read than Modi. That is not my attitude. My attitude is that if Balbodh is going to degenerate, as I say it is bound to degenerate, then is it worth while that Government should undertake this experiment at the expense of a script which has been so dear to the people and which has been amongst them for over 600 years?

There is another point, that Balbodh takes a longer time to write. There is no question about it and my honourable friend who is sitting on my right, Mr. SEDDON, in his report, which has been supplied to us, clearly admits these two facts. I refer to page 436 of this journal. He says: "I should think that there can be no doubt that Modi can be written more quickly than Balbodh, and that the legibility of Balbodh tends to decrease." Then further on he adds a rider: "Nevertheless Balbodh is likely to remain substantially more legible in reading than Modi and the difference in rapidity of writing is not, in fact, causing any serious increase of work, nor is it leading to arrears." Now, this difficulty as regards more time and illegibility even of Balbodh may not be very vividly perceived in official correspondence, where the matter to be written may not be as voluminous as it is in the case of magisterial enquiries and in the case of judicial courts. The real difficulty that one feels, and about which I can speak with a certain amount of confidence, is that clerks who are now asked to write Balbodh have always to make a special attempt to keep pace with the presiding judge, and in doing so what is the natural result? The natural result is that a clerk who has not a settled Balbodh hand invents his own mode of writing Balbodh because he has to keep pace with the judge and has to put in a certain amount of work in the time allotted to him. In fact, there are several officers—I think etiquette prevents me from mentioning their names—second class magistrates, third class magistrates, and so on, who have to take depositions in Balbodh, who write, if I may say so, worse than even Modi though what they write is said to be Balbodh. I am not in the least exaggerating when I say that in the appellate courts it does sometimes happen that a committee of two or three has to be appointed before the district

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magistrate is able to know what the contents of a particular deposition or statement taken in Balbodh are. I only want to impress upon your Excellency's Government and this Council this fact. I am not fond of exaggerations, I say so because this has come to my notice in my capacity as a lawyer practising in civil and criminal courts. I do not stand alone in this view. Those who were consulted in the beginning of 1917 or the end of 1916 included experienced officers like Mr. Dikshit and the late Mr. Tyabji and the present Collector of Ratnagiri, Mr. Brander; and what do we find? I will read only two quotations, because reading of quotations becomes tiresome. I refer to pages 441 and 443. This is the opinion of Mr. Dikshit: "In criminal cases from Kolaba I have to go through the police diaries and other papers and depositions of witnesses which are written in Balbodh, and in some cases I have found them more illegible than badly written Modi. It cannot be denied that hastily written Balbodh is more illegible than Modi written with the same speed." Then at page 443 the Collector of Ratnagiri, Mr. Brander—though it appears under the signature of his assistant—says: "It is in magisterial work that the disadvantages of Balbodh are so serious and irksome that depositions have to be taken very slowly so that they may be recorded in Balbodh, so that the time of the magistrate is wasted and as also that of his clerks and of the parties to the case." Then he gives his experience when he was an officer at Poona; but I will not trouble this Council by reading more extracts from his letter.

What is the real remedy for this? The real remedy is, not to substitute the slovenly Balbodh for well-written Modi, but to insist upon the enlistment into Government service of those who know how to write Modi in a clear and legible hand. The Modi has been prescribed as a special subject for the Marathi vernacular school final and the English school final, and if Government would take some care in the enlistment of better and well qualified clerks, and would also insist upon the present staff that they should write better and more legible Modi, I think this complaint will really disappear. Instead of that we find that Government has taken this step in a matter of this kind even though experienced officers of Government greatly differ. Then is it too much for us to ask Government that, when the state of things is such, when there is no unanimity of opinion in a matter like this, whether it was right and proper to ask the people to adopt a script which was not in vogue for so many years? Now, sir, there is one point, and that is that English officers do not know much of Modi. Of course, it may be a fact—I do not deny it—because it is not as easy to learn as Balbodh, but is it not in the interest of efficient administration that the officers of the district should know the current script of the district? Is it only the official correspondence which does come under the eye of these officers? Are they not required to see to various other things in their own districts? But even if the correspondence in all offices in Marathi-speaking districts were to be carried on in Balbodh, is it not really necessary that the heads of the several departments should be conversant with the script of the district? I may put it to officers here whether even with the introduction of Balbodh, the marginal notes which were in vogue in previous days have now been done away with? My information is that just as clerks and chitnises and sheristadars were writing marginal notes in the case of Modi correspondences, they are asked to do so even in case of Balbodh correspondences. If that is so, what is really the advantage gained?

Then, sir, there is another point. Why should Government be solicitous for the convenience of officers who serve in the Marathi-speaking districts? Is not Kanarese and Gujarathi a script as difficult to be deciphered as Modi is in Marathi?

The Honourable Mr. LALUBHAI:—Gujarathi script is not so very difficult.

The Honourable Mr. BELVI:—I know Kanarese script is much more difficult than Modi script. There are two different scripts, both of which I know.

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The Honourable Ráo Bahádur SATHE :—However, my information is that Kanarese script is difficult : perhaps, I may not be correct in making a statement about Gujarathi. If that is so, why should there be a concession, particularly, in the case of officers who serve in Marathi districts ?

Then again, there is the question of handwriting. Is it a question of script or would it usually and invariably depend upon the writer ? Whether you ask him to write in Balbodh or you ask him to do so in Modi, is a man going to write Balbodh much better than Modi if he is himself not a good writer ? So from my point of view, that question must be looked at, not from the standpoint as to which script is better than the other, but whether the writers whom you engage would write legibly whether you ask them to write Balbodh or Modi. That is a point which I want to place before your Excellency's Government.

Then there is another point, namely, the agriculturists are not protected. Of course, nobody is really more anxious to see that agriculturists should not be imposed upon than myself and others of this Council. But is it a real remedy ? Do these agriculturists understand Balbodh ? If the statements in courts and documents registered under the Registration Act are in Balbodh, is it to be understood that the vast agricultural population will be protected ? I believe not. If my information on these matters is to be of some use, an ordinary ryot and the ordinary agriculturist cannot read and write even Balbodh. There are a few, no doubt, who understand how to write and read Balbodh.

One more point. It has been already touched in the correspondence which has been placed before us, that cases of forgeries do sometimes occur. When the writing is in Modi it is easily detected because of the peculiar valan or style of individual writer and imitation becomes very difficult and more impossible in Modi than in Balbodh, and even if resorted to is easily detectable. This is also an advantage from the administrative point of view, and in fact Government should not adopt a measure which will handicap the proper and efficient administration of justice.

Then there is another point and that is this. Is it right or would it be right that, because once orders have been passed, that Government should continue to give effect to those orders even if the change is found not to work well. The real point is, your Excellency, whether we should stick fast to the orders passed. I find again from my friend the Honourable Mr. SEDDON'S report, page 436—I do not know w at he means, but I am going to make use of those expressions in the best way I can : " Under these circumstances, I think it would be a very great error to go back upon the orders already passed." What are those circumstances ? The circumstances mentioned by the Honourable Mr. SEDDON in his report are that no doubt Balbodh takes longer time and Balbodh is bound to degenerate, but it will not substantially degenerate for a considerable time. I am reading this passage to show that my honourable friend Mr. SEDDON and some others do admit this disadvantage of Balbodh, but then it is thought by them that even under these circumstances it would be a very great error to go back on these orders. The strongest point which I wish to place before this Council is this, that if there is a divided opinion on a matter of this kind between officers of Government and if the work is being handicapped in the way in which I have described, and if there is surely a tendency for Balbodh to degenerate, are we going to get an advantage by having this change from Modi to Balbodh which seems to have been introduced ever since 1907 unofficially and in 1912 officially ? My earnest request, your Excellency, is that as it is a question of script, it is bound to be dear to us who have been brought up and bred up in writing that script, and I earnestly trust that your Excellency will be pleased to reconsider those orders and to introduce Modi as before. With these words, I leave this resolution in the hands of my honourable friend.

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The Honourable Ráo Bahádur VENKATESH SHRINIWAS NAIK:—May it please your Excellency,—My friend the Honourable Principal PARANJPYE has referred to my name in the speech he made with his usual zeal, eloquence and ability, at the time of moving the resolution, and I feel it my duty to say to your Excellency and this Council what my views are on the resolution, and what the people in my part of the country think of the question. Though I come from a district in which the Kanarese language is prevalent, yet there are numerous considerations which weigh with me and compel me to support this resolution. Even in the Karnatic the accounts in many families are kept in Modi script from generations, old and ancient documents are found written in Modi, and even now business and domestic correspondence is carried on in Modi. In my part of the country there are very few schools in which Marathi is taught, still men of business teach their children to read and write Modi privately. I may give my own example as to what I say.

The Honourable Mr. CURTIS:—The honourable member says he was taught to read and write Modi privately. Will he kindly inform us whether the lady members of his community write in Modi or Balbodh?

The Honourable Ráo Bahádur NAIK:—They have very little to write. It is a matter of sentiment with a very large number of people, even in the Karnatic, to know at least a little of Modi and to be able to sign one's name in that script, and it is in my opinion very unwise to brush aside a strong sentiment such as this. It cannot, with any show of reason, be denied that it is much easier to write a letter or a document in Modi script than in Balbodh character. I believe that the principal objection which is taken to the use of Modi script is that the script is difficult to read. But it seems to me that an objection like this may be raised against any other script, which is not written with care and ease by a practised hand. I can cite hundreds of instances of illegible handwriting of highly educated European and Indian gentlemen, but that does not mean that the script in which they write has anything inherently bad in it. It is the fault of the writer and not of the script. I have seen hundreds of documents and account books written in beautiful Modi. Unfortunately now-a-days handwriting in vernacular is not cultivated with the same care that used to be given to it in my younger days. One has only to see certified copies of old documents in Modi supplied to litigants from Government offices in these days to be convinced of the indifference and the utter carelessness with which penmanship in vernacular is regarded. Instead of abolishing the Modi script altogether, more attention should, I submit, be paid to handwriting, and if this is done I have no doubt that even European officers, for whose benefit the change seems to have been introduced, will find it easy to read papers written in Modi. It is extremely fanciful to suppose that it is feasible to use Balbodh as a script for the different languages which are current in the Bombay Presidency. The very idea of writing one language in the script of some other is extremely revolting and I am sure an Englishman would not like the idea of writing a letter to a friend in the English language but in Balbodh characters. The script of each language is suited to its genius and it is never wise to try to effect a violent and radical alteration of the script of any language. I admit that Balbodh is used in our books of religion and by our ladies in writing letters, but that is no reason why where business is to be transacted, and where time is an important consideration, an easy and cursive script like Modi should not be continued to be used by ordinary people. Even Kanarese in its cursive script greatly differs from the printed characters, and becomes as illegible or even more illegible than Modi, if written in careless handwriting. English also, which is written in running and easy script, if carelessly written becomes as illigible as Modi. The writing of each language has got its peculiarities which require to be mastered. The provision of these cursive scripts in almost all the languages is a device for saving time in writing, and if the script is found illegible, the proper remedy is to give greater

attention and care to improve the handwriting of the writers than asking them to abandon the cursive script itself.

With these remarks I support the resolution moved by my honourable friend Principal PARANJPYE.

The Honourable Mr. C. N. SEDDON:—Your Excellency,—I suppose that many members of this Council and many gentlemen outside will be inclined to say that this matter might well be left to those who speak and use Marathi. Why, if the people whose mother tongue is Marathi wish it, should Government interfere? Why should Government insist that the Marathi used in their offices should be used in a particular script when the people wish it otherwise? I shall try to answer that question.

First of all, I should like to say that it is not at all probable, and I think sensible men will be ready to admit it, that Government would have passed orders in this matter at all unless there had been good reasons for it. I shall say something about those reasons directly. I intended to put before your Excellency the history of the orders that have been passed by Government in the matter, but the Honourable Ráo Bahádur SATHE has relieved me of this task to a considerable extent. He has told us how the question first arose in 1907 in the Poona district, and how it was dealt with in Ratnagiri and in Nasik, and how it was ordered by Government in 1912 that the Balbodh script should be substituted for the Modi in all the offices in the Central Division. Finally, the Honourable Ráo Bahádur SATHE said that this was done without asking for opinions. But I need hardly say that a mass of opinions was asked for, and although a certain number of people, as is only natural, were in favour of the Modi script, the vast preponderance of opinion favoured Balbodh. Government, after passing orders finally in 1912, reconsidered the matter in 1913, again in 1915, and lastly, on the motion of the Honourable Mr. UPASANI last year, they went through the whole question again. In the course of this consideration and reconsideration an enormous number of opinions were recorded, and as I have just said, the vast preponderance was in favour of Balbodh. I should like to add for the information of honourable members that this change from Modi to Balbodh was not made only by the Bombay Government. It has been made also in the Central Provinces, and in the High Court of Bombay. I think honourable members will recognise that there must have been good reasons for it, and I think honourable members will also recognise that the matter was very carefully considered.

A good deal of stress has been laid on the matter of sentiment, and people say that of course the Modi script should not be banned in this way. But I must emphasise this fact that the Government orders apply only to the working of Government offices. They do not at all touch the outside public who use Modi. Government orders are most careful to say that any documents or petitions presented by the public may be in either script, whichever script people may like. There is nothing whatever to prevent anybody writing Modi in his private business if he wishes to do so. I have been watching my honourable friend on the left, the Honourable Ráo Bahádur SATHE, writing private letters in Modi, and nobody hinders him or prevents him from doing so. It is a matter of convenience to the internal administration of Government departments. The Government order was passed merely to facilitate the business of Government offices. Now since it was done by Government after consulting its officers, I must say that Government must have had good reasons, and unless it were so they would not have gone into the matter. They could not have come to a decision in a matter of this kind without having good and sufficient reasons for it.

I should like to explain what those reasons are. First of all, if your Excellency will bear with me for a moment, I will say a word or two as to what the position really is. I have no doubt that most of the honourable members of this Council understand the matter thoroughly, yet there may be some here, and also

people outside, who do not understand and to whom the proceedings of this Council are a matter of interest. The Marathi language is written in one or two scripts, namely, Balbodh and Modi. Balbodh is not only a fine, bold, legible script, but it is a script known all over India. It is a script in which are written the classical Sanskrit works and the classical poetry of the Mahabharata, and anybody who knows anything about Indian languages must of course know the Balbodh script which is usually called in the rest of India Devanagari. It is very legible and everybody knows it and everybody can read it. Modi, on the other hand, although it is when well written a handsome character, is confined entirely to the Marathi-speaking portion of the Presidency. Any one who comes from Gujarat or Sind or Bengal or anywhere else does not know Modi and cannot write Modi. And even in the Marathi-speaking districts I may say that it is not a fact that Balbodh corresponds to the English printed character; it is also frequently used, as all our opponents observe, for ordinary purposes of correspondence It is used by all ladies and in writing to ladies. The Honourable Mr. PARANJPYE says it is used also by uneducated people, including children and ladies. Not that I wish to imitate his way of referring to ladies. The script is in fact used by a large number of people. It is used by authors because they cannot trust the compositors to decipher Modi. If a writer sends anything to the compositors in Modi they will probably humiliate him by wrong spelling. But after all the two great disadvantages of Modi are these: first of all it is used exclusively by the Marathi-speaking people, and people who come from other provinces of India or from Europe cannot decipher it; and, secondly, it is essentially in itself not a legible script. It is illegible and difficult to read. I have been President of the Civil and Military Examination Committee of Bombay for a good many years, and I have seen, although I generally do not take part in the examinations myself, a large number of people examined in Marathi. These people in every case find the greatest difficulty in reading Modi, whether they are Englishmen or Parsis or Mahomedans or Gujaratis. They find it difficult to read Modi. And it is not only illegible for outsiders, but it is illegible for people of the country, inasmuch as a karkun or a clerk, unless he is thoroughly trained, cannot properly read it. If I have before me a document in Modi and I want some one to come in and read it to me, I have to send for a clerk who is accustomed to read it and not any clerk.

Of course Modi takes little shorter time to write than Balbodh. But as has been well said in this matter, quick writing is slow reading, and the people who write are lowly paid clerks while the people who read are highly paid officers whose time is of value. Now I want to emphasise this fact that Modi is in its nature a character which it is very difficult to read and a character which people from other parts of India do not know.

Having said this much I will point out what the reasons are to make it desirable to substitute Balbodh for Modi. If proceedings in criminal cases are recorded in Modi, magistrates cannot read the depositions and the proceedings which come before them. Collectors and Assistant Collectors cannot read the correspondence which is in their offices and cannot read the orders which they sign. The Honourable Mr. SATHE says they ought to be able to read; the fact is that they cannot, and however much they may try, they won't be able to do it. It is a fact that cannot be gainsaid, that Balbodh is a character which our officers can read and Modi is a character which they cannot. That is a very great difficulty. It must be an advantage surely that our officers should be able to read their own orders and papers. It is an advantage that our officers should be able to read the records of their own offices.

Well, the second thing is with regard to the subordinate establishments. I have it on very high authority that their inability to read and write Modi was found in the district of Khandesh to be a great stumbling block to the employment of Mahomedans. These Mahomedans who could not read and write Modi properly have been considered inefficient for service in that district as they could not deal with Modi correspondence. The same thing applies to other important

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sections of the Indian communities, the Indian Christians, Parsis and Gujaratis in the Thana and Kolaba districts, who could not manage to read Modi. And the consequence is that recruitment for our subordinate service, for clerks and karkuns in our offices, is confined to certain classes of the community only. Unless a man is a Brahmin or a Shenvi or a Prabhu, he finds the utmost difficulty in dealing with Modi correspondence, he finds it difficult to enter Government service. And of course everybody knows that it is an important matter that it is very desirable in the public interest that the staff of our establishment should be drawn from as wide a source as possible.

It seems to me, your Excellency, that these are very good reasons for changing the script. It is submitted that the executive orders issued by Government are applicable only to Government offices in the cities and do not touch the script as far as it is used by the public. I submit that this order which has been considered by Government again and again should be maintained, and that it is not right for honourable members to attempt to obstruct the discretion of Government as to what orders they pass with regard to the conduct of work in their own offices.

Now I come to an important part of the argument, which I hope to dispose of in a few moments. It has been said that Government have disregarded sentiment. It is an important charge against Government, but as Commissioner of the Central Division I must say that I see no sign whatever of any sentiment or any feeling existing in the matter. The Honourable Mr. PARANJPYE'S statement that the sentiments and feelings of the people are affected is a very considerable exaggeration. There is, of course, a certain class whose sentiments are affected. That class is, as I have just said, the class whose monopoly has been broken down by the introduction of Balbodh in Government offices. That class, of course, sees that all the places which formerly were reserved for it are now being thrown open to a larger part of the people. That is at the bottom of the sentiment. That is the sentiment which the Government orders have upset.

With these few words, I express the hope that honourable members will vote against this resolution

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency,—As a member of the Deccan community, it is appropriate that I should express my views to the Council on this subject, especially as I think the views of a man who can read and write both Modi and Balbodh will be helpful to such members of this Council as are not acquainted with these scripts.

I may tell this Council that I am in perfect accord with the Honourable Mr. PARANJPYE and the Honourable Ráo Bahádur SATHE in the views that they have expressed. I read and write both Modi and Balbodh, and as a youngster when I commenced my education I was taught Modi first and not Balbodh: Modi used to be considered so important in my earlier years.

The Honourable Mr. CARMICHAEL:—May I ask the honourable member for what purpose?

The Honourable Dewán Bahádur GODBOLE:—My father intended that I should be brought up for the ordinary business of life and he thought that the training that I should get should be in Modi at first in preference to Balbodh. I can tell this Council from my personal experience that I can write in Modi in half the time that I take for writing the same matter in Balbodh. I have personally made enquiries of clerks, karkuns, accountants and a number of employés connected with Government offices, and they have all been saying that the course which Government have adopted in the matter of changing the script in the public offices from Modi to Balbodh is a ridiculous innovation, which has been responsible for a great deal of inconvenience. As president of the district

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local board, I have had opportunities recently of seeing the Balbodh correspondence that takes place in public offices, and I can honestly tell this Council that the Balbodh that comes up in this correspondence is hardly superior in the matter of legibility to the correspondence in Modi as it is usually carried on Balbodh as it is written in official correspondence to-day is as illegible—perhaps I should say more illegible—than Modi if the latter is written by a good clerk. One of the arguments that have been advanced by the Honourable Mr. SEDDON against the resolution is that Modi is a script that is not understood by other communities and therefore it restricts the field for the appointment of karkuns and other subordinate officials in Government offices. As regards this argument I would ask the Council to consider where the recruitment of these karkuns and subordinate officers comes from. Does it come from Sind or Bengal or Madras or other Provinces? The recruitment takes place in the district itself or in the immediate adjacent districts. The recruitment of clerks for the Sholapur district for instance will be from the Sholapur district and the adjoining districts of Poona and Nagar; and Modi and Balbodh are equally well understood and written in these districts. Therefore the argument that the field of selection for appointments in subordinate offices is restricted on account of the Modi script is, I think, not worthy of much consideration.

Then again, this Council has to remember that at present in all our public schools in the Deccan we teach both Balbodh and Modi, and the rising generation are equally well acquainted with both these scripts, and there ought to be no difficulty in the future in the recruiting of clerks who are acquainted with both Modi and Balbodh. Modi is equally well understood with Balbodh by the rising generation.

Government should I think insist upon good Modi writing in selecting their karkuns and clerks in future and then the difficulty that is complained of as regards the illegibility of Modi will disappear. As I remarked before, the Balbodh script that is written today in official correspondence is just as difficult to read as Modi. I admit that in the case of European officers such as Assistant Collectors and Forest officers the duality of scripts causes some difficulty, because they have to acquaint themselves with both Modi and Balbodh, but for the convenience of 3 or 4 officers in the district it will not be proper to sacrifice the convenience and time of a large staff of subordinate servants of the state.

With these remarks I heartily support the resolution of my honourable friend Mr. PARANJPYE.

The Honourable Mr. PANDURANG ANANT DESAI:—May it please your Excellency,—I come from the Karnatik district of Bijapur and I belong to the Ratnagiri district, so I have got a double claim, so to say, to speak about this Modi script. The history of the Modi script, as far as we know, is that it was first introduced in the 13th century by Hemad Pant, the prime minister of the Hindu King Devagiri Ramraja. Our connection with Modi is therefore over six centuries old, and the beginning which has been made to abolish that connection must be very keenly felt by every one whose mother tongue and whose current script is Marathi and Modi respectively.

The Honourable Mr. CURTIS:—May I have an authority for the statement that Modi was invented in the 13th century?

The Honourable Mr. DESAI:—That I have heard from persons whose authority for that statement cannot be questioned. I have heard it from Ráo Bahádur Sane and other persons, whom, if necessary, I shall mention. Ráo Bahádur Sane, who has experience of many years and who is an expert in history, says that it was invented in the 13th century.

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[*Mr. Raghunath Purshottam Paranjpye; Mr. Pandurang Anant Desai; Mr. G. Carmichael.*] [13TH OCTOBER 1917.]

The Honourable Mr. PARANJPYE:—It is stated in the history of the Mahrattas that all the bakhars were written in Modi.

The Honourable Mr. DESAI:—The majority of authorities and the general understanding of all Deccanis is that we have been connected with that script from the 13th century, if not earlier. Under these circumstances, I should like to impress on all the members of this Council that the question here is whether they would be willing to give up this script, whether the change has been made in the interest of many or a few? If we are to decide the question of convenience or inconvenience, it stands to reason that the convenience of many should be taken into consideration. The minority is not to tyrannise over the majority and the majority should not be made to give way to the minority. Therefore I should like to place before the Council whether the change has been demanded by the majority or by the minority. That is the question.

The Honourable Mr. CARMICHAEL:—Would the honourable member put it as not for the convenience but for the benefit?

The Honourable Mr. DESAI:—I say convenience and benefit. Whether it is for the benefit of the minority or of the majority is what we are to see. Now when we are asked to deal with this question of minority and majority we must at present exclude persons who have not to do much with business matters. A question was asked a short time ago, "Do your women write Modi"? Of course, the answer is that at present they do not. At present you will find that 75 per cent. of our women are illiterate. It may be that the averge among the Parsis might be higher, but so far as the Hindu community is concerned, even among the upper classes you will find that the percentage is not less than 75 per cent. Now under the circumstances, if we exclude women and if we take into consideration persons who are to deal with business matters, is the present change for the benefit of those persons? Now one of the reasons which has been assigned for this change is that it is necessary for the protection of the agriculturists and that it should be introduced in the office for the benefit of the kunbis. I cannot understand that argument at all. What has a kunbi to do with the script which is written in the office?

The Honourable Mr. CARMICHAEL:—May I draw the attention of the honourable member that he has to read official records, the land record, mortgage deed or sale deed?

The Honourable Mr. DESAI:—Government officers say that we do not at present object to receive private documents or petitions of the public written in Modi. We simply want this introduction for the convenience of the officers of Government. When you take into consideration the interests of the kunbis, I think the next change which will be introduced will be that no documents written in Modi should be registered and that no document registered in Modi should be admitted under the Registration Act. At present the Government says, well, we are not interfering with your freedom, you can have your sons taught Modi, you can write to your friends in Modi and write letters and accounts in Modi. No doubt the order as it stands at present affects your offices to a certain extent, but it does also affect us in practice. If it is known that a clerk who has to enter a Government office has to write the deposition and correspondence in Balbodh, others who are to follow him will think that it is unnecessary for them to learn Modi at all. What will be the effect? The effect will be that in course of time it will be very difficult to read ancient documents in offices for persons who know no Modi at all. A time will come when there will be no persons who know Modi, and if Modi is discouraged the difficulty will be about reading Modi documents. Therefore my submission is that the present change affects the interests of others also, the interests of those who are outside Government offices.

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Then my honourable friend Mr. SEDDON said that Government must have good reasons for effecting this change. Of course, this proposition is a somewhat dangerous proposition. If we are to accept this, then why should we discuss the matter at all? If anything which is done by Government is to be presumed to have been done for good reasons, then why do so many members come forward with resolutions for discussion?

His Excellency the PRESIDENT:—I do not think the honourable member suggests that Government does anything for bad reasons.

The Honourable Mr. DESAI:—Your Excellency,—What I say is that we cannot presume and shut up further discussion by saying that whatever has been done by Government has been done with good reasons. Of course, Government may have very good reasons, no doubt; but it is for this Council to say so, after they are satisfied by Government that the change was necessary and desirable in the interests of all. Unless a member is so satisfied he will not vote against the resolution. I have submitted that our connection with this Modi script is of a very long standing and unless a very strong case is made out by Government that the change is necessary I think that we will never be able to vote against the resolution.

Then, your Excellency, another reason which was suggested by the Honourable Mr. SEDDON is this. He says that Balbodh is fine, bold and legible. No one would deny that Balbodh is fine, bold and legible, but in the same way I submit Modi which we find in ancient documents is equally bold, fine and legible. It is not that the script is bad, but it is the person who writes the script who makes it bad. My question to this Council is this. If there was no convenience in Modi script, why was Modi created? The Devanagari Balbodh was in use for many centuries before Modi was invented, and if Balbodh was more convenient and more beneficial to the people, then I ask why was the Modi script introduced at all? When there was Balbodh already in existence Modi was brought into use; that would show that there must be some good reason for the introduction of Modi, and that reason, as far as I can see, is that Modi could be written very quickly. The writing work that can be done by writing Modi in a given time is much larger than writing work which can be done in Balbodh script in the same time. Therefore I say that for convenience and, if convenience is also an indication of benefit, for benefit, Modi is the more suited of the two.

Then one reason which was advanced by the Honourable Mr. SEDDON is this. He says: "You have to compare between two sorts of officials, clerks and officers. Clerks are to write and the officers are to read." I say this statement is to a certain extent inaccurate. Clerks are both to write and read, and officers, if they are pleased, to read. We find in offices that clerks read as well as write. Sometimes no doubt there are exceptions of officers who read themselves the documents either written in Modi or Balbodh or Gujarati. Therefore we have to take into consideration the inconvenience caused to the writing staff. If a clerk has to write anything in Balbodh which he could write in half the time in Modi, is not that an inconvenience to him? Then we also find that, as the clerk has to keep pace with the officer, his Balbodh would in a short time come down to the same level, that is, would be as bad as Modi written illegibly. Therefore my submission is that there is no convenience in the official correspondence being written in Balbodh.

Then another reason advanced by the Honourable Mr. SEDDON was that it is impossible for these high officials to learn Modi. Now, it is a matter which I can leave to the common sense of the members of this Council, whether it is impossible for these officers to learn to read Modi. It may take some time, but I think, if they are to do work themselves, if they think that first-hand information is necessary, then I submit that they should take a little more trouble

and learn Modi, if they want to decide a matter on first-hand information. In that case I think it would not be, at any rate, impossible for these officers to learn Modi.

Then another difficulty which was suggested by the Honourable Mr. SEDDON was that, if we keep Modi as the writing script in offices, then it would be very difficult for Mahomedans, Parsees and Gujarathis to be appointed in offices; how could they be appointed if they do not know Modi? I say, of course, the answer has been given by my honourable friend Dewán Bahádur GOKHALE and I need not repeat the same answer.

One of the reasons why Modi should not be discontinued, as pointed out by my honourable friend Ráo Bahádur SATHE, is that it is not difficult to commit forgery with respect to Balbodh script. It is very difficult to commit forgery with respect to Modi script.

I submit, therefore, that if we take all these circumstances into consideration, there is no case made out by the other side who say that Balbodh should be introduced and Modi should be discontinued.

The Honourable Mr. F. G. PRATT:—Your Excellency,—One of the many advantages of the Northern Division is that although it is composed of six districts only in one of those districts is it possible to use the Modi script; in the other five districts we have Gujarathi which is very closely akin to the printed Gujarathi character. Gujarathi members of this Council will perhaps be interested to know that though I had served in the Central Division, the Northern Division and in Sind, it was only in the Gujarathi districts that I have been able easily to receive at the tent door vernacular petitions, read them at once and discuss them at once with the petitioners who presented them. Now, as I have only one Marathi district in my division which uses Modi, perhaps I have not so much claim to enter upon this discussion as the previous speakers have done. Before entering upon the merits of the discussion, there are one or two things which I would like to say about the discussion itself.

I do not think that I am alone among additional members of this Council in feeling that to invite this Council to discuss a matter of this kind, a very minor detail of the subordinate executive arrangements made for the administration of the Presidency, is to invite this Council to enter upon a discussion which it is really not competent to deal with satisfactorily. Also I think members of this Council, for that reason, will agree with me that discussion of this sort is largely a waste of time.

Coming now to the actual merits of the discussion, I would, without wishing to be in the least polemic or to hurt the feelings of those members who are interested in Modi and who venerate it and like the script, I want to sum up my experience of it by saying—I repeat not in any polemic spirit—that it is a dangerous nuisance. I will explain what I mean. I say it is dangerous for this reason. I frequently have to try revenue appeals and criminal appeals. This Council is full of lawyers who will understand what I mean when I say that in the decision of such appeals the exact wording or the exact phrasing of a document or a letter which has been read out is often of vital importance and will turn the scale in the decision on that matter. The Honourable Mr. SEDDON has told you, what I was interested to hear, that even in the Central Division it takes a clerk with special training and experience to read Modi satisfactorily. What is my fate in the Northern Division where I have very few such trained clerks? But every clerk whether untrained or trained is very apt, in reading Modi, in order to get through with the reading which he is doing, either to skip over difficulties and omit words and so mutilate the text of what he is reading or, when he comes to a difficulty, to guess. That is equally unsatisfactory and is, I submit, a dangerous thing in the interest of the public, because the officer, who is having the matter read out to him, may thereby be misled and brought to a

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wrong conclusion, it may be in a criminal appeal which would affect the liberty of the public, or it may be in a revenue appeal which would affect adversely the property of the public. This is why I describe the Modi script in Government offices as dangerous. It is a nuisance because of its inefficiency—that has been sufficiently demonstrated by other speakers, but I will quote my own experience. It often happens that I am in camp, say, in Broach or Surat, when a Thana revenue appeal full of Modi papers comes before me (I am quoting from my actual experience during the last few months); my clerks and I are stumped. There are particular documents or particular letters to be deciphered and there is no pandit available and the appeal has to be kept waiting for a month or more until I can get back to head-quarters and get hold of the pandit to read that document or letter. We have heard from the Honourable Mr. SATHE that these difficulties are felt chiefly by English officers. I wish to emphasise my friend the Honourable Mr. SEDDON'S remarks that it is not only English officers who are inconvenienced. In the Northern Division every Mamlatdar, before he is confirmed as a Mamlatdar, has to pass an examination in Marathi which connotes passing an examination in reading and writing Modi. Well, all my Gujarathi Mamlatdars have passed the examination in Modi and although they scrapped up sufficient proficiency in Modi to pass the examination, since passing the examination they have forgotten most of it. And when those Mamlatdars come to be promoted—as they will be promoted—to be Deputy Collectors in districts where they will have to deal with Marathi correspondence, they will have difficulty with correspondence which is in Modi writing. Then they will have to rely on such officers as the Sheristedars. Then there is the case of Mahomedan Deputy Collectors who also will be as much in the hands of their clerks or Sheristedars as any Indian Civil Service officer. These are some of the grievous disadvantages of the script.

Now what do we find on the other side of the scale? We have first my friend the Honourable Mr. DESAI'S statement that the orders of Government will probably prohibit the use of Modi by the outside public. But it was clearly pointed out by the Honourable Mr. SEDDON that the orders of Government in this matter have been passed solely for the regulation of the Government offices which are under our control and I submit that they do not affect the public in the least. The arguments on the other side that we are faced with are purely arguments of sentiment. We are seriously assured by the Honourable Mr. PARANJPYE that the effect of this order of Government will not only affect the clerks of Government offices, but that Modi will disappear altogether. I will ask honourable members, are we to suppose that the Deccan is wholly illiterate, that outside the Government offices there is no literary person whatever? Are we to believe that the knowledge of Modi is confined to these Government clerks only who are now proficient in the use of Modi, and that therefore the public at large will forget the use of Modi because this "handful of functionaries" are prohibited from using it? Surely such statements are nothing but very great exaggeration and misrepresentation. There is just as much exaggeration in it as in the Honourable Mr. PARANJPYE'S assertion that Government is not in touch and does not care to be in touch with popular sentiment in matters of public interest.

It would be as reasonable to argue that the use of typewriters in Government offices would certainly cause the art of writing to be forgotten. We all know the story of the rustic who appealed against his conviction on the ground that the magistrate (who had recorded the evidence on a typewriter) had paid no attention to the witnesses but played on a musical instrument all through the trial.

I say that the superiority of Balbodh over Modi as regards legibility is as great as the superiority of typewritten documents over manuscript, and I also assert that the Honourable Mr. PARANJPYE'S argument about the inevitable decay of the art of Modi writing because of this trifling order affecting clerks in Government offices is on the same intellectual level as the objection of that rustic to the use of the typewriter by the magistrate.

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His Excellency the PRESIDENT:—I think probably honourable members would like to come to a decision on this matter, so I shall use my authority by asking the honourable mover of the resolution to reply to the whole debate under rule 18 of the resolution rules.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE:—Your Excellency,—The Honourable Ráo Bahádur SATHE and my other honourable friends have ably dealt with all the arguments brought forward on the other side and therefore I need not waste much time in replying on this question. But let me first say that there is no question at all that on this point public sentiment is a great deal roused. Your Excellency's Government must have received a large number of petitions on this point, because several copies of these petitions have been sent to me and also to my honourable friends, and on examining the signatures to these petitions it will be seen that the signatures do not include, as the Honourable Mr. SEDDON says, only Brahmins and Prabhus and Shenvis, but that they include Gujarathis and Mahomedans and all other classes of the community; so that it is clear that anybody who has occasion to do anything with the writing of Marathi generally always writes in Modi. I will not consider the historical details about this Modi, but here I have got a letter written by a great historian who has studied carefully the historical records of Maharashtra, and he says that this Modi script has been current for 600 years. There is some reason to think that it has been current for even more than 600 years. In any case all well-known historical personages of Maharashtra such as Daulatrao Scindia, Haripant Tatya, Shivaji, Rajaram and others have all their documents always written in Modi. When, for instance, they subscribe their names to a particular document or state paper, at the end they write in their own hand a few words in Modi and also sign their names in Modi.

I think rather too much is made of the argument that ladies only write Balbodh. Now as regards that, I might point out that about 99 per cent. of the ladies in the Presidency are absolutely illiterate. It is therefore the question of the only one solitary lady out of a hundred that is left; and even she generally only knows how to read a little Balbodh. Therefore it is not a very great hardship to ladies, who can if at all just spell out a printed religious book, that the Government records should not be written in Balbodh but Modi.

Again, we are told that printers require their manuscripts in Balbodh. As I have already explained to the Council, I myself have written articles in Modi and the printers have been able to set these articles up, and I know several other persons have had similar experience. Now, of course, in these modern days, and perhaps degenerate days as some might say, printers have become luxurious and some English newspapers and printing presses require that all manuscripts in English should be also typewritten and they will not take any work that is not typewritten. That does not mean that ordinary English, written English, also should disappear.

I have already answered the argument of the Honourable Mr. SEDDON about Mahomedans, and only this morning I have received a copy of a petition from Khandesh signed by more than a hundred persons, of whom several signatures which are in Modi are of Mahomedans, and unless the Honourable Mr. SEDDON says that those signatures were forged, I am afraid he will have to admit that there are several Mahomedans who can read and write Modi.

I must strongly protest against the argument that has been brought forward by the Honourable Mr. SEDDON, that the proposal that I have brought forward before the Council is in the interests of any class. If I had the faintest idea that this proposal was likely to be construed as put forward in the interests of any one class, at least I personally should not have had anything to do with it. It is because I think this change has been brought about in the interests of a class, namely, a very microscopic minority of public servants, that I protest against the introduction of Balbodh.

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Well, after all, when we have been supplied with opinions on this Modi-Balbodh controversy in answer to various questions in this Council, whose opinions are these? They are the opinions generally of European heads of offices. Now I have very great respect for that class, because on them depends the government of the country; but all the same, the writing has not to be done by the European officers. They have occasionally to read it; but I have very grave doubts as to what fraction of the vernacular correspondence that comes daily before them is actually read by them, or will be read by them, whether it is in Modi or Balbodh. At any rate, if opinions are to be considered, there are also the opinions of subordinate judges, deputy collectors, mamlatdars, deputy educational inspectors, and so on. These are the opinions that we must have before us if we have to make any reasonable pronouncement upon this question, and I think it is not too much to say that over 95 per cent.—I was almost tempted to say 99 per cent.—would be in favour of the retention of Modi and not of the introduction of Balbodh. First of all, with the introduction of Balbodh they have to work a little longer. We have seen from some of the published correspondence that arrears do occur. The clerks have to work a little longer. I have been told that petitioners are not able to get copies of state papers in time because they have got to be copied in Balbodh. In fact, so far as I understand it, the work *prima facie* is likely to be blocked, and I have not yet heard that Government have increased the budget grant for the karkuns in order to increase the number of karkuns for doing the increased amount of work.

The Honourable Mr. CARMICHAEL:—Has the honourable member heard that the correspondence work is actually in arrears in some places?

The Honourable Mr. PARANJPYE:—I see that it is so by the correspondence that is published.

The Honourable Mr. PRATT'S argument only refers to his experience of the Thana district. Now I am afraid if we are only to go by what he thinks of one single Marathi district in the Northern Division, we cannot go any further. The only way to solve Mr. Pratt's difficulty is to separate this Marathi-speaking district from the Northern Division and put it into the Central Division. That would be the only real remedy for not only this evil, but for several others which everybody knows.

I remember there was several years ago an order from Government that in order to make Modi more legible the words in Modi ought to be separated. Now, I have never found that an honest effort was made to bring about this change. Officers never did anything at all to bring this change into force. I know one officer who told me his experience. He was an educational inspector. He wanted to carry out this change honestly and he said that for a month or two he sent back every official paper which came to him in which the words were written together, and after that all the official documents came to him with the words separated and then the Modi became quite legible. In this direction a very great improvement could have been made; and, in fact, if an officer chooses to scrutinise the handwriting of his subordinates occasionally, his subordinates will write legibly. If he does not do so, the subordinates will not write legibly. After all, it depends upon the officer himself whether the work in his office is to be written legibly or not.

In my own school days—rather too many years ago now—we were taught to write Modi from our earliest classes and in our 5th standard documents from the courts were brought to be read in the class and we used to learn to read those documents. Now I know the educational department is not very keen in this direction, and the case of ladies is to a certain extent due to this department. In girls' schools the department does not insist upon an acquaintance with Modi. The boys are to a certain extent required to learn Modi, but the girls are supposed to be able to do without a good knowledge of Modi. If, therefore, the department

interests itself in the case of girls' schools as in the case of boys' schools in this particular matter, I do not think that the girls would complain and the ladies of the future will not be ignorant of the Modi system of writing. After all, when we are told of illegibility of any script, you must understand that this illegibility or otherwise is dependent to a very great extent on the knowledge of the language. You may know each letter completely, but unless you know that language properly, you will not be able to read that language fast. Give an ordinary printed English book to a man who has studied English only for a year or two. He sees every letter, but he will not be able to read fast; on the other hand in the case of one who knows English well, while reading, after seeing one or two letters and by the meaning that he takes in at each moment, he will be able to read quickly what is written there. Without a detailed examination of each and every letter that is printed a beginner will not be able to read properly. That, I think, is the psychology of reading. If a man does not know Marathi properly, no amount of clearness will improve his reading even if the manuscript is written in printed Balbodh characters. He ought to know what is going to come ahead as he reads. It is only in this way that I read English, Marathi or any other language that I might be conversant with. In this way, therefore, legibility to a very great extent, nay almost entirely, depends upon the knowledge of the language that the officers have. If, therefore, the officers find that they are not able to read Modi, I can only say that their knowledge of the language is very indifferent in most cases.

As regards the fact that Modi is really a national script, I would just quote one single sentence of the Honourable Mr. COVERNTON'S report on the vernacular text-book committee, which has been published by the Government of India. Mr. COVERNTON says:—

> "The Devanagari is adopted from the classical Sanskrit which is used for printing and rarely for writing, and Modi, a current script, is almost universally used in correspondence. Generally these are the two scripts. The latter, Modi, may be called the national script. The Devanagari script bears as little close resemblance to Modi as printed English bears to written English."

I say that the action taken by Government in doing away with Modi is really against all sentiment and, after all, we must give some weight to sentiment in a matter which the Honourable Mr. PRATT considers a minor detail but which I think a very important detail in this part of the country. Government practically tells the people of more than a division that their script is to be tabooed once for all. I do not understand this fiction of Balbodh being required to be used only in offices and not outside, because I think that, if a petitioner wants his petition to be read by an officer who is conversant with only Balbodh, he will naturally write that petition in Balbodh. Therefore, although you are giving him liberty in this matter with one hand, you are taking it away with the other, when you are enforcing the change, on account of the fact that the officer is ignorant of Balbodh.

Englishmen with their very illogical system of spelling are not willing to go in for reform in spelling and we very often see various funny paragraphs in the newspapers ridiculing this proposed simplified spelling. But to a logical mind if you want to do away with this very great trouble of English children and their early miseries, the best way will be to have the spelling simplified. Well, Englishmen are not able to go in for this change or tackle with the spelling nuisance simply because it clashes with their sentiment, history and language. If such sentiment is allowed to have sway even in advanced countries in the west, is it not right that sentiment on a matter of this kind should be given full weight, when all people in this Presidency do not want this Modi to be abolished? I do not see why for the convenience of a few officials we should make this change. In 20 years or so there will be a new kind of the Marathi written script. One of the

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officers says we are having a new Modi and when that goes on for 20 years, to suit the convenience of another officer we shall have another script and so not only will you have one Modi but several Modis. But I think that one standardised Modi script is much better than the various scripts that we have and are likely to have. After all Modi is evolved in a particular manner. Various persons have given different turns—or *valans*—to Modi. At present one kind of Modi is called the Chitnis' Modi and another is the Biwalker style of Modi. Just as in English you have vertical writing, oblique writing and so on, there are similarly different forms in Modi, but they have been standardised. If we do not have a standardised script there would be various difficulties with the scripts which people find in later ages.

We are told that Balbodh as written is legible; but, I have here copies of a photo of a Balbodh notice sent to me from Wai, which is all printed, with only a few items written in Balbodh filled in. I ask the Europeans here who know Balbodh to say whether they are any more legible than Modi. In this way it is not correct to say that all Balbodh is legible. Good Balbodh is legible and I say that good Modi is also legible. It is not only that Modi may be illegible but the same is the case with English also. I think that something should be done also occasionally in the case of people who write illegible English. I have seen specimens of English writing which probably the writers themselves cannot read and possibly none of their clerks. I know of a former Principal of the Deccan College that he used to write a hand so illegible that 3 or 4 people used to sit in a committee to find out what it was that he had written.

His Excellency the PRESIDENT:—I really cannot admit this personal observation.

The Honourable Mr. PARANJPYE:—Therefore I can only say that the resolution that I propose is very much according to the feelings and the sentiments of the people who are most affected. It is a matter entirely for the Marathi-speaking people to decide and I think the Council will best go by the opinion of the people who are really affected by this Government order. With these words, I commend the resolution to the Council.

The Honourable Mr. G. CARMICHAEL:—Your Excellency,—I am in accord with what the Honourable Mr. PRATT has said, that it is very doubtful whether this Council should be discussing this resolution. After all it is a mere detail of official machinery and the sum and substance of the arguments put forward by the Honourable Mr. PARANJPYE and those who have supported him are that Modi is the better script and Balbodh is not an efficient script for Government use. But that, I say, is a mere detail. It is a question of the means which Government use for carrying out their work. I would remind honourable members that Government are responsible for the work that is done and that the machinery they employ works efficiently. Government should be allowed to choose the type of machinery which they wish to employ. If that machinery does not work they are bound to receive complaints and to apply a remedy. But I do not think that they should be compelled to adopt a particular remedy which may not prove a remedy at all but may in fact be worse than the disease. I wish to bring this point to the attention of honourable members, because I am afraid that if we do take up matters of this kind we may find ourselves discussing what are the best kinds of pencils or pens or typewriters that should be used in Government offices.

The honourable mover has told the Council that there is an element of sentiment connected with this question. From the Government point of view there is an element of policy and perhaps it is better that we should have had this discussion in order that the position may be clearly understood. It has been pointed out that the orders apply only to writing done in Government offices. Some of the honourable members misunderstood what the Honourable

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Mr. SEDDON said that officers cannot always undertake to be proficient in Modi. That is true, but many of our officers are proficient, those who have had the opportunity and the time for practice. There is no doubt that to acquire proficiency in Modi takes years and to retain it takes constant practice, and I do not know whether we can expect all our officers to spend their time in practising Modi. Then again, Modi is taught in all the schools from the beginning. I corroborate what the Honourable Mr. PARANJPYE has said that Modi is prescribed from the earliest standards and goes right through, I think, into the high school course.

The Government orders do not affect any private correspondence in Modi, but the position which the honourable mover puts before us, it seems to me, is this, that unless Government support Modi it is bound to disappear. Now, sir, I think that suggests two things. First, either Modi is not a very efficient script or that it has not touched the life of the people. I do not think that you can say of any other script in the world that the cessation of its use in Government offices would cause it to disappear. There are perhaps two reasons why the script has not touched the lives of the people and why it is not more generally used than it is. We have to remember that it is only, as was said by the honourable mover, in the Maharashtra that there are two scripts. In the other parts of India the people are content to get along with one script. If that is so, in spite of the fact—

The Honourable Mr. PARANJPYE:—What about English?

The Honourable Mr. CARMICHAEL:—The use of Mahomedan and English scripts is an entirely different matter. We are now dealing with the question of the Hindu script. Most of the Indian scripts are derived from one source. I think it is sometimes called the Ashoka script. From it are derived the Devanagari and Balbodh scripts which extend over the largest area of the country. You have Bengali descended from the same source and Gujarathi also. Of the Indian scripts Gujarathi is the most efficient, particularly its writing script. I think the one used in handwriting is one of the best. It approaches more closely than any other script to the European standard. Then you have Telugu and Kanarese.

The Honourable Mr. BELVI:—There are two scripts for Kanarese also. Written Kanarese is even more difficult to read than Modi.

The Honourable Mr. CARMICHAEL:—I am very glad that the Honourable Mr. BELVI has given us this information, but I do not think they have got different names. Then there is Burmese which was also taken from the Ashoka script. I do not know whether the Honourable Ráo Bahádur NAIK will sympathise with the Burmese on the revolting imposition on them of an Indian script. They are racially an entirely different people, and in spite of that they adopted an Indian script for their purposes. I do not think they have found this at all revolting. We have seen that except perhaps in Kanara and in the Marathi-speaking districts, everywhere else in India the people have been content with one script, and that script, except perhaps in the case of Gujarathi, is no easier than Balbodh to write.

Then the other point is that Modi has never supplanted Balbodh as a writing script. The honourable mover said that it is used occasionally by uneducated people, including ladies and children. The Honourable Mr. SEDDON pointed out to the honourable mover that he had been somewhat ungallant in the treatment of the ladies, by including them among the uneducated. A point I wish to bring to the notice of this Council is his use of the word "occasionally". I think the honourable mover meant that the uneducated, including ladies, use Balbodh whenever they have occasion to write. The ladies all write their own letters in Balbodh, and as the Honourable Ráo Bahádur NAIK told us, when the men write to ladies they have to write in Balbodh. It is all very well for the honourable members

being bold in this Council, but in the domestic circle are they equally valiant? Do they not when writing to their ladies indite their epistles in Balbodh?

Modi is taught in schools, but writing in Balbodh is also taught. The writing of Balbodh is taught from the very beginning right up to the high school standard according to the syllabus which is prepared by the educational department.

There is one other point. The honourable mover wishes us to believe that the educated classes always write in Modi. The other day I went to a school in which the Deccan Education Society is interested, which is supervised by Professor Kanitkar, and I was very much interested by what I saw there. The particular point I wish to bring to your notice is this. I looked through the visit book and found there were four entries in it, two in Balbodh and two in Modi. The persons who wrote in Balbodh were not uneducated persons. One of them was the Chief of Sangli. Now I would ask the honourable mover in what category of users of Balbodh he would put the head of the ancient house of Patwardhan?

Well, I need say very little about the reasons which Government had in making the change. That has been fully explained by the Honourable Mr. SEDDON. I only wish to say a word with regard to the criticisms made by certain officers which the Honourable Rao Bahádur SATHE read out to us. There are two reasons why some of our officers objected to the change. One is the conservatism which you will find in every class. Some officers are more conservative than others. I am perfectly certain that Modi did not establish itself even to the limited extent which I hold it has established itself, without a great deal of opposition. The ladies, who usually are most conservative, have always adhered to Balbodh and refused Modi. The other reason why some of our officers have expressed an opinion against the orders is that they have not taken the trouble to carry them out. It is not enough in a matter of this kind to issue orders particularly when to the majority of clerks who have to do the work the change causes trouble. That is one reason why we have had difficulties. Good results could not be expected unless the officers took pains to see that the script was properly written and that it was given a fair chance.

With regard to the photograph which the honourable mover handed over to us, I think I could in five minutes decipher it notwithstanding what the honourable mover has said about it. But that is not a typical example of what can be done. If the honourable mover wishes to see some of the files, not selected files but ordinary files taken at random, from the Court of the District Judge of Poona, he will find in them absolutely legible and clear Balbodh handwriting written at a pace very nearly as fast as Modi.

With regard to the question of sentiment, I entirely endorse what Mr. SEDDON has said, that it is the sentiment of a very small class of people. The honourable mover refers to ten millions. In the Konkan Districts and the Central Division Marathi-speaking people number about eight millions. But you have to make large deductions. Uneducated people, and ladies, and Mahomedans, and Balbodh users, and a large number of agriculturists have to go out. With regard to the Mahomedans I wish to point out that in their education, if they take Urdu standards, they have to learn three scripts, first Urdu, then Balbodh and finally after a year or so they begin with the Modi alphabet. But it is quite impossible to expect that Mahomedans should ever be proficient in Modi unless they take much time to acquire it specially. When it is not the script to which they are accustomed from the beginning, they can never be expected to acquire the same proficiency as what the Honourable Mr. SEDDON called the clerical class. Therefore if we have Modi in Government offices it comes in the way of Mahomedans and other classes of people, not Marathi speakers by birth, being taken into employment.

The last question I wish to touch upon is the question of the policy of Government.

MODI SCRIPT IN OFFICIAL CORRESPONDENCE.

[*Mr. Vithalbhai Jhaverbhai Patel; the President; Mr. G. Carmichael; Mr. Raghunath Purshotam Paranjpye; Dewan Bahadur Kashinath Ramchandra Godbole.*] [13TH OCTOBER 1917.]

The Honourable Mr. PATEL :—May I rise to a point of order? The time fixed for resolutions was 2-30 p.m.

His Excellency the PRESIDENT :—Do I understand that the honourable member is rather anxious to catch his train?

The Honourable Mr. PATEL :—No, not at all.

His Excellency the PRESIDENT :—Well, I gather it is for others that he is anxious.

The Honourable Mr. CARMICHAEL :—The critics of Government have put this matter on the basis of inconvenience to clerks themselves in Government offices and to the clerks of pleaders and pleaders themselves. Well, I can tell the Honourable Ráo Bahádur SATHE that I have assisted at a committee to decipher Modi in my own office. There is no doubt that Balbodh has one advantage inherent in the script itself. It is easier to insist on having it written clearly.

The second point I wish to make before concluding is this. Yesterday the Honourable Mr. BELVI talked of the democratic tendency of the present day. It is true, it seemed to me, that he indicated that he would like it tempered a little in favour of the Brahmins. However, the point is that in these days we ought to try to educate the people and to reduce the amount of illiteracy amongst all sections of population. Now there is no doubt that what really sticks in the minds of the bulk of the boys who pass through our vernacular schools is not Modi but Balbodh. Balbodh can be read by every one who can read at all. Modi cannot. I would ask the honourable mover to say whether he ever saw any advertisement in Modi.

The Honourable Mr. PARANJPYE :—Modi is never printed. I meant Modi only with regard to writing

The Honourable Mr. CARMICHAEL :—There are any number of advertisements in Italian round hand both in this country and in England.

The Honourable Mr. PARANJPYE :—I do not call it Italian. It is called English script hand.

The Honourable Mr. CARMICHAEL :—I believe it is called Italian round hand. I think I am correct in describing it so. Advertisements in Italian round hand are not uncommon. The honourable mover shakes his head, but I can assure him there is a prominent one not far from the entrance gate of the Fergusson College.

The agriculturist should be able to read the notices and summonses he may receive, his land revenue account, the record of his holding, his mortgage deeds and sale deeds—simple things for him to read if they are written in Balbodh, as they must be under our orders. This is bound to help the spread of education in this country. The honourable member perhaps thinks that there are better means of achieving this end. If a kunbi can read a little and is given a script which he can decipher, his curiosity is excited. He goes on reading, and by practice maintains and improves his proficiency. But if you present him with a document which might, for all he knows, be written in Egyptian hieroglypics, it is the surest way of discouraging him from trying to read anything at all.

The Honourable Dewán Bahádur GODBOLE :—In the vernacular schools and vernacular standards we teach both Modi and Balbodh in all the standards.

The Honourable Mr. CARMICHAEL :—I quite admit what the Honourable Dewán Bahádur states, but the point is that if a cultivator has not gone through more than three or four standards, what sticks in his mind is Balbodh, because he

MODI SCRIPT IN OFFICIAL CORRESPONDENCE.

sees more of Balbodh than he does of Modi. He very seldom has the opportunity of reading or writing in Modi. I admit that Modi is taught in the schools, and there is the further fact that the educational department adopted Modi in their rural standards. But that was admitted by every one to have been a very great mistake. I simply wish to press very strongly on the attention of this Council that the democratic script is not Modi, but Balbodh; that the Balbodh is the older script; that it is an Indian script, an indigenous one; and that it is the script which is most familiar to the greater number of the people in this Presidency.

With these remarks I oppose the resolution.

The resolution was then put to the vote and carried, with eighteen members voting for and seventeen against it. The Council divided as follows:—

Ayes.	Noes.
The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.	His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I E., Governor of Bombay.
The Honourable Mr. Pandurang Anant Desai, LL.B.	The Honourable Mr. G. Carmichael, C.S.I., I.C.S.
The Honourable Sardár Syed Ali El Edroos.	The Honourable Mr. G. S. Curtis, C.S.I., I.C.S.
The Honourable Mr. Siddhanath Dhonddev Garud.	The Honourable the Advocate General (Mr. T. J. Strangman).
The Honourable Dewán Bahádur Kashinath Ramchandra Godbole.	The Honourable Mr. S. R. Arthur, I.C.S.
The Honourable Mr. Mahomedbhoy Hajeebhoy.	The Honourable Mr. Salebhoy Karimji Barodawalla.
The Honourable Mr. Ebrahim Haroon Jaffer.	The Honourable Mr. P. R. Cadell, C.I.E., I.C.S.
The Honourable Mr. Balkrishna Sitaram Kamat.	The Honourable Mr. Sherriff Devji Canji.
The Honourable Sardár Dulabawa Raisingji, Thákor of Kerwada.	The Honourable Mr. James Gargrave Covernton, C.I.E.
The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL B.	The Honourable Surgeon-General R. W. S. Lyons, M.D., I.M.S.
The Honourable Sardár Shriniwas Coopooswami Mudliar.	The Honourable Khán Bahádur Pir Baksh *walad* Mian Mahmud.
The Honourable Ráo Bahádur Venkatesh Shriniwas Naik.	The Honourable Mr. F. G. Pratt, I.C.S.
The Honourable Mr. Raghunath Purshottam Paranjpye.	The Honourable Mr. Munmohundass Ramji.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.	The Honourable Mr. C. N. Seddon, I.C.S.
The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.	The Honourable Mr. Phiroze C. Sethna.
The Honourable Mr. Abdul Kadir *alias* Fakir Mahomed *walad* Ibrahim Khan Pathan.	The Honourable Ráo Bahádur Tekchand Udhavdas.
The Honourable Ráo Bahádur Ganesh Krishna Sathe, C.I.E.	The Honourable Col. W. E. Jennings, M.D., I.M.S.
The Honourable Mr. Shridhar Balkrishna Upasani.	

The Honourable Sir MAHADEV BHASKAR CHAUBAL:—May I, with your Excellency's permission, make a short motion in connection with the select committee on the elementary education bill? The Honourable Mr. KEATINGE has resigned and in his place Government propose to appoint the Honourable

Mr. SEDDON. I therefore propose that on that select committee your Excellency and this Council will be pleased to appoint the Honourable Mr. SEDDON in place of the Honourable Mr. KEATINGE.

The motion was put to the vote and agreed to.

His Excellency the PRESIDENT:—The Council will now adjourn.

The Council then adjourned *sine die*.

By order of His Excellency the Right Honourable the Governor,

R. B. MILNE,
Secretary to the Legislative Council
of His Excellency the Governor of Bombay.

The following papers which were placed on the Council Table at the meeting of the Legislative Council of the Governor of Bombay held on the 3rd December 1917 are published for general information:—

LIST OF BUSINESS TO BE BROUGHT FORWARD AT A MEETING OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF BOMBAY TO BE HELD IN THE COUNCIL HALL, BOMBAY, ON MONDAY, THE 3RD DECEMBER 1917.

I. NEW MEMBERS—

Before taking his seat a newly elected or nominated Additional Member should make an oath or affirmation of allegiance to the Crown.

II. QUESTIONS AND ANSWERS—

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

III. BILLS—

A Bill to provide for the extension of primary education in municipal districts in the Bombay Presidency other than the City of Bombay. (Bill No. II of 1917)—(The Honourable Mr. V. J. Patel's Bill)—*Second Reading.*

For notices of amendments from the—

(*a*) *Honourable Dewan Bahadur K. R. Godbole,*
(*b*) " *Khan Bahadur Pir Baksh* walad *Mian Mahmud,*
(*c*) " *Mr. S. B. Upasani,*
(*d*) " *Mr. G. M. Bhurgri,*
(*e*) " *Mr. C. V. Mehta,*
(*f*) " *Mr. A. E. I. Pathan,*
(*g*) " *Rao Bahadur G. K. Sathe, C.I.E.*

Please see items under head IV.

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IV. AMENDMENTS OF WHICH NOTICES HAVE BEEN RECEIVED—

Under sub-rule (*4*) of rule 35 of the Rules for the Conduct of Business, notices have been received of the following amendments to Bill No. II of 1917 (a Bill to provide for the extension of primary education in municipal districts in the Bombay Presidency other than the City of Bombay), as amended by the Select Committe:—

1. *Clause 2* (*2*).—Proposed by the Honourable Khan Bahadur Pir Baksh *walad* Mian Mahmud—

   (*a*) The word "child" to be deleted and substituted by words "a boy". This correction to be made throughout in the Bill.

   (*b*) For the words "eleven years" substitute "twelve years;".

2. „ 2 (*2*).—Proposed by the Honourable Mr. C. V. Mehta—
   Add the following words:—

   "or, in the case of a child employed in a factory, not more than 13 years;".

3. „ 2 (*5*).—Proposed by the Honourable Mr. A. F. I. Pathan—

   (*a*) Add at the end after the words "local government" the words "in any vernacular of the district;".

   (*b*) Insert the following new clause after sub-clause (5):—

   "Vernacular of the district" shall include Marathi, Gujarati, Kanarese, Sindhi, Urdu or such other language or languages as may be notified from time to time to be in vogue in any particular municipal district by the local government;".

4. „ 2 (*7*).—Proposed by the Honourable Khan Bahadur Pir Baksh *walad* Mian Mahmud—

   For the words "appointed under section 28 of the principal Act" substitute "appointed under this Act."

5. „ 2 (*7*).—Proposed by the Honourable Mr. A. F. I. Pathan—
   Add the following proviso:—

   "Provided that such committee shall have, for the purposes of this act, a sufficient number of Mahomedans as members, co-opted wherever such co-option is necessary, subject to the limitation in section 31 of the principal act as regards the number of persons so appointed".

6. „ (*1*).—Proposed by the Honourable Khan Bahadur Pir Baksh *walad* Mian Mahmud—

   Delete the words "or of girls or of children of both sexes" and the proviso at the conclusion of the paragraph.

7. „ 4.—Proposed by the Honourable Mr. A. F. I. Pathan—
   Add at the end after the word "education":—

   "through the medium of the vernaculars of such principal classes or communities residing in the municipal district as are not exempted under section 15 from the operation of this act".

8. „ 4.—Proposed by the Honourable Mr. C. V. Mehta—
   Add the following words:—

   "Provided that the municipality shall provide or cause factories to provide schools for children employed in factories in which such children will receive instruction for not more than 3 hours on each day of attendance, the cost of such provision to be borne by the owners of the factories concerned".

9. *Clause 5.*—Proposed by the Honourable Mr. S. B. Upasani—

Omit the words "two-thirds of the councillors present at the meeting and by at least" in lines 8, 9 and 10 of the clause.

10. „ *5.*—Proposed by the Honourable Khan Bahadur Pir Baksh *walad* Mian Mahmud—

Delete the words "supported by at least two-thirds of the councillors present at the meeting and by at least one-half of the whole number of councillors" and substitute the following:—

"supported by at least two-thirds of the whole number of councillors on the Board".

11. „ *6.*—Proposed by the Honourable Khan Bahadur Pir Baksh *walad* Mian Mahmud—

For the words "if a school committee has not already been appointed, appoint such committee (to end)" substitute the words "appoint two committees, one of Hindu gentlemen and the other of Muhammadan gentlemen, and it shall be the duty of such committees, subject to the provisions of this act, to enforce the provisions of the same, respecting the attendance at school, respectively, of Hindu and Muhammadan boys and their employment".

12. „ *6.*—Proposed by the Honourable Mr. G. M. Bhurgri—

Insert at the end the words, "Provided that such committee, whether appointed under this section or already appointed under section 28 of the principal act, shall, on the issue of the notification hereinbefore referred to be so constituted as to be representative of the Mahomedan community in proportion to the strength of that community on the Municipal Corporation".

13. „ *7.*—Proposed by the Honourable Khan Bahadur Pir Baksh *walad* Mian Mahmud—

A proviso to be added to this clause as under:—

"Provided that this clause will not apply to the parent, if the latter is a Parda-Nashin lady or a woman belonging to a tribe which originally resided at places beyond Bombay Presidency".

14. „ *8 (c).*—Proposed by the Honourable Dewan Bahadur K. R. Godbole—

Substitute the words "half a" in place of the word "one".

15. „ *8.*—Proposed by the Honourable Mr. A. F. I. Pathan—

Insert the following new sub-clause as sub-clause (*d*):—

"(*d*) where there is no school, within the distance mentioned in sub-clause (*c*), teaching the mother-tongue of the child and the parent declares that he objects to his child getting education in any other tongue".

16. „ *9.*—Proposed by the Honourable Dewan Bahadur K. R. Godbole—

Add the following words at the end of the clause "and which shall not be earlier than 10 days from the date of the order".

17. „ *10 (1).*—Proposed by the Honourable Khan Bahadur Pir Baksh *walad* Mian Mahmud—

Delete the words "on conviction before a magistrate" and add at the end of paragraph the words "to be

imposed by the Hindu or Muhammadan School Committee as the case may be ".

18. *Clause 10 (1).*—Proposed by the Honourable Rao Bahadur G. K. Sathe, C.I.E.—

Instead of the words "a magistrate" substitute the words "the president of a municipality,".

19. „ *10 (1).*—Proposed by the Honourable Mr. S. B. Upasani—

In line 12, omit the words "a magistrate" and substitute the words "the president or the vice-president of the municipality,".

20. „ *10 (2).*—Proposed by the Honourable Rao Bahadur G. K. Sathe, C.I.E.—

For the word "Court" substitute the word "president".

21. „ *11 (1).*—Proposed by the Honourable Rao Bahadur G. K. Sathe, C.I.E.—

If amendment to clause 10 (*1*) (item 18 above) is accepted then the following is to be substituted for present clause 11 (*1*):—

"11 (*1*) Whoever knowingly takes into his employment, either on his own behalf or on behalf of any other person, any child in respect of whom the provisions of section 7 apply, so as to interfere with the efficient instruction of such child, shall on conviction before the president of a municipality be liable to a fine not exceeding twenty-five rupees"; and read the word "president" instead of the word "Court" in clause 11 (*2*).

22. „ *11 (1).*—Proposed by the Honourable Rao Bahadur G. K. Sathe, C.I.E.—

If amendment of clause 10 (*1*) (item 18 above) be not carried the following amendments to be made in clause 11 (*1*):—

Drop the words "for the purpose of profit" and between the words "apply" and "shall" insert the words "so as to interfere with the efficient instruction of such child,".

23. „ *11 (1).*—Proposed by the Honourable Dewan Bahadur K. R. Godbole—

Add the following words after the word "apply", "so as to interfere with the said child receiving instruction in a proper manner,".

24. „ *11 (1).*—Proposed by the Honourable Mr. C. V. Mehta—

After the word "apply" add the following words:—

"so as to interfere with such child receiving instruction as required under this Act,".

25. „ *11 (1).*—Proposed by the Honourable Khan Bahadur Pir Baksh *walad* Mian Mahmud—

After the word "employment" add "except during school hours,".

26. „ *11 (1).*—Proposed by the Honourable Mr. S. B. Upasani—

(*a*) In line 10 omit the words "a magistrate" and substitute the words "the president or the vice-president of the municipality,".

(*b*) At the end of this clause add the following :—

"Provided that the employer shall not be liable to the penalty prescribed in this section if the time and nature of the child's employment did not interfere with his attending a recognised school or if there was reasonable excuse for his non-attendance under section 8."

27. *Clause 12.*—Proposed by the Honourable Mr. S. B. Upasani—

In lines 4 and 5 omit the words "a magistrate" and substitute the words "the president or vice-president of the municipality".

28. " *14.*—Proposed by the Honourable Khan Bahadur Pir Baksh *walad* Mian Mahmud—

Delete the words "of the sex" and substitute "twelve years" for "eleven years" occurring in the last four lines of this clause.

29. " *17.*—Proposed by the Honourable Rao Bahadur G. K. Sathe, C.I.E.—

If amendment to clause 10 (*1*) as proposed above (item No. 18) is accepted the following clause to be substituted for present clause 17 :—

"17. All fines levied by a president for an offence under this act shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII of the principal act and shall be credited to the municipal fund".

30. " *18 (2) (e).*—Proposed by the Honourable Mr. S. B. Upasani—

Omit in the first four lines the words "when the local Government determines to share the cost of providing free and compulsory primary education".

V. DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST—

Resolutions by the Honourable Mr. V. J. Patel.

1. "This Council recommends that His Excellency the Governor in Council may be pleased to rule that no officer of Government shall stand as a candidate for the office of vice-president of any local board of which any other officer of Government is president".

2. "This Council recommends that His Excellency the Governor in Council may be pleased to undertake legislation so to amend the Local Boards Act as to provide that presidents and vice-presidents of all local boards in the Presidency proper shall be elected non-officials, with power to the Governor in Council to direct, by a notification in the *Government Gazette*, that the said provision shall not apply to any local board to which for exceptional reasons, which shall be set forth in the said notification, he shall deem such provision unsuitable".

Resolutions by the Honourable Mr. Ebrahim Haroon Jaffer.

3. "This Council recommends to His Excellency the Governor in Council that the experiment of giving instruction to Mahomedan students in primary schools through the medium of Urdu be given a fair and full trial by its being extended for a further period of five years".

4. "This Council recommends to His Excellency the Governor in Council that (1) a second year's course be added to the Urdu Training Class at Ahmedabad with a view to develop it in time into an Urdu Training College; and (2) that the class be removed to Poona with a view to develop it in time into an Urdu Training College".

5. "This Council recommends to His Excellency the Governor in Council that five per cent. or one-third of the free studentships reserved for the advanced and the backward communities in secondary schools be ear-marked for Mahomedan students".

Resolution by the Honourable Mr. Munmohundass Ramji.

6. "This Council recommends to the Governor in Council that the Circular of the Educational Department of the Government of Bombay, dated the 7th June 917, preventing students from attending public meetings, should be revoked".

Resolutions by the Honourable Mr. S. D. Garud.

7. "This Council recommends to His Excellency the Governor in Council that no pass be required for the removal of wood which is not Government property from private lands".

8. "This Council recommends to His Excellency the Governor in Council that a third year class be added to the Vernacular Training School at Dhulia and that non-stipendiary students be admitted to that school".

Resolution by the Honourable Rao Bahadur V. S. Naik.

9. "That this Council respectfully recommends that early steps be taken to amend by legislation section 187 of the District Municipal Act (Act No. III of 1901) so as to enable the Governor in Council to issue a notification under that section with respect to any area in which a Sanitary Committee or a Board, constituted under section 8 or 19 of the Village Sanitation Act, 1889 (Act No. I of 1889), has worked satisfactorily for at least three years even though such area is at a distance of more than one mile from a railway station".

Resolution by the Honourable Dewan Bahadur K. R. Godbole.

10. "This Council recommends that His Excellency the Governor in Council will be pleased to investigate and to subsidise, if necessary, the establishment of factories for the production of manures and fertilisers in this Presidency".

Resolutions by the Honourable Sardar Syed Ali El Edroos.

11. "That this Council recommends to His Excellency the Governor in Council the continuance of the Urdu standards sanctioned by Government in December 1913".

12. "This Council recommends that His Excellency the Governor in Council may be pleased to appoint a special Musalman Deputy Educational Inspector for Urdu Schools in the Northern Division".

Resolution by the Honourable Mr. G. M. Bhurgri.

13. "That this Council recommends to His Excellency the Governor in Council that a mixed committee of officials and non-officials be appointed to consider what measures should be adopted for the suppression of 'rasai' or free supplies, 'Lapo' or illegal exactions, and 'Cherr' or forced labour in Sind".

Resolutions by the Honourable Mr. B. S. Kamat.

14. "This Council recommends that the Governor in Council may be pleased to direct that there should be held periodically in each division of the Presidency a Divisional conference to which may be invited Heads of Departments and non-officials of standing from the districts concerned, with power to them to move recommendatory Resolutions on matters of public interest in each division, under a prescribed procedure".

15. "This Council recommends that in view of the large number of street accidents occurring in the City of Bombay, Government may be pleased to take such steps as may be necessary to provide at as early a date as possible a street ambulance service for Bombay for the conveyance of injured persons to hospitals".

Resolution by the Honourable Shaikh Ghulam Hussein Hidayatallah.

16. "This Council recommends to His Excellency the Governor in Council that Urdu should continue to be the medium of instruction for Mahomedans in vernacular schools in accordance with Government Notification No. 3833 of the 23rd December 1913".

Resolutions by the Honourable Mr. V. J. Patel.

17. "This Council recommends that His Excellency the Governor in Council may, with the sanction of the Governor General in Council, be pleased to direct

that in all the districts of the Presidency proper, except those of Thana, Surat and Poona, the trial before any court of session of all offences punishable with death, transportation for life, or imprisonment for 10 years and of all offences in which the accused is charged that he is, by reason of a previous conviction, liable to enhanced punishment under section 75 of the Indian Penal Code, shall be by Jury".

18. "This Council recommends that His Excellency the Governor in Council may, with the previous sanction of the Governor General in Council, be pleased to direct that in the districts of Thana, Surat and Poona and in the City of Karachi, the trial before any court of session of all offences shall be by Jury".

19. "This Council recommends to His Excellency the Governor in Council that selected Local Boards and Municipalities in the Presidency be given the power of determining the number and location of liquor shops within their limits".

20. "This Council recommends that His Excellency the Governor in Council may be pleased to call for reports of the Divisional Commissioners in the Presidency whether any, and if so, which of the Municipalities constituted under section 14 of the District Municipal Act, in their respective divisions, are ripe for a constitution under section 10 of the Act".

21. "This Council recommends that His Excellency the Governor in Council may be pleased to direct that the Municipality of Godhra shall, from its next term, be so constituted as to have at least two-third elective members on it and have the privilege of selecting its President by two-third majority".

22. "This Council recommends that His Excellency the Governor in Council may be pleased to direct that Municipalities constituted under section 14 of the Bombay District Municipal Act, but enjoying the privilege of selecting their President by a two-third majority, shall, in future, be constituted under section 10 of the Act".

23. "This Council recommends to His Excellency the Governor in Council that an early enquiry be instituted to find out the extent to which the necessity of impressing carts for Government officers still exists, and whether steps can be taken to obviate or reduce the necessity".

24. "This Council recommends that His Excellency the Governor in Council may, under sub-section 2 (*c*) of section 23 of the Bombay District Municipal Act, 1901, be pleased to direct that every President of a City Municipality in the Presidency shall, in future, be elected by such municipality".

25. "This Council recommends to His Excellency the Governor in Council that a committee consisting of officials and non-officials be appointed to consider and formulate proposals for the purpose of preventing professional beggary and in particular stopping minor boys and girls from being turned into or sent as beggars and mendicants by their parents, preceptors or others who may, for the time being, have the care of such minors".

26. "This Council recommends that His Excellency the Governor in Council may be pleased to rule that during the prevalence of plague in the mofussil, Government should not levy any non-agricultural assessment on land used for the construction of temporary sheds for residential purposes, either by the occupant himself or by any other person with his consent, provided that (1) no rent is charged for such use and (2) the sheds are constructed in accordance with the Regulations of the local body concerned".

27. "This Council recommends that His Excellency the Governor in Council may be pleased to consider the desirability of directing that, in future, no married boys will be admitted in any primary school under the control of the Educational Department and that in the case of Government secondary schools unmarried boys will have preference for admission over married boys".

28. "This Council recommends that His Excellency the Governor in Council may be pleased to rule that local bodies in the mofussil shall be permitted, during the prevalence of plague, to use, free of non-agricultural assessment unoccupied Government land for the construction of plague sheds for housing people who may be ordered to evacuate their infected buildings, provided that the local bodies concerned do not levy any rent".

29. "This Council recommends to His Excellency the Governor in Council that village officers be relieved from the duty of finding supplies to the public servants on tour, or in the alternative, specific rules be framed that the village officers be given due notice by the touring officers concerned, for supplies they want and they (the village officers) be allowed to draw the cost of such supplies according to the tabulated scale from the nearest treasury, and that payment be taken into consideration, while passing the allowance bills of the officers concerned".

30. "This Council recommends that His Excellency the Governor in Council may be pleased to rule that a member, who gives notice of a Resolution on any matter of general public interest, shall be informed of the decision of the President under rule 6 or 7 of the Resolution Rules within seven days from the receipt of the notice by the Secretary of the Legislative Council".

31. "This Council recommends to His Excellency the Governor in Council that the conditions of jail life in the Presidency be improved by providing separate accommodation for those prisoners whose offences do not imply any moral turpitude, so as to prevent them from coming into contact with habitual or undesirable criminals".

32. "This Council recommends that the Governor in Council may be pleased to move His Excellency the Governor to consider the desirability of convening meetings of the Legislative Council at least six times in a year on such days and at such hours and places as he may appoint".

33. "This Council recommends that His Excellency the Governor in Council may be pleased to undertake legislation to so amend section 50 of the City of Bombay Municipal Act, 1888, as to restrict the payment of fees of Rs. 30 for attendance at meetings of the Standing Committee to members who are not salaried servants of Government".

34. "This Council recommends to His Excellency the Governor in Council that a Press Note be issued reviewing the financial recommendations of the Local Boards Committee and declaring definitely the principles and policy that will, in future, govern the financial relations between the Government and Local Boards".

35. "This Council recommends with a view to raise the status and improve the prospects of municipal employees whose pay is not less than Rs. 100 per mensem Government may be pleased to take necessary steps to constitute a provincial or divisional municipal service".

36. "This Council recommends that His Excellency the Governor in Council may be pleased to declare definitely by the issue of Press Note or in any other manner their policy governing the questions of grants-in-aid to Municipalities for primary education so as to enable them to know what their position exactly is in that respect".

37. "This Council recommends that His Excellency the Governor in Council may be pleased to rule that no controlling authority shall, in reviewing the report on the working of any local body, make any adverse comments without affording the body concerned full opportunity to offer its explanation".

38. "This Council recommends that His Excellency the Governor in Council may be pleased to rule that every controlling authority making any adverse comment on the working of any municipality or local board shall, in future, send a copy of the communication containing such comments to the body concerned for its information and guidance".

39. "This Council recommends that His Excellency the Governor in Council may be pleased to direct that admission to Vernacular Training Colleges shall not, in future, be restricted to those students who accept stipends for the period of their study".

Resolutions by the Honourable Mr. A. F. I. Pathan.

40. "This Council recommends that His Excellency the Governor in Council may be pleased to provide at an early date for the entertainment of a Persian Professor or Lecturer at the Karnatak College".

41. "This Council recommends that the Government may be pleased to provide for a certain percentage of free-studentships in every Government Arts College as in Government High Schools".

42. "This Council recommends to His Excellency the Governor in Council, in connection with the Press Note issued on the 14th of August last upon Mahomedan education, the desirability of continuing the Urdu standards at present in use in Urdu Primary Schools in accordance with the wishes of the Mahomedan Community, and as recommended by the Committee appointed by Government, and of making necessary modifications in the Government Resolution (No. 1143, dated 30th April 1917) to suit this recommendation".

43. "This Council recommends that the Government may be pleased to establish a Middle School at Dharwar in view of the growing school-going population there".

Resolutions by the Honourable Mr. Ebrahim Haroon Jaffer.

44. "This Council recommends to His Excellency the Governor in Council that arrangements be made to utilise the interest which has already accrued and which will accrue in the next five years on Sir Mahomed Yusuf's donation of 8 lakhs for giving scholarships to Mahomedan Students in Colleges".

45. "This Council recommends to His Excellency the Governor in Council that section 11 of the Bombay District Municipal Act be applied to the Poona City Municipality as has been done in the case of Karachi, with a view to constituting a separate Mahomedan electorate".

46. "This Council recommends to His Excellency the Governor in Council that primary schools maintained by Cantonment Committees be placed upon the same footing as those maintained by Municipalities and Local Boards with regard to grants-in-aid and other facilities".

Resolution by the Honourable Mr. Phiroze C. Sethna.

47. "This Council recommends that His Excellency the Governor in Council may be pleased to appoint a committee consisting of officials and non-officials to consider and formulate proposals for the prevention of professional beggary in the City of Bombay and in particular stopping minor boys and girls from being turned into or sent out as beggars and mendicants by their parents, preceptors or others who may for the time being have the care of such minors."

Resolutions by the Honourable Mr. S. B. Upasani.

48. "This Council recommends that the minimum pay of assistant masters in vernacular schools be fixed at Rs. 12 and of head-masters at Rs. 15".

49. "This Council recommends to His Excellency the Governor in Council that the vernacular trained teachers be paid their salaries according to the face value of their certificates".

50. "This Council recommends that Notified Areas be not charged with expenditure on education and medical relief and that when it is proposed to be so charged the Notified Areas be raised to a Municipality, and that this be done particularly in the case of the Notified Areas of Chalisgaon in East Khandesh and Nandgaon in the Nasik District and in other cases where the population of the town exceeds 5,000.

VI. PAPERS PRESENTED TO THE COUNCIL—

Report of the Select Committee appointed to consider Bill No. II of 1917 (a Bill to provide for the extension of primary education in municipal districts in the Bombay Presidency other than the City of Bombay).

R. B. MILNE,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 1st December 1917.

H 2125—247

LEGISLATIVE COUNCIL, 3rd DECEMBER 1917.

LIST OF QUESTIONS AND ANSWERS.

Questions. *Answers.*

THE HONOURABLE MR. DATTATRAYA VENKATESH BELVI.

1. (*a*) Has the attention of Government been drawn to the leading article in the issue of *The Bombay Chronicle*, dated the 9th August 1917, under the heading "A Police Prosecution and its moral," and also to the correspondence in the same issue of the said newspaper under the heading "War Fund Performance stopped by a Head Constable. Amazing Case of Zulum"?

Police prosecution in Shiroda.

1. (*a*) Yes.

(*b*) If so, has any inquiry been made in the matter, and if so, what has been the result of such inquiry?

(*b*) The Honourable Member's attention is invited to the reply given to clauses (1) and (2) of question No.* 1 put by the Honourable Mr. Kamat.

(*c*) Is it a fact that the present Sub-Inspector of Vengurla and his subordinates who were discomfited in the Sessions Court of Ratnagiri are now endeavouring to put up another criminal case against some of the accused persons in the first case and their relatives and servants?

(*c*) No.

* Put at the meeting held on the 10th October 1917.

2. (*a*) Is it a fact that the Assistant Collector in charge of the Sirsi Division, Kanara, issued in April 1917 a circular letter to all Temple and Mosque Committees in the district telling them that "it would be rank ingratitude and disloyalty" not to invest their savings in the Indian War Loan?

War Loan Circular in Kanara.

(*b*) Will Government be pleased to lay on the Table of the Council a copy of the said Circular?

2. The context in which the words quoted were used will be seen in the copy of the Circular* which is laid on the Table.

* *Vide* Appendix I.

[*These questions were asked at the meeting held on the 10th October 1917, when* ad interim *replies were given.*]

3. Will Government be pleased to state the total number of meetings of Municipal Committees in the Bombay Presidency of which notice was given to "the Educational Inspector of the district" under

Notice to Educational Inspector of Municipal Committee meetings.

3. Eight.

Questions. *Answers.*

clause 13 of section 26 of the Bombay District Municipal Act, 1901, from 1st April 1916 to 31st March 1917?

[*This question was asked at the meeting held on the 24th July 1917, when an* ad interim *reply was given.*]

Fuel Depôt, Kodlibag.

(*a*) Is it a fact that the inhabitants of the villages of (1) Bád, (2) Nandangadde, (3) Sunkeri, (4) Kattinkone, (5) Makheri and (6) Shirwad in the Karwar District are put to considerable inconvenience during the monsoon for want of a Fuel Depôt within an easy reach?

(*b*) Is Government aware of the fact that the establishment of a Fuel Depôt at Kodlibag is calculated to relieve the inconvenience to which the aforesaid villages are at present put?

4. Inquiry will be made.

Shet Sanadi Land: disposal after resumption.

5. (*a*) Will Government be pleased to state in a tabular form the total number of Shet Sanadis whose services were dispensed with during the last 10 years, and the total area and assessment of land in respect to which such service has been dispensed with in each taluka of the Central and Southern Divisions of the Bombay Presidency?

5. (*a*) When the reorganization of the Shetsanadi establishment was carried out in the Southern Division in 1909 the number of shetsanadis whose services were dispensed with and the area and assessment of the land held by them were:—

Name of the taluka or mahal.	No.	Area.	Assessment.
1	2	3	4
Belgaum District.		A. g.	Rs. a. p.
Khanapur ...	214	2,436 13	3,921 7 6
Belgaum ...	256	2,933 16 thikans 9	4,749 5 9
Sampgaon ..	431	8,462 30	12,006 10 0
Parasgad ...	337	9,354 22	7,707 11 0
Hukeri ...	269	3,712 6	3,995 0 0
Chikodi ...	372	5,334 18 bighas pands 210 5	7,640 14 8
Athni ...	169	4,623 24 taks 102¾ 24	2,958 15 4
Gokak ...	264	7,027 16	3,994 6 0
Total for the District...	2,322	43-884 25 thikans 9 bighas pands 210 5 taks 102¾ 24	46,974 6 3
Dharwar District.			
Dharwar ...	210	Figures not available.	3,502 0 0
Hubli ...	95		2,777 11 0
Navalgund ...	129		4,529 4 0
Gadag ...	94		1,796 10 0
Nargund ...	67		434 8 0
Mundergi ...	40		360 0 0
Ron ...	96		2,827 13 3
Kod ...	109		455 1 0
Karajgi ...	110		1,650 1 0
Ranebennur ...	112		930 8 0
Hangal ...	73		540 8 0
Bankapur	138		1,457 4 0
Kalghatgi	79		563 14 0
Total for the District	1,352	.....	21,825 2 3

QUESTIONS AND ANSWERS.

[*Mr. Dattatraya Venkatesh Belvi; Mr. Ghulam Muhammad Bhurgri.*]

Questions.

Answers.

Name of the taluka or mahal.	No.	Area.	Assessment.
1	2	3	4
Bijapur District.		A. g	Rs. a. p.
Indi ..	132	4,784 0	2,411 0 0
Sindgi ..	250	8,261 0	4,276 0 0
Bijapur	299	8,339 0	3,612 0 0
Bagewadi ..	290	9,997 0	5,501 0 0
Muddebihal ..	159	5,562 3	2,723 0 0
Bagalkot ..	138	3,702 0	2,315 0 0
Bilgi .	85	2,034 0	1,255 0 0
Badami ..	612	12,190 0	6,766 0 0
Hundgund .	327	10,153 0	6,453 0 0
Total for the District..	2,293		35,312 0 0

There are shetsanadis also in Sholapur and Satara. In the latter district a reorganization has been approved but the final result has not been reported. In Sholapur no reorganization has yet taken place.

(*b*) Will Government be graciously pleased to state what they propose to do with the land in future?

(*c*) Is it intended to sell by public auction the occupancy rights to such land?

(*b*) and (*c*) The Honourable Member is referred to the answer given to question No. 7 put by him at the meeting of the Legislative Council held on 28th July 1913.

6. Will Government be pleased to state the total annual revenue from all sources of each Cantonment Committee in the Bombay Presidency during the last five years.

Cantonment Committees' revenue.

6. The total revenue of each Cantonment Fund in the Bombay Presidency during the last five financial years is shown in the appended statement.*

* *Vide* Appendix P.

7. (*a*) Will Government to pleased to state the total number of Ordinary Fellows nominated by the Chancellor of the University of Bombay from each district of the Southern Division from the date on which the Indian Universities Act, 1904, came into force in this Presidency to the 31st December 1916?

Bombay University: Fellows from Southern Division.

7. The total number of Ordinary Fellows nominated during the period referred to by the Honourable Member is three. Two of these are persons residing in Native States in the Southern Division and one, though a resident of the Poona District at the time of his appointment, at present resides in a district of the same Division.

THE HONOURABLE MR. GULAM MUHAMMAD BHURGRI.

1. Will Government be pleased to supply the following information :—

(*a*) the amount of the Provincial and Imperial Grants given during the last five years for the opening of new primary schools in Sind;

Grants for primary schools in Sind.

1. (*a*) Rs. 22,880 recurring and Rs. 8,184 non-recurring.

Questions.

(*b*) details showing how these amounts have been spent;

(*c*) details of the amounts, if any, which have lapsed to Government, and the reasons for the lapse;

(*d*) the number of new primary schools opened in each district in Sind, during the last five years;

(*e*) the amounts spent on the Training College, Hyderabad, Sind, during the last five years out of the above grants or from other sources, respectively;

(*f*) the limit of accommodation available in the Training College of Hyderabad and the number of students at present actually in the College?

2. Will Government be pleased to state—

(*a*) How many persons, called Hurs, there are in the various settlements in and out of Sind, respectively?

Hurs in and out of Sind.

(*b*) Whether those in settlements outside Sind went there voluntarily or under compulsion?

(*c*) If under compulsion, under what law compulsion was exercised?

(*d*) What is the amount they have to pay for punitive police?

(*e*) What is their income per head?

Answers.

(*b*) The amounts were spent on the object for which they were given but no separate details of expenditure are available.

(*c*) No amounts lapsed to Government.

(*d*) The number of schools opened in each district is given below:—

Karachi	... ...	35
Hyderabad	... ...	28
Nawabshah	... ...	16
Thar and Parkar	...	25
Sukkur	... ...	21
Upper Sind Frontier	...	21
Larkana	... ...	47
Total	...	193

(*e*) The expenditure was as follows:—

	Recurring.	Non-recurring.
	Rs.	Rs.
Imperial Grants	39,737 8 6	2,646
Provincial Funds	1,48,843 15 11	78
Local Funds ...	52,487 15 3	...
Total ...	2,41,069 7 8	2,724

(*f*) Accommodation for 200 students is available at the College. The number at present is 162.

2. (*a*) 1,442 in the Settlements in Sind, 168 in the Settlement at Visapur.

(*b*) Under compulsion.

(*c*) Under section 13 of the Criminal Tribes Act, III of 1911.

(*d*) In Sind, Rs. 5,078. Out of Sind, *nil.*

(*e*) It is not possible to compute the income per head of those in Sind. The income of those out of Sind is very small, and they have to be assisted by Government.

QUESTIONS AND ANSWERS.

Questions.	*Answers.*
3. Will Government be pleased to state—	
(*a*) the number of children of school-going age in the various Hur settlements; (Education of children in Hur settlements.)	3. In Sind 62. The number in the Visapur settlement is not known, but the total number of persons in the settlement, 168, gives some indication.
(*b*) whether any provision is made for their education;	Yes. In Sind the local board schools are open to these children, and a special school has been provided immediately outside the largest settlement at Sanghar. Recently an inmate of the Hur settlement at Visapur, who has passed the vernacular school final examination, has been appointed as school-master for the children. It is not known how many are attending his school. There are 13 children in the Sanghar School.
(*c*) whether there are any schools in the settlements;	
(*d*) if so, how many;	
(*e*) if there are any schools, how many children attend these schools?	
[*These questions were asked at the meeting held on the 24th July 1917, when* ad interim *replies were given.*]	
4. Will Government be pleased to state—	
(*a*) The number of Anglo-Vernacular and primary schools opened in each division of the Bombay Presidency including Sind during each of the last five years; (Anglo-Vernacular and Primary Schools in Sind)	4. (*a*) The information has been called for.
(*b*) If Government have framed any definite programme or proposals for the starting of Anglo-Vernacular and Primary Schools in Sind during the next and following years;	(*b*) to (*d*) No programme or proposals of the nature referred to by the Honourable Member have been framed or sanctioned by Government, but enquiries are being made of the Director of Public Instruction.
(*c*) If the answer to (*b*) be in the affirmative, whether Government will place such programme or proposals on the Council Table;	
(*d*) The number of Anglo-Vernacular and primary schools which Government propose to start in Sind next year?	
5. (*a*) With reference to the reply given to question No. 2 put by the Honourable Mr. Ghulam Hussain at the (Sind Muhammadan Education Committee.)	5. (*a*) Government Order No. 2261*, dated the 17th September 1917, is placed on the table.

* *Vide* Appendix L.

Questions.

Council meeting of 10th October 1917, will Government be pleased to place on the Council Table the orders up to now passed on the recommendations of the Sind Muhammadan Education Committee?

(*b*) Has Government finished the consideration of all the recommendations of the Committee; if not, when does it expect to finish it?

(*c*) Will Government be pleased to place the report of the above Committee on the Council Table?

6. Will Government be pleased to state—

Grant for Muhammadan Education in Sind.

(*a*) If it is a fact that the Viceroy in reply to the address of the Sind Muhammadan Association in October last, while referring to the grant of a lakh of rupees for the education of Sind Muhammadans, said:—

"Half this sum will be for primary education and half for secondary education and the scheme includes a generous system of scholarships for leading boys up from a primary school to a University degree"?

(*b*) When was the "scheme" referred to framed?

(*c*) How many primary, middle and secondary schools have to be opened each year in Sind under the said scheme?

(*d*) How many scholarships and of what amounts have been provided in the scheme for primary, middle and secondary schools and for Arts and Professional Colleges?

(*e*) If Government will place the said scheme on the Council Table?

(*f*) If Government will place on the Council Table the communications, if any, containing the proposals of the Educational Inspec-

Answers.

(*b*) The answer to the first part of the question is in the negative. As regards the second part, it is not possible at present to say when orders will be passed on the remaining recommendations of the Committee.

(*c*) As the report is still under consideration, Government are not prepared to place it on the Council Table.

6. (*a*) Enquiries are being made.

(*b*) to (*e*) The attention of the Honourable Member is invited to the Government Order referred to in the reply to part (*a*) of his question No. 5, especially to paragraphs 7, 8 and 9 of the Order.

(*f*) Government are not prepared to comply with the request made by the Honourable Member.

Questions.

tor in Sind and the Commissioner in Sind about the manner in which the above grant of a lakh of rupees should be spent ?

(*g*) If Muhammadan public opinion has been consulted in the question of spending this lakh of rupees ?

(*h*) If the answer to (*g*) be in the affirmative, the names of the individuals or public bodies thus consulted ?

(*i*) If it is a fact that the Sind Muhammadan Association has in the above-mentioned address urged that efforts should be concentrated on the higher education of the Muhammadan community ?

(*j*) If this suggestion of the Association has been considered by Government ? If so, with what result ?

7. Will Government be pleased to state—

(*a*) If it is true that the Educational Inspector of Sind frames the educational budget of the District Local Boards;

District Local Boards in Sind: framing of Educational Budget.

(*b*) If this practice is followed in the other divisions of the Presidency;

Answers.

(*g*) and (*h*) From paragraphs 7 to 9 of Government Order No. 2261, dated the 17th September 1917, it will be seen that the grant referred to will be spent on the most urgent of the recommendations made by the special Committee appointed by Government to consider generally the question of Muhammadan education in Sind. This Committee included the following leading Muhammadan gentlemen in addition to the Honourable Member himself and the Honourable Shaikh Ghulam Husain Hidayatallah :—

Mirza Kalich Beg Faridun Beg.

Mr. Muhammad Ibrahim Shaikh Ismail, Vazir of Khairpur.

Mir Ayub Khan, Bar.-at-Law.

Mr. Wali Muhammad Hasan Ali.

(*i*) Yes.

(*j*) No special action has been taken with regard to the suggestion referred to, but from Government Order No. 2261, dated the 17th September 1917, it will be seen that a substantial portion of the grant of Rs. 1 lakh will be utilized for the purpose of encouraging higher education among the Muhammadan community in Sind.

7. Enquiries are being made.

Questions.

(*c*) If it is true that the members of the District Local Boards do not get copies of the budget before the Board actually meets to discuse and adopt the budget;

(*d*) If the reply to (*c*) be in the affirmative, the reasons therefor;

(*e*) If a similar practice is followed in the other divisions of the Presidency?

8. Will Government be pleased to state—

Remission rules in Sind.

(*a*) if the Commissioner in Sind has recently received any representations suggesting the amendment of remission rules prevalent in Sind;

(*b*) if the answer to (*a*) be in the affirmative, what has been the result of the consideration of such representation;

(*c*) if Government will place on the Council Table the said representations, the orders if any passed on them and the amendment, if any, made in the rules;

(*d*) if the Zamindars were consulted before the amendments, if any, were made;

(*e*) if Government will place the remission rules in force in the other divisions of the Presidency on the Council Table?

9. Will Government be pleased to state—

District Local Boards, Sind: non-official presidents.

(*a*) the District Local Boards in the Presidency proper to which the privilege of having their own (1) elected non-official president, (2) nominated non-official president has been extended?

(*b*) if the extension of a similar privilege to the District Local Boards in Sind has been left to the decision of the Commissioner in Sind?

(*c*) if it is true that none of the District Local Boards in Sind has been given that privilege?

Answers.

8. (*a*) to (*d*). The information will be called for.

(*e*) The Honourable Member's attention is invited to the rules published in Press Note No. 2703 dated 13th March 1907.

9. (*a*) The privilege of electing its president has not been conferred on any district local board in the Presidency proper. Non-official presidents have been appointed as an experimental measure for the district local boards of Ahmedabad, Broach, Ahmednagar, Poona, Belgaum and Dharwar.

(*b*) No.

(*c*) Yes.

Questions.	*Answers.*
(*d*) if so, for what reason?	(*d*) Government wish to see the results of the experiment now being made in the Presidency proper before introducing it into Sind.
10. Will Government be pleased to state—	
(*a*) the District Local Boards in each division of the Presidency including Sind in the case of which "powers and duties" have been deputed by the President to the Vice-President under section 29 (*b*) of the Local Boards Act in accordance with Government Resolution No. 2833, dated 7th May 1887, Revenue Department;	10. The information is being obtained.
(*b*) the powers and duties so deputed in each case?	
11. Will Government be pleased to give the following information for each of the last 10 years for each district in the Presidency including Sind:	11. (*a*) to (*d*) The labour involved in the collection of the statistics will not be commensurate with the benefit derived from the information.
(*a*) the number of applications for remission of land revenue assessment;	
(*b*) the number of applications withdrawn by the applicants;	
(*c*) the number of applications (*a*) wholly and (*b*) partially granted;	
(*d*) the amount of remission applied for;	
(*e*) the amount of remission granted?	(*e*) The Honourable Member's attention is invited to the Land Revenue Administration Reports which contain the requisite information.
12. Will Government be pleased to give the following information relating to each District Local Board in the Presidency including Sind:	
(*a*) the date when it was constituted;	12. The information is being collected.
(*b*) the date when the elective franchise was first introduced;	

District Local Boards: delegation of duties to Vice-President.

Remission statistics.

District Local Boards in the Presidency including Sind: Statistics *re* elected element.

Questions.

(*c*) the date when a majority of the members was elected;

(*d*) the date when the right of having two-thirds of the councillors elected was conferred;

(*e*) the date when the President was for the first time non-official nominated by Government;

(*f*) the date when the right of electing the President was conferred?

Answers.

(*f*) None of the district local boards enjoys the privilege of electing its President.

13. Will Government be pleased to supply the following information regarding their canals in Sind according to the subjoined table:—

Canals in Sind.

Name of canal.	Designed water supply in cusecs.	Area expected to be cultivated.	Area actually given out to people at present.	Area actually cultivated at present.

13. The requisite information regarding canals in the Indus Left Bank Division is furnished in the statement* attached. Similar information regarding canals in the Indus Right Bank Division has not yet been received from the Superintending Engineer concerned and will be placed † on the table on receipt.

* *Vide* Appendix O.

† *Vide* Appendix R.

14. (*a*) Will Government be pleased to reply to question No. 9 put by me at the Council meeting of 24th July 1917?

Canals in Sind.

(*b*) Will Government be pleased to reply to question No. 10 put by me at the Council meeting of 24th July 1917?

Grants for primary schools in Sind.

(*c*) Will Government be pleased to reply to question No. 19,* and (*d*) question No. 20† put by me at the Council meeting of 24th July 1917?

*Hurs in and out of Sind.
†Education of children in Hur settlements.

14. (*a*) Please see reply above.

(*b*) A reply will be given at this meeting.

(*c*) Replies to those questions have now been given.

15. Will Government be pleased to state—

(*a*) the number of persons in each division of the Presidency including Sind having powers of a First Class Magistrate?

First Class Magistrate statistics.

15. (*a*) It is not possible to give an accurate answer to this question without a disproportionate amount of labour. The following table gives the number of First Class Magistrates who may be normally expected to be at work in each division of the Presidency proper and in Sind:—

Questions.

Answers.

Northern Division.	Central Division.	Southern Division.	Sind.
47	56	66	65

Of these, 4 in the Central Division and 7 in the Southern Division sit in Benches.

(*b*) the number of persons in each division on whom such powers have been conferred during each of the last 3 years ?

(*b*) The information will be obtained.

16. Will Government be pleased to state—

(*a*) the number of copies of the new edition of the Commissioner in Sind's Special Circulars printed for sale to the public in English and in Sindhi;

Sind Special Circulars: reprint.

16. (*a*) The Revised Manual of the Special Circulars was compiled for office use only. It has not been put on sale for the general public.

(*b*) the reasons why the first circular of the old edition of the above book relating to the Acts and Regulations in force in Sind and the powers under each delegated to the Commissioner in Sind has not been printed in the new edition ?

(*b*) Circulars which were obsolete or no longer necessary owing to the information contained in them being available elsewhere have been omitted in the Revised Manual.

17. Will Government be pleased to state—

17. (*a*) Yes.

(*a*) if it has received any memorial from the citizens of Hyderabad (Sind), complaining of the inefficiency of the Committee of Management and the Municipal Commissioner for the City of Hyderabad and praying for the restoration of the Hyderabad Municipality;

Municipality: Hyderabad: petition for reconstitution.

(*b*) if Government have finished the consideration of the memorial;

(*c*) if the reply to (*b*) be in the affirmative, whether Government have passed any orders on the memorial; if so, whether Government will place the orders on the Council table;

(*d*) if the reply to (*b*) be in the negative, what stage has the consideration of the memorial reached ?

The memorial is under consideration.

Questions.

Answers.

18. Will Government be pleased to state—

Trees in private land in Sind. Rules regarding cutting.

(*a*) If a zamindar in Sind who proposes to cut trees in his own "Huri" and send the fuel to some town for disposal has to apply to the Mukhtyarkar for a pass-book to be obtained from the Divisional Forest Officer;

18. (*a*) to (*e*) The Honourable Member's attention is invited to the rules, and particularly rule 4 under section 41 of the Indian Forest Act for the Province of Sind, printed in section 297 of the Standing Orders of the Forest Department. Government have not received any complaints about delay caused by the procedure.

(*b*) If the application of the zamindar is forwarded by the Mukhtyarkar to the supervising Tapadar or Tapadar and subsequently by the Divisional Forest Officer to the Range Forest Officer;

(*c*) If it is true that if the Range Forest Officer states that the quantity of the fuel is not large the zamindar is asked to go to the Tapadar and take a pass from him every time that he sends out fuel for disposal;

(*d*) If it is true that this procedure results in corruption and great inconvenience to zamindars who have to run after the Tapadars out in the district;

(*e*) If, in cases where the Range Officer states that the quantity of the fuel to be cut is large enough, the papers are sent back to the Divisional Forest Officer and thence to the Mukhtyarkar causing often-times the delay of months before the pass-book is granted to the applicant;

(*f*) If a proposal to simplify the rules regulating the above procedure is under the consideration of Government;

(*f*) The answer is in the negative.

(*g*) If Government will place the said rules on the Council table;

(*h*) What the procedure is in the other Divisions of the Presidency;

(*i*) If Government will place the rules prevalent in the other Divisions on the Council table;

(*g*) to (*j*) The Honourable Member's attention is drawn to sections 290 to 297 of the Standing Orders of the Forest Department.

Questions.	*Answers.*
(*j*) If the rules prevalent in Sind have been sanctioned by Government; if so, will Government place the Government Resolution sanctioning them on the Council table?	
19. Will Government be pleased to state—	19. (*a*) Yes.
(*a*) If its attention has been drawn to an article on "Educational Backwardness of Sind" in the *Hindvasi* of 18th November 1917 seriously complaining of the slow disposal of work by the Educational Inspector of Sind;	
Educational Inspector, Sind: alleged delay in work.	
(*b*) If so, whether the statements contained in the article are correct?	(*b*) Enquires are being made.
20. Will Government be pleased to state—	20. (*a*) Yes.
(*a*) if its attention has been drawn to a resolution passed at the Special Sind Provincial Conference held at Hyderabad on the 3rd and 4th November last praying for the release of three Sindhis now interned, namely Professor Javharmal T. Mansukhani and Messrs. Abdul Majid and Mahomed Sadik;	
Interned Sindhis	
(*b*) the period during which each of them has been under internment;	(*b*) Javharmal T. Mansukhani from December 1914 to date, Abdul Majid from December 1916 to date, Mahomed Sadik from May 1916 to date.
(*c*) which of them have been incarcerated in Jail and which permitted to reside in ordinary residence;	(*c*) Javharmal T. Mansukhani is interned in the Yeravda Central Prison, Abdul Majid in the town of Ratnagiri, and Mahomed Sadik in the town of Karwar. The latter two reside in these towns.
(*d*) if those who are in Jail have been put in the company of ordinary criminals;	(*d*) No.

Questions.

(*e*) the amount of allowance received by each from Government;

(*f*) the period for which they will still continue in internment?

21. Will Government be pleased to state—

(*a*) which Municipalities in Sind have during the last two years been moved by Government or its subordinate officials to consider the question of introducing the house-tax;

House-tax in Sind.

(*b*) if the Bombay Government have issued any instructions to the Commissioner in Sind or to the local officials in Sind to move the question of the imposition of house-tax in the Sind Municipalities;

(*c*) if the answer to (*b*) be in the affirmative, will Government place such instructions on the Council table?

THE HONOURABLE MR. SHERIFF DEVJI CANJI.

1. Will Government be pleased to state if they are aware of the—

Donation from Sir M. Y. Soudagar.

(*a*) feeling amongst the Mahomedan Community to see the donation of Rupees 8 lakhs from Sir Mahomed Yusuf Soudagar soon utilized?

(*b*) With reference to the donation of Rupees 8 lakhs from Sir Mahomed Yusuf Soudagar, will Government be pleased to lay on the Council Table papers and correspondence concerning the same?

[*Mr. Gulám Muhammad Bhurgri; Mr. Sheriff Devji Kanji.*]

Answers.

(*e*) The following allowances have been sanctioned:

Abdul Majid for himself—Rs. 50 a month,

Mahomed Sadik for himself—Rs. 40 a month,

Mahomed Sadik for his servant—Rs. 10 a month,

Mahomed Sadik for his dependants at Karachi—Rs. 60 a month.

(*f*) Government have passed no orders fixing a definite period. They are interned during the pleasure of Government.

21. (*a*) It has been the policy of Government for some years past to insist that an adequate proportion of municipal revenue shall be derived from direct taxation. Government presume that officers have given effect to this where circumstances permit.

(*b*) No special instructions have been sent.

1. (*a*) Yes.

(*b*) and (*c*) The Honourable Member is referred to Government Resolution No. 333, dated the 28th January 1914, and Press Note No. 2534, dated the 28th August 1915, copies of which will be found in the

Questions.	*Answers.*
(*c*) Will Government be pleased to state the terms on which Sir Mahomed Yusuf Soudagar placed the sum of Rupees 8 lakhs at the disposal of Government ?	Reading Room for the Members of the Legislative Council. Government are not prepared to place the further correspondence on the Council Table as the matter is still under consideration.
(*d*) Will Government be pleased to state the reasons which led Sir Mahomed Yusuf Soudagar to postpone the question of utilizing his donation of Rupees 8 lakhs till the arrival of His Highnes Sir Aga Khan to India ?	(*d*) to (*f*) Government are not at present in a position to make any statement on these points.
(*e*) Will Government be pleased to state if the terms of the donation of Rupees 8 lakhs from Sir Mahomed Yusuf Soudagar allow them to make temporary use of its income before the arrival of His Highness Sir Aga Khan to India ?	
(*f*) If the answer to (*a*) be in the affirmative, will Government be pleased to state if they contemplate making such a temporary use of its income ?	
2. Will Government be pleaseed to state the number and names of the primary and secondary schools for boys and girls separately in this Presidency conducted by Missionaries ? Missionary Schools: statistics.	2. The information has been called for.

THE HONOURABLE MR. PANDURANG ANANT DESAI.

1. Will Government be pleased to make a statement showing the amount which each District Local Board has spent during the last five years for good drinking water within the rural areas ? District Local Board: expenditure on water supply.	1. The statement* required by the Honourable member is appended. **Vide* Appendix A.
[*This question was asked at the meeting held on the 24th July 1917, when an* ad interim *reply was given.*]	
2. Will Government be pleased to state :—	2. (*a*) No. There are no tigers in the Roha Taluka but panthers are found

QUESTIONS AND ANSWERS.

Questions. *Answers.*

(*a*) Whether it is a fact that milch as well as agricultural cattle are being killed by tigers at Roha and the neighbouring villages in the Kolaba District?

Damage caused by tigers in the Kolaba District.

at times, one of whom was reported to be at large.

(*b*) Whether petitions were made to the District Magistrate of Kolaba by the inhabitants of Roha requesting him to take steps to remove this grievance about two months ago? If so, what reply was given to the same?

(*b*) Yes.

(*c*) What steps have Government taken to prevent the nuisance?

(*c*) Enquiries were made and the District Superintendent sent out two armed local police to hunt the panther; no further complaints were received thereafter.

3. Will Government be pleased to state—

3. (*a*) 244.

(*a*) How many villages in the Panvel Taluka have been surveyed by the Falni Party in the last two years?

Survey in Panvel Taluka.

(*b*) What is the amount recovered by the Revenue Authorities for the expenses of such survey?

(*b*) Rs. 16,540 (up to end of October 1917).

(*c*) And whether Government had given an opportunity to the public to express their view as regards this survey?

(*c*) Already answered.

4. Is Government aware—

4. (*a*) Wild elephants have been causing some damage to paddy crops in the north part of the Supa Petha The damage does not, however, appear to be sufficient to cause the ryots to apply for remission of land revenue though they have been specially invited to do so.

(*a*) Of the great damage that has been and is being caused by wild elephants to the paddy crops of the ryots in Supa Petha of the Kanara District?

Damage caused by wild elephants.

(*b*) Of injuries that have been caused to some ryots by these wild elephants, near Castlerock Railway Station, near a village named Barchi and at Kurveli near Lona Station and to a forest guard at Alur in Halyal Taluka?

(*b*) No injuries have been caused by wild elephants during the last twelve months, the cases referred to being more than a year old.

5. Is Government aware that great inconvenience is caused to the public in

Issue of forest passes in Karjat and Khalapur.

5 and 6. It is not correct that Round Guards issue passes for removal of timber from occupied land while Talatis issue passes for

Questions.	*Answers.*
the Karjat Taluka and Petha Khalapur on account of the duty of issuing forest passes being given to only six Forest Round Guards in place of 43 Talatis who used to issue them before?	fuel taken from the same land. In each case the passes are issued by the Talatis. But in the case of timber, the Round Guards inspect the timber and stamp it with the Government mark. The Talati then gives the passes for removal, but the Forest Department may authorize the owner himself to issue the passes. The procedure of stamping was found necessary to check the removal under Talatis' passes of timber illicitly felled in Government forest.
6. Will Government be pleased to state—	
(*a*) If it is a fact that passes for fuel taken from fields owned by ryots are issued by Talatis and passes for timber taken from the same fields are issued by the Forest Round Guards?	
Issue for passes for fuel and timber.	
7. Will Government be pleased to state—	7. (*a*) Already answered.
(*a*) Whether there are only two Water Finders with the Agricultural Department?	
Water Finders in the Agricultural Department.	
(*b*) How many applications were made to them for a loan of their use?	(*b*) The applications received during the last year numbered 200.
(*c*) Whether they could satisfy all the demands made on them?	(*c*) About one-fifth of the total demand was met by the Agricultural Department: but a considerable number of the applications were from districts where the instruments could not be used with advantage.

[*These questions were asked at the meeting held on the 10th October 1917, when* ad interim *replies were given.*]

Supplementary Question to Question No. 7 (c).

The Honourable Mr. DESAI:—In answer to my question No. 7 (*c*) it is stated "but a considerable number of the applications were from districts where the instruments could not be used with advantage". I would like to be enlightened on this, namely, which were the districts where the instruments could not be used with advantage?

The Honourable Mr. Carmichael:—Gujarat districts chiefly.

8. Is it a fact that great inconvenience is caused to the ryots on account of the Local Board Road between Kelshi and Bankot in the Ratnagiri District being quite out of order?	8. The bridle path referred to is reported to be in bad condition. The matter is being brought to the notice of the District Local Board.
Ratnagiri Local Board Road.	
9. Will Government be pleased to place on the table a copy of the rules and regulations as regards the co-operative societies among school boys?	9. Enquiries are being made whether there are any such rules and regulations.
Co-operative Credit Societies among school boys.	

QUESTIONS AND ANSWERS.

[3RD DECEMBER 1917.]

Questions.

10. Will Government be pleased to state—

(*a*) Whether the school boys do any active work with respect to their co-operative societies; if so, what sort of active work?

Co-operative Credit Societies: co-operation of school boys.

(*b*) Whether any of these co-operative societies and their accounts are under the supervision of the Registrar of Co-operative Societies?

11. (*a*) Is it a fact that the inhabitants of the village of Tale in the Mandgaon taluka of the Kolaba district applied to the Deputy Educational Inspector that if the Government would appoint a teacher to teach English three standards to the students of the vernacular 5th, 6th and 7th standards they were prepared to pay Rs. 30 per month?

Mandgaon: English Teacher.

(*b*) Whether the application was rejected?

(*c*) If so, on what grounds?

12. Will Government be pleased to state whether the new road between Palaspa and Kolakha in the Panvel taluka will be allowed to be used after the rainy season is over for cart traffic?

Panvel taluka: opening of new road.

13. Will Government be pleased to state—

(*a*) Whether the present school house at Palaspa is wholly inadequate to afford the necessary accommodation to the students?

Palaspa school house accommodation.

(*b*) Whether the upper storey of a barn house in the village is engaged to accommodate two classes?

(*c*) Whether the upper storey is dilapidated and inconvenient to the boys attending the classes and is at a distance which renders it impossible for the Head Master to supervise?

[*Mr. Pandurang Anant Desai.*]

Answers.

10. Enquiries are being made.

11. As the policy of Government in regard to the teaching of the first three English standards in the higher classes of selected vernacular schools is not yet definitely settled, Government do not think that any useful purpose would be served by calling for the information asked for.

12. The road will be open for cart traffic when completed about the middle of December 1917.

13. Enquiries are being made.

Questions.

14. Is it a fact that great inconvenience is caused to the school boys and the inhabitants of Sangurli while crossing the nullah between Sangurli and Shirdhon in the Panvel taluka in the rainy season?

Panvel taluka: bridge over nullah.

15. Is Government aware of the disastrous fire which occurred in Ekadashi Building near Sandhurst Road in the City of Bombay on the 11th instant?

Bombay City fires.

(*a*) Are there any restrictions imposed by law on the storing of the celluloid films and other combustible articles which has led to several such fires in recent days?

16. Will Government be pleased to state—

(*a*) Whether trained teachers in the District Local Board Schools in this Presidency, particularly in the Southern Division, get their pay according to their certificates?

Trained teachers' pay.

(*b*) If not, when does Government propose to take necessary steps in the matter?

17. Will Government be pleased to state—

(*a*) Whether petitions have been made to Government by the vaccinators in the Presidency for a revision of their pay, the existing scale of pay being inadequate in the present conditions?

Pay of Vaccinators.

(*b*) Whether the existing scale of pay was brought into force in 1870 and whether there has been no revision up to this time?

Answers.

14. The unbridged nullah no doubt causes inconvenience in the monsoon but as there are many similar cases in the district the District Local Board cannot make extensive provision for bridging unless substantial local contributions are forthcoming.

15. Yes.

(*a*) In a bill further to amend the City of Bombay Municipal Act, which is at present under reference to the Municipal Corporation, it is provided that cinematograph films in excess of 20 lbs. and celluloid and celluloid goods in excess of 4 cwts. shall not be kept in or upon any premises at any time without a license.

16. (*a*) The attention of the Honourable Member is invited to the replies given at the meeting of the Legislative Council held on the 24th July 1917 to parts (*a*) and (*b*) of question* No. 1 put by the Honourable Mr. R. P. Paranjpye at the Council meeting held on the 13th March 1917.

(*b*) The question is under the consideration of Government in connection with the utilization of the current year's imperial recurring grant of Rs. 2,50,000 for education.

* Printed as question No. 2 in the list of Questions and Answers of the meeting held on 24th July 1917.

17. (*a*) No petitions have been received by Government.

(*b*) There has been no revision since 1870 in which year the existing pay was brought into force.

Questions.

(*c*) If Government propose to take steps to redress the grievance, *e. g.*, revision in the gradation and scale of pay? If so, when?

18. Will Government be pleased to state whether the Kolaba District is suitable to any other industries except the roof tile industry referred to in the Government press communiqué No. 6016, dated 27th August 1917? If so, the particulars of such industries may kindly be given.

Kolaba District local industries.

19. Will Government be pleased to make a statement—

(*a*) As to the match factories in this Presidency, their capital, their location, and other necessary particulars?

Match Factories statistics.

(*b*) Whether any sort of help has been given by Government to any of these factories? If so, what help?

20. Will Government be pleased to make a statement—

(*a*) As to the oil pressing factories in the Presidency, their capital, location and other particulars?

Oil Pressing Factories statistics.

(*b*) Whether any and how much of the oil and cake produced by these factories is exported to foreign countries or consumed locally?

(*c*) What is the proportion of the foreign export to local consumption?

Answers.

(*c*) Proposals have been received from the Sanitary Commissioner for improving the training and prospects of vaccinators and they are under the consideration of Government.

18. Government have no definite information on the subject.

19. There are at present no match factories working in this Presidency.

20. (*a*) There are 42 oil mills in existence in the Presidency. Government have no information regarding their capital. Their location is as follows:—

Bombay	...	13
Ahmedabad	...	3
Broach	...	1
Surat	...	1
Thana	...	2
West Khandesh	...	4
Poona	...	3
Satara	...	9
Sholapur	...	1
Ratnagiri	...	1
Belgaum	...	1
Kanara	...	1
Karachi	...	2

(*b*) The Honourable Member's attention is invited to statement 7 appended to the annual report on the Trade and Navigation of the Bombay Presidency and Sind.

(*c*) The information is not available.

Questions.	*Answers.*
21. Will Government be pleased to prepare a statement showing—	
(*a*) The indigenous glass factories in the Presidency, their capital, location and other particulars? (Glass Factories statistics.)	21. (*a*) There are two glass factories in Bombay, one in the Panch Mahals and one at Talegaon. Information regarding capital, etc., is not available.
(*b*) Whether Government is rendering any sort of assistance to these indigenous glass factories? If so, what help?	(*b*) Government are giving no assistance to any of these factories.
22. Will Government be pleased to make a statement showing—	
(*a*) The number of tobacco curing and cigar making industries in this Presidency, their capital, location and other particulars? (Tobacco Factories statistics)	22. (*a*) There are no tobacco curing factories in this Presidency. There are six cigarette making factories in the Thana District. Information regarding capital, etc., is not available.
(*b*) Whether any of the products of these factories are exported to foreign countries; if so, how much and what is its proportion to the products consumed locally?	(*b*) These factories do not export their products to foreign countries.
23. Will Government be pleased to make a statement—	
(*a*) As to whether there are any factories in this Presidency preparing dyes, pigments, and varnishes from dye-stuffs; if so, their capital, location and other particulars? (Dye factories statistics.)	23. Government have no information.
(*b*) Whether the raw material used by these factories is indigenous or imported from other provinces or from foreign countries?	
(*c*) If imported, how much and from where?	
24. Does Government propose to establish any more weaving schools in the Southern Division for the purpose of educating the weavers in their vocation? (Weaving schools.)	24. The answer is in the negative.
25. Is Government aware—	
(*a*) That the population of Supa petha of Karwar District is fast going down? (Karwar: Supa petha: decline of population.)	25. The figures of the present population are not available. According to the census of 1901 and 1911 the

QUESTIONS AND ANSWERS.

Questions.

(*b*) Will Government be pleased to state the population of this petha in the last two census and at present?

(*c*) Is Government in a position to say what this decrease in the population is due to?

Answers.

population was 21,008 and 18,611 respectively. This decrease was chiefly due to malaria (*vide* paragraph 68 of Census Report of 1911, Volume VII, Part I).

Kolaba: printing presses and newspapers statistics.

26. Will Government be pleased to state:—

(*a*) The number of printing presses in Kolaba District with their locations?

26. (*a*) There are 5 printing presses in the Kolaba district, viz.:—

Name.		Place.
1. Satyasadan	...	Alibag.
2. Sadbodh	...	Do.
3. Dhutpapeshwar	...	Panvel.
4. Sudhakar	...	Pen.
5. (No name)	...	Sudkoli.

In the reply to a similar question put by the Honourable Mr. Belvi at the Council Meeting held on 4th December 1916, it was stated that there were 7 printing presses in the Kolaba District. The figure 5 now given is the result of omitting two then included, which are situated in the Janjira State and *not in the* Kolaba District.

(*b*) The number of newspapers and magazines with the places of their publications?

(*b*) So far as Government are informed, no newspapers or magazines are published in the Kolaba District.

27. Will Government be pleased to state on what ground the license of the applicant, Gajanan Sadashiv Risbud, of Tale in the Kolaba District was refused?

Kolaba: Refusal of license.

27. The matter is under enquiry.

THE HONOURABLE MR. EBRAHIM HAROON JAFFER.

1. Will Government be pleased to place on the Council Table the detailed deliberations of the Mahomedan Education Committee referred to in Government Resolution No. 1788, dated the 23rd June 1913?

Mahomedan Education Committee: report of deliberations.

1 and 2. The detailed deliberations of the Committee and details of the estimates in connection with the various proposals made by it have not been received by Government. Enquiries are, however, being made

QUESTIONS AND ANSWERS.

Questions.	*Answers.*
2. Will Government be pleased to place on the Council Table the detailed estimates of the various proposals of the Mahomedan Education Committee? *Mahomedan Education Committee: estimates of proposals.*	of the Director of Public Instruction, who was the Chairman of the Committee, whether they are available.
3. (*a*) Will Government be pleased to state when the Anjuman-i-Islam of Kolaba came into existence? *Anjuman-i-Islam, Kolaba: date of institution: reports.*	3. (*a*) Enquiries are being made.
(*b*) Can Government obtain and place on the table the reports for three years previous to His Excellency the Governor's visit in 1915?	(*b*) Enquiries are being made whether the reports referred to can be obtained.
4. Will Government be pleased to explain the phrase "unimpeachable evidence" occurring in paragraph 8, page 4, of the Resolution, forming an accompaniment to their Press Note No. 1978, dated the 14th August 1917, on Mahomedan Education? *Press Note on Mahomedan Education.*	4. The words were used in their ordinary sense.
5. Will Government be pleased to state—	5. According to the census of 1911, the figures are as follows:—
(*a*) the total population of Mussalmans in the East Khandesh District; *Mahomedan Education in East Khandesh.*	(*a*) 99,521.
(*b*) the number of Mahomedan literates in English in the district?	(*b*) 128.
6. With reference to my question No. 4(*b*) and (*c*) put at the last meeting, the Government Circular referred to by me is dated the 3rd February 1904, and enjoins on Heads of Departments to admit Mahomedans "until they are represented in the public service in fair proportion to their importance as a community." *Mahomedan in public service.*	6. The document to which the Honourable Member refers was a demi-official letter addressed to the Revenue Commissioners only. Though the Honourable Member appears to have obtained a copy of it he has not given its purport correctly. The Commissioners were requested to bring to the notice of Collectors that such opportunities as occur of appointing fit Mahomedans should be taken. It will be obvious that the result cannot be exhibited in a comparative statement.
Will Government be pleased to show by comparative statistics how far this has been given effect to in the Educational, Political, Revenue and Judicial Departments?	

QUESTIONS AND ANSWERS.

Questions.

7. Will Government be pleased to state what steps have been taken in regard to the protest against the objectionable clause occurring in the fifth line of the poetical lesson eighth in the Gujarati Third Book submitted by the Rander Anjuman-i-Islam to the Director of Public Instruction on the 27th February 1917?

Gujaráti Text Book: objectionable phrase.

8. Will Government be pleased to state when the appointment of the Special Urdu Deputy for the Northern Division will be made?

Urdu Deputy Educational Inspector: Appointment in Gujarat.

9. (*a*) Is it a fact that the Government of the United Provinces have decided to observe Friday as a full holiday in the Muhammadan schools of Local Bodies?

(*b*) If not, will Government make enquiries?

Muhammadan Holidays: observance in schools.

10. (*a*) Will Government be pleased to state why a building grant-in-aid promised to the Tyabia Orphanage, Poona, long before the commencement of the war, has not yet been paid?

Tyabia Orphanage, Poona: payment of grant.

(*b*) Do Government intend to pay this grant from this year's budget?

11. (*a*) Is it fact that Government have exercised their powers under section 11 of the District Municipal Act and granted separate electorates to Mahomedans in Sind?

Municipalities: separate electorates for Mahomedans.

Answers.

7. The President of the Anjuman has been informed by the Director of Public Instruction that the matter will receive due consideration at the time of the next revision of the book in question and that the passage referred to will be altered if alteration is then found to be necessary.

8. The attention of the Honourable Member is invited to paragraph 19 of the Report of the Committee on Muhammadan Education in the Presidency proper and paragraph 11 of Government Resolution No. 1143, dated the 30th April 1917, issued thereon, forming an accompaniment to Press Note No. 1978, dated the 14th August 1917. The report of the Director of Public Instruction called for in paragraph 11 of the Resolution referred to has not yet been received. In the circumstances no statement can at present be made as to when the appointment in question will be sanctioned.

9. (*a*) and (*b*) Enquiries are being made.

10. (*a*) The grant has not been paid owing to the financial stringency resulting from the war.

(*b*) No.

11. (*a*) Yes.

Questions.

(*b*) If so, will Government state reason for doing so?

12. Will Government be pleased to state—

Mahomedans in Dhulia Municipality.

(*a*) The present number of elected and nominated Councillors in the Dhulia Municipality?

(*b*) The number of elected and nominated Mahomedans for the past three years and their number at present?

(*c*) The reason for the reduction of nominated members?

(*d*) What would be the proportionate number of Mahomedan representatives according to the strength of the population?

13. Will Government be pleased to furnish similar information as in 8 (*a*), (*b*), (*c*) and (*d*) in respect to the Malegaon Municipality, and also to state why the proportion was not made good by nomination?

Mahomedans in Malegaon Municipality.

14. Will Government be pleased to state—

Mahomedan representation Separate electorates.

(*a*) How many delegates were present at the Local Self-Government

Answers.

(*b*) The attention of the Honourable Member is invited to the Press Note by the Commissioner in Sind, No. 1549, dated the 16th November 1917, published on page 1420 of the *Sind Official Gazette*, Part I, dated the 22nd November 1917. A copy of the Press Note is appended.*

**Vide* Appendix J.

12. (*a*) 16 elected and 8 nominated.

(*b*) The number of elected and nominated Mahomedan members on the Dhulia Municipality during the last triennial term was 2 and 3 respectively. On the present municipal board the number of elected and nominated Mahomedan members is 4 and 1 respectively.

(*c*) As 4 Mahomedan gentlemen were elected on the board, it was considered desirable to reduce the number of nominated Mahomedan members in order to provide for the adequate representation of the other communities.

(*d*) Five.

13. (*a*) The Malegaon Municipality consists of 12 elected and 6 nominated members.

(*b*) and (*c*). The information is being obtained.

(*d*) Twelve.

It is not the policy of Government to nominate members on the basis of proportionate population of different communities.

14. (*a*) Government have no information on the subject.

Questions.

Answers.

Conference held in Poona in July last and how many of them were Mahomedans?

(*b*) Are Government aware of the resolution passed by this conference in regard to the representation of Mahomedans on local bodies?

(*b*) Yes.

(*c*) Are Government aware that an overwhelming majority of Mahomedans do not accept mixed electorates and approve of separate electorates?

(*c*) The answer is in the negative.

15. Will Government be pleased to state whether Mussalmans and Hindus are not appointed as guards and drivers of the first grade on the G. I. P. Railway, the same being reserved for Goanese and Parsis? Were there any protests made by the Mussalmans and Hindus? If so, how many times, and why has any such distinction been made?

G I. P. Railway appointment of first grade guards and drivers.

15. The Agent, G. I. P. Railway Company, reports that Mahomedan and Hindoo Guards and Drivers employed by the Company are placed in the same grade as Goanese and Parsees.

As regards Drivers, the Company have four classes and those who show special ability are promoted from one class to another up to the highest grade, irrespective of caste.

There is no racial distinction made and the Company have received no protests from Hindoos or Mahomedans that such distinctions exist.

16. (*a*) Will Government be pleased to state whether any disorder took place between the Mahomedans and Hindus at Nevasa in the Ahmednagar District during the last Bakri-Id holiday? If so, how did it terminate?

Alleged Bakri-Id disturbance: Nevasa.

(*b*) Will Government be pleased to lay all the papers concerning it on the table?

16. (*a*) and (*b*) Information will be obtained.

THE HONOURABLE MR. BALKRISHNA SITARAM KAMAT.

1. Will Government be pleased to give the following information:—

(1) What has been the total expenditure to the State for the hill journey and stay of Government and Heads of Departments at

Expenditure on the Mahabaleshwar move.

1. (1) The total expenditure incurred on account of hill journey and stay of Government at Mahableshwar during the years 1914-15, 1915-16 and 1916-17 amounted to Rs. 14,702-5-6, Rs. 23,054-6-0 and Rs. 15,676-13-6, respectively

Questions.

Mahableshwar for the years 1914-15, 1915-16 and 1916-17 (separately)?

[*This question was asked at the meeting held on the 24th July 1917, when an* ad interim *reply was given.*]

Answers.

2. (1) Have Government noticed a paragraph in the issue of the *Kesari*, dated the 14th of August last, in which it is stated that in the Vengurla Taluka of the Ratnagiri District a policeman attempted to forcibly enter a place where a performance in aid of the Women's War Fund was to take place, and being refused admission without a ticket the proposed performance was stopped by the Head Constable, and that a man named Kothari and seven others were subsequently prosecuted in this connection?

Police interference in Women's War Fund meeting.

(2) Have Government been pleased to enquire into the case, and if so, will they be pleased to furnish information regarding the facts, and of any action taken?

2. (1) and (2) Yes. Government have enquired into the matter, and find that the performance in question was apparently not in aid of the War Fund. It was a performance exacted by the promoters of an entertainment in aid of the War Fund from the actors as a penalty for the absence of certain prominent actors from the entertainment. The affair has been greatly exaggerated, and arose out of a petty quarrel accentuated by want of tact on both sides, probably due to previously existing ill-feeling. Enquiry shows that the subordinate police officers and men who were at fault have been adequately dealt with by the local superior officers. Three of them have been reduced in grade for certain periods.

(3) If the accused in the case have been acquitted have they been awarded by the trying Magistrate any compensation?

[*This question was asked at the meeting held on the 10th October 1917, when an* ad interim *reply was given.*]

(3) No.

3. (1) Have Government noticed some correspondence in the Bombay dailies regarding the constitution of the Notified Area Committees in the Salsette area?

Notified Area Committees, Salsette.

3. (1) Yes.

(2) If so, will Government be pleased to say if it is true as alleged that in these Committees there are as a rule only two non-official elected members and three nominated officials, *viz.*, the Assistant Collector, his own Personal Assistant, and the Resident Magistrate, Bandra?

(2) The Notified Area Committees of Borivli, Malad, Andheri, Santa Cruz and Vile Padle in Salsette, which alone levy taxes consist at present of 3 nominated officials, *viz.*, the Salsette Development Officer (Chairman), the Mamlatdar and the Resident Magistrate, Bandra, and

QUESTIONS AND ANSWERS.

[3RD DECEMBER 1917.]

[*Mr. Balkrishna Sitaram Kamat; Sardar Dulabawa Raisingji, Thakor of Kerwada.*]

Questions.

Answers.

2 elected non-officials. Proposals have been recently sanctioned by Government for the reconstitution of the Andheri Notified Area Committee under which there will be three nominated members, including 2 officials and 2 elected non-official members.

(3) Is it a fact that the Resident Magistrate has to try prosecution cases which have been sanctioned by his own Committee?

(4) Are the funds of each of these Committees utilized wholly for that Committee?

(3) and (4) The information is being obtained.

THE HONOURABLE SARDAR DULABAWA RAISINGJI, THAKOR OF KERWADA.

1. Will Government be pleased to state how many Sardars and Inamdars are given commission under section 88 of the Land Revenue Code, within last three years, in the Northern Division?

Sardars.

1. Six commissions were issued to Sardars (of whom two are also inamdars), or to their agents, and three were issued to inamdars.

[*This question was asked at the meeting held on the 10th October 1917, when an* ad interim *reply was given.*]

2. Is it a fact that Mr. Peile has stated in the Statement of Objects and Reasons appended to the Gujarat Talukdari Bill No. VI of 1885 that the Talukdars of Gujarat bear historical parallel to the jurisdictional Talukdars of Kathiawar?

Gujarat Talukdars.

2. In the Statement of Objects and Reasons referred to, it was stated that the Talukdars were historically identical with the smaller Chiefs and landholders under political management in Kathiawar and the Mahi and Rewa Kanthas.

3. Is it a fact that introduction of survey in a Talukdari Estate was not made with a view to bring the jama on the line of survey tenure, but only in order to secure uniformity in the matter of jama?

Gujarat Talukdars.

3. The object of the survey of Talukdari Estates is to make a proper valuation of the land with a view to basing thereon the jama payable by the talukdars under section 22 (1) of Bombay Act VI of 1888.

4. Is it a fact that the *lál liti* land has been exempted from payment of jama for more than 30 years? Was it excluded from jama paying lands in the jama karar?

Gujarat Talukdars.

4. For the last 30 years and more *lál liti* lands have been excluded from consideration in calculating the jama.

QUESTIONS AND ANSWERS.

[*Sardar Dulabawa Raisingji, Thakor of Kerwada.*] [3RD DECEMBER 1917.]

Questions.	*Answers.*
5. Will Government be pleased to place on the Council Table a statement showing the amount of debt of Ahmedabad Talukdars at present and their total liability in 1862 and, in cases of increased liability, state the reasons for such increase? Gujarat Talukdars.	5. The collection of the information required would necessitate the examination of records of more than half a century, an amount of labour which would be incommensurate with the value of the information.
6. Will Government be pleased to place on the Council Table a statement showing the number of Mahomedans who passed as graduates in the Presidency since 1890? Mahomedan graduates in Public Service.	6. The Honourable Member is referred to the issues of the Bombay University Calendars for the information.
7. How many of them were given employment in the higher grade posts such as Mamlatdars and Deputy Collectors? Mahomedan graduates in Public Service.	7. The compilation of the information would involve an expenditure of time and labour out of proportion to the advantage likely to be derived from it.
8. Will Government be pleased to state how many Mahomedans have passed the Third Grade Public Certificate Examination and School Final Examination since 1890 and how many of them were employed in the Revenue Department? Mahomedans in the Revenue Service.	8. The compilation of the information would involve an expenditure of time and labour out of proportion to the advantage likely to be derived from it.
9. Will Government be pleased to state how many Mahomedans have been selected as Collectors from the Provincial Service? Mahomedans promoted to be Collectors from the Provincial Service.	9. One Mahomedan has been so selected.
10. Will Government be pleased to give the figures of Mahomedans serving in public offices in the Revenue and other Departments drawing salaries of Rs. 100 and upwards, and to say what is the proportion of Mahomedans in each grade to the total number in that grade? Mahomedans in the Public Service.	10. The compilation of the information required would involve considerable labour, and Government cannot believe that it would, when given in so general a form, be likely to serve any useful purpose.

QUESTIONS AND ANSWERS.

[3RD DECEMBER 1917.]

[*Sardar Dulabawa Raisingji, Thakor of Kerwada.*]

Questions.

Answers.

11. In view of the answer given to my question No. 5 (3) at the last session of this Council, will Government be pleased to state whether the Revenue Department has issued instructions to Collectors not to levy assessment on land, which is classed as Pôt Kharába, although such land may have been disposed of under section 117-B of the Land Revenue Code?

Assessment on Pôt Kharába land given out under section 117-B.

11. Special orders of Government are not necessary for the guidance of Collectors in this matter.

12. (*a*) Is it a fact that the Talukdari Settlement Officer gave a loan of Rs. 20,000 to the estate of Moti Boru in Dholka Taluka from the Victoria Jubilee Memorial Fund in 1892 and took over the management of the estate in his own hands?

(*b*) Will Government be pleased to state what amount was paid towards the liquidation of this debt between 1892 and 1915 from the income of the estate?

(*c*) Is it true that the debt was to be repaid in annual instalments, the last instalment falling due on 31st March 1917?

(*d*) Is it true that two years before the date of the last instalment, the Talukdari Settlement Officer sold in 1915 the Talukdar's interest in the village of Metal for Rs. 30,000 without public auction?

(*e*) Is it true that the interest sold for Rs. 30,000 was worth Rs. 1,947 as assessment?

(*f*) Is it true that a few days before this sale, the Talukdari Settlement Officer had ordered that the sale could not take place without the consent and signature of Jasubha, the male representative and heir of the deceased Talukdar Harisinhji and his son Umedsinhji?

(*g*) Will Government be pleased to state if the said Jasubha has given his consent to the sale in question?

Talukdar's Estate of Moti Boru.

12. Information will be called for.

QUESTIONS AND ANSWERS.

[*Sardar Dulabawa Raisingji, Thakor of Kerwad Sardar Shrinivas Coopoowamy Moodliar.*] [3RD DECEMBER 1917.]

Questions. *Answers.*

13. (*a*) Is it a fact that in the district of Broach remissions under section 47 of the Land Revenue Code have been discontinued in cases where land has been washed away for the last two years?

Erosion in Broach.

(*b*) Will Government be pleased to state the authority under which the practice of granting remission in respect to land washed away by the river was done away with?

(*c*) Will Government be pleased to state what area has been reported to have been washed away by the river since last year?

(*d*) Is it a fact that the subordinates of the Revenue Department were directed by the Collector not to report cases of erosion in the district?

13. Enquiry will be made.

14. Is it a fact that Talatis of Broach District have sent petitions to Government for increasing their pay?

Pay of Talatis in Broach District.

14. Yes.

THE HONOURABLE SARDAR SHRINIVAS COOPOOSWAMY MOODLIAR.

1. (*a*) Is it a fact that the Devasthan Committee of Pandharpur has ceased to inspect the ornaments and accounts of Shri Vithoba for the last three or four years? If so, what steps has the High Court taken?

Devasthan Committee: Pandharpur.

1. (*a*) Government have no information.

(*b*) Is it a fact that some of the devotees of Shri Vithoba had brought this fact to the notice of the Collector of Sholapur? If so, will Government be pleased to enquire what action the Collector of Sholapur has taken in the matter?

(*b*) Government have no information on the subject and do not think it necessary to make the enquiry suggested. It is entirely at the Collector's discretion whether he should take action or not. So far he has not reported that he proposes to do so.

QUESTIONS AND ANSWERS.

[3RD DECEMBER 1917.]

[*Sardar Shrinivas Coopooswamy Moodliar; Rao Bahadur Venkatesh Shrinivas Naik.*]

Questions.

Answers.

2. Is it a fact that qualified English-knowing men who entered the Revenue Department between 1904 and 1910 have seriously suffered in their prospects of promotion by the new rules of 1910 which prescribe Rs. 45 as the maximum pay?

Pay of Revenue Subordinates.

2. The claims of all persons who had entered the Revenue Department under the old rules of 1904 were duly considered before the new rules of 1910 were brought into operation. All graduates and such non-graduates as had been granted permission under the old rules to appear for the Higher Standard Departmental Examination were afforded an opportunity of entering the Upper Branch. The under-graduates who had not passed the Lower Standard or who having passed the Lower Standard had not obtained permission to appear for the Higher Standard were to be promoted to the Upper Branch if they satisfied the Collector that they possessed special qualifications for that Branch.

THE HONOURABLE RAO BAHADUR VENKATESH SHRINIWAS NAIK.

1. Will Government be pleased to give the following information for each Division of the Presidency proper:—

Alienated Villages · Local Fund Cess.

(1) In how many alienated villages is local fund cess calculated on an assessment fixed otherwise than by a survey and settlement under the Land Revenue Code?

(2) What is the total area of such villages?

(3) What is the total assessment on which the local fund cess payable by them is calculated?

(4) Are these assessments equal to the standard of the assessments which have been fixed in similarly situated villages by a survey and settlement under the Land Revenue Code?

[*This question was asked at the meeting held on the 24th July 1917, when an* ad interim *reply was given.*]

			No.
(1)	Northern Division	...	240
	Central Division	...	188
	Southern Division.	...	460
	Total	...	888
			Acres.
(2)	Northern Division	...	360,732
	Central Division	...	277,785
	Southern Division	...	720,318
	Total	...	1,358,835
			Rs.
(3)	Northern Division	...	4,23,023
	Central Division	...	1,95,506
	Southern Division	...	5,16,253
	Total	...	11,34,782

(4) In some cases the assessments are equal or nearly equal to the standard of assessments in adjoining Government villages; in some cases they are either more or less, but a proper comparison is not possible without a survey and settlement.

QUESTIONS AND ANSWERS.

Questions.

2. With reference to the resolution No. 5 moved by the late Honourable Rao Bahadur N. T. Vaidya and passed in the Legislative Council meeting held on 26th July 1916, will Government be pleased to say what action has been taken in the matter of changing the holding of the vernacular fourth standard examination from September or October to April or May ?

Date of vernacular fourth standard examination.

Answers.

2. Government have approved as an experimental measure a suggestion made by the Director of Public Instruction that the examination of vernacular standard IV should be held roughly between the beginning of January and that of March.

3. Will Government be pleased to say whether it is a fact that in some districts a condition of killing a certain number of wild pigs is imposed by the District Magistrates upon the licenses granted to the agriculturists for the protection of their crops, and if such licensees do not produce the minimum number of pig tails before the local Magistrates during the year their licenses for holding guns are cancelled or are not renewed ?

Conditions for grant of gun licenses.

3. Government have, as one of the measures for the abatement of the damage done to crops by pigs, approved of the policy of issuing freely, in some districts, licenses to hold arms, to agriculturists, on condition of their killing at least four pigs. In cases of non-compliance with this condition, the licenses are cancelled.

4. Will Government be pleased to say in what districts such a condition has been imposed and in how many cases in such districts gun licenses held by the agriculturists for the protection of their crops have been cancelled or have not been renewed during 1915, 1916 and 1917 on the score of the licensees not killing the minimum number of pigs and not producing their tails before the local Magistrates ?

Non-renewal of gun licenses.

4. The information has been called for.

5. With reference to recent appointments of non-official gentlemen as presidents of some District Boards, will Government be pleased to say whether any term limit is fixed upon these appointments ?

District Local Board : non-official Presidents : term of appointment.

5. The answer is in the negative.

QUESTIONS AND ANSWERS.

[3RD DECEMBER 1917.] [*Mr. Raghunath Purshottam Paranjpye; Mr. Gokuldas Kahandas Parekh.*]

Questions.	*Answers.*
THE HONOURABLE MR. RAGHUNATH PURSHOTTAM PARANJPYE.	
1. (*a*) Have Government received a memorial from certain villagers in the Panvel Taluka of the Kolaba District complaining that the tail water from the Tata Hydro-Electric Power Works is allowed to run into the Patal-Ganga river which, before the scheme came into operation, was easily passable by carts etc., but is now a serious obstruction to the traffic? Waste water of the Tata Hydro-Electric Power Works.	1. (*a*) Yes.
(*b*) Had the promoters of the scheme undertaken the responsibility for the necessary bridges and have these been built according to the agreement?	(*b*) No.
(*c*) What answer has been given to the petitioners?	(*c*) The Honourable Member is referred to the reply given to question No. 10 put by the Honourable Mr. Desai at the Council meeting of 24th July 1917.
2. (*a*) Will Government be pleased to say whether they have made a representation to the Government of India on the subject of text books in schools about which a resolution was passed in the Council in 1916? Text Books in Schools.	2. (*a*) A representation was made to the Government of India in September 1916.
(*b*) If so, will Government be pleased to lay on the Council Table any reply that may have been received on the subject?	(*b*) Government regret that the request made by the Honourable Member cannot be complied with.
THE HONOURABLE MR. GOKULDAS KAHANDAS PAREKH.	
1. Will Government be pleased to say— Whether they recognise the Degrees of Bachelor of Hygiene and Doctor of Hygiene of the Bombay University as sufficient qualification for eligibility for the offices of Deputy Sanitary Commissioner and First Class Health Officers in this Presidency? Degree of Hygiene, Bombay University.	1. The reply is in the negative.

QUESTIONS AND ANSWERS.

Questions.	*Answers.*
2. Will Government be pleased to say—	
(1) Whether it is one of the conditions of the arrangement between Government and the Trustees of the Byramjee Jijibhai Trust Settlement that prescriptions of private medical men be made up and dispensed at the B. J. Hospital at Matheran at rates fixed by Government from time to time? Byramjee Jijibhai Hospital, Matheran. Supply of medicines.	2. (1) Yes.
(2) Whether Government are supplying sufficient stock of medicines to the B. J. Hospital at Matheran for fulfilling the above condition?	(2) The annual indent for medicines is made out by the Medical Officer in charge and, as far as possible, a sufficient stock is provided for. The stock is supplemented, from time to time, by supplies from chemists in Bombay.
3. Will Government be pleased to say—	3. The information will be called for.
(1) What was the official valúation of the kharif and rabi crops in the different talukas of the district of Kaira for the year 1916-17? Kaira: Crop valuation and revenue recovery.	
(2) Whether any orders were issued by the Collector of Kaira directing collection of the whole of the land revenue of 1916-17, the half portion of the revenue of the previous year the collection of which had been suspended owing to bad season, and the tagavi instalments in arrears and falling due during the year, at the time of the first instalment instead of by the instalments which have been fixed for the purpose?	
(3) Will Government be pleased to say—(1) what amounts of the land revenue of the last year, of the suspended revenues of the previous year, and of the instalments of tagavi debts becoming due during the last year were recovered at the time of the first instalment, (2) what at the time of the second instalment, and (3) what subsequently in each taluka?	

Questions.

Taluka from the Victoria Jubilee Memorial Fund in 1892 and took over the management of the estate in his own hands ?

(*b*) Will Government be pleased to state what amount was paid towards the liquidation of this debt between 1892 and 1915 from the income of the estate ?

(*c*) Is it true that the debt was to be repaid in annual instalments, the last instalment falling due on 31st March 1917 ?

(*d*) Is it true that the Talukdari Settlement Officer sold in 1915 the Talukdari interest in the village of Metal for Rs. 30,000 without public auction ?

(*e*) Is it true that the interest sold for Rs. 30,000 was worth Rs. 1,947 as assessment ?

(*f*) Is it true that a few days before this sale, the Talukdari Settlement Officer had ordered that the sale could not take place without the consent and signature of Jasubha, the male representative and heir of the deceased Talukdar Harisinhji and his son Umedsinhji ?

(*g*) Will Government be pleased to state if the said Jasubha has given his consent to the sale in question ?

Answers.

10. (*a*), (*b*), (*c*), (*d*), (*e*), (*f*) and (*g*). The Honourable Member is referred to the reply given to a similar question No. 12 put by the Honourable Sardar Dulabawa Raisingji on the same subject.

11. Will Government be pleased to state what orders have been passed on the application of the Talukdars of Chunval in the Viramgam Taluka, Ahmedabad District, dated 30th September 1916 for a reduction in the Jamabandi and for a permanent settlement of the Jamabandi ? Will Government be pleased to lay the papers relating to the application on the Council table ?

Talukdars : Chunval : reduction in Jamabandi.

11. An application dated 30th September 1916, containing the request was received by Government from the talukdars of several villages in the Viramgam Taluka, but as the names of all the villages of which the signatories were talukdars were not specified, it is not known whether the talukdars of Chunval were among the signatories. Previous to that petition, a similar request was made by a number of talukdars and reported to Government by the local officers. Government thereupon issued orders, which were communicated by the Talukdari Settlement Officer to all the talukdars in a printed circular detailing the orders and having copies of it posted

Questions.

Answers.

in every village throughout the Ahmedabad District. In view of these facts it was not considered necessary to pass any further orders on the request contained in the application in question. The relevant papers containing the orders of Government referred to above were placed on the Council Table in reply to Question No. 3 put by the Honourable Sardar Dulabava Raisingji, Thakor of Kervada, at the meeting of the Council held in March 1915.

12. (*a*) Has a Dharmasala been constructed near the Railway Station at Jambusar? Did the Municipality of the place make any contribution towards the cost of it, and if so, under what section of the District Municipal Act, 1901?

Jambusar Dharmasala.

(*b*) Is it true that the said Dharmasala is used mainly by touring officers? Are these touring officers charged any rent for its use? Who is in charge of the management of the said Dharmasala?

12. (*a*) and (*b*) The information is being called for.

13. Has the attention of the Government been drawn to the conviction of a Police Constable of Jambusar under section 414 of the Indian Penal Code and to the remarks made by the trying Magistrate, Mr. Kirpalani, I. C. S., in his judgment?

Police Constable: Conviction of.

13. No. Inquiries will be made.

14. (*a*) Are Government aware that two serious thefts occurred in the town of Jambusar about April 1917 and that suspicions were directed against the members of the police force of the place, soon after they occurred?

Thefts in Jambusar: Alleged complicity of police.

(*b*) Are Government aware that C. I. D. Officers were deputed for investigation?

(*c*) Will Government be pleased to place on the table the report of the said investigation?

QUESTIONS AND ANSWERS.

[3RD DECEMBER 1917.]

Questions.

4. Will Government be pleased to say—

Dismissal of Excise Inspectors: evidence of informers.

(1) Whether the Abkari Contractors of country liquor and toddy shops and tree-foot booths in the Thana District were given to understand that if they made statements implicating Excise Inspectors and Sub-Inspectors, they would not be proceeded against or punished in any way but would be pardoned ?

(2) Is it true that on the strength of the uncorroborated allegations of Contractors some of the Inspectors and Sub-Inspectors have been dismissed from the service of the Excise Department ?

5. Will Government be pleased to say—

Jambusar: Appointment of bench of Magistrates.

(1) Whether they propose to appoint a bench of Magistrates for the town of Jambusar, what is the class of offences which it will be empowered to try and what number of persons will constitute the Bench ?

(2) Whether there are in the Taluka three officers who at present exercise powers of Second Class Magistrate and a Divisional Magistrate with First Class Powers ?

(3) What was the total number of cases disposed of by the above Magistrate during each of the last three years and how many of these were Municipal cases ?

(4) How many of the gentlemen of whom Government propose to constitute the Bench can read and write English with ease ?

(5) Whether one of the gentlemen whom Government propose to appoint on the Bench ordinarily resides at Broach ?

(6) How many of the remaining members are Councillors of the Jambusar Municipality ?

[*Mr. Gokuldas Kahandas Parekh.*]

Answers.

(1) In order to uncover the extensive corruption which, there was reason to believe, was being practised by the excise staff in Thana, Government found it necessary to assure the licensees that they would not prosecute them for their complicity or deprive them of their licenses if they came forward and stated the truth fully.

(2) No.

5. No such proposal is under the consideration of Government.

QUESTIONS AND ANSWERS.

[*Mr. Gokuldas Kahandas Parekh; Mr. Vithalbhai Jhaverbhai Patel.*] [3RD DECEMBER 1917.]

Questions.	*Answers.*
6. Will Government be pleased to say—	
(1) Whether at the end of the year 1914-15 the entire debt of the Bhankoda Estate amounted to Rs. 8,704 and the estate had Rs. 4,900 to its credit in cash and Government Paper of the value of Rs. 3,681 ?	6. (1) At the end of 1914-15 the debt stood at Rs. 8,704 and the balance at credit of the estate Rs. 4,900 only.
Talukdars: Bhankoda Estate: removal of management.	
(2) Whether the income of the estate for the years 1915-16 and 1916-17 exceeded Rs. 41,000 ?	(2) No. The income for 1915-16 was Rs. 15,021 and in 1916-17 the estate was leased to the Talukdars for Rs. 26,000.
(3) Whether the Talukdars have intimated to Government their readiness to pay off fully the debt on the Taluka, if Government are pleased to direct the removal of the management on the debt being discharged ?	(3) The Honourable Member is referred to the replies given to the Honourable Mr. Patel's questions Nos. (30) (*a*), (*b*), (*c*) and (31).
7. With reference to Statement No. 1 annexed to the last Administration Report of estates under the management of the Court of Wards, column 15, will Government be pleased to say why the percentage of cost of the management of Sanand and Koth Estate is so disproportionately high when compared with the like cost of the management of other estates ?	7. The Honourable Member is referred to paragraph VI at page 5 of the report referred to by him.
Court of Wards: Cost of management: Sanand and Koth Estates.	
THE HONOURABLE MR. VITHALBHAI JHAVERBHAI PATEL.	
1. Will Government be pleased to say whether the District Board of Thana was consulted on the question of appointment of a non-official president? And, if so, what reply did the Board give in the matter ?	1. The answer is in the negative.
District Local Boards. Non-official President at Thana.	
2. Will Government be pleased to name the taluka boards in each division that have a non-official vice-president ?	2. The information is contained in the accompanying statement.*
Taluka Local Boards. Non-official vice-presidents.	

* *Vide* Appendix C.

QUESTIONS AND ANSWERS.

[3RD DECEMBER 1917.]

[*Mr. Vithalbhai Jhaverbhai Patel.*]

Questions.

Answers.

3. Will Government be pleased to say whether their (non-official) nominees for the office of the president of district board had in the past served as members of the board for which they have been selected? If so, for how many years and whether they were elected or nominated?

Non-official presidents of local boards.

3. The information is contained in the accompanying statement.*

* *Vide* Appendix F.

4. Will Government be pleased to say if there are in this Presidency any Anglo-Indian Associations or branches thereof, objects of which are in whole or in part political? Whether any officials are connected therewith as office-bearers or members, and if so, who?

Political Associations.

4. There is one Association—the Anglo-Indian Empire League. Its objects were formerly described to be *inter alia* the promotion of the social, moral and intellectual advancement of the domiciled European and Anglo-Indian Communities and the protection and advancement of their common interests. The orders of Government with reference to the League passed in 1915 were as follows:—

> "His Excellency the Governor in Council is pleased to direct that so long as the activities of the Anglo-Indian Empire League are confined to efforts for the social and material advancement of the domiciled European or Anglo-Indian Community no objection should be taken to a Government servant who is a member of the community being a member of the League and taking part in its operations. But if at any time there should be reason to believe that the activities of the League are assuming a political character then membership of tha body would have to be treated as constituting an infringement of the rules regulating the conduct of Government servants in such matters and the permission now accorded would be withdrawn."

In view of the change which it is understood has taken place in the activities of the League, Government propose to take action as indicated in the latter portion of the above order.

Questions.	*Answers.*
	Government do not think it necessary to publish a list of the members of the League.
5. What is the total strength of electorate on the latest electoral rolls for the taluka boards and the municipalities respectively for each district in the Presidency ? Electorates: local boards and municipalities.	5. The accompanying statement* gives the information required. * *Vide* Appendix G.
6. Will Government be pleased to say whether the President of this Council has since 1914 allowed questions to be put with shorter notice than that prescribed in the rules, and if so, how many ? Questions in Council admitted though time-barred.	6. Three questions were admitted and answered in 1915 though time-barred; and 34 such questions were admitted and answered in 1917 on account of the postal strike.
7. Will Government be pleased to say whether since the reformed Council, the Governor has nominated less than half the number of Members of the Finance Committee, and if so, in what year or years ? Finance Committee: Government nominee.	7. No.
8. Will Government be pleased to state the number of villages in the Presidency with a population of (*a*) 250 to 500, and (*b*) over 500 that do not possess an elementary school ? Elementary schools: villages unprovided. [*These questions were asked at the meeting held on the 10th October 1917, when* ad interim *replies were given.*]	8. With the consent of the Honourable Member the accompanying statement* containing information similar to that asked for is placed on the table. * *Vide* Appendix D.
9. What are the latest rates of cart hire fixed by the Commissioners as required by the regulations on the subject of impressment of carts and when were those rates last fixed ? Impressed carts: Rates of payment.	9. A statement* furnishing the information required by the Honourable Member is laid on the Council table. * *Vide* Appendix B.
10. (*a*) Is it a fact that the Talukdari Settlement Officer gave a loan of Rs. 20,000 to the estate of Moti Boru in Dholka Talukdars: estate of Moti Boru: liquidation of debt.	

Questions.	*Answers.*
(*d*) Was the attention of the District Superintendent of Police, Broach, drawn to the conduct of the local police in the matter of these thefts, by the C. I. D. or any other officers, and if so, with what result?	14. (*a*), (*b*), (*c*), (*d*), (*e*), (*f*), (*g*) and (*h*) Government have no information on the subject, but enquiries will be made.
(*e*) Was a cooly boy arrested and put in custody in connection with the finding of a part of the stolen property in respect of these thefts?	
(*f*) Was he let off on bail by the Divisional First Class Magistrate?	
(*g*) Is it true that the case against the boy has not so far been sent up to the Magistrate? If so, why?	
(*h*) Is it true that the boy stated to the Magistrate that he was held up by the police while he was passing along the road and pieces of silver were placed in his pocket?	
15. Will Government be pleased to say whether they are now prepared to furnish the information asked for in question No. 42 put by me at the last meeting of this Council? The Ghatkopar Town Planning Scheme No. I: Notice from owners.	15. As the draft scheme has not been finally approved by Government, they are not prepared to furnish the details asked for.
16. What are the rules which regulate the division of expenditure on railway police between the local Government and the railway administration? Railway Police: Division of expenditure.	16. In the Presidency proper the cost both of— (1) the railway police, who perform "law and order" duty, and (2) the "watch and ward" establishment engaged by the railway companies to protect their property is distributed between the local Government and the railway companies in the proportion of 3 to 7. In Sind the cost of the Railway Police, who perform "Law and Order" duty, is paid for by the Local Government, and the railway administrations make arrangements at their own expense for the "watch and ward" establishment.
17. Will Government be pleased to say if they were asked by the Govern- Reforms: Communications the Government of India.	17. The matter has been the subject of correspondence. No final reply has yet been sent.

Questions.	*Answers.*
ment of India to communicate to them their views on reforms to be introduced in India after the war and if so, whether they have been so communicated ?	
18. Will Government be pleased to state— (*a*) What area of forest was newly planted with trees in the Panch Mahals District in the years 1915-16 and 1916-17 by the Forest Department and what was the cost incurred for payment of labourers engaged in that work ? (*b*) If any payment is made to villagers for collecting seeds for the work of plantation from the forest area in the district ? If so, what amount was thus paid during the years 1915-16 and 1916-17 ? (*c*) If any payment is made to villagers for the labour of burning strips of grass for forming demarcation lines in the forest area in the Panch Mahals District ?	18. (*a*), (*b*) and (*c*) Information will be called for.
19. Will Government be pleased to state— What the total amount of fines inflicted and recovered by the Divisional Forest Officer was for the Panch Mahals District for forest offences of all kinds during the years 1914-15, 1915-16 and 1916-17 ?	19. Information will be called for.
20. Will Government be pleased to say if any songs were prohibited to be sung in processions by the District Magistrate, Panch Mahals, when the first Gujarat Political Conference was held there in the beginning of November 1917, and if so, whether they have been proscribed by Government ?	20. Acting under the powers vested in him by section 42 (*1*) of the Bombay District Police Act, the District Magistrate prevented the public singing of three such songs. The songs have not been proscribed by Government.

Forests: Panch Mahals: Payment of labourers.

Forests. Panch Mahals: Fines.

Gujarat Political Conference: Panch Mahals: prohibition of songs.

Questions.

21. Will Government be pleased to state what steps have been taken to create new posts of Resident Magistrates as assured by Government in connection with the Resolution on the subject passed by the Council some time ago?

Resident Magistrates: new posts.

22. Will Government be pleased to say—

(*a*) When the Bandra Municipality passed a resolution for the extension of its limits to certain other areas?

Bandra Municipality: extension of area.

(*b*) Whether the communication regarding the said resolution has reached Government or the Commissioner. If not, who is responsible for the delay?

(*c*) How many days was the said communication lying with the Collector and how many days with the Assistant Collector?

(*d*) Whether it is true that the Assistant Collector who is a member of the Bandra Board supported the resolution when it was discussed in the Board?

(*e*) Whether it is true that in his capacity as the Assistant Collector he has taken exception to certain portions of the said resolution?

(*f*) Why he did not enlighten the Board with his views as now expressed by him as Assistant Collector when the resolution was discussed in the Board?

23. Will Government be pleased to say when the Bandra Municipality communicated its resolution to the Collector requesting Government to give preliminary approval under section 59 (XI) of the District Municipal Act, 1901, to the terminal tax scheme and why the final orders are delayed?

Bandra Municipality: Terminal tax.

[*Mr. Vithalbhai Jhaverbhai Patel.*]

Answers.

21. Government have decided to create two appointments of Resident Magistrates in the Presidency proper. One of the appointments is to be at Godhra as a permanent measure, and the other at Gadag as a tentative measure for one year.

22. Enquiries are being made.

23. On the 26th June 1917 orders on the subject have already been issued.

QUESTIONS AND ANSWERS.

Questions.

Answers.

24. (*a*) Will Government be pleased to say what amount was due by them to Phillips and Co., Ltd., on 29th February 1916?

Messrs. Phillips and Co., Ltd. Government debit balance.

24. (*a*) Nothing was due to them on that date on account of Civil Medical Institutions in the City of Bombay. The payments made by Mofussil Institutions are not known in the Surgeon General's office and will be ascertained if required. The amounts paid would be for casual supplies and would be trifling.

(*b*) Was the amount of Rs. 115,960-11-9 shown as due by Government in the balance sheet of the Company ending 29th February 1916 really due?

(*b*) There is no information as regards this in the Surgeon General's office. It may be that large purchases have been made by the Medical Storekeeper to Government, who is under the Military Authorities.

(*c*) Will Government be pleased to say whether the Company supplied any goods to them from 1st March 1916 to 28th February 1917 and, if so, to what extent?

(*c*) The Company held a contract for the supply of ærated waters to Bombay (Civil) Hospitals and during this period a sum of Rs. 1,245-3-9 was paid to them on this account. The Bombay Hospitals also obtained some petty supplies from them for which an amount of Rs. 138-12-0 in all was paid.

25. (*a*) Will Government be pleased to state whether they have received a petition dated 19th September 1917 from the people of Koth in Dholka Taluka of Ahmedabad District, praying that an English school should be opened in the village?

English School at Koth, Ahmedabad.

25. (*a*) The petition referred to was received but has been returned to the petitioners under Rule 11 of the Petition Rules.

(*b*) Is it a fact that the said village of Koth is in the Sanand State and the State is under the management of the Talukdari Settlement Officer, Gujarat Prant, and is it a fact that there is no debt on the State?

(*b*) Enquiries are being made.

(*c*) Will Government be pleased to state what steps they have taken in the matter of opening the English school in the Koth village?

(*c*) Government have taken no steps in the matter, but enquiries are being made of the local officers concerned.

26. (*a*) Is it true that the Ijara of the Makhiav estate in Sanand Taluka was given for Rs. 7,500 in 1916-17 to one Devchand Thakershi?

Talukdars: Makhiav estate: Grant of Ijara.

Questions.

Answers.

(*b*) Is it true that the Thakarni of Makhiav offered to pay Rs. 8,000 for the same and also offered to pay more if the Ijara was given by public auction ?

(*c*) Is it true that in spite of this request the Ijara was given to the said Devchand for Rs. 7,600 without public auction ?

(*d*) Is it true that the Thakarani of Makhiav and others have given an application to the Talukdari Settlement Officer that the Ijardar has received more than 15,000 for the said year ?

26. (*a*), (*b*), (*c*) and (*d*) Government have no information as regards the details referred to, but they have no reason to doubt that the Talukdari Settlement Officer made the best possible arrangement in the interest of the estate and of the ryots.

27. (*a*) Is it true that an award by arbitration was made between the two Thakranis of Makhiav and their husband's brother on 5th March 1914 and that the award was sanctioned by the Talukdari Settlement Officer ?

Talukdars : Makhiav estate arbitration award.

27. (*a*) The Talukdari Settlement Officer through his Deputy Manager assisted by Thakor Jivubha of Bakrana induced the Thakranis to come to an agreement, which averted the prospect of expensive litigation.

(*b*) Is it true that a consent decree for the same was obtained by the parties from the Court of the First Class Subordinate Judge of Ahmedabad on 26th June 1914 ?

(*b*) Yes.

(*c*) Is it true that the two Thakranis have given a notice to the Talukdari Settlement Officer to file a suit in consequence of the Talukdari Settlement Officer not acting according to the terms of the award ?

(*c*) Government have no information of the giving of the notice referred to, but as it was at the instance of the Talukdari Settlement Officer that the agreement was framed and embodied in a consent decree of the Civil Court it may safely be presumed that he is acting according to what he understands to be the effect of the agreement.

28. (*a*) Has the attention of Government been drawn to the letter of "A Sympathiser" in the issue of *Bombay Chronicle* of Thursday the 15th November 1917 under the heading "Gujarat College and Plague" ?

Ranchhodlal Chhotalal High School : re-opening in time of plague.

28. (*a*) Yes.

(*b*) Is it true that the Ranchhodlal Chhotalal High School at Ahmed-

(*b*) Enquiries are being made.

Questions.

Answers.

ábad is kept open in spite of the virulent type of plague prevailing in that City ?

29. Will Government be pleased to state the number of resolutions disallowed by His Excellency the President during the current year on the ground that they were not received by the Secretary in due time stating the date of notice, the date of receipt of notice and the length of delay in each case ?

Resolutions: number: time-barred.

29. A statement* containing the information has been placed on the Council Table. There was no resolution time-barred at the meeting in March 1917.

* *Vide* Appendix K.

30. (*a*) Will Government be pleased to state whether they have received the petition dated 6th July 1917 and the telegram dated 5th September 1917 of the Talukdars of Bhankoda State in the Viramgam Taluka, Ahmedabad District ?

Talukdars: Bhankoda estate: removal of attachment.

30. (*a*) A petition dated 6th July 1917 and a telegram dated 15th August 1917 (not 5th September 1917) purporting to be from the talukdars of Bhankoda have been received.

(*b*) Is it a fact that the loan debt of the Bhankoda State was—

Rs. 6,119 on 31st July 1904,
„ 9,534 on 31st July 1905,
„ 9,414 on 31st July 1906 and
„ 4,163 on 31st July 1915

and the cash balance of the said State was—

Rs. 17,898 on 31st July 1904,
„ 16,720 on 31st July 1905,
„ 24,578 on 31st July 1906,
„ 5,088 on 31st July 1915 ?

(*b*) The information readily available with Government is that every available rupee has been used to pay off the debt. In 1911-12 an advance of Rs. 10,000 had to be made for the maintenance of the talukdars during famine. The debt then amounted to Rs. 12,548. By 1916-17 this had been reduced to Rs. 3,319.

(*c*) Is it a fact that the talukdars of the Bhankoda State applied on 11th June 1915 to pay up the loan debt from the cash ?

(*c*) The talukdars have not offered to the Talukdari Settlement Officer to pay off the debt.

31. Have Government received an application dated 6th July 1917 from the talukdars of Bhankoda in the Viramgam Taluka praying that their estate be released from the management of the Talukdari Settlement Officer and that they were ready to pay up any amount found due from them ? Will Government be pleased to state what orders have been passed on it ?

Talukdars: Bhankoda: release from attachment.

31. The Honourable Member is referred to the reply to his question 30 (*a*). Government on inquiry found that there was no ground for taking action with reference to the petition.

QUESTIONS AND ANSWERS.

[3RD DECEMBER 1917.]

[*Mr. Vithalbhai Jhaverbhai Patel.*]

Questions.

Answers.

32. (*a*) Will Government be pleased to say when and by what notification or order of Government the Bandra-Ghodbunder Road was handed over to the District Local Board, Thana, in 1865?

Bandra-Ghodbunder Road.

32. (*a*) Owing to the destruction of old records, the information cannot be furnished.

(*b*) What was the net total amount recovered by the District Local Board, Thana, from the receipts of the toll on the Bandra-Ghodbunder Road which has been recently abolished by Government—

(*a*) from the year 1865-66 to 1889-90

and

(*b*) from the year 1890-91 to 1916-17?

(*b*) The total receipts from the toll on the road from the year 1886-87 to 1889-90 amounted to Rs. 86,306. Owing to the destruction of old records, the information previous to the year 1886-87 cannot be traced. The receipts from the year 1890-91 to 1916-17, excluding the year 1894-95 for which the information is not available, amounted to Rs. 5,01,426. The total amount spent by the Board on the road from the year 1890-91 to 1916-17 is Rs. 2,55,515. Figures of expenditure previous to the year 1890-91 are not avilable.

(*c*) Will Government be pleased to say in what year and under whose orders the said toll was first established?

(*c*) The information is not available on account of the destruction of records.

(*d*) Will Government be pleased to say whether the District Local Board of Thana was consulted by Government before they passed the order abolishing the Bandra-Ghodbunder Road Toll?

(*d*) Yes. The order abolishing the toll was passed after considering the objections raised by the Board.

33. Will Government be pleased to say what steps they have taken to give effect to the Resolution of the Honourable Mr. Paranjpye carried at the last meeting of this Council?

Modi in Government offices.

33. The matter is under consideration.

34. (*a*) Will Government be pleased to lay before the Council a statement showing the number of posts of Special Head Karkuns in the Presidency including Sind?

Special Head Karkuns.

(*b*) Will Government be pleased to state what work these officers are now doing and whether there is any objection to keep these places vacant having regard to the fact that there has been substantial reduction in Tagai work under war conditions?

34. (*a*), (*b*) Information will be called for.

QUESTIONS AND ANSWERS.

Questions.	*Answers.*
35. (*a*) With reference to the reply given by Government to question No. 40 put by me at the last meeting of the Council, will Government be pleased to say whether the Commissioner, N. D., has furnished to the Ahmedabad Municipality a copy of his report on its working for the year 1915-16 as per instructions of Government? **Ahmedabad Municipality: report on working.**	35. (*a*) and (*b*) Enquiries are being made.
(*b*) Will Government be pleased to say whether the Commissioner, N. D., has sent to the Ahmedabad Municipality a copy of his report on its working for the year 1916-17?	
(*c*) Will Government be pleased to say whether the Commissioner, N. D., has allowed the Ahmedabad Municipality an opportunity of explanation before passing adverse comments in his reports on its working for the years 1915-16 and 1916-17?	(*c*) and (*d*). The answer is in the negative.
(*d*) Will Government be pleased to say whether they have asked the said Municipality to explain the adverse comments in the said reports of the Commissioner?	
(*e*) Will Government be pleased to say whether they have made any independent inquiry as to the accuracy of the said comments, and, if so, with what result?	(*e*) No.
36. (*a*) Will Government be pleased to say whether any municipality has so far been permitted to introduce the teaching of the first three English standards along with the higher vernacular standards? **English standards in vernacular schools.**	35. (*a*), (*b*), (*c*) and (*d*) The attention of the Honourable Member is invited to the replies to question No. 11 put by the Honourable Mr. P. A. Desai, and question No. 6 put by the Honourable Mr. S. B. Upasani.
(*b*) Is it true that the Educational Inspector, N. D., has refused permission to the Kalyan Municipality to introduce such teaching even at its own cost?	
(*c*) Will Government be pleased to lay on the Table the correspondence that has passed between the Educational Authorities and the Kalyan Municipality?	

Questions. *Answers.*

(*d*) Will Government be pleased to lay on the Council Table the final orders passed by them on the subject?

37. (*a*) Will Government be pleased to say why the Electrical Engineer to the Government of Bombay has not yet been permitted to prepare a scheme for the supply of electric energy in the Bandra Municipal District although the Bandra Municipality has promised to pay him a fee of Rs. 500?

Bandra Municipality: introduction of electricity.

37. (*a*) The Electrical Engineer to Government has been permitted to prepare the required scheme subject to certain conditions.

(*b*) Is it true that Government have asked the Bandra Municipality to submit its application to Government for a license under the Indian Electricity Act without delay?

(*b*) As the Municipality opposed the grant of a license to a Company on the ground that they wished to undertake the scheme themselves they were called on to submit their application.

(*c*) Are Government aware that along with such application the applicant is required to deposit a plan and that in the absence of any reply to the Municipality's request for a loan of the services of the Government Electrical Engineer it is not possible for the Municipality to submit its application for the license?

(*c*) All applications have to be accompanied by a plan. It was open to the Municipality to employ private agency in preparing their scheme.

38. Will Government be pleased to state how far the scheme for an independent water supply for the Island of Salsette has progressed?

Salsette water-supply.

38. A scheme for an independent water supply for the Island of Salsette is under investigation.

39. Will Government be pleased to state how many Talatis serving in the Northern Division have recently submitted petitions praying that the minimum and maximum salaries of their class should be raised and what orders have Government passed on those petitions?

Talatis: Increase of pay.

39. A large number of petitions has been received, which are under the consideration of Government.

40. Will Government be pleased to state—

(*a*) If a large number of carts were impressed for the purposes of the tour of revenue officers at Godhra in the Panch Mahals

Impressment of carts: Godhra.

Questions.

Answers.

District on the 7th November or thereabout at night time without the knowledge and permission of their owners and taken to police chowkies? If so, please state their number, the days for which the carts were thus detained, the place to which the carts were taken and its distance from Godhra?

(*b*) Whether this was done with the knowledge or approval of the Mamlatdar of Godhra or his Aval Karkuns?

(*c*) Whether any hire for the carts has been paid for the whole period of detention and receipts obtained for the same? If so, at what rate and what amount?

(*d*) Whether letters of complaint were sent to the Assistant Collector regarding the alleged wrongful detention by some owners of carts and, if so, what inquiries were made by him and how they were disposed of?

40. (*a*) to (*d*) Information will be called for.

(*e*) Whether any orders have been issued by Government or any of the subordinate officers to the effect that carts can be obtained if necessary by force for non-military purposes? If so, will the Government be pleased to lay them on the Table?

(*e*) A copy* of the rules in force is laid on the Table.

**Vide* Appendix Q.

THE HONOURABLE MR. ABDUL KADIR *alias* FAKIR MAHOMED *walad* IBRAHIM KHAN PATHAN.

Promotion of Secondary Teachers.

1. (*a*) With reference to the answer given to question No. 3 put by the Honourable Mr. Paranjpye at the Council meeting held on the 4th of December 1916, will Government be pleased to state whether in the matter of promotions of secondary teachers, abilities, university and departmental qualifications and quality of work are taken into consideration, or irrespective of these, length of service alone is the guiding principle?

1. (*a*) Enquiries are being made.

QUESTIONS AND ANSWERS.

[3RD DECEMBER 1917.]

[*Mr. Abdul Kadir* alias *Fakir Mahomed* walad *Ibrahim Khan Pathan*.]

Questions.

Answers.

(*b*) Will Government be pleased to state the objectionable features of the marks system of promotion of secondary teachers which were responsible for its abolition?

(*b*) The reason why the marks system was abolished was that the marks given by the headmasters excited dissatisfaction.

2. Will Government be pleased to state what portion of the current year's Imperial Recurring Grant for Education is going to be spent on improving the prospects of secondary teachers and when and how?

Prospects of Secondary Teachers.

2. The question of the utilization of the imperial grant referred to is still under consideration.

3. Will Government be pleased to state—

(*a*) If it is a fact that there is one list for the presidency proper, of ordinary assistant masters in Government High Schools, that their pay is personal, and that their promotions are regulated by the principle of seniority in service only?

Promotion of masters in High Schools.

(*b*) If it is a fact that first appointments to Headmasterships are confined to the divisions in which vacancies occur owing to considerations of the vernaculars (*e. g.*, a Gujarati assistant in the Gujarat districts being appointed to a Headmastership falling vacant in Gujarat in preference to his seniors in service according to the Presidency List in the Marathi or Kanarese Districts or *vice versâ*) irrespective of seniority of service?

(*c*) If so, whether the above arrangement has not resulted in junior men getting Headmasterships in preference to, and before their seniors in the other divisions and remaining senior to them ever afterwards in the matter of promotion?

(*d*) If it is a fact that there is one list for the Presidency of Head Masters of Government High Schools their pay being personal?

(*e*) If there are only 3 Headmasterships (Provincial Service) in the

3. (*a*), (*b*), (*c*), (*d*) and (*e*) Enquiries are being made.

QUESTIONS AND ANSWERS.

[*Mr. Abdul Kadir* alias *Fakir Mahomed* walad *Ibrahim Khan Pathan.*] [3RD DECEMBER 1917.]

Questions.	*Answers.*
Kanarese Districts, 6 in the Marathi Districts and 6 in the Gujarati Districts?	
4. (*a*) Will Government be pleased to state if an Indian was ever appointed to the post of Advocate General of the High Court of Bombay? **Appointment of the Advocate General.**	4. (*a*) Mr. D. N. Bahadurji was appointed substantive *pro-tempore* Advocate General, Bombay, in 1915.
(*b*) Will Government be pleased to state if there is any Statutory objection to the appointment of an Indian to the aforesaid post?	(*b*) There is none.
5. Will Government be pleased to state on what principles first appointments to Headmasterships are made—on those of mere seniority of service or selection, and whether higher qualifications—University and Departmental—are taken into consideration? **Selection of Head Masters.**	5. Inquiries are being made
6. Will Government be pleased to state whether in constituting Divisional Vernacular Text-Book Committees, selection of members is made with a view to facilitate the review of books on different subjects such as mathematics, science or other subjects by persons specially known to be competent in those subjects, and if so, to place on the Table a statement giving the names and qualifications of the several members on the different Committees and the subject or subjects in which each member is known to be competent? **Divisional Vernacular Text-Book Committees.**	6. Enquiries are being made.
7. Will Government be pleased to state whether any maximum time-limit is specified within which a Divisional Vernacular Text-Book Committee is asked or expected to finish the review of a particular book? **Review of Vernacular Text-Books.**	7. Enquiries are being made.
8. (*a*) Will Government be pleased to state whether it is a fact that books **Vernacular Text-Books: delay in revision.**	

Questions. *Answers.*

received for sanction as far back as 1912 and 1913 are still lying unreviewed with the Vernacular Text-Book Committee for the Southern Division? and if so, to state the number of such books?

(*b*) Will Government be pleased to state the number of books lying unreviewed with the Educational Department or the several Book Committees, respectively, received by the Department from the authors more than a year ago?

8. (*a*) and (*b*) Enquiries are being made.

9. Will Government be pleased to place on the Council table all the representations that the Government have hitherto received from the Muhammadan Community with regard to the Urdu standards, now in use in the Muhommadan Primary Schools?

Urdu Standards in Vernacular Schools: Petitions.

9. As the question regarding the medium of instruction in the primary schools for Muhammadans is proposed to be further discussed at a Conference to be held after the present meeting of the Legislative Council, Government do not think that any useful purpose would be served by placing the representations referred to on the Council table.

10. Will Government be pleased to place on the table the annual reports of the Special Muhammadan Deputy Educational Inspectors for the Central and Southern Divisions for the years 1911-12, 1912-13, 1913-14, 1914-15, 1915-16 and 1916-17?

Special Muhammadan Educational Inspector: reports.

10. The reports referred to have been called for from the Director of Public Instruction and the question of placing them on the table will be considered when they are received.

11. Is it a fact that the Special Muhammadan Deputy, S. D., has been advising people wanting Urdu Schools, not to apply for such schools on the ground that the Government cannot open new schools owing to financial stringency?

Urdu Schools: restriction on extension.

11. Enquiries are being made.

12. Will Government be pleased to state if there is any periodical inspection of the houses in Bombay which are dilapidated or which require immediate repairs?

House inspection in Bombay.

12. The Municipal Superintendents and Inspectors of the Building Branch examine buildings on their rounds and make detailed inspection of houses which appear to be in a dilapidated or dangerous condition or in regard to which complaints have been made or information of

Questions. *Answers.*

defects or alleged defects has been given. It is obviously impossible, however, for them to examine all old buildings constantly to determine whether they are safe, especially as they are not authorised to break up the plaster to examine the internal condition of buildings.

13. Will Government be pleased to state—

Statistics of Muhammadan education.

(*a*) The number of Muhammadan students in each of the High and Middle Schools (Government and aided) in the Presidency proper and their percentage to the number of pupils in each of the abovementioned schools?

(*b*) the number of Muhammadan free students in each of the abovementioned schools?

(*c*) the number of Urdu schools (boys' and girls') in each of the Divisions of the Presidency proper and the total number of pupils (boys and girls) in such schools in each of the Divisions?

13. (*a*), (*b*) and (*c*) The information has been called for.

14. Will Government be pleased to state if it is a fact that there is only one Mahomedan among Head Masters of Government High Schools in the Presidency proper?

Mahomedan Head Masters in High Schools.

14. Yes.

15. (*a*) Has the attention of Government been drawn to the recent fires in Bombay and the fact that these fires were due to the storage of Cinema films on the premises on fire?

Fires: House collapses: Bombay.

15. (*a*) Yes.

(*b*) Has the attention of Government been drawn to the fatalities caused by the collapse of houses almost every year in the rainy season in Bombay?

(*b*) Yes.

QUESTIONS AND ANSWERS.

[3RD DECEMBER 1917.]

[*Mr. Abdul Kadir* alias *Fakir Mahomed* walad *Ibrahim Khan Pathan*; *Mr. Manmohandas Ramji.*]

Questions.

(*c*) Will Government be pleased to state if they have taken steps to prevent the recurrence of these fires and house collapses in Bombay; and if so, what?

Answers.

(*c*) In a bill further to amend the City of Bombay Municipal Act, which is at present under reference to the Municipal Corporation, it is provided that cinematograph films shall not be kept in or upon any premises in excess of 20 lbs. at any one time without a license. After the Prag Mahal fire which occurred in July last, a search was made by the Municipal authorities for firms storing films in quantities exceeding 20 lbs., and orders under section 394 (*d*) (ii) of the Act were issued by them where necessary. As regards the prevention of house collapses, the attention of the Honourable Member is invited to the answer given to his question No. 12 on the subject.

16. (*a*) Is it a fact that the maximum salary of the Special Muhammadan Deputy Educational Inspectors for Urdu Schools is Rs. 200 only?

Pay of the Muhammadan Deputy Educational Inspectors.

16. (*a*) and (*b*) Orders sanctioning the inclusion in the general cadre of Deputy Educational Inspectors of the three posts of Special Muhammadan Deputy Educational Inspectors for Urdu Schools in the Central and Southern Divisions and for Mulla Schools in Sind on Rs. 200 each, have already been issued.

(*b*) If so, do Government propose to include the posts of Special Muhammadan Deputies in the graded list of the District Deputy Educational Inspectors?

17. How many Anglo-Urdu High and Middle Schools are there in the Presidency proper?

Anglo-Urdu High and Middle Schools.

17. The information has been called for.

THE HONOURABLE MR. MANMOHANDAS RAMJI.

1. Whether the Government is aware of the peons in the Secretariat and other Government offices are in the habit of asking for "Bakshish" from visitors to the Government officers?

If so, whether the Government has taken any steps to prevent the practice?

Peons and Bakshish.

1. The answer to the first part of the question is in the negative. Under the Government Servants' Conduct Rules a Government servant is precluded from accepting on his own behalf, or in behalf of any other person, any gift, gratuity or reward, or any promise of a gift, gratuity or reward, from any Native of India.

QUESTIONS AND ANSWERS.

Questions.

THE HONOURABLE MR. SHRIDHAR BALKRISHNA UPASANI.

1. (*a*) Will Government be pleased to give the number of trained vernacular teachers in the Northern and Southern Divisions who have not received their maximum Code pay?

Pay of teachers.

(*b*) Will Government be pleased to state the minimum and maximum pay fixed—

(i) for untrained Head Masters?

(ii) for untrained Assistants who have passed the qualifying vernacular final examination?

(*c*) What is the total number of such Head Masters and Assistants in the Local Board Schools in each district in the Central Division and what is their average pay?

(*d*) How many of them have put in more than 20, 15, 10 and 5 years' service and how many less than 5?

(*e*) Has any scheme for the revision of the pay of these teachers been submitted to Government? If so, will Government be pleased to give its details and to state when it will be given effect to?

2. Is it a fact that a scheme for entertaining special Persian and Sanskrit teachers is under consideration of the Educational Department and, if so, will Government be pleased to indicate its lines and to state when it will come into force?

Persian and Sanskrit teachers.

3. (*a*) What provision is usually made in the annual budget for prize books, dead stock articles and class books for the several districts in the Presidency?

Budget provision for prize books, etc.

Answers.

1. (*a*) The number is as follows:—
Northern Division—1,860.
Southern Division—1,575.

Parts (*b*) and (*e*) of the question have already been answered.

(*c*) and (*d*) The accompanying statement* gives the required information.

* *Vide* Appendix M.

2. No scheme such as that referred to by the Honourable Member is under consideration.

3. (*a*) If, as is presumed, the question refers to provision made for primary schools in District Local Board budgets, it may be mentioned that such provision for the objects referred to is not fixed but varies from time to time according to the requirements of schools in each district and according to the funds available. A statement* showing typical amounts provided by the several District Local Boards is appended.

* *Vide* Appendix N.

Questions.

Answers.

(*b*) Is it a fact that no provision for this is made this year in the West Khandesh Educational budget?

(*b*) An amount of Rs. 463 has been provided for this purpose in the budget of the West Khandesh District for the current year.

Teachers: pay of untrained.

4. (*a*) Will Government be pleased to lay on the table the proposals submitted to it for the revision of the pay of untrained head masters and assistants and to state the probable cost involved in giving effect to those proposals?

4. (*a*) As the matter is still under consideration, Government are not prepared to place the proposals on the table.

(*b*) Will Government be pleased to state how the sums reserved for provision for payments in support of local schools under detailed account 22 E at page 193 of the Civil Budget estimate for 1917-18 have been or are proposed to be spent this year?

(*c*) What amount out of these sums is allotted for improvement of the pay of untrained teachers?

(*d*) What is the unallotted balance available out of these sums?

Enquiries are being made.

Upper Primary Schools: teaching of English.

5. (*a*) Will Government be pleased to give the number of upper primary schools teaching the full vernacular course in East and West Khandesh and the number of boys learning the 5th, 6th and 7th standards in them?

(*b*) Will Government be pleased to give the number of schools which have been opened by Municipalities in these two Districts for the teaching of English and the total number of boys studying in them?

(*c*) From how many places in the several Districts in the Presidency have applications been received for permission to introduce the teaching of the first three English standards in the higher vernacular schools, and will Government be pleased to state if permission to introduce the experiment has been withheld pending the result of the consideration of this subject by Government?

5. The attention of the Honourable Member is invited to the reply given to question No. 11 put by the Honourable Mr. P. A. Desai.

QUESTIONS AND ANSWERS.

[*Mr. Shridhar Balkrishna Upasani.*] [3RD DECEMBER 1917.]

Questions.

6. (*a*) Will Government be pleased to state how far the consideration of the question of introducing the first three English standards in the higher vernacular schools has advanced and when final orders in the matter may be expected to be issued?

Upper Primary Schools: teaching of English.

(*b*) Is Government aware that some time after my resolution on the subject was accepted by Government at the Council Meeting held in December 1915, I submitted to the late Honourable Mr. Sharp my suggestions as to how the provision for instruction in the first three English standards might be made in the time-table of studies for the vernacular 5th, 6th and 7th standards without affecting the curriculum of studies in these standards?

(*c*) Have my suggestions been approved by the late Honourable Mr. Sharp? If so, will Government be pleased to lay them on the table with his recommendation and the orders of Government if any that may have been passed with reference to them?

7. (*a*) Will Government be pleased to state if instructions have been issued to school authorities explaining that the Circular Orders of the Educational Department dated the 7th June 1917 prohibiting students from attending public meetings are meant to apply to only political meetings as stated in reply to my question No. 29 asked at the Council Meeting on the 24th July 1917?

Students at public meetings.

(*b*) Is Government aware that in the absence of any such instructions indicating the Government's actual intentions, the orders as they stand are taken to apply to all kinds of public meetings and that under them the students at Dhulia High School were not allowed to attend a public meeting held on the 4th November 1917 at which a lecture on compulsory primary education

Answers.

6. (*a*) It has been thought desirable to postpone consideration of the question referred to till the decisions arrived at by the Conference in connection with the question of the teaching of English in secondary schools and its use as a medium of instruction, held at Simla in August 1917, are known.

(*b*) The answer is in the affirmative.

(*c*) In the circumstances mentioned in the reply to part (*a*) above, Government are not prepared to make any statement at present as regards this part of the question.

7. The answer is in the negative.

Questions.

Answers.

was delivered by the Honourable Mr. Shastri, Additional Member of the Viceroy's Council?

(*c*) Is Government aware that these orders have caused considerable dissatisfaction in the public mind and that the school authorities have no adequate means at their disposal to effectually enforce them?

8. Will Government be pleased to state if all vernacular trained teachers are now being paid at the minimum face value of their certificates?

Teachers: Trained vernacular: pay.

8. The attention of the Honourable Member is invited to the reply given to question No. 16 put by the Honourable Mr. P. A. Desai.

9. (*a*) Will Government be pleased to lay on the table the original scheme of the staff sanctioned for the Secondary Teachers' Training College and to state why the post of the Vice-Principal carrying a salary of Rs. 500 a month was abolished and three junior men appointed as lecturers in his place on Rs. 150 each?

Secondary Teachers' Training College.

(*b*) What degrees do these lecturers hold and how many years' teaching experience they had before they were appointed to their present posts?

9. (*a*) and (*b*) These parts of the question have already been answered.

(*c*) What is the present number of students in the College, how many of them are (*a*) graduates and (*b*) under-graduates and what teaching experience they possessed before they joined the College?

(*c*) Information as regards the number of students in the College has already been supplied. All the students are graduates. They possessed teaching experience of from four months to four and a half years before they joined the College.

(*d*) Is it a fact that graduates are engaged in the Educational Department at first as probationers and then sent to the Secondary Teachers' College?

(*d*) A reply to this part of the question has already been given.

(*e*) How many such probationers are at present serving in the Department and for how many years?

(*e*) The Honourable Member has already been informed as to the number of probationers in the Department. Their services range from one to four years.

(*f*) Have any cases occurred of the probationers having had to wait for their turn until they became over age before they could be sent to the College?

(*f*) Yes.

QUESTIONS AND ANSWERS.

Questions.	*Answers.*
10. Has provision been made or is proposed to be made in any of the Government or aided Arts Colleges for giving the necessary training for the Teachers' Diploma? Teaching for Teachers' Diploma in Arts Colleges.	10. The answer is in the negative.
11. Will Government be pleased to give the following information as regards the Chief Officers engaged for the several Municipalities and Notified Areas in East Khandesh :— Chief Officers in East Khandesh Municipalities. (1) The educational qualifying test, if any, which the individual may have passed? (2) The post, if any, he held and the pay he received before he was taken into the municipal service in the district and the pay he now receives and his standing in the municipal service of the district? (3) If taken from Government service his standing in that service?	11. The information is contained in the accompanying statement.* * *Vide* Appendix H.
12. Will Government be pleased to state the number of subordinates in the Revenue line in the East Khandesh District drawing less than Rs. 50 who have passed the Higher or Lower Standard Examination? Pay of certain revenue subordinates in East handesh.	12. There is one subordinate who has passed the Higher Standard examination and 15 subordinates who have passed the Lower Standard examination, drawing less than Rs. 50 per mensem in the East Khandesh District.
13. Is it a fact that quarry and stone fee which used to be charged at one anna a cart is now raised to six annas a cart in East Khandesh District? Quarry and stone fee.	13. The rates for the quarry and stone fee prescribed as far back as 1887 were not uniform but varied from one anna to six annas for building stone. These were revised in 1914 after full consideration of the changes in the circumstances of the district and now vary from one anna six pies to six annas according to quality.
[*These questions were asked at the meeting held on the 10th October 1917 when* ad interim *replies were given.*]	
14. How many of the officiating watandar kulkarnis in the several dis- Remuneration of watandar kulkarnis.	14. The information required by the Honourable Member is contained in the accompanying statement.* * *Vide* Appendix E.

Questions.

Answers.

tricts draw less than Rs. 75 and how many less than Rs. 150 a year and how many above the latter amount?

[*This question was asked at the meeting held on the 24th July 1917 when an* ad interim *reply was given.*]

15 (*a*). Will Government be pleased to state if the present scale of pay for the clerical staff of the Public Works Department is lower than it was before 1910, and also as compared with that sanctioned for the clerical staff of the Abkari, Police, Forest, Sanitary, Judicial and Educational Departments?

Pay of the Public Works Department Establishment.

15. (*a*) The orders of 1910 effected an improvement in the pay of permanent appointments. No useful comparison can be made between the pay of clerks in the Public Works Department and in other Departments.

(*b*) Is it a fact that the Departmental Committee appointed in 1910 only abolished the temporary staff but did not make any immediate improvement in the actual salary of the staff?

(*b*) The Committee was appointed to report only on the question of the conversion of temporary posts of clerks in Executive and Superintending Engineers' offices, into permanent ones, and recommended the adoption of a scale of numerical strength for each office as well as a scale of pay for the same. Government accepted the proposed numerical scales but introduced a graduated scale of pay.

(*c*) Was a special officer appointed by Government in 1914 to consider the subject and if so, will Government be pleased to say, what recommendations, if any, have been made by him?

(*c*) No; but in September 1913 Government appointed a Committee to consider and report on the question.

(*d*) Have the clerks in the Public Works Department submitted representations to Government, praying that their scale of pay be brought to the level of that sanctioned for the other Departments?

(*e*) If so, will Government be pleased to state what action is proposed to be taken?

(*e*) Reference is solicited to the reply given to Question No. 1* put by the Honpurable Dewan Bahadur K. R. Godbole.

* Asked at the meeting held on the 10th October 1917.

16. Will Government be pleased to state if they have taken up for consideration the recommendations of the Public Service

Public Service Commission: Provincial Judicial Service.

16. Government have the matter under consideration, but a considerable time is likely to elapse before their recommendations to the Government of India on the subject will be ready.

Questions.	*Answers.*
Commission with reference to the improvement of pay and prospects of the Provincial Judicial Service in the Presidency and, if so, what action is proposed to be taken in the matter?	
17. Will Government be pleased to state what notified area towns have applied to be constituted municipalities, and what orders, if any, have been passed with reference to them? (Notified areas: conversion to municipalities.)	17. No such applications have been received by Government.
18. (*a*) Have the people of Lonavla applied to have their Municipality raised from a hill station Municipality to a regular Municipality with a larger proportion of elected members and the right to select their own President? (Municipalities: Lonavla.) (*b*) If so, what orders, if any, have been passed on the matter?	18. No such application has been received by Government.
19. (*a*) In what Municipalities has the system of terminal tax been introduced and how far has the experiment proved successful in their case? (Municipalities: Terminal Tax.)	19. (*a*) The system of terminal taxation has been introduced as a tentative measure in the Municipalities of Ahmedabad, Nadiad, Ankleshwar, Jalgaon, Dhulia, Lonavla, Roha-Ashtami, Vengurla, Karachi, Sukkur, Larkana and Umarkot. The reports on the working of the system in these municipalities are at present under the consideration of Government.
(*b*) What has been the income derived from the terminal tax in those municipalities since it was introduced as compared with that from octroi during the corresponding period prior to the introduction of that tax in them?	(*b*) The information is being obtained.
20. (*a*) Will Government be pleased to state if it is a fact that a seat of an elected member of the Karad Municipality has remained vacant for over a year without any action being taken to fill it? (Municipality, Karad: election of President.) (*b*) If so, why needful action was not taken to fill up the vacancy for so	

Questions.	*Answers.*
long a time and who was responsible for it?	20. Enquiries are being made.
(*c*) Is it true that while this seat of an elected member was vacant and that of the President also fell vacant by reason of his transfer, the Collector has called on the Municipality to select its President by a majority of two-thirds of the existing 10 members on the body?	
21. (*a*) With reference to the answers given to question No. 17 put by me at the Council Meeting of the 24th July 1917, will Government be pleased to lay on the table the orders containing the directions referred to in the answer to clause (*b*) of my said question? Introduction of new settlements.	21. (*a*) The orders of Government containing the directions in question do not state anything beyond what has already been communicated to the Honourable Member in reply to clause (*b*) of his question No. 17 referred to.
(*b*) Did those orders require the assessment for the year in which the revised settlement was introduced to be recovered at the revised rates or according to those of the old settlement?	(*b*) The effect of the orders referred to was that where revised assessments were less than the old assessments, the benefit of the new rates was given in the year of introduction. Where the revised assessments were in excess of the old assessments, the latter alone were collected.
(*c*) Was the assessment charged under the revised settlement in excess of or less than that due under the old settlement and what was the total amount of the excess in the case of the several talukas referred to in the answer to clause (*a*) of my said question?	(*c*) The Honourable Member is referred to the last sentence of the reply to clauses (*a*) and (*b*) of his question No. 17 put at the meeting of the Council held on 24th July 1917.
(*d*) Was the excess remitted for the year of the introduction of the revised settlement as expressly required by section 104 of the Land Revenue Code?	(*d*) The Honourable Member is referred to the last sentence of the reply to clause (*b*) of this question.
22. Is it a fact that teachers who join the inspecting line get a better start at an early period of their service and also maximum pay at an earlier period than their colleagues serving in the teaching line in High Schools and Training Schools? Teachers: conditions of service.	22. Enquiries are being made.

QUESTIONS AND ANSWERS.

Questions.	*Answers.*
23. (*a*) With reference to the information given in the Appendix M in reply to my question No. 1 (*a*) put at the Council Meeting of the 10th October 1917, will Government be pleased to state the amounts collected from the several villages shown in the appendix and the probable amounts required for execution of the works for which they have been collected ? Contributions for school buildings in East Khandesh. (*b*) Have any steps been taken to apply for grants from Government for the said works and, if so, what grants have been secured for them ? (*c*) Through whom have the monies been collected and with whom are they deposited ? (*d*) What is proposed to be done with regard to the amounts collected from villages the details as regards which are not available and as regards the amounts collected from villages where no school is required, as also in the case of those the contributions from which are insufficient for the work for which they are wanted ? (*e*) Have the monies been invested at interest and have needful arrangements been made for audit of the accounts ?	23. The information has been called for.
24. (*a*) Is it a fact that Karkuns serving under the village Munsiffs, though they are appointed by the District Judge and are under his control, are not borne on the Judicial establishment and do not get any promotion nor have any prospect of pension however long their service may be ? Village Munsiffs: Karkuns.	24. The answer is in the affirmative.
25. (*a*) With reference to the answer given to question No. 12 put by me at the Council Meeting of the 10th October 1917, will Government be pleased to state the area of the agricultural land included in the Dhulia City Survey for which Dhulia City Survey.	

Questions.	*Answers.*
Government charges assessment, as also of the land used for non-agricultural purposes for which it charges fine and higher assessment and of that used for officers' quarters for which it realises considerable amount as rent?	25. Information will be called for.
(*b*) Is assessment charged also for portions of the river bed used for cultivation during the hot season and for the water running through the river which is used for irrigation?	
26. (*a*) Will Government be pleased to state in what towns besides Dhulia have City Survey operations been completed? (City Survey.)	26. Information has been called for.
(*b*) What was the total area surveyed in each case and the cost of the Survey?	
(*c*) Was the whole of it levied from owners of private houses?	
(*d*) If so, what was the total area covered by the private houses?	
27. Will Government be pleased to state—	27. Information is being called for.
(*a*) for how many officers quarters have been built at the head-quarters of the several districts in the Presidency? (Quarters for officers.)	
(*b*) What is the total area of the land occupied by the quarters and their compounds and the amount spent on the acquisition of the land and for putting up the quarters in the case of each district and the cost of their annual repairs?	
(*c*) What is the amount of rent realised annually for the said quarters?	
(*d*) Is the rent charged on the basis of the cost incurred or of the pay of the officer who may be occupying the quarters for the time being?	
28. Is Government aware that cotton crops in the East and West Khandesh Districts have greatly suffered this year owing to failure of (Cotton crops: Khandesh.)	28. The Honourable Member is referred to the monthly rainfall statements printed in the *Bombay Government Gazette*, Part III, which show the extent of the early and late

Questions.

Answers.

early rains and also owing to heavy late rains? What is the average crop in these districts this year?

rainfall. Information regarding the average outturn of crops in these districts is not yet available but will be given in the Annual Season and Crop Report which will be published in due course.

THE HONOURABLE MR. HARCHANDRAI VISHINDAS.

1. (*a*) Is it a fact that Mail trains to Karachi on the North-Western Railway have been running late very frequently during the last half year or more to the great dislocation of the occupations and trade of the public in general and of poor people and peasants in particular?

Mail Trains—North-Western Railway; frequency of delays.

(*b*) If so, have the Railway taken any steps to remedy the evil?

1. (*a*) and (*b*) Inquiry will be made.

2. (*a*) Are Government aware that some Mahomedans of the rank of Deputy Collector and others are still members of the Sind Mahomedan Association and took part in discussing whether or not the topic of Home Rule should form part of the Address presented by the Sind Mahomedan Association to His Excellency the Viceroy in October last?

Sind Mahomedan Association: Public Servants as members.

(*b*) Are members of the Sind Mahomedan Association exempted from the operation of the rules prohibiting Government servants from being members of political associations?

(*c*) If not, have Government taken any, and what, notice of the matter?

(*d*) Is it a fact that several Government servants were elected on the Managing Committee of the Sind Mahomedan Association at its general meeting held at Sukkur on the 7th October last and that a Deputy Collector whose services have been lent to the Khairpur State as its Vazir was elected President of the Association at the above meeting?

2. Government have made enquiries. Rule 21 of the Government Servants' Conduct Rules applies to this Association. Suitable instructions have been issued to the Commissioner in Sind in the matter.

Questions. *Answers.*

Municipalities in Sind: statistics regarding elective element.

3. Will Government be pleased to furnish me with the following information with regard to each Municipality in the Presidency including Sind :—

(*a*) The date when it was first constituted ;

(*b*) The date when the elective franchise was first conferred upon it ;

(*c*) The date when it received the privilege of electing more than half the number of councillors ;

(*d*) The date when it received the privilege of electing two-thirds of the councillors ;

(*e*) The date when a non-official president was nominated by Government for the first time ;

(*f*) The date when the right of selecting a president by two-thirds majority was conferred ;

(*g*) The date when the privilege of electing a president by a bare majority of votes was conferred ?

3. The information is being collected.

APPENDIX A.

Statement showing the amount spent by the District Local Boards in the Bombay Presidency during the last five years for good drinking water within the rural areas.

Name of the District Local Board.	1912-13.	1913-14.	1914-15.	1915-16.	1916-17.
Northern Division.	Rs.	Rs.	Rs.	Rs.	Rs.
Ahmedabad	47,366	15,385	15,186	18,422	22,276
Kaira	83,168	45,007	36,108	28,842	39,003
Panch Mahals	7,241	10,773	11,384	7,411	4,830
Broach	24,186	16,144	24,725	25,789	29,505
Surat	20,080	9,681	9,453	6,775	7,862
Thana	48,383	40,236	42,234	38,512	24,500
Central Division.					
Ahmednagar	13,945	12,146	6,802	6,312	3,540
East Khandesh	12,702	15,464	15,100	9,821	5,956
West Khandesh	23,910	13,665	14,609	6,070	5,105
Nasik	14,674	12,688	12,723	16,397	7,887
Poona	17,763	15,225	17,620	7,696	4,110
Satara	12,897	7,432	6,569	5,200	5,676
Sholapur	6,272	4,395	1,492	2,304	1,689
Southern Division.					
Belgaum	10,266	10,214	8,970	15,860	12,227
Bijapur	17,610	17,032	18,998	19,507	9,721
Dharwar	24,890	35,922	34,842	29,248	25,897
Kanara	3,564	5,242	4,745	4,762	1,810
Kolaba	8,122	15,448	17,236	9,080	10,662
Ratnagiri	3,236	3,116	3,807	4,675	3,849
Sind.					
Karachi	681	2,064	1,995	2,344	2,835
Hyderabad	5,069	1,089	883	3,909	3,595
Sukkur	3,864	5,731	3,873	3,764	2,564
Larkana	2,020	5,878	7,298	9,441	4,911
Thar and Parkar	6,425	5,178	7,774	3,905	3,333
Nawabshah	*	4,516	7,090	5,443	3,680
Upper Sind Frontier ...	1,209	3,070	705	998	761

* District Local Board was not in existence.

APPENDIX B.

Statement showing the rates of cart-hire in the Bombay Presidency.

District.	Rate of cart-hire per mile.	Period to which the rate relates.	Year in which the rates were last fixed.
	Northern Division.		
Ahmedabad ...	Rs. a. p. 0 2 0 ... ... 0 3 0	During the fair season. From 16th June to 15th October.	1910
Kaira ...	0 2 0 ... ... 0 3 0	During the fair season. From 16th June to 15th October.	1910
Panch Mahals...	0 2 0 ... ... 0 3 0	During the fair season. From 16th June to 15th October.	1910
Surat ...	0 2 0 ... ... 0 2 6 (a) 0 3 0	During the fair season (a) from 15th March to 15th May. From 16th June to 15th October.	1910
Thana ...	0 1 6 (when used on metalled roads). 0 2 0 (when used on un-metalled roads). 0 2 6	During the fair season. From 16th June to 15th October.	1910
Broach ...	0 2 0 ... ... 0 3 0 ... ... 0 4 0	From 16th October to 15th March. From 16th March to 15th May. From 16th May to 15th October.	1911
Palanpur Agency.	0 3 0 for a 4-bullock cart. per kos of two miles. 0 2 0 for a 2-bullock cart 0 4 0 for a 4-bullock cart. per kos of two miles. 0 3 0 for a 2-bullock cart.	During the fair season. From 16th June to 15th October.	1898
Mahi Kantha Agency.	0 2 6 0 3 0 } per kos of 1½ miles ...	During the fair season. From 16th June to 15th October.	1898
Rewa Kantha Agency.	0 2 0 ... ... 0 3 0	During the fair season. From 16th June to 15th October.	1910
	Central Division.		
Poona ... Ahmednagar ... Satara ... Sholapur ... Nasik ... Khandesh ...	0 1 6	During the fair season. ...	1891

Note.—No particular rates of cart hire have been fixed for the monsoon, when carts are rarely required to be impressed on a large scale for Government work.

APPENDIX B—*continued.*

Statement showing the rates of cart-hire in the Bombay Presidency—contd.

District.	Rate of cart-hire per mile.	Period to which the rate relates.	Year in which the rates were last fixed.
	Southern Division.		
Belgaum ...	Rs. a. p.		1909
Bijapur ...	0 2 0 ...	Throughout the year ...	1909
Dharwar ...			1909
Ratnagiri ...			1881
Kolaba ...	0 1 6 ...	During the fair season.	1895
	0 2 0 ...	During the monsoon ...	
Kanara ...	0 2 0 ...	During the fair season.	1881
	0 2 0 minimum ...	From 16th June to 15th	and
	0 4 0 maximum ...	September.	1914
	Sind.		
Karachi ...			
Hyderabad ...			
Larkana ...			
Nawabshah ...	0 1 0 minimum, and 12 annas	Throughout the year ...	1909
Thar Parkar ...	minimum hire. for any		
Upper Sind Frontier.	distance however short.		
Sukkur ...			

"*Note.*—In Sind, District officers are allowed discretion to prescribe mileage rates above the mimimum of one anna from time to time with reference to the local market rates. No cart is to be engaged for a greater distance than 25 miles without the written order of a gazetted officer stating the amount to be paid. If a cart be detained for half a day a fee of four annas has to be paid, and if it is detained for a whole day a fee of Re. one. Any period of detention in excess of one day is to be considered as a whole day."

APPENDIX C.

Statement showing the names of the Táluka Local Boards that have a non-official Vice-President.

istrict.	Names of the Taluka Local Boards.
Northern Division.	
Ahmedabad	Dholka, Sanand and Gogha.
Panch Mahals	Godhra and Kalol.
Broach	Amod, Vagra and Ankleshwar.
Surat	Chorasi, Jalalpur, Olpad and Bulsar.
Thana	Bessein, Bhiwndi, Dahanu, Kalyan, Mahim, Murbad and Shahpur.
Central Division.	
Ahmednagar	Akola, Karjat, Kopargaon, Nagar, Nevasa, Parner, Sangamner, Shevgaon and Shrigonda.
East Khandesh	Amalner, Erandol, Pachora. Jamner, Jalgaon, Yaval and Raver.
West Khandesh	Dhulia, Sindkheda and Shirpur.
Nasik	Chandor and Yeola.
Poona	Junnar, Haveli and Maval.
Satara	Satara, Wai, and Man.
Sholapur	Sholapur and Sangola.
Southern Division.	
Belgaum	Athni.
Bijapur	Indi, Sindgi, Bijapur, Bagevadi, Muddebihal, Bagalkot, Badami and Hungund.
Dharwar	Dharwar, Hubli, Kalghatgi, Karajgi, Ranebennur and Gadag.
Kanara	Karwar, Kumta and Haliyal.
Kolaba	Alibag, Pen, Panvel, Karjat and Roha.
Sind.	
Sukkur	Sukkur, Shikarpur and Garhi Yassin.
Larkana	Rato-dero, Mehar and Sehwan.
Upper Sind Frontier	Jacobabad and Shahdadkot.

APPENDIX D.

Statement referred to in the reply to question No. 22, put by the Honourable Mr. V. J. Patel, Bar.-at-Law, at the meeting of the Legislative Council held in October 1917.

Number of towns and villages in the province of Bombay, including Aden with population of—

	200 or less.	200 to 500.	500 to 1,000.	1,000 to 2,000.	Over 2,000.	Total.
Total number	5,608	9,656	6,497	3,269	1,226	26,256
Number containing at least one elementary school.	721	1,627	3,024	2,288	1,103	8,763

APPENDIX E.

Statement showing the numbers of officiating watandar kulkarnis in the several districts drawing (1) less than Rs. 75 a year, (2) less than Rs. 150 a year and (3) more than Rs. 150 a year.

District.	Number of officiating watandar kulkarnis drawing		
	Less than Rs. 75 a year.	Between Rs. 75 and Rs. 150 a year.	More than Rs. 150 a year.
Districts in the Northern Division ...	There are no watandar kulkarnis in N. D.		
Central Division.			
Ahmednagar	6	10	4
East Khandesh	2	10	6
West Khandesh	Nil.	Nil.	Nil.
Nasik	66	66	38
Poona	20	19	6
Satara	54	30	10
Sholapur	188	225	53
Southern Division.			
Belgaum	490	275	52.
Bijapur	501	266	60
Dharwar	452	433	164
Kolaba	Nil.	14	6
Ratnagiri	283	17	1
Kanara	There are no watandar kulkarnis in Kanara.		

APPENDIX F.

Name of the non-official President of the District Local Board.	District.	Whether an elected or a nominated member of the District Local Board and the period of membership on the Board.
The Honourable Diwan Bahadur K. R. Godbole.	Poona ...	Elected member for the triennial term commencing from 1st November 1911 and a nominated member for the triennial term commencing from 1st November 1914.
Rao Bahadur G. K. Chitale ...	Ahmednagar ...	Elected member since the 1st May 1910.
Khan Bahadur Adarji Mancherji Dalal.	Broach ...	Nominated member for 9 years from 1st May 1900 to 31st April 1909.
Rao Bahadur R. C. Artal, I. S. O.	Belgaum ...	Nominated member for 16 years.
Rao Bahadur S. K. Rodda ...	Dharwar ...	Nominated member for 22 years.

APPENDIX G.

Statement showing the total strength of electorate on the electoral rolls for the Taluka Local Boards and Municipalities in each of the districts in the Bombay Presidency.

District.	Total strength of electorate for the Taluka Local Boards in the district.	Total strength of electorate for the Municipalities in the district.
Northern Division.		
Ahmedabad	8,598	15,370
Kaira	10,262	6,925
Panch Mahals	1,908	2,828
Broach	11,579	3,630
Surat	10,927	9,079
Thana	5,110	6,726
Central Division.		
East Khandesh	14,693	11,438
West Khandesh	9,982	5,285
Nasik	7,412	5,583
Ahmednagar	7,082	3,185
Poona	6,294	13,042
Satara	7,245	6,234
Sholapur	3,895	8,068
Southern Division.		
Belgaum	6,246	4,110
Bijapur	5,141	4,026
Dharwar	10,595	8,928
Kanara	591	2,416
Kolaba	5,961	2,489
Ratnagiri	6,959	2,130
Sind.		
Karachi	2,939	8,093
Hyderabad	5,030	2,660
Sukkur	4,998	2,619
Larkana	10,908	Nil.
Thar and Parkar	4,096	Nil.
Nawabshah	6,052	Nil.
Upper Sind Frontier	Nil.	283

APPENDIX H.

Statement showing information as regards the Chief Officers engaged for the several Municipalities and Notified Areas in East Khándesh District.

No.	Name of Municipality and name of a Chief Officer.	The Educational qualifying test, if any, of the Chief Officer.	The post held and pay received by him before he was taken into Municipal service.	Pay and standing of the Chief Officer in the Municipal service.	Standing of the Chief Officer in Government service if taken from Government service.
1	2		4	5	6
1	*Jalgaon.*				
	Mr. G. N. Rajwade.	1. Matriculation and School Final Examination. 2. Passed the Higher Standard Examination.	Head Karkun at Karad. Pay Rs. 80.	Pay Rs. 150; standing of nearly 6 months.	Employed on 1st February 1895 and has put in nearly 22 years' service.
2	*Bhusawal.*				
	Mr. Subramoney Ayyar.	Matric and a short-hand typist.	Clerk in Broach District on Rs. 20 and in this District he is now a Head Karkun on Rs. 70.	Pay Rs. 100. Nearly 2 months. Formerly he was for 3 years a Chief Officer in Amalner Municipality.	Put in nearly 4¼ years' service out of which 3 years in foreign service.
3	*Yawal.*				
	Mr. Kutubuddin Sujauddin.	*Nil*	Circle Inspector on Rs. 25. S. P. T. 30.	Pay Rs. 50. A year and a month's standing.	Put in 10 years in Government service.
4	*Rawer.*	There is no	Chief Officer.		
5	*Faizpur.*				
	Mr. Sitaram Pandurang Adiwarekar.	School Final and Lower Standard.	Special measurer on Rs. 40. Recently promoted to Rs. 45.	Pay Rs. 60. Put in nearly 7½ months' service.	Put in 14 years' Government service.
6	*Sawda.*				
	Mr. E. W. Adawadkar.	Entrance Examination.	Clerk Prant's Office E. D. Pay Rs. 25. S. P. T. 30.	Pay Rs. 50. Appointed on 17th October 1917.	Put in 9 years' Government serrvice in Revenue Department.
7	*Dharangon.*				
	Mr. S G. Oke ...	Third Grade Public Service.	Rs. 45; now promoted to Rs. 60 from 1st November 1916.	Pay Rs. 100. Nearly 4 months here and at Erandol from 8th February 1914.	Put in 30 years in Government service.
8	*Erandol.*				
	Mr. M. R. Kulkarni.	School Final and Lower Standard.	Clerk in Mamlatdar's Office. Rs. 45.	Pay Rs. 70. Nearly 2½ months.	Put in more than 15 years' Government service.
9	*Parola.*				
	Mr. B. D. Bansendre.	School Final and Lower Standard.	Head Karkun. Recently promoted to Rs. 60 in Government service.	Pay Rs. 70. Nearly 6 years' service.	Put in 17 years in Government service.
10	*Amalner.*				
	Mr. Amiruddin Abdul Basit.	Matric	.....	Pay Rs. 80. Put in 3¾ years' service as Chief Officer.	Is an outsider.
11	*Chopda.*				
	Mr V. L. Milkar, N. H. C.	Matric	.....	Pay Rs. 60. Put in nearly 2 years' service.	Is an outsider.
12	*Chalisgaon.*				
	Mr. Abdulsatar Abdul Amin.	Third Grade Public Service. Knows English.	Clerk in Mamlatdar's Office on Rs. 25.	Pay Rs. 50. Put in nearly 6 months.	Put in nearly 10 years in Government service.

APPENDIX I.

Dear Sir,

As you must know by this time the Government of India has just issued a War Loan for an unlimited amount of money. This is an excellent opportunity for all Temple Committees to invest their spare money in an absolutely safe and profitable security. Apart from this consideration it is the duty of your Temple Committee to help to swell this loan. It is a duty to yourselves. For the enemy has systematically destroyed the religious buildings in all the countries which she has invaded and confiscated the wealth and property of religious institutions. The loan is required by Government because it is only possible to defeat the enemy and secure immunity from future danger by throwing all our resources into the scale against the foe. It is your duty to Government. Under the Government of India your temple has been absolutely secure from interference and mischief. Government is entitled to your gratitude. It would be rank ingratitude and disloyalty were your Committee to fail in their duty now to invest as much as they can in the War Loan. The temple possesses land paying Rs. as assessment to Government and receives from Government annually a grant amounting to Rs. . Will the Managers please consider the matter consulting the Mamlatdar if necessary and let me know to what extent they can help Government at this great opportunity as early as possible?

Yours sincerely,

(Signed) J. T. LAWRENCE,
Assistant Collector, Sirsi Division, Kanara.

To

The Manager of temple.

APPENDIX J.

GENERAL DEPARTMENT.

Government House,
Karachi, 16th November 1917.

Press Note.

No. 1549.—From time to time Government had received petitions from the Muhammadan community that the system of mixed electorates in the Municipalities of Sind did not provide proper representation for protection of their interests.

In the comparison below, the figures of population are those of 1911, in round figures.

In Karachi there are 62,000 Hindus and 71,000 Muhammadans. But out of 28 elected members before the introduction of the communal system only 5 were Muhammadans. In Hyderabad there are 46,000 Hindus and 23,000 Muhammadans, but out of 16 elected members not one was a Muhammadan. In Sukkur there are 22,800 Hindus and 14,700 Muhammadans. Out of 20 elected members only 2 were Muhammadans. In Shikarpur there are 35,000 Hindus and 19,000 Muhammadans. Out of 20 elected members only 3 were Muhammadans.

An attempt was made by the re-arrangement of wards and by the system of single votes in a multiple constituency to increase the number of Muhammadan elected members, but this did not prove a success. To some extent the balance was corrected by nomination. But this will become increasingly difficult with the policy now adopted of increasing the elected members in Municipalities wherever possible to two-thirds of the whole number.

In view of these facts and the desirability of ensuring that schemes for taxation are considered and approved by persons representing all classes of the population, His Excellency the Governor in Council has decided to adopt the principle of communal representation for Municipalities in Sind.

H 2125—266

APPENDIX K.

No. of Resolutions.	Date of notice.	Date of receipt of notice.	Length of delay in each case.
3	8th July 1917 ...	9th July 1917 ...	1 day.
1	7th July 1917 ...	10th July 1917 ...	2 days.
1	13th July 1917 ...	13th July 1917 ...	5 days.
1	12th July 1917 ...	13th July 1917 ...	5 days.
1	23rd September 1917	25th September 1917	1 day.
3	23rd September 1917	25th September 1917	1 day.
1	25th September 1917	26th September 1917	2 days.
1	22nd September 1917	27th September 1917	3 days.
2	23rd September 1917	25th September 1917	1 day.
3	21st September 1917	25th September 1917	1 day.
17			

APPENDIX L.

Education of Muhammadans.—

Orders of Government on certain urgent recommendations made by the special Committee appointed to consider generally the question of Muhammadan education in Sind.

GOVERNMENT OF BOMBAY.

EDUCATIONAL DEPARTMENT.

Order no. 2261.

Bombay Castle, 17th September 1917.

ORDER OF GOVERNMENT.

The report submitted by the special Committee appointed to consider generally the question of Muhammadan education in Sind, together with the remarks thereon by the Commissioner in Sind and the Director of Public Instruction, has been received and is under the consideration of Government. The recommendations made by the Committee cover practically the whole ground of education, and it will take considerable time before they can all be examined in detail. In view of their urgency, however, the Governor in Council has considered the following recommendations first and is now pleased to pass the orders mentioned in paragraphs 2 to 8 below:—

(i) *Section B-I-(3) of the Committee's report.*—That the provision recently made for scholarships in secondary schools be gradually increased to at least Rs. 1,00,000 per annum.

(ii) *Section B-II-(13) of the Committee's report.*—That 30 additional scholarships for arts colleges and 10 for professional colleges be provided, similar to the Sir Amir Ali Murad and King Edward Memorial scholarships for which Muhammadans are indebted to the generosity of His Highness the late Mir Sir Faiz Muhammad Khan and His Highness Mir Sir Imambux Khan, Talpur.

(iii) *Section A-I-(2) of the Committee's report.*—That the standard of education in the Mulla schools be gradually raised and that *pari passu* the grants paid to these schools be enhanced.

2. With regard to recommendations (i) and (ii) generally, the Commissioner in Sind is very strongly in favour of a definite co-ordinated scheme for granting

scholarships to selected Muhammadan boys throughout the whole of their scholastic career, subsequent to its primary stages, from the lowest standard of the 'middle' school course to the completion of the fourth year at college. As regards 'secondary' schools in particular, while suggesting the ultimate creation of a total number of 490 scholarships, he recommends that 140 scholarships, distributed over the 7 Anglo-Vernacular standards at the rate of 20 scholarships per standard, should be instituted as a begining. After careful consideration Government are pleased to sanction the scheme of scholarships explained in the appended memorandum in respect of 'secondary' schools. This scheme involves the abolition of the existing 'middle' and 'high' school scholarships reserved for Muhammadans as also the special 'secondary' scholarships for Muhammadans created under the scheme sanctioned in Government Order, Financial Department, no. 3762, dated the 16th October 1915, and the institution in their place of an entirely new system of special scholarships for Muhammadans tenable for the whole period of the 'secondary' school course. When the scheme is in full force in the seventh year of its existence, there will be 49 Muhammadan scholarship-holders in each of the 7 Anglo-Vernacular standards, distributed over the several Government, aided and unaided but recognized 'secondary' schools in Sind or, in other words, a total of 343 scholarship-holders in all. The *net* maximum charge on provincial revenues on account of these scholarships will amount to Rs. 43,260 per annum as compared with the present sanctioned allotment of Rs. 21,680, which is made up as follows:—

	Rs.
(i) Cost of 28 'high' school scholarships of the value of Rs. 5 per mensem each reserved for Muhammadans	1,680
(ii) Allotment for special 'secondary' scholarships for Muhammadans (*vide* Government Order no. 2213, dated the 18th July 1914, and Government Order, Financial Department, no. 3762, dated the 16th October 1915)	20,000
	21,680

The annual increase in the charge on provincial revenues on this account will, therefore, be Rs. (43,260—21,680=)21,580.

3. The abolition of the existing 'middle' and 'high' school scholarships reserved for Muhammadans will involve certain modifications in the rules regulating these scholarships published in Government Notifications nos. 2883 and 2884, dated the 1st October 1915. The Director of Public Instruction should accordingly be requested to submit in due course the necessary amendments to these rules for publication in the *Bombay Government Gazette*. The Director should also submit *at an early date* a draft notification containing rules regulating the grant of the scholarships to be given under the new scheme.

4. At present District Local Boards in Sind incur an annual expenditure of Rs. 3,780 on account of the existing 'middle' school scholarships reserved for Muhammadans. This expenditure is debited direct to the District Local Boards concerned. As it is not intended to relieve the Boards of this liability and as under the new scheme the scholarships will be paid direct by Government, the amount in question should, as indicated in paragraph 7 of the scheme, be credited in future to the receipt side of the provincial budget as a contribution from the District Local Boards towards the cost of the scheme, the *gross* expenditure on account of the scheme being provided on the expenditure side of the budget.

5. As regards colleges, the Commissioner in Sind, while suggesting an ultimate goal of 225 scholarships at Rs. 30 per mensem, recommends that for the present there should be (in addition to the 22nd existing scholarships) 12 of these scholarships in each of the four years of the arts course, it being understood that a scholarship given to a student in the first year will be continued to him for the full period of four years of the course, subject only to good conduct and satisfactory progress. There will thus be 12 × 4 or 48 additional scholarships in all, costing Rs. (30 × 48 × 12 =) 17,280 per annum in the fourth year and thereafter. The Governor in Council readily accepts the Commissioner's recommendation and is pleased to sanction the additional charge on this account. The Director of Public

Instruction should be requested to submit *at an early date* a draft notification containing rules for the grant of the scholarships in question. The Committee's recommendation regarding scholarships in professional colleges, which is less urgent, will be considered hereafter.

6. With reference to the first part of recommendation (iii), it will be seen from paragraphs 10 and 14 of Mr. Wright's "Note on the policy of aiding the indigenous Mosque schools in Sind" that it has been the policy of Government for several years past to raise the standard of instruction in Mulla schools with a view to their gradual elevation to the status of ordinary aided primary schools. In this connection it must also be observed that under the revised Mulla Code (1915), which came into force from 1st April 1916, Mullas have been permitted, subject to certain conditions, to teach an additional, *viz.*, a 'fifth' vernacular standard in their schools with the special sanction of the Deputy Educational Inspector, a grant of Rs. 6 per boy being allowed for such instruction.

As regards the latter part of the recommendation, the Committee have proposed that the grants-in-aid to Mulla schools, which are admissible only in respect of pupils receiving secular education, should be enhanced by a round sum of Rs. 20,000 per annum equivalent to an increase of 75 per cent. The Commissioner in Sind, however, recommends that the grants to these schools should be immediately doubled at a cost of Rs. 28,394 per annum approximately. The present rates of grant, which are laid down in the Mulla Code, are as follows :—

	Rs.
Standard I	2 per boy.
Standard II	3 ,
Standard III	4 ,
Standard IV	5 „
Standard V*	6 „

* (To be allowed to be opened in special cases only.)

The total grant calculated at the above rates is, however, subject to the maximum limit of Rs. 138 per annum per school laid down in rule 29, Chapter III (indigenous schools), of the Grant-in-aid Code. After full deliberation Government are pleased to approve the Commissioner's recommendation on the understanding that the Mullas will make every effort to improve further the standard of secular instruction imparted in their schools and that grants at the revised rates will not be passed by the inspecting officer concerned unless the progress made is statisfactory. The necessary amendments in the Mulla Code should be carried out by the Educational Inspector in Sind. As regards the maximum limit laid down in the Grant-in-aid Code, Government are of opinion that the simplest and most direct method of carrying out the object in view is to remove this limit and to substitute in its place such other safeguards as may be considered necessary. The Director of Public Instruction should accordingly be requested to consider this question and to submit the requisite draft amendment to rule 29 of the Grant-in-aid Code.

7. The total maximum cost per annum of the proposals sanctioned in paragraphs 2, 5 and 6 above amounts to Rs. (21,580+17,280+28,394=) 67,254 This charge should be debited against the recurring grant of Rs. 1,00,000 for Muhammadan education in Sind sanctioned with effect from the current year. The balance of Rs. 32,746 from the grant in question should be utilized for such of the other purposes recommended by the Committee as are approved hereafter by Government, the distribution of the amount being at the discretion of the Director of Public Instruction. A list of the objects on which it is proposed to spend the amount should, however, be submitted to Government for information.

8. From paragraph 6 of the appended scheme it will be seen that the maximum expenditure on its account will not be incurred till the seventh year of its introduction, and there will therefore be considerable savings in the intervening years in the allotment of Rs. 43,260 sanctioned for this purpose. Government desire that these savings should be utilized partly in giving special scholarships in 'secondary' schools to poorly circumstanced boys not benefiting by the scheme itself and partly in making non-recurring grants towards such items of the Committee's recommendations as are approved hereafter by Government and cannot

be otherwise provided for at present. This disposal of the savings should be made by the Director of Public Instruction at his discretion, but the actual allotment of the special scholarships should be in the hands of the Educational Inspector in Sind. The savings accruing in the first three years in the allotment of Rs. 17,280 for college scholarships should be similarly utilized.

9. The school and college scholarships sanctioned in paragraphs 2 and 5 above will be granted with effect from the next academic year 1918-19. There will, therefore, be no expenditure on their account in the current year. The current year's provision of Rs. 1,00,000 for Muhammadan education in Sind should accordingly be utilized as follows :—

(*i*) In doubling the grants-in-aid for Mulla schools (*vide* paragraph 6 above);

(*ii*) In increasing the value of the existing 'middle' and 'high' school scholarships reserved for Muhammadans from Rs. 5 to Rs. 10 and Rs. 12-8-0 per mensem, respectively, with effect from the 1st October 1917;

(*iii*) In making non-recurring grants towards such items of the Committee's recommendations as are approved hereafter by Government.

G. A. THOMAS,
Secretary to Government.

G. O. no. 2261, E. D., dated the 17th September 1917.

To

The Commissioner in Sind,
The Director of Public Instruction,
All Collectors in Sind, including the Deputy Commissioner, Upper Sind Frontier,
The Accountant General,
The Financial Department.

Accompaniment to Government Order, Educational Department, no. 2261, dated the 17th September 1917.

Scheme of scholarships for Muhammadan boys in secondary schools in Sind.

It is intended to abolish all the existing 'middle' and 'high' school scholarships reserved for Muhammadans as also the special 'secondary' scholarships for Muhammadans sanctioned in Government Order, Financial Department, no. 3762, dated the 16th October 1915, as soon as their present holders cease to hold them. In their place it is intended to substitute a single series of scholarships, tenable for 7 years (subject to satisfactory conduct and progress) beginning with the first and ending with the seventh Anglo-Vernacular standards. The number of these scholarships which may ultimately be sanctioned will depend upon the funds available, but it is intended, in the first instance, to create 49 new scholarships a year for a period of 7 years, which will give 343 scholarships when the scheme is in full force in the seventh year. Their value will be Rs. 10 per mensem in the first three standards and Rs. 12-8-0 per mensem in the last four standards. The scheme will begin to come into operation at the beginning of the first school term in the year 1918-19.

2. The existing 'middle' and 'high' school scholarships of the value of Rs. 5 per mensem reserved for Muhammadans will be raised to Rs. 10 per mensem in the first three standards and to Rs. 12-8-0 per mensem in the last four standards from the 1st October 1917.

3. As regards the present Rs. 5 'middle' school scholarships there will be 42 of these in existence at the beginning of 1918-19, namely, 21 in the second standard and 21 in the third standard. It is intended to continue these throughout the year (enhancing their value to Rs. 10 per mensem). In the following year there will be 21 of these scholarships in the third standard (*i. e.*, the second standard scholars of 1918-19 will become the third standard scholars of 1919-20). Thereafter these scholarships will entirely disappear.

4. Similarly, as regards the Rs. 5 'high' school scholarships, which will be enhanced in value to Rs. 12-8-0 per mensem, there will be 7 of these in 1918-19 in each of the fifth, sixth, and seventh standards. In the following year there will be 7, in both the sixth and seventh standards. In 1920-21 there will be 7 in the seventh standard only. Thereafter they will disappear.

5. The exact number of the existing 102 "secondary" scholarships of Rs. 12-8-0 per mensem in each standard is not known, so that it is impossible on present data to predict

how many will cease to exist each year until they also are finally eliminated. But, assuming, for the sake of rough calculation, that they are evenly distributed over the 7 standards, about 15 would disappear each year.

6. The main object of the scheme is to continue the new scholarships throughout the scholastic careers of the scholars, and for this reason it is intended ultimately to provide an equal number of scholarships in each standard. Until the scheme is brought into full operation, however, there will be more scholarships in the lower standards than in the higher, as the total number is being increased and they are all commencing in the first standard. It is not intended to bring the number of scholarships in the higher standards up to that in those in which the scholarships under the scheme have been introduced whilst the scheme is in progress of completion. It is, however, desirable to make provision every year for as many scholarships in each standard as there were in the standard immediately below it in the previous year. At present there are 21 annual Rs. 5 'middle' school scholarships as against only 7 annual Rs. 5 'high' school scholarships, so that, assuming the 102 "secondary" scholarships to be evenly distributed over all the standards, there is a reduction in the number of scholarships available after completion of the third standard. In order to rectify this defect and to ensure a seven years' tenure of scholarship to each deserving boy, it is intended to increase the number of scholarships in the upper standards, until the new scheme embraces them, in the manner indicated above. The following figures explain what is meant. They give the assumed number of scholarships existing at present in each standard (assigning 15 of the "secondary" scholarships to each of the first six standards and 12 to the highest standard :—

1st St.	2nd St.	3rd St.	4th St.	5th St.	6th St.	7th St.	Total.
36	36	36	22	22	22	19	= 193

It will be seen from these figures that more than a third of the third standard scholars must cease to hold scholarships when they pass into the fourth standard. It is intended therefore during the first few years of the scheme to increase the number of scholarships in the upper standards, so as to prevent deserving boys from losing their scholarships. The figures in 1918-19 would accordingly be as follows :—

1st St.	2nd St.	3rd St.	4th St.	5th St.	6th St.	7th St.	Total.
49	36	36	36	22	22	19	= 220

That is to say, besides the grant of an increased number of new scholarships in the first standard, 14 additional scholarships will be allotted to the fourth standard so as to provide scholarships (if necessary) for all the scholars coming up from the third standard. Similarly, the figures for the following years will be as under :—

	1st St.	2nd St.	3rd St.	4th St.	5th St.	6th St.	7th St.	Total.
1919-20 ...	49	49	36	36	36	22	19	= 247
1920-21 ...	49	49	49	36	36	36	22	= 277
1921-22 ...	49	49	49	49	36	36	36	= 304
1922-23 ...	49	49	49	49	49	36	36	= 317
1923-24 ...	49	49	49	49	49	49	36	= 330
1924-25 ...	49	49	49	49	49	49	49	= 343

The cost each year on this basis would be as follows :—

		Rs.
Current year	(i) (existing rates)	16,680
	(ii) (enhanced rates for six months)	19,830
1918-19	... ...	25,590
1919-20	... ...	29,250
1920-21	... ...	33,360
1921-22	... ...	37,410
1922-23	... ...	39,360
1923-24	... ...	41,310
1924-25	... ...	43,260

7. It should be explained that the above figures are the cost to Government after deducting a sum of Rs. 3,780 per annum, which is the expenditure incurred from local funds on account of the existing 'middle' school scholarships reserved for Muhammadans and which will in future be paid in the form of a contribution to provincial revenues towards the cost of the above scheme. The figures are not exact, as it is not known how many of the 'secondary' scholarships are held in each standard nor how many of these will cease each year, but the figures are near enough to give an approximate idea of the cost of the scheme from year to year. It will be seen that the ultimate annual cost will exceed the present sanctioned allotment by Rs. 21,580.

8. As regards the distribution of the scholarships, it is thought that if a rigid equality of distribution by districts is insisted upon, instances would occur of a poor district getting less assistance than it required and a backward district getting more scholarships than it could dispose of. It is therefore intended that while the general basis of distribution should be that of an equal number of scholarships for each district, the Educational Inspector in Sind should have full discretion to vary it according to circumstances.

APPENDIX M.

Statement referred to in the reply to parts (c) and (d) of Question No. 4 put by the Honourable Mr. S. B. Upasani at the meeting of the Legislative Council held on the 10th October 1917.

Name of district.	Number of untrained Head Masters.	Number of untrained but passed assistants.	Average pay of untrained Head Masters.	Average pay of untrained assistants.	Untrained Head Masters who have put in service					Untrained assistants who have put in service				
					Above 20 years.	Above 15 years.	Above 10 years.	Above 5 years.	Less than 5 years.	Above 20 years.	Above 15 years	Above 10 years.	Above 5 years.	Less than 5 years.
			Rs. a. p.	Rs. a. p.										
Poona	329	185	11 1 1	9 0 0	26	13	84	100	106	...	...	...	4	183
Satara	289	249	11 1 5	9 0 7	24	25	74	129	37	...	...	4	26	219
Sholapur	249	137	11 3 5	9 1 6	3	9	34	94	91	...	1	5	7	124
Ahmednagar	313	242	11 2 6	9 1 2	27	20	100	139	27	...	...	...	18	224
Nasik	299	205	11 2 2	9 5 0	29	13	92	105	66	3	...	4	8	190
East Khandesh	340	414	11 4 0	9 1 6	44	20	64	161	51	10	...	...	34	370
West Khandesh	206	123	11 1 3	9 0 9	13	2	25	78	88	2	1	5	10	105

APPENDIX N.

Statement showing the provision usually made in the annual budget for prize books, dead stock articles and class books, for the several districts in the Presidency.

Name of District.	Budget provision usually made for		
	Prize books.	Dead stock articles.	Class books.
Central Division.	Rs.	Rs.	Rs.
Poona	500	600	400
Satara	500	1,000	500
Sholapur	500	800	500
Ahmednagar	200	800	300
Nasik	500	1,000	500
East Khandesh	300	1,500	500
West Khandesh	208	175	199
Northern Division.			
Ahmedabad	1,125	960	850
Kaira	935	870	700
Panch Mahals	370	635	400
Broach	735	570	770
Surat	1,635	1,485	1,585
Thana	1,600	935	1,135
Southern Division.			
Dharwar	1,800	1,200	1,000
Belgaum	200	400	300
Bijapur	100	316	400
Kanara	300	100	218
Ratnagiri	900	700	600
Kolaba	260	375	340
Sind.			
Karachi	400	2,500	700
Hyderabad	400	1,000	500
Nawbshah	342	2,300	600
Thar and Parkar	410	700	550
Sukkur	400	1,200	700
Upper Sind Frontier	350	1,200	400
Larkana	411	1,000	650

APPENDIX O.

Name of canal.	Designed water supply in cusecs.	Area expected to be cultivated.	Area actually given out to people at present.	Area actually cultivated at present. (These figures are for 1916-17.)
1	2	3	4	5
		Acres.	Acres.	Acres.
Jamrao Canal ...	3,200	300,000	590,476	239,426
Dad Canal ...	3,170	145,400	272,450	113,687
Nasrat Canal ...	2,150	104,100	255,824	101,480
Mithrao Canal ...	2,800	143,500	336,088	127,389
Thar Canal ...	1,400	50,000	127,517	57,724
Khipro Canal ...	200	8,000	33,845	4,592
Hiral Canal ...	353	15,700	40,284	17,653
Hasanali Canal ...	540	21,600	28,900	20,003

APPENDIX P.

Statement showing revenue of Cantonnent Funds of the Bombay Presidency for the last five financial years.

Names of Cantonment Funds.	1912-13.	1913-14.	1914-15.	1915-16.	1916-17.	Remarks.
	Rs.	Rs.	Rs.	Rs.	Rs.	
Aden ...	29,539	36,629	17,716	55,188	53,479	
Ahmedabad	12,996	15,198	13,136	9,842	14,217	
Ahmednagar ...	49,571	52,004	45,279	45,242	80,839	
Baroda ...	10,866	10,957	11,691	10,926	12,374	
Belgaum ...	38,402	44,551	42,187	40,578	36,230	
Colaba board of health.	6,265	6,145	6,330	7,369	8,569	
Santa Cruz ...	4,414	5,928	5,494	3,759	11,490	
Hyderabad ...	38,850	36,760	32,625	37,062	36,102	
Manora ...	3,763	3,890	3,869	3,877	4,083	
Karachi ...	37,078	38,268	40,861	41,951	45,834	
Rajkot ...	3,236	2,354	4,324	3,587	4,209	
Deolali ...	24,118	26,617	15,540	18,884	38,169	
Poona ...	2,20,011	2,48,642	1,81,278	2,07,183	1,93,593	
Kirkee ...	47,474	64,661	46,502	62,080	62,811	
Purandhar ...	1,561	3,872	1,742	1,310	150	
Jacobabad ...	11,115	13,723	2,195	320	...	
Deesa ...	26,617	26,294	24,916	24,507	29,559	
Quetta ...	2,48,267	2,42,328	2,15,911	2,35,230	2,43,785	
Loralai ...	17,682	16,760	11,677	15,061	19,033	
Total ...	8,31,819	8,95,491	7,23,273	8,23,956	8,94,526	

APPENDIX Q.

Rules regulating the impressment of carts by Government officers.

(*a*) That the rate of cart hire be fixed by order of the Commissioners of Divisions per mile as kos vary greatly; that there be a minimum charge for engaging a cart at all and a minimum rate for a cart kept a whole day;

(*b*) that no cart be carried beyond 20 miles or thereabouts from the place of hiring;

(*c*) that a list of all carts in a village be kept by the patel, and a list of the number of carts in each village by the Mamlatdar;

(*d*) that requisitions by public officers for carts be made on the patel or where a large number are needed (as when troops are marching) on the Mamlatdars and be met in strict rotation of individuals and of villages;

(*e*) that no person's cart be taken in a village other than his own unless he offers it for hire;

(*f*) that no cart in use on any public road be taken for the use of public officers travelling;

(*g*) that officers below the rank of Assistants or Deputy Collector or Executive Engineer should be furnished with a written order from their official superiors for obtaining transport by requisition.

APPENDIX R.

Statement showing information in I. R. B. D. in connection with Question No. 9 put by the Honourable Mr. Bhurgri at the meeting of the Legislative Council on 24th July 1917.

Name of canal. 1	Designed water supply in cusecs. 2	Area expected to be cultivated. 3	Area actually given out to people at present. 4	Area actually cultivated at present. 5
		Acres.	Acres.	Acres.
Mahiwah and branches ...	975	104,147	141,801	74,434
Sattah and its branch Rajwah ...	754	23,757	27,129	13,308
Laikpur and its branches ...	2,185	6,250	5,695	4,032
Desert Canal including Muradwah and Adiowah.	2,750	129,660	392,051	206,711
Unharwah	1,120	56,000	167,787	77,975
Begari Canals	6,805	186,500	545,455	282,596

REPORT OF THE SELECT COMMITTEE ON BILL No. II OF 1917.*

We, the members of the Select Committee appointed to consider and report on the Bill to provide for the extension of primary education in municipal districts in the Bombay Presidency other than the City of Bombay (Bill No. II of 1917), have the honour to report as follows:—

The principal alterations which we have made in the bill are noted below against the clauses affected. The other modifications made in the text relate to matters of drafting to which it is unnecessary to allude.

Clause 2, sub-clause (1). Attendance.—As the enforcement of the act will in the main devolve upon the school committee under the orders of the municipality, we have altered this sub-clause so as to give the power of fixing the obligatory times of attendance at school to the school committee, subject to the approval of the prescribed educational authority.

Clause 2, sub-clause (2). Eleven years.—We have lengthened the period of compulsory attendance at school so as to include the whole of the child's eleventh year of age, as we think that this is the minimum period for which education should be continued if any lasting results are to be expected.

Clause 2, sub-clause (3). Definition of parent.—We have deleted the words "is liable to support or", as they might lead to disputes regarding legal liability.

Clause 2. Prescribed educational authority.—As "the educational department of the local government" would be construed as meaning the department of the secretariat which deals with educational matters, we have in clause 2, sub-clauses (1) and (6), substituted the phrase "prescribed educational authority". The actual educational officers on whom the several powers will be conferred will be specified in the rules.

Clause 4. Adequate provision.—Under the bill as introduced the municipality was compelled to make adequate provision for compulsory education before sanction could be given for the issue of a notification under clause 3. It would not however be practicable for the municipality to build or enlarge schools or to tax itself for that purpose, or to make final arrangements with respect to other matters which would be included in the term "provision," without a definite assurance that its intention to introduce compulsory education could be carried into effect. We consider that if the intention of the municipality is expressed by a resolution passed in the manner provided by revised clause 5, and the municipality also satisfies the local government of its *bona fides*, there will be no objection to the granting of sanction for the issue of a notification. We have therefore slightly altered the wording of clause 4, and have in revised clause 13 omitted the condition that the tax may be levied only when the notification under clause 3 is actually in force. We have however inserted words in clause 3 which will enable the notification to be expressed to take effect at any date later than the date of its issue. The usual procedure will then be to allow some period between the date of issue and the date when the notification is to come into operation, in order that the necessary preparations may be made by the municipality in the interval.

In municipal or other recognized schools.—It will be open to the municipality to make arrangements with the managers of aided or other recognized schools for the reception, without charging fees, of pupils liable under the act. This course will often be more feasible than extending municipal schools.

Clause 8. Reasonable excuse.—Certain additions and modifications have been made under this head mainly on the lines of the English Law (Elementary Education Act, 1870, section 74).

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* The Bill as amended by the Select Committee was published in the *Bombay Government Gazette*, Part V, dated the 9th November 1917.

Clause 9. Attendance order.—We have provided that the attendance order shall be made by the school committee as we are of opinion that it is desirable to avoid having recourse to the magistrate until the necessity arises for a prosecution.

Clause 10. Failure to cause child to attend school.—The wording has been modified to give the magistrate power to go behind the attendance order and satisfy himself that there has been an actual contravention of the law.

Fine.—We have raised the maximum from three to five rupees.

Clause 11. *Employment of children.*—After carefully considering the English law relating to the employment of children of school-age in factories and workshops (Factory and Workshop Act, 1901, section 68; Elementary Education Act, 1876, section 5 (*2*)) and also the recent proposals made for the revision of the law, and taking into account the provisions of the Indian Factories Act, 1911, we have left this clause substantially as it stood. But we are not in favour of permitting the employment of children of school-going age, because it appears to us that this must prejudice their health and education. Apart from this question, moreover, we recogniże that clause 12 is not complete as it does not provide for casual employment or such other exceptions as it may be necessary to make. But we are of opinion that, at any rate for some time, no practical difficulty is likely to occur, because no prosecution can be undertaken except on the complaint of the school committee, which will be able to exercise discretion, and because the present state of economic development in the mofussil is not such as to furnish intricate questions for decision.

Clause 13. Education cess.—This clause has been entirely recast. As it will be necessary in most cases to encourage municipalities to tax themselves for educational purposes we have omitted the sub-clause which imposed the condition of a resolution supported by the votes of two-thirds of the members present. We have also struck out the sub-clause which purported to ensure that the proceeds of the tax should be devoted solely to primary education; such a provision would be ineffectual because it would be open to a municipality to evade it by devoting less of the proceeds of other taxes to education. Again in view of the provisions of section 59 of the principal act, taxation imposed for educational purposes will always fall within the purview of that section. For the above reasons, therefore, we have framed clause 13 within restricted limits and have removed the definition of the education cess, which is not referred to elsewhere in the bill.

Clause 14. Remission of fees.—As under the bill when introduced it was open to the parent of any child to claim remission of fees, we are of opinion that the amount of fees received would be negligible. At the same time if some parents are exempted and others charged, the latter will pay twice over. We, therefore, consider that it should be explicitly provided that compulsory education should be free.

Inspection of schools by educational department.—(Original clause 16). Although, as we understand, this clause was expressly inserted under the advice of the Government of India, we desire to point out that the only schools at which attendance will be compulsory will be "recognized" schools. As it will be optional to the educational authorities to give or withhold recognition, they will presumably in all cases make liberty to inspect a condition of recognition. We have therefore omitted this clause as unnecessary.

Clause 15. Power to exempt.—We recommend that this power, which was included in the late Mr. Gokhale's Bill (No. 8 of 1911) should be added to this bill, in order that Government may be enabled to exercise it in cases of children whose education cannot be conveniently arranged for, who should not be required to undergo the course of education which is compulsory in the district or for whose education sufficient provision is already made.

Clause 17. Fines.—We are of opinion that the municipality has a reasonable claim to the proceeds of fines.

Clause 18. Rules.—A general rule-making power appears necessary.

Saving clause.—(Original clause 18). This clause has been omitted, with the approval of Government, because there is nothing in the bill which affects the public revenues.

(Signed) M. B. CHAUBAL.
(„) J. G. COVERNTON.
(„) S. B. UPASANI.
(„) C. N. SEDDON.
(„) GOKULDAS K. PAREKH.
(„) V. J. PATEL.
(„) B. S. KAMAT.
(„) R. P. PARANJPYE.
(„) A. F. I. PATHAN (*subject to a minute*).
(„) G. K. SATHE (*subject to a minute of dissent*).
(„) F. G. PRATT.
(„) C. V. MEHTA (*subject to a minute*).

Minute of dissent by the Honourable Mr. A. F. I. Pathan.

There were two questions raised by some of the Mahomedan members at the last debate on this Bill.

One of these was that as the Bill enables the Municipalities to introduce compulsory education in their districts and to impose any fresh tax or increase any tax already levied for meeting the consequential additional cost, it ought to embody a provision for securing due representation of the Mahomedan community on these bodies. With regard to this I am strongly of opinion that the representation of Mahomedans is necessary, particularly in educational matters. It follows therefore that their representation on School Committees should be specially provided for in this Bill and not left to the idiosyncracies of individual members of the general body the majority of whom will be naturally non-Mahomedans. The necessity of such a provision is emphasised by the fact that at present it solely depends on the sweet will of the majority to elect or not to elect Mahomedan councillors as members of the School Committee and also by the fact that the School Committee is invested under the provisions of this Bill with very large and responsible powers. There will always be a paucity of Mahomedan councillors on the Municipal Boards and especially of those qualified to speak on educational matters. I am strongly of opinion that School Committees should be so constituted as to admit of co-opted Mahomedan members whose number may vary according to local circumstances. If no safeguard such as that proposed above were embodied in the Bill, I am afraid more harm than good would be done to the Mahomedan community by the enforcement of the provisions of this Bill as they now stand.

The other question raised was as to whether Mahomedan children whose mother tongue is Urdu will under this Bill be compelled by the Municipality to attend non-Urdu schools against the wishes of the parents. After giving a good deal of consideration to this subject I am convinced that some provision should be made in the body of this Bill that before introducing compulsion Municipalities should provide schools for the education of children of the principal communities resident in their areas, giving instruction in their respective mother-tongues. Without this provision I think the principle of compulsion must be considered most unreasonable and is bound to create difficulties which would be most difficult to solve. When I spoke at the last debate on this Bill, strongly supporting the principle of compulsion, I had not the least apprehension then in my mind that there would ever arise any question of the medium of instruction for Mahomedan children in public schools, necessitating a safeguard such as that proposed above. But as this question has unfortunately been brought recently very much into prominence and has given rise to a tremendous feeling amongst the Mahomedans I should be

wanting in my duty to my community, did I not insist upon a clear provision being made in the Bill for instruction being given through the medium of Urdu to Mahomedan children.

The proposed provisions on the two points mentioned above are essentially necessary to safeguard the interests of the Mahomedan community so far as they are affected by this Bill. The necessity for such provisions was pointed out to the Select Committee but I regret to say that the points mentioned above have neither been fully and freely discussed in the Select Committee nor dealt with in the Committee's report. This is all the more to be deplored in view of the assurance given by His Excellency the Governor in his concluding speech at the last debate on the Bill that " those members who will be on that Committee will go most carefully into all the various questions that have been raised with regard, for instance, to the Mahomedan question."

As I have been the only Mahomedan member present at all the sittings of the Select Committee I feel a special sense of responsibility to ventilate the main points in connection with the compulsory education of the Mahomedans as the same have not been considered and dealt with in the Select Committee's report. I am therefore compelled to record this minute of dissent with a view to place before the members of the Council the Mahomedan point of view.

A. F. PATHAN,
Additional Member.

Poona, 4th November 1917.

Minute of dissent by the Honourable Rao Bahadur G. K. Sathe, C.I.E.

Clause 10.—This is a penal clause. That some penalty should be provided for to punish any failure to cause a child to attend cannot be gainsaid. The only point upon which I dissent from the majority report is as to the forum for the trial of cases of this kind. It is very likely that such cases will be, more often than not, referred to the Honorary Magistrates who are generally laymen. When cases are tried by courts constituted under Criminal Procedure Code, the procedure is bound to be lengthy and expensive. When there is a remedy provided by law people are tempted to take full advantage of such remedies. I am afraid the employment of a pleader and provision of appeal will make litigation protracted and costly. From the initial stage of serving a notice or summons there is such an amount of roughness in the treatment given to accused in criminal courts that one should try to avoid that machinery as much as possible. These cases are not likely to involve such intricate questions of law and fact as should require their trial at the hands of trained minds like those of stipendiary magistrates. Such cases can be disposed of on broad considerations and from a strong common-sense point of view. I, therefore, propose that a board consisting of the President, Vice-President (if he is not a member of the school committee) and one member of the school committee to be nominated by the general body for this purpose be formed to try such cases. No one acquainted with the English police courts, on the days set apart for hearing school attendance cases, can desire to see such scenes enacted in India. It may be true that magisterial courts inspire more awe and dread than ordinary tribunals, but that ought not to be the guiding principle in a measure of this kind which ought to be worked out on least offensive lines.

Clause 11.—This clause prohibits all sorts of employment of children under 11 complete. This is evidently done with a pure desire to secure physical development of children but in so doing the majority of the Committee seem to have overlooked other important considerations. When compulsion is being introduced for the first time in British India our efforts ought to be to work it on the lines of least resistance and in such a way as not to prejudicially affect the labour class. Cost of living is increasing day by day and there is no reasonable prospect of prices going down at least for a generation more. Provision like clause 11 in the bill will tend to cut off some source of income of parents. Should we do it? Moreover, looking to the economic condition of those who will be affected by this provision one cannot advocate entire prohibition. This legislation is permissive and does not apply to the City of

Bombay. In Bombay the question of the employment of children in mills, factories, workshops, and as office boys, errand boys, etc., is of greatest magnitude. But as this bill is not to apply to Bombay, the labour question there will at least for some time (until similar bill is introduced) receive a treatment different from the one in industrial centres like Ahmedabad, Broach, Surat, Viramgam, Jalgaon, Sholapur and others. There is no reason for this differentiation. The legislation being permissive, it may not be introduced simultaneously in all trade and industrial centres, and this being so, places where this is not introduced will be in a more advantageous position than neighbouring places where it is introduced. If any real effort is to be made in this direction, the effective remedy for it is a change in the Factory Act. If that is done, all places will be treated alike.

Under English Factory and Workshop Act of 1901 and under English Education Act of 1876 and 1902, employment of children was not entirely prohibited as it is intended to be done in the present bill. The only obligation on the parents and employer was to make adequate provision for the education of children thus employed. No doubt, the Right Honourable Mr. Fisher has recently introduced an education bill under which he proposes to prohibit employment of children in factories and workshops under any circumstances, but he, even in his present bill, does not stop any other employment, provided suitable arrangement is made to educate children thus employed. It will not be safe to take English precedents as our guides in all matters.

This change is being introduced forty years after the introduction of compulsory education in England. Besides the economic conditions in India materially differ from those in England and one ought to take account of the illiteracy of the masses and consequent apathy on their part for such legislation. On these and other grounds which I could not state here for want of time I am not in favour of clause 11 as it stands.

5th November 1917. G. K. SATHE.

Minute of dissent by the Honourable Mr. C. V. Mehta.

I regret I cannot agree with the majority with regard to clause 11 prohibiting the employment of children. On economic and other grounds it is a matter for consideration whether the clause, as it stands, will not in practice prevent Municipalities from applying the Act. When compulsion is being tried for the first time it is necessary to proceed on the lines of least resistance. I entirely approve of the necessity for conserving the physique of young children, but looking to all the circumstances and the abnormally increased cost of living, the danger of the application of the Act being delayed, it would be wise to adopt the course which Mr. Gokhale took, viz., to penalize the employment of children unless it could be shown that the time and nature of the work did not interfere with their receiving instruction in a proper manner.

CHUNILAL V. MEHTA.

Journal of the Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915 (5 and 6, Geo. V, Ch. 61).

The Council assembled at 12 noon on Monday the 3rd December 1917 in the Council Hall, Secretariat, Bombay.

PRESENT:

His Excellency the Right Honourable Lord WILLINGDON OF RATTON, G.C.I.E., Governor of Bombay, *President.*
The Honourable Sir MAHADEV BHASKAR CHAUBAL, K.C.I.E., C.S.I., *Vice-President.*
The Honourable Mr. G. CARMICHAEL, C.S.I., I. C. S.
The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.
The Honourable Mr. S. R. ARTHUR, I. C. S.
The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.
The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.
The Honourable Mr. GHULAM MUHAMMAD walad Khán Bahádur WALI MUHAMMAD BHURGRI, Bar.-at-Law.
The Honourable Mr. P. R. CADELL, C.I.E., I. C. S.
The Honourable Mr. SHERRIFF DEVJI CANJI.
The Honourable Mr. JAMES GARGRAVE COVERNTON, C.I.E.
The Honourable Mr. PANDURANG ANANT DESAI, LL.B.
The Honourable Captain C. FERNANDES, M.D., I. M. S.
The Honourable Mr. SIDDHANATH DHONDDEV GARUD.
The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.
The Honourable Mr. MAHOMEDBHOY HAJEEBHOY.
The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.

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The Honourable Mr. EBRAHIM HAROON JAFFER.
The Honourable Mr. J. D. JENKINS.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Mr. G. F. KEATINGE, C.I.E., I. C. S.
The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwada.
The Honourable Mr. H. S. LAWRENCE, I. C. S.
The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
The Honourable Khán Bahádur PIR BAKSH walad MIAN MAHMUD.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Sardár SHRINIWAS COOPOOSWAMI MUDLIAR.
The Honourable Ráo Bahádur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. W. U. NICHOLAS.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. F. G. PRATT, I. C. S.
The Honourable Mr. MUNMOHUNDASS RAMJI.
The Honourable Mr. W. M. ROSS.
The Honourable Ráo Bahádur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. C. N. SEDDON, I. C. S.
The Honourable Mr. PHIROZE C. SETHNA.
The Honourable Mr. PURSHOTAMDAS THAKURDAS.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

The Honourable Mr. G. F. KEATINGE took the oath of allegiance to the Crown.

His Excellency the PRESIDENT :—Order, order. A bill to provide for the extension of primary education in municipal districts in the Bombay Presidency other than the city of Bombay—Bill No. II of 1917—Second reading. The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—May it please your Excellency,—I rise to move the second reading of a bill to provide for the extension of primary education in the municipal districts in the Bombay Presidency other than the city of Bombay—Bill No. II of 1917.

The Honourable Mr. V. J. Patel moves the second reading of the bill.

The Council will remember that the bill was referred to a strong select committee of fifteen members. The report of the committee with the bill, as amended by them, has been circulated to all the honourable members. At this reading, therefore, I need do nothing more than draw the particular attention of the members of this Council to the more salient and important features of the alterations effected in the original bill during the deliberations of the select committee.

Clause 18.—The much-abused clause 18 is, I am glad to observe, deleted with the sanction of the Government of India. The honourable members will also notice that the select committee in new clause 18 (*c*) provides that the local Government may make rules specifying the extent to which the cost of free and compulsory education shall be borne by them, when they decide to share such cost.

Clause (2) *sub-clause* (2).—Select committee has lengthened the period of compulsory attendance at school so as to include the whole of the child's eleventh year of age. The Council will see that according to the bill as amended compulsory period will be full five years, *i.e.*, from the beginning of the seventh year to the end of the eleventh year. The select committee thought that if any

lasting results were to be expected, five years should be the minimum period for which education must be given to a child.

Clause 14.—Under the bill as introduced it was open to the parent of any child to claim remission of fees by declaring to the Head Master of the school that he was unable to pay it. The bill, as amended, provides that compulsory education shall be free. In this connection I should like to invite the attention of the Council to two considerations, which prompted the committee to alter the clause as it stood originally. The municipality is empowered to impose any fresh tax or increase any tax which is already imposed, in its area, for the purpose of introducing compulsory education. Now if some parents are exempted from the payment of the fee and others are charged, the latter will have to pay twice over. The second consideration is that under the bill, as introduced, the municipality was bound to grant exemption on mere declaration of inability by the parent without any enquiry and consequently the amount of fee proceeds would have been almost negligible.

Clause 15.—This clause in the amended bill empowers the local Government to exempt any particular class or community from the operation of this act. We know as a matter of fact that in some municipal districts there are communities the education of whose children could not be conveniently arranged for by the municipality concerned. These children should not, in fairness, be required to undergo the course of education which is compulsory in the particular district. The case of Anglo-Indian children living in the mofussil municipal district is an instance in point. I should like to specially draw the attention of the members of the Council that when in respect of a particular community the local Government makes use of the power vested in them by this clause that community will be exempted also from the payment of the tax imposed by the municipality under clause 13.

Clause 16.—Under clause 17 of the bill as it stood originally the local Government was given power to cancel any notification regarding compulsory education. Clause 16 of the amended bill retains that power, but provides that the municipality shall be given an opportunity of furnishing an explanation before Government cancels any notification.

Clause 16 of the original bill provides that all primary schools maintained by the municipality shall be open to inspection by the educational department and the municipality shall maintain such buildings and appliances as the said department may require. It was pointed out to the select committee that the only schools at which attendance would be made compulsory would be recognized schools and the department would in all cases make liberty to inspection a condition of recognition. The clause is, therefore, omitted as unnecessary.

Clause 17.— Under this clause all fines in respect of any offence against provisions of this act in any municipal district are to be credited to the municipal fund. This is what it should be. The municipality has a reasonable claim to the proceeds of such fines.

Clause 4.—This clause is altered so as to enable the municipality to get a notification of compulsory education issued by Government before they make actual provision necessary to introduce compulsion within its area. I will read what the select committee says on this point.

"Clause 4. Adequate provision.—Under the bill as introduced the municipality was compelled to make adequate provision for compulsory education before sanction could be given for the issue of a notification under clause 3. It would not however be practicable for the municipality to build or enlarge schools or to tax itself for that purpose or to make final arrangements with respect to other matters which would be included in the term "provision", without a definite assurance that its intention to introduce compulsory education could be carried into effect. We consider that if the intention of the municipality is expressed by a

resolution passed in the manner provided by revised clause 5, and the municipality also satisfies the local Government of its *bona fides*, there will be no objection to the granting of sanction for the issue of a notification. We have therefore slightly altered the wording of clause 4, and have in revised clause 13 omitted the condition that the tax may be levied only when the notification under clause 3 is actually in force. We have however inserted words in clause 3 which will enable the notification to be expressed to take effect at any date later than the date of its issue. The usual procedure will then be to allow some period between the date of issue and the date when the notification is to come into operation, in order that the necessary preparations may be made by the municipality in the interval."

Clause 9.—In the bill as introduced the power to pass an attendance order was reserved to the magistrate. This clause provides that such order should be made by the schools committee in view of the fact that it is desirable to avoid having recourse to the magistrate until the necessity arises for a prosecution.

Clause 13.—The bill as introduced provided that the tax for the purposes of the act shall not be imposed unless the resolution in that behalf was supported by at least two-thirds of the councillors present at the meeting. In the bill as amended this provision is dropped, and very rightly too. It is necessary to encourage municipalities to tax themselves for educational purposes so long as the State has not definitely decided to assume the responsibility of financing primary education, and therefore a municipality should be empowered to impose the tax by a bare majority resolution. The select committee has also struck out sub-clause 4 of clause 14 which purported to ensure that the proceeds of the tax should be devoted solely to primary education. Such a provision, they thought, would be ineffectual, because it would be open to a municipality to evade it by devoting less of the proceeds of other taxes to education.

Clause 11.—In the select committee this clause was subjected to very close and careful consideration. The committee had the advantage of seeing the recent proposals made by Mr. Fisher, the minister for education in England, for the revision of the English Education Act. After taking into consideration all the circumstances, the committee were of opinion that it was not desirable to permit the employment of children of school going age for the purposes of profit. They, therefore, allowed the clause to remain as it originally stood. My honourable friends Mr. CHUNILAL MEHTA and Rao Bahadur SATHE have minutes of dissent on this clause. They have also given notice of amendments. I do not wish to say anything at this stage regarding the merits or demerits of those amendments and I trust my honourable friends will also reserve their observations.

My honourable friend Mr. PATHAN has raised two points in his minute of dissent. He contends that school committees should be so constituted as to admit of co-opted Mahomedan members and that before introducing compulsion, a municipality should provide schools for the education of the children of the principal communities resident within their areas, giving instruction in their mother tongues. He has given notice of the necessary amendments in that behalf and I have no doubt the members of the Council will give them their anxious consideration.

The other points embodied in the report of the committee are not of sufficient importance to justify me in detaining the Council any longer.

Your Excellency, before I conclude I should like to make one observation. The bill has been considered by a very large, a very strong and very representative committee. The committee was very fortunate in possessing my friend the Honourable Sir MAHADEV CHAUBAL as its chairman. This was the first occasion when I had the honour to serve on a committee with Sir MAHADEV as chairman and I am glad to be able to tell this Council that Sir MAHADEV makes an ideal chairman, always open to reason, ready to conciliate when conciliation would be desirable and above all courteous to his colleagues. I, therefore, take this opportunity of congratulating him for enabling

me to successfully steer this most important measure to a safe haven. I would be failing in my duty, did not I express my sincere gratitude to your Excellency personally, to your Excellency's Government and to every member of this Council for the assistance that I have been fortunate to receive from them in connection with this bill. I venture to say, my Lord, that in the whole history of legislation in British India so important a measure is for the first time being placed on the Statute Book and I rejoice that the Bombay Legislative Council takes the credit for it. The Bombay Presidency has taken the lead and I am glad to notice that some of the other provinces are following it up. The Punjab, Bihar and Madras have already taken up the question in right earnest. Very soon after the bill was published in the *Bombay Government Gazette* in July last I received hundreds of letters from various parts of India asking me for copies. I at once got one thousand copies printed and not one is now left with me.

Your Excellency, I now conclude but not without an expression of my sincere gratitude and the gratitude of the millions of this country to His Excellency Lord Chelmsford's Government who have allowed us to tread—though tread gently—on this the hitherto forbidden ground. With these remarks I beg to move the second reading of the bill.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH:—Your Excellency,—When this bill came for the first reading I made some suggestions and the minute of dissent of my honourable friend Mr. PATHAN makes reference to the provisions which I thought necessary at that time. One was that an express provision should be made in the bill that Urdu should be the medium of the instruction of Mahomedan children and the second was that the school committees should be purely a representative committee of all important communities.

As regards the first point, *i. e.*, the medium of instruction, when the bill was brought for its first reading I was given to understand by some of the honourable members that the instruction that is provided would be that determined by the educational department and that my fears were groundless, but after July 1917 the attitude of the educational department and of the Government as regards Urdu which is the medium of instruction for the education of Mahomedan children is well-known, and under the circumstances if this bill is passed into law, it will give effect to the new policy of Government and Urdu will not be the medium of instruction for Mahomedan boys. The result will be that nearly 70 per cent. of the total population of the Mahomedans of the three divisions whose mother-tongue is Urdu, as shown by the last census report, shall have to pay the educational cess or tax, and they will be compelled to send their children to school where they will not be taught in their mother-tongue. And if they decide not to send their children to school, what will be their fate? They will be punished under the bill. In short if the bill be passed into law, the Mahomedans shall have to pay their tax, their children will not be taught in their language, and in case of non-compliance they will be punished. I think if the bill is passed into law it will do more harm than good to the Mahomedans.

Coming to the second point about the school committee, they are invested with large and responsible powers. They have to discharge important functions. The principle of compulsion in the domain of education will be a sudden and abrupt change to the people, and it will be the duty of the Government to see that the change is as little felt by the people as possible. For that it is very necessary that moral persuasion should be resorted to. But who will use this moral persuasion? It is not the representatives of the other communities, but those who enjoy the confidence of the people and are the chosen representatives of the people. I think it is very necessary that school committees should be very representative bodies not only composed of Hindus and Mahomedans but any other important communities. I would have moved my own amendments to give effect to my suggestions, but I was restrained because I knew of the fate that had befallen my honourable friend Mr. PATHAN in the select committee, and I am afraid that a similar fate would

befall us because we are a minority. Your Excellency, I would appeal that in the bill of the Honourable Mr. PATEL he should embody these two suggestions. I utterly fail to see what objection my honourable friend can have to a demand which is reasonable and just, which will benefit in the highest degree the Mahomedan community and does not affect any other. If my honourable friend does not accept my proposal I am afraid I will have to oppose the second reading. I appeal to the Mahomedan members of this Council that they have to realize their responsibility, that if this bill is passed into law the Mahomedan boys and girls of the three important divisions of the Presidency proper shall have to pay the tax and they will be compelled to learn in a language which is not their mother-tongue, and in case of non-compliance they will be punished. With these remarks I oppose the second reading of the bill unless my honourable friend Mr. PATEL would agree to embody the suggestions I have made.

The Honourable Sir MAHADEV BHASKAR CHAUBAL:—May I ask my honourable friend what is the mother-tongue of Mussalmans in Sind?

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH.—Sindhi.

The motion for the second reading was put to the vote and carried, 38 voting for and 2 against the second reading. The Council then divided as follows:—

Ayes.	Noes.
His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E., Governor of Bombay.	The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.
The Honourable Sir Mahadev Bhaskar Chaubal, K.C.I.E., C.S.I.	The Honourable Khán Bahádur Pir Baksh walad Mian Mahmud.
The Honourable Mr. G. Carmichael, C.S.I., I.C.S.	
The Honourable Mr. G. S. Curtis, C.S.I., I.C.S.	
The Honourable Mr. S. R. Arthur, I.C.S.	
The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.	
The Honourable Mr. P. R. Cadell, C.I.E., I.C.S.	
The Honourable Mr. James Gargrave Covernton, C.I.E.	
The Honourable Mr. Pandurang Anant Desai, LL.B.	
The Honourable Capt. C. Fernandes, M.D., I.M.S.	
The Honourable Mr. Siddhanath Dhonddev Garud,	
The Honourable Dewán Bahádur Kashinath Ramchandra Godbole.	
The Honourable Mr. Mahomedbhoy Hajeebhoy.	
The Honourable Mr. Ebrahim Haroon Jaffer.	
The Honourable Mr. Balkrishna Sitaram Kamat.	
The Honourable Mr. G. F. Keatinge, C.I.E., I.C.S.	

Ayes.

The Honourable Sardár Dulabawa Raisingji, Thákor of Kerwada.
The Honourable Mr. H. S. Lawrence, I.C.S.
The Honourable Surgeon-General R. W. S. Lyons, M.D., I.M.S.
The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL.B.
The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.
The Honourable Sardár Shriniwas Coopooswami Mudliar.
The Honourable Ráo Bahádur Venkatesh Shriniwas Naik.
The Honourable Mr. W. U. Nicholas.
The Honourable Mr. Raghunath Purshottam Paranjpye.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.
The Honourable Mr. Abdul Kadir *alias* Fakir Mahomed walad Ibrahim Khan Pathan.
The Honourable Sir Dinshaw Manockjee Petit, Bart.
The Honourable Mr. F. G. Pratt, I.C.S.
The Honourable Mr. Munmohundass Ramji.
The Honourable Mr. W. M. Ross.
The Honourable Ráo Bahádur Ganesh Krishna Sathe, C.I.E.
The Honourable Mr. C. N. Seddon, I.C.S.
The Honourable Mr. Phiroze C. Sethna.
The Honourable Mr. Purshotamdas Thakurdas.
The Honourable Mr. Shridhar Balkrishna Upasani.
The Honourable Mr. Harchandrai Vishindás, LL.B.

His Excellency the PRESIDENT:—Clauses.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD.—Your Excellency,—I rise to a point of order. I had sent 19 amendments to the several clauses of the bill to the secretary, for the second reading, but they were returned to me by the secretary, and the letter which was sent to me said that they were returned because the only purpose of the amendments was to introduce compulsory education in local board areas. I submit, sir, that the purpose of these amendments is not, in all cases, the introduction of compulsory education in local board areas, though some of the amendments do seek to extend the scope of the bill. Under section 80 of the Government of India Act, I submit that I should be allowed to move these amendments, and I therefore request your Excellency's ruling as to

whether these amendments can or cannot be moved. In this case the letter is signed for the secretary to the Legislative Council by someone on the staff and he says "I am directed to state that the only purpose of your amendments is to introduce compulsory education in local board areas. This is an entirely different subject." I should therefore like to know whether this is your Excellency's ruling.

His Excellency the PRESIDENT:—I cannot understand the difficulty of the honourable member. He first sends in certain amendments. He receives a letter explaining the reasons why these amendments cannot be accepted, but he takes no further steps. He does not try to state his view to either my honourable colleague or to the secretary, but waits until he arrives here to state his case. Does not the honourable member think that it would have been better, if he was anxious to move his amendments, to press his view on my honourable colleague without waiting till the last moment?

As to the merits of his amendments, he is perfectly aware that this bill is for providing free and compulsory education in municipal areas only. My honourable friend wishes to extend the scope of the bill so as to include urban areas and local boards. That is quite out of the province of this particular bill and I think his amendments have been rightly refused.

The Honourable Mr. GARUD:—Your Excellency, there was no time to communicate by post with the secretary.

His Excellency the PRESIDENT:—May I ask the honourable member when he received the letter?

The Honourable Mr. GARUD:—I received it on the 30th of last month.

Clause 1 was then put to the vote and carried.

His Excellency the PRESIDENT:—Item No. 1. Amendment (*a*) to clause 2 (*2*). The Honourable Khan Bahadur PIR BAKSH.

The Honourable Khan Bahadur PIR BAKSH walad MIAN MAHMUD:—Your Excellency.—I beg to move the following amendment:—

"(a). The word "child" to be deleted and substituted by words "a boy". This correction to be made throughout in the Bill".

I am of conviction that it is yet too early to introduce a bill making education for girls compulsory. We may gain this object later on as the compulsory education of boys has manifested its benefits. Even if we made an exception for girls in certain cases or places as the bill means to provide, yet in its present form it is bound to add to the difficulties in several places. A bill for compulsory education of male children is a real necessity and will not be found objectionable.

In general reference to the Presidency and in particular to Sind Province, I may clearly say that the bulk of Muhammadan gentry views the sending of their girls to a public school after they have attained an age of 8 or 9 years, as against custom and propriety. In fact most educated Muhammadans believe in giving girls only religious education and arts like sewing and cooking are taught them at home. To make education for girls a compulsory provision will be looked upon by most pardà-nashin families as a decided hardship, and will be found unworkable. The circumstances of Sindh, and the sentiments of its people are well known to those who have remained with the people and who have been in touch with them either officially or privately. Some orthodox heads will even consider the scheme as intended to interfere with their privacy and to gradually discourage parda system—a thing so sacred and religious.

And I must assure your Excellency that if the bill is passed as it is, it will be attended by difficulties rather than success in any appreciable degree. We

have not so many schools for girls, neither an adequate number of mistresses available, sufficient for the number of girls coming under the operation of the bill, and really a great many families will be put to an undesirable discomfiture.

There ought also to be considered the fact that in certain communities the girls are given away in marriage when they have not yet reached the age of 10 years, and I doubt if we can induce or force married girls to join a school at the cost of their taking part in their new family life.

In order to spread and encourage education among girls, the easiest and the most feasible course would be to give girls of our present girl schools scholarships. With these words I trust the Council will accept my amendment.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE:—Your Excellency,—I rise to oppose this amendment of my honourable friend Khan Bahadur PIR BAKSH because I think he has not quite appreciated the fact that the bill is merely a permissive bill. The application of this bill to any municipal district is to be made on the application of that municipality itself and I suppose that all members of the municipality, at any rate most of them, belong to the communities from which the children themselves are to come. If, therefore, there are any great difficulties for the application of compulsion in the case of girls, I think the members of the municipality will see that there are such difficulties and will not come forward with a proposal to apply compulsion to girls. But if it were the case that all the members of the municipality were drawn from some other places and not from the people themselves, then there may have been some grounds for the fears that have been entertained by my honourable friend. Again there is a further safeguard. Supposing, for instance, in a particular municipality the members went in for this bill inspite of the conviction of the people against it, then there is Government to see further whether the application is really justified or not. In all these matters. therefore, I think the bill being merely a permissive one there is no harm in having this possibility of the application of the bill to the girls. There may be some municipalities in which public opinion may be prepared to extend this clause to girls. Of course, we do not expect that the bill will be immediately applied to girls, but after all we expect that we shall soon advance in public opinion sufficiently to be able to apply compulsion to girls, and there may be some districts where at any rate it will not do any harm or cause trouble.

As regards women teachers Government when it gives permission for application of this bill to girls will see whether proper provision is made for female teachers. For these reasons I think the honourable member's amendment is unnecessary and that the Council should not accept this amendment proposed by my honourable friend.

The Honourable Mr. HARCHANDRAI VISHINDAS:—May it please your Excellency,—In addition to the remarks which have fallen from my honourable friend Mr. PARANJPYE I have to say this much, that the Honourable Khan Bahadur PIR BAKSH, with all due deference to him, I do not think, is perfectly justified in speaking on behalf of the whole Presidency so far as female education is concerned. In fact the provision in this bill as regards girls is permissive. If it had been repugnant to the feeling of the whole of the Presideney, or for the matter of that to the feeling of Mahomedan members of this Council we should have expected an amendment of this kind to have come from other sources than my honourable friend. Therefore, I would presume from the fact that the only sponsor to this amendment is my honourable friend Khan Bahadur PIR BAKSH that the Council may run away with the impression that so far as the province of Sind is concerned or for the matter of that so far as the Mahomedan community of that province is concerned public opinion may

be against female education there, or in other words, against the provision being made applicable for girls in that province. Well, I may say, I intend to correct that kind of feeling which may be created by the remarks of my honourable friend Khan Bahadur PIR BAKSH by saying that so far from the feeling being against female education in Sind it is in favour of it. Recent movements all over the country—

The Honourable Khan Bahadur PIR BAKSH :—I said compulsory education, not voluntary education.

The Honourable Mr. HARCHANDRAI :—The recent movements all over the country have accentuated the feeling and if there was anything in education that is wanted, one thing more than another, it is female education. Well, I dare say, that members of this Council will have paid attention to the remarks of the Honourable Khan Bahádur PIR BAKSH regarding *purdah* and other matters, but at the same time it must be remembered that in spite of *purdah* among Mahomedan communities and other communities in Sind and other provinces you will find that even persons who observe *purdah* do send their girls to school. As regards any impression that may have been generally created by the remarks of the Honourable Khan Bahádur PIR BAKSH that there is a feeling against female education in Sind, I submit that the honourable member, more correctly speaking, and more definitely speaking, is only entitled to offer an opinion with regard to his own municipality of Sukkur of which he is the President. I dare say if there is any feeling against the introduction of compulsory education for girls in Sukkur, he will have a potent voice there and he can very easily oppose the introduction of compulsion to girls.

The Honourable Khan Bahádur PIR BAKSH :—I was not referring to Sukkur, but the whole province of Sind.

The Honourable Mr. HARCHANDRAI :—I do not know whether my honourable friend Khan Bahadur PIR BAKSH'S interruption is called for. I said that he is not entitled to speak for the whole of Sind. He is entitled to speak for Sukkur and his authority is confined to that place alone. He does not represent Karachi, he does not represent any other district in Sind but Sukkur and I may say that so far as my own knowledge is concerned—

The Honourable Khan Bahadur PIR BAKSH :—Your Excellency, I am not appointed an honourable member of this Council on behalf of Sukkur only.

The Honourable Mr. HARCHANDRAI :—I appeal to your Excellency whether these interruptions are in order.

His Excellency the PRESIDENT :—I should think the honourable member need not have found it necessary to interrupt so often, but I would suggest to my honourable friend Mr. HARCHANDRAI that his remarks are becoming rather of a personal nature.

The Honourable Mr. HARCHANDRAI :—I did not mean to be personal, your Excellency. What I mean to say is this that if the introduction of this bill, as has been pointed out by my honourable friend Mr. PARANJPYE, is to be permissive, it does not make it absolutely necessary to introduce compulsory education for boys and girls also. It is optional to the municipality to make it compulsory for boys only, and therefore, if there is any municipality in Sind, or for the matter of that in the rest of the Presidency, in which sentiment is entirely against the introduction of compulsory female education, and I dare say that there will be found certain local areas where it is so, then it is left to that particular local area to confine the operation of this clause only to boys. The effect of the change which is recommended by the Honourable Khan Bahadur PIR BAKSH is so sweeping that it would deprive the whole of the Presidency of the advantage of compulsory education for girls, in any part of it, when the whole of the

municipality of any particular area is of opinion that this clause of the bill should be extended not only to boys but to girls also. Therefore, I wish to submit—I am sorry my remarks had the interpretation of being personal—that the very wording of the bill is such that its operation with regard to girls can only be local. If there is a municipality in which there is a universal sentiment that the clause should be made applicable to girls also, the effect of the change as recommended by the Honourable Khan Bahadur PIR BAKSH, would be to deprive the municipality of that advantage, which I say this Council should not permit. I submit if there should be any feeling in the Council that by the word "child" appearing in the bill, any particular community would be deprived of the right of excluding girls from the operation of this bill that feeling is entirely wrong. I am perfectly certain that in any municipality wherever this bill is sought to be introduced, and I do not think it would be introduced at the outset in many, whenever it is found that girls education is not in consonance with the feelings of a community or any section of a community, the municipality will not extend it. For these reasons I oppose most strongly this amendment and point out distinctly that it ought not to be made operative in the case of the whole Presidency whereas it can be made operative only in those few places of the Presidency where the feeling is against female education.

The Honourable Mr. PANDURANG ANANT DESAI:—May it please your Excellency,—I rise to oppose the amendment moved by the Honourable Khan Bahadur PIR BAKSH. I oppose it because it is of a reactionary character. It excludes the females of this Presidency from the benefits which would be obtained for them by this bill. I should like to bring to the notice of the honourable mover of this amendment the provision in sub-clause ( ) of clause 3 of this bill. It says: "The municipality in any municipal district constituted under the principal act may with the previous sanction of the local government declare by notification that the primary education of boys or of girls or of children of both sexes shall be compulsory in such district from a date to be mentioned in the notification; provided that, where a notification has been issued under this section with reference to children of one sex only, the municipality may with the like sanction issue a subsequent notification with reference to children of the other sex." This provision will clearly show to the honourable mover of this amendment that every safeguard is made, and if the local conditions of a particular municipality are peculiar and are such that the extension of female education is not desirable there, I think the municipality will take into consideration the peculiar local circumstances and will not extend the act to the girls there. We see that female education in the Presidency is far from being satisfactory and every facility should be given for the extension of female education. Under these circumstances, I think that the word "child" should be retained and that the proposed amendment should be rejected.

The Honourable Mr. GHULAM MUHAMMAD walad Khan Bahadur WALI MUHAMMAD BHURGRI:—Your Excellency,—Coming from a part of the country from which the Honourable Khan Bahadur PIR BAKSH comes, I am constrained to oppose this amendment of his. The honourable mover of this amendment says that amongst Muhammadans in Sind there is a feeling against the education of girls. May I ask him how many families in Sind can be taken to be examples of what he says? Although I am myself accustomed to very strict *parda* I may tell my honourable friend that if his argument is pushed to its logical conclusion, then his argument would apply to the very education of girls under any conditions.

I think, my Lord, it is no use at this time of day to propose an amendment of this kind. The education of girls is very important and even under the *parda* system, it is quite practicable; and if we are to improve the status of our women

we should pay as much attention to their education as we pay to the education of our boys. Besides, this Council must remember that the Bill is a permissive one, and it is certain that any municipality which seeks to introduce compulsory education in any area in which the *parda* system prevails will take order that due regard is paid to the requirements of that system in the arrangements provided before they apply for the application of the provisions of the bill. With these words I oppose the amendment.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I regret very much that I have to oppose the amendment of my honourable friend Khan Bahadur PIR BAKSH. I must say that it is not right for this Council to push by legislative force the education of boys to a higher level and not to make any provision for girls. Female education is already very backward and if we confine the provisions of compulsory education to boys only, I do not know where it would land us. I should like to point out further that even if members of this Council were inclined to accept the amendment, it does not fit in with the other sections of the bill. My honourable friend Khan Bahadur PIR BAKSH tells us that the words "a boy" should be substituted for the word "child" wherever the word "child" occurs in the bill. I might invite the attention of this Council to clause 7. In line 5 of that clause the word 'child" occurs. According to this amendment it would read "the parent of every 'a boy' to which" etc. Coming to sub-clause (*a*) of clause 8 the same difficulty would be found. According to the amendment it will read "where the 'a boy'". That is what my honourable friend wants. I do not want to go further. You will find the same difficulties in several clauses of the bill. The whole thing is so ridiculous thal I hope this Council will reject the amendment.

The amendment was put to the vote and lost.

His Excellency the PRESIDENT:—Amendment (*b*) to clause 2 (2), item No. 1. The Honourable Khan Bahadur PIR BAKSH.

"For the words 'eleven years' substitute 'twelve years'".

The Honourable Khan Bahadur PIR BAKSH *walad* MIAN MAHMUD:—Your Excellency,—By this amendment I wish to substitute "twelve years" for the words "eleven years" appearing in sub clause (2) of clause 2. The one year's margin, which is evidently intended by the bill to provide for a year of failure or natural deficiencies of small boys during their school-going age, is not sufficient in my opinion and may be extended by a year more. Your Excellency may remember that I had in my last speech pointed out that in this country the health of the children is not favourable so as to enable them to grasp what they are taught. I therefore move my amendment and trust that the Council will accept it.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—May it please your Excellency,—I do not think that this Council would be justified in accepting this amendment. The question was fully discussed by the select committee and they have decided to raise the age from ten to eleven. Now my honourable friend is so enthusiastic over this compulsory education bill that he wants the age limit to be raised to twelve. But I would ask him, whether in the present circumstances of the country it is wise to run too fast in this matter. We should see that our proposal does not work special hardship when the measure is applied to girls. I hope my honourable friend Khan Bahadur PIR BAKSH will agree with me in this view. I therefore trust that the Council will reject the amendment.

The amendment was then put to the vote and lost.

His Excellency the PRESIDENT:—Item 2, amendment to clause 2 (2). The Honourable Mr. CHUNILAL MEHTA.

PRIMARY EDUCATION BILL.

[3RD DECEMBER 1917.] [*Mr. Chunilal Vijbhukhandas Mehta; Mr. Vithalbhai Jhaverbhai Patel; the President.*]

The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA:—Your Excellency,—The amendment which stands in my name on this clause is an addition to the definition of the word "child" as it now stands. The addition is:—

"or, in the case of a child employed in a factory, not more than 13 years;"

It is with some diffidence, your Excellency, that I move this amendment and I would request the Council to consider this amendment in conjunction with my two other amendments, namely, one to clause 4 which provides that the cost of all provision for education of all the children who are employed in factories shall be borne by the factories themselves, and the amendment to clause 11 which I find has also received the support of other members of this Council.

The Honourable Mr. PATEL:—Does my honourable friend move all the amendments together, or does he confine himself to this one amendment?

The Honourable Mr. MEHTA:—Your Excellency,—I wish to confine myself only to this one amendment; but it should be remembered that the Honourable Mr. PATEL requested us not to make any remarks at all with regard to the second reading and he wished us to make them when we came to consider the bill clause by clause. I submit, therefore, sir, that this amendment of mine is so bound up with the one under clause 4 that I may be allowed to make a few remarks in regard to this amendment. I do not want to take much time on the other clauses, but I only want the Council to remember that these amendments go together.

His Excellency the PRESIDENT:—But I should like to ask my honourable friend what he proposes to do. Does he propose to make his speech on this particular amendment and not make any further reference to the others? Is he going to confine himself to this amendment?

The Honourable Mr. CHUNILAL MEHTA:—I must confine myself to this amendment, your Excellency.

His Excellency the PRESIDENT:—Then I must ask my honourable friend to stick strictly to his present amendment and to make no reference to the others.

The Honourable Mr. CHUNILAL MEHTA:—The amendment will provide for the extension of the age of compulsion in the case of those children who are employed in factories from eleven to thirteen years and I submit, sir, that in the present circumstances of this Presidency and in view of the permissive nature of this bill it would be advisable to go slow in the first instance and to accept the amendment which I propose, more in the nature of a compromise and more with a real desire to see that this act really comes into operation in fact and not only as a piece of legislation. The Honourable Mr. PATEL very rightly congratulated himself on the first and I may say tentative steps that are being taken now in the region of compulsion, and I think we shall have every reason in fact and in practice to congratulate ourselves when we find municipalities coming forward enthusiastically and in large numbers to take advantage of this act; and it is with the desire to help municipalities to come forward for this purpose that I think it right to move the amendment in its present form.

I will at once say that my amendment is open to the charge that it makes a special favourable concession in the case of factories. Personally I have no desire to give factories any particular preference, but I believe that what would happen in practice when the school committee wants to know whether a particular child is employed or not and wants to penalise that child being employed, it will turn its attention to organized employment, to employment in large numbers, and this can only be found in the case of factories. It has been said that employment in factories ought to be prohibited because such employment is deleterious to the health of children. Your Excellency, if that were the only ground on which the employment should be prohibited, then I venture to submit that the proper course,

and to my mind the only course, that this Council ought to follow is to ask for an amendment of the Factory Act. That act, as it now stands, allows the employment of children between the ages of nine and fourteen. That act was brought into force after careful and detailed consideration and after the sittings of a very strong commission. I dare say that it may be that circumstances have now changed and that in our opinion the age ought to be raised. In that case our only course is to try and amend the Factory Act. When that is done all the areas in this country will be upon an equal footing, and it will not be that this Presidency alone, which has the largest number of factories, should be unfavourably penalized. I myself have my doubts whether a bill of this nature providing for the prohibition of employment can really over-ride the effect of the Factory Act which is a Government of India Act and which applies to the whole of India. However, whether that is so or not, I think that practical considerations ought to be placed before this Council and I hope that honourable members will see that in the circumstances in which we are now placed it will be very difficult indeed for municipalities to come forward and take advantage of this act.

I very well remember the lively debate which we had at the first reading of this bill and I think I am correct in saying that almost without exception every honourable member of the Council who spoke on that bill directed his attack against clause 18 and it was very distinctly pointed out by almost every speaker that it whould be impossible for municipalities to come forward and apply this act unless they receive very substantial assistance from Government. Under this amendment I suggest a means by which the costs can be thrown upon the shoulders of those who wish to employ children and I find that the majority of the select committee do not wish to take their contribution or to employ any children at all.

The next practical consideration to my mind is this: I have something to do with the employment of children in the factories in the district municipalities and I find that the class of persons now employed in factories who do not send their children to school is so poor, so illiterate, that it would be a real hardship to deprive them of the earnings of their children.

I wish to point out a case which is not altogether singular. I may assume for my illustrations that parents have 2 to 3 children of the ages between 6 and 11 to whom compulsion would be applied. The earnings of all parents employed in factories who are of the class that I have referred to do not as a rule exceed the figure, let me say, of Rs. 15 at the outside. I should say Rs. 15 a month is the average and to my mind a figure, on the top side, of what he is earning a month. Now what will compulsion applied to these children mean? It will mean that the child is prevented from adding to the common stock of the family fund. It is all very well to say that education is free. It is free inasmuch as no charge is going to be made for fees. Now it is well known that the fees in themselves amount to very little. But it is also very well known that in addition to fees there are various other expenses which the education of children entails. Every one knows that there are slates and books and papers and pencils and so forth which are to be paid for. When a child goes to school it must go decently or at least adequately dressed and all that adds to the expenditure which the family will have to incur. My fear is that that expenditure will come out of the stomach of the poor parents and I venture to think

The Honourable Sir MAHADEV CHAUBAL:—I do not want to interrupt the honourable member. Would the honourable member give us the details of the family's earnings. I mean, how much a man employed in a mill makes, how much a woman makes and how much a child makes. I should be much obliged to the honourable member if he gives us that information.

The Honourable Mr. CHUNILAL V. MEHTA:—I said that the parents who do not send their children to school earn on an average the maximum of Rs. 15

a month. The man himself earns that and his wife probably earns between 9 and 11 rupees a month and the child earns between 3 to 6 rupees a month and in the case of 2 to 3 children that figure must be multiplied. I do not refer to that class of labourers which already makes between 25 and 35 rupees a month. Most of these labourers are employed in the weaving section of the factories and they usually send their children to school if they can afford it.

I wish to point out, sir, that in England when the act of compulsion came to be applied there was the same kind of difficulty experienced in a country which is acknowledged to be proverbially rich, and I will only refer to the strong views that were expressed by one of the leading papers of this city which, when no body else supported the late Mr. Gokhale when he moved his bill for free and compulsory primary education in the Imperial Council, went out of its way to support Mr. Gokhale. That writer speaks from experience and his views are entitled to respect.

Then again I wish to point out the conditions to which we have drifted with regard to the cost of living. I do not think I need dilate upon the excessive rise that has taken place in the cost of living all over the country. It has been said that an increase of wages has been received by persons employed in the factories. But I venture to think that the rise in the cost of living has more than swallowed that increase and that there are no signs that we can see at present of any abatement in the ever increasing cost of living.

I will now come, your Excellency, to what I think—

The Honourable Sir MAHADEV CHAUBAL:—I hope my honourable friend will pardon my interruption. I take it that he is speaking only on the particular amendment which is now put before the Council.

The Honourable Mr. CHUNILAL V. MEHTA:—I shall now refer to what I consider one of the difficulties of the present administration of the Factory Act. It has been stated that six hours' work in a factory as half-timers which is at present allowed under the Factory Act absolutely unfits a child from spending any further time either in work or in instruction and that even if instruction were to be given for half the period for which it would ordinarily be given in a full time school, it would be deleterious to the health of the child. Now let us see what is the actual state of affairs with regard to the number of hours that a child works in factories. I will quote from the report of the Collector of Bombay with regard to the operation of the Factory Act, during the year 1916. Mr. Shepherd says:—"There appears to be little doubt that a good many children certified as half-timers really do a full day's work". The factory inspector himself adds:—

"The certification of children has been carefully attended to and efforts have been persistently made to abate their tendency to rove from one mill to another, with, however, little or no result. Their motives, too, are difficult to ascertain with certainty but it would appear that they move about from mill to mill with the hope of obtaining a full-time certificate of age if they are frequently put before the certifying surgeon by various employers."

This shows one of two things your Excellency.—Either that the boy can do the 12 hours work which I myself very much doubt and won't agree to. In fact I may say I would not agree to putting the boy to this work at all if I thought the economic circumstances of the country permitted it. The other thing the extract which I have read shows is that the parents are so poor that they must make up their present earnings by those of their children which range from Rs. 3 to Rs. 6 a month. It may be a small matter, perhaps, but I venture to submit that the Rs. 3 to Rs. 6 a month makes a very considerable difference to the budget of the poor man's family. Now, if the amendment which I propose is acceptable to this Council then the employment of children during the whole day which is so bitterly complained of and has been in the past also complained

of by factory inspectors will be prevented. The child will work 6 hours in the morning and he will have to attend not more than 3 hours in a school which is to be provided either by the factory owners or by the municipality, and it will be the duty of both the factory owners and the school inspector to co-operate and see that the child does attend the school, and if the child does attend the school, he cannot attend for the remaining part of the time in other factories.

But the strongest fear, your Excellency, in my mind is that if the bill is passed as it stands it will unduly and unnecessarily delay the application of this act. I may certainly think it will do so in those municipalities where at any rate factories at present exist. It may be said that the number of those municipalities is small. Perhaps, so it is, but these municipalities are the largest, they have the largest population and these municipalities are such that can with assistance from Government undertake the burden of compulsory education in their districts. I refer particularly to municipalities like Ahmedabad and various other municipalities where there are factories and where it is well-known factories have considerable influence on the members that direct the work of the municipalities and it seems to me that the act being only permissive it is very natural that neighbouring municipalities where at any rate factories exist must wait to see what the other municipalities are doing for fear of losing its child labour. I quoted just a minute ago the remarks of the factory inspector which shows how roaming the population is in such factories, and every one who has had experience of factory working knows that the hands roam about not only from mill to mill but from place to place in an extraordinary manner. That being the case unless some method is devised by which the opposition of factories will be allayed, and by which the opposition of those who really believe that parents are unable to do without the earnings of their children is also overcome, I am afraid the actual application of the act will be greatly delayed, and I do not think there could be a greater disaster to this act. I would like to point out in this connection the practice which has been adopted by the States of Mysore and Baroda. When they applied this act they allowed all sorts of facilities to see that the act actually did come into force and gradually and slowly.

The Honourable Mr. PATEL:—Is my honourable friend in order in referring to the Baroda or the Mysore State, your Excellency?

His Excellency the PRESIDENT:—I am bound to admit he is not in order.

The Honourable Mr. CHUNILAL MEHTA:—I must say, your Excellency, that my honourable friend Mr. PATEL is inclined to be too technical sometimes. However, I referred to the states because they alone have actually worked compulsion in this country and I thought I might quote their experience as that of people in this country. The example of England has been quoted and I showed that when the act was first applied in England there too all sorts of facilities were allowed. It has always been pointed out in this Council and elsewhere that a great difference exists between conditions in England and this country, and also that this country is an extremely poor country and I am surprised to find that on this matter my colleagues on the select committee did not think that this country was poor enough not to start slowly in a matter of this kind. I beg to point out that the provisions of this bill are so strict, inasmuch as they allow for two-thirds majority before the act comes into force, that it would be easy for the factory owners, if they were so minded, to block the introduction of this measure at all. On these considerations, and because I have a sincere desire to see that the act is applied as widely and as freely as possible, I have suggested the amendment and I have raised the age from 11 to 13. I may also point out sir—that the work to which children put in a factory is, as must be well-known to all who have seen the work of the factories, more or less of a light character. They employ boys to doff spinning and speed frames. Whenever the bobbins are

filled the boys are called in from all sides—they are not confined all the time to the interior of the mill but they roam about the factory compounds– and have to remove the bobbins from the spindles and put new ones on. That is almost entirely the nature of the work they are put to in factories.

I have only one more point to mention and that is with regard to the effect which my amendment will have upon the actual education of the children. The child will as usual attend school from the age of 6 to 9. If the child joins school there is no compulsion on him to join a factory but if his parent or he choses to join a factory from the age of 9 upwards, then he shall have to undertake training in the manner which is approved of both by the schools committee and the educational authorities.

The Honourable Mr. PATEL:—Where is it stated? My honourable friend says that the education that has been received by the children will be such as will be recognized by the educational department but there is nothing in this amendment to show that.

The Honourable Mr. CHUNILAL V. MEHTA:—I hope the Honourable Mr. PATEL will not take me to task again for referring to another section in the act. I have stated in the amendment to clause 4 that there shall be only 3 hours' employment in a factory school and all such schools, as he knows, are to be more or less recognised by the educational authorities. I hope this explanation will satisfy the honourable mover.

The Honourable Sir MAHADEV CHAUBAL:—I hope the honourable member is not speaking on his amendment to clause 4. The amendment now before us is simply changing the definition of the word "child".

The Honourable Mr. CHUNILAL MEHTA:—With your Excellency's permission, I think—

His Excellency the PRESIDENT:—I think it is rather a difficult situation; and that I made a mistake in agreeing to the Honourable Mr. PATEL'S suggestion that remarks may be made when the bill comes to be considered clause by clause. Now I would ask my honourable friend Mr. CHUNILAL MEHTA to stick to his amendment as far as he can. He should have made these observations at the time of the second reading. I think I have given him a great deal of latitude.

The Honourable Mr. CHUNILAL MEHTA:—I wish I had spoken at the time of the second reading. However, the raising of that age will give the opportunity for the child to avail himself and to take advantage of the full primary course up to nine years of age which he will get in the ordinary school and from 9 to 13 he will get half the course every day, so that what in an ordinary school will be taught in 2 years he will learn in 4 years now. I hope, therefore, that the amendment will meet with the approval of this Council.

The Honourable Sir MAHADEV BHASKAR CHAUBAL:—Your Excellency,—I sympathise with my honourable friend Mr. CHUNILAL MEHTA'S difficulties owing to his neglect to speak on this question when the second reading of the bill was passed. But however that may be, the merits of his present amendment must be measured independently. I ask this Council to note that the only amendment before us now is whether this Council should retain the definition of the word "child" as it is given in clause 2, sub-clause (*2*), or accept the one proposed by his amendment. If the amendment is accepted the definition will read as follows:—"child means a child whose age is not less than six and not more than eleven years, and in the case of a child employed in a factory not more than thirteen years". I suppose it ought to be "and" and not "or." Perhaps that is a clerical mistake.

The Honourable Mr. CHUNILAL MEHTA:—Yes.

PRIMARY EDUCATION BILL.

[*Sir Mahadev Bhaskar Chaubal; Mr. Chunilal Mehta.*] [3RD DECEMBER 1917.]

The Honourable Sir MAHADEV CHAUBAL :—Now I wish to know why there should be such special solicitude for factory children. The Honourable Mr. CHUNILAL says that it would go very hard with the poor parents of factory-children to be compelled to give up such support as they get from child labour; but surely it is not only children who work in factories that are of any earning value to their parents. The Honourable Mr. CHUNILAL'S particular solicitude is only with respect to one class of children. It does not matter to him whether the other children who will have to attend school between the years of six and eleven cause any loss to the earnings of their parents. I ask "Is that right in principle?" The child not working in a factory may be earning only Rs. 3 or Rs. 4 and not Rs. 5 as the honourable member says he earns in a factory, still whatever any other child not employed in a factory earns must certainly be of some value to the parents of the child. It is not to be supposed that the parents of all children who are not employed in factories are rolling in wealth and do not mind the loss of the earnings of their children. Some loss there must be. The very introduction of this bill means that there shall be such loss and that the parents shall bear it. Therefore I think it is not proper that we should show particular favouritism towards the parents of children who are employed only in factories.

The Honourable Mr. CHUNILAL MEHTA :—May I point out that it is not fair to me to put the case in that way, because as the Honourable Sir MAHADEV CHAUBAL will see there is an amendment to clause 11 which says that other children can also be employed. I do not think that he need put the case in the way that he is trying to put it.

The Honourable Sir MAHADEV CHAUBAL :—I am extremely sorry that I cannot do what my honourable friend wishes me to do. I can only take the amendment which is now before this Council for consideration and that amendment is an amendment for the change of the definition of the word "child". My honourable friend no doubt says that if the factory owners so chose they could wreck or block this bill. Well, I should have expected enlightened factory owners rather to assist this bill by making it a point to employ children only above the age of eleven. There is no inconsistency between the Factory Act and the present bill. The Factory Act defines a child for the purpose of employment as between the years of nine and fourteen. The present bill defines that for the purpose of compulsory education a child means a child between the years six and eleven. The only result of this bill being passed as adopted by the select committee, will be that factory owners will not be able to employ children between the years of nine and eleven. That is the only hardship which will be thrown upon them, in common with the parents of other children who will be compelled to attend school. That is the great point which I think is ignored in the consideration of the question of factory employment. Why should we be so particular about this one employment in factories, and why should we ignore the fact that a number of other children who may not be working in factories, but may have other occupation, will deprive their parents of the same assistance which the parents of factory children will be deprived of if they were compulsorily put to school?

Then my honourable friend was arguing on the assumption that his subsequent amendments were passed and these contemplate factory children receiving elementary education in factory schools. I think that perhaps it would be more correct first to start factory schools and then to ask this Council for an amendment of the law. We are not enacting an unalterable or unchangeable law for all time. As a matter of fact, I am not aware of any regular factory schools existing at present either in Ahmedabad, Bombay or any other place. I believe an attempt has been made by Government to induce factory owners to start such schools, but my belief is that it has not materialised. Let them start factory schools, let the factory owners make provision for the efficient elementary

education of the children whom they employed and then let them come before the Council and say; "As we have started such and such schools and have made adequate provision for the education of the children whom we employ, there should be an exception made in the case of such children". That will be a far more reasonable request to make than proposing at this stage a definition of the word "child" which would leave the parents of children not employed in factories grounds for reasonable complaint.

For these reasons I think the change will be very unsuitable under the present circumstances of our educational department. One of the reasons why the age of eleven was selected was that it generally fits in well with the first four standards of primary education. If you take the general average, you will find that an average boy at the age of eleven ought to be able to go through the first four standards, from which he bifurcates into the study of English. That was one reason for fixing the age limit at eleven, because it marks out a definite stage in the educational course as it stands at present If you adopt the age limit of thirteen, we will be doing so in entire ignorance of what the curriculum for primary education is going to be in factory schools and how the boys who have taken education in our present primary schools between the ages of nine and eleven are going to fit in with the factory schools from the age of nine to thirteen. At any rate, this is certain that the amended definition of "child" will not fit in with our present arrangements in primary schools.

For these reasons I beg to oppose the amendment which has been moved by the Honourable Mr. Mehta.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency, I endorse every word that my honourable friend Sir MAHADEV CHAUBAL has said. In the first place I must very heartily congratulate my honourable friend Mr. Chunilal Mehta for the most able manner in which he has pleaded the cause of the poor labourer. I do not, however, at all agree with him that, if the bill passes into law as it is, it would delay the application of the measure. This bill has been before the public for the last six months, from July till December. It has been published in the *Bombay Government Gazette* and, if I am not wrong, in all the English and vernacular papers of the Presidency. And yet we have not had any petitions protesting against the particular provision to which exception has been taken by my honourable friend Mr. CHUNILAL MEHTA. If the mill owners of Ahmedabad or factory owners of Broach or Surat or Sholapur had any objection to urge, they had full five or six months to send in their petitions of protest.

The Honourable Mr. CHUNILAL MEHTA:—May I point out to the Honourable Mr. PATEL that the Bombay Mill Owners' Association have already sent in their protest to Government, and that the Bombay Mill Owners' Association is not merely confined to Bombay?

The Honourable Mr. PATEL:—Your Excellency, if such a representation has been made, I must say that that representation has so far not reached the members of this Council. Probably the representation was made by them after my honourable friend Mr. CHUNILAL took objection to this clause in the select committee. But the fact remains that during these five or six months no petitions or protests have come in from the mofussal factory owners. This bill does not apply to Bombay at all.

Then I ask your Excellency's Government and this Council to look at this question on humane considerations. I strongly hold that it is the duty of the State to protect that class of the population which is least able to take care of itself. And who are they? They are the children under ten and eleven years of age. My honourable friend Mr. CHUNILAL MEHTA wants that these children should work in factories six hours and then attend school for three hours. The school may be one mile from the residence of a boy. That means one mile to go and

one mile to come. So practically my honourable friend Mr. MEHTA wants that a boy of ten should work for ten or eleven hours of the day. I therefore appeal to your Excellency's Government and this Council to look at this question from this point of view, namely, whether it is in the interests of the children and of the country at large to allow the physique and health of a child to deteriorate in the manner suggested by my honourable friend Mr. CHUNILAL MEHTA. He said that there might be cases of great hardship where the maintenance of the family depends upon the gains of child labour, and the Act makes no provision to meet such cases. Well, may I point out to him that the school committee has been given ample power under the Act which leaves it open to it to prosecute or not to prosecute in any particular case. If there are such cases as the Honourable Mr. MEHTA suggests, surely there is the school committee with local knowledge and therefore the knowledge of the circumstances of the particular place, and they will certainly not order a prosecution without proper inquiry. And, after all, how many boy-labourers are there in this Presidency? I have got figures to show that the total number of boys working as labourers in all the mills of the whole Presidency is 11,823, including labourers in the Bombay mills, and this number includes all the boys between the ages of 9 to 14.

Now the effect of this bill is to prevent factory owners from employing boys of the ages of 10 and 11. Under the present Factory Act the mill owner is not allowed to engage a boy till he is 9 years of age. Under this bill he will not be allowed to employ a boy till he is 11. Now this figures of 11,823 extends over five years. Therefore the approximate number of boys between the ages 10 and 11 would be only 3,500. This is the number of boys that is likely to be affected by this Bill.

With these few words I trust the Council will reject the amendment.

The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA:—Your Excellency,—I have got only a few words to say in reply. The issue has been prejudiced by the discussion having been restricted to this amendment only. I will take the figures that have been quoted by the Honourable Mr. PATEL. It is true that in the rest of the Presidency, excluding Bombay, the number of children between the ages of 9 and 11 employed in factories is 11,000. I do not know by what process of reasoning he got the number of boys between the ages of 9 and 11 as 3,000. It is impossible to get the actual figures, because the reports on the factories do not and have not any reason to give the ages of the different boys, but I have had figures taken of one particular mill and I may mention that it is the Sholapur mill and the figures are as follows.

The total number of half-timers employed in the mill is 559 boys and 95 girls, total 654. Half-timers between the ages of 9 and 11, 232 boys and 49 girls. Therefore out of 654 the total number is 281. Therefore the average works out at something like over 42 per cent. If we apply the same average to the factories in the whole of the Presidency, then the figures would be something between 4,500 and 5,000. But quite apart from the actual strength of the figures, as I said, my greatest fear was that the introduction of this bill would be opposed in municipalities, and the result of that would be that for the sake of this small number of children employed in factories the other children in the municipality will have to go without the benefits of compulsory education. It is perfectly true that the Honourable Sir MAHADEV CHAUBAL pointed out that he expected the owners of factories to be enlightened people who would welcome the introduction of this measure. I have no doubt that they will try to do all that they can, but as he is aware, there is such a pronounced scarcity of labour in the districts, particularly in the districts outside Bombay, that industries are bound to be very materially affected. The very fact that in the rest of the factories of the Presidency which, although they exceed in number do not exceed in size the factories in Bombay, employ nearly three times the number of children that are employed in Bombay shows what is the scarcity of labour that factories outside have to contend with. The number of children employed in Bombay is 4,000

and the number of children in the rest of the Presidency is 11,000. The Act, I may point out, also applies to other factories besides textile factories, such as ginning factories, etc., which work for certain periods of the year only. All these factories employ a certain number of children. They work during a certain portion of the year and if they could they would be only too pleased to employ grown up people and pay more wages, but the scarcity of labour is such that it really would work as a hardship.

There is only one other point to which I should like to refer which has been made by the Honourable Mr. PATEL. He says that such cases of hardship will be considered by the schools committee. I should be very glad if the schools committee could undertake to go into all the details of all the cases that will be brought before them. But I have grave doubts whether a single schools committee which is all that is proposed to be appointed for each municipal area, under this bill, and which has got other work to attend to besides the attendance of children in schools, will ever be able to cope with the work that will be put before them in say a large town like Ahmedabad or Sholapur. It is apparent that the committee will have to do its work through a paid Secretary and the Secretary must act according to certain rules. If a child is found employed which ought not to be employed, the parents of that child will be hauled up for prosecution. I therefore think that the provision that has been made is more illusory than real and hope that my amendment will be accepted.

The amendment was put to the vote and lost.

His Excellency the PRESIDENT:—The Council will now adjourn till 3 o'clock.

The Council then adjourned for lunch.

After lunch.

The Council reassembled after lunch at 3 o'clock.

His Excellency the PRESIDENT:—Order, order. Further discussion on the clauses of a bill to provide for the extension of primary education in municipal districts in the Bombay Presidency other than the City of Bombay. Item No. 3. The Honourable Mr. PATHAN.

The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED *walad* IBRAHIM KHAN PATHAN:—Your Excellency, first of all I must ask your Excellency's permission to move the amendments (*a*) and (*b*) to clause 2 (5) together.

His Excellency the PRESIDENT:—Will the honourable member tell me how he wants to move these two amendments as one?

The Honourable Mr. PATHAN:—Clause 5 refers to the definition of primary education.

His Excellency the PRESIDENT:—I hope the honourable member will agree to this that instead of inserting the new clause as suggested in his amendment he would let his first amendment, that is, amendment (*a*), read in the following way:—

> "Add at the end after the words 'local government' the words 'in any vernacular of the district such as Marathi, Gujarati, Kanarese, Sindhi, Urdu or such other language or languages as may be notified from time to time to be in vogue in any particular municipal district by the local government."

That would deal with the whole matter in one amendment and, I think, would carry out what the honourable member wishes.

The Honourable Mr. PATHAN:—Your Excellency, I accept the amendment as was read out just now by your Excellency.

PRIMARY EDUCATION BILL.

[*Mr. Abdul Kadir Pathan; Sheikh Ghulam Hussein Hidayatallah; Mr. Ebrahim Haroon Jaffer.*] [3RD DECEMBER 1917.]

My Lord, the expression primary education as understood in this Presidency applies to the course of instruction imparted in the vernacular schools in the several parts of the country and the languages that are used as media of instruction in several parts are Sindhi in the Province of Sindh and Marathi in the Marathi Districts, Kanarese in the Kanarese Districts and Gujarathi in the Gujarat Districts and Urdu in Mahomedan schools. But the expression does not apply to the elementary education imparted in the European schools.

My honourable friend Mr. COVERNTON raised this difficulty in the select committee, namely, that this bill could not be applied to the children of the European or Anglo-Indian community in the municipal districts and in view of that difficulty a particular clause, clause 15, has been inserted in the bill by which it has been provided that certain communities and classes may be excluded from the operation of this bill. But in course of time it may become possible, or Government may find it necessary or expedient to extend the provisions of this bill to the children of the Anglo-Indian or other communities and to make their education also compulsory; or, if there is an appreciable number of Anglo-Indians in any particular district, they might come up to Government and ask for the extension of the bill to them also, or there may be any other community such as Telugu speaking community or any other community and they might come up to Government and ask for an extension of this act to their community. In that case this amendment will make it possible for Government to recognise the particular language of such community as a vernacular of the district and make this bill applicable to that community by recognizing that as the language of that community.

I therefore hope that this amendment will be accepted by this Council.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH:—Your Excellency,—I rise to support the amendment of my honourable friend Mr. PATHAN. All that he wants by this amendment is that compulsory education should be imparted in the vernacular of the district. Supposing there is a district where the vernaculars that are taught are Urdu and Gujarathi, I think it is very necessary that the children of the district ought to be given education in the ordinary vernaculars of their district. Otherwise what would be the result? Under the present bill we make the people pay a tax and force them to learn a language which is not their mother-tongue and if they do not send their children to the school under the law they will be punished. In short, the effect will be that they will have to pay the educational tax and be forced to learn a language which is not their language, and finally if they do not comply with it they will be punished. With these remarks I beg to support the amendment of my honourable friend Mr. PATHAN.

The Honourable Mr. EBRAHIM HAROON JAFFER:—My Lord, I warmly support the amendment moved by my honourable friend Mr. PATHAN. I think that there are two points in which there will be a general agreement in this Council, namely, that instruction in all primary schools must be given through the *mother-tongue of the children* and that this *arrangement should be ensured*, by its being prescribed by law.

The obligation to provide schools imparting instruction through the media of vernaculars spoken by different bodies of inhabitants in the area of a municipality must be thrown on the shoulders of that body, as in the absence of such a statutory obligation there is the danger of certain vernaculars only being forced upon children whose mother-tongue is different. The vernaculars of a district must, therefore, be specified and they should be notified by Government from time to time as being in vogue in particular municipal districts. The amendment moved by my honourable friend is thus absolutely necessary, and will, I hope, meet with the approval of the Council.

PRIMARY EDUCATION BILL.

[3RD DECEMBER 1917.] [*Mr. Mahadev Bhasker Chaubal; Mr. Abdul Kadir Pathan.*]

The Honourable Sir MAHADEV BHASKER CHAUBAL.—Your Excellency,—I rise to speak, against the proposed amendment. In the first place, I wish to point out that a definition of the words "primary education" was considered necessary by the select committee not because they wanted to connote by the expression anything other than what it ordinarily connotes now; but because it desired that for the purposes of this bill which concerns itself with the education of children between the ages of 6 and 11, the expression should connote only that portion of the full primary course which could ordinarily be taught during those years. The Honourable Mr. PATHAN has, I am sorry to say, indulged in some remarks in his dissenting minute, about the select committee having paid scant attention to his proposal: but if that is so I must say that it was entirely the honourable member's fault. He never raised the question at the proper time. I will remind the Honourable Mr. PATHAN that on the first day when the select committee met in Bombay, it was resolved with a view to the early and satisfactory disposal of the work entrusted to them that a future date should be fixed for the next meeting and that in the meantime, each honourable member should send to the secretary such amendments to the draft bill as might suggest themselves to him, so that it would be possible to collate all amendments to each clause, and discuss them seriatim. The Honourable Mr. PATHAN never gave notice of any amendment on this question. There was never any question raised as to the means or medium of the language in which primary education, was to be imparted. No one ever during the course of the discussion of the amendments ever suggested that it was necessary to refer to the medium of the language: and it was only at the last meeting at which the draft of the report was to be adopted that the honourable member in a half-hearted manner referred to his language question no doubt with a view to bring in Urdu. Even then he did not move any regular amendment for being discussed and voted on. Every one assumes that it will ordinarily be conveyed through the vernacular which may be prevalent in the particular municipal area. Now so far as any question of principle is involved in the proposed amendment and the speeches of those who have supported it, I think it would be a burden, which it would be impossible for any municipality to bear if they tried to carry out the suggestions made in the honourable member's amendment and the speeches in support of it.

Take, for instance, the Southern Division and if from the Southern Division a representation is sent signed by say a thousand persons that their vernacular was Urdu or Marathi or that they wished to adopt either as their vernacular and therefore, it was the duty of the municipality that wishes to apply this act that it should start schools in both the languages for the benefit of the children of those 1,000 persons. As a matter of fact, the vernacular of the district is an expression which is understood perfectly well by everybody and the only responsibility which can reasonably be thrown upon any municipality is to make provision for the elementary education of children in its area in the vernacular which is the accepted vernacular of that district. Take the case of Madras. Supposing this act was applied there, I dare say there may be several thousands of Marathi or Gujarathi speaking people in that Presidency. Would any municipality listen if it was said that although in Madras in different districts either the Tamil, or Telugu, or Malayalam, or Uriya was the language of a district concerned, a municipality should start either Marathi or Gujarathi schools for the convenience of a few thousands living in such districts? I do not think any such principle can possibly be accepted by Government and the only thing that a municipality or Government can be reasonably asked to do is to provide facilities for elementary education in the recognized vernacular of the district but not attempt to force a vernacular upon a district which is not the vernacular of the district at present. I do not think therefore that the language question comes at all within the puryiew of the definition of primary education.

The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED *walad* IBRAHIM KHAN PATHAN:—Your Excellency,—I have only one word to say about

the remarks made by my honourable friend Sir MAHADEV CHAUBAL. He said that no amendments were submitted by me in the select committee. But my honourable friend, Mr. PATEL, will bear me out that when the select committee met for the first time I submitted my amendments and then the amendments were circulated to the members of the select committee. And not only that, when the select committee met for the second and third time, I put before the Committee these two points about the schools committee as well as the medium of instruction being provided through the mother-tongues of the children of the several communities.

The Honourable Sir MAHADEV CHAUBAL :—It was on the last day of the meeting of the select committee when we came to adopt the final report that you mentioned these points I think.

The Honourable Mr. PATHAN :—I beg your pardon, sir. It was at the second meeting; and when these points were taken up I was told that they were not pertinent and I had to keep quiet. My honourable friend, Mr. PARANJPYE will bear me out that it was at the second meeting of the select committee that I put these points before the select committee and at the third sitting of the select committee when the chairman said that all were unanimous I said "No, I have to take up these two points" and after that discussion the chairman asked what were those two points and I explained them.

As regards the vernacular I do not think there is any question about the other four vernaculars, Sindhi, Gujarathi, Marathi and Kanarese. I think my honourable friend, Sir MAHADEV CHAUBAL, wanted to omit Urdu. But Urdu is in vogue and there are Urdu schools in the mofussil districts and that is not a new vernacular. That is the medium of instruction in Mahomedan primary schools. Of course as regards the other languages it is open to Government either to recognize a vernacular for particular communities or not, but this amendment makes it possible for Government to recognize or not to recognize it.

With these words I trust that the Council will accept the amendment.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—Your Excellency,—I am bound to say a few words as my name has been mentioned by the Honourable Mr. PATHAN. I remember that my honourable friend, Mr. PATHAN, did circulate some amendments at the first meeting of the select committee, but I am not prepared to say at this time what they were.

With regard to the second question mentioned by the Honourable Mr. PATHAN, so far as my recollection goes I think he made some attempt on the last day of the second meeting of the select committee to place this amendment. I do not think he was audible to all the members of the select committee and I think other members of the select committee will bear me out in this statement.

The amendment was then put to the vote and lost, 9 members voting for and 26 against it. The Council divided as follows :—

Ayes.	Noes.
The Honourable Mr. Salebhoy Karimji Barodawalla.	His Excellency the Right Honourable, Lord Willingdon of Ratton, G.C.I.E., Governor of Bombay.
The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.	The Honourable Sir Mahadev Bhaskar Chaubal, K.C.I.E., C.S.I.
The Honourable Mr. Ghulam Muhammad *walad* Khán Bahádur Wali Muhammad Bhurgri, Bar.-at-Law.	The Honourable Mr. G. Carmichael, C.S.I., I.C.S.

Ayes.

The Honourable Mr. Sherriff Devji Canji.
The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.
The Honourable Mr. Ebrahim Haroon Jaffar.
The Honourable Sárdár Dulabawa Raisingji, Thákor of Kerwada.
The Honourable Khán Bahádur Pir Baksh *walad* Mian Mahmud.
The Honourable Mr. Abdul Kadir *alias* Fakir Mahomed *walad* Ibrahim Khan Pathan.

Noes.

The Honourable Mr. G. S. Curtis, C.S.I., I.C.S.
The Honourable Mr. James Gargrave Covernton, C.I.E.
The Honourable Mr. Pandurang Anant Desai, LL.B.
The Honourable Mr. Siddhanath Dhonddev Garud.
The Honourable Dewán Bahádur Kashinath Ramchandra Godbole.
The Honourable Mr. J. D. Jenkins.
The Honourable Mr. Balkrishna Sitaram Kamat.
The Honourable Mr. G. F. Keatinge, C.I.E., I.C.S.
The Honourable Mr. H. S. Lawrence, I.C.S.
The Honourable Surgeon-General R. W. S. Lyons, M.D., I.M.S.
The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL.B.
The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.
The Honourable Sardár Shriniwas Coopooswami Mudliar.
The Honourable Ráo Bahádur Venkatesh Shriniwas Naik.
The Honourable Mr. W. U. Nicholas.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.
The Honourable Mr. W. M. Ross.
The Honourable Ráo Bahádur Ganesh Krishna Sathe, C.I.E.
The Honourable Mr. C. N. Seddon, I.C.S.
The Honourable Mr. Phiroze C. Sethna.
The Honourable Mr. Purshotamdas Thakurdas.
The Honourable Mr. Shridhar Balkrishna Upasani.

His Excellency the PRESIDENT:—Item No. 4. Clause 2 (7). The Honourable Khán Bahádur PIR BAKSH.

The Honourable Khán Bahádur PIR BAKSH *walad* MIAN MAHMUD:—Your Excellency,—The amendment that stands in my name reads as follows:—

"Clause 2 (7). *For* the words 'appointed under section 28 of the Principal Act' *substitute* 'appointed under this Act.'"

Your Excellency, I beg to be permitted to speak on the present amendment and the one on clause 6 together as they bear on the same question.

PRIMARY EDUCATION BILL.

[*The President; Khan Bahadur Pir Baksh; Mr. Abdul Kadir Pathan.*] [3RD DECEMBER 1917.]

His Excellency the PRESIDENT:—I gather that the present amendment that the honourable member is moving is consequential on the main amendment that he moves under clause 6. Would my honourable friend be good enough to withdraw the present amendment?

The Honourable Khán Bahádur PIR BAKSH:—Your Excellency,—I am not willing to withdraw the present amendment as I wish to speak separately on both.

His Excellency the PRESIDENT:—The honourable member says that he would like to speak on item No. 11. I gather that the present amendment which he is moving is consequential on that. I would therefore suggest to him to postpone it.

The Honourable Khán Bahádur PIR BAKSH:—Then I beg to postpone my amendment.

His Excellency the PRESIDENT:—Item No. 5. Clause 2 (7). The Honourable Mr. PATHAN.

The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED *walad* IBRAHIM KHAN PATHAN:—Your Excellency,—I find that there is another amendment standing in the name of the Honourable Mr. BHURGRI on the same point, that is No. 12. I will speak on it and I beg leave to withdraw my amendment:—

Clause 2 (7). Add the following proviso:—

"Provided that such Committee shall have, for the purposes of this Act, a sufficient number of Mahomedans as members, co-opted wherever such co-option is necessary, subject to the limitation in section 31 of the Principal Act as regards the number of persons so appointed."

The amendment was by leave withdrawn.

His Excellency the PRESIDENT:—Item No. 6. Clause 3 (1). The Honourable Khán Bahádur PIR BAKSH.

The Honourable Khán Bahádur PIR BAKSH *walad* MIAN MAHMUD:—Your Excellency,—I beg leave to withdraw this amendment:—

Clause 3 (1). "Delete the words 'or of girls or of children of both sexes' and the proviso at the conclusion of the paragraph."

The amendment was by leave withdrawn.

His Excellency the PRESIDENT:—Item No. 7. Clause 4. The Honourable Mr. PATHAN.

The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED *walad* IBRAHIM KHAN PATHAN:—Your Excellency,—I beg leave to withdraw my amendment:—

Clause 4. Add at the end after the word "education".—

"Through the medium of the vernaculars of such principal classes or communities residing in the municipal district as are not exempted under section 15 from the operation of this Act."

The amendment was by leave withdrawn.

His Excellency the PRESIDENT:—Item No. 8. Clause 4. The Honourable Mr. C. V. MEHTA.

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[3RD DECEMBER 1917.] [*Mr. Chunilal Vijbhukhandas Mehta; the President; Mr. Shridhar Balkrishna Upasani.*]

The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA:—Your Excellency,—The amendment that stands in my name is as follows:—

Clause 4. Add the following words:—

"Provided that the Municipality shall provide or cause factories to provide schools for children employed in factories in which such children will receive instruction for not more than 3 hours on each day of attendance, the cost of such provision to be borne by the owners of the factories concerned."

My amendment is consequential on the amendment I proposed to clause 2 of the Bill. I therefore beg leave to withdraw it.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT:—Item No. 9. Clause 5. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency,—The amendment which I propose to move runs as follows:—

Clause 5. "Omit the words 'two-thirds of the councillors present at the meeting and by at least' in lines 8, 9 and 10 of the clause."

What I propose is this. The section as it stands insists upon two conditions. It provides firstly that a notification shall not be issued under section 3 unless the municipality has so determined by a resolution passed at a general meeting specially called in this behalf, and unless such resolution has been supported by at least two-thirds of the councillors present at the meeting, and secondly unless the resolution is supported by at least one-half of the whole number of councillors. I propose that instead of these two conditions only one condition should be imposed, *viz.* that the resolution is passed by at least one-half of the whole number of councillors and that the second condition as to requiring it to be passed by also two-thirds of the councillors present at the meeting be omitted. That is, I mean that the ordinary majority, which is usually required for the passing of a resolution on any other subject, should be sufficient also for passing a resolution for the introduction of compulsory education. I urge this particularly because we have to see whether the clause as it stands will facilitate or come in the way of the passing of a resolution in favour of compulsory primary education. From what we have already heard in the course of this discussion it will be seen that several interests are concerned in the matter of compulsion and, therefore, there will be some opposition and it will not be easy to pass such a resolution if both the conditions required in the clause are retained. Therefore it is much better that we should allow the ordinary majority to be sufficient for the passing of this resolution especially as even if the resolution is so passed by an ordinary majority the whole matter is to be considered by Government in the light of all the circumstances of the case. When these are to be considered by Government I do not think that both the conditions are necessary. As I provide that the resolution should be supported by at least half of the total number of councillors, it will prevent its being passed by a snatch vote of a minority required to form a quorum. If a special meeting is called, we may well expect that the majority of the total number of the councillors will be present. Supposing there is only the quorum present at a meeting and all the members present join in passing the resolution it will not be passed unless the number required to form the quorum is at least one-half of the total number of the whole body and not only two-thirds, but all those present join in passing it. So it will not be passed in any case by a snatch vote of a minority of the whole body. If that is the case, I do not see why we should impose a further condition that two-thirds of the members present at a meeting should vote for such a resolution. With these words I move my amendment.

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[*Sheikh Ghulam Hussein Hidayatallah; Sir Mahadev Chaubal; Mr. Raghunath Purshottam Paranjpye; Mr. Siddhanath Dhonddev Garud.*] [3RD DECEMBER 1917.]

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH:—Your Excellency,—I rise to oppose this amendment. As this bill affects the interests of the various communities, two-thirds of the number is a safeguard provided in this bill. That will clearly show that, if a resolution is carried by two-thirds of the members present of the municipality, that it has been carried by an overwhelming majority of the members present. So that it cannot be said that the majority of one community has passed that resolution. Because I know that the number of Mahomedan members in the mofussil municipalities is very small. If it is by a bare majority, any one community can carry a resolution against the wishes of another community.

The Honourable Sir MAHADEV CHAUBAL:—Does the honourable member realise that it is two-thirds of the members present?

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH:—Yes.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE:—Your Excellency,—I also rise to oppose this amendment proposed by my honourable friend Mr. UPASANI, because I want that the principle of compulsion shall not be enforced in any municipality if there is a very large minority in that municipality opposing this compulsion. While on the one hand I want this provision about one-half of the total number of members to ensure that there is a very large feeling in favour of compulsion, on the other hand, if at least two-thirds of the members present vote for it, it will ensure also that the minority against this bill being applied is not of very considerable magnitude. In this bill, it must be remembered, we are going to introduce the principle of compulsion. Take, for instance, the case of Poona municipality, where there are 39 members. If the Honourable Mr. UPASANI'S amendment is carried, compulsion would be introduced if only 19 members are in favour of it, but suppose that the feeling in the city of Poona is very strong and opinion is very keenly divided and supposing at a meeting all the 39 members are present and 20 are on one side and 19 on the other,—quite a possible contingency,—I do not think that the Poona municipality should introduce compulsion, when there are 19 out of the 39 voting against the proposal. I want the strong general sense of the community in favour of compulsion, but not merely a bare majority. On the one hand, therefore, if half the total number of councillors vote for it and, on the other hand, there is the provision that two-thirds of the councillors present at the meeting should agree, it will ensure that the minority which is dead against the bill is not very strong. I therefore think that both these safeguards are necessary for the success of this bill and I strongly oppose the amendment.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD:—Your Excellency,—I beg to support this amendment. There are already two safeguards provided in this case. The first is the calling of a special meeting of which everyone gets notice and if canvassing takes place it takes place before that notice and then there is also the condition that more than half shall agree.

I think that if these two conditions are satisfied then a recommendation might safely be made to Government that a notification should issue. That is the only consequence of that resolution. That resolution does not directly introduce compulsion within the municipal area. It only makes a recommendation to Government that a notification to that effect might issue. Then Government will examine the various circumstances and see whether proper provision is made and whether all the conditions are satisfied, and then they will issue that notification.

So I submit, my Lord, for the purpose of a recommendation to Government this safeguard, namely, that more than one-half shall agree is quite ample.

I, therefore, support the amendment.

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[3RD DECEMBER 1917.] [*Mr. Pandurang Anant Desai; Dewán Bahádur Kashinath Ramchandra Godbole; Mr. Balkrishna Sitaram Kamat; Sir Mahadèv Bhaskar Chaubal.*]

The Honourable Mr. PÀNDURANG ANANT DESAI:—Your Excellency,—I rise to oppose this amendment. As the Honourable Mr. PARANJPYE said, the element of compulsion is to be introduced only when a very strong majority of the councillors are in favour of the introduction of compulsion.

Now, if the amendment is carried it simply means that a simple majority will introduce the element of compulsion. Take the case of a municipality with 18 members. If 10 are in favour of the introduction of compulsion and if 8 are not in favour, I think it is an important minority and therefore the introduction of compulsion should not be made.

Sometimes it happens that all the members are not present at the time when a particular resolution is taken up. Suppose there are six members out of 18 present. Then it might be that four might be in favour of compulsion. But it will not be safe to abide by their opinion. Therefore there must be the second safeguard, namely, that unless more than one-half of the councillors on the roll are in favour of the resolution the resolution should not be enforced.

I therefore think that both these provisoes are necessary and that the amendment should be rejected.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency,—I am also opposed to the amendment that has been brought forward by the Honourable Mr. UPASANI. I think that in introducing compulsion in municipal areas we should have a very substantial majority and I am therefore going to vote for an amendment which is to be brought later on by my honourable friend Khán Bahádur PIR BAKSH on this point.

The Honourable Mr. BALKRISHNA SITARAM KAMAT:—Your Excellency,—I am against the amendment of my honourable friend Mr. UPASANI for one or two reasons and I shall illustrate them to show how this clause would work, and also how both safeguards are necessary.

If it is considered necessary to have only one safeguard, namely, that one-half of the councillors should be in favour of accepting the principle of compulsion, then, in that case, out of, say, every hundred councillors of the Board if fifty are present, and they all vote for compulsion, their will, will be binding on the whole municipality.

Now, take the other alternative as suggested by the select committee, and it will be seen that it will not conflict with Mr. UPASANI'S suggestion. If more than 50 per cent. of the councillors are present, and as the select committee insist on having two-thirds of that, if supposing 60 are present, then two-thirds of 60 is 40, which is less than what Mr. UPASANI wants. If there are 70 present, even then in that case two-thirds of 70 will be less than 50 per cent. Then also there can be no objection for Mr. UPASANI whatsoever. If 80 per cent. of the members are present, then probably by easy calculation we find that two-thirds of 80 exceeds 50 per cent, and the Honourable Mr. UPASANI may have a cause for complaint. In that case, however, it must be pointed out that the remaining one-third are an important minority and when out of 80 per cent. of the members who care to be present one-third cannot agree with the measure, then, I think, the measure ought to be rejected. These safeguards, therefore, are absolutely necessary. Barely 51 out of every 100 members have no right to fasten their will on the remaining 49, and at an adjourned meeting it is not also desirable that only two-thirds of the members present should carry the resolution. I therefore think that for the above reasons both those safeguards are absolutely necessary.

The Honourable Sir MAHADEV BHASKAR CHAUBAL:—May I, with your Excellency's permission, mention one point? This amendment comes from the Honourable Mr. UPASANI who was a member of the select committee. I think

he will bear me out when I say that this particular clause was discussed, so far as my memory carries me, for about an hour and a half. The Honourable Mr. UPASANI and several other honourable members started the question and it was fully discussed, and the select committee came to a certain conclusion which has been adopted by Mr. UPASANI, as you will see from the third signature to the select committee's report. I leave it to the Council to consider whether it is right and proper that questions which have been threshed out in that way and accepted by the members of the select committee should again be started here by those very members. In that case I suppose the appointment of a select committee becomes useless.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I should like to point out that when the bill was originally drafted by me it was provided that two-thirds of the total number of members present should be considered sufficient for a resolution to be binding. The select committee did not agree with me and after carefully considering all the pros and cons of the question, and after a good deal of discussion, as my honourable friend Sir MAHADEV CHAUBAL said for an hour and a half, we unanimously came to the conclusion that both the safeguards are necessary, namely, not only that there should be two-thirds of the total number of councillors voting for the resolution present, but that the number so voting should not be less than half of the total number of councillors on the board. Under these circumstances, I hope my honourable friend Mr. UPASANI will withdraw his amendment.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency,—As to what happened at the select committee it will not, I think, serve the purpose of argument, but it is admitted that the matter was discussed for a long time, *i. e.*, 1½ hours, and that will show that there was strong difference of opinion on this point. The original proposal was that a majority of two-thirds of the members present should be sufficient to pass a resolution, but then it was objected to on the ground that supposing out of the total number only one-fourth were present and that number was sufficient to form the quorum, and then if we had two-thirds of that number it would be less than even one-fourth and that would not be sufficient. My own amendment is that a vote of not less than half the total number of councillors should be required to pass any resolution on this subject. As to my signing the report, I do not think it estops me from moving my amendment. We had only one day to send our minute of dissent and we were given to understand that even if we did not send any minute of dissent it was open to us to send our amendments on the points on which we differed. Under the circumstances I do not think I went out of my way in moving my amendment on this point particularly as in the discussion in the select committee I did not side with the majority on the point. As to the arguments of my honourable friend Mr. KAMAT, he said that we could not carry a proposition even if two-thirds of the members present voted for it. He does not, I am afraid, realise that two-thirds of the members present would not in all cases amount to more than one-half. Supposing that the whole body is not present, then two-thirds of those present would not always come to one-half, sometimes it would be more and sometimes less than one-half. Even in the case put by the Honourable Mr. PARANJPYE the passing of a resolution will be defeated not by the vote of the majority of the whole body, but by a minority, and a very small minority, and in the face of a substantial majority in favour of the resolution the opposition of that minority should be allowed to prevent the resolution from being taken to Government for consideration. It is for Government to consider the strength of the minority opposing the resolution and it is open to the public to send its representation if it does not approve of the resolution passed by the majority of the entire body. And, even if no representation be submitted, it would be open to Government itself to consult public opinion before sanctioning compulsion. Under these circumstances the chances of this resolution being carried

will be facitated and the spread of primary education will be helped more by adopting my amendment than by allowing the clause to stand as it is. With these words I beg to commend my amendment to the Council.

The amendment was then put to the vote and lost.

His Excellency the PRESIDENT:—Item No. 10. Amendment to clause 5. The Honourable KHAN BAHADUR PIR BAKSH.

The Honourable Khán Bahádur PIR BAKSH WALAD MIAN MAHMUD:—Your Excellency,—I beg to move the following amendment:—

Delete the words "supported by at least two-thirds of the councillors present at the meeting and by at least one-half of the whole number of councillors" and substitute the following:—

"Supported by at least two-thirds of the whole number of councillors on the Board."

In connection with this I want to say that if this clause is allowed to stand as drafted, it means that 15 out of 30 councillors can decide the fate of half a million, if not more of population, which is most undesirable and detrimental to the interests of the masses of the people. This question of compulsory education is so important that any proposal concerning it should be discussed thoroughly, and accepted by at least two-thirds of the board if not by a full board.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE:—Your Excellency,—I rise to oppose this amendment also, because while I do want that there ought to be respectable majority of the whole body of the municipality to start the measure and also while the interests of strong minorities ought to be respected, I do not think that we ought to pass an amendment which will have a practically stultifying effect. If there is a very considerable minority of the body who are really opposed to it and honestly come forward and say that they are opposed to it, that will have the same effect as the amendment proposed. Because if there are more than one-third of the people who are definitely and truly opposed to the introduction of the measure they ought to come forward and say so. What I want is that simply more than one-third of the people sitting quiet at home and not wishing to be present at the meeting ought not to be allowed merely by their silence to stop such a measure being carried. Take again the case of the Poona Municipality. If 14 people of the Poona Municipality are definitely opposed to the principle of compulsion, the principle of compulsion should not be introduced, but on the other hand if 13 or 14 people want to stay away from the meeting and do not wish to take the unpopularity possibly owing to the need for increased taxation and so on, I do not want that these 13 people should tyrannise over the majority of the whole body. If they want to oppose it they ought to say that they oppose it in the general body. Therefore if there is real opposition it will be made vocal and that opposition will have all the weight and influence that it should have; but simple silence or absence ought not to have the force the amendment proposed by the Honourable Khán Bahádur PIR BAKSH will give it. Therefore, I am opposed to this amendment.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency,—As I said before, I am in favour of the amendment that has been brought forward by the Honourable Khán Bahádur PIR BAKSH. The proposition of introducing compulsory education ought, I think, to be supported by the whole of the municipality and my honourable friend is asking that it should be supported by two-thirds of the total number of councillors. I think this is a reasonable proposition. He is asking that the introduction of compulsory education should be supported by two-thirds of the total number of councillors. I would have gone a little bit further and would have said that it should be supported

by at least three-fourths of the total number of councillors on the board. The proposition is so important, as it involves the municipalities in serious financial burdens and concerns all classes of the municipal population, that I think that it should be supported by a substantial majority of the municipality. The two-thirds limit that has been proposed by the Honourable Khán Bahádur PIR BAKSH seems to me to be very reasonable and I therefore support it.

The Honourable MR. C. N. SEDDON:—Your Excellency,—I should like to oppose the amendment brought forward by the honourable member. As the Honourable Sir MAHADEV said, the matter was discussed at full length in the meeting of the select committee and we came to the conclusion that by the provisions as they now appear we get the happy mean. We provide that the matter should not be carried by a snatch vote, or by a very small majority, and at the same time we do not make it impossible to bring into operation this principle of compulsory education. I was somewhat inclined at first to think that we might perhaps have agreed with the mover of the amendment and made it two-thirds, but I am bound to say that the views brought forward by the Honourable Mr. PARANJPYE have stilled my doubts and confirmed me in my original opinion. I think it is necessary that, if members of municipalities wish to prevent such a desirable consummation as the introduction of compulsory education, they should be brave enough to come forward and vote in the municipality against the measure. They should not be allowed to prevent its adoption by merely stopping at home. I hope, therefore, that this Council will accept the amendments in the bill as they now stand as a very fair and suitable standard, and I shall vote against the amendment moved by the Honourable Khán Bahádur PIR BAKSH.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—The amendment of my honourable friend Khán Bahádur PIR BAKSH is really too backward a step, just as the preceding one of my honourable friend Mr. UPASANI was too forward a step. As my honourable friend Mr. SEDDON just now remarked, the select committee came to a golden mean and I think the report of the select committee ought to be supported. Those who really realise what the constitution of our district municipalities at present is will have no doubt that it is absolutely necessary that the proposed amendment should not be accepted. Out of 157 municipalities in the Presidency nearly as many as 100 have a constitution of half elected and half nominated members. If the representatives of the people who are elected on a particular municipality choose to oppose the compulsory education measure or, for the matter of that, the nominated members make a common cause, it will be absolutely easy for them to defeat the object of this measure. Under these circumstances, the requirement of two-thirds majority of the total number of councillors will make the present measure almost a dead letter in most of the district municipalities. I therefore trust that the Council will reject this amendment.

The amendment was then put to the vote and lost.

(His Excellency the PRESIDENT at this stage withdrew and the VICE-PRESIDENT, the Hon. Sir M. B. CHAUBAL, occupied the chair.)

The Honourable the VICE-PRESIDENT:—Item No. 11. Amendment to clause 6. The Honourable Khán Bahádur PIR BAKSH.

The Honourable Khán Bahádur PIR BAKSH *walad* MIAN MAHMUD:—Sir,—My amendment runs as follows:—

For the words "if a school committee has not already been appointed, appoint such committee (to end)", substitute the words "appoint two committees, one of Hindu gentlemen and the other of Muhammadan gentlemen, and it shall be the duty of such committees, subject to the provisions of this act, to enforce the provisions of the

same, respecting the attendance at school, respectively, of Hindu and Muhammadan boys and their employment."

As my honourable friend Mr. BHURGRI has a similar amendment, item No. 12, which he is going to place before this Council for consideration, I would like to withdraw my amendment.

The amendment was by leave withdrawn.

The Honourable the VICE-PRESIDENT:—Item No. 12. Amendment to clause 6. The Honourable Mr. BHURGRI.

The Honourable Mr. GHULAM MUHAMMAD walad Khán Bahádur WALI MUHAMMAD BHURGRI:—Sir,—Before I proceed with my amendment I would ask you to kindly allow me to make some alteration in my amendment. I think the amendment which stands in my name at present may not be acceptable to many members and if my alteration is approved it might be acceptable to many members of the Council.

My altered amendment would read as follows:—

"Provided that such committee, whether appointed under this section or already appointed under section 28 of the principal act, shall have power to co-opt members and to appoint sub-committees and to delegate powers to such sub-committees in accordance with the rules which may be framed under section 18 of the Act."

The Honourable the VICE-PRESIDENT:—I have carefully looked into the way in which the honourable member's amendment will stand after his correction and I find that it so materially changes the original amendment, of which he had given notice, that I do not think that I can permit it to be moved without there having been previous notice as required by clause 4 of rule 35 of the rules of Council business.

The Honourable Mr. BHURGRI:—Then, sir, I am entitled to move my original motion.

The Honourable the VICE-PRESIDENT:—Yes, of course.

The Honourable Mr. BHURGRI:—The amendment which I wish to move runs as follows:—

Insert at the end the words "provided that such committee, whether appointed under this section or already appointed under section 28 of the principal act, shall, on the issue of the notification hereinbefore referred to, be so constituted as to be representative of the Mahomedan community in proportion to the strength of that community on the Municipal Corporation."

Sir, my reason when I gave notice of this amendment was that I knew the feelings of the Mahomedan community in my part of the country. There was another reason for suggesting this amendment, and it was this, that to make this bill of compulsory education successful it is imperative that certain members of the Mahomedan community ought to be on the school committee, because they will be able to know all about the difficulties in the way of Mahomedans in their part of the country. Therefore, it is absolutely necessary that some provision of this nature should be put in. From the speeches which have been made by various Mahomedan honourable members to-day I find that this is the feeling which is uppermost in their minds. That shows how strong the feeling of my community is on this matter. If you had allowed me to move my amendment with the modification that I proposed I would have been pleased, but, as it has not been done, I am forced to fall back upon my amendment as it originally stood. I therefore move the amendment and, as every one of us here is anxious that this bill should

be a success, we ought to see that a certain number of Mahomedans is present no the committee. If it is a committee of only Hindus or a committee of non-Mahomedans, some Mahomedans might put it, whether rightly or wrongly I do not say, that their views would be representative of that community only. So in order to ensure that their views will be respected, we must see that there is no doubt in the minds of the Mussalmans that any unfair treatment is accorded to them. I think, sir, if we are all trying to make this experiment a success, we should not overlook this important point. Therefore I trust that this Council will accept my amendment.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH :—Sir,—I rise to support the amendment of my honourable friend Mr. BHURGRI. The principle of compulsion in the domain of education in this part of the country will be a sudden change, and I think it is the duty of every one of us to see that this change is as little felt by the people as possible. Therefore, it is necessary for us to resort to moral persuasion, and moral persuasion could only be done by the leaders of the particular communities. It is, therefore, very necessary that on these school committees, which have to discharge very important functions and which are invested with large and important powers, there should be representatives of the important communities, and here I find in the Presidency proper two important communities, the Hindus and the Mahomedans. As has been rightly pointed out my honourable friend, if there are no Mussulmans on the school committee, their action would be misjudged by that community. Therefore, it is very necessary that there ought to be some Mahomedans on the municipal school committee.

The Honourable Mr. EBRAHIM HAROON JAFFER :—Sir,—The amendment moved by my honourable friend Mr. BHURGRI lays down a proviso that is rendered essential by the peculiar position the Mahomedan community occupies in municipal districts. The educational needs as well as the number of Mahomedans require that they should be well represented on the school committees, which will have to deal with important matters connected with education. The number of Mahomedan councillors on municipal boards is seldom proportionate to the Mahomedan population in the municipal areas, and the elected Mahomedan members are rare. Hence it is only fair that provision should be made for Mahomedan members on the school committees. I think this is a reasonable proposal and I give it my cordial support.

(His Excellency the PRESIDENT at this stage returned and resumed the chair.)

The Honourable Sir MAHADEV BHASKAR CHAUBAL :—Your Excellency,—In respect of the amendment which has been moved by the Honourable Mr. BHURGRI honourable members will kindly turn to the main act for a few moments and see what the main act is to which the present bill is stated to be supplementary. I think you have noticed already that in sub-clause (3) of the first clause of this bill it is said that this act shall be construed as part of and supplementary to the Bombay District Municipal Act, 1901. That being so, if you turn to the main act you find there certain provisions under which the municipality has got the power of appointing committees for certain purposes. Let me first clear the ground by saying that I am not in the slightest degree opposed to the desire and anxiety of the honourable Mahomedan members of this Council to their having a voice on the schools committees. On the contrary my desire is that they should have that voice not only on the schools committees, but upon any committees which may be appointed by the municipality. But they should note this, that any improvement which they desire to be brought about in

the main act they should not try to get indirectly through the present act. I really cannot understand what prevents honourable Mahomedan members from saying that they must have their part in all municipal activities whether they be for education or for sanitation or for other purposes. There may be, for instance, a sanitary committee appointed. Why should the Mahomedan members lay so much stress upon education and neglect sanitation? They do not get by the present amendment any representation on the sanitary committees or on any other committees that may be appointed; but what they do is this: they insult the schools committees which are appointed by the whole responsible body of the municipality. Here is a municipality appointing a school committee under section 28 of the main act. As you will see, under that section "the municipality may appoint, subject to such limitations as are prescribed by the rules for the time being in force under section 46 and subject also to the proviso contained in section 58 a committee consisting of such councillors as they think fit, for managing all or any primary or other schools vested in or maintained by the municipality, or for conducting the business of the municipality in respect of any educational institutions aided by the municipality." That is the provision which obtains in the main act to which this is to be read as a supplementary act, and I certainly cannot understand why if there is an honest effort made for having Mahomedan representation in municipal administration, it should not extend the whole way along and why they should not insist upon that representation for whatever purpose of municipal administration a committee is appointed. But to put this in the present compulsory education bill and try to get representation on the schools committees under this act is, I think, a very wrong procedure.

I have perfect sympathy with the desire of my Mahomedan friends that they should have representation for themselves not only on the schools committees but also on other committees. But let them get that representation by moving for an amendment, if they want, of the main act, and not by a subsidiary act intended for one object only. Even if you put in this amendment, you cannot change the main act. It cannot override the provisions of the main act. Section 28 throws on the municipality the responsibility of appointing out of its members four to seven men, best suited to take care of educational interests within the municipal area.

There is another provision which I wish you to take note of before you consider the merits or demerits of the present amendment. You find in the main section 28-a reference to section 58, where it is said: "The municipality may appoint, subject to such limitations as are prescribed by the rules for the time being in force under section 46 and subject also to the proviso contained in section 58 . . ." Let us turn to section 58 and see what the proviso is. The section says: "The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the municipality by which it is maintained." The proviso says: "Provided that the extent of the independent authority of any municipality in respect of public education and their relations with the Government Educational Department shall from time to time be prescribed by the Governor in Council." Now is it solemnly proposed that notwithstanding the section of the principal act which provides that any appointment of the school committee which is made under the main act should be subject to this proviso of section 58 and to any rules that may be framed under section 46, notwithstanding that, we should by way of amendment in this ancillary and supplementary bill get the representation which the Mahomedan members want? Let it be perfectly clear to my honourable friends that I am not in the slightest degree opposed to the representation and adequate representation of Mahomedans on all kinds of municipal administration. But I hope and pray that they will not try to get it on a side issue as it were, by taking advantage of the present proposals for compulsory education, when their proper remedy is to move for an amendment, if they want it, of the main act and not to get it in this indirect method.

PRIMARY EDUCATION BILL.

Mr. Vithalbhai Jhaverbhai Patel; Sir Mahadev Bhaskar Chaubal; Mr. Ghulam Muhammad Bhurgri.] [3RD DECEMBER 1917.]

The Honourable Mr. VITHALBAAI JHAVERBHAI PATEL: —May it please your Excellency,—I do not wish to say anything about the merits of the present amendment. I must say, speaking for myself, that this is really carrying sectarian interests too far. Separate representation on committees, to my mind, is carrying sectarian interests too far. If there was anything to be gained by this amendment, I should have been very pleased to support it. Further, the amendment, as it stands, to my mind, even if this council were inclined to accept it, contradicts other provisions of the bill. The amendment says: " Provided that such committee, whether appointed under this section or already appointed under section 28 of the principal act, shall, on the issue of the notification hereinbefore referred to, be so constituted as to be representative of the Mahomedan community in proportion to the strength of that community on the municipal corporation." Surely, no committee is to be appointed under this section. All the school committees are to be appointed under the principal act and not under any clause of this bill. We have already passed the clause to the effect that the committee shall be appointed under the principal act.

The Honourable Sir MAHADEV CHAUBAL:—If there is none to be appointed under the principal act, one shall have to be appointed under this Bill.

The Honourable Mr. PATEL:—The principal act says that the municipality may appoint a school committee. If none is appointed, then this bill says under the principal act the committee shall be appointed. No committee is surely to be appointed under the provisions of this bill.

The second difficulty is this. The Honourable Mr. BHURGRI desires that the representation of the Mahomedans should be in proportion to the strength of that community on a particular board. Suppose there are 16 members on a municipality and there is one Mahomedan member on it. According to the honourable member's amendment, one-sixteenth of the total number of schools committee should be Mahomedans. There are ordinarily four or five members on a schools committee. Now one-sixteenth of that number would be what? How are we going to work the amendment in actual practice?

The third objection that I take is in regard to the words " municipal corporation". I have read something of the municipal act, but I have never read or heard a " district municipality " described as a municipal corporation. The words " municipal corporation " apply only to the Bombay Corporation and not to the mofussil municipalities. The word should be " municipality". I am surprised how my honourable friend Mr. BHURGRI should have made that mistake. On these grounds, therefore, I think the amendment should not be accepted.

The Honourable Mr. GHULAM MUHAMMAD walad Khán Bahádur WALI MUHAMMAD BHURGRI:—Your Excellency,—It gave me great pain to hear the remarks of the Honourable Mr. PATEL. He says that I am trying to carry sectarian principles too far. Surely my honourable friend Mr. PATEL knows that I would be the last man to push things to any extent in that direction. If this bill of the Honourable Mr. PATEL is to be successful, then it is absolutely necessary that there should be a certain number of Mahomedans on the school committee. The Honourable Sir MAHADEV CHAUBAL said: " Oh, you don't want representation for sanitation and other purposes, but you want it for education only." I would tell him that the school committee is going to have powers to bring people to trial, etc., and therefore we ask for representation on it. My honourable friend Sir MAHADEV CHAUBAL and the Honourable Mr. PATEL realise that the committee which will be appointed under this bill will have powers of a magisterial character, such as bringing people up for trial. As the Mahomedans will have to send their children to school, in a place like Sind with a vast Maho-

medan population, it is doubtful whether it will work satisfactorily without Mahomedan members on the committee. I said in my speech and I made it quite clear that I was not in favour of separate class representation. But I honestly feel that the presence of Mahomedan members on this committee will certainly help and will lead to the success of the bill and give us the representation which all of us want.

Then my honourable friend Mr. PATEL took shelter under technicalities. He pointed out that there are words here "municipal corporation". Surely, where there is a will there is a way. If my honourable friend was willing to accept my amendment, he could do so.

My honourable friend Sir MAHADEV CHAUBAL told me: "There is a way for you; you may bring in an amendment of the main act, namely, the municipal act." But does he assure me that if I bring in an amendment of that character he will accept it on behalf of Government?

These are all the observations which I desire to make just to show that the committee as at present constituted could not work satisfactorily. Therefore, sir, I am constrained to press my amendment.

The amendment was then put to the vote and lost, twelve members voting for and twenty-six against it. The Council divided as follows :—

Ayes.	Noes.
The Honourable Mr. Salebhoy Karimji Barodawalla.	His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E., Governor of Bombay.
The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.	The Honourable Sir Mahadev Bhaskar Chaubal, K.C.I.E., C.S.I.
The Honourable Mr. Ghulam Muhammad walad Khán Bahádur Wali Muhammad Bhurgri, Bar.-at-Law.	The Honourable Mr. G. Carmichael, C.S.I., I. C. S.
The Honourable Mr. Sherriff Devji Canji.	The Honourable Mr. G. S. Curtis, C.S.I., I. C. S.
The Honourable Mr. Mahomedbhoy Hajeebhoy.	The Honourable Mr. S. R. Arthur, I. C. S.
The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.	The Honourable Mr. Pandurang Anant Desai, LL.B.
The Honourable Mr. Ebrahim Haroon Jaffer.	The Honourable Mr. Siddhanath Dhonddev Garud.
The Honourable Sardár Dulabawa Raisingji, Thákor of Kerwáda.	The Honourable Deván Bahádur Kashinath Ramchandra Godbole.
The Honourable Mr. H. S. Lawrence, I. C. S.	The Honourable Mr. J. D. Jenkins.
The Honourable Khán Bahádur Pir Baksh walad Mian Mahmud.	The Honourable Mr. Balkrishna Sitaram Kamat.
The Honourable Mr. Raghunath Purshottam Paranjpye.	The Honourable Mr. G. F. Keatinge, C.I.E., I. C. S.
The Honourable Mr. Abdul Kadir *alias* Fakir Mahomed walad Ibrahim Khan Pathan.	The Honourable Surgeon-General R. W. S. Lyons, M.D., I. M. S.
	The Honourable Sardár Shriniwas Coopooswami Mudliar.
	The Honourable Ráo Bahádur Venkatesh Shriniwas Naik.
	The Honourable Mr. W. U. Nicholas.
	The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
	The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.

PRIMARY EDUCATION BILL.

[*The President; Khán Bahádnr Pir Baksh ; Sir Mahadev Bhaskar Chaubal*] [3RD DECEMBER 1917.]

Noes.

The Honourable Sir Dinshaw Manockjee Petit, Bart.
The Honourable Mr. F. G. Pratt, I. C. S.
The Honourable Mr. Munmohundass Ramji.
The Honourable Mr. W. M. Ross.
The Honourable Ráo Bahádur Ganesh Krishna Sathe, C.I.E.
The Honourable Mr. C. N. Seddon, I. C. S.
The Honourable Mr. Phiroze C. Sethna.
The Honourable Mr. Purshotamdas Thakurdas.
The Honourable Mr. Shridhar Balkrishna Upasani.

His Excellency the PRESIDENT:—Item 4. Amendment to clause 2 (7). The Honourable Khán Bahádur PIR BAKSH.

The Honourable Khán Bahádur PIR BAKSH walad MIAN MAHMUD:—Your Excellency,—I suggest this amendment because there is no provision which enables us to solve the difficulty. This amendment is necessitated by the fact that the principal act does not authorize the municipal board to appoint more than one committee or to include therein persons who are not municipal commissioners, and therefore I suggest the appointment of two committees in my amendment, item No. 11.

His Excellency the PRESIDENT:—What amendment is the honourable member speaking on now?

The Honourable Khán Bahádur PIR BAKSH:—I am speaking on item No. 11, amendment to clause 6, your Excellency.

The Honourable Sir MAHADEV CHAUBAL:—I think the amendment under item No. 11 was by leave withdrawn.

The Honourable Khán Bahádur PIR BAKSH:—I said that in case the Honourable Mr. BHURGRI'S amendment is carried I would agree to withdraw it.

His Excellency the PRESIDENT:—From what I gather I understand that the honourable member withdrew his amendment under item 11 in favour of the Honourable Mr. BHURGRI'S amendment. He cannot move it now if he withdrew it.

The Honourable Khán Bahádur PIR BAKSH:—I said that if the Honourable Mr. BHURGRI'S amendment is accepted I would like to withdraw this, not otherwise. It was conditional.

The Honourable Sir MAHADEV CHAUBAL:—I think my honourable friend Mr. PIR BAKSH would bear me out at least in this, that I stood up when I was temporarily in the chair and declared that the amendment was by leave withdrawn. I declared that to the Council and the Honourable Khán Bahádur PIR BAKSH did not say anything about misunderstanding or anything of the kind. Well, now he allows my honourable friend Mr. BHURGRI'S amendment to go on for half an hour, and after that is defeated, is it fair that he should get up and dispute the decision?

The Honourable Khán Bahádur PIR BAKSH:—I have great respect for the Honourable Sir MAHADEV CHAUBAL, but I am sorry I have been misunderstood.

His Excellency the PRESIDENT:—Order, order. I must say to the honourable member that the record in the minutes of the Council show that the honourable member withdrew his amendment.

PRIMARY EDUCATION BILL.

[3RD DECEMBER 1917.] [*Khán Bahádur Pir Baksh; the President; Mr. Siddhanath Dhonddev Garud; Mr. Vithalbhai Jhaverbhai Patel.*]

The Honourable Khán Bahádur PIR BAKSH :—I bow to your Excellency's ruling, but I am very sorry that my amendment has not been allowed to be moved.

His Excellency the PRESIDENT :—Does the honourable member withdraw his amendment, item No. 4, which is consequential on this amendment, item 11 ?

The Honourable Khán Bahádur PIR BAKSH :—Can I speak on this now ?

His Excellency the PRESIDENT :—No. The honourable member cannot, as he has withdrawn No. 11.

Amendment was by leave withdrawn.

Clauses 2 to 6 were then put to the vote and carried.

His Excellency the PRESIDENT :—Item No. 13. Clause 7. The Honourable Khán Bahádur PIR BAKSH.

The Honourable Khán Bahádur PIR BAKSH *walad* MIAN MAHMUD :—Your Excellency,—The amendment that stands in my name reads as follows :—

Clause 7. A proviso to be added to this clause as under :—

"Provided that this clause will not apply to the parent, if the latter is a Parda-Nashin lady or a woman belonging to a tribe which originally resided at places beyond Bombay Presidency."

Your Excellency, this amendment provides that if the parent of a child be a Parda-Nashin lady, she will not be liable to action. The bill as it is now worded will give rise to resentment among Parda-Nashin families. It will be quite impossible, and in some measure undesirable and most objectionable, to serve a Parda-Nashin lady with any writ or summons to appear in public and reply on behalf of her child. No Parda-Nashin lady will submit to such treatment and discontent will run high in the family and in the community. There will be only a limited number of such Parda-Nashin ladies, or the females of other tribes, but there is no reason why they should not have protection at the hands of Government.

The second part of the amendment refers to an exception being made in the case of tribes not originally belonging to the Presidency proper. By this I allude to tribes of borders and frontiers such as Beluch, Bugtis, Sayads, Makranis, etc., who settle for short periods or permanently within municipal limits but whose natural professions are in no way connected with the public at large or with educational professions. Their sentiments and motives remain unchanged in spite of the fact that they stay in towns and no real gain is to be obtained by bringing this class of people under the sphere of compulsory education. With these words I hope that my amendment will be accepted.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD :—Your Excellency,—I beg to oppose this amendment. In the case of a Parda-Nashin lady, where she has to appear before a magistrate, she will not be compelled to appear in person, but will be permitted to appear by pleader, because this will not be a warrant case but a summons case. Under these circumstances I think that there will be no hardship to a Parda-Nashin lady even if a summons is issued against her. She will be saved the trouble of appearing in person as she can get herself exempted under the Criminal Procedure Code.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—Your Excellency,—I rise to oppose this amendment. The amendment is intended to exempt from the operation of the act parents who are Parda-Nashin ladies or women belonging to a tribe which originally resided at places beyond Bombay Presidency.

At one time, they say, all of us resided beyond the Bombay Presidency. It is very difficult to accept the honourable member's amendment as it stands. So

far as the Presidency proper is concerned, I know of no tribe which is entitled to exemption under the proposed amendment. I think after the explanation given by my honourable friend Mr. GARUD in regard to the rare cases of Parda-Nashin ladies, the honourable mover of the amendment will see that there is no need of the proviso he wishes to add to this clause. After all there will be only very few cases, if at all, of this kind, and I cannot understand what particular tribes the honourable mover refers to. Perhaps it would have been better if he had described in his speech what tribes he meant.

I therefore trust that this Council will reject this amendment.

The amendment was then put to the vote and lost.

His Excellency the PRESIDENT:—I think perhaps it will be to the convenience of the Council if we adjourn till 11-30 to-morrow.

The Council then adjourned till 11-30 a.m. on Tuesday, the 4th December 1917

By order of His Excellency the Right Honourable the Governor,

R. B. MILNE,
Secretary to the Legislative Council of
His Excellency the Governor of Bombay.

Journal of the Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915 (5 & 6, Geo. V, Ch. 61).

The Council re-assembled on Tuesday, the 4th December 1917, at 11-30 a. m., at the Council Hall, Secretariat, Bombay.

PRESENT:

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

The Honourable Sir MAHADEV BHASKAR CHAUBAL, K.C.I.E., C.S.I., *Vice-President.*

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

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

The Honourable Mr. S. R. ARTHUR, I. C. S.

The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.

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

The Honourable Mr. GHULAM MUHAMMAD walad Khan Bahadur WALI MUHAMMAD BHURGRI, Bar.-at-Law.

The Honourable Mr. P. R. CADELL, C.I.E., I. C. S.

The Honourable Mr. SHERIFF DEVJI CANJI.

The Honourable Mr. JAMES GARGRAVE COVERNTON, C.I.E.

H 2125—280

PRIMARY EDUCATION BILL.

[*The President; Dewán Bahádur Kashinath Ramchandra Godbole.*] [4TH DECEMBER 1917.]

The Honourable Mr. PANDURANG ANANT DESAI, LL.B.
The Honourable Dr. C. FERNANDES, M.D.
The Honourable Mr. SIDDHANATH DHONDDEV GARUD.
The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.
The Honourable Mr. MAHOMEDBHOY HAJEEBHOY.
The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Mr. EBRAHIM HAROON JAFFER.
The Honourable Mr. J. D. JENKINS.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Mr. G. F. KEATINGE, C.I.E., I. C. S.
The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwada.
The Honourable Mr. H. S. LAWRENCE, I. C. S.
The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
The Honourable Khán Bahádur PIR BAKSH walad MIAN MAHMUD.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Sardár SHRINIWAS COOPOOSWAMI MUDLIAR.
The Honourable Ráo Bahádur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. W. U. NICHOLAS.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. F. G. PRATT, I. C. S.
The Honourable Mr. MUNMOHUNDASS RAMJI.
The Honourable Mr. W. M. ROSS.
The Honourable Ráo Bahádur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. C. N. SEDDON, I. C. S.
The Honourable Mr. PHIROZE C. SETHNA.
The Honourable Mr. PURSHOTAMDAS THAKURDAS.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

His Excellency the PRESIDENT:—Order, order. Further discussion on clauses of the bill to provide for the extension of primary education in municipal districts in the Bombay Presidency other than the City of Bombay. Item No. 14, clause 8 (*c*).

Clause 8 (c).—Substitute the words "half a" in place of the word "one".

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency,—The amendment of which I have given notice relates to clause 8 which deals with parents' excuses for not sending a child to a school recognized by a municipality. Sub-clause (*c*) of that clause states that if a municipal school is not within one mile of the residence of the child, the distance will be taken as sufficient excuse for not sending the child to school. It is expected that a child which is residing within one mile of a municipal school will attend

that school. In the case of the children of poor parents this means that the child will have to walk to the school for a distance of one mile, if that is the distance of the school from the child's residence. In some municipal areas schools meet twice, morning and evening, and in others only once, in the afternoon. In the case of schools that meet twice the child whose residence happens to be at a distance of one mile from the municipal school will have to walk one mile to the school in the morning and go back home, and come and go back again in the evening, which means a total walk of four miles in the day.

Now I put it to the Council whether in the case of a child that is six or seven years of age, it will be reasonable to ask it to walk a distance of four miles. I think this will almost be an impossible feat. A child would take half an hour to walk one mile. So in the course of the day the child will have to spend two hours in walking to and from the school, which will mean a great hardship.

In the case of schools which meet once in the day in the afternoon, the child will have to walk in the sun for a distance of one mile and come back the same distance afterwards. I think this also will be a hardship. Moreover, in the case of small children, their mothers and guardians have very often to accompany the child to the school, otherwise the child cannot be induced to go to school. In such cases, not only will the child have to walk four or two miles, but also the mother or guardian of the child will have to do the same. I think, therefore, that the limit prescribed in this sub-clause should be reduced from one mile to half a mile.

This reduction will not place any serious financial burden on municipalities, because generally there are a number of schools in every municipal area and they are usually less than half a mile apart. The change which I advocate in my amendment will relate to a few children only that reside at long distances from municipal schools, and in the case of such children, I submit, that the Council should allow their parents the option of not sending their children to school, unless the municipality provides a school nearer to their homes. I might tell the Council that I have been consulting school masters on this subject. I have also been consulting deputy inspectors and other officers that have had to deal with the educational department and with the management of schools. These gentlemen are of the same opinion as myself, namely, that this distance clause of one mile will be a hardship in the case of the smaller children of 6, 7 and 8 years of age. In the case of the elderly children it will be workable. It is in the interest of the smaller children, I submit, that the distance ought to be reduced from one mile to half a mile.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE:—Your Excellency,—I beg to oppose the amendment of the Honourable Dewán Bahádur GODBOLE. I think the Honourable Dewán Bahádur's recollection of his own childhood is rather distant now. But I think you will find that the energy of children so far as walking is concerned is considerably more than he apparently thinks. If I might give the Council a little of the experience of my own childhood, I might say that I was born and used to live in my early days in a village in which there was no school and every day I had to walk to the neighbouring village once in the morning, return from the school and then walk the same distance in the afternoon; so that I had to do that journey four times, and that village was more than one mile distant from my own village. And it is not only in my single case that it was so, but about 20 children from my own village used to walk every day twice to that school. I do not know whether the children of these days are so degenerate in their physical capacity as not to be able to walk that distance. After all, we are only legislating for cities and towns, and generally it will happen that there will be a school within half a mile of every house. I might point out even the experience of Poona. Your Excellency knows that in

the village of Aundh there are a number of young children who walk every day to Poona and back. Children living in Kirkee also come to Poona to attend school and walk the distance. So that it is not a very great hardship for a few children to be made to walk a distance of one mile. If any difficulty is found, what will happen is that most of the municipalities if they cannot provide sufficiently numerous schools will have school hours once only, so that the children will have to go to school only once and not twice. So also the difficulty pointed out by the Honourable Dewán Bahádur GODBOLE about guardians having to accompany their children to school is more imaginary than real. I think a healthy child wants to go to school rather than sit at home. The difficulty is rather for the parents to keep the children away from school than send them to school. I think boys will generally like to go to school, particularly to a school where they can get more enjoyment than they get at home. I think therefore that the amendment should not be accepted.

The Honourable Mr. MUNMOHUNDASS RAMJI :—Your Excellency,—I rise to support the amendment of the Honourable Dewán Bahádur GODBOLE. There is a very great deal of force in the argument that he has advanced about the distance that a child is expected to walk for attending school every day. Besides that, a child after it attains the age of six years has to attend school under this bill. Supposing the bill applies to a city like Poona or Ahmedabad where a child will have to go to school as soon as it is six years of age, I doubt whether that child may be left alone to walk a mile in the streets in order to attend school unprotected. Of course, it is a different case with rich people who can send a servant, or some family member may accompany the child to school. What are all those people who have to work from early morning and return home late in the evening to do? What becomes of that child of seven years when it has to walk in a city like Ahmedabad, Surat or Poona a mile's distance unprotected? In order to work this clause satisfactorily, I think every school will have to provide some means of taking the school-going children from their homes to the school and return them safely in the evening. Either that provision has to be made or the distances have to be curtailed, and with a view to avoid any hardship I think the provision of half a mile in the beginning is quite sufficient.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—May it please your Excellency,—I rise to oppose the amendment moved by my friend the Honourable Dewán Bahádur GODBOLE. Yesterday we heard some members say that the physique of children was such that they could stand the strain of six hours' factory work and attendance at school also for four hours. Today we hear the other side of it, that a child cannot go to school and return, if the school be a mile away from the house, otherwise than in a condition of exhaustion. Speaking for myself, I say that it would do more good to the health and the physique of a child by making it compulsory for it to walk one mile to school and back the same distance.

But there are other considerations why this amendment should be rejected. The main reason is that of finance. We have heard it said that municipalities will not be in a position to take advantage of this act in view of their financial circumstances. Well, if you lay down that the municipality shall provide schools within a distance of half a mile from the residence of every child, that will entail additional burden in the case of some municipalities. There is also another consideration. We have the Town Planning Act in operation in some of the municipalities, and in those areas certain plots are definitely assigned to schools. It may be desirable in the interest of general sanitation to locate the schools in a particular place. But if this amendment were carried it would certainly interfere with the operation of the Town Planning Act by having to locate schools in places other than those shown in the scheme.

With these words I oppose the amendment.

PRIMARY EDUCATION BILL.

[4TH DECEMBER 1917.] [*Dewán Bahádur Kashinath Ramchandra Godbole; Mr. Raghunath Purshottam Paranjpye.*]

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency,—I find that my amendment has been opposed by the Honourable Mr. PARANJPYE and the Honourable Mr. PATEL. The Honourable Mr. PATEL says that it will do good to a child if it is made to walk four miles a day. I would ask the Honourable Mr. PATEL to wait until he gets a child or grand-child of six years of age. The question is nearer home to me, because I have a grandson who has to be sent to school. The question is whether in the case of a child in the sixth year of his age a walk of four miles a day will do him good. The case is quite different in the case of grown-up children like the Aundh children. I know these Aundh children; their ages vary between 9 and 11. I am referring to children of six and seven years of age, and I think in the case of these children it would be a great hardship if they are made to walk four miles a day. I should like to know when the Honourable Mr. PARANJPYE commenced his walking of four miles.

The Honourable Mr. PARANJPYE:—I said I used to walk not less than six miles.

The Honourable Dewán Bahádur GODBOLE:—Then the Honourable Mr. PARANJPYE must have been a child of an exceptionally virile type.

I have nothing to add except to emphasise the remark that was made by the Honourable Mr. MUNMOHUNDASS RAMJI, that a long walk in a crowded city like Ahmedabad or Poona is a trial to which I would not expose a child of six years of age. I would therefore ask the Council to accept the amendment that I have proposed.

The amendment was then put to the vote and lost, 16 voting for it and 22 against it. The Council divided as follows:—

Ayes.

The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.
The Honourable Mr. Ghulam Muhammad walad Khán Bahádur Wali Muhammad Bhurgri, Bar.-at-Law.
The Honourable Mr. Pandurang Anant Desai, LL.B.
The Honourable Dewán Bahádur Kashinath Ramchandra Godbole.
The Honourable Mr. Mahomedbhoy Hajeebboy.
The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.
The Honourable Mr. Ebrahim Haroon Jaffer.
The Honourable Mr. J. D. Jenkins.
The Honourable Mr. H. S. Lawrence, I. C. S.
The Honourable Khán Bahádur Pir Baksh walad Mian Mahmud.
The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.
The Honourable Sardár Shriniwas Coopooswami Mudliar.
The Honourable Ráo Bahádur Venkatesh Shriniwas Naik.
The Honourable Sir Dinshaw Manockjee Petit, Bart.
The Honourable Mr. Munmohundass Ramji.

Noes.

The Honourable Sir Mahadev Bhaskar Chaubal, K.C.I.E., C.S.I.
The Honourable Mr. S. R. Arthur, I. C. S.
The Honourable Mr. P. R. Cadell, C.I.E., I. C. S.
The Honourable Mr. Sherriff Devji Canji.
The Honourable Mr. James Gargrave Covernton, C.I.E.
The Honourable Mr. Siddhanath Dhonddev Garud.
The Honourable Mr. Balkrishna Sitaram Kamat.
The Honourable Mr. G. F. Ke tinge, C.I.E., I. C. S.
The Honourable Surgeon-General R. W. S. Lyons, M.D., I. M. S.
The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL.B.
The Honourable Mr. W. U. Nicholas,
The Honourable Mr. Raghunath Purshottam Paranjpye.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.
The Honourable Mr. Abdul Kadir alias Fakir Mahomed walad Ibrahim Khan Pathan.

PRIMARY EDUCATION BILL.

[*The President; Mr. Abdul Kadir Pathan; Dewán Bahádur Kashinath Ramchandra Godbole.*] [4TH DECEMBER 1917.]

Ayes.	Noes.
The Honourable Mr. Shridhar Balkrishna Upasani.	The Honourable Mr. F. G. Pratt I. C. S. The Honourable Mr. W. M. Ross. The Honourable Ráo Bahádur Ganesh Krishna Sathe, C.I.E. The Honourable Mr. C. N. Seddon, I. C. S. The Honourable Mr. Phiroze C. Sethna. The Honourable Mr. Purshotamdas Thakurdas. The Honourable Mr. Harchandrai Vishindas, LL.B.

Clause 7 was then put to the vote and carried.

His Excellency the PRESIDENT:—Item No. 15. Amendment to clause 8. The Honourable Mr. PATHAN.

The Honourable Mr. ABDUL KÁDIR alias FAKIR MAHOMED walad IBRAHIM KHAN PATHAN:—Your Excellency,—The amendment that stands in my name is as follows:—

Clause 8. Insert the following new sub-clause as sub-clause (*d*):—

"(*d*) where there is no school, within the distance mentioned in sub-clause (*c*), teaching the mother-tongue of the child and the parent declares that he objects to his child getting education in any other tongue."

Your Excellency, with regard to this amendment, there may be many parents who do not want to send their children to school and who may take shelter under this sub-clause. I therefore beg leave to withdraw it.

The amendment was by leave withdrawn.

Clause 8 was put to the vote and carried.

His Excellency the PRESIDENT:—Item No. 16. Amendment to clause 9. The Honourable Dewán Bahádur GODBOLE.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency,—Clause 9 relates to the issue of an attendance order. The clause provides that the attendance order should be issued by the school committee after enquiries in the case of defaulting parents, and that they should issue the order after these enquiries, fixing the date for the attendance of the child. I am referring to the wording of the clause as it stands. The school committee is at liberty, in issuing the order of attendance, to fix the date for the attendance of the child on the next day after the date of the order. What I submit to the Council is, that after the issue of the order there should be sufficient time to enable the parents and guardians to make the necessary preparation for sending the child to school. In the case of poor parents and guardians it will be necessary to spend some money in equipping the child before it goes to school. In the first place, if the child has heen engaged in any small vocation the parents will have to make arrangements for relieving it. In the second place, they will have to clothe the child decently, and in the third place they will have to provide the child with school requisites, such as books, slates and so on. I therefore think that an interval of ten days should intervene between the issue of the order and the day fixed for the attendance of the child. It should not be within the power of the school committee to say to the parent "Send the child to school from tomorrow". With this object in view I have brought forward my amendment and I hope the Council will accept it.

PRIMARY EDUCATION BILL.

[4TH DECEMBER 1917.]

[*Mr. Vithalbhai Jhaverbhai Patel; Dewán Bahádur Kashinath Ramchandra Godbole; the President; Khán Bahádur Pir Baksh.*]

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—In the clause as it stands power is given to the school committee to determine and to settle after asking each parent in each individual case when the child should attend the school, whether from the next day or whether after a month or any other period. In each case the school committee will settle the length of time on the merits of the representation made to them. It may be that in a particular case they think it desirable that an obstinate parent, although he has got all the means at his command, does not care to send the child to school, and then the school committee will be justified in saying "Send your child from to-morrow or the day after". Why should ten days be allowed unnecessarily in such a case? There may be cases in which the parent is too poor, or the child is ill and it may not be desirable to ask the child to attend for a month. In that case the school committee would be at perfect liberty to say "Send the child after a month". In the clause as it stands the school committee have got power to decide each case on its merits. I therefore think that there is no valid reason shown why the amendment should be accepted.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency,—I have only to repeat what I have said before. I want this limit of ten days to be imposed in order to prevent hardship upon poor parents. The poor parents must have time to equip the child for attendance at the school, and it should not be within the powers of the school committee to say that the child should attend earlier than ten days after the issue of the order.

The amendment was put to the vote and lost.

Clause 9 was then put to the vote and carried.

His Excellency the PRESIDENT:—Item No. 17. Amendment to clause 10 (1). The Honourable Khán Bahádur PIR BAKSH.

The Honourable Khán Bahádur PIR BAKSH walad MIAN MAHMUD:—Your Excellency,—Since my amendment for the appointment of two committees is not accepted, the words "Hindu or Muhammadan" appearing in this amendment may be omitted. The work of regulating and enforcing the provisions of the law in this respect had better be left to the committee appointed. The committee will naturally have the full facts before them which would enable them to satisfactorily deal with cases. It is hoped that in this manner desired results would be obtained more easily and in an appreciable way and in comparatively far shorter period at the hands of the committee than through a magistrate without at the same time producing adverse comments and the necessity of appeals to higher courts by parties concerned.

The Honourable Mr. PATEL:—I understand that the Honourable Ráo Bahádur SATHE has got an amendment similar to the one of the Honourable Khán Bahádur PIR BAKSH.

The Honourable Khán Bahádur PIR BAKSH:—In that case I would like to withdraw my amendment in favour of the amendment of the Honourable Ráo Bahádur SATHE.

The amendment was by leave withdrawn.

The Honourable Mr. VITHALBHI JHAVERBHAI PATEL:—Your Excellency,—With regard to the Hnourable Ráo Bahádur SATHE'S amendments I rise to a point of order. In the last December meeting your Excellency ruled that any amendments which are in any way hypothetical in any degree or shape shall not be allowed. Now, my honourable friend Ráo Bahádur SATHE'S amendments are "if this is not accepted he will move that, and if that is not accepted he will move the

other thing, and so on". In view of the ruling of your Excellency I beg to enquire whether his present amendments are in order.

The Honourable Sir MAHADEV CHAUBAL:—I think the Honourable Mr. PATEL sees that it is item No. 18 which is now proposed.

The Honourable Mr. PATEL:—Yes, but item No. 22 says, if amendment to clause 10 (1) (item 18) be not carried, then the following amendment will be moved in clause 11 (1). Let my honourable friend Ráo Bahádur SATHE decide which of the two amendments he proposes to move.

His Excellency the PRESIDENT:—I think there is nothing hypothetical about the amendment which is now before the Council. When we come to the hypothetical amendments, the honourable member may rise to a point of order and the President will then give his ruling.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE:—I wish my honourable friend Mr. PATEL had waited till I proposed my amendment before the Council.

By the amendment which I now wish to propose I only intend to change the machinery for trying the offences covered by this penal clause, clause 10.

I want, your Excellency, to make a few observations in support of this amendment. When I wish that my amendment should be carried I am bound to place before this Council in the first instance the reasons why I object to the present clause, and then having given those reasons I will try to answer the several objections which were raised in the select committee and outside the select committee when I talked with several of my honourable friends, and then I will make a few observations generally on the amendment.

The only change I wish to make is to take away the word "magistrate" and to substitute for it the word "president". It may not be understood that by taking away the word "magistrate" I am inclined to show any distrust in that machinery. There are other considerations which have induced me to lay this amendment before this Council. When we use the word magistrate, then all the procedure which is prescribed by the Criminal Procedure Code has to be followed, namely, the employment of a pleader, the sifting of evidence according to the rules of the Evidence Act and the provision of appeal to the district magistrate or a revision application to the sessions judge according to the magistrate who decides the cases.

Now I put it to this Council whether in cases of this character such a complicated machinery is really required and whether we are not putting in the way of the people who are likely to be affected by this penal clause something which would make them lose their money. It is our general experience that when law provides for a certain remedy the litigant wishes to take full advantage of it; and these are not cases which really call for any decision at the hands of a trained magistrate. Besides we find that in many cases before magistrates the proceedings are protracted and in a matter of this kind the sooner the disposal the better.

Another ground is that there are in all 156 municipalities in the Presidency proper and I am not quite sure how many of them are at the head-quarters of a taluka which are provided with a magistrate of the second or third class. At any rate I am sure of one fact, that there are certain places where you have got municipalities but where you have not got the machinery of magistracy. In such cases is it really desirable to ask people to go a long way to attend taluka head-quarter towns, to wait there until the cases are called on, and also to go there a second time if the cases are not taken up on the dates fixed by the magistrates who are generally revenue officers and who have to do both revenue and criminal

work? Besides this the expense involved in the conduct of a case is also a matter which one ought to take into account. Though I belong to a profession against the interests of which this amendment goes, I really feel, in the interests of those who will be affected by this penal clause, that it is much better that we should not introduce legal talent in the disposal of these cases.

Now, sir, the objections that might be raised to my amendment are as follows (I state them in brief): The first objection is that the president of a municipality will have no legal training. But do we not find that in many places honorary magistrates are appointed to decide cases of a much more complicated character and that honorary magistrates with a few exceptions are laymen? If you could confide in those people, would it be too much to confide in the presidents of municipalities and would the presidents of municipalities not be just as good laymen and would not justice at their hands be as good as it is at the hands of honorary magistrates?

Then the second objection that is taken is that these presidents of municipalities will be local men and will not be ready to take the odium of punishing their own people. That, sir, is rather a reflection on the presidents who stand for election and occupy such a responsible position due to the election by their brother councillors. If a president wishes to avoid that odium, I think one who is not quite strong and fit to do his work in a fearless manner would not stand for election in times to come; and we would not be losers if that is going to be the result.

Another objection that is likely to be put forward is, why do you make much of this penal clause? Are not nuisance cases tried by magistrates under the present Municipal Act? Well, sir, it is so. But I never considered that it was a desirable state of things that ordinary cases of nuisance should be tried by a regular magistrate. I am constrained to state for your Excellency's information that sometimes in the place from which I come I have seen that the complainants in the nuisance cases, who are clerks of the municipality, have to put in appearance more than half a dozen times before their cases are decided, and I do not consider that this is a desirable state of affairs. I am told (and I stand open to correction) that in the Central Provinces presidents of municipalities have got summary powers to punish nuisance cases. Of course at present nuisance cases, according to the Bombay District Municipal Act, are tried by magistrates, but that is no reason why we should add one more to that category and increase the difficulties of the people.

Then there is another objection, and that is this, that the presidents will not find time to try these cases. There may be some truth in this objection in the case of very large municipalities. But such cases are not going to be very many at the start, because we have provided for a very salient safeguard, namely, that no offence will be taken cognizance of unless the school committee lays its complaint before a magistrate. The school committee in the early days of the operation of this act is sure not to rush through cases of this kind and will only take resort to these penal clauses in such cases where they find that the parents are recalcitrant and unwilling to send their children to school with all the warnings given after all the necessary inquiries are held by the school committee.

There is another thing to be said in this behalf, that the presidents under the Municipal Act have got power to delegate certain of their other duties, and if this act is introduced in large cities and as this is an important part of the duties of a president, then certainly the president, when he finds that he is overworked on account of this work, will see his way to transfer or delegate certain other duties to the vice-president and I do not believe for a moment that the objection has any foundation in fact.

Then it may be said, sir, "Why a president alone; and why not a committee or a bench?" I am bound to answer this because I have stated in my minute of

dissent that something like a committee consisting of a president, vice-president and one other councillor to be elected by the councillors ought to be formed for the disposal of such cases. But on reconsideration I found that it would be difficult to secure punctual and regular attendance of committees and I also found that there is a special section with respect to presidents. I refer to section 23, clause 7, of the main act, under which Government has got power to remove a president for neglect of duty or for misconduct, and I thought that so long as Government does not possess any power under the act to remove a committee, which I once contemplated advocating, it was much better to authorise a president of the municipality, who, if he neglects his duty or misconducts himself, is liable to be removed by the Governor in Council without any reference to the municipality. I thought, and I do even think now, that a responsible officer like the president of a municipality will never behave in a way which will call for such a drastic action on the part of Government. It will be quite safe to entrust these duties to the president without any danger of those powers being abused.

Then as regards another objection, namely, that all municipalities have not elected presidents. Assuming that it is a fact, what then? If the president is an official there can be no objection, because he generally is a deputy collector or an assistant collector. If we take account of provisions in other acts, we find, sir, that under the Village Police Act, which is a very old act, by section 14 you have invested the village police patel of each village with powers, one of which is of confining a man in a chavdi. He has to record no evidence, his proceedings are to be oral. If under this section 14 we rely upon an officer like the village police patel, would it be too much if I ask my honourable friends here to consider whether they would not prefer to have such cases tried by a president in preference to a magistrate of any class. Under the schedule of Criminal Procedure Code such cases are triable even by third class magistrates. Considering the position of the president of a municipality and the status and pay of a third class magistrate, I think I would be correct in saying that the president may safely be relied upon, if this Council agrees with me in thinking that the enquiry before a magistrate is likely to be more irksome, more distasteful, likely to be protracted and likely to land the litigants into heavy expense.

Then it may be asked—I am practically anticipating some of the arguments which my hourouble friend, the mover of the bill, is likely to bring forward—"What is the procedure you are going to lay down for these trials?" I do not think it is such a very difficult subject. The municipality can frame rules under section 46 or even under this act. It is a matter which need not trouble us and I do think that the matter of procedure is very simple and means can be devised to lay down a procedure for these cases. After all, sir, these cases have to be disposed of not by any legal technical knowledge, but on broad considerations and from a practical common-sense point of view. If that is the character of work which we may expect of the persons who are to try these cases, I think presidents of municipalities may safely be considered fit for such work. I am not going to make any comparison between the relative merits of a president and of a magistrate, whether the magistrate belongs to the first, second or third class, but I am only putting it on the ground that one is more suited to the requirements of the case and the other is not.

Then, sir, what is the punishment we have provided for? The punishment is only one of fine and there is no reason for apprehending that the presidents would abuse their powers if they are so invested under the amendment which I have proposed.

Now there is one more thing to be said, and that is this. If at all we find, after some experience is gained, that this machinery is unsuited, that people go unpunished, that real justice is not being done, are our hands tied down? Can we not amend the act? We can come to this Council and say: "Here is a

provision which was accepted in 1917 but which does not work well in practice, and the time has arrived when we should go back to the section providing that all these cases should be tried by a magistrate." We are introducing compulsory education for the first time in this presidency. Is it not our duty to see that we work the act in the least irksome way possible? My earnest desire is to see that nothing should come in the way of this act which would either make it distasteful to the people or retard its progress or hamper its introduction in the several municipalities. That is my only anxiety and I stand second to none in the desire to see that in all municipalities this act should be introduced and that education should be made compulsory. When we do so we are in fairness bound to see that our action is of a character which will, without diminishing the efficiency of administration, go in the direction of inducing people to take up this piece of legislation. These are, sir, in short, my reasons for putting forward an amendment of this kind. In the select committee no doubt this question was discussed, but I only wish to bring to the notice of the members of this Council that the only reason that was given during the discussion was that magisterial powers inspire awe and dread. True, but is it really necessary in a matter of this kind that we should have magistrates to inspire awe and dread? Are we not going to work this act more on the policy of persuasion and not one of compulsion? If this is the desire of all of us let us not start with a machinery like the one which is suggested by the clause under discussion. With these few words I commend my amendment to the members of the Council.

The Honourable Mr. HARCHANDRAI VISHINDAS:—Your Excellency,—I have great pleasure in supporting the amendment that has been moved by my honourable friend Ráo Bahádur SATHE, and in addition to the important catalogue of arguments which he has adduced I may only urge one which I think will appeal to almost every member of this Council, and that is this. Whilst going before a magistrate carries with it the implication that the offence with which the man is charged is criminal, such a kind of interpretation will not be put upon such an offence if it is tried by the president of the municipality. I think it may be generally conceded that to every measure there is a certain kind of odium attached by reason of any penalties being attached to it. Therefore, however beneficent and popular to the educated public a measure of this kind that has been moved by my honourable friend MR. PATEL may be, there will be a certain odium attached to it by the general class of people by reason of the fine. Well, I am of opinion that a great deal of this odium will be taken away if the criminal nature of the offence is taken away by reason of the trial of the offence by the president of the municipality, and offences of this nature would not be made a criminal act which would be the interpretation put upon them if they are tried by a magistrate, but if they are tried by the president I think the unpopularity that might otherwise be attached to it would be to a great extent taken away, and that is one of the reasons on which I am bound to support the arguments of the Honourable Ráo Bahádur SATHE in favour of his amendment.

The Honourable Mr. BALKRISHNA SITARAM KAMAT:—Your Excellency,—All the arguments the Honourable Ráo Bahádur SATHE gave in the select committee and the new arguments which he has placed before the Council just now have failed to convince me that the president of a municipality is the better person to try these cases than the ordinary magistrate, and I am afraid that, probably, what is at the back of the mind of the Honourable Ráo Bahádur SATHE is the fact that if the case is tried by an ordinary magistrate there would be some stigma attached to fines imposed by him and not so if cases are tried by the president of the municipality. The Honourable Ráo Bahádur SATHE gave us a very long list of probable objections. He said that trial before a magistrate is cumbrous, expensive, protracted and so on, whereas in the case of the president it would not be so protracted and it would be rather speedy. Well,

I believe he has omitted to place one important fact before the Council, and that is this: that the trial before a magistrate or president will not be taken up in hand at once, but that the school committee will, in the first instance, give the fullest opportunity to the parent or guardian to place all facts in his favour before the committee. Only a warning will be given first, and probably as a result of that there may not be any case to go before a magistrate, and those persons only who have disobeyed that order will be brought before a magistrate. Now it follows that persons who defy or disobey the order of the school attendance committee must be in the very nature of things either too ignorant or they must be too perverse or too obtuse to obey the order. If they are too ignorant to understand the order for the improvement of their children, they will have no reason to grumble at the roughness of the treatment, and if they are too perverse or if they disobey the order of the school attendance committee purposely, in that case, if they have to undergo a magisterial trial, or if they have to incur any expense, or if they are ordered to go before a magistrate a number of times, they will have to thank themselves. Well, in the case of a trial before a president, I submit in respect of that procedure that the president generally is an overworked gentleman in the municipality and he has various other executive duties to do, and I do not think it is desirable that these judicial powers should be saddled upon him. Secondly, although he may try to be as impartial as possible, still if all the cases which have been once heard by his own school attendance committee were sent up to him, in spite of his attempts to be impartial (after all it is but human nature), he will be likely to be swayed one way or the other to decide in favour of the school committee. Therefore, I say it is not desirable that all orders of the school attendance committee should go up for trial before a president of the municipality. It is much better that they should be tried by an independent court. Take, for instance, the case of a mill-owner or factory-owner who happens to violate the law. I put it to the Council who would be the best judge? Would the president of a municipality be a much better judge or an ordinary independent magistrate to try any cases of employment of child labour?

The Honourable Mr. PARANJPYE:—Your Excellency,—May I point out that this clause refers to attendance orders and not to employment? Because some of the members are in favour of the Honourable Mr. SATHE'S amendment on this point but not on the other amendment. So I hope the two amendments will not be confused.

The Honourable Mr. KAMAT:—I am giving a hypothetical case to show that the president may have to try certain cases of members who may be factory owners and who have disobeyed the law. In such a case I think the president should be the last person to try a case of this character. The Honourable Ráo Bahádur SATHE told us that police patels also, or even some honorary magistrates, are entrusted with similar cases, and he therefore concluded that the president of a municipality would be far better suited to try these cases than a bench magistrate or the village patel. I do not deny, but it is not a question of training, it is not a question of time; it is a question of an independent mind being brought to bear upon the question, and I think it would be far better if these cases are tried by an ordinary court than by the president of the municipality.

The Honourable Mr. F. G. PRATT:—Your Excellency,—I rise to oppose the Honourable Ráo Bahádur SATHE'S amendment, because, I think, in the discussion before the select committee, by a majority we came to the conclusion that unless these cases were taken before a magistrate there would be grave risk that the usefulness of the act would be to a large extent undermined and the act would be in a serious danger of becoming a dead-letter and it would not work at all in practice.

The Honourable Ráo Bahádur SATHE in his speech has laid great stress and he took great pains in elaborating a number of objections which might be raised

to this proposed amendment, but I find that he equally elaborated his objections to the provisions of the bill as adopted by the select commitee that offences of this kind should be tried by ordinary magisterial courts. He says in his minute of dissent that the cases tried in courts would be tried by a procedure which would be bound to be lengthy and expensive. Well, with all deference to the Honourable Ráo Bahádur SATHE'S experience as a lawyer, I venture to dissent altogether from that statement. What will be the nature of these petty cases? They will be tried under the procedure laid down under the Criminal Procedure Code for summons cases. The accused comes to the court, the magistrate says, have you anything to say in defence? The accused says I am innocent. No evidence is taken and the magistrate proceeds to pass his order. That is the procedure prescribed for summons cases. Why, I ask, should that procedure become lengthy and expensive even with all the efforts of pleaders who might appear in the trial?

Then we in the select committee thought, sir, that if you are going to have compulsory education you must face the situation and make your act a really compulsory act, make the public really understand that these duties are enjoined upon them by the law and that they are bound to comply with the provisions of the act and that the failure to comply with them would be treated as an offence and would be punishable under the act.

The Honourable Ráo Bahádur SATHE writes in his minute of dissent that no one who is acquainted with the English police courts, on the days set apart for hearing school attendance cases, can desire to see such scenes enacted in India. Well, sir, I have been present in English police courts and I personally would be very glad if the procedure in the Indian courts when these cases would be before them were to be as brisk and prompt and as businesslike as in the English courts. There each case is disposed of in about 5 or 6 minutes and the parties leave the court. That is how it should be, and I hope will be if the procedure recommended in our draft bill were to become law. We are afraid that if these duties are handed over, as the Honourable Ráo Bahádur SATHE suggests, to the presidents of municipalities, that it will put upon the presidents, without any magisterial powers, duties and responsibilities which in many cases they would dislike to undertake and would not be prepared to undertake.

The Honourable Ráo Bahádur SATHE says that the presidents may if they like delegate their duties to the vice-presidents. Well, I am afraid (and I think my honourable colleagues in the select committee would agreee with me) that there would be a serious risk in the presidents' delegating their duties. When these cases come before a president, even though they may not constitute such a serious tax on him or the vice-president or other councillor to whom he would delegate his duties, the delegate would in his turn look round to try and find out some other person to whom to delegate these duties. I am afraid also that if cases of this kind came to the president, he would not be able to deal with them in a prompt and businesslike manner and in accordance with the procedure prescribed in the Criminal Procedure Code, and he would be very likely indeed (I can say so from my experience of municipalities) to sit down and correspond and the correspondence may very likely drift into a period of many weeks, if not months, in each individual case.

Then there is another point and that is that my honourable friend Ráo Bahádur SATHE is anxious that this work should be conducted by the presidents of municipalities. Well, sir, in any given case where the president of a municipality would want to do this work I would be extremely glad to see him do it. But the difficulty can easily be met by that president being nominated by Government as honorary magistrate for these cases. That would give him the power to deal with them and it will also enable him to deal with them under the Criminal Procedure Code and the matter will be disposed of promptly and in a businesslike manner.

IMARY EDUCATION BILL.

The Honourable Sir MAHADEV BHASKAR CHAUBAL :—Your Excellency,—I rise to speak to a small point about this amendment which has been moved by the Honourable Ráo Bahádur SATHE which I oppose. It has been rather a surprise for me to see lawyers of the reputation of the Honourable Ráo Bahádur SATHE and the Honourable Mr. HARCHANDRAI bringing in and supporting an amendment of this character, because so far as I am aware jurists and lawyers have always complained that the one flaw in British administration of justice in India is that there are some cases in which the prosecutor is the judge. In cases under the forest and abkari laws this is a frequent ground of complaint made by the public at large. The trial of these cases, they say, takes place before revenue officers who are directly interested in the departments which start these prosecutions. Now what is the present case here? The act is a supplementary act to the District Municipal Act. Under the main act municipal prosecutions are conducted before the ordinary magistracy, but the amendment moved proposes to remove this particular class of municipal offences from their jurisdiction. Now I do not know how it accords with the notions of jurisprudence of my honourable friends Messrs. SATHE and HARCHANDRAI that in these cases, which must be municipal prosecutions, the officer of the municipality who is directly concerned in them and who has the control and supervision over all municipal affairs, under section 24 of the main act, should himself be the trying judge!

We must further remember that by the amendment which has been made by the select committee all the fines which will be inflicted and realised in these prosecutions are to be credited to municipal funds. Now if you say that all these trials should be before the president or vice-president of a municipality, is his conduct not liable or open to the aspersion—I do not say it will be justified—that the municipality is directly interested in increasing its funds for compulsory education and therefore there is no fair justice in these cases?

Then again I do not at all agree with the Honourable Ráo Bahádur SATHE that the public should be under the impression that offences under this act are venial or trifling offences, and therefore offenders should not be regarded as criminals. I do not at all agree with this proposition, and am opposed to any attempt to sweeten the pill. I wish the public and the offending parents who bring themselves under the penal provisions of the law by keeping their children away from schools without reasonable excuse to realise to the full that they are criminals, and deserve to be penalised for the offence of encouraging illiteracy.

The only other point which I wish to allude to is as regards what happened in the select committee on this point. If you refer to the original bill, you will see that presence before a magistrate was required on two occasions, and after a full discussion in the select committee it was decided that the discretion to start the prosecutions after a warning should be given to the school committee, and that it is only in the last resort that the magistrate should be brought in. Further, the select committee considered that the conduct of the school committee in bringing their complaint may not be justified in any particular case. There may be a reasonable excuse and the school committee may have been wrong in deciding that a particular boy had no reasonable excuse for non-attendance. While therefore the original bill made non-compliance with the school-committee's order itself an offence, the amendment by the select committee specially empowers the magistrate to go behind the school committee's decision, so that there may be a judicial decision by a properly constituted authority.

For these reasons I think the Council will be pleased to reject the amendment moved.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI :—May it please your Excellency,—I rise to support the amendment which the Honourable Ráo Bahádur SATHE has moved. I have myself sent in an amendment on the same

lines proposing that the power to hear these cases should be vested in the president as also the vice-president of the municipality.

Now the Honourable Sir MAHADEV CHAUBAL, in speaking on this amendment of the Honourable Ráo Bahádur SATHE, said that to allow a president of a municipality to try these cases would mean to allow a prosecutor to try the case of which he himself has sanctioned the prosecution. I wish, your Excellency, this argument were allowed to prevail as regards cases relating to matters which concern Government themselves. Sir MAHADEV referred to cases under the Forest Act and under various other acts. In these it happens that the officers of Government who sanction the prosecution do try them as magistrates. There is no doubt some force in this argument of the Honourable Sir MAHADEV CHAUBAL, but when that argument is not allowed to prevail in the cases in which Government themselves are concerned, I do not know why that argument should be brought forward now in connection with the less important cases coming under this act.

Again, apart from this I do not think that the enforcement of this act should be in a manner which may give unnecessary cause for complaint. This act is meant for the good of the people and so far as possible it should be left to the good sense of the people to take advantage of it and we should secure its enforcement with their co-operation rather than create any misapprehension in their minds that any breach of the provisions of this act would be considered a moral wrong or a criminal offence. However necessary it may be to enforce this act, it will not do to entrust its enforcement to magistrates as if it were part of our criminal laws.

Now what is there special in these cases to make it necessary that they should be triable by magistrates? The cases will be petty and the power to be exercised will be to only levy a small fine for failure to send a child to school as required by the act.

Now, if even illiterate village patels are allowed to exercise the power to fine and even to detain a person under the Village Police Act, why should we not allow the presidents of municipalities, who are chosen by the people and who are men with far greater qualifications and much higher sense of responsibility, to try these petty cases under this act? If we make these cases triable by magistrates, all the elaborate procedure of magisterial inquiry will have to be gone through and the police will also come in, for at the outset the magistrate's summons will have to be served by the police. I do not see why in these small matters we should allow the police to come in. I am afraid that it will give a different complexion to this measure and make it unpopular if we allow magistrates to take cognizance of these cases and the police to have any concern with them. Therefore, I think it will be better to allow these cases to be heard and disposed of by the municipal president and vice-president than to allow the act to be enforced through the agency of the magistrate and the police.

Now if these cases are allowed to be taken up by magistrates most of them will go before honorary magistrates. In my own town there are four or five honorary magistrates and the majority of them are municipal members. If these will be competent to try these cases without detriment to public interests, I for myself feel quite sure that the presidents of municipalities would be as good as and even better judges to try these cases than these magistrates.

Then as regards the amount of additional work which would be imposed on the presidents if these cases be tried by them, I do not think it will add much to their other duties, because the school committees will in the first instance hear the parties and a reference to the president will be necessary only in case the parties do not obey the school committee's order. Therefore we need not be afraid of any heavy additional work being imposed on the president, especially if he is relieved by the vice-president who also should I think be given power to hear these cases as I have proposed in my amendment on this point.

PRIMARY EDUCATION BILL.

With these words I beg to support strongly the amendment moved by my honourable friend Ráo Bahádur SATHE.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—May it please your Excellency;—I strongly oppose this amendment. My principal objection is that under the main act a municipality is entitled to appoint a school committee and that school committee may include the president. There is nothing in the main act to debar the president from being a member of the school committee, and I know of some instances in which presidents of municipalities are members of school committees, and in that case the president, by virtue of his office, becomes the chairman of that committee. Now the position becomes this, that under this bill we give power to the school committee to pass an attendance order. The president as chairman of the school committee, in consultation with the other members of the committee, passes an attendance order. That order is disobeyed and a prosecution has to be lodged. Now is it desirable that that prosecution should lie before a person who has sanctioned the prosecution? Will not, as my honourable friend Sir MAHADEV CHAUBAL said, the prosecutor be the judge in his own cause? It would be entirely wrong on principle. Even under the Criminal Procedure Code when a magistrate has personal interest in a case, the case has got to be transferred from him to another magistrate. I do not see how the president, who is a member, and therefore the chairman, of a school committee, could legally try a case the prosecution of which he himself has sanctioned. That is the main objection to the acceptance of the proposal of my honourable friend Ráo Bahádur SATHE.

The second point is, your Excellency, that there are a number of municipalities where we have got official presidents. Now these official presidents are of the rank of first class magistrates, of long standing and experience and have a number of other duties to perform. Of course, in some cases they are in charge of sub-divisions and have magisterial, revenue and other work to do. Is it right that these official presidents, who have been exercising the powers of a first class magistrate and whose time is very valuable in other respects, should be asked to try these petty cases, which in the usual course would go to third class magistrates? These official presidents in their capacity as assistant or deputy collectors are touring officers; they have to go from place to place; and does my honourable friend Ráo Bahádur SATHE mean to say that for these petty offences the parties should be asked to go from place to place to attend the courts of these officers? My honourable friend Mr. UPASANI tells us that they need not be presidents, but we have to take things as they are and I believe we have to consider the clauses of this bill on the basis of circumstances as they are today. Personally I am prepared to vote for, and I would be glad if we had, non-official presidents in all the municipalities. But that is a different matter altogether.

Then there is another serious difficulty in the way of accepting the amendment. In the bill which we are now considering, is there any provision which empowers the president of a municipality to summon accused persons and witnesses? What is the procedure and what is the machinery under which these trials are to be held? My honourable friend Ráo Bahádur SATHE says that if these cases go to the stipendiary magistrate the trials will be lengthened and expensive, pleaders will be allowed to appear, and so on. May I ask him under what procedure are these cases to be tried by the president of a municipality? How is the president going to ask the parties to attend and how is he going to summon the witnesses to come and give evidence? Of course, if the select committee had come to the conclusion that the president should be the person to try the cases, then they would have considered the procedure and they would have put all these provisions necessary for the purpose of enabling the president to try cases. But at this stage, to accept the amendment of my honourable friend Ráo Bahádur SATHE, empowering the president to try these cases, would make practically the whole act unworkable, unless this Council is prepared

at the same time to provide the requisite machinery and put in additional clauses giving powers to the president to summon witnesses to give evidence and parties to appear for the trial of these cases and similar other provisions. As I say, if the amendment of my honourable friend is accepted it would mean practically the suspension of section 28 of the municipal act. The president could not in that case, under any circumstances, be a member of the school committee. Unless you say that the president shall not be a member of the school committee, you will not be justified in accepting this amendment at all, and when you say that the president shall not be a member of the school committee, you practically amend section 28 of the principal act, which process we have so far in the bill tried to avoid.

Then again, my Lord, the amendment is quite novel. There is not a single country where compulsion is introduced that magisterial power is given to the president of a corporate body. In all countries where compulsion is introduced it is the magistrate who has been given the power to fine the offender. Even in India—I do not wish to refer to Native States at all—wherever compulsion has been introduced, the cases have to be tried by magistrates and not by the presidents or vice-presidents of municipalities; and when by experience we know that that institution has worked well in other countries and this country also, I do not see why we should try this novel experiment so far as our Presidency is concerned. My honourable friend Ráo Bahádur SATHE suggests that we might have experience first and if after five or ten years it is found that his proposal does not work smoothly or that it is not practicable, then we can easily amend the act. I say, why not try this experiment which has been found successful elsewhere instead of trying a novel experiment? But of all the arguments that have been advanced in this Council the one argument that appeals to me strongly is that advanced by my honourable friend Mr. PRATT. He says that there is nothing to prevent Government from empowering presidents of select municipalities with powers of honorary magistrates, and in such cases they will try the offenders under this act. But, after all, as I say, the president is the executive head of a district municipality and is always interested in the administration of that municipality, and I do not know if it is advisable to ask him to try cases instituted by that body. I am of opinion that it is not wise to entrust these cases to the executive head of the municipality, particularly when clause 17 of the bill provides that all fines leviable under the act shall be credited to the municipality.

With these few words I trust the Council will not accept the amendment.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE:—May it please your Excellency,—I will take first the objections urged by my honourable friend Mr. PATEL. But I must say this, that in the latter part of his arguments he was really not consistent, because he agreed with my honourable friend Mr. PRATT when he said that Government will not have the slightest objection in fit cases to invest the presidents with magisterial powers for the trial of criminal offences.

The Honourable Mr. PATEL:—I said, if so desired.

The Honourable Ráo Bahádur SATHE:—In fit cases! I doubt if my honourable friend Sir MAHADEV CHAUBAL would agree with my honourable friend Mr. PATEL. Well, he says that the president is the head of the municipality, he is interested in promoting the interests of the municipality, and that he will always try to augment the finances of the municipality, as if he has no other means wherewith to find his means. So far as this part of the argument goes, it does not appeal to me as a sound argument or as a sound objection.

The Honourable Mr. PATEL has put forward a very very strong objection and that is this, that in the main act there is nothing to prevent a president from being a member of the school committee. It is really paying a very poor

compliment to the councillors to say that even with the amended clause, as I have proposed, the councillors would go the length of having the president as a member of the school committee. I think his apprehensions on this ground were really uncalled for. If we amend the clause in the way in which I have suggested, the councillors are sure to show better sense in not having the president as a member of the school committee, and in that case objection on that score would not really survive.

Then, for the procedure to be prescribed, I do say that there is no doubt that under existing section 46, so far as I am able to read it, means may be found out for laying down the procedure for serving summonses by chief officers and issue of notices, etc.

Then, sir, as regards the argument which has been put forward by the Honourable Sir MAHADEV CHAUBAL, an answer has already been given by my honourable friend Mr. UPASANI, but I go further and I do say that the principle of separation of judicial and executive is the best no doubt, if it is going to be accepted in the near future. Our city magistrates are invariably members of municipalities in cities and towns and those city magistrates try cases arising out of the Municipal Act and fine people who come before them. Are not such magistrates in a sense both prosecutors and judges at the same time, but have we ever found that complaints were raised either by the public or by the municipality that these magistrates are partial and are inflicting fines to supplement the funds of the municipality? Under the Criminal Procedure Code at present there is no bar to the city magistrate trying such cases. If my view of the law is correct, the fact that a president happens to be a member of a body a sub-committee of which sanctions a prosecution, ought not to be considered a disqualification to try that case even under the present state of criminal procedure. Therefore, though it will appear as a serious objection at the outset, it does not survive after a close scrutiny. The question of the ideal of the separation of judicial and executive is a high ideal. No one would be more glad than myself if Government introduces it. So long as Government does not accept it in practice it would never be proper for Government to advise us not to commit similar mistakes. The argument advanced by the Honourable Sir MAHADEV CHAUBAL does not appeal to me, though at the same time I am strongly in favour of the ideal which he now placed before us.

Then coming to the objection of my honourable friend Mr. PRATT, he quoted a sentence from my minute of dissent. I must plead my inability to speak with authority on that point, not having had occasion to go to England; I based my remarks on the article appearing in the prominent Anglo-Indian organ of this city, the *Times of India* in its issue of July 28, 1917. In the discussion on primary education in the Council meeting of July last the Honourable Capt. Fernandes made a suggestion in this matter and in referring to it the *Times of India* gave this experience of English courts. I think it is a better authority on questions like this. Then he called my attention, as if I was not alive to it, that it was a summons case and the procedure was very simple. Of course, from his own point of view he is perfectly correct, but I find that it is not the actual trial of a case that takes long, but it is the number of times that a case is called on for hearing that I am complaining of. If the man is called on the first day and he pleads guilty I admit it will be finished in a few minutes.

I gave experience of my city and experience may be similar in other places unless mine is the only unfortunate place in this respect.

Then, sir, coming to the opposition of my friend the Honourable Mr. KAMAT, he went rather behind what I had said. He said he was justified in making that observation, because I had said so in the select committee. But I do not want to take my stand upon that; people ought to learn to rise above this sentiment of stigma. His other arguments appeared to me not to be very strong. He said that such cases would arise if the people are ignorant and too perverse.

He said that the people who are ignorant ought to come before a magistrate, as if illiteracy is their sin. I can appreciate his argument when he said that if they are perverse they should go before a magistrate. But I really fail to appreciate his argument when he says that because they are ignorant they ought to be made to go before a magistrate and stand their trial there.

As regards impartiality, I really do not wish to enter into this tender question. However, the Honourable Mr. KAMAT'S remarks lead me to enter into that discussion and I will only make one observation on that point. Are not cases in which sanctions are given by superior officers tried by subordinate officers and is there no room to doubt that the decision of the subordinate officer is influenced by the superior officer's orders? But we never doubt the subordinate officer's impartiality. In the case of a president, the school committee will go into the whole procedure and when it finds that the parent refuses to send the child even after due warning, then only the case is to go before the president, and I think there is no reason to doubt the impartiality of the person occupying such a responsible position which he owes to the confidence of his councillors.

These are, in short, my remarks in answer to the objections which were raised by those who opposed the amendment. With these few words I place this amendment for such consideration as it deserves at the hands of this Council.

The amendment was then put to the vote and lost, 14 members voting for and 21 members voting against it.

The Council divided as follows :—

Ayes.

The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.
The Honourable Mr. Sherriff Devji Canji.
The Honourable Mr. Pandurang Anant Desai, LL.B.
The Honourable Mr. Siddhanath Dhonddev Garud.
The Honourable Dewán Bahádur Kashinath Ramchandra Godbole.
The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.
The Honourable Mr. Ebrahim Haroon Jaffer.
The Honourable Mr. J. D. Jenkins.
The Honourable Khán Bahádur Pir Baksh walad Mian Mahmud.
The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.
The Honourable Sardár Shriniwas Coopooswami Mudliar.
The Honourable Mr. Raghunath Purshottam Paranjpye.
The Honourable Ráo Bahádur Ganesh Krishna Sathe, C.I.E.
The Honourable Mr. Shridhar Balkrishna Upasani.

Noes.

The Honourable Sir Mahadev Bhaskar Chaubal, K.C.I.E., C.S.I., *Vice-President.*
The Honourable Mr. G. Carmichael, C.S.I., I. C. S.
The Honourable Mr. S. R. Arthur, I. C. S.
The Honourable Mr. P. R. Cadell, C.I.E., I. C. S.
The Honourable Mr. James Gargrave Covernton, C.I.E.
The Honourable Mr. Balkrishna Sitaram Kamat.
The Honourable Mr. G. F. Keatinge, C.I.E., I. C. S
The Honourable Sardár Dulabawa Raisingji, Thákor of Kerwada.
The Honourable Surgeon-General R. W. S. Lyons, M.D., I. M. S.
The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL.B.
The Honourable Mr. W. U. Nicholas.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.
The Honourable Mr. Abdul Kadir *alias* Fakir Mahomed walad Ibrahim Khan Pathan.
The Honourable Sir Dinshaw Manockjee Petit, Bart.
The Honourable Mr. F. G. Pratt, I. C. S.

Noes.

The Honourable Mr. Munmohundass Ramji.
The Honourable Mr. W. M. Ross.
The Honourable Mr. C. N. Seddon, I. C. S.
The Honourable Mr. Phiroze C. Sethna.
The Honourable Mr. Purshotamdas Thakurdas.

His Excellency the PRESIDENT:—Item No. 19. Amendment to clause 10 (1). The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency,—My amendment is as follows:—

Clause 10 (1).

"In line 12, omit the words 'a magistrate' and substitute the words 'the President or the Vice-President of the Municipality'."

As my amendment is similar to the one moved by the Honourable Ráo Bahádur SATHE, I beg leave to withdraw it.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT:—Item No. 20. Amendment to clause 10 (2). The Honourable Ráo Bahádur SATHE.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE:—Your Excellency,—My amendment is:—

Clause 10 (2).

"For the word 'court' substitute the word 'president'."

As my previous amendment was lost, this amendment also goes away.

The amendment was by leave withdrawn.

Clause 10 was then put to the vote and carried.

His Excellency the PRESIDENT:—I own frankly that the Honourable Mr. PATEL in his objections to the Honourable Ráo Bahádur SATHE'S amendments has raised a question of some difficulty. I do not think, on the whole, that these amendments can be called hypothetical. They are rather consequential. The second one, at all events, is consequential on the one which has just been negatived. But I do urge on honourable members that it is very undesirable to put amendments in this form. If an honourable member wants to put an amendment he should stand by it without making any conditions with regard to any other amendment. In this particular case I think the Honourable Mr. UPASANI has in his amendments exactly the same object in view as my friend the Honourable Ráo Bahádur SATHE; but he has moved an amendment to each clause which would carry out practically what the Honourable Ráo Bahádur SATHE intends. It seems to me that the Honourable Ráo Bahádur SATHE had a definite amendment to the clause which has been just thrown out by the Council. There was no necessity for him to say in his amendment No. 22: "If amendment to clause so and so is carried", because that amendment relates to a specific matter. The intervening amendment, however, appears to be an amendment which is of a consequential character. What I think would have been a wise thing to do was to have taken each amendment as it stood and dealt with the particular matters raised in each of the amendments; then the difficulty that is brought to notice would not have arisen at all. Under the circumstances item No. 21 will go out, and then my honourable friend Ráo Bahádur SATHE, as I hold that item No. 22 deals with an entirely separate question, can move that amendment.

PRIMARY EDUCATION BILL.

[4TH DECEMBER 1917.] [*Ráo Bahádur Ganesh Krishna Sathe; Mr. Vithalbhai Jhaverbhai Patel; the President.*]

The Honourable Ráo Bahádur GANESH KRISHNA SATHE :—Your Excellency,—The amendment that I propose (item No. 22) is as follows :—

In clause 11 (1) drop the words "for the purpose of profit" and between the words "apply" and "shall" insert the words "so as to interfere with the efficient instruction of the child".

Yesterday my honourable friend Mr. CHUNILAL MEHTA moved his amendment to clause 2. It referred only to the question of factories. I shall state at the outset for the information of my honourable friends that I do not propose to make any distinction between organized labour like that in factories and labour of a varied character which we find in the mofussil places other than industrial centres.

My principal object in moving this amendment is to remove the bar which is intended to be put on the employment of children by the select committee. No doubt in view of the discussion that took place yesterday and in view of the strong feeling which was exhibited during the discussions in the select committee I do consider it as an uphill task before I can or I am able to——

The Honourable Mr. PATEL :—I rise to a point of order. My honourable friend Ráo Bahádur SATHE refers to a very strong feeling on the part of the select committee.

His Excellency the PRESIDENT :—I do not think there is any point of order. It is merely an expression of opinion on the part of the Honourable Ráo Bahádur SATHE.

The Honourable Ráo Bahádur SATHE :—My honourable friend misunderstood me. I did not mean that there was strong feeling on my part, but that there was strong feeling on the other side. However, I beg your Excellency's pardon for this digression.

Looking to the fact that the majority of the select committee was very strong on this point and that they wanted to prohibit all sorts of employment, I do consider it as an uphill task to persuade my honourable friends to accept this amendment. However, I intend to make a full attempt to convert those who served with me on the select committee and others who had not the advantage of being on the select committee to the view which I entertain on this point. The principal idea in my mind is to put into the forefront the ideal of compulsory education. I do not intend to say for one moment that you should sacrifice compulsory education in favour of employment. That is far from my mind. What I really intend to do by this amendment is that in so far as you can make a sufficient provision for the instruction of children it would not be legitimate for us to put a wholesale bar on the employment of children whether they are children employed in factories or elsewhere as domestic servants. With your Excellency's permission I refer to about three or four lines in the select committee's majority report and particularly these lines: at page 2 in referring to clause 11 the majority of the select committee state: "But we are not in favour of permitting the employment of children of school-going age, because it appears to us that this must prejudice their health and education. Apart from this question, moreover, we recognize that clause 12 is not complete as it does not provide for casual employment or such other exception as it may be necessary to make." I make use of these sentences from the majority report of the select committee in order to emphasise the fact that the majority of the select committee were alive to certain defects in the present clause, but instead of removing those difficulties in the way in which I now suggest to do they depend upon the good sense of the school committee and expect the school committee to connive at casual employment rather than insert an explanatory clause on the subject. That would appear from the subsequent sentences of the majority report. "But we are of opinion that, at any rate for some time, no practical difficulty is likely to occur, because no prosecution can be undertaken except on the complaint of

the school committee, which will be able to exercise discretion, and because the present state of economic development in the mofussil is not such as to furnish intricate questions for decision." If we take this entire paragraph as it stands in the majority report, there can be no manner of doubt at least on one point, and that is this, that nobody wished to prevent casual employment or domestic employment. The way which I have suggested by the amendment makes the matter easier, and it is in this way. If honourable members will kindly turn to the definition of the words "to attend" as given in the bill, they will see that to "attend" a recognized primary school means to be present for instruction at such school on such days and at such time or times on each day as may be required by the school committee with the approval of the prescribed educational authority." I understood, during the discussion of the select committee, from the remarks of my honourable friend Mr. COVERNTON, that even now there is a latitude given to the department to prescribe less complicated or less comprehensive standards according as they suit the boys who are to receive instruction. For instance, in the case of boys of the depressed classes or backward classes there is, if I have rightly understood his remarks, at present a rule for making that kind of differentiation between a full primary course and a course which might be somewhat less comprehensive than the ordinary primary course.

Then again, we have to consider whether it would not be advisable to prescribe a course for the class of boys who are likely to seek employment outside school hours. I think you will all be one with me when I say that it would never be the desire of a parent to employ a child provided he can do so without depending upon his small earnings, and it is only in rare cases that a parent would think of putting the child to employment with a view to making some money out of it even though he might do without it.

So the amendment which I have proposed ensures the efficient instruction of the child according to the standard and the hours which will be laid down by the school committee in consultation with the educational authority, and so long as that is being done, so long as that requirement is satisfied, there ought not to be really anything which should be in the way of the parent in employing the child wherever he likes. The question of employment in a factory stands on quite a different footing. There a child has to work for six hours; the atmospheric conditions are injurious to its health, and so on. But in the case of ordinary employment these considerations really do not apply. If, for instance, a boy of ten were to go and sweep an office and clean the furniture and receive Rs. 3 a month, why should that be prohibited so long as he is able to attend the school during such hours as may be prescribed by the school committee in consultation with the educational authority? Now it may be asked as to why the employment of such a child is required. It is only because if that child can come and work for a couple of hours, it is available for Rs. 3 or Rs. 4 per month and one is not required to spend Rs. 9, Rs. 10 or Rs. 11 which he would have otherwise to pay for an adult servant. And looked at from another point of view, we will find that the economic conditions of the people who are likely to be affected by this provision is really such as to require them to supplement their resources by small wages which these children might earn. I am only repeating my argument on this point when I say that in a bill of this kind it is no use putting a wholesale bar on the employment of children even though they are in a position to comply with the other requirements laid down by the school committee. The mover of this bill in his first draft seems to have taken some account of this. I refer to clause 54 (*c*) of his bill, which said: "No person shall take into his employment during school hours any boy who ought to be at school under clause 54 (*a*)." That is the clause which he had inserted in his original draft. Of course, I do not grudge him the liberty of growing wiser and of improving upon the original bill, but I base my argument upon this to show that the mover of the bill himself did not intend at the outset to put such a wholesale bar on the employment of children.

If we are to go by a precedent on this subject let us go to Mr. Gokhale's draft. He introduced his draft bill in the Imperial Legislative Council and it had a clause, No. 14, at page 4 of the book which was circulated to us. I do not know whether all the members have got it, but I will read it for the information of the Council.

"That the time and nature of the boys' employment are such that he is not prevented from receiving elementary education at school."

Now there is another point from which this ought to be considered, namely, that there is a clause under which certain reasonable excuses are mentioned; for instance, "where the child is receiving, otherwise than in a recognized primary school, instruction which in the opinion of the school committee is efficient, or has already completed his primary education." Now, sir, if there be cases where the parent proves to the satisfaction of the school committee that a boy under 11 has completed his primary education or that he is receiving otherwise efficient primary education, that he has already received or is receiving it, then even in that case, though there is no compulsion on him to send the child to school as his case comes under the clause of reasonable excuse, are we going to put a bar on the employment of such children? I think we cannot.

Now it was said, and it is also referred to in the select committee's report, that the recent education bill in England prohibits the employment of children in factories. As I have already stated, I do not make any differentiation between the two kinds of labour; but even there in the draft bill of the Right Honourable Herbert Fisher, the educational minister, he does not prohibit employment of all sorts. But when I make this statement I make it relying on my memory when I read that bill about a month ago, a copy of which was kindly lent to me by my honourable friend Mr. Covernton. If that be the case, if my memory serves me right, and if even in the recent legislation which is going to be introduced in England employment is not prohibited wholesale, shall we be justified in introducing such a clause in the bill when we are making primary education compulsory for the first time in our Presidency? There the Compulsory Education Act came into force in 1876 and if the education minister found it necessary after a long period of 40 years to change the Act and to introduce a more comprehensive bill in England, would it not be better for us not to put a wholesale bar on employment, in the first instance, but to watch the working of this bill for some time and then think of introducing a clause like the one which the select committee has thought fit to introduce? No doubt in mofussil places the question of labour is becoming very complicated and necessity is really felt of employing children of 10 or 11 for doing really very light work. In this kind of employment there is no strain, their physique is not impaired, and they are not to locate themselves for six hours in that uncongenial atmosphere of factories; I do not think that they should be prevented from working for one or two hours if a boy can add to the poor wages of his parents so as to be able to maintain 3 or 4 persons of his family. Taking into account these considerations of the people in the mofussil who are really to be affected, I think it would be better to change the present clause so as not to impair the efficiency of education and to leave it open to the parent and employer to employ a child if he can do so without interfering with the provisions of this bill. That is the point of view from which I intend to move this amendment.

Now coming to factories, I only want to mention one fact. In Sholapur during the last 1½ years Government have started a school for factory boys, and boys of three factories attend it in batches. One batch attends for three hours in the morning and another batch attends for another three hours. I am only citing this not because I want to differentiate one kind of labour from another, but because in the present circumstances the education department is finding out means wherewith to give education even to factory boys, and at the same time not to come in the way of employment of these boys. That is the kind of effort which has been made in Sholapur during the last year.

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Then, I may say a few words as to why I have dropped the words "for the purpose of profit". Because those words seem to me to be redundant in case no prohibition is placed upon employment so long as a boy gets education according to the standard prescribed for boys of classes or sections to which such boys belong, and therefore I thought that these words "for the purpose of profit" need not be there if my amendment is accepted and the bar on employment is removed. With these words, sir, I place my amendment before the Council.

His Excellency the PRESIDENT:—I think it will be to the convenience of honourable members if we now adjourn till 3 o'clock.

The Council then adjourned for lunch.

After Lunch.

The Council re-assembled after lunch at 3 o'clock.

His Excellency the PRESIDENT:—Order, order. Further consideration of the Honourable Ráo Bahádur SATHE'S amendment to clause 11.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency,—With regard to the Honourable Ráo Bahádur SATHE'S amendment to clause 11, item No. 22, I wish to draw the attention of the Council to amendment under item No. 23 which stands in my name. This amendment is almost identical with the amendment of the Honourable Ráo Bahádur SATHE. I am therefore interested in the Honourable Ráo Bahádur SATHE'S amendment and I think that it ought to be supported by the Council.

Let the Council take into consideration the case of an agriculturist or an artisan or labourer who has a large family of five or six children; say three children under 7 years of age and three of the ages of 8, 9 and 11. Will it not be a hardship on such a family if we deny them the earnings of two or three grown-up children? I think that a family like this residing in a mofussil municipal area for which compulsory education has been prescribed ought to be given an opportunity of utilising the earnings of grown-up children; otherwise their life in the city will be difficult. There are numerous petty and small employments which can be found for grown-up children without militating against their education. I know a friend of mine in Poona who is blind and who requires the services of a lad for taking him out for a walk. He gives the lad Rs. 2 a month. Then I know of instances in which lads are employed as tennis boys on Rs. 2 a month. I know of lads that are engaged in small gardens in front of houses. They get Rs. 2 or 3 a month for watering trees, etc., in those gardens. I know of lads that are employed in sweeping the floors of offices and in fetching post and in posting of letters. These lads get two or three rupees a month and the employment that they have of two or three hours a day will not interfere with their adequate education. I therefore think that the amendment that has been brought forward by the Honourable Ráo Bahádur SATHE is an amendment that should be accepted by the Council.

I find from the definition of attendance that is given in the bill, that the school committee, at their discretion, can have separate schools for these workmen's and artisans' children if they are so minded. If the school committee look at the question in the right way, they will probably start separate schools for artisans' children and prescribe only four hours' attendance in these schools. I submit, sir, that with an attendance of four hours in these special schools, it is quite possible to give these workmen's children the education that they really want. These children want education in the three R's only, and the three R's can be successfully taught to them in a half-time school or in a four hours' school. After attending school for three or four hours, the grown-up children can utilise two or three hours a day in earning small wages which will be a contribution for the maintenance of the family. The instances that I have given of labourers with five or six children are not very rare. I can tell the Council from my experience

that in the case of agriculturists and labourers the number of children in a labouring family often goes up above six and seven. I therefore think that the Council should accept this amendment unanimously.

The Honourable Mr. BALKRISHNA SITARAM KAMAT:—Your Excellency,—I rise to oppose the amendment of my honourable friend Ráo Bahádur SATHE. He argued that this section as drafted by the select committee puts a wholesale bar against the employment of boys, either for domestic purposes or in factories, and he then argued that it was necessary to provide for casual employment, and that as the definition of the word "attend" was elastic enough it was easy to provide such a course of instruction in schools and at such hours as would make it possible to make adequate arrangements both for the schooling of the boys as well as their employment. Now the principle underlying the whole of this argument is to my mind not a sound one. In the first place, the clause as drafted by the select committee does not preclude entirely the casual employment of children as is supposed by the Honourable Ráo Bahádur SATHE and the Honourable Dewán Bahádur GODBOLE. If I remember aright, I believe it was the Honourable Mr. SEDDON who pointedly illustrated the whole thing by taking up the instance of tennis boys and of office boys, and the select committee came to the conclusion that the clause as drafted now would not preclude the employment of boys for such purposes, and the words put in by the select committee were that if a man employed a boy "for the purpose of profit", then only he would come under the clutches of the law. Now to employ a tennis boy or an office boy for casual employment is to my mind not employment for the purpose of profit, at any rate profit for the employer, and if that wording is adequate enough, I do not see where the Honourable Ráo Bahádur SATHE'S and the Honourable Dewán Bahádur GODBOLE'S objection exists. The thing is that, if the amendment as drafted by the Honourable Ráo Bahádur SATHE is accepted, it would open up a door not only for casual employment, but also for employment in factories, and no hard and fast line could be drawn whereby we could employ boys for domestic purposes and prevent them from going to factory labour. In fact, if the amendment is accepted, I think what would be possible is the sweating of child labour in factories and also perhaps the employment for casual purposes, and what the majority of the select committee think, and thought at that time, was that it was absolutely necessary to prevent the sweating of boys for factory labour; at least the majority of the select committee looked at it from this point of view, *viz.*, that it is absolutely impossible to burn the candle at both ends. In other words it is impossible to get work out of boys and give them efficient schooling at the same time. What the Honourable Ráo Bahádur SATHE calls efficient schooling for a few hours in a day school may really speaking not be efficient schooling at all. He gave the instance of a factory school started at Sholapur, but he failed to tell us whether that school has been a success or a failure. I think that if a boy is kept at school from the age of 6 to 9 and then at the age of 9 he is weaned away from school and put on to factory labour, as is just possible according to the definition proposed by my honourable friend, then it is quite likely that he will forget all that he has learnt in the school and the three years' attendance at the school is likely to be wasted. There cannot be a half-way house between these two things and, if at all we care for conquering the illiteracy of the labouring classes, I believe we should not think of giving them schooling for a short time as well as get work out of them. I therefore think that if this amendment is accepted it would be impossible to give efficient schooling in any sort of school for factory boys or domestic boys and yet take work out of them. For these reasons I think the amendment ought to be rejected.

The Honourable Mr. F. G. PRATT:—Your Excellency,—I would like to corroborate what the Honourable Mr. KAMAT has said about the object of putting in the words "for the purpose of profit". The select committee in

putting these words into the clause, to the best of my recollection, intended on the one hand to allow casual employment which will not interfere with education, and on the other hand, to prevent such a continuous and serious industrial employment as would in the opinion of the school committee constitute a serious tax upon the energies, physical and other, of the child, and therefore prevent them from getting the full benefit of the school hours. It seems to me, sir, that the Honourable Ráo Baḥádur SATHE'S amendment will only be carried by this Council if it comes to the conclusion that the school committees who will be entrusted with the working of this act are not fit to be trusted with the powers which this section 11 will invest them with. The issue is this. When a child is in employment the clause as we have drafted leaves the discretion with the school committee to decide whether that employment is of such a nature as to be objectionable. In the section as my honourable friend Ráo Bahádur SATHE wants it to stand, that discretion and that decision will be taken out of the hands of the school committee and will be invested in the hands of the trying magistrate. That is the result of putting in—

> "Whoever knowingly takes into his employment, either on his own behalf or on behalf of any other person, any child in respect of whom the provisions of section 7 apply so as to interfere with the efficient instruction of such child shall on conviction before a magistrate be liable to a fine not exceeding twenty-five rupees."

That means that it is the magistrate who has to decide whether that employment would interfere with the efficient instruction of the child. If the Council will refer to sub-clause 2 of clause 11 it will be seen that it is the school committee who has to lodge the complaint. The school committee will satisfy themselves as to the facts of the case and after perfectly considering it will come to the conclusion that a particular employment is objectionable and will thereupon authorize the prosecution or lodge a complaint in the magisterial court. When that thing is done the clause as proposed by my honourable friend Ráo Bahádur SATHE will enable the magistrate to go behind that decision of the school committee and to re-open facts on the representation of the powerful interests concerned of the mill-owners and the pleaders and the counsel, which they will bring to bear upon the question. The Honourable Dewán Bahádur GODBOLE in his remarks about this urged that the school committee should have power to allow some sort of a half-time system, a certain number of hours to be devoted to attendance and a certain number of hours to be devoted to employment of such a reasonable nature as will not interfere with primary education. Well sir, my reply is this, that in the section as we have drafted it the school committee has full power and full discretion to allow of such employment and if the school committee after consideration of the merits of any particular case were to come to the conclusion that the factory-owner affording employment to a child for a certain number of hours a day was at the same time providing education for it and that combination was not injurious to the efficient instruction of the child, the school committee, I have no doubt, in the exercise of their discretion, would allow it. There is nothing in the clause as it is in the bill which will interfere with the exercise of such discretion on the part of the school committee.

On the other hand, to take that discretion away from the school committee would I think be a very dangerous course. After all, who is more suited to decide upon difficult questions of this kind? The third class magistrate who will try these cases or the trained and experienced councillors, interested in education, who have been elected by the local authority to sit on the school committee and manage the educational affairs of the municipality? Is not such a committee much better fitted to be entrusted with such powers and such discretion than the magistrate who might for the time being be sitting on the bench and hearing arguments of pleaders and barristers in cases of this kind?

I would also like to point out that in entrusting this discretion and these powers to the school committee we are doing what has been already done in clause 8 of the bill where it is the school committee which decides whether a child which is not attending a recognized school is receiving instruction in other ways which can be accepted as efficient. One of the reasonable excuses for absence is: "Where the child is receiving, otherwise than in a recognized primary school, instruction which in the opinion of the school committee is efficient". Not in the opinion of the magistrate but in the opinion of the school committee. The magistrate will not be allowed, will be debarred from hearing any argument that the child is receiving instruction in any way, and it is the school committee under section 8 (*b*) which will have to decide it, and their decision will be final. On the same analogy, I submit, sir, that it is reasonable and proper that the school committee should have the discretion of deciding under section 11 of the act. At any rate I think we may confidently expect that the school committee who will be entrusted with the working of this act and anxious to make it a success will certainly not interfere with casual employment such as picking tennis balls and taking a blind man out for a walk, but on the other hand will prevent the employment of a child in continuous and serious industrial employment which will undermine the health and education of the child. For these reasons I oppose the amendment, and I hope the Council will allow the school committee to continue the exercise of the powers and discretion vested by section 11 of this act.

The Honourable Mr. PHEROZE C. SETHNA:—Your Excellency,—I rise to say a few words in support of the amendment of the Honourable Ráo Bahádur SATHE. It seems to me that his amendment clears the ground and removes what doubts are apparently in the minds of even the majority of the members of the select committee. The quotation which the Honourable Ráo Bahádur SATHE read out from the majority report of the select committee explains my meaning. They there say: "But we are not in favour of permitting the employment of children of school-going age, because it appears to us that this must prejudice their health and education". The members of the select committee, I mean the majority of them, are in favour of the casual employment of children of school-going age, but they leave the decision in the hands of the school committee and endeavour to help the school committee by the insertion of the words "for the purpose of profit", that is to say, that the school committee will withhold permission where the children are employed for the purpose of profit.

The opinions expressed by honourable members who oppose this amendment deal principally with the fear that if the Honourable Ráo Bahádur SATHE'S amendment passes it will enable the school committee to permit boys of school-going age to attend factories. I for one contend that this will not be so, but that on the other hand the Honourable Ráo Bahádur SATHE'S amendment will make the position of the school committee much clearer. The clause clearly lays down that permission will not be given in a case where children are employed for the purpose of profit. Instances have been quoted by various speakers such as the employment of children for picking up tennis balls, sweeping office floors, running errands, etc. I suppose it is in the minds of the majority of the committee that such occupations cannot be considered to be for the purpose of profit. It might, however, be argued, and rightly, that even such employment might be considered as being for the purpose of profit to the employer in the sense that he engages the services of a child or children on smaller pay and saves money which he would otherwise have to pay to an adult or adults. The school committee would certainly be in great suspense whether to construe such a case as coming within the purview of employment for the purpose of profit or otherwise.

Again, sir, this section can easily be circumvented by those who want to do so. Suppose a servant lives with his family in the compound of the house

occupied by his employer and has with him children of school-going age, who help the father in his work. Suppose the father gets a pay of Rs. 12. If the school committee consider the employment of these children as being for the purpose of profit, then it would be easy to arrange that the children receive no pay themselves but that the father instead of receiving Rs. 12 gets Rs. 16 or Rs. 20 or more and his children, before or after school hours, would be running errands, sweeping floors and doing various other things and thereby circumvent the "profit" clause of this bill.

The Honourable Sir MAHADEV CHAUBAL:—Who would be making profit in that case?

The Honourable Mr. SETHNA:—At any rate the object of the bill would not be served. Where is it provided that school boys should not do work of any kind?

My Lord, the main contention is that the school children should be prevented from joining factories and it is argued that the Honourable Ráo Bahádur SATHE'S amendment will enable them to do so. I contend that this is not possible. According to the Factory Act children can only work for six hours at the most. If in addition to these six hours it is contemplated by factory owners to open schools in the neighbourhood of factories for the purpose of primary education it will follow that they will have to put in some more hours at such schools. Now what the particular hours of attendance in such schools will be will not be determined by the school committee but Government will have a say in the matter. Clause 2 (1) gives the definition of the word "attend". It runs as follows: "To 'attend' a recognized primary school means to be present for instruction at such school on such days and at such time or times on each day as may be required by the school committee with the approval of the prescribed educational authority." No educational authority would lay down that an hour or two would suffice for the factory children, and I have it on the authority of an eminent educationist in this Council that at least four hours a day would be considered necessary for the primary education of school-going children of that age. This would mean, sir, that children will have to work for six hours in the factories and in addition put in four more hours at the factory school, so that these children would be required to work for longer hours than the average adult.

Let us assume a more favourable case. Suppose some factory employers are liberally inclined and will be content with, say, only three hours' labour in the factory on the part of these children and that they attend school for four hours, *viz.*, seven hours a day. Now it might be argued that in such cases perhaps the school committee would agree and the children consequently suffer. Such liberality can hardly be expected from the factory employer, but even if it were possible it would rest with the school committee to decide whether such an arrangement, namely, three hours in the factory and four hours in the school attached to the factory, would not be construed to be interfering with the education of the children. In nine cases out of ten I take it, sir, (no matter whether engaged by millowners or others) the school committee will hold, and ought to hold, that this would seriously interfere with the education of the children, and thereby the children of school-going age will be prevented from working in factories.

Again, my Lord, assuming that this enactment works harshly for the first year or two from the point of view of the parents of the children, the parents will soon see that rather than send their children to factories or to factories and schools, it will be to their own interest to allow these children only to attend schools at the ages prescribed, because thereby not only will their physique be improved but they will be mentally so greatly profited that they will make up for lost time by earning better wages when they join factories after the compulsory school-going period is over.

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These are the reasons which ought to weigh with the honourable members of this Council, for the Honourable Ráo Bahádur SATHE'S amendment, I repeat, will not enable factory owners to employ children as is sought to be made out by those who spoke against this amendment.

I trust that honourable members will see their way to support this amendment because to my mind it is but a paraphrase of the original clause of the bill and removes whatever doubts there may be regarding casual employment.

The Honourable Mr. C. N. SEDDON:—Your Excellency,—The select committee admitted that there was some fault to be found with the wording of clause 11, but they were quite clear as to their intentions. I may say that if the Honourable Ráo Bahádur SATHE could propose some amendment, or would propose some amendment, which would secure the possibility of casual labour and at the same time cut out factory employment, I dare say that both in the select committee and here a good many members would have been found to support him. But he is quite clear in what he says, namely, that he intends to allow factory labour for children under 11 years who are forced to attend school, and this is what we particularly wish to avoid. We think that we allow casual labour by our wording of this clause, and we shall be very glad if anybody would suggest any other wording which can be considered more suitable. We do intend in any case to prevent, if we can, the employment of children under 11 years in factories. Under the amendment of the Honourable Ráo Bahádur SATHE it would be possible to force a child of 9 years of age to work in a factory for 6 hours and then sit 4 hours in school. We want to avoid that. Six hours is the half time, I understand, and 4 hours is the minimum time for schooling. Even if it were 9 hours altogether, it would be a monstrous strain for a child to undergo. So that I feel, and those who think with me feel, that this impossible task should not be laid upon the children. We feel sure that it cannot fail to do them a serious injury.

Now there are one or two arguments brought in in favour of factory labour. It has been said that this introduction of compulsory education will be a great shock and that we should mitigate it as far as possible. But this particular point is a trifling matter really, as it is only a few children who are employed in factories. I suppose that for one child who is employed in a factory there are hundreds who are not employed in factories or not employed at all. That being so, the factory question will have no serious effect upon the willingness of municipalities to adopt this act and to enforce compulsory education. Even in the case of those municipalities, like Sholapur and Ahmedabad, which have considerable factory interests, I think they will be quite unable to resist the pressure of public opinion if compulsory education is introduced in other places. It will be impossible for the factory interests to keep it out in Sholapur or Ahmedabad. If Poona or Nagar or any other place adopts this compulsory act, Sholapur and Ahmedabad will be forced to do the same. They will be quite unable to resist it. We feel, therefore, that whatever disadvantages there may be—I think some were pointed out by the *Times of India*—they are of no weight. We think that 9 or 10 hours' work for a child is quite intolerable and ought not to be allowed at any cost, and we think further that, if any industry really requires the labour of children of 9 and 10 years of age, it is very questionable whether such industry is worth protecting.

With these words I propose to vote against the amendment.

The Honourable Mr. J. G. COVERNTON:—Your Excellency,—The honourable mover of this amendment has made a reference in the first place to the educational department and its connection with the question of half time and the preparation of the curriculum for half-time pupils, and also to myself in regard to a copy of the Right Honourable Herbert Fisher's bill which I was glad to be able to offer to him. I am sorry, however, that he does not seem to me

to have made a good use of that copy. I think with the copy of the bill I also lent him a copy of Mr. Fisher's speech. The Honourable Ráo Bahádur SATHE no doubt read the bill, but I doubt whether he read Mr. Fisher's speech also, and with your permission I should like to read a very short portion of Mr. Fisher's speech which bears directly on this question and which shows the position taken up by educationists and at any rate by the educational section of the cabinet in England. Mr. Fisher says:—"At the present moment the effect of our elementary school education is greatly harmed by the work which is imposed on children out of school hours. They are liable to be employed for three hours before the school opens and for some hours after the school closes, and the general opinion of my inspectors is that of all reforms affecting elementary education there is none more vital than the enforcement of strict limitation of the employment of children in their school-going days. This is not merely a question of scholastic efficiency; it affects the physical welfare of the race. We have now an overwhelming mass of evidence to the effect that the health of our children suffers from premature or excessive employment. You may trace the evil effects in diminished height and weight, in curvature of the spine, in cardiac affections, and in deficiency of the senses, especially the sense of vision and in the bad dentition of our working classes. The reports of our school medical service are full of them. Accordingly, we propose that no child under 12 shall be employed for profit." It will be noticed that the words are almost the same as the select committee has adopted here. Mr. Fisher then goes on to say: "We have already been anticipated by bye-laws passed in some of our large municipalities." It has also been provided in England that no child under 14 shall be employed for more than a very limited extent in addition to going to school. Apart from Mr. Fisher's speech I have been able to look up certain opinions passed by the medical inspectors of the board. I won't trouble the Council by reading any long extracts, but there are one or two points that I should like to make. Since the war began in England under pressure of circumstances there has been a tendency to revert to child labour, but the Board of Education condemns that and is doing its best to put a stop to it.

In the report on the medical inspection of school children in England which was submitted to the Board of Education several opinions have been quoted. A particular opinion of one medical inspector is quoted in regard to the question of half-timers. He says that it is a very serious problem. The physical condition of such children is deplorable. Then he gives various ailments to which such children are subject. Well, these are some of the opinions of the medical faculty and the inspectors and Minister of Education in England where, if I may say so, the general sanitary conditions of factories are superior to those in India. That being so, the employment of children of the age contemplated in this country on factory or other labour in addition to school work should, in my opinion, be checked as far as possible.

A reference in this matter has been made to the educational department by some honourable members and in that connection I want to make two points clear. In the first place the officers of the educational department are servants of Government and if it is decided that a half-time system is to be followed in some schools it is the duty of the educational department to draw up a curriculum under that system and to make the best of it. It does not follow that the individual officers of the department or the department as such necessarily approve of such an arrangement. Secondly, the half-time curriculum and the action of the department in regard to those schools were undertaken rather in connection with the working of the Factory Act than with the ordinary operations of the department; that is to say, as the Factory Act provides for half-time schools for factory children, it was the duty of the department to draw up a scheme accordingly. But if you ask me whether in the abstract as an educationist I would prefer that those children should not be treated as half-timers but should be dealt with in the ordinary way and should be allowed to be exempted from attending

mills or undergoing employment of any sort, I should certainly answer in the affirmative.

The Honourable Ráo Bahádur SATHE, I am afraid, gave his case away rather too openly (I do not know whether it was an accident) when he said that after all one reason for the employment of children was a very obvious reason and one which would appeal to many employers, *viz.*, that if you employ a child for certain kinds of work you need pay that child three or four rupees only a month, whereas if you employ an adult for the same kind of work you will have to pay him nine or ten or eleven rupees a month. But, sir, we surely ought not to allow children to be employed in occupations detrimental to their health, detrimental to their growth, and therefore detrimental to the rising generation and detrimental to the country. We ought not, I say, to allow work entailing results of that kind merely for the sake of saving employers the difference between three rupees and nine rupees.

The Honourable Mr. G. F. KEATINGE:—Your Excellency,—I confess that clause 11, as it stands now, seems to me to be very inelastic. The arguments so far of most of the honourable members of the select committee who defended the wording of it seem to be based on the case of factory labour. But there are, I think, as pointed out by the Honourable Ráo Bahádur SATHE, a good many cases where it would not be in the least desirable to leave the position as it stands now.

Section 11, as it stands now, might prevent the employment of children even for casual labour for one or two hours a day. It is argued, I understand, by the Honourable Mr. SEDDON that it is for the school committee to decide whether they would institute any prosecution or not in these cases. But it seems to me to be very difficult for the employer of labour to escape from the liability of being prosecuted at any time by the school committee unless on every occasion when he wished to employ a boy he went to the school committee and asked if there was any objection. I do not know whether the school committee would be prepared to give a decision off-hand. It seems to me that the practical effect would be that boys of the age of nine would not be able to get casual employment of one or two hours a day which might be otherwise unobjectionable.

I cannot see what objection there would be to the insertion of the words proposed by the Honourable Ráo Bahádur SATHE. It would then be for the magistrate to decide whether such employment did interfere with the education of the boy.

The Honourable Mr. PRATT and the Honourable Mr. SEDDON have said that it would be intolerable that boys who are doing six hours' work a day should be compelled to work four hours more in the school. I quite agree with them, and I think that that is the view that the magistrate will take; and in point of fact the effect will be that people will not be able to employ a boy for long hours. The Honourable Ráo Bahádur SATHE'S amendment will, in reality, make this section as elastic as the magistrate may consider to be reasonable, and will be fair both to the boy and to the school committee.

The Honourable Sir MAHADEV BHASKAR CHAUBAL:—Your Excellency,—I rise to oppose this amendment moved by the Honourable Ráo Bahádur SATHE. Most of the reasons against it have been brought out in the debate. I wish to impress upon the Council the fact that the object of this section is to fix the liability of the employer of child labour. So far as the parent of the child is concerned, his or her liability is provided for by section 7 It is the duty, under section 7, of the parent of every child to cause the child to attend a recognised primary school. The parent's liability is satisfied, so long as the parent makes him attend a school during the specified hours and receiving instruction there. But the question arises as to who should be liable, if the child accepted regular employment for profit for working out of school hours. We in select committee

by a majority decided that it was not in the interests of the child that any further strain should be put upon him by being made to work regularly for profit out of school hours by accepting employment which was likely to impair his health and physique by overwork. The object, we thought, would be better attained by throwing this liability upon the employer. At the same time all, including the Honourable Ráo Bahádur SATHE, were agreed that this criminal liability was not incurred by any casual or occasional employment of a child such as picking up tennis balls for an hour or so in the evening. We cudgelled our brains for a long time to see exactly what wording would appropriately provide for what was in the minds of us all. The amendment moved, however, in my opinion entirely fails to carry out the desired object. On the contrary the proposed amendment is likely to encourage the mischief the prevention of which was aimed at.

I will give an instance of employment outside factories. A child attends school, whatever be the hours of attendance in a recognised school, either in the morning or in the afternoon. As we have seen, there is no criminal liability incurred by the parent so far. But suppose a person has two or three domestic servants working at his house whom he has got to pay Rs. 10 or Rs. 12 a month. It may be cheaper to employ two or three children out of school hours and get the household work done by them. In my opinion this would be cruel treatment of the children which should if possible be prevented. We thought it was best to leave it to the judgment and discretion of the school committee to distinguish between casual employment which need not be visited with any punishment and regular employment for profit which was likely to prejudicially affect the health of children. In fact, you cannot work the act unless you put some confidence in the discretion and judgment of the school committees which will be appointed.

The school committee will consist of men of common sense, practical men of the world, who will consider in each case whether the employment of the child is casual employment by the person who is hauled up before them as the employer of labour, or whether he employs the children under circumstances which bring him under the criminal liability provided for by this bill. They will see if it is continuous employment in industrial occupation in addition to the school hours which is likely to affect the health of the child. Under the amendment proposed what is there to prevent, for instance, an employer of labour or a mill-owner or factory owner from employing children at night, say, between the hours of 8 to 10 or 11 ?

The Honourable Ráo Bahádur SATHE:—The Factory Act prohibits the employment of children at night.

The Honourable Sir MAHADEV CHAUBAL:—No doubt, but that is only children of a certain age.

I was going to point out that under the English Act of 1901 the employment of children under the age of 12 is absolutely prohibited. It is not open at all to employ children under 12. Here we have got to make some provision for the two years between 9 and 11 which are common to this act and the factory legislation. And personally I have no objection, nor do I think the Honourable Mr. PATEL would have any objection whatever, to accept any amendment which will carry out the intention which everybody has in view, namely, an amendment which will permit the sort of casual employment that we have been speaking about, but at the same time will prevent the employment of organised child labour in the way in which all of us wish to stop it. Supposing you take away the words "for the purpose of profit" which is the first portion of the Honourable Ráo Bahádur SATHE'S amendment, what does it do? The employer still becomes criminally liable whether it is for profit or not. The words "for the purpose of profit" were introduced because unremunerated work was more likely to be casual and unobjectionable.

Now something was said about factory schools. You know that section 7 and the definition of "to attend" refer to a recognised school. I heard from the Honourable Ráo Bahádur SATHE that a school has been started at Sholapur.

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It is called a factory school. But I do not think factory schools are recognised schools yet. At least I am not aware of any school being recognised by the department of education. Therefore it is not proper to argue about what the operation of this act is likely to be on the assumption that factory schools exist all over the country and there are facilities for boys to attend them. Let them be started, let their curriculum be subjected to an examination by the department, let them come to a judgment as to whether the education which will be imparted there during certain hours for children between certain ages is appropriate or not. After that is decided, then only would it be proper to start a discussion as to the propriety or otherwise of the wording of the amendment proposed in the latter part of the section. When factory schools which are considered by the Department as adequately provided for imparting elementary instruction are started, then we can very well amend the act so as to provide that all children who are employed in factories and attend the recognised schools attached to them should be exempt from the operation of this act; but we have not got any factory schools yet. We do not know whether the factory school which is said to be started in Sholapur or which may be started in Ahmedabad will be schools which Government or the department will recognise for the purposes of elementary education.

The Honourable Rao Bahadur SATHE :—The factory school in Sholapur was started by Government.

The Honourable Sir MAHADEV CHAUBAL :—May be, but I wish to know whether it is recognised for the purposes of elementary education by the department of education. If it is recognised by the department, then I do not think the parent of any factory child or the employer of such child can be hauled up under this bill, because under the wording of it the boy is attending a recognised school and therefore is not liable to any penalty at all. For these reasons both the amendments proposed are undesirable and should be rejected.

The Honourable Mr. BALKRISHNA SITARAM KAMAT :—With your Excellency's permission, as suggested by the Honourable Sir MAHADEV CHAUBAL, I would like to propose an amendment. I want to know whether your Excellency will permit me to propose an amendment without the requisite notice.

His Excellency the PRESIDENT :—I have already ruled that I will not allow any amendment on matters of principle to any clause without requisite notice. I think I must hold to that ruling.

The Honourable Mr. DATTATRAYA VENKATESH BELVI :—Your Excellency,—I have listened with great care to the discussion on this amendment. It seems to me that the arguments advanced by the Honourable Ráo Bahádur SATHE are unanswerable. If we keep in view the main object of the bill, for whose benefit is this bill intended? Not for the classes who are well-to-do and who already know the benefits of education. To my mind the object of the bill is to infuse better education among classes who do not at present take advantage of the educational facilities which obtain in the Presidency. What will be the effect of keeping this particular clause as it stands in the bill? Will it not frighten people who live in municipal areas and will it not lead to an exodus of the poor people from municipal areas where this act may be introduced? Will not the labourer say to his son "Well, my son, let us better leave this place and go to a place where we may be at liberty to earn what we can"? Will not that be an inevitable effect of keeping the wording as it stands? It is all very well for men who can make thousands a month to say that there should be no sweating of child labour. It is perfectly intelligible. But we have to realise the position of poor parents who find it extremely difficult in this poor country to make two ends meet.

Education is a blessing; there is no doubt about it. But unfortunately for us, we are all very poor people. We have to make the best of the situation in which we

have been placed by God. It is no use taking the example of a country like England. Even in England we find that it took over 40 years to bring in a bill which provides that the employment of children below a certain age, namely, 12, I understand, is penal. We are just beginning to introduce compulsory education into not the whole of the Presidency, but into particular specified areas of it, and we wish to run fast. It seems to me that nothing can be more unreasonable than to say that children should not be put to hard labour even when they have to earn a small amount of money to supplement the income of their parents. Which is better? To starve a child, to starve a whole family, or to give it some sort of education provided he and his family live? If it were possible for a father to educate his son without putting the son to any labour, he will be very glad to do it. People allow their children to work in some other employment not because they like it as a matter of pleasure, but because they have to do it as a matter of necessity. That point should be borne in mind. We have to take into consideration the peculiar economic conditions of the country. We have no right whatever to impose upon poor people conditions which obtain in rich countries like England.

Now, it has been very frankly admitted by the Honourable Sir MAHADEV CHAUBAL that the wording of the particular clause which we are now considering is not quite apt and to me it seems that he was prepared to accept an amendment if one was proposed. Is it right for this legislature to pass a bill into law leaving a wording which is admittedly unsuitable as it stands? It may perhaps be said that we may trust the members of the school committee. But after all, the speeches which we make, not even the speech of the Honourable Sir MAHADEV CHAUBAL, will be of the least value in a court of law. We know that it is an elementary principle of law that speeches delivered at meetings of the Legislative Councils are of absolutely no use when judges and magistrates have to interpret the law. It is admitted that the clause admits of a vague interpretation to the effect that even casual employment may be penal. It is said that we may trust to the good sense of the school committee. But it is not for people who are supposed to put a reasonable interpretation upon sections of a law that it is enacted. We have to see, taking the worst case, what is possible in the interpretation of a clause like this. It is most unwise to trust to the discretion of the school committee. What guarantee is there that a poor man will not be harassed by the school committee? We were told that we could not trust to the discretion even of the presidents of municipalities, but we are now told that we can very safely pass a law the wording of which is not apt and at the same time we can afford to trust to the good sense of the school committee. It seems to me that it is a poor compliment to the members of this legislature to pass a law of this kind and then say that we should trust to the good sense of the school committee.

I think it is much better to accept the amendment which has been suggested to this Council by the Honourable Ráo Bahádur SATHE. To me it seems that the amendment is a very good one and deserves the support of every member of this Council who chooses to bear in mind the peculiar economic conditions of this country. It is not for members of this Council only to consult their own incomes and ask "Why should a man put his son or his daughter to any hard labour? He has no business to do it. He must look to the physique and health of the child". It is not for people who are sitting in this Council that the law is enacted, but it is for the benefit of the whole of the population of the Presidency which consists of poor people.

Now your Excellency will see that a gentleman who has the high education and the long experience of the Honourable Mr. KEATINGE agrees with the Honourable Ráo Bahádur SATHE that the amendment proposed by the Honourable Ráo Bahádur SATHE is an eminently sensible one and he sees the danger of keeping the wording of the clause as it now stands. I make no doubt that at

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some time the Honourable Mr. KEATINGE was a magistrate and he must have exercised magisterial powers for a number of years. Now this clause is to be interpreted not by a magistrate of the long experience of the Honourable Mr. KEATINGE, but by a magistrate of the third class drawing Rs. 50 or a bench magistrate who does not know what law is and who does not know how to interpret it.

I trust this Council will be pleased to accept the amendment of the Honourable Ráo Bahádur SATHE in spite of the cant which is frequently brought forward that the select committee has done everything to consider each clause and it will not be necessary to go behind what they have done. We should brush aside an argument of that kind. We are not to surrender our reason to the decision of the select committee. Gentlemen who acted on the select committee naturally believe that what they did was eminently satisfactory, but they must convince the majority of the members of this Council that what they say is reasonable.

With these words I support very heartily the amendment of the Honourable Ráo Bahádur SATHE.

The Honourable Mr. PURUSHOTAMDAS THAKURDAS:—Your Excellency,—I rise to support the amendment of my honourable friend Ráo Bahádur SATHE. The question before the Council is not what the select committee's intentions were, but it resolves itself, my Lord, in my opinion to this, that for the fault of not finding a better wording we are to allow the passing into legislation of an act with a clause bearing the very strictest meaning that could be attached to the clause that is now before the Council. The bill, as we all know, is a permissive one and when passed into law it will be taken up by the municipalities at their discretion. Is this Council prepared to say to the municipality that has the courage to enforce compulsory education that it shall enforce that compulsory education under the very strictest conditions and the strictest interpretations of this act? After all what is there to prevent the labouring class and the other classes for which the select committee have shown so much solicitude from migrating from within the limits of that municipality to neighbouring ones? In view of the fact that labour for the factory and labour for other purposes is getting scarcer day by day, and also in view of the fact that it will not be right to the parents of children that are employed in factories if we do not give them the credit of having the ordinary human feelings towards their children, is this Council prepared to pass into legislation a clause the interpretation of which is admitted to err on the side of strictness if not on the side of severity?

I fully sympathise with the feelings of the members of the select committee when they show so much solicitude for the building up of the constitution of the children. This bill, in the first instance, has been conceived with a view to give education, and I am quite prepared to admit that in giving this education and in compelling children to take education this Council should take such precautions as will keep up the constitution of a child and prevent it from being seriously run down by the insidious effects of hard labour. But at the same time, sir, I cannot help feeling that after all mere rest is not sufficient to keep up the constitution; it is also a question of filling the stomach. If the select committee is convinced that the economic conditions of the districts are such that you can very well take away children from a source of revenue to their parents, and the select committee have absolutely no doubt that all those who employ their children in factories and private service do it merely wantonly, and not because the children have poor parents, only then can this Council pass this clause with the strict interpretation that has been put forward by the Honourable Sir MAHADEV CHAUBAL on the clause under discussion. The Honourable Sir MAHADEV CHAUBAL has very candidly told us that he is quite prepared to accept another amendment if it can be worded so as to convey the meaning which the select committee have in view——

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His Excellency the PRESIDENT:—I must remind my honourable friend that it is the Honourable Mr. PATEL who should accept it.

The Honourable Sir MAHADEV CHAUBAL:—Personally, I have no objection to accept any amendment of that kind.

The Honourable Mr. PURUSHOTAMDAS THAKURDAS:—The Honourable Mr. KAMAT has readily offered to put in one and your Excellency is not pleased to allow it, perhaps owning to precedents. I also submit, sir, that if none of these amendments that are before the Council appeals to the Council, we should oppose passing into legislation a most important clause in one of the first bills of its kind that is passed in British India, because this clause is much too strict.

My fear, sir, as regards this bill is this. To begin with it is made permissive because it was feared that it would not do to make it compulsory for the municipal areas for want of finances. Whenever a municipality proposes to put this act into operation there will be additional taxation on the tax-payers of that area. If at the same time we are going to do anything serious, if the act is going to bring any serious trouble to the labouring classes in those districts, I submit, sir, that there is very little doubt that the act will become a dead letter and no municipality will either introduce it or take advantage of it. Are we going to allow rather a lenient construction on the whole thing or are we going to insist upon the strictest conditions for the children for whose welfare the honourable mover has brought forward this bill? I fully sympathise with the Director of Public Instruction in the views that he has put forward, but I submit, sir, that although technically those views might be correct, this Council should bear in mind that it is only a permissive bill, and after all, I submit, that the easiest acceptable interpretation should be put upon this bill. I therefore appeal to the Council to do nothing that will in any way tend to make this bill a dead letter or make this bill very hesitatingly acceptable to any of the municipalities. I do not think that the amendment proposed by the Honourable Mr. SATHE will in any way encourage the employment of children in factories any more than it is done at present. The only question, therefore, is which of the two would we prefer? Would we prefer that children who are employed in factories should have the chance of receiving a little more education than at present, admitting that it is not the ideal one that one would like to have, or would we prefer that the whole thing should be put off from day to day until we get the ideal? With these remarks, sir, I hope this Council will accept the amendment.

The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA:—Your Excellency,—I am not at all surprised at the agreeable reception that has been given to the Honourable Ráo Bahádur SATHE'S amendment. He said distinctly in the select committee, and he said distinctly to-day, that his amendment does not make any differentiation between ordinary labour and factory labour and in spite of that categorical confession we find several honourable members of this Council, in my opinion rightly, supporting the amendment. I am surprised that the Honourable Sir MAHADEV CHAUBAL should have stated, as he did yesterday, that in my opinion the only classification of children in the world was children who were in the factories and who were outside factories. Apparently it ought to have been perfectly clear to the Honourable Sir MAHADEV CHAUBAL from the amendment that stands in my name, substantially the same as that of the Honourable Ráo Bahádur SATHE, that no such classification was at all intended by me.

Sir MAHADEV CHAUBAL also objects to the addition of the words which have been very wisely suggested to be put in by the Honourable Ráo Bahádur SATHE and which also appear in the amendment of Dewán Bahádur GODBOLE and myself. Those words are, "so as to interfere with the efficient instruction of such child". It appears to me that to leave out those words as suggested by

the Honourable Sir MAHADEV CHAUBAL is indeed reactionary, because if the words were in the act, then at any rate either the school committee or the magistrate would be able to take cognizance and punish cases where employment was resorted to which would interfere with the efficient instruction of children.

The Honourable Sir MAHADEV CHAUBAL quoted the case of a man employing a child at night who has been learning in the school during the day and who has been going through the full primary classes in the day, and he said that that could very well be done if the words "so as to interfere with the efficient instruction of the child" were not removed. Surely for Sir MAHADEV CHAUBAL to suggest that those words should be removed means an acquiescence in the employment of such a child all through the night. Surely he gave little credit to the school committee or to the magistrate when he said that the employment would be permitted during the night of a child which had already gone through the full course of education during the day, as if he could be fit for instruction the next day.

The whole issue, as has been pointed out by several speakers before, means this: Are we or are we not going to prohibit employment of children which will add to the scanty resources of the people of an admittedly poor country like India? If the Council is convinced that such supplementary additions are not necessary and that circumstances and economic conditions will afterwards adjust themselves to the working of this act, then by all means pass the section as it stands. But those who have experience of conditions existing in the mofussil municipalities like my honourable friend Mr. BELVI must see that it is going to cause the greatest hardship to poor parents, and it is on that ground, your Excellency, that I support the amendment that has been moved by the Honourable Ráo Bahádur SATHE.

It has been stated that we should give latitude to the school committee to decide upon each particular case. Apparently it has been forgotten that in the first place it is the whole municipality that will have to suggest the course which must be adopted before education can be made compulsory. After the whole municipality has done that, then comes in the educational department of Government which must give its sanction or which must approve of the course that has been suggested, and it is only after that that the act can at all come into force. Is it wiser to give discretion to the school committee which may consist of perhaps three or four members, or is it wiser to rely upon the whole municipality backed up by the approval of the educational department of Government? If you leave this provision as it stands and permit the school committee to interpret it in the most loose way, it means encouraging an absolute defiance of section 11. I do not think, sir, that this ought to be permitted by this Council and I hope that the Honourable Ráo Bahádur SATHE'S amendment will be passed.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA:—Your Excellency,—I may say that I am not an employer of factory labour, nor do I hold any brief for them. I would be the first to support what my honourable friend Mr. SEDDON said that there should be no sweating of child labour. So far as that is concerned, I think there is no difference of opinion. The question is, as the Honourable Mr. SEDDON said and the Honourable Sir MAHADEV CHAUBAL said, whether the clause as it stands exactly solves the difficulty. My honourable friend Mr. KEATINGE says it does not. Listening to the debate in the Council to-day one feels rather surprised to think of the fact whether the Honourable Mr. PRATT, who said that he has more confidence in the school committee than in the magistrate, represents the views of the Government. On the other side, we have the Honourable Mr. BELVI, who has been always for self-government, strongly supporting this amendment and trusting the magistrate more than the committee. I am simply surprised at this. Possibly the Honourable Mr. PRATT is affected by the self-government atmosphere that we have at present. If so, we are progressing.

PRIMARY EDUCATION BILL.

[*Mr. Lalubhai Samaldas Mehta; the President; Mr. Shridhar Balkrishna Upasani.*] [4TH DECEMBER 1917.]

Your Excellency ruled just now that no amendments could be accepted. Technically they could not be accepted. I think there is only one precedent—I am talking from memory. I realise there is some difficulty in this particular case, but is it possible, your Excellency, to postpone the consideration of this clause for a few hours and go on with the next clause and then leave the members of the Council to——

His Excellency the PRESIDENT:—I know my honourable friend is always acting on the principle of *suaviter in modo,* but I may tell him that certain negotiations have been going on and I took the line which is, I think, only a fair line. Certain honourable members had been to me with reference to an amendment and I refused to admit it, and I think I am perfectly right in refusing any amendments right through. But my honourable friend Mr. PATEL came to me only a few moments ago suggesting a certain amendment and my answer to him was that, if he could get the honourable mover to agree, he could move the amendment and I was perfectly ready to admit it.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA:—But can the honourable members get more time to do that?

His Excellency the PRESIDENT:—I think it is most unusual and I do not think it necessary to give any time.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA:—My honourable friend Sir MAHADEV CHAUBAL said that under the proposed amendment there was no safeguard against the sweating of children. I agree that there is some difficulty. Efficient instruction does not necessarily mean instruction in a school. I think the whole question resolves itself into this, namely, which is a better course, whether to keep the clause as it is and leave the power in the hands of a committee, or to accept the amendment and leave the power to the magistrate, who, after all, will be able to decide a case much better, I believe, than the members of the school committee? If no compromise is come to, I propose to vote for the amendment.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—May it please your Excellency,—I rise to support the amendment moved by my honourable friend Rão Bahádur SATHE. My Lord, we have in the first place to remember that the object of this bill is to provide for extension of primary education and our consideration, so far as this bill is concerned, must be limited to that proper object only. Your Excellency has very properly ruled that no amendment which is not accepted by the mover will be allowed, and I think that the amendment that he has moved as it stands covers all that is needed for the purpose that we want to secure by this bill. The amendment suggests that a child shall not be employed in a manner so as to interfere with his efficient instruction. I think, so far as the object of the bill is concerned, this provision is quite sufficient to secure it and we need not go further in this bill to absolutely prohibit employment of child labour.

This bill is not intended to legislate for regulation of the employment of child labour either in factories or elsewhere. So far as factories are concerned, there is already special legislation provided for that purpose in the Factory Act. Under that act a child below 9 cannot be employed in a factory and a child below 12 cannot be employed more than six hours. If it appear that six hours' work is dangerous to the children's health in the latter case when the child attends school, it will be open to Government, under the Factory Act, to reduce the hours from six to three, and in that case I do not think there will be any difficulty under the proposed amendment for the school authorities to allow these childern to attend as half-timers. As a matter of fact, our present school hours are far too long. The children have to attend for three hours in the morning and again for as many hours in the afternoon and even with these long hours of attendance

what is the result secured? The result is that out of 6,70,000 children who attend our primary schools nearly one-third do not know even to read or write, and of the rest, 3,20,000, or more than half, are in the lower primary stage. That being the case it will be for the Council to consider whether it is necessary to keep the children daily for so many long hours in the morning and in the evening, and for that purpose to absolutely prohibit in their case all kind of employment.

It is admitted that considering the economic condition of the poorer classes for whose children this bill is mainly intended, it is absolutely necessary that this measure will have to be worked in a manner so as not to inflict any needless hardship on them or their children. The Honourable the Director of Public Instruction has referred us to the opinion of Mr. Fisher and other gentlemen on this point, but we have on record in our Council library the evidence taken by a special commission in England which examined nearly 200 witnesses on this very question of employment of child labour in the case of children who have to attend school. I have got a copy of their report in my hand. The evidence recorded in this report will show that a very large majority of the witnesses examined was for only restriction and not for absolute prohibition of employment of child labour. In fact many of the witnesses were of opinion that it was in the interests of the children that they should be allowed to do some work for a few hours and to earn something to have a good hearty breakfast rather than that they should be kept absolutely unemployed and be half starved on only one meal. I think in our country not only the children are half starved, but in many cases their parents also, and those parents who have to depend to any extent upon the wages of these children will be subjected to unnecessary hardship as also the children themselves if their employment is absolutely prohibited.

Under these circumstances, I think the clause should not be allowed to stand as it is. It is admitted by the Honourable Sir MAHADEV CHAUBAL that the clause as it stands does not cover all that the select committee intended to provide for. Their objection was chiefly as regards factory labour. The amendment of my honourable friend will cover all cases of employment which may interfere with the child's efficient education and will not be limited only to factory employment nor make any distinction between employment for profit or otherwise. Whether the work for which the child is employed be for the purpose of profit or not can make no difference if the amount of work to be done will be the same. That being the case, I think the clause should not be allowed to stand as it is and the words "for the purpose of profit" should be taken out and those proposed by the mover of this amendment ought to be inserted in their place so as to allow the employment of a child only in a manner which shall not interfere with the efficient instruction of that child. If it is found that it interferes with the efficient instruction of the child, then the school committee may interfere and the persons concerned may be punished.

With these words I fully support the amendment.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE:—Your Excellency,—I rise to oppose the amendment of my friend the Honourable Ráo Bahádur SATHE, and for these reasons.

In the first place, I might say that the very fact that we are legislating for the purpose of compulsory education shows that we are, to a certain extent, invading the rights and conveniences of parents. That is a thing which we must bear in mind. We cannot, in the interest of children, look only to the interest of the parents or their employers, and therefore it is no argument to say that this clause would work harshly towards parents or the employers, because the act is intended to do something harsh with respect to the parents and the employers in view of the larger interests of the children.

Some members said that if it is found that this employment works injuriously to the children, the parents will themselves find out the defects and they

themselves will come to better ways. I think that it will be always found that there are parents, and there are also employers, who do not always look to the larger interests of the children. They look to their own immediate interests and it is in order that there should be roused an enlightened self-interest among parents that we are passing this act.

We have also been told by several members that England has had this act for 40 years and it is only during this year that Mr. Fisher has brought forward a bill for the stopping of the employment in factories of children under 12. Therefore we should wait in the same way, get 40 years' experience of imperfect compulsory education, and after that experience mend our ways. I think this shows that we are asked to lose absolutely all sight of the experience of other nations. If other countries have found that they made certain mistakes, it is the duty of statesmanship to profit by those mistakes and not go on committing them again until we ourselves, by bad experience, find out the error of our ways.

If the Honourable Ráo Bahádur SATHE'S amendment is carried, I have no doubt at all in my mind that what will happen in municipalities where this act is put into operation will be this. Factory owners will get round the school committees and say that they are going to have their own schools, possibly in their own compounds, where the school hours will be from 7 to 11 in the morning or 1 to 5 in the afternoon and the children will go to school in shifts of four hours and that will provide for the efficient instruction of the children, which, I take it, would be regular attendance for four hours. They will say that so far as efficient instruction is concerned it has been provided. I do not know what it otherwise means. Suppose a child goes to school without either working at home or doing anything else. Are you going to say that the child is not receiving efficient instruction? That child is regularly attending school. No committee or inspector who comes round can say that the child is not receiving efficient instruction. But we have got to see whether the child will receive any benefit from that instruction, and I do not think it would receive any benefit if it has also to work in factories in addition to these school hours.

I was rather surprised to find the Honourable Dewán Bahádur GODBOLE coming forward to support this amendment, because only this morning he has been reading us a heart-rending tale of the difficulty which children would experience in walking to school at a mile's distance. Now he does not find the least difficulty in allowing these boys to work in a factory for six hours in addition to four hours' schooling. If a choice is given to a child, I think he would prefer to walk four miles and not work in a factory rather than have a school near his own house and be made to study there for four hours in addition to the six hours' work in a factory. The clause, in fact, has been left intentionally vague. The Honourable Sir MAHADEV CHAUBAL told us that if any amendment could have been proposed which would get over this difficulty, *i. e.*, avoid the regular employment of children in factories but at the same time allow casual employment of a domestic nature, the select committee would have been very glad to amend the clause in that manner. In this connection I might particularly refer to the Honourable Mr. BELVI'S remarks. He has got no leg to stand upon. He was a member of the select committee, but he did not attend it, and therefore I do not think the Honourable Mr. BELVI can be allowed the use of arguments of this nature.

Other people have been telling us that the three R's which alone we include in primary education can be learnt in a short time, even in a half-time school. I do not think so. We are often tempted to judge from our own experience of a maturer age and deduce that what is suitable for us would be suitable in the case of children also. But children do require a certain definite length of time in imbibing and in digesting what is taught to them. Therefore it will not do to say that in two hours' teaching every day the child would get over his three R's and be able to imbibe as much as a mature person may be able to do even

in a shorter time. Children require a considerably greater amount of time in digesting all the instruction that is imparted them and in making actual use of this instruction. Therefore they have got to be in a school at least four hours a day. In fact, the department has got a rule that no day is to be counted as a full working day unless there is four hours' instruction.

I think that the school committees could very well be left to this common-sense working of this act. They have got first of all to see that the employment is really of such a nature as would not interfere with the efficient instruction of the child. That is what they would actually do In fact, even if the committee are so perverse as to bring before a magistrate one or two such cases, the magistrate will stop their bringing forward any more such cases by fining the man only one pie, and the committee will think twice before bringing forward such frivolous cases before the magistrate any more. I think therefore that the clause as it stands should be passed. Our great idea is that factory employment should not be allowed. Employment which is of a regular nature, which is likely to cause hardship and which is injurious to their health should be stopped. Casual employment such as for instance picking up balls and so on is not going to be stopped. In any case, we are not, at present at any rate, going to be in a socialistic age where every act of ours is to be regulated according to an act of Parliament. After all, the people who are to administer this act are common-sense people and they will work for their own people themselves. If they are perverse,—I myself think that the tendency of the committees would be towards leniency rather than strictness,—even if they are perverse, there is the magistrate who will have to try these cases, and I do not think that with these two safeguards, the school committee and the magistrate, any harm could come if the clause remains as it is.

On the other hand, if the Honourable Ráo Bahádur SATHE'S amendment is accepted, it will make it clear to every factory owner that provided he satisfies the main conditions, that is, if he allows the child to go to school for four hours, there is no harm in the least in employing that child for any further length of time, and the evil of child labour will continue. I think in the larger interests of this country it is not right for children up to 11 years of age to be employed in such surroundings, in such hard and regular labour which certainly is not consistent with the healthy upbringing and education of the child, and I hope this Council will not accept the amendment of the Honourable Ráo Bahádur SATHE.

The Honourable Mr. MUNMOHUNDASS RAMJI :—Your Excellency,—I rise to oppose the amendment moved by my honourable friend Mr. SATHE. This bill is proposed to introduce the means of adopting compulsory primary education in municipal areas, areas which are quite different from rural areas, and the fear is expressed by my honourable friend Dewán Bahádur GODBOLE about the earning capacity of the family being reduced if a child or two of that family is to be deprived of their earning during the training of their infancy period. The head of the family and other members who are adults, and the other children also who will be past the age of taking education, will be earning sufficient, and if there be any loss on account of the just application of this act to that area it would be quite open for these people to ask for more wages from the industries where they are employed. After all, what is the total amount that will be required to cope with that hardship? It will take so many years before it is applied generally by all municipal areas. If this act is applied, say, in a place like Poona or Ahmedabad or Surat, there the number of children will not be more than 1,000. I do not think it will be a 1,000 even, but I shall put it at a liberal figure of 1,000. If these young children are to be deprived of work earning 5 rupees per month, it means Rs. 5,000, a sort of tax on tax on the industries or trade of that particular area.

PRIMARY EDUCATION BILL.

[*Mr. G. Carmichael; Mr. Munmohundass Ramji; Mr. Vithalbhai Jhaverbhai Patel; the President.*] [4TH DECEMBER 1917.]

The Honourable Mr. CARMICHAEL:—Might I ask whether the clause also applies to boys employed by the hand-loom weavers in Poona?

The Honourable Mr. MUNMOHUNDASS RAMJI:—It will apply to everybody, but if we consider that it is essential in the interests of the growing population that they should take education at a certain period of their lives and they should not seek employment that would be detrimental to their health, then no other consideration ought to weigh in the minds of the people who have to administer this act. My argument is this: that it is safe to ask people who want to employ young children to contribute more towards the employment of adults rather than ask for employment of young children and save some money thereby. My point is that if these children are properly grown, I mean physically and mentally looked after in their younger life, in their after life they will be better citizens, they will be better able to earn more and better fitted to endure the hard work of the day. Therefore I think it would be much better if we pass this clause of the bill as it is drafted by the select committee.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—Both sides have been so ably placed before this Council that I consider it waste of time to detain it any longer. I should, however, like to make one or two points clear. I had anticipated this opposition when I drafted my bill. Speaking for myself I am emphatically of opinion that the employment of children whom we are going to compel under the bill to attend school for a certain number of hours every day should be prohibited. Holding these views, but at the same time recognizing that there would be opposition in this Council, I in my original draft had stated that the employment of children should be prohibited only during school hours. When I gave notice of the bill, and submitted it, the same was returned to me, after some months, redrafted by the legal department, and I found that in the revised draft the words "during school hours" were dropped. I must say I was delighted to see those words dropped; and though the bill as redrafted by the legal department was subjected to some criticism at the first reading, it was not attacked on this point. Those honourable members who support the Honourable Ráo Bahádur SATHE never said a word about this particular clause when the bill passed through the first reading in this Council. In the select committee my honourable friends Ráo Bahádur SATHE and Mr. CHUNILAL MEHTA took exception to this employment clause for the first time. Now the question resolves itself into this: whether the employment by factory owners of children under compulsory attendance is to be prohibited or not? That is the sole question to my mind. We are generally agreed that the employment of children for domestic purposes or in a casual way should not be affected in any way by any provision in the bill. Doubt has been raised that if the clause be allowed to remain as it is, even this casual employment will be prohibited.

His Excellency the PRESIDENT:—May I ask my honourable friend to just see a copy of the Factory Act? There are many other industries which do not come under the Factory Act. Would he apply this clause to the children in those occupations? He refers entirely to factories; does that exclude children who are employed in various other industries, such as cabinet-making and so on, or any other industrial children?

The Honourable Mr. PATEL:—My object is to prevent the employment of children in a factory or any other industrial concern.

His Excellency the PRESIDENT:—Under the clause as it stands the honourable member has just told us that he wishes to confine his attention under this clause to factory children. Under the clause as the Honourable Ráo Bahádur SATHE wishes to amend it it would read so that the school committee would have the responsibility and discretion for all children. What is the objection to include all children and what is his reason for merely keeping to factory children?

PRIMARY EDUCATION BILL.

[4TH DECEMBER 1917.] [*Mr. Vithalbhai Jhaverbhai Patel; Ráo Bahádur Ganesh Krishna Sathe; Mr. Purshotamdas Thakurdas.*]

The Honourable Mr. PATEL:—The reason why I lay particular stress on the question of factory children is this. What I understand from the discussion is that it is at the back of the minds of several honourable members that it should be left open to the owners of factories to work the children after school hours.

The Honourable Ráo Bahádur SATHE:—You are doing me injustice.

The Honourable Mr. PATEL:—Not at all. Although your Excellency ruled that no amendment will be allowed without the usual notice, your Excellency was perfectly prepared to accept an amendment which I just showed to your Excellency; but your Excellency then stated that if my honourable friend Ráo Bahádur SATHE was willing and agreeable to it, then only your Excellency would permit that amendment to be put. That amendment was to the effect that employment of children in factories should be prohibited and not any other employment. But the Honourable Ráo Bahádur SATHE did not agree to it. I think it is generally agreed in this house that the employment of children in factories should be prohibited and yet my honourable friend Ráo Bahádur SATHE says that he is not willing to accept the amendment proposed to him. Then I ask what is at the back of his mind?

The Honourable Mr. PURSHOTAMDAS THAKURDAS:—Is the honourable member prepared to improve upon what is suggested by the Honourable Ráo Bahádur SATHE?

The Honourable Mr. PATEL:—What I suggested is this: I suggested that instead of the words "takes into his employment" in clause 11 (1) the words "takes into regular employment in connection with a factory or other industrial concern" may be substituted. This was the amendment that I suggested with the permission of His Excellency and which His Excellency was practically willing to allow and yet my honourable friend Ráo Bahádur SATHE is not willing to accept it and therefore I conclude that he and his advisers want that these children should be allowed to work in factories after school hours. Otherwise there is absolutely no reason why he should not accept the amendment that I have suggested. If he does not want these children to work in factories there seems no reason who he should not accept the amendment I have suggested.

With these few words I trust that the Council will throw off the amendment moved by the Honourable Ráo Bahádur SATHE.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE:—Your Excellency,—The discussion has been very instructive and complete on this point and the arguments in favour and against it have been stated by various speakers. I will therefore take a very few minutes by way of reply.

Coming to the remarks of my honourable friend the Director of Public Instruction, I should like to tell him that I did read the speech of the Educational Minister Mr. Fisher. But in drafting this amendment I depended entirely on section 16 (*a*) of the Educational Bill of Mr. Fisher. With your Excellency's permission I will read that section. It says: "If any person employs a child in such a manner as to prevent the child from attending school according to the Education Acts and the bye-laws in force in the district in which the child resides".

That is what appears in the proposed clause 16, sub-clause (*a*), of the Educational Bill of Mr. Fisher. And in order to make it quite clear that I was not an advocate of factory labour and in order to make it quite clear that my clause should not in any way hamper the employment of children I particularly used the words "so as to interfere with the efficient instruction of such a child". If we enact the section in the way in which I propose it seems to me that it would create practically a *non-possumus* position for the factory owners to take children in employment.

My honourable friend Mr. PARANJPYE said that it was no use keeping a child for four hours in the school as it would not be able to retain what it has learnt. But in that case what are you going to do with boys who will merely attend for full five hours and who will not learn anything?

But, sir, coming to the other observations of the Director of Public Instruction, I may only make one or two observations. The first is that as the words "to attend" have been defined in the act and as it has been left to the school committee to fix the hours in consultation with educational authorities of Government, I always counted upon that fact as a sufficient protection. It was on that account that I specially used the words "so as to interfere with the efficient instruction of such a child", meaning thereby that the educational authorities would have always a voice in the matter and the education of children even if they were to be employed will not be allowed to suffer. Then another point is that throughout the discussions which took place in the select committee and here, what is passing in my mind is not to neglect the education at the cost of employment, but to leave it open, if at all any means can be devised if not today, five years hence, for factory employers or other employers to employ children. The question of factories is brought here only to make matters complex. That is not in my mind at all. I am not advocating the cause of factory owners.

Now coming to the remarks of the Honourable Sir MAHADEV CHAUBAL, he drew our attention to clause 8, sub-clause (*b*); this is rather a technical point, but I do not think I should skip over it. According to clause 7, what is stated is "in the absence of a reasonable excuse". That is what is stated in clause 7. I only quoted an instance that in cases where a reasonable excuse can be put forward to the satisfaction of the school committee there is nothing to prevent the employer to take such a child in employment as section 7 would not apply to such a child. That is the view which I take as regards the interpretation of clauses 7, 8 and 11.

Then my honourable friend Mr. PARANJPYE made a very stirring appeal and impressed upon us the necessity of moving forward and looking to the development of the physique of children. If this is your solicitude, why have the act as a permissive measure? Why do you show such solicitude for boys living in a particular municipal district where this act is going to be introduced? Is not the physique of children living in other municipal districts as dear to you as the physique of the children who live in those districts where the act may be introduced? Nobody can disagree so far as our solicitude in that direction goes.

Then something was said as regards the words "for the purpose of profit". I took away those words because having looked at the English Act, section 47, I get this definition there. It says:—"A parent who employs his child in any labour exercised by way of trade or for the purposes of gain is regarded as a person taking the child into his employment", and I thought that it does not matter if the words are taken away so long as you do not prohibit entirely the employment of children. And who is going to employ a child if not for profit? I think the cases where an employer wishes to take a child in his employment and a parent wishes to allow a child to work without any commensurate profit to him would be extremely rare.

Then, sir, the arguments which were advanced by the Honourable Messrs. PRATT and SEDDON have been already answered by other speakers who have preceded me, and to my mind it appears that if we look at the definition of the word "factory" as given in the act, it is not only that kind of labour which is going to be covered by the amendment; there is a large class of other labourers who will be affected. Factories we take account of because it is a kind of organized labour. But if this Council is convinced that there is a large amount of inconvenience if we allow this clause to remain as it is, leaving aside the question of factories, then are we not really called upon to improve upon the clause in the way I have suggested? It has been said by the Honourable Sir MAHADEV CHAUBAL and others, and it is also said in the select committee's

report that the clause as it stands at present is not a complete attempt and that there are some flaws in it. But if the select committee was conscious, and if the honourable members who have listened to this debate are conscious, that there is such a flaw in the clause as it now stands, and if they are convinced that by accepting my amendment they are not going in any way to allow the education of the child to suffer, then I trust they will have no hesitation in accepting my amendment. By doing so they will remove the bar on casual employment which is sought to be imposed by this ambiguous clause 11.

With these few words, sir, as we are getting late and as the debate has been already very lengthy, I do not add anything more. I trust this amendment will receive a very cordial support from my honourable friends.

His Excellency the PRESIDENT:—I think if the Council approves I shall have to put this amendment in two parts. One is to omit the words "for the purpose of profit" and the second part is to insert such words as my honourable friend wishes to. Has my honourable friend any objection?

The Honourable Ráo Bahádur SATHE:—I moved my amendment as one and it is marked as item No. 22.

His Excellency the PRESIDENT:—But has my honourable friend any objection to my putting it to the vote in two parts?

The Honourable Ráo Bahádur SATHE:—Of course it is within your Excellency's power to divide the amendment in two parts. But the two parts have connection with each other and therefore, I think, if I may be allowed to use that word, it will not be fair to put the amendment in two parts.

His Excellency the PRESIDENT:—But I should like to know what exactly is the connection between the two parts.

The Honourable Ráo Bahádur SATHE:—The connection is this, your Excellency. The first is to drop the words "for the purpose of profit". The second portion of the amendment is really the most important one and it is by the incorporation of those words that I am able to put forward my view of the case, namely, that you will always put in the forefront the question of education and you will remove the bar on employment.

His Excellency the PRESIDENT:—I think on consideration that as the amendment on the paper is one, I must take it on this occasion as one.

The amendment was then put to the vote and carried, 25 members voting for and 13 against it. The Council divided as follows:—

Ayes.	Noes.
The Honourable Mr. Salebhoy Karimji Barodawala.	His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E., Governor of Bombay, *President*.
The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.	The Honourable Sir Mahadev Bhaskar Chaubal, K.C.I.E., C.S.I., *Vice-President*.
The Honourable Mr. Ghulam Muhammad walad Khán Bahádur Wali Muhammad Bhurgri, Bar.-at-Law.	The Honourable Mr. S. R. Arthur, I. C. S.
The Honourable Mr. Sherriff Devji Canji.	The Honourable Mr. James Gargrave Covernton, C.I.E.
The Honourable Mr. Pandurang Anant Desai, LL.B.	The Honourable Mr. Balkrishna Sitaram Kamat.
The Honourable Capt. C. Fernandes, M.D., I. M. S.	The Honourable Sardár Dulabawa Raisingji, Thákor of Kerwada.
The Honourable Mr. Siddhanath Dhonddev Garud.	The Honourable Surgeon-General R. W. S. Lyons, M.D., I. M. S.
The Honourable Dewán Bahádur Kashinath Ramchandra Godbole.	

Ayes.

The Honourable Mr. Mahomedbhoy Hajeebhoy.
The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.
The Honourable Mr. Ebrahim Haroon Jaffer.
The Honourable Mr. J. D. Jenkins.
The Honourable Mr. G. F. Keatinge, C.I.E., I. C. S.
The Honourable Mr. H. S. Lawrence, I. C. S.
The Honourable Khán Bahádur Pir Baksh walad Mian Mahmud.
The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL.B.
The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.
The Honourable Sardár Shriniwas Coopooswami Mudliar.
The Honourable Ráo Bahádur Venkatesh Shriniwas Naik.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
The Honourable Mr. W. M. Ross.
The Honourable Ráo Bahádur Gánesh Krishna Sathe, C.I.E.
The Honourable Mr. Phiroze C. Sethna.
The Honourable Mr. Purshotamdas Thakurdas.
The Honourable Mr. Shridhar Balkrishna Upasani.

Noes.

The Honourable Mr. Raghunath Purshottam Paranjpye.
The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.
The Honourable Mr. Abdul Kadir *alias* Fakir Mahomed walad Ibrahim Khan Pathan.
The Honourable Mr. F. G. Pratt, I. C. S.
The Honourable Mr. Munmohundass Ramji.
The Honourable Mr. C. N. Seddon, I. C. S.

His Excellency the PRESIDENT:—The Council will now adjourn till half past eleven to-morrow morning.

The Council then adjourned till 11-30 a. m. on Wednesday, the 5th December 1917.

By order of His Excellency the Right Honourable the Governor,

R. B. MILNE,
Secretary to the Legislative Council
of His Excellency the Governor of Bombay.

Journal of the Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915 (5 and 6, Geo. V, Ch. 61).

The Council re-assembled on Wednesday the 5th December 1917 at 11-30 a. m., at the Council Hall, Secretariat, Bombay.

PRESENT:

His Excellency the Right Honourable Lord WILLINGDON OF RATTON, G.C.I.E., Governor of Bombay, *President.*
The Honourable Sir MAHADEV BHASKAR CHAUBAL, K.C.I.E., C.S.I., *Vice-President.*
The Honourable Mr. G. CARMICHAEL, C.S.I., I. C. S.
The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.
The Honourable Mr. S. R. ARTHUR, I. C. S.
The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.
The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.
The Honourable Mr. GHULAM MUHAMMAD *walad* Khán Bahádur WALI MUHAMMAD BHURGRI, Bar.-at-Law.
The Honourable Mr. P. R. CADELL, C.I.E., I. C. S.
The Honourable Mr. SHERRIFF DEVJI CANJI.
The Honourable Mr. JAMES GARGRAVE COVERNTON, C.I.E.
The Honourable Mr. PANDURANG ANANT DESAI, LL.B.
The Honourable Captain C. FERNANDES, M.D., I. M. S.
The Honourable Mr. SIDDHANATH DHONDDEV GARUD.
The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.
The Honourable Mr. MAHOMEDBHOY HAJEEBHOY.
The Honourable Sheikh GHULAM HUSSEIN HIDAYATALLAH, LL.B.

PRIMARY EDUCATION BILL.

[*The President; Dewán Bahádur Kashinath Ramchandra Godbole; Mr. Chunilal Vijbhukhandas Mehta.*] [5TH DECEMBER 1917.]

The Honourable Mr. EBRAHIM HAROON JAFFER.
The Honourable Mr. J. D. JENKINS.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Mr. G. F. KEATINGE, C.I.E., I. C. S.
The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwada.
The Honourable Mr. H. S. LAWRENCE, I. C. S.
The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
The Honourable Khán Bahádur PIR BAKSH *walad* MIAN MAHMUD.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Sardár SHRINIWAS COOPOOSWAMI MUDLIAR.
The Honourable Ráo Bahádur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. W. U. NICHOLAS.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED *walad* IBRAHIM KHAN PATHAN.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. F. G. PRATT, I. C. S.
The Honourable Mr. MUNMOHUNDASS RAMJI.
The Honourable Mr. W. M. ROSS.
The Honourable Ráo Bahádur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. C. N. SEDDON, I. C. S.
The Honourable Mr. PHIROZE C. SETHNA.
The Honourable Mr. PURSHOTAMDAS THAKURDAS.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.

His Excellency the PRESIDENT:—Order, order. Further discussion on clause 11 (1) of a bill to provide for the extension of primary education in municipal districts in the Bombay Presidency other than the City of Bombay. Item No. 23. The Honourable Dewán Bahádur GODBOLE.

Clause 11 (1).—Add the following words after the word "apply":—"so as to interfere with the said child receiving instruction in a proper manner."

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency,—I beg leave to withdraw this amendment.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT:—Item No. 24. The Honourable Mr. C. V. MEHTA.

Clause 11 (1).—After the word "apply" add the following words:—"so as to interfere with such child receiving instruction as required under this act."

The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA:—Your Excellency,—This amendment is identical with that of the Honourable Ráo Bahádur SATHE which was passed yesterday. I therefore beg to withdraw this amendment.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT:—Item No. 25. The Honourable Khán Bahádur PIR BAKSH.

Clause 11 (1).—After the word "employment" add:—"except during school hours."

PRIMARY EDUCATION BILL.

[5TH DECEMBER 1917.] [*Khán Bahádur Pir Baksh* walad *Mian Mahmud; the President; Mr. Shridhar Balkrishna Upasani; Ráo Bahádur Ganesh Krishna Sathe.*]

The Honourable Khán Bahádur PIR BAKSH *walad* MIAN MAHMUD:—Your Excellency,—I beg leave to withdraw this amendment.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT:—Item No. 26. The Honourable Mr. UPASANI.

Clause 11 (1).—(a) In line 10 omit the words "a magistrate" and substitute the words "the president or the vice-president of the municipality."

(b) At the end of this clause add the following:—

"Provided that the employer shall not be liable to the penalty prescribed in this section if the time and nature of the child's employment did not interfere with his attending a recognized school or if there was reasonable excuse for his non-attendance under section 8."

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency,—I beg leave to withdraw this amendment.

The amendment was by leave withdrawn.

Clause 11 was then put to the vote and carried.

His Excellency the PRESIDENT:—Item No. 27. The Honourable Mr. UPASANI.

Clause 12.—In lines 4 and 5 omit the words "a magistrate" and substitute the words "the president or vice-president of the municipality."

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency,—I beg leave to withdraw this amendment as it is consequential.

The amendment was by leave withdrawn.

Clauses 12 and 13 were then put to the vote and carried.

His Excellency the PRESIDENT:—Item No. 28. The Honourable Khán Bahádur PIR BAKSH.

Clause 14.—Delete the words "of sex" and substitute "twelve years" for "eleven years" occurring in the last four lines of this clause.

The Honourable Khán Bahádur PIR BAKSH *walad* MIAN MAHMUD:—Your Excellency,—I beg leave to withdraw this amendment.

The amendment was by leave withdrawn.

Clauses 14, 15 and 16 were then put to the vote and carried.

His Excellency the PRESIDENT:—Item No. 29. The Honourable Ráo Bahádur SATHE.

Clause 17.—If amendment to clause 10 (1) as proposed above (item No. 18) is accepted the following clause to be substituted for present clause 17:—

"17.—All fines levied by a president for an offence under this act shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII of the principal act and shall be credited to the municipal fund."

The Honourable Ráo Bahádur GANESH KRISHNA SATHE:—Your Excellency,—As my amendment covered by item No. 18 of the agenda was rejected yesterday, I beg leave to withdraw this amendment.

The amendment was by leave withdrawn.

PRIMARY EDUCATION BILL.

[*Mr. Shridhar Balkrishna Upasani; Mr. Raghunath Purshottam Paranjpye; Mr. Vithalbhai Jhaverbhai Patel; Mr. Ghulam Muhammad* walad *Khán Bahádur Wali Muhammad Bhurgri.*] [5TH DECEMBER 1917.]

Clause 17 was then put to the vote and carried.

His Excellency the PRESIDENT:—Item No. 30. The Honourable Mr. UPASANI.

Clause 18 (2) (e).—Omit in the first four lines the words "When the Local Government determines to share the cost of providing free and compulsory primary education."

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency,—With the assurance given by Government that they will give the help necessary I do not wish to press this amendment and I therefore beg leave to withdraw the same.

The amendment was by leave withdrawn.

Clause 18 was then put to the vote and carried.

The preamble was then put to the vote and carried.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE:—Your Excellency,—In clause 18 we have given Government power to make rules about various points. Yesterday the Council passed an amendment to clause 11 (1) to the effect that the employment of children shall be such as not to interfere with their efficient instruction. Government, therefore, might take, under clause 18, power to decide what that efficient instruction is.

His Excellency the PRESIDENT:—I gather, if I am right, that the purpose of the amendment is to leave it to the school committee and educational authorities to decide what is efficient instruction and so I do not see any necessity for framing such rules.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—

The Honourable Mr. Patel moves the third reading of the bill.

It is with very great pleasure that I move the third reading of this bill and I trust that the Council will support it.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE:—I have very great pleasure in seconding this motion for the third reading of the bill and in doing so I beg to take leave to congratulate heartily my honourable friend Mr. PATEL on the masterly way in which he has piloted the bill through the Council and the select committee. This is the first bill of its kind which is now going to be placed in the statute book of the Legislative Council of this Presidency. Only in the Imperial Legislative Council one or two bills introduced by private members have been placed on the statute book; but I think this Presidency can take credit to itself that this is the first bill of a private member that has been passed by a provincial legislative council. I hope this bill will only be the first of a series of important legislative measures referring to matters that deeply affect the people of this particular province, and I trust that Government will in similar cases extend the same amount of sympathy as they have extended to this bill. With these words I heartily support the third reading of this bill.

The Honourable Mr. GHULAM MUHAMMAD *walad* Khán Bahádur WALI MUHAMMAD BHURGRI:—My Lord,—I want to associate myself with what has fallen from my honourable friend Mr. PARANJPYE. I think, sir, that the non-official members of this Council fully realize that this bill, which has been piloted by the Honourable Mr. PATEL, has had the full sympathy of your Excellency's Government from the first reading onwards and I feel that if it were not for your Excellency's kind personal interest in the matter it would have been impossible to get a bill like this passed in the Council. On behalf of the Mahomedan honourable

members, I certainly beg to offer my congratulations to your Excellency personally. Coming from a backward community I can assure your Excellency that I feel that this bill will do a good deal for the betterment of the condition of those who are backward in education, and I cannot help congratulating my honourable friend Mr. PATEL on the labour and persistence with which he has tackled the subject and brought it to fruition and to a successful issue. With these words I support the third reading of the bill.

Bill read a third time.

Motion for the third reading was then put to the vote and carried.

Discussion of matters of General Public Interest.

His Excellency the PRESIDENT:—Order, order. Before we commence to discuss the resolutions, I wish to inform honourable members that I am going to carry out what I suggested on the occasion of the last Council meeting, namely to give every honourable member an opportunity in order of moving his resolutions. What I mean is this: the Honourable Mr. PATEL will move resolution No. 1 first, and then I shall take the first resolution of the Honourable Mr. JAFFER and so on, giving each honourable member an opportunity to move a resolution; then I will recommence from the beginning in the same way.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—Resolution No. 1 was already discussed at the last March meeting and if your Excellency permits me to move the second resolution I shall be grateful.

His Excellency the PRESIDENT:—Does the honourable member wish to withdraw No. 1?

The Honourable Mr. PATEL:—No, I am not going to withdraw it, your Excellency. It has already been thoroughly discussed and it has only to be voted upon.

His Excellency the PRESIDENT:—The honourable member then wishes a vote to be taken upon the resolution?

The Honourable Mr. PATEL:—Exactly.

His Excellency the PRESIDENT:—I think, as a matter of order, it would be better if the honourable member moves his resolution formally at all events.

The Honourable Mr. PATEL:—Then, do I lose my chance of moving the second by formally moving this resolution, your Excellency?

His Excellency the PRESIDENT:—No. Under the circumstances, I will depart from the procedure I have indicated. Let the honourable member formally move his first resolution and then he will have an opportunity to move his second.

The Honourable Mr. PATEL:—Your Excellency,—I now beg to move:—

"This Council recommends that His Excellency the Governor in Council may be pleased to rule that no officer of Government shall stand as a candidate for the office of vice-president of any local board of which any other officer of Government is president."

His Excellency the PRESIDENT:—Order, order. I think that probably I should inform honourable members of the views of Government on the matter at this stage. I understand from my honourable colleague Mr. CURTIS that, since the discussion of this resolution at our last meeting in March, Government have taken action with regard to this matter, and my honourable colleague wishes to make a statement, the effect of which I hope will be to produce a desire in the mind of my honourable friend Mr. PATEL to withdraw his resolution.

LOCAL BOARDS: NON-OFFICIAL VICE-PRESIDENTS.

[*Mr. G. S. Curtis; Mr. Vithalbhai Jhaverbhai Patel; the President.*] [5TH DECEMBER 1917.]

The Honourable Mr. G. S. CURTIS:—Your Excellency,—There was considerable discussion in the March meeting of the Council over a similar resolution which was moved by my honourable friend Mr. PATEL. We were unable then to accept the resolution absolutely to the letter, but in view of the recommendations which had been previously made by the Local Boards Committee that the vice-presidents both of district boards and taluka boards should, as far as possible, be non-officials, instructions were issued to Commissioners to endeavour to bring before district local boards and taluka boards the advisability of replacing, as far as possible, official vice-presidents by non-officials, if fit and willing persons come forward, and there are no inherent objections.

I may, perhaps, give the Council a short account of the effect of those orders. The Commissioner in Sind, the Honourable Mr. LAWRENCE, reports that all district boards in Sind have elected non-officials as vice-presidents. In September no taluka board had as yet appointed a non-official vice-president but instructions had been given to keep the policy steadily in view of bringing in non-officials as far as possible, and to bring in a mukthyarkar along where a non-official is unwilling to serve as vice-president.

In the Northern Division before March the only district local boards with a non-official vice-president was Broach. Since then the remaining 5 district local boards have elected non-official vice-presidents. In that division there are 41 taluka boards. Before March 8 had non-official vice-presidents. Since then, 11 more have substituted non-officials for official vice-presidents. In Kaira it is reported that it is thought that with the re-constituted boards suitable non-official candidates for the office of vice-president will be forthcoming.

In the Central Division, it is reported that since March 10 taluka boards have substituted non-officials as vice-presidents for officials. The Commissioner's report makes no referenee to the district local boards.

In the Southern Division the Commissioner reports that in district boards whose triennial elections have recently been completed steps have been taken to have non-officials as vice-presidents. With regard to taluka boards the wishes of Government have been communicated to the Collectors.

The effect is that efforts are being made to obtain non-officials as vice-presidents where suitable gentlemen are forthcoming. The Council will no doubt notice, as I pointed out last time, that the expression "officer of Government" is rather a sweeping one and that in practice it would be very undesirable to apply it to officers other than revenue officers of Government. There are certain officers, school-masters, engineers and officers of the medical department who are capable of rendering very useful public service in local boards, and it would be very undesirable where officers of that class are willing to come forward and act as vice-presidents that they should be debarred from doing so. Also it must be remembered that many taluka boards are situate in backward agricultural tracts where the services of non-officials with adequate education and knowledge of English are not obtainable. In those places it may be necessary that a Government servant should continue in the position of vice-president. As far as possible, however, Government intend to encourage the appointment of non-officials as vice-presidents, and I think the figures that I have quoted show that they are being seconded in their endeavours by the Commissioners, and that in course of time the non-official element will largely take the place hitherto occupied by officials. To that extent the recommendations of the Honourable Mr. LAWRENCE'S Committee are being and will be given effect to.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—In view of the explanation given by my honourable friend Mr. CURTIS I beg leave to withdraw my resolution.

The resolution was then by leave withdrawn.

LOCAL BOARDS: ELECTED NON-OFFICIAL PRESIDENTS AND VICE-PRESIDENTS.

[5TH DECEMBER 1917.] [*The President; Mr. Vithalbhai Jhaverbhai Patel.*]

His Excellency the PRESIDENT:—Resolution No. 2. The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—May it please your Excellency,—The resolution which I wish to move reads thus:—

"This Council recommends that His Excellency the Governor in Council may be pleased to undertake legislation so to amend the Local Boards Act as to provide that presidents and vice-presidents of all local boards in the Presidency proper shall be elected non-officials, with power to the Governor in Council to direct, by a notification in the 'Government Gazette,' that the said provision shall not apply to any local board to which for exceptional reasons, which shall be set forth in the said notification, he shall deem such provision unsuitable."

Your Excellency,—Local self-government as applied to rural areas dates back to the year 1863. It was laid down in that year that the success of local self-government would depend upon the degree of control that would be allowed to the local managers of the funds. Local fund committees were appointed and funds were raised. The constitution of these committees for the management of the funds was legalized in 1865 in Sind and in 1869 in the Presidency proper. Somehow or other the office-bearers of those committees who were officials managed the funds in the manner that suited them best, on the principle of everything for the people and nothing by the people, with the result that people began to feel that local self-government was merely sham. This state of things attracted the attention of Government of Lord Ripon and I cannot do better than quote the very words of the resolution issued on the 18th May 1882 by his Government:—"There appears to him (the Governor-General in Council) to be great force in the argument that so long as the chief executive officers are as a matter of course chairmen of the municipal and district committees there is little chance of these committees affording any effective training to their members in the management of local affairs or of non-official members taking any real interest in local business. The non-official members must be led to feel that real power is placed in their hands and they have real responsibilities to discharge. It is doubtful whether they have under present arrangement any sufficient inducement to give their time and attention to the transaction of public business. There is this further objection to the district officer acting as chairman that if the non-official members are independent and energetic, risk may arise of unseemly collision between the chairman and the board. The former would be in a far more influential position if——"

His Excellency the PRESIDENT:—I do not want to interrupt the honourable member, but with a view to shortening, if possible, the discussion on this resolution, I should like to explain what the position of Government is on this matter. Honourable members are well aware that I was extremely anxious to get a bill introduced into this Council with regard to this question at this session. But there are circumstances of which honourable members are aware, namely, the arrival of distinguished gentlemen in India, which have made it difficult to lay down any definite policy with regard to the question of local self-government. Honourable members are also aware that at this very moment there is considerable discussion as to the policy to be laid down for India, and it is the opinion of some that district local boards ought to be done away with altogether. Under these circumstances, Government have felt it undesirable to commit themselves to any definite proposals with regard to this question until the general situation as regards future policy is more developed. I do not think I can go further than that, but honourable members can perfectly well understand what I mean. Therefore, it is impossible for Government to commit themselves finally to such a resolution as this, although they may have considerable sympathy with it, and I honestly think, if I may say so to my honourable friend, that at this particular juncture it would be, I do not say waste of time, but unnecessary to move such a resolution, having regard to all the circumstances.

LOCAL BOARDS: ELECTED NON-OFFICIAL PRESIDENTS AND VICE-PRESIDENTS—URDU IN PRIMARY SCHOOLS—URDU TRAINING COLLEGES.

[5TH DECEMBER 1917.] [*Mr. Vithalbhai Jhaverbhai Patel; the President; Mr. Ebrahim Haroon Jaffer.*]

The Honourable Mr. PATEL:—Am I to understand that your Excellency's Government is not prepared to say that local boards should have elected non-official presidents and vice-presidents?

His Excellency the PRESIDENT:—The honourable member is not to take what I have said in that form at all. All I say is this, that the whole position with regard to the form of local self-government is so extremely fluid at this moment, as my honourable friend if he reads the papers must know, that we are not going to commit ourselves to any definite action with regard to local self-government, whatever our views may be with regard to official or non-official presidents and vice-presidents.

The Honourable Mr. PATEL:—May I enquire if the appointment of the special officer has been discontinued on that account?

His Excellency the PRESIDENT:—The special officer has just issued his report and it will be before the members of the Government in a short time. But we are going to take no definite action at all with regard to the matter until, as I say, the situation is further developed.

The Honourable Mr. PATEL:—In that case I beg to postpone my resolution till the situation clears up.

The resolution was by leave postponed.

His Excellency the PRESIDENT:—Resolution No. 3. The Honourable Mr. JAFFER.

The Honourable Mr. EBRAHIM HAROON JAFFER:—Your Excellency,—The resolution that stands in my name reads thus:—

"This Council recommends to His Excellency the Governor in Council that the experiment of giving instruction to Mahomedan students in primary schools through the medium of Urdu be given a fair and full trial by its being extended for a further period of five years."

As the result of my interview on 30th October last the Director of Public Instruction in his letter dated 7th November informs me that your Excellency has decided to consider the question of the teaching of Urdu in vernacular schools for Mahomedans at a meeting of Mahomedan gentlemen which will be convened shortly.

I therefore beg your Excellency to allow me to postpone the consideration of my resolution till the next session of the Council.

I have every hope that no action will be taken in the meantime by Government on the Press Note published.

The resolution was by leave postponed.

His Excellency the PRESIDENT:—Resolution No. 4. The Honourable Mr. JAFFER.

The Honourable Mr. EBRAHIM HAROON JAFFER:—Your Excellency,—The resolution that I wish to move is as follows:—

"This Council recommends to His Excellency the Governor in Council that (1) a second year's course be added to the Urdu Training Class at Ahmedabad with a view to develop it in time into an Urdu Training College; and (2) that the class be removed to Poona with a view to develop it in time into an Urdu Training College."

URDU TRAINING COLLEGES—FREE STUDENTSHIPS FOR MAHOMEDAN STUDENTS.

[5TH DECEMBER 1917.] [*Mr. Ebrahim Haroon Jaffer; the President.*]

On the advice of my Mahomedan colleagues of this Council, I beg your Excellency's permission to postpone this resolution also as the whole question is to be re-considered by Government.

The resolution was by leave postponed.

His Excellency the PRESIDENT:—Resolution No. 5. The Honourable Mr. JAFFER.

The Honourable Mr. EBRAHIM HAROON JAFFER:—Your Excellency,—The resolution which I beg to move is as follows:—

"This Council recommends to His Excellency the Governor in Council that five per cent. or one-third of the free studentships reserved for the advanced and the backward communities in secondary schools be ear-marked for Mahomedan students."

Your Excellency,—Poverty is one of the causes which prevents many students from continuing their education in secondary schools. The cost of living is rising on all sides and many parents are doubtless deterred from sending their children to secondary schools by the expenses their education involves. When the scale of fees was raised some years ago, the complaint was made that the enhancement would cause a lot of hardship to people of the lower and middle class. The hardship is bound to be severely felt by the people of the backward class. The bulk of the Mahomedan population is poor and they cannot afford the fees that have to be paid for the schooling of their children.

The claim of the backward classes to concessions in the matter of the remission of fees has always been recognized by Government. The educational department has invariably insisted upon a fixed proportion of the free studentships allowed in schools being reserved for the pupils belonging to the backward classes. The aim of this policy is to encourage members of these classes to send their children to schools. They do not understand the value of education and are not inclined to let their boys prosecute their studies in secondary schools. Inability to bear the costs of education only strengthens the attitude of the people of the backward communities and the result is that the spread of education suffers to the great detriment of the communities. It is not necessary to labour further on this point about the need of setting apart a fixed number of free studentships for pupils belonging to the backward classes. What I have to urge is that in view of the needs of the education of Mahomedans, five per cent. or one-third of the free studentships reserved for advanced and backward pupils together should be given to boys of this community.

I hope the Council will see that this is by no means an unreasonable request. During the five years 1911-12 to 1915-16 when 10 per cent. free studentships were allowed, Mahomedan students received, on an average, less than 15 per cent. of the total number of free studentships available for advanced and backward pupils, and in 1916-17, when 15 per cent. were allowed, the share of Mahomedan students was 13·64 per cent. of the total. A much larger proportion, nearly double, should have fallen to the lot of Mahomedan students in view of the ratio Mahomedans bear to the total population. I have therefore to plead for 5 per cent. free studentships being given to Mahomedan students.

It may perhaps be contended that Mahomedan pupils do not receive their proper share, because a sufficient number is not forthcoming to claim the free studentships. With regard to this point I have to say that if on a fixed percentage of free studentships being set apart for the benefit of the students of my community they are not taken advantage of within a certain period, they may be given away to pupils of other backward communities. I think the fixing of the percentage will induce Mahomedan students to avail themselves of the facility given to them and thus the cause of Mahomedan education will benefit. The

proposal I have made does not in any way encroach upon the rights of other communities or prevent them from receiving what is their due. It will only encourage the pupils of my community, which is so backward in the matter of education, to take advantage of the concession which has been made to backward classes and the true object of the arrangement Government has made will be attained. I have every hope, therefore, that the Council will accept my resolution.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE:—Your Excellency,—I wish to propose an amendment to this resolution. It is this: I would add the word "Government" between the words "in" and "secondary" in line three, and would further add at the end the words "provided any free studentship so allocated to any particular class and not availed of for want of suitable applicants may be given to a suitable applicant of any other community."

With the additions that I propose the resolution will read as follows:—

"This Council recommends to His Excellency the Governor in Council that five per cent. or one-third of the free studentships reserved for the advanced and the backward communities in Government secondary schools be ear-marked for Mahomedan students, provided that any free studentship so allocated to any particular class and not availed of for want of suitable applicants may be given to a suitable candidate of any other community."

His Excellency the PRESIDENT:—We will discuss the resolution and the amendment at the same time.

The Honourable Mr. PARANJPYE:—Your Excellency,—My amendment, I think, will receive the support of the honourable members of this Council. On the one hand I fully sympathize with the contention of the backward classes, whether they are Mahomedans or others, that they should be considered rather more favourably than the more advanced classes so far as giving them opportunities for advancement are concerned. While I protest strongly against reserving any posts for the backward classes where a definite acquisition of knowledge or a definite condition about character or other such things are required, I think that the contention of the backward classes who have not got sufficient opportunities at present or at any rate who have not properly availed themselves of the opportunities in open competition with other classes, that they should get rather more opportunities under the present circumstances, is justified. So far, therefore, I fully sympathize with the Mahomedans and other backward classes in asking for a little preferential treatment. As a mater of fact in the institution with which I am connected I myself always consider the claims of the Mahomedans and other backward classes a little more favourably than I consider the claims of the more advanced classes. A few conditions which I insist upon in the case of more advanced classes are relaxed in the case of Mahomedans and other backward classes. I think under the present circumstances such a relaxation is quite reasonable.

But at the same time there are certain ultra-extreme advocates of the backward classes who occasionally advocate a policy of the dog in the manger. They often say that such and such a number of free studentships should be reserved for them, and even if they are not availed of, they say that they should not be given to any students of the advanced classes. That is in fact what happens at present. We have in our various classes in schools half the number of free studentships reserved for the backward Hindu classes and Mahomedans. These $7\frac{1}{2}$ per cent. of free studentships are not actually availed of. Some of them remain unallocated, while for the other $7\frac{1}{2}$ per cent. of these free studentships there are far more suitable candidates than could be given the free

FREE STUDENTSHIPS FOR MAHOMEDAN STUDENTS.

[5TH DECEMBER 1917.] [*Mr. Raghunath Purshottam Paranjpye; Sheikh Ghulam Husein Hidayatallah; Mr. Ebrahim Haroon Jaffer; Mr. Vithalbhai Jhaverbhai Patel.*]

studentships. So that while some free studentships reserved for one class of students on the one hand remain unallocated, students belonging to the other, namely the advanced, are clamouring for more free studentships. Now I do not understand why such a state of things should be allowed.

Then again, there is another part of the amendment which confines this resolution only to Government secondary schools. I do not think that this Council should make a change in the grant-in-aid code and apply this resolution even to the aided schools. The circumstances of aided schools might be different. A particular aided school might appeal to the people of one community. But if we pass a general resolution of this kind that school may have to reserve 5 per cent. of the free studentships for Mahomedans though they do not figure at all in the attendance roll of the school. I do not think, therefore, that the Council will at present be justified in applying this resolution to all schools. The Mahomedan community might possibly for the moment make up a fairly reasonable case for giving them more suitable opportunities than they at present have. I myself think that at present there is hardly any Mahomedan student who is suitable who goes without a free studentship. I find in my college, for instance, not a single Mahomedan who really deserves a free studentship that goes without one, and also in the schools with which I am connected I never find that Mahomedan students if they are properly qualified are refused the opportunity of learning in the school simply for want of free studentships. But if my Mahomedan friends want the particular condition mentioned in this resolution I have no objection. At present I think the resolution will be practically inoperative because every Mahomedan that is qualified will naturally get the free studentship required.

There are several funds at the disposal of the Mahomedan community which enable poor Mahomedan students to get free studentships also. But at the same time I do not want to come in the way of my Mahomedan friends if they want a rule on paper. But I only want to see that this rule on paper does not work any hardship to the students of other communities.

With these words I propose my amendment.

The Honourable Sheikh GHULAM HUSEIN HIDAYATALLAH:—Your Excellency,—I rise to support the amendment moved by my honourable friend Mr. PARANJPYE. It is a very sensible amendment and I hope it will commend itself to this Council.

The Honourable Mr. PARANJPYE agrees so far that five per cent. out of the fifteen per cent. of the free studentships should be ear-marked for Mahomedan students. But he says further that when Mahomedan students are not available for those five per cent. of free studentships they may be utilized for the purpose of other backward communities. That also is a very reasonable proposal and I hope my honourable friend Mr. EBRAHIM HAROON JAFFER will agree to the amendment proposed by my honourable friend Mr. PARANJPYE.

The Honourable Mr. EBRAHIM HAROON JAFFER:—I accept the amendment moved by the Honourable Mr. PARANJPYE.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—The resolution, as amended, is now before the Council for discussion and I should like to say a few words regarding it. In the first place, I may say that I do not want to come in the way of the legitimate aspirations of my honourable Mahomedan friends, but I should like to be satisfied on this one point. I should like to ask them whether any poor and deserving Mahomedan students have been so far refused free studentships. My honourable friend Mr. JAFFER can only make out a case if he can show that a particular Mahomedan student, who has obtained a certain number of marks according to the rules permitting the education department to grant free studentships, is left out. If that is so, there is a case for

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[*Mr. Vithalbhai Jhaverbhai Patel; Mr. Lalubhai Samaldas Mehta; Mr. Ebrahim Haroon Jaffer; Sir Mahadev Bhaskar Chaubal.*]

discussion. I do not want to say anything on the question as to how this claim of one-third free studentships being reserved for Mahomedans is based, but I must say this, that I do not wish to vote in favour of the resolution unless I am satisfied that deserving students have been refused free studentships.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA:—Your Excellency,—I have only one question to ask the Honourable Mr. JAFFER. I want to ask him whether he can give me the figures of the percentage of Mahomedan students in secondary schools. My information is that the percentage of Mahomedan students is 8·35, and I shall be glad to know if that is correct. Does the Honourable Mr. JAFFER mean that 50 per cent. of them should get free studentships? I want to know the number of students attending the secondary schools.

The Honourable Mr. JAFFER:—It is 6 per cent.

The Honourable Mr. LALUBHAI:—So that my honourable friend wants that out of 6 per cent. 5 per cent. should be given free studentships.

The Honourable Sir MAHADEV BHASKAR CHAUBAL:—Your Excellency,—I rise in order to explain the situation to my honourable Mahomedan friends of this Council and the position of Government as regards this resolution.

The Honourable Mr. JAFFER has accepted the Honourable Mr. PARANJPYE'S amendment, but I have my misgivings as to whether all the Mahomedan members have correctly understood the situation. Honourable members are perhaps aware that some years back, I think it was in 1915, the Honourable Moulvie RAFFIUDDIN AHMED brought forward a resolution in this Council that the number of free studentships which was at that time 10 per cent. should be increased to 15 per cent. in secondary schools, and I remember having then got up and tried to explain the position to the Honourable Moulvie RAFFIUDDIN AHMED. I then explained to him that while he was on the one hand doing no good to his community by raising the 10 per cent. to 15 per cent., he was on the other certainly reducing the income from fees to Government, which was being utilized for several educational purposes. But if he had at heart the interests of his community I desired him to appreciate the fact, by giving him the figures, that out of the 10 per cent. even the 5 per cent. allotted to his community along with the other backward classes was not exhausted. But the Honourable Moulvie RAFFIUDDIN AHMED——

The Honourable Mr. JAFFER:—After the Honourable Moulvie RAFFIUDDIN AHMED moved his resolution I asked a question on the 24th July which I will read to this Council together with the reply of Government. My question was:—

"Will Government be pleased to state what percentage of free studentships Muhammadan students got (*a*) during the last five years of the period in which 10 per cent. free studentships were allowed, (*b*) during the period in which 15 per cent. were allowed?"

The reply from Government was:—

"The subjoined statement gives the information required by the honourable member:—

(*a*) Percentage during the period in which 10 per cent. free studentships were allowed:—

Year.	Percentage.
1911-12	14·62
1912-13	14·89
1913-14	16·26
1914-15	14·95
1915-16	13·9

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"(*b*) Percentage during the period in which 15 per cent. free studentships were allowed :—

Year.	Percentage.
1916-17	13·64"

The Honourable Sir MAHADEV CHAUBAL :—The Honourable Mr. JAFFER will permit me to proceed with my statement. When the total number of free studentships was 10 per cent. it was pointed out by me that the 5 per cent. out of the 10 per cent. which was allotted to Mahomedans and the backward classes between them was not, as a matter of fact, exhausted, and therefore neither the Mahomedan community nor the depressed classes nor the other backward classes were likely to derive any advantage by the increase from 10 to 15 per cent. Notwithstanding this statement the resolution was passed, and I remember the Honourable Mr. PARANJPYE and the Honourable Mr. UPASANI spoke eloquently in support of the Honourable Moulvie RAFFIUDDIN'S resolution. Now the total number of free studentships permitted has been 15 per cent. from 1915 onwards. The Honourable the Director of Public Instruction has been getting information, which he was specially asked to do, if there were any Mahomedan poor and deserving students who have been refused free studentships, and the reports from all the schools that have reached him distinctly state that the free studentships which are open to the Mahomedan and the backward classes are not exhausted on account of suitable applicants not coming forward. I think this statement is perfectly clear. If after this statement——

The Honourable Mr. JAFFER :—May I know the meaning of suitable candidate?

The Honourable Sir MAHADEV CHAUBAL :—I think the honourable member ought to understand that it is not everybody who attends a school who can get a free studentship. There are certain rules and regulations as to the place that a boy who is given a free studentship should keep and as to his general competence. Simply because a boy belongs to a certain community, he cannot be allotted a free studentship. So long as there is no fear that the percentage of free studentships allotted to them is withheld on account of the boys of the advanced classes coming forward, I do not think they can complain of any injustice in the regulations for the grant of free studentships which are the same as govern those granted to the advanced classes. That is the meaning of suitable candidate. It is not because a candidate is simply a Mahomedan that a free studentship may be given to him. They are bound to follow the rules for the award of scholarships and free studentships, and that being so, I would ask my honourable Mahomedan friends of the Council to consider if they should accept the Honourable Mr. PARANJPYE'S amendment which is sure to have this effect, that while it is open to any Mahomedan students or students from the backward classes to come forward and take up the free studentships which have not been exhausted and which are still available if there are suitable candidates, those which will remain vacant are likely to be taken advantage of by the advanced classes as the Honourable Mr. PARANJPYE has frankly admitted, because there are many deserving and suitable candidates from the educationally advanced classes who are not given free studentships because there is not a sufficient number of them. Therefore it is for the Mahomedan members of this Council to consider if they should accept the proposed amendment, but if they do, the position of Government is that Government have no objection whatsoever to the resolution as amended and they will accept it.

The Honourable Mr. JAFFER :—I thank Government for accepting the resolution.

The resolution, as amended, was then put to the vote and carried.

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[*The President; Mr. Munmohundas Ramji.*] [5TH DECEMBER 1917.]

His Excellency the PRESIDENT:—Resolution No. 6. The Honourable Mr. MUNMOHANDAS RAMJI.

The Honourable Mr. MUNMOHUNDAS RAMJI:—Your Excellency,—The resolution that I have given notice of reads as follows:—

"This Council recommends to the Governor in Council that the circular of the educational department of the Government of Bombay, dated the 7th June 1917, preventing students from attending public meetings, should be revoked."

Before discussing the merits or demerits of the circular in question, I would like to make the ground clear, by first inviting your attention to the aims and objects, which all civilized and progressive nations of the world have constantly kept in view in devising their systems of national education. It is now generally recognized that no system of education is sound, unless it imparts to the students a knowledge of civic duties, in addition to a general and moral culture to enable its recipients to lead an honourable and independent life and to improve the moral and material condition of their country. The precincts of the schools and colleges, necessities as they are, are not the only agencies of education. In all countries, the political environments of a people have also to be counted in moulding the character and opinion of the youths and any attempt to curtail the liberty of the students or their guardians in this respect will always meet with a certain amount of resentment and suspicion. The surroundings of the home, the tone of the school, and the politics of country act and re-act upon one another in the education of its youths and create the educational atmosphere, which will permanently influence the character and thought of the younger generation. The education which has raised England to its present exalted position, is not only the education imparted in its schools and universities but also in school and college debating societies and in its social and political clubs.

There is no gainsaying the fact that India has commenced to manifest signs of a distinct consciousness and vitality and through her educated leaders is now insisting on reforms in all directions, and if the students were shut out from any activities of this kind, what chances, my Lord, have they of turning out able citizens? The educated Indians have also been asking for a control over the educational policy of the country in general. The university or school education will have its correct supplement, if the students have opportunities to come in contact with the various national associations or societies doing useful work for the uplift of the nation. Let each student be able to say with St. Paul: "I am a citizen of no mean country." Indian students, who study the great classical writers like Shakespeare, Burke, Bacon and Macaulay, should have the rights and privileges of their fellow-students in the United Kingdom and the self-governing colonies. They should not only be able to read and write, but should also get an opportunity of learning something at least of the Government of their own country and its methods of administration. They ought to know also their present position in the Empire their rights as well as disabilities under the present constitution of Government. And this kind of knowledge can be gained by them only outside the premises of their schools. To deny them this privilege, would be an unstatesmanlike step, which no Government should take. In other countries, the Government takes special pains to rear a healthy, vigorous, self-reliant generation, which should keep pace with the general progress of the world. Strength of will, nobility of character, and firmness of mind, and vigour of body are looked upon as essential qualifications which ought to be developed in the rising generation. So far as I am aware, in no other country are students placed under so many disabilities and restrictions in regard to public activities, as is contemplated by this circular. In this connection I may draw the attention of the Council to the views of the late Mr. Gokhale who expressed

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himself as follows when addressing a meeting of the Students' Brotherhood in 1909:—

> "To leave them (the students) thus to their own devices amidst the perplexities of a difficult situation is to neglect a plain duty towards them at a critical period in their lives, and the consequences of this neglect have been and are bound to be serious and far-reaching."

I was glad to see this view urged the other day in a letter to the press by the Rev. Mr. Andrews, of Delhi, than whom there is no better friend of the Indian students and of Indian aspirations in the country:—"The historical and economic questions," says the Rev. Mr. Andrews, "which lie at the base of at least three-fourths of the politics of the modern Indian student, should be dealt with wisely and sympathetically by those who are teaching history and economics, and sound opinion should thus be built up within the colleges themselves. Different teachers will, no doubt, take different views of the same questions, but it is not so much the views urged on the attention of the students as the proper cultivation of their political sense and the habit of careful and comprehensive thinking induced in their minds in regard to political problems that must be the chief object and will constitute the real gain. The very fact that our students cannot help taking an interest in politics before their time, goes to emphasize the great need that exists for their efficient political education. I think our students, especially college students, should enjoy every possible facility for acquiring an accurate knowledge of political matters and forming sound views in regard to them. They should be encouraged to discuss such matters freely in the college. Publicists, whose opinions are entitled to weight, should from time to time be invited to take part in the discussions. They should be at liberty to attend public lectures and addresses on political subjects, and they may even attend political meetings with advantage, provided they are there only as spectators."

With these preliminary remarks, I shall come to the consideration of the circular itself. The very first sentence of this circular reveals an apprehension on the part of the Government, on noticing that a large number of students attended political meetings. So long as these students did not take any active part in the proceedings of these meetings by delivering impassioned speeches or by any other acts showing their direct sympathy with the object of the meetings, and so long as the meetings themselves are conducted on constitutional and peaceful lines, the mere fact of the attendance or presence of the students would not have become an object of the attention of the local Government anywhere else. The wording of this circular and its annexures is likely to convey an impression that under the guise of discipline the authorities wish to discourage the students from acquiring a knowledge of the public activities of their own country. The Government desire that the rules be strictly observed, not only by Government schools and colleges, but even by the aided or recognized institutions. The first paragraph of this circular is in general terms and quotes three documents which will be noticed *seriatim*.

Government Resolution No. 2395, dated 30th September 1908, devises certain measures for the protection of pupils from evils resulting from their incursions into political affairs. It gives ample powers to the managers and principals of schools and colleges to enforce authority and to check the alleged laxity of manners. This resolution recommends also that parents be called in council and the objects of Government be explained to them.

The most drastic measure proposed in this resolution is that "no school-boy shall attend or take part in the organization or conduct of a public meeting of any kind." If according to the wording of this clause, the students are prohibited from attending any kind of public meeting, what opportunities, my Lord, have they of acquiring a correct knowledge and general information regarding the social, economic, religious and other requirements of their own country or community? It is also possible that the wide powers placed in the hands of the

head masters and heads of colleges and schools, may at times be abused by them and the prospects of many a promising student are likely for ever to be blasted through the caprice or inexorable disposition of the head of his school or college.

The second enclosure is a circular addressed to the school teacher and lays down certain rules for his guidance. Paragraph 5 of this circular enjoins the teacher not to allow the boys to go to any public meeting and to persuade the parents to help him in keeping them away. My Lord, I fail to understand how this object of the Government can be attained, unless the head masters or principals make it a point to attend each and every public meeting themselves, to find out what particular students have attended those meetings? This would be throwing an additional responsibility upon them and involves a violation of the rules laid down for the "Conduct of public servants." In trying thus to prevent the students from attending political meetings, Government will have to relax this rule so far as the principals and head masters are concerned. The position of the Government is, therefore, rendered by this circular somewhat awkward and untenable.

The third circular which is a notification, dated 4th August 1909, from the educational department, enacts certain rules for the guidance of parents or guardians. The tone of paragraph 1 of this circular, instead of being compromising, is rather peremptory and lays down that "Parents or guardians, who send their boys to Government schools, must understand that by so doing they delegate all the powers to the head master and educational authorities." The wording of this paragraph will come as a surprise to those who are advocating systems of education for Indians on national lines. The paragraph essays to exercise a full control over the boy's education and leaves nothing in the hands of his parents or guardians. This circular is an insult to the understanding and notions of self-respect of any free-born citizen. Its language is certainly not calculated to bridge the gulf between the conqueror and conquered, which has been the aim of all right-thinking leaders of Indian public opinion, but to create an unnecessary ill-feeling without a corresponding benefit.

After expressing my views on the annexures quoted in paragraph 1 of Circular No. 1405, dated 7th June 1917, which forms the subject of my resolution, I shall proceed to the consideration of paragraph 2 of this circular. This paragraph lays particular stress on the Home Rule league movement and declares the intention of the Government to prohibit both college and school students from attending the meetings of the "Home Rule League." It is a patent fact that the Home Rule agitation has been pronounced by His Excellency the Viceroy as a constitutional and peaceful agitation and the Government have expressed its sympathy with it on various occasions. Instead of taking the time of the Council by citing numerous extracts, I shall content myself with only one extract which I quote from the speech delivered by His Excellency Lord Pentland on 24th May 1917 as the President of the Madras Legislative Council :—

> "Self-government is the salt and strength of the British Empire. It stands or falls on self-government : and you know well how it is standing now for justice and freedom all the world over and that all parts of it will at all times welcome any signs of growth in the willingness and capacity of Indians to undertake in an increasing measure a share in the administration of India——"

His Excellency the PRESIDENT :—I am afraid the honourable member is not talking about students and politics at the moment. The honourable member is developing matter which is rather controversial. I am not sure that this has got anything to do with students and colleges at the moment.

The Honourable Mr. MUNMOHUNDAS RAMJI :—I have to say something in support of my resolution and I am only quoting what Lord Pentland said on

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the subject of self-government in support of my resolution. Lord Pentland further continues :—" It has been said that prosperity makes and adversity tries them, and it is some compensation for the common sufferings and anxieties of the past three years that they already seem to have increased mutual good-will and understanding between all parts of the British Empire——"

His Excellency the PRESIDENT :—Order, order. Has this got anything to do with students and colleges ?

The Honourable Mr. MUNMOHUNDAS RAMJI :—Your Excellency,—By way of explanation I may be allowed to say that the resolution which I have moved deals with Home Rule and the educational circular of 7th June. This quotation of His Excellency Lord Pentland has a bearing on self-government, and therefore, to prove my case I cite this quotation, namely, that the students' attending meetings where self-government questions are discussed is not objectionable in any way and therefore to support my case I read this quotation.

His Excellency the PRESIDENT :—I cannot allow the honourable member to discuss the general question of Home Rule. What I am perfectly ready to do is to allow him to justify his resolution as it stands. I quite see his point but I cannot allow him to go into any discussion on Home Rule.

The Honourable Mr. MUNMOHUNDAS RAMJI :—May I take it that I cannot go on with this quotation ?

His Excellency the PRESIDENT :—The honourable member can go on and if I find that there is anything objectionable I will have to call him to order.

The Honourable Mr. MUNMOHUNDAS RAMJI :—Self-government is the salt and strength of the British Empire. It——"

His Excellency the PRESIDENT :—Order, order. I really cannot allow the honourable member to go on. What he is referring to has got nothing whatever to do with the resolution that is before the Council, nor does it refer to the Government's order prohibiting young men going to public meetings where Home Rule is discussed. I do not think we have got anything to do with the pronouncement of Lord Pentland or anybody else on Home Rule.

The Honourable Mr. MUNMOHUNDAS RAMJI :—Then I will drop that quotation.

My Lord, the rules laid down in this circular, if strictly enforced, will create also an ill-feeling amounting to hatred and aversion on the part of the students towards their teachers or principals whom they will no longer regard with the respect and honour which are their due, and hence the good feeling and amicable relations which are the essentials of a smooth working in the class will be wanting.

In connection with my resolution, I may also invite the attention of the Council to the question of the Honourable Mr. SHRINIWAS SASTRI in the Imperial Legislative Council and the reply of the Honourable Sir C. SANKARAN NAIR thereto, from which it would appear that at a conference of the heads of colleges in the Madras Presidency the order of the local Government on this subject was pronounced to be unworkable.

If this is the experience of Madras, there is every chance of its impracticability being discovered in the Bombay Presidency and elsewhere in India wherever similar orders have been issued.

With these observations, I commend the resolution to the Council and hope it will meet with their approval.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE :—Your Excellency,—The resolution which is proposed by my honourable friend Mr. MUNMOHUNDAS RAMJI and the speech he has made in support of it has put

some of us in a rather difficult position. If he had confined himself to the circular which has been issued by Government on the 7th of June 1917, then we would have known exactly what line of action to take, whether to vote for or against this resolution ; but I think he has brought forward in his speech several extraneous considerations which I am afraid it is impossible for us having once been raised in this Council to shut our eyes to.

As regards the circular of 7th June itself it enclosed the old one called the Risley circular and not only called the attention of the managers and principals to that old circular of 1907 but went further and prohibited students from attending any meetings of Home Rule leagues or any meetings organized by them or any of the meetings at which well-known leaders of Home Rule were to speak.

His Excellency the PRESIDENT :—May I say to the honourable member that there is no question of prohibition? It was only a suggestion to principals and managers. The wording is : " Government particularly desire that school and college students should not be permitted to attend meetings which are organized by Home Rule leagues or at which Home Rule is to be advocated."

The Honourable Mr. PARANJPYE :—I refer to the words " should not be permitted," your Excellency. The Risley circular considers that so far as college students are concerned attendance at political meetings should be permitted at the discretion of the principals and so far as that went I do not think there was very much objection to that circular, at least so far as that circular was in force. This circular of 7th June, however, took away that discretion so far as attendance at Home Rule league meetings was concerned. That is how I read it. So far as other political meetings are concerned the discretion is still left to the managers and principals of schools and colleges, but so far as Home Rule leagues are concerned that is taken away. Now, if my honourable friend Mr. MUNMOHUNDAS RAMJI had confined himself to that circular, and that circular alone, and if he had said that the discretion of the principals as to giving permission to students to attend meetings whether they are convened by or are under the auspices of the Home Rule leagues or any other organization should be unfettered, then I would have supported my honourable friend Mr. MUNMOHUNDAS RAMJI wholeheartedly, as, particularly after the recent pronouncement of Mr. Montague in the House of Commons that the advocacy of Home Rule for India is a perfectly reasonable and perfectly justifiable agitation, I think that this special point of this circular loses all its force and Government may very well take away this special point from it and leave the old circular in force as before.

But my honourable friend has ranged over a wider ground and considered the general question of students and political meetings. In the first place, may I point out to my honourable friends Mr. MUNMOHUNDAS RAMJI and others who take an advanced view on this question that they are doing themselves very great harm by not exactly defining the words which they are using? When they talk about students and political meetings, I think they should, first of all, understand what is exactly meant by students. There are students of various classes : there are students in primary schools, secondary schools and students in colleges and post-graduate students, studying for LL.B. and other examinations. Now, I do not think it is good policy on the part of the extreme advocates of allowing students to attend political meetings to confuse all these four classes of students. I think if they only confine themselves to particular classes of students, which are very sharply defined from each other, they will improve their position as advocates tremendously. Now, so far as one class of these students are concerned, the post-graduate students, who are studying for the LL.B. and other examinations, I am glad to say that Government have already taken away every restriction on their movements. Then there is the vexed question of the students of colleges. Before I go on to them, I may say, that so far as students of secondary and primary schools are concerned I do not think any extreme advocates of liberty

for students will advocate that they should be allowed to take part in political agitation so far as political meetings are concerned. After all, what are these students? They are students generally below 16 years of age and I do not think that students with healthy tendencies ought to interest themselves in politics or ought to think that it is desirable to attend political meetings, and I think reasonable and sane public opinion is on the side of those who say that students at schools should not be allowed to attend political meetings. The question of the college student is a much more vexed question. They are after all not quite boys, and on the other hand, they are not quite grown up citizens as my honourable friend Mr. MUNMOHUNDAS RAMJI would call them. Therefore, there is a wide latitude for the exercise of discrimination in the question of college students attending political meetings.

Now, your Excellency yourself and a large number of people to whom we need not take the least exception have always been telling college students in season and out of season that they should in their college days learn and study political questions and take interest in the general matters that are going on about them, but all the same they are to restrict their activities in this direction to the regular study of these questions and not take part in political agitation. Now, what my honourable friend Mr. MUNMOHUNDAS RAMJI says is that attending political meetings to get accurate knowledge of political questions is not at all undesirable. What I would put to my honourable friend Mr. MUNMOHUNDAS RAMJI is whether all these meetings are such that they can give accurate knowledge of political questions or political instruction to students. Some meetings of a particular nature are of a form in which they can get a knowledge of political questions; for instance, when the Honourable Mr. SASTRI or the Honourable PANDIT MADAN MOHAN MALAVIYA delivers a lecture on public questions, that is a lecture which students, in my opinion, can very reasonably attend, because they are likely to get ideas and increase their knowledge of public questions; but there are other meetings in which accurate knowledge is the last thing in the mind of the promoters. They are meetings in the form of agitation. Attending a meeting is in itself taking part in public agitation. Now, I want to ask my honourable friend Mr. MUNMOHUNDAS RAMJI whether it is these meetings which he wants students to attend. Any reasonable manager or principal of a college does not object to students studying public questions, discussing them in their debating societies and hearing lectures of eminent lecturers, and in fact, so far as I am concerned, I have always been encouraging my students to study all these questions from all points of view. Occasionally in my own college I have a series of lectures on public questions arranged, particularly for the students of the B.A. class, to deal from all points of view with questions that are agitating the minds of the public, and therefore I think that my attitude on this question will not be misunderstood. I do think that students should study these questions, not only from the practical and political point of view, but from the larger theoretical point of view also. When they, for instance, are discussing any questions on politics they ought to study the principles of political science and the economic theories underlying such questions, and I do encourage my students to study these questions as far as possible. Not only that, but in a large number of cases when I and my colleagues come in personal contact with the students we always allow them to discuss in the freest possible manner all current political questions and take the opportunity of correcting any wrong notions as far as we possibly can. I thus think and hope I have made my position clear that so far as studying those questions is concerned no objection can and should be taken.

But one cannot possibly take his mind away from the fact that some meetings at least, I am not concerned with the organizers of the meetings, are not of this kind. There are some classes of meetings where even if the professed subject of the lecture and the object of the meeting is one, other subjects are introduced into the meeting, by hook or crook, which are very undesirable and

which students ought not to be allowed to attend. I say this with every sense of responsibility. Now, what happens in these days with our students is that a certain class of people have been pressing and are encouraging students to take part in things which are not their legitimate province. They must do first their own regular work and in their spare time they should read newspapers and study political questions. There is further an unhealthy tendency in boys to take part in political agitation to advertise themselves. Now, I think the tendency in students to advertise themselves is an unhealthy tendency. Well, I saw the other day that the object of one of the organizations here was to interest students in the study of political questions. One of the well-known leaders of the Home Rule League started a class for the study of the well-known book called "Seely's Expansion of England." The student-members of that organization were asked to go regularly over to special classes for the proper study of that book. But what happened? The students who were very fond of advertising themselves thought that this was too heavy a strain on their energies, and for the first day, probably owing to the novelty of the thing, 40 or 50 students attended and after two or three days only 7 or 8 people attended, and Mr. P. K. Telang of the Home Rule League had to drop that course because the students would not take the trouble to study and attend. Now, is this a very desirable tendency in them, not to study political questions but simply to advertise themselves by taking part in public meetings? Therefore, I say that when the Honourable Mr. MUNMOHUNDAS RAMJI introduced this more general question, I think he has followed a policy which is not quite politic if he wanted his resolution to commend itself to the Council.

On the other hand, I must also say that on the part of managers and principals of colleges there is also a grave responsibility. If the managers take too restricted a view of their responsibility then the students are likely to get out of hand. I have in my mind the recent example of a professor in Madras who used various punitive measures against a student who in a college essay advocated some extreme opinions and views. In a case like that the professor should not have taken any drastic measures but he ought to have called that student to himself and discussed the matter very calmly with him and advised him. When, however, he asked for an official apology for advocating these extreme opinions which were in the air, after all he advocated them in a college essay meant only for the eye of the professor, I think the professor did not understand his proper responsibility. I think therefore that while we are telling students that they must not before their time take part in political agitation and indulge their desire to advertise themselves, on the other hand, college professors ought to encourage them by all means in their power by using their personal influence and lead them in the right path. If on the one hand professors do not do these things it is bound to cause a reaction on the other hand and lead students to attend political meetings and hold extreme views. As it is said, stolen apples and stolen kisses are sweet: in the same manner if a student is prevented from taking any intelligent interest in these public questions which he finds agitating in all directions he will be by hook or crook led to satisfy his curiosity in some way or other. Therefore, it is the bounden duty of educationists to see that this natural curiosity of students in respect of these subjects is not curbed and to see that this curiosity of students about questions which are agitating the minds of his leaders is directed into the proper channel, and if the educationists do their own proper share of the work this question of students and politics would not attain very undesirable dimensions.

On account of these considerations, as I said, I do not know in what way to construe the Honourable Mr. MUNMOHUNDAS RAMJI'S resolution. The expression "student" is a very vague one. If he had confined himself to the first part then I think Government might very easily have accepted it because I find that the question of Home Rule leagues, at least after Government have

publicly enunciated their policy, is not a question that Government can view with disfavour, but on the general question, so far as the remarks that he made on it are concerned, I am afraid I cannot support him. With these words I resume my seat.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH:—Your Excellency,—I quite agree with my honourable friend Mr. PARANJPYE that the resolution which has been moved by my honourable friend Mr. MUNMOHANDAS RAMJI might have met with the approval of several of us if it had been framed in different language and had not been as wide as it is. The resolution involves a number of points upon many of which the majority of this Council cannot be in full agreement with the mover. It is not confined to the students who are studying law after they have completed their course in the arts colleges or even to college students, but involves all sorts of students including those in the secondary schools and perhaps even primary schools. Then it is not confined to lectures or meetings at which political instruction is imparted but extends to gatherings convened for carrying on violent propagandist agitations.

In my opinion it is exceedingly undesirable that students should be prohibited from attending lectures and addresses on political subjects delivered by gentlemen of learning and experience of the world. At the same time I am of opinion that there should be some sort of restraint to their attending and taking part in meetings and lectures for dilating on the evils of the existing system of Government, which may create in them wrong ideas, distract their minds from their studies and prompt them to disregard authorities. Where the effect of the lectures is to cause students to neglect their studies, to make them discontented and to create difficult positions in reference to them I deem the necessary restraints on their liberty as justifiable. But I should at the same time say that the circular which Government have issued could have been made much milder and they should not prevent the students from attending meetings at which the students are likely to derive considerable information and instruction. But that is not the question now before us and I do not think that the resolution which my honourable friend Mr. MUNMOHANDAS has placed before the Council in the form in which it stands is one which should be properly accepted.

The Honourable Mr. GHULAM MUHAMMAD *walad* Khán Bahádur WALI MUHAMMAD BHURGRI:—My Lord,—I want to move an amendment as follows:—

"This Council recommends to the Governor in Council that the part of the circular of the education department dated the 7th of June preventing college students from attending public meetings and the paragraph dealing with Home Rule leagues and meetings at which Home Rule is preached shall be revoked."

The reasons which have prompted me to propose this amendment are these. In the first place, sir, the case of college students is quite different to that of students of schools, and I find that even in England college authorities rather encourage college students to discuss politics and to go to political meetings and so forth.

His Excellency the PRESIDENT:—Will the honourable member give his authority for that?

The Honourable Mr. BHURGRI:—I have not the authority with me now, but I have read it in newspapers that there are political meetings and students are encouraged by the principals of the colleges to attend them.

His Excellency the PRESIDENT:—The authorities of the colleges at home are encouraging students to go to public and political meetings. Is that the honourable member's point?

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The Honourable Mr. BHURGRI:—Yes, your Excellency. But may I ask your Excellency if in any civilized country there is any restriction placed upon college students to keep them away from public meetings? On my part I have not heard of any orders in any civilized country to this effect.

Then, sir, taking it from another point of view, I see that this circular prohibits all college students from attending any public meetings where Home Rule is preached. I have often come in touch with some of these young men and I can tell you, sir, that this circular has only caused irritation among the students and I find that they are now more eager than before to discuss politics. If that is so, I do not see why this circular which irritates not only the public but students also should be enforced. That is my reason for putting forward this amendment and distinguishing between students of colleges and students of schools.

As regards the paragraph regarding Home Rule, the position is this. I think, sir, what is at the back of Government's mind is that there is something wrong with these meetings of Home Rule leagues. If Government think that any of these meetings are illegal, why not frankly say so? Why put a restriction on students from attending these meetings and at the same time say that the meetings are quite legal and that there is nothing wrong with the meetings? If Government think that students should not attend Home Rule meetings the best course for Government is to come out and say so instead of issuing a circular of this sort.

With these remarks I trust that the Council will accept my amendment.

The Honourable Sir DINSHAW MANOCKJEE PETIT:—Your Excellency,—My position as regards the resolution is somewhat of the same difficult nature as has been described by my honourable friend Mr. PARANJPYE. But the amendment moved by my honourable friend Mr. BHURGRI has simplified my difficulties to a considerable extent. The amendment suggests that college students should be allowed to attend political meetings. Well, I think, sir, that even the mentality of the college students is in a process of being moulded at the time when they attend college and I think it would be still better if the privilege of attending political meetings is given only to post-graduate students. The consequence of meddling with politics if indulged in the extreme becomes of a much graver nature in this country where the government is not government by the people of the country, but by the people of a foreign country. Therefore, I do not think that we can be too cautious in seeing how the students mix themselves with political movements in this country. I should have preferred if my honourable friend Mr. BHURGRI were to put the word "post-graduate" in his amendment.

The Honourable Sir MAHADEV CHAUBAL:—I may inform the honourable member that since the misunderstanding about this circular came to the notice of Government they have notified that it does not affect the students of the Government Law School and they have also notified that it does not affect graduates. That has already been declared.

The Honourable Sir DINSHAW PETIT:—That being so, your Excellency, I regret I will not be able to support my honourable friend Mr. BHURGRI'S amendment, as far as it concerns college students; but if some means could be found by which his amendment may be voted upon in two parts, so that one would deal with the omission of that part of the Government circular which deals with the Home Rule movement and the other with regard to the liberty that he wants to give to the college students to attend political meetings, it will facilitate matters considerably. It is rather unfortunate, sir, that Government should have picked out the Home Rule movement for special reference in their circular, and now with the changed angle of vision I think Government would do well if they would agree to rescind that part of the circular.

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The Honourable Mr. G. S. CURTIS:—Your Excellency,—In view of what has fallen from the Honourable Mr. BHURGRI, I think perhaps it might help matters if I make clear what I understand is the fact as regards the internal discipline of the English universities. My information is naturally not very modern, but my own experience, which dates back some 30 years, leads me to make the following statement. As far as the discussion of political subjects among the students themselves, in their debates and so on, was concerned, there was practically no restriction on what the students at colleges might or might not discuss. Not only could they discuss such subjects among themselves, but they were encouraged to invite competent statesmen, sometimes of advanced views, to come down from London and lecture on important questions of the day, and it was always felt, I must say, that there was no danger in statesmen who would normally hold advanced views coming down and speaking to the students and addressing them, because the meetings of course were generally of an open nature and access was always open to the authorities responsible for the discipline and for the diffusion of sane ideas among young men at this peculiarly malleable period of their career.

But, sir, as regards the attendance of students at public meetings, my recollection is that there was a strict university rule that they were not allowed to attend them. University discipline required that they should be in their colleges at a given hour. That, I understand, is the express object of this circular. As far as the discussion of political questions is concerned, it is open to students to discuss political questions among themselves, as they have I gather recently done, but as for attending meetings held by leaders of public opinion, that is a different matter altogether.

As regards Sir DINSHAW PETIT'S remarks, he will notice that recent Government orders say expressly that post-graduates are exempted from the circular under discussion.

The Honourable Mr. J. G. COVERNTON:—Your Excellency,—I would like to say a few words on this subject. What I am going to say has been very much better put by my honourable friend Mr. PARANJPYE and I endorse practically the greater part of his speech. I think that he has shown us very clearly the dangers of what I may call unrestricted license in regard to this matter.

The amendment which is the particular subject of the present discussion purports to follow the lines of the Honourable Mr. PARANJPYE'S speech and I have no doubt that the honourable mover of the amendment thinks that he is following those lines. But it seems to me that he is not altogether on the same plane in his views as far as this amendment goes. As a brother educationist I can sympathize with the Honourable Mr. PARANJPYE in the line which he takes and which I think is perhaps not clearly understood by the honourable mover of this amendment. What I gather the Honourable Mr. PARANJPYE really wants is not that the right of attending public or political meetings should be given freely to students but rather that the reasonable discretion of the principals of the colleges should be admitted and that within natural limits jurisdiction should be left to them, practically as it was under the previous circular. Now, that is one thing, but the Honourable Mr. BHURGRI'S amendment, so far as I understand it, is rather different. It throws open the whole question and so far as I can see it might make it very difficult for the principals of colleges to exercise that discretion and that right, which I think apart from the question of Government orders, is certainly in the abstract theirs. No educationist at any rate wishes the hands of principals of colleges to be tied in respect of either a particular student or of some society. If a principal held that some meeting or other was not such as might benefit a student and issued an order prohibiting or preventing him from attending, it is very obvious that it would raise a very awkward position if the student were able to quote a resolution passed by this Council to the effect that students were allowed to attend

political meetings. That would raise, as I said, a very difficult position and would practically cut the ground from below the feet of principals of colleges throughout the country.

I should like to add a word or two about the term "students". There are a good many misused words in this country but this is one of the most misused in my sad experience. I hear a child who can hardly walk to school described as a student. I have also heard of an aged person who has failed many times to get through an examination,—not in this country but in a country further east—a parent who has a child at school and who himself is in the 6th form in school,—also described as a student. Well, I cannot say honestly that I can admit persons of these sorts to the ordinary category of students. The word "student" does not mean a primary school child nor does it mean a secondary school boy but it means generally a young man or young woman attending college. I think it will be very much better if we bear this connotation in mind, and we will, therefore, do well when we use the word "student" to confine it to persons who attend colleges or to students of equivalent status.

But I am not quite sure that even so we can accept the view that because a youth is a student at college, therefore, he is competent to entertain views and to form his own opinion on subjects as wide and difficult as those with which politics are concerned. I would remind you that at any rate in England the student up to the time he is educating himself for the B.A., no matter what other examinations he may have passed, and however clever he is or advanced in views, is still considered to be *in statu pupillari, i. e.*, intellectually a child. Technically he is simply a pupil and as such he is not supposed to have arrived at years of discretion and is not at liberty to form judgments on all manner of subjects which either door do not come within his activities. Therefore, I do not think that the restriction which has been placed——

The Honourable Mr. BELVI:—Will the honourable member tell us whether there are any circulars of this kind issued in England in any of the Universities?

The Honourable Mr. COVERNTON:—I am coming to that. It is a little difficult to make it understood. This view is to be inferred from statutes and notices, etc., from the terms used therein; such are issued in Latin in the older universities. In these it is understood that every student (and I am not putting forward mere fiction or mere supposition but what is an acknowledged fact) is considered to be a 'pupil' until he has passed his B.A., and even then he is not supposed to be fit to be called an intellectual adult until he has passed his M.A. The reason is that there was a parallel in the old days between a student at college and an apprentice and a journeyman. The apprentice did work under a master, also the student at a college worked under a 'master'. A boy had at first to work as an apprentice for some years to become a journeyman and even as a journeyman he was not at liberty to hold any views he liked as regards his trade or public affairs but had to do a certain class of work and to abide by certain principles and rules. Similarly the student was an apprentice till he had taken his B.A. and even then was not supposed to be a full adult or free to enjoy the privileges of an adult but was intellectually in the journeyman stage and had to wait until he became an M.A., to be considered an intellectual adult. As far as the older universities go at any rate, the degree of B.A. has still to be passed before the state of 'pupillage' is left behind and the Latin definition of 'student' holds good even at the present time.

Well, I revert to my original point. I was maintaining that it is not wise to allow all students to attend all kinds of meetings just as they choose. Whether that restraint should be effected by a Government order or whether it should be done through the more delicate method of collegiate jurisdiction was more precisely the point which I wished to consider. Now, I am sure that a good many of us here would feel that it is preferable where we can to rely on the

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principals provided we can rely on them to exercise their jurisdiction reasonably. If we can tell them that, it would be preferable to follow that course rather than to impose a policy on them from without or to force their hand.

In this regard I would like to point out that the particular mention of Home Rule and Home Rule meetings in the circular to which objection has been taken was intended not, I think, to indicate disapproval of Home Rule as such but rather to emphasise the fact that attendance at political meetings was prohibited to students. Home Rule meetings being an obvious illustration of political meetings it was thought desirable to state also that students should not be allowed to attend Home Rule meetings. Cases of objectionable Home Rule meetings have been brought to notice and it has been found that such meetings exercise an undesirable influence on students, and therefore, for this reason also particular mention of them was made in this circular. It was not intended to add anything to the previous circular but merely to illustrate particular cases that can come under it It is very easy of course for people to say that students should be allowed to attend outside political meetings. But it is very dangerous to give a general concession. In many cases that have come to my notice there is one particular instance which will be within the recollection also of one honourable member here. He was there at that particular meeting, which on the face of it was unobjectionable and at which his students were permitted to attend. So far as my knowledge of it goes, not gradually but almost at once the discussion degenerated into mere declamation which was violent, and quite unreasonable, regarding a certain policy of the principal in question. The result was that so far from the principal being respected and obeyed, his own college students joined the agitators and the principal had to see his own students rejecting his advice. Such an example shows the danger of meetings even at first sight unobjectionable. I think that if we are to modify this circular we must be sure that principals will really exercise their discretion. If principals will exercise their discretion and are prepared—I say this after due consideration—to take this responsibility, then I imagine, as far as the department is concerned, we may be prepared to trust them. It is for this reason that I should be sorry myself to see the amendment which the Honourable Mr. BHURGRI has put forward accepted exactly at any rate in the present form. I should prefer to modify the circular so as to allow the principals that jurisdiction which they desire and which I am sure most educationists would feel that they should be allowed to exercise.

The Honourable Rao Bahadur GANESH KRISHNA SATHE :—May it please your Excellency, I cannot see my way to accord support to the amendment proposed by my honourable friend Mr. BHURGRI. In fact the effect of that amendment would be that if it is accepted by this Council the orders passed by Government Resolution No. 2395 of 30th September 1908 will be reversed. Though I am not an educationist and though I do not profess to speak with authority, as to whether students should attend political meetings or not, still as the subject affects the student class as a whole, I think I should give articulate expression to my views on this subject.

The present circular about which complaint is being made by the honourable mover of this resolution is of 7th June 1917, and if honourable members were to look at the circular they will find that it only reiterates or reaffirms previous orders on the point, namely, of 1908 and 1909, and what is further added in that circular is paragraph 2 which states : " Government particularly desire that school and college students should not be permitted to attend meetings which are organised by Home Rule Leagues or at which Home Rule is to be advocated. Proved instances of the breach of the rules or connivance at their breach by the heads or managers of educational institutions will be taken serious notice of by Government." What gave Government reason for adding this clause ? The

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reason is given in the preamble of the circular and it is this: "It has recently come to the notice of Government that students from schools and colleges have latterly been attending political meetings in large numbers. Such attendance is contrary to the rules regarding the participation of students in public meetings laid down by Government in connection with the maintenance of discipline in schools and colleges. It is the desire of Government that these rules should be strictly observed at the present time by pupils of all educational institutions, whether Government, aided, or unaided but recognized." It appears from this that Government thought that the instructions which were conveyed to the principals of colleges and headmasters of schools by the Resolution of 1908 were not being complied with—let me say that I do not mean any disparagement to my honourable friend Mr. PARANJPYE—but as Government seems to have found it, they thought of bringing it again to the notice of headmasters and principals and particularly impressing upon their attention the undesirability on the part of students to attend Home Rule meetings.

Before going to the next point of mine I will only with your Excellency's permission read paragraph 11 of the circular of 1908. That paragraph says: "The above rules will apply to all schools and colleges, Government or aided, except that college students may attend public meetings with the previous permission of the Principal, to whose discretion it shall also be left what papers are admitted into the college." So this was the original paragraph as it stood in 1908 and as both the educationists who are on this Council are of opinion that discretion in this matter should entirely be left to the heads of the several educational institutions whether to allow their students to attend meetings or not, I think the best course will be to drop paragraph 2 of the circular of 1917 and with your Excellency's permission I would propose an amendment, namely,

That this Council recommends to the Governor in Council that paragraph 2 of the Circular of the Educational Department of the Government of Bombay dated 7th June 1917, preventing students from attending public meetings, should be revoked.

If I am allowed to move that amendment I will state in a few words my reasons for it.

In speaking to this amendment I have to make a very few observations. The circulars on this point have been in vogue ever since 1908 and what has really led my honourable friend Mr. MUNMOHANDAS RAMJI to move this resolution is the distinction made in paragraph 2 of the circular of 7th June 1917. If that paragraph is taken away as regards all public meetings of Home Rule the the result will be that it will always be open to the principals' discretion whether to allow their students to attend public meetings or not according to the nature of that meeting and according to the person who is to be the lecturer or speaker in that meeting. If that addition of the paragraph has really actuated my honourable friend Mr. MUNMOHANDAS RAMJI to move this resolution, then the deletion of it ought to satisfy him. And though it is not my province to enter into the question as to whether students should attend public meetings or not, still, so long as the discretion has been given to the principals of colleges and headmasters of schools, I do not think that there is any danger in allowing the previous orders to stand as they are. The only thing that we need do is to take away paragraph 2 of the circular which really forms the subject-matter of this resolution.

The Honourable Mr. MUNMOHUNDASS RAMJI:—Your Excellency,—With regard to the statements made by the various honourable members on this resolution, the Honourable Mr. PARANJPYE seems to think that my resolution is a very wide one.

The Honourable Mr. PARANJPYE:—I said that the honourable member's speech was a wide one and not the resolution.

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The Honourable Mr. BELVI:—May I know if the Honourable Mr. MUNMOHUNDASS is replying to the amendment?

His Excellency the PRESIDENT:—The Honourable Mr. MUNMOHUNDASS is replying to the amendments as well as on the resolution.

The Honourable Mr. BELVI:—If that be the case, I must speak on the resolution. I was under the impression that the last amendment was under discussion.

The Honourable Mr. PATEL:—I also want to speak on the resolution, your Excellency. I also thought that the amendment of the Honourable Rao Bahadur SATHE was being discussed.

His Excellency the PRESIDENT:—I am afraid that my honourable friends are too late now. They had plenty of time before my honourable friend Mr. MUNMOHUNDASS got up to reply.

The Honourable Mr. MUNMOHUNDASS RAMJI:—As the Honourable Mr. PARANJPYE has said that he takes objection to my speech and not to my resolution, I am satisfied that he agrees with my resolution, either wholly or partly, but that he does not agree with my speech. He tried to differentiate between students of different grades. How is it possible to differentiate between the students when they have attended a public meeting? It is a task where either the C. I. D. or a special class of people ought to be sent to watch the proceedings of every meeting where a note should be taken by that officer or officers showing which of the students and of which grade attended; that would be a very difficult task to perform. I say that it is a task which it is impossible to put into practice.

As to the qualifying statements made by several honourable members, I have to point out to them that my intention is not merely to have the second clause deleted of the circular which is the subject matter of my resolution. I intended to go a little further, because in that circular references are given to two previous circulars. Circular No. 2395 has in all 12 paragraphs and circular No. 1570 of 1909 has 8 paragraphs, suggesting different remedies and containing certain suggestions. In circular No. 1570 in the last paragraph instructions are given to the school masters where it is pointed out that no boy is to attend or take part in the organisation or conduct of any public meeting of any kind, or without the express permission of the headmaster in the collection of a fund. Now that circular dated 7th June also has a reference to this paragraph. Now my contention is whether it is right for the Government to issue a circular prohibiting students—primary students, secondary students, college students, or post graduate students—from attending any public meeting. Therefore I want to take out from the circular also that suggestion. That was my object in including the whole resolution. My object was that this paragraph in that particular Government resolution should also be deleted along with paragraph No. 2 prohibiting the attendance of students at Home Rule meetings. That was my object. However, I have no particular desire to insist that my resolution should be carried. If honourable members think that any one of the two amendments that are before them will serve the purpose of my resolution and if they vote in favour of them, I will have no objection.

His Excellency the PRESIDENT:—Does the honourable member mean that he wants to withdraw his resolution?

The Honourable Mr. MUNMOHUNDASS:—If either of the amendments is carried, it will naturally drop, your Excellency.

His Excellency the PRESIDENT:—Well, the honourable member does not want to withdraw his resolution?

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The Honourable Mr. MUNMOHUNDASS:—Not at this stage, your Excellency.

I only expect that honourable members will see at the time of voting whether they would like to have clause 8 of the circular which I just read out where prohibition is wholesale and where it is stated that students of any description should not attend any public meeting, revoked.

With these few remarks I hope that the Council will carry my resolution.

The Honourable Mr. GHULAM MUHAMMAD *walad* Khan Bahadur WALI MUHAMMAD BHURGRI:—Your Excellency,—In replying to the criticism which has been levelled against my amendment I have to say only a few words. In the first place, the Honourable Mr. CURTIS told the Council that in England it is not the practice that the college authorities allow students to attend public meetings, but that the college authorities sometimes arranged for lectures to be delivered under their supervision in the college by public men and politicians. But may I tell my honourable friend that I have myself with a number of friends of Oxford attended public meetings at the time when I was studying in England. I myself with a number of friends have attended public meetings where the question of tariff reform was being discussed at the time and nobody took the least objection to our doing so.

Then, sir, the Honourable the Director of Public Instruction told us that the Home Rule clause was simply put in to illustrate that the students should not go to political meetings, and this was one of the political meetings. Well, that is, I think, rather an ingenious explanation. But, as every one knows, a Home Rule meeting is most obviously a political meeting, and there was therefore absolutely no necessity for Government to specifically mention Home Rule meetings. As I say, sir, I think that there is a sting in that paragraph and the proper course for Government would have been, if they considered meetings at which Home Rule was preached were unconstitutional, to plainly say so; and then the country would have been able to judge for itself. My amendment proposes to remove this unnecessary sting, and I hope the Council will accept it.

The Honourable Rao Bahadur GANESH KRISHNA SATHE:—Your Excellency,—I think I did not make myself quite clear, but I would put it to the members of this Council whether, even if they were to accept in its entirety the resolution of my honourable friend Mr. MUNMOHUNDASS, they really expect to get over the instructions which already exist under the rules or resolutions of 1908 and 1909. My own opinion on the point is that even if the circular of 7th June 1917 is withdrawn or this Council recommends the withdrawal of the whole circular, still the old orders of 1908 and 1909 do remain and the instructions and restrictions which are at present in existence will continue to exist. The only addition which was made was with respect to Home Rule meetings, as enunciated in paragraph 2 of the circular, and if there is no justification for this kind of differentiation between public meetings of other kinds and public meetings on Home Rule, then, sir, the mere dropping of the second paragraph of the circular would meet the requirements of the case. Government will also see that their old instructions remain intact and that the discretion vests in the principals and headmasters which they should exercise rather more rigorously, if Government thinks that they have not been so doing hitherto. I once more say that even if the whole resolution is accepted, what is wanted to be gained will not be gained.

The Honourable Sir MAHADEV BHASKAR CHAUBAL:—Your Excellency,—I rise to explain to honourable members the position of Government on this point, particularly as this subject has formed food for discussion in most Indian papers latterly. So far as the original resolution which the Honourable

Mr. MUNMOHUNDASS has moved is concerned, one objection to its being accepted has been already pointed out by the Honourable Rao Bahadur SATHE, *viz.*, even if, as he suggests, this circular is cancelled, the old circulars of 1908 and 1909 will still remain in force: and the honourable member and his students will remain much the same as they are now.

I will now explain to honourable members how and why this circular came to be issued. At the time when it was issued, Government got reports of certain Home Rule speeches which had been made in different parts of the Presidency, and Government with what wisdom you will credit it with, thought that those particular speeches were not the sort of speeches to which students should be treated, and it was ascertained that most of the audience at these lectures consisted of students. Therefore Government thought that perhaps the old circular required to be brought more definitely to the attention of managers and heads of schools and educational institutions. That really is the reason why this circular of the 7th June was issued. It will be seen that the preamble of the circular does absolutely nothing more than repeat the old circular of 1908, and the only point which I think requires explanation is the one made by the Honourable Mr. PARANJPYE as regards the possible interpretation of the second paragraph, that it was intended to interfere with the discretion of the principals of colleges which was given to them under rule 11 of the circular of 1908. I rise to state that this circular has been misunderstood in certain ways. It was never intended to apply to students in the Government law school who have already passed their B.A. and have kept terms for a couple of years. It was never intended to apply to them. It has further been decided that the circular should not apply to students who had taken their degrees in arts and were therefore supposed to be naturally interested in the study of political questions and the study of subjects which they had taken up as their voluntary subjects, such as economics or constitutional history, etc. I must confess that it did not occur to Government that the circular would be interpreted by principals of colleges as interfering with their discretion, and if any pronouncement is wanted on that particular point, I now give it on behalf of Government, that it had not the remotest intention to so interfere. Government perhaps rendered the task of the heads of colleges easier by laying down that Home Rule league meetings owing to the kind of speeches made at them generally would fall within the category of meetings from which students in colleges had better keep away, but it was not intended that the principal of a college should not exercise the discretion which has been given to him by rule No. 11. You may therefore take it that Government would not object to the head or principal of a college inviting eminent persons or those in whom he has confidence, to come to his college and give a discourse to his students on any political question, nor would it object to a principal permitting his students to attend a public lecture which he has reason to believe would be instructive and calculated to impress on their young minds the correct duties of loyal citizenship. If therefore the Honourable Mr. PARANJPYE and principals in his position are ready to take upon themselves the responsibility of deciding what particular meetings they will permit their students to attend, I think Government would have no objection to their doing so, notwithstanding the wording of the second paragraph of the circular of 7th June as it stands. Unfortunately, all the specimens which Government got of the speeches made on these occasions were, they thought, speeches to which the principals of colleges would certainly not permit their students to go. But if this circular is misunderstood as interfering with the discretion given to them by rule 11 of the old circular, I rise to correct that misunderstanding and say that the discretion of the principal is not intended to be taken away.

But as regards schools, I think Government is perfectly definite that even under the Honourable Rao Bahadur SATHE's amendment, we are not prepared to accept that it should be open to any high school boy or secondary school boy to go and attend any public meeting, even with the permission of his head

master. There are no less than 200 schools, aided and unaided, and these are subject to the general rules of conduct which Government wish to impose upon all students attending them. Therefore Government is not prepared to cancel paragraph 2 wholesale, but would only be prepared to state that the discretion which is given in rule 11 of the circular of 30th September 1908 is not intended to be taken away in any way by this paragraph 2.

The Honourable Mr. PARANJPYE :—May I point out that the old circular does not allow any students to attend any political meeting and the word 'school' in the second paragraph was not required ?

The Honourable Sir MAHADEV CHAUBAL :—Perhaps my honourable friend is right in saying that it was not necessary, and the word possibly crept in as the whole circular of 1908 referred both to schools and colleges. I do not think anybody in this assembly will advocate, as the Honourable Mr. MUNMOHUNDASS wants, that there should be free license to boys to attend any political meeting whatever. I only rise to correct the possible misunderstanding which the Honourable Mr. PARANJPYE has pointed out, and Government would be very glad to see principals of colleges taking upon themselves the responsibility of seeing that students are not permitted to attend objectionable meetings.

But I ask honourable members most earnestly to consider the argument which the honourable mover of the original resolution, Mr. MUNMOHUNDASS, advanced in his reply to induce you to accept it. That argument is tantamount to saying that any offence which is difficult to discover and bring home to the offender should not be provided for in any penal statute or code. That is really the argument which the Honourable Mr. MUNMOHUNDASS RAMJI was reduced to advance in support of his resolution. He says, "Why do you declare that such and such a thing should not be permitted ? You will never be able to catch him." I think I need only mention the unsoundness of the argument which has been advanced, and with that I leave the Council to vote upon the amendments and the resolution.

His Excellency the PRESIDENT :—I do not think I need add very much to what my honourable colleague has said, because most of the honourable members know that I already had an opportunity of expressing my own views on this particular matter while addressing the Honourable Mr. PARANJPYE'S students and I think they did not disapprove of my views. They did not show any violent opposition when I met them ; so presumably they rather approved of my views.

I should just like to put the case as clearly as possible before honourable members as far as Government is concerned. I think we may take it, first of all, that very few Governments, certainly not this Government, wish to employ restrictive measures, as far as they can be avoided, in the case of either students or principals, and surely it is perfectly obvious why action was taken in this particular case. I do not wish to conceal anything in any form or shape. There was a Government resolution with regard to this very matter issued seven or eight years ago. Well, I think honourable members, of whatever political views they may be, would be prepared to agree that at a certain period not so very long ago there was considerable agitation about a certain public question ; some rather violent speeches were made—I would be almost inclined to say a great many violent speeches were made—and Government found that a good many students were going to these meetings. Well, obviously what Government had to do in these circumstances was to add to these resolutions of 1908 and 1909 a clause which impressed very clearly and definitely on the minds of principals that Government disapproved entirely of young men attending meetings on this particular subject, and it seems to me a perfectly common-sense view for Government to take. I own that—I do not want to go into any controversial matter—I have read a good many of these speeches and I am perfectly convinced that no parent—at least I would be very sorry if any parent were so inclined—would like his children

to go and listen to a good many of the speeches that I have read, and I am bound to admit that as an old politician I do remember having attended a good many meetings myself which I should be very sorry indeed if my own son were to attend. But what I would impress upon honourable members is this, that these were the circumstances in which Government added this particular clause.

Now I gather from the Honourable Mr. PARANJPYE that he says that the circular has restricted the discretion of principals and that that discretion should remain unimpaired. Well, we are most anxious to do so, but I would ask in the first place one question. I noticed not very long ago a meeting of students at which I think he presided and at which, if I may say so, he made some most admirable remarks with regard to students and political meetings, and there was at that meeting another gentleman who has obtained some eminence from putting forward very forcibly a certain political propaganda. Well, that gentleman, I think rather reprehensibly, got up in direct opposition to my honourable friend Mr. PARANJPYE. He suggested that my honourable friend's point of view was quite wrong. Now my honourable friend was the principal and a great many of his students were present at that meeting and that other gentleman was trying to undermine his influence, and as far as I read the account of that meeting the students seemed to vociferously applaud, not my honourable friend, but the other gentleman.

Well, now, I come to the point. We are perfectly ready to consider, if principals of colleges will say to us definitely: "We can control our students", whether we cannot give the principals a fuller discretion in the matter. Our object in inserting this particular clause was to assist them and to strengthen their hands in regard to their students. But if they will say to us: "We can perfectly control our students; we can stop them going to such meetings as we do not want them to go to; we will be fully responsible to Government if they go to those meetings and we will take severe measures if they do go", if they are going to take up that position, then we are perfectly prepared to consider some alteration in this particular circular; but all principals of colleges must clearly understand that that is the Government's position. We believe that for a student to go to political meetings as a regular habit is a most undesirable thing. We believe that undergraduates should have perfect liberty to have their political debating societies and to get distinguished politicians to come and discuss political questions with them. But we cannot accept the proposition that students must have absolute freedom, as my honourable friend Mr. MUNMOHUNDASS RAMJI wishes, to go to any political meeting at any time. That is a proposition that Government cannot accept, a proposition that I am sure all reasonable men would not expect Government to accept.

That is all I wish to say on the merits of this resolution, but I would add that, as far as I can see, it would be impossible for Government to accept either the resolution or any of the amendments and we must leave it at that; that if the principals really feel that there is any serious interference with their authority over their students, and further that they can guarantee to us full and absolute control over their students and full responsibility for them, we are perfectly willing to consider some modification of the circular. We have no wish to interfere with their discretion or to take away their responsibility; in fact, it is our one desire to leave them as they stood.

The Honourable Ráo Bahádur SATHE'S amendment was then put to the vote and lost, 11 members voting for and 28 against it. The Council divided as follows:—

Ayes.	Noes.
The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.	His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E., Governor of Bombay, *President.*
The Honourable Mr. Siddanath Dhonddev Garud.	

Ayes.

The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL.B.
The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.
The Honourable Mr. Raghunath Purshottam Paranjpye.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.
The Honourable Mr. Abdul Kadir *alias* Fakir Mahomed *walad* Ibrahim Khan Pathan.
The Honourable Sir Dinshaw Manockjee Petit, Bart.
The Honourable Mr. Munmohundas Ramji.
The Honourable Ráo Bahádur Ganesh Krishna Sathe, C.I.E.
The Honourable Mr. Purshotamdas Thakurdas.

Noes.

The Honourable Sir Mahadev Bhaskar Chaubal, K.C.I.E, C.S.I., *Vice-President.*
The Honourable Mr. G. S. Curtis, C.S.I., I. C. S.
The Honourable Mr. S. R. Arthur, I. C. S.
The Honourable Mr. Salebhoy Karimji Barodawalla.
The Honourable Mr. Ghulam Muhammad *walad* Khán Bahádur Wali Muhammad Bhurgri, Bar.-at-Law.
The Honourable Mr. P. R. Cadell, C.I.E., I. C. S.
The Honourable Mr. Sherriff Devji Canji.
The Honourable Mr. James Gargrave Covernton, C.I.E.
The Honourable Mr. Pandurang Anant Desai, LL.B.
The Honourable Captain C. Fernandes, M.D., I. M. S.
The Honourable Dewán Bahádur Kashinath Ramchandra Godbole.
The Honourable Mr. Mahomedbhoy Hajeebhoy.
The Honourable Mr. J. D. Jenkins.
The Honourable Mr. Balkrishna Sitaram Kamat.
The Honourable Mr. G. F. Keatinge, C.I.E, I. C. S.
The Honourable Sardár Dulabawa Raisingji, Thákor of Kerwada.
The Honourable Mr. H. S. Lawrence, I. C. S.
The Honourable Surgeon-General R. W. S. Lyons, M.D., I. M. S.
The Honourable Khán Bahádur Pir Baksh *walad* Mian Mahmud.
The Honourable Sardár Shriniwas Coopooswami Mudliar.
The Honourable Ráo Bahádur Venkatesh Shriniwas Naik.
The Honourable Mr. W. U. Nicholas.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
The Honourable Mr. F. G. Pratt, I. C. S.
The Honourable Mr. W. M. Ross.
The Honourable Mr. C. N. Seddon, I. C. S.
The Honourable Mr. Shridhar Balkrishna Upasani.

The Honourable Mr. BHURGRI'S amendment was then put to the vote and lost, 10 voting for and 29 against it. The Council divided as follows :—

Ayes.

The Honourable Mr. Dattatraya Venkentesh Belvi, LL.B.
The Honourable Mr. Ghulam Muhammad *walad* Khán Bahádur Wali Muhammad Bhurgri, Bar.-at-Law.
The Honourable Mr. Sherriff Devji Canji.
The Honourable Mr. Pandurang Anant Desai, LL.B.
The Honourble Mr. Balkrishna Sitaram Kamat.
The Honourable Sardár Dulabawa Raisingji, Thákor of Kerwáda.
The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.
The Honourable Mr. Abdul Kadir *alias* Fakir Mahomed *walad* Ibrahim Khan Pathan.
The Honourable Mr. Munmohundass Ramji.
The Honourable Mr. Shridhar Balkrishna Upasani.

Noes.

His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E., Governor of Bombay, *President.*
The Honourable Sir Mahadev Bhaskar Chaubal, K.C.I.E., C.S.I., *Vice-President.*
The Honourable Mr. G. S. Curtis, C.S.I., I. C. S.
The Honourable Mr. S. R. Arthur, I. C. S.
The Honourable Mr. Salebhoy Karimji Barodawalla.
The Honourable Mr. P. R. Cadell, C.I.E., I. C. S.
The Houourable Mr. James Gargrave Covernton, C.I.E.
The Honourable Captain C. Fernandes, M.D., I. M. S.
The Honourable Mr. Siddhanath Dhonddev Garud.
The Honourable Dewán Bahádur Kashinath Ramchandra Godbole.
The Honourable Mr. Mahomedbhoy Hajeebhoy.
The Honourable Mr. J. D. Jenkins.
The Honourable Mr. G. F. Keatinge, C.I.E., I. C. S.
The Honourable Mr. H. S. Lawrence, I.C S.
The Honourable Surgeon-General R. W. S. Lyons, M.D., I. M. S.
The Honourable Khán Bhádur Pir Baksh *walad* Mian Mahmud.
The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL.B.
The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.
The Honourable Sardár Shriniwas Coopooswami Mudliar.
The Honourable Ráo Bahádur Venkatesh Shriniwas Naik.
The Honourable Mr. W. U. Nicholas.
The Honourable Gokuldas Kahandas Parekh, LL.B.
The Honourable Sir Dinshaw Manockjee Petit, Bart.
The Honourable Mr. F. G. Pratt, I.C.S.
The Honourable Mr. W. M. Ross.
The Honourable Ráo Bahádur Ganesh Krishna Sathe, C.I.E.

Ayes.

Noes.

The Honourable Mr. C. N. Seddon, I.C.S.
The Honourable Mr. Phiroze C. Sethna.
The Honourable Mr. Purshotamdas Thakurdas.

The Honourable Mr. MUNMOHANDASS RAMJI'S original resolution was then put to the vote and lost, 5 voting for and 32 against it. The Council divided as follows :—

Ayes.

The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.
The Honourable Mr. Ghulam Muhammad *walad* Khán Bahádur Wali Muhammad Bhurgri, Bar.-at-Law.
The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.
The Honourable Mr. Munmohundass Ramji.
The Honourable Mr. Shridhar Balkrishna Upasani.

Noes.

His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E., Governor of Bombay, *President.*
The Honourable Sir Mahadev Bhaskar Chaubal, K.C.I.E., C.S.I., *Vice-President.*
The Honourable Mr. G. S. Curtis, C.S.I., I. C. S.
The Honourable Mr. S. R. Arthur, I. C. S.
The Honourable Mr. Salebhoy Karimji Barodawalla.
The Honourable Mr. P. R. Cadell, C.I.E., I. C. S.
The Honourable Mr. Sherriff Devji Canji.
The Honourable Mr. James Gargrave Covernton, C.I.E.
The Honourable Mr. Pandurang Anant Desai, LL.B.
The Honourable Captain C. Fernandes, M.D., I. M. S.
The Honourable Dewán Bahádur Kashinath Ramchandra Godbole.
The Honourable Mr. Mahomedbhoy Hajeebhoy.
The Honourable Mr. J. D. Jenkins.
The Honourable Mr. Balkrishna Sitaram Kamat.
The Honourable Mr. G. F. Keatinge, C.I.E., I. C. S.
The Honourable Sardár Dulabawa Raisingji, Thákor of Kerwada.
The Honourable Mr. H. S. Lawrence, I. C. S.
The Honourable Surgeon-General R. W. S. Lyons, M.D., I. M. S.
The Honourable Khán Bahádur Pir Baksh *walad* Mian Mahmud.
The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL.B.
The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.

STUDENTS AND POLITICS.

[5TH. DECEMBER 1917.] [*The President; Mr. Siddhanath Dhonddev Garud.*]

Ayes.

Noes.

The Honourable Sardár Shriniwas Coopooswami Mudliar.
e Honourable Ráo Bahádur Venkatesh Shriniwas Naik.
e Honourable Mr. W. U. Nicholas.
e Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
e Honourable Sir Dinshaw Manockjee Petit, Bart.
e Honourable Mr. F. G. Pratt, I. C. S.
e Honourable Mr. W. M. Ross.
e Honourable Ráo Bahádur Ganesh Krishna Sathe, C.I.E.
The Honourable Mr. C. N. Seddon, I. C. S.
The Honourable Mr. Phiroze C. Sethna.
The Honourable Mr. Purshotamdas Thakurdas.

His Excellency the PRESIDENT:—The Council will now adjourn till 4 o'clock.

The Council then adjourned for lunch.

[*After Lunch.*]

The Council re-assembled at 4 p.m.

His Excellency the PRESIDENT:—Order, order. Resolution No. 7. The Honourable Mr. GARUD.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD.—Your Excellency,—The resolution which stands in my name reads as follows:—

"This Council recommends to His Excellency the Governor in Council that no pass be required for the removal of wood which is not Government property from private lands."

I may, with your Excellency's permission, briefly explain the situation as it now obtains. The Honourable Mr. UPASANI once asked Government whether any pass was necessary to cut wood in private land. The answer of Government was in the negative. The Honourable Mr. UPASANI again asked another question which I shall read because it relates more to the question which we are now considering. He asked:—

> "Has Government's attention been drawn to the complaint referred to in the *Kesari* of 28th August 1916 about one Sher Mohummad Khan Jabarkhan of Panvel being required by the forest authorities to obtain a pass from the village talati for taking a cartload of rafters belonging to a private owner from his Malki land to Panvel, a distance of two and a half miles, though he had the owner's pass with him?"

Government's answer to this was that "the answer is in the affirmative".

He went on to say:—

> "Is a pass from the village officers necessary for transit of wood which is not Government property?"

The answer was:—

> "Under certain conditions.

FOREST PASSES.

[*Mr. Siddhanath Dhonddev Garud; Mr. G. Carmichael.*] [5TH DECEMBER 1917.]

"The rules for transit of forest produce were published under Notification No. 4133 of 9th August 1880 at page 689 of Part I of the *Bombay Government Gazette* of 1880."

Government in this Gazette published the rules which they were entitled to make under section 41 of the Forest Act. This section 41 enabled them to make rules to prohibit the import and export or moving of timber or other forest produce without a pass from an officer duly authorized to issue the same. This power which Government took under the rules was apparently taken on account of the definition of forest produce given in section 2 of the Forest Act. This section 2 of the Forest Act defined forest produce to mean the following, whether found in or brought from a forest or not: "timber, etc." Apparently the Forest Act was intended to protect the rights of Government in Government forests and forest produce apparently would have meant the produce from Government property.

The Honourable Mr. CARMICHAEL:—May I ask the honourable member with regard to the definition which he quoted, whether it specifies Government forest.

The Honourable Mr. GARUD:—It does not, and therefore I stated that it enabled Government to require these passes. Apparently the Forest Act was intended merely to protect the interests of Government in Government forests but it did not say that clearly in the definition and so Government thought they were entitled to take to themselves powers which also regulated the transit of private wood from private land. The situation is this. Any man may in his Malki number move wood from one part to another without any pass. He is entitled to take it from his land to the village without any pass but if he wishes to move that wood from his own village to another village or any other place where he can sell it, a pass under the rules is required from the Conservator of Forests or from some officer who is empowered by him to issue these passes. Usually when a pass is required for the removal of wood from a Malki number that pass is issued by the village talati and this pass under rule 4 of the rules framed by Government is to be handed over to the officer of the forest specified in that pass when the wood arrives at its destination. I submit these precautions, though they may have been necessary at one time to preserve and protect the interests of Government in their reserved forests, are now hardly necessary. There are a few reserved forests and the approaches and exits from those forests can easily be guarded. Many of them are now wire-fenced, but in any case the depôt is usually situated in such a place as will enable proper supervision to be exercised on the wood that is removed from Government forests.

This condition of requiring a private owner who fells wood in his Malki number to get a pass from the talati to move wood from one part to another works great hardship in practice. It is not very sound in principle. It appears to me like a rule made to require everybody who moves property from one district to another to show it to an officer of Government, just to enable them to make sure that he is not carrying away Government property. This rule which is bad in principle works worse in practice. The village talati is usually not to be found in his place now. At the time when these rules were made the village talati was a member of the village community. He was usually a resident of the village like the village headman, but now the talati is in charge of four or five villages and usually he is not to be found at any particular time at any particular village. Then, even if the talati is approached, there is very little chance of that man going and finding out from what malki number that wood is actually cut. Because, as I observed, the actual cutting and the removal of the wood to the village does not require any pass. He has therefore to give that pass more or less on trust, and that is how it is usually done. It leads, however, to much petty harassment in practice, and if the owner fails to get a pass from the talati the penalties are exceedingly severe. His cart,

his bullocks and all the wood that he is carrying from one place to another and also any other property that he is carrying along with that wood are all liable to be confiscated. I submit that if he wishes to escape petty harassment, he has no other remedy but to submit to this graver harassment. Under these circumstances, considering that it is now difficult to get a pass from the village talati who is usually not to be found at any particular time in his own village, considering that the exits and the entrances into Government forests are usually well protected now, and considering that the people have, by long practice, learnt to respect the rights of Government in their forests, this rule does not appear to me to be necessary. I submit, therefore, that the time has come when this rule should be revised and should be so revised as to enable private owners to cut and remove wood from their own lands without any pass from the village officers.

The Honourable Mr. C. N. SEDDON:—Your Excellency,—The Honourable Mr. GARUD has complained of a certain rule which works harshly, causing inconvenience and loss. It may be so possibly. But I submit for your Excellency's consideration and the consideration of this Council that the honourable member's procedure is open to objection. If a rule works harshly, I would suggest that the better procedure for the honourable member would be to ask a question to enable Government to consider the matter or to apply to the officers of the revenue or forest departments to see how far they can go to meet the difficulties that he points out. I have had no notice of this objection, and without enquiring and ascertaining why the forest department has framed the rule, how it works, and whether it can be altered, it is extremely difficult to answer the honourable gentleman's objections. I would suggest that it would be fairer if some opportunity for enquiry and consideration were given to the officers of Government in this matter. One can easily imagine that there must be difficulties which have rendered it necessary to have some pass for the removal of forest produce. How far it would be possible to modify a rule of that kind in order to avoid harassment to people, and how far it would be necessary to maintain some restriction, I think, are matters which want consideration and consultation with the forest department and the local officers of the district. So I submit that this Council should not countenance a decision about this matter without giving the officers of Government some chance of enquiry and consideration.

The Honourable Khan Bahadur PIR BAKSH walad MIAN MAHMUD:—Your Excellency,—I do not think that the resolution of my honourable friend Mr. GARUD should be accepted by this Council as, if the resolution is adopted, it will merely encourage theft of fuel from Government land and forests. The restrictions as to the removal of fuel from private land are based on very good principles and it causes practically no inconvenience or any unnecessary delay. When an application for a pass is made, the village accountant goes to the land and satisfies himself whether the required quantity of fuel is available in private land, and when he is satisfied he issues the required pass. If this restriction is removed, the occupant of the land will no doubt easily remove as much quantity of fuel from Government land or forest as he chooses without payment of the usual fees or royalty and without being detected, as it is quite impossible for the revenue or forest subordinates to keep a proper watch on a vast area of Government jungle and forest, nor is it possible for Government to appoint so many watchmen for the purpose. These remarks may not be considered to be imaginary fears, but they are based on facts. Some years ago there were some cases of theft detected in some of the talukas in Sind and they were severely punished, but detection is not an easy thing. These thefts cannot always be detected. I am sure that less strict measures to check thefts will not prove successful. I therefore strongly oppose the resolution as the adoption of it is bound to facilitate abuses.

FOREST PASSES.

[*Mr. Ghulam Muhammad Bhurgri; Mr. Siddhanath Dhonddev Garud; the President; Mr. Shridhar Balkrishna Upasani.*] [5TH DECEMBER 1917.]

The Honourable Mr. GHULAM MUHAMMAD walad Khan Bahadur WALI MUHAMMAD BHURGRI:—My Lord,—After listening to the remarks of my honourable friend Mr. GARUD, I confess that it will not be desirable to accept the resolution as it stands. Recently I have come across a lot of complaints of this nature. It is a very great hardship on the private land holder. He has to wait for months together before he can remove the wood which is his property, and for which he has paid assessment. In order to draw the attention of Government to this matter, at this Council I had put a question as follows:—

"Will Government be pleased to state—

"(*a*) If a zamindar in Sind who proposes to cut trees in his own 'Huri' and send the fuel to some town for disposal has to apply to the Mukhtyarkar for a pass-book to be obtained from the Divisional Forest Officer;

"(*b*) If the application of the zamindar is forwarded by the Mukhtyarkar to the supervising Tapadar or Tapadar and subsequently by the Divisional Forest Officer to the Range Forest Officer;

"(*c*) If it is true that if the Range Forest Officer states that the quantity of the fuel is not large the zamindar is asked to go to the Tapadar and take a pass from him every time that he sends out fuel for disposal;

"(*d*) If it is true that this procedure results in corruption and great inconvenience to zamindars who have to run after the Tapadars out in the district?"

The reply given by Government is as follows:—

"(*a*) to (*e*) The honourable member's attention is invited to the rules, and particularly rule 4 under section 41 of the Indian Forest Act for the Province of Sind, printed in section 297 of the Standing Orders of the Forest Department. Government have not received any complaints about delay caused by the procedure."

This gives you an idea, sir, as to how much difficulty and how much inconvenience a zamindar has to go through in order to get a pass to remove the wood which is his own property. Therefore I think, sir, that the Honourable Mr. GARUD is right in bringing the question before the Council, and though I am not proposing any amendment, I think if my honourable friend adopts a suggestion which I am going to make, it can simplify matters.

I suggest this as an amendment, namely, that the resolution may run like this:—

"This Council recommends to His Excellency the Governor in Council to consider the question of passes at present required for the removal of wood which is not Government property from private lands."

If my honourable friend Mr. GARUD adopts my amendment it will be all right.

The Honourable Mr. GARUD:—Your Excellency,—May I suggest that I am agreeable to the postponement of my resolution to any subsequent meeting till this question is considered by the proper authorities.

His Excellency the PRESIDENT:—I think it would be better if we go on with the resolution as I am sure the Council would like to know Government's position in the matter.

The Honourable Mr. BHURGRI:—Then, my Lord, I move it as an amendment to the resolution of my honourable friend, Mr. GARUD.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency,—The Honourable Mr. GARUD has placed the facts and arguments in support of his resolution so clearly before the Council that I need not take much time of the Council to further support it.

On this point the Honourable Mr. SEDDON has asked for time to enable Government to consider this question and if time is necessary the Honourable Mr. GARUD will, I think, have no objection to allow the resolution to be postponed.

In this matter a question was asked by me some time ago in connection with the right of private owners to remove wood from their own lands. There were complaints from Karhad that came to me and I drew the attention of Government and Government were pleased to state that no permission was necessary to cut wood in one's own private forest. I thought the matter was being properly dealt with, but then further complaints were heard from the Kolaba district that removal of wood from private land without permit was objected to even when such wood was private property and was to be carried to a short distance from such land and that it was detained by the forest guards for want of a permit. In fact the parties concerned had no option but to obtain the passes from the talati before they could take the wood to their village.

I think, your Excellency, so far as the law is concerned it would be possible to remedy this evil. The intention of the law was the protection of Government forest and the rules made under that Act were meant to refer to Government property to be taken from those forests. With a view to prevent any theft of produce from that forest it would not be proper to compel private owners to obtain passes from Government officers to remove their own property from their own lands.

The fears which my honourable friend Khan Bahadur PIR BAKSH has expressed relating to the pilfering of Government property do exist, and to a larger extent, with reference also to private property, but I do not think that the suggestion made by him would commend itself to this Council if it were enforced as regards private property. Government have enough machinery to protect their forest produce and they have passed stringent rules for its protection and those rules would be sufficient to protect Government property.

I would, therefore, support the resolution which has been just moved and if time is required by Government as desired by the Honourable Mr. SEDDON, I think the Honourable Mr. GARUD will have no objection to the postponement of the resolution. We only want the grievance to be redressed and if that could be done by allowing the resolution to be postponed we shall be well satisfied.

With these words I support the resolution.

The Honourable Mr. G. CARMICHAEL:—Your Excellency,—Perhaps it would be well if I explain the position, as the Honourable Mr. GARUD did not make it quite clear.

Chapter VIII of the Forest Act contains a definition of timber and forest produce. In the first place when the Forest Act of 1878 was passed, Chapter VIII was included in it and it was made quite clear that Chapter VIII referred not to forests or forest land but to forest produce in transit. It regulated the transit of timber and forest produce. The rules to which the Honourable Mr. GARUD referred were drawn up on that basis and published in 1880. Then it came to the notice of Government (in connection I think with a case from the Thana district where there is a good deal of timber in private lands) that it had been decided by the High Court in a case which went up to it, that when timber or forest produce did not come from a forest properly so called, whether private forest or Government forest, the rules were not applicable to it.

My particular point is that the rules under section 41 contain the regulations for the removal of wood in transit or forest produce whether that comes from a Government forest or private forest.

Then the question is whether all forest produce or timber brought from it or cut from privately owned land could not be called forest produce. The Bombay Government represented the matter to the Government of India pointing out the

difficulty which had occurred in the working of the rules. It is quite impossible, once a tree has been cut and moved, to say whether it came from a Government forest, or from a private forest or from a malki number. The Honourable Mr. GARUD might suggest to us any way in which he could distinguish it from Government forest produce. Our forest officers found that they were unable to make any distinction. The result was that a man came along with a cartful of wood, and under the rules in force he was asked to show his pass. He said: "I have not got a pass; but the wood has come from my own *malki* number." The forest officer suspected that it did come from a Government forest and he had to detain the cart until he made enquiries. Then in 1887 I think Government appointed a committee of enquiry into the working of the forest laws, particularly with reference to the Konkan, Thana and Kolaba districts, and they also made fairly extensive enquiries with regard to the honourable mover's own district, Khandesh. The position was that there had been many complaints from the land-owners and cultivators in these districts, and the committee, which consisted of the Collector of Thana as president, Mr. Vidal, and Mr. Krishnarao Nulkar, who was afterwards a member of this Council, and two other Indian members who were forest officers, submitted a report to Government in 1887 in which they dealt with this particular question. Their proposals included a great many recommendations with regard to the exercise of the privileges of the people. They recommended a large number of ways in which concessions might be made in order to facilitate the people's taking advantage of the privilege of using the forests. But they made it a fundamental part of their whole recommendations that the removal and transit of timber should be regulated. They said that the one fundamental thing was that the removal and transit of timber and forest produce, whether coming from a Government forest or a private forest or a *malki* number, should be regulated by rules under section 41.

They said it was fundamental for two reasons. The first was that it was necessary to control the cutting of tree growth on *malki* numbers, in the Konkan particularly. That was one reason. The other was that, if you were to extend the privileges and to enable the people to take full advantage of them, it was very necessary to take this step to prevent the abuse of those privileges. It would not be fair to ask Government to extend the privileges and at the same time to take no steps to regulate the removal of forest produce or to prevent abuse. That was a measure designed to benefit the honest cultivator who wished to take advantage of what Government was offering but at the same time did not wish to abuse that concession. But to prevent the others who were inclined to take advantage of, and to abuse, the concession which Government was giving, they (the committee) said it was very necessary to enact that these rules under section 41 of the Forest Act should apply to all kinds of timber and forest produce. Then, on their recommendations, the Government of India were addressed. At that time it happened that the Forest Act was under amendment, and by the Act of 1890 the amendment was carried out. The definition in section 41 was altered. Instead of "timber and other forest produce" it was put down as "timber and forest produce"; and the definition of "forest produce" was altered as follows:—

> "'Forest produce' includes—
>
> the following, whether found in, or brought from, a forest or not, that is to say:—
>
> Timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac, mahua flowers and myrabolams."

That is, it was confined to articles for which a large market could be found. Other materials or articles, such as trees and leaves, flowers and fruits, and all other parts or produce such as wax and grass creepers, etc., were also defined as forest produce, only when found in, or brought from, a forest. This was done deliberately for the two reasons which I told you and on which the Bombay Forest Committee of 1887 based their recommendations.

FOREST PASSES.

[5TH DECEMBER 1917.] [*Mr. G. Carmichael; Mr. Siddhanath Dhonddev Garud.*]

The Honourable Mr. GARUD says that it is quite easy for Government to look after their own forests. They should bring the produce into their depôt. He also said that many of the forests were now fenced with wire fencing. But he has forgotten the fact that there are a very large number of people who go into the forests every day in the exercise of the privileges which they enjoy. Now is it right that we should exclude these thousands of people from the forests in order to remove the restriction which is imposed by the rules under section 41 upon the one man, say, who has to go up to the talati and ask for a pass in order to move some timber which he has cut in his private land and which he wishes to take to the market some distance away? I say that is a position which Government could not contemplate at all. These people who have been exercising their privileges fairly and honestly must be allowed to come into the forests.

Then the rules protect land-owners like the Honourable Mr. GARUD himself who has private forests, and I do not think that he can say that he has had any difficulty in obtaining a pass or a book of passes for his tenants. When a land-owner wishes to remove a quantity of timber growing in his own *malki* land, he can apply to the Conservator of Forests and gets permission to issue his own passes. The rules are not in force in all districts, but only where there are Government and private forests. I do not know whether the question has been examined whether it is possible to exclude other parts of the presidency, like Ahmedabad, Broach and Kaira districts, which have been excluded from the operation of the rule. No pass is required, as the Honourable Mr. GARUD said, for the removal of forest produce in headloads (from one village to another) or in Sind by camel-load or cart-load, where too the application of the rule is restricted to areas within ten miles of Government forest. The rules were passed in 1880 but the rules, so far as the point with which this resolution is concerned, with regard to *malki* numbers and with regard to Government forests, really came into operation in 1890 and that was a good many years ago. So far as I know there have not been any serious complaints to Government on this subject but as the rules came into operation many years ago I am quite willing that the matter should be examined again. I may say that Government are prepared to accept the resolution in the form in which the Honourable Mr. BHURGRI has amended it, which is as follows:—

"This Council recommends to His Excellency the Governor in Council to consider the question of passes at present required for the removal of wood which is not Government property from private lands."

I am sure the Honourable Mr. SEDDON when he is taking up the question will give ample opportunities to the Honourable Mr. GARUD to state what difficulties exist with regard to this question in Khandesh.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD:—Your Excellency,—The only objection made out by the Honourable Mr. CARMICHAEL is that it is possible that wood may be stolen from Government forests. Under the English law a dog is allowed one bite but under the forest law, sir, a man cannot steal even once. The Honourable Khan Bahadur PIR BAKSH said that some cases of thefts of forest produce were found out in Sind and that the thieves were severely punished. He was right when he said that the thieves were "severely punished." The sentences inflicted on thieves of forest produce are always exemplary and deterrent. Then if a thief has two previous convictions for theft against him he becomes liable to be transported for life. So that the game of stealing wood from Government forests is very dangerous and risky indeed.

The Honourable Mr. CARMICHAEL:—Nobody suggested that it is very easy but it is extensively carried on in some districts.

The Honourable Mr. GARUD:—Well, sir, I can only say my own experience to the Council that whenever a theft of forest produce is detected and the thief

is put before the court the punishment is always exemplary and that it is much more severe than in ordinary cases of theft. I own to being an owner of a forest in my jaghir village. I have every sympathy with the stringent rules that Government might impose to regulate the transit of wood from their own forests, and I have every sympathy for any rule introduced to protect the rights of Government in their own forests. That is Government property and Government may take as good care of it as they can, but when it comes to the question of private wood the situation is somewhat altered. The Honourable Mr. CARMICHAEL said that I am also one of those who are entitled to issue passes for the transfer of wood from one forest to another but I have a different kind of pass. There are four kinds of passes: the green one for timber brought from foreign country, the white one for timber exported from jaghir land, the yellow one for timber exported from Malki numbers, and the red one for timber exported from Government land. So that if I have to export from my own Malki number a few cart-loads of wood the pass is different.

The Honourable Mr. CARMICHAEL:—Does the colour of the pass make any difference?

The Honourable Mr. GARUD:—Yes, sir. The forest rule says that the passes shall be given in four colours: the green one for foreign produce, the white one for timber from jaghir land, the yellow one for timber from Malki numbers, and the red one for Government produce. Now as I have said if I have to send or transfer a few cart-loads of wood from my own Malki land together with wood from my own land the pass for Malki wood would be issued not by me but by the village talati. This, however, is merely a private matter and I do not wish to put it before the Council except to illustrate my argument and to exemplify what actually happens.

I have my own experience of going to the village talati for passes. He does not live in the village, he lives far away and I have always to send my man after him. Usually in practice the pass is given not after proper examination of the wood, or of the place from which the wood is taken but on trust and my resolution asks for this same leniency which is sometimes extended to us by the talati to be extended to us by Government. Why may not the passes of owners be accepted? Let the depôt officers store those passes and when they go to the inspection of the village let them satisfy themselves that the owners have given proper passes. In case an owner gives a false pass and tries to pass off Government property as his own property, well, he might be tried and convicted. The safeguards which Government have already provided for the protection of their own property in village forests are in practice quite ample and they might even be made more stringent but private persons should be allowed to exercise their own rights of ownership without petty harassments.

May I just request your Excellency, again that I am agreeable to postponing this resolution if officers of Government want time to consider it. That would have substantially the same effect as the amendment moved by my honourable friend Mr. BHURGRI.

His Excellency the PRESIDENT:—I think the position is that the honourable member has moved a resolution and the Honourable Mr. BHURGRI has moved an amendment. Well, the Council will decide and the honourable member's resolution will stand or fall on their decision.

The Honourable Mr. BHURGRI:—I think my honourable friend Mr. GARUD has accepted my amendment, sir.

The Honourable Mr. GARUD:—Your Excellency, will not my resolution be put to the vote also?

FOREST PASSES; SANITARY COMMITTEES AND NOTIFIED AREAS.

[15TH DECEMBER 1917.] [*The President; Rao Bahadur Venkatesh Shrinivas Naik.*]

His Excellency the PRÉSIDENT:—The position is somewhat difficult. I think if an amendment to a resolution is passed the resolution must pass as amended.

The resolution as amended was then put to the vote and carried.

His Excellency the PRESIDENT:—Resolution No. 9. Honourable Rao Bahadur NAIK.

"That this Council respectfully recommends that early steps be taken to amend by legislation section 187 of the District Municipal Act (Act No. III of 1901) so as to enable the Governor in Council to issue a notification under that section with respect to any area in which a Sanitary Committee or a Board, constituted under section 8 or 19 of the Village Sanitation Act, 1889 (Act No. I of 1889), has worked satisfactorily for at least three years even though such area is at a distance of more than one mile from a railway station."

The Honourable Rao Bahadur VENKATESH SHRINIVAS NAIK:—May it please your Excellency,—The request contained in the resolution, that stands in my name on the agenda, is a very modest one, and does not require strong arguments from me, to convince your Excellency and this Council, about the beneficial results that will accrue to the small villages and towns, if the course suggested by me is accepted. I ask, by this resolution, our Government to take early steps to amend section 187 of the Bombay District Municipal Act, so as to enable your Excellency in Council to declare by notification any area in which a sanitary committee or a board constituted under section 8 or 19 of the Bombay Village Sanitation Act has worked satisfactorily, for at least three years, even though such area is situated at a distance of more than one mile from a railway station. The chief object, with which provision is made in the Bombay Village Sanitation Act and District Municipal Act, for the constitution of these village sanitary committees or boards and notified areas, is for the purpose of improving sanitation and providing other amenities in the villages and small towns, which have not sufficiently advanced, and are not ripe for regular municipal administration. The sanitary committees and boards constituted under the Bombay Village Sanitation Act, are authorised to spend the funds at their disposal for procuring and preserving adequate and pure supply of potable water, cleaning and sweeping the streets and making new ones wherever necessary, and for such sanitary objects, which would conduce towards the preservation of public health and conveniences of the villagers. They have also been given powers, to take such actions as would prevent the accumulation of offensive and noxious matters, prevent the commission of nuisances, and indecent or insanitary acts or omissions, in the villages where such committee or boards are constituted. The notified area committees also have all these powers, in addition to such of the powers under the District Municipal Act, as will be extended to them by the Government.

As to the funds required for the working of the sanitary committees and boards, they are not authorised to levy any rate or cess upon the villagers under the Bombay Village Sanitation Act or rules framed thereunder, but to raise the funds only by voluntary contributions. These funds when raised are usually supplemented by grants from local boards and Government, in the proportion of 5, 4 and 3, that is if the committee will be able to raise 5 by voluntary contribution from villagers, the local board will pay 4 and Government 3. These grants depend entirely upon the popular contribution the committees or boards will be able to collect, and vary every year according to this popular contribution, and there are no chances or possibility for these committees to get proportionate grants from local boards or Government, unless they collect popular contribution. The income of these committees and boards is therefore uncertain and they cannot undertake any systematic and large sanitary works. As these committees have no other deliberative work, their life also is uncertain and depends entirely upon the goodwill and generous spirit of the villagers, in making their contribu-

tions voluntarily. They are therefore not sure as to what amount they will be able to collect during the year, and whether they will be able to collect at all any contributions during the next year, and being uncertain of their income they cannot undertake any large sanitary works for the benefit of the village. All they will have to do is to adjust their programme of work, after they have collected the popular contribution from the villagers, and have applied for proportionate local fund, and Government grants, confining themselves to the mere sweeping of streets, repairing and lighting them here and there, and doing such small works of temporary nature. Unless these committees have a minimum fixed income to rely upon it is not possible to undertake any large sanitary works of permanent benefit.

In these villages and small towns it is well known that factions have been the rule instead of exception, and the villagers generally divide themselves into factions, on account of private motives or feud between two parties or individuals. If any influential inhabitant of a village, belonging to a party with a large following at his back, takes into his head to bring a committee or a board to a sudden end, however good work it may be doing or however long it might have existed, only with the object of thwarting a member of the opposite party working on the board or committee, he can very easily do so by asking the villagers belonging to his party to refrain from making their voluntary contribution, and thus bring the committee or board to a wreck. Those honourable members of this Council, who are acquainted with the ways and methods of the villagers and residents of small towns, will bear me out in this respect. From the reply given to one of my interpellations, at the last meeting of this Council, it is found that out of five sanitary committees, which had worked in most cases for more than ten years, that dissolved, four were due to the failure of the villagers paying their voluntarily contribution, and I am sure in all these cases the failure of villagers must have been due to factious spirit, and not to their inability to pay. I know personally of such difficulties having occurred in a few sanitary committees in my district, where they have been much imperilled by their inability to collect their resources, and though these committees are doing excellent work, I do not know when they will come to an end. The Bombay Village Sanitation Act, though it is in existence for the last 28 years, has not made any substantial progress in the sanitary improvement of the villages, only on account of its basis being on voluntary principles, and consequent uncertainty as to how long a committee or a board constituted under it, would continue to work.

The notified area committees, on the other hand, when they are once formed, are given statutory powers to levy a rate or tax upon the villagers, and thus raise a fixed and a sure income year after year. These notified area committees which have the power of taxation, have been reported to be working satisfactorily, and some of them are raising a tax upto Rs. 16,000 a year, and spending that amount upon sanitary improvements, and upon the local amenities for the villagers in their respective areas. The chief reason that has induced me to bring this resolution before this Council, is that when the villagers or residents of small towns have learnt the act of taxing themselves, and have realised the benefits of local improvements, by the working of sanitary committees or boards in their villages, for a number of years, instead of allowing them to be dissolved on account of the existence of factious spirit or other reason in the village, they should be given taxing power. The only courses that strikes to me to give effect to this my proposal, are three: firstly, to amend the Bombay Village Sanitation Act, so as to empower the village sanitary committees or boards to levy a rate or cess upon the villagers; secondly, to have village punchayats with the power of local taxation, and thirdly, to amend section 187 of the District Municipal Act, so as to remove the bar to declare any area into a notified area, *viz.*, of the situation of the village being within one mile from the railway station. Now as to the amendment of the Village Sanitation Act, it is entirely upon a voluntary basis and as we want to afford opportunities to the villagers to understand and realise in the first place that it is their duty to contribute for local sanitary improvements, and give them also preliminary training in the matter of local administration, I think we should not disturb

the Bombay Village Sanitation Act, for this purpose only, though the Act requires remodelling, being old and rusty. The introduction of village punchayats with local taxation and administrative powers in this Presidency, has long been overdue, and we have been anxiously waiting for them. As there seem to be no hopes of their being created within reasonable time, and as we do not know in what form, and with what powers these long hoped for punchayats will emerge, we cannot any more tire our patience unless an assurance is given to the effect that such punchayats will come to be realised very soon. I therefore think that we should take such steps as will enable your Excellency in Council to convert certain areas into notified areas where the people have understood and realised the principles of self-taxation and local sanitary improvements. Now under section 187 of the District Municipal Act, it is not within the powers of your Excellency in Council to declare any area into a notified area, unless such area forms the taluka head-quarter, or is situated within one mile from the railway station. I submit humbly that in the interests of the good and continuous working of sanitary improvements in the villages, this restriction of an area being within one mile of a railway station, for being converted into a notified area, should be removed from the section. By referring to the Legislative Council proceedings in 1901, it is found that the object of providing this restriction, for an area being converted into a notified area, *viz.*, of either its being the taluka head-quarter or within one mile from a railway station, is only to guard against small rural villages, being treated as quasi-municipal districts and to prevent the unregulated conglomeration of mean buildings that might spring into existence in the vicinity of a railway station, on or near the railway lines. Most of the places in which these sanitary committees or boards have been working, are pretty big villages, some of them even bigger than taluka head-quarters, and after the training of and satisfactory working of these committees or boards for at least three years, there seem to me to be no valid reasons to apprehend any misuse of power or hardship upon the villagers. Before declaring any place a notified area, Government can take all precautions, and be satisfied as to whether there are sufficient number of public spirited people in the area, that the people have understood the principles of self-taxation, and realised the benefits of local sanitary improvements, and that it is in every way fit to be declared as a notified area. For these reasons, your Excellency, I move that this Council respectfully recommends that early steps be taken to amend by legislation section 187 of the District Municipal Act (Act No. III of 1901) so as to enable the Governor in Council to issue a notification under that section, with respect to any area in which a sanitary committee or a board constituted under section 8 or 19 of the Village Sanitation Act, 1889 (Act No. I of 1889), has worked satisfactorily, for at least three years, even though such area is at a distance of more than one mile from a railway station and commend the resolution for the acceptance of this Council.

The Honourable Mr. F. G. PRATT :—Your Excellency,—I am not quite sure if the honourable mover of this resolution is correct in his statement of the law as to the manner in which sanitary committees can raise their revenues and spend them. I understood him to say that the only revenue which they can raise and administer is revenue raised by voluntary subscription in the village. But I think if he would refer to section 18, sub-section (2) of the Village Sanitation Act he will find that when voluntary contributions or subscriptions fail for raising the necessary revenues, then resort can be had to a rate on the inhabitants and householders of the village subject to the proviso that the maximum amount that can be levied in such a manner does not exceed one-half of the local fund cess on agricultural lands levied within the limits of that village. That is a slight correction which I think the honourable member will allow me to make.

The Honourable Mr. NAIK :—When the villagers promise to pay and they fail to pay and thus if the subscription is not collected, the Collector can levy the rate, not beforehand. If they once promise one year they may contribute that year and the next year they may not.

SANITARY COMMITTEES AND NOTIFIED AREAS.

[*Mr. F. G. Pratt; Dewan Bahádur Kashinath Ramchandra Godbole.*] [5TH DECEMBER 1917.]

The Honourable Mr. PRATT :—Well, that is quite true. If I understand the law right, once a rate has been raised by voluntary contribution the rate is continued year by year and the sanitary committee would take that rate as part of their budget. But the law which provided the maximum leviable for that rate is 28 years old and I am in sympathy with the intention of the honourable mover which I gather is to make such legislative provision as would allow of a larger sum being raised locally for the necessary purposes of the Act.

I have often found in looking into the budgets and finances of sanitary committees what a very minute amount this maximum leviable rate will produce and how very inadequate that amount would be even when added to the local fund contribution, and the provincial contribution, and how inadequate that total amount is when compared with the needs and the necessities of the village.

It must be remembered I suppose that the explanation is that the section of that law is now 28 years old and a great deal of caution was then exercised in so framing the section as not get too far ahead of the well-known reluctance of local bodies especially marked in the case of small local bodies, to tax themselves for local purposes. So when that section was made 28 years ago they fixed the maximum amount at a very low and modest figure and it may well be if the matter were to be considered and revised now that that ratio might be raised and larger sums might be made available for the necessary expenditure.

The honourable mover's proposal that satisfactory sanitary committees, which he wants to be put in a stable financial position, should under certain conditions be elevated to the status of notified areas, would have this effect that the notified areas would not be tied by the same financial limitations and they would be able to raise large sums. To that extent I am certainly in sympathy with the honourable mover's proposal and the resolution but there are other considerations which I would ask him and the Council to remember and the chief among them is this that at present the whole question of local self-government, and so to speak, the ladder of local self-government, is under careful consideration as to what the various rungs of that ladder should be, what should be the intermediate rungs leading up to the top, and while that question is under consideration it seems to me to be undesirable that we should make such a small change as the honourable member proposes in the intermediate rungs. The Council knows very well that we are now considering the question of punchayats, which will stand at the bottom of the local self-government ladder and we have also to consider the question of notified area committees. While these things are under consideration I think it will be undesirable to commit ourselves to the resolution as proposed.

I may again repeat that I am personally in sympathy with the desire that these bodies should have, that the enlightened members of these bodies should have, it in their power to increase their usefulness and their financial stability and resources in order to meet the needs of the village localities.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE :—Your Excellency,—I want to make a few remarks with reference to the resolution that has been brought forward by my honourable friend Rao Bahadur NAIK. I am in sympathy with his resolution because I think that the present sanitary committees and sanitary boards in the Presidency are working very unsatisfactorily, mainly because they have no powers of taxation.

There is another reason also why this section 187 of the Bombay District Municipal Act should be modified, and that is the recommendation made by the pilgrim committee during their visit to this Presidency. I had the honour to be on that committee. We found in that committee that there was a small municipality established temporarily at Gokarn in this Presidency only for three months. The municipality existed while the pilgrim traffic lasted, and for a month before and a month afterwards. The temporary municipality did work for three months, and

whatever improvements they made in these three months, we found, were nullified during the succeeding nine months on account of want of continuity in administration. The place could not have a sanitary committee, because the people were unwilling to tax themselves or to pay any contributions. It could not get any notified area, as this section 187 came in the way, the town not being within one mile of the railway nor a taluka town. It could not therefore be declared a notified area. It could not be a regular municipality, as the town population was very small.

The Honourable Mr. CURTIS:—Assuming the restriction as regards the place being one mile from a railway is removed, how will the substitution of notified area machinery for the regular machinery improve the sanitary condition of the place?

The Honourable Dewan Bahadur GODBOLE:—I will explain the situation. These temporary municipalities improve the roads leading to particular places where pilgrims have to bathe, by clearing gutters and waterways of culverts and bridges. During the succeeding nine months, there is no one on the spot to remove the debris which accumulates from time to time, in these gutters and waterways. The consequence is, that expenditure has to be incurred to a very large extent in doing the clearance work which could have been done by a regular establishment on the spots at one-fourth of the cost. If a notified area had existed, in place of the temporary municipality, it would have been able to keep this regular establishment to maintain in repairs, works which were carried out during the pilgrimage season. On account of the want of this regular establishment on the spot, the work done in the pilgrimage period goes to ruin.

The Honourable Mr. CURTIS:—How would a notified area committee be more able to maintain a competent and permanent establishment at Gokarn than the committee of the municipality?

The Honourable Dewán Bahádur GODBOLE:—Because of the pilgrim taxation. They could reserve a small amount from the pilgrim tax realised, and keep the funds required for the regular permanent establishment during the 12 months of the year. This is the recommendation which the pilgrim committee have made. I will read it for the information of the Council:—

> "We think some permanent form of administration is required. The municipality lasts for three months only and though a karkun and four menials are maintained for the whole year there is no responsible person to carry out a policy of sanitary improvement of the town. The town is mainly agricultural and the residents object to having a permanent municipality with its obligations of taxes, and maintenance of schools. Their attitude is reasonable, as apart from the pilgrims a permanent municipality is not required. To make Gokarn a 'notified area' would give the required continuity of administration without imposing full municipal obligations. But Gokarn not being a taluka headquarters or near a railway station cannot at present be legally made a notified area. We recommend that section 187, District Municipal Act, be altered to allow areas containing a place of pilgrimage to be made notified areas and that Gokarn be created one. Continuous improvement of lodging-houses, water supply and sanitary arrangements will then be best secured."

This is a recommendation that was made by the pilgrim committee, and I think this Council should bear that recommendation in mind in the consideration of the resolution that has been brought forward by the Honourable Rao Bahadur NAIK.

The Honourable Mr. CURTIS:—What is the average attendance of pilgrims at Gokarn?

The Honourable Dewan Bahadur GODBOLE:—It is about 10,000. To me the best solution seems to be, that we should have village panchayats as early

as possible, and if we are going to get these panchayats, then this resolution need not be considered at present. But if the village panchayats are going to come after 10 years, or after a similar long interval then I think the resolution deserves the immediate consideration of this Council. I would, however, admit smaller towns in the mofussil, as well as places of pilgrimage, to the benefits of notified areas and would modify and amend Rao Bahadur NAIK'S resolution in the following way :—

"This Council respectfully recommends that early steps be taken to amend by legislation section 187 of the District Municipal Act (Act No. III of 1901), so as to enable the Governor in Council to issue a notification under that section with respect to any town or village which contains a population of over 2,500 or contains a place of pilgrimage."

The Honourable Rao Bahadur NAIK :—I accept the amendment.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—Your Excellency,—My honourable friend Mr. PRATT just now remarked that the whole question of local self-government was under the consideration of Government and it would be much better if such questions were postponed till some future date. Well, I put this question to him and to this Council. Are these notified area committees or municipalities to be entirely done away with under the new legislation? If notified area committees and municipalities are to be retained, as I believe they will be, what is the resolution of my honourable friend Rao Bahadur Naik? He wants certain sanitary boards to be transformed into notified area committees. That is all that he wants, and his object in turning the sanitary boards into notified area committees is to give the people powers of self taxation in order that they may raise funds in order to carry out sanitary and other improvements in that area. I am very glad to know that he thinks that people in rural areas could still stand some amount of further taxation, and I am perfectly prepared to support the resolution as amended; but I maintain, your Excellency, that before we give people powers of further taxation, I say that there should be no taxation without representation. Notified area committees, of which I know something, as at present constituted, are almost entirely nominated bodies, except in a few instances in Salsette and even there the nominated members are in a majority and not only nominated members are in a majority but except in one solitary instance there is an official majority on these Committees. Are we going to have notified areas formed on these lines and to give power to such notified area committees? So far as I understand, these notified area committees are a one-man show. In Salsette most of the powers of the committees are delegated to the Chairman of the committee who is always an official. Under the circumstances I won't have any notified areas unless substantial changes are proposed to be made in the constitution of these committees. I therefore propose an amendment to this resolution as follows :—

Add at the end of first line: "grant elective majority to notified area committees and".

His Excellency the PRESIDENT :—This will be an entirely new resolution, is it not?

The Honourable Mr. PATEL :—I only wish to add two words to the resolution, your Excellency.

His Excellency the PRESIDENT :—There seem to be a great many but I think the proposed amendment of my honourable friend Mr. PATEL refers to an entirely new matter altogether. It refers to the granting of an elective majority. There is no reference to that at all in the resolution of the Honourable Rao Bahadur NAIK.

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The Honourable Mr. PATEL :—Under the rules, it is only negative amendments that cannot be moved, your Excellency. This amendment does not negative the original resolution.

His Excellency the PRESIDENT :—But if the President rules that this is a new resolution and it should be brought in on another occasion, I am afraid the honourable member cannot move it.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI :—Your Excellency,—So far as the resolution of my honourable friend Mr. NAIK refers to the improvement of the financial resources of sanitary committees I sympathise with it but so far as it proposes to extend the scope of the notified areas as at present constituted under the Municipal Act I am not in sympathy with it. My Lord, the notified area committees occupy a very anomalous position and it is a position which requires to be improved in the manner suggested by my honourable friend Mr. PATEL. I have myself sent up a resolution on this point and it is on the agenda for this Council session. As a matter of fact the notified area committee is more or less a one-man show in which the leading strings are in the hands of an official of Government. The primary principle is that there should be no taxation without representation but at present that principle is entirely ignored in the case of these notified areas. Under section 187 of the Municipal Act, Government have absolute power to constitute any town into a notified area irrespective of its population, to charge it with any duties and liabilities which may be imposed on a municipality and to empower it to raise from the town any funds required to meet those liabilities without the people having any representation on the body or any voice in the administration of the funds which it may levy from them. Thus a town with a population of only 1,000 or one with a population of 6,000 or 9,000 may be constituted into a notified area and be charged with the maintenance of schools and dispensaries without the people having any voice in its constitution or any control over its administration which they would have if the body were a sanitary committee or a regularly constituted Municipality.

The Honourable Mr. CURTIS :—I rise to a point of order, your Excellency. The honourable gentleman seems to be introducing the discussion of his resolution which comes later on into this resolution. The honourable member's resolution is No. 50 and his remarks are not to the point of this resolution.

The Honourable Mr. UPASANI :—I do not want to enter into any discussion of that resolution at this stage but I refer to these defects in the constitution of notified areas to support my objection to the extension of these bodies in place of the existing sanitary committees as proposed in the resolution. In the case of the latter committees the people have a voice in their constitution and their power of taxation is limited. It is otherwise in the case of the notified areas in both these respects. As a matter of fact the notified areas should not, in my opinion, be charged with the maintenance of schools and dispensaries. If a town is not constituted a notified area its school expenditure is borne by the local board and the medical expenditure by provincial funds, but when the town is constituted a notified area all this expenditure is thrown on the people of that area without their consent and without their having any control over that expenditure. Well, that should be avoided and steps should be taken to only improve the resources of sanitary boards by grants from provincial funds on account of sanitation. My point is that there should be only sanitary boards and not notified areas in small towns with a population of less than 5,000 and where the population is larger than 5,000 we should have regular municipalities and this anomalous body of the notified area should be done away with entirely rather than be extended to towns where it does not exist. With these words I resume my seat.

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The Honourable Rao Bahadur GANESH KRISHNA SATHE:—Your Excellency,—I think in proposing resolutions of this kind we rather go upon a wrong track, and I say this because the discussion of resolutions of this kind becomes complicated owing to various issues being involved in it. If it is the real desire of the Honourable Rao Bahadur NAIK to improve upon section 187 of the District Municipal Act, why does he take the course of simply recommending to the Governor in Council a resolution? Why not take a little more trouble and draft a bill himself and place it before the Council in a clear form embodying as to all what he really wants to have? In that case we would know exactly what the provisions are and what the amendments he is advocating are and this Council will be in a better position to judge of the question, and the second advantage is that instead of leaving it to His Excellency's Government to carry out or not the resolution the remedy lies with us if we take up the course which I suggest. If the question of village panchayats and local self-government is under the consideration of Government, as your Excellency stated before lunch time, it is much better that this resolution should not be pressed on the attention of this Council.

The Honourable Mr. G. S. CURTIS:—May it please your Excellency,—I think perhaps a short statement from me will enable this Council to dispose of the resolution. We have heard from the honourable mover of the resolution an account of life in villages in the Karnatic. I would ask the Council to note that the picture he draws of that life does not show one that the ordinary village is the ideal one which it is often supposed to be. He talks of factions, and of one party fighting with another and of outbreaks of quarrels among them, rendering the administration of any local body somewhat difficult. That is only by the way. But as regards the resolution itself, as the Council has been informed, the question of local self-government is at present under discussion and I am unable at the present moment to commit Government as to what will emerge from the new bill when it is before us, except as regards one point. As regards that I can assure the Council that Government propose to proceed with the formation of panchayats in suitable areas with reasonable despatch as suitable areas come forward and there is reason to presume that these panchayats will have powers of taxation as they have in Madras and that they will receive reasonable subventions from the provincial revenues. I think that assurance should be sufficient to assure this Council that the continuance of any organization on the lines of village sanitary committees or sanitary boards will no longer be necessary. Of course, taxation will be compulsory. There will be regular by-laws framed and I can give an assurance that the panchayats themselves will have powers to punish breaches of their laws and by-laws with a reasonable quota of punishment. So much as regards the first part of the resolution.

The next point is as to what would be the next rung in the ladder between the panchayats and the district local boards on the one side and the municipality on the other, or, in other words, what would be the best system of government for what may be called urban and rural district areas? On that point I am unable at present to commit Government to anything.

I have listened with interest to the Honourable Mr. PATEL'S and the Honourable Mr. UPASANI'S denunciation of the working of notified areas. Personally I have never been enamoured of the notified area. Section 187 was, it seems to me, added in 1903 quite unnecessarily. For the areas for which it is necessary to make a special provision a special notification under section 7, and sections 4 and 8 of the Act is all that is necessary. It is quite possible to provide municipal government for special areas under those sections in any form which may be necessary. If it is considered desirable that a municipality should not bear the whole cost or burden of schools, it is always possible for Government to dispose of the matter by giving liberal grants. That is purely a matter of executive order which could be arranged in a very short time.

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As regards the Honourable Dewan Bahadur GODBOLE's suggestion, I still do not follow why a notified area committee should be more competent to keep a pilgrimage town in decent order than a committee managed by a municipality. I note by the way that the population of Gokarn is something like 8,000. The Honourable Dewan Bahadur himself has told us that in the pilgrim season the number of pilgrim goes up to something like 10,000; and as I see from the annual report that the income of that place is only about Rs. 2,000, including Rs. 595 which is received from the pilgrim tax, it seems to me that the trouble which it suffers from is under-taxation—a trouble from which many other similar areas are suffering. It ought to be possible to recover 2 annas a head as pilgrim tax, so as to secure a proper revenue and to provide proper establishments, etc.

However, all that I can assure this Council at the present moment is that the question of providing satisfactorily a link between the panchayat on the one hand and the full grown municipalities on the other is at present receiving very careful consideration. Whether any link or rung is necessary or whether it would not be possible by means of Government grant or a slight modification of sections 7 and 8 to work even relatively small areas, with a population of 4,000 to 5,000 inhabitants, on the ordinary municipal lines has to be carefully gone into. Probably in any case, whatever the organization which would be formed, it would have a reasonable elective element, unless, of course, the circumstances render that impossible.

I think that is all I have got to say with regard to this resolution. Government are fully aware of the difficulties which at present arise from the inadequate character of the Village Sanitation Act and also from the inconvenient restrictions imposed on the working of the notified area chapter by section 187 and also from the alleged defects on the working of the notified area committees. I can tell this Council that the observations made by the various members shall receive careful consideration when the amendment of the Municipal Act comes to be considered. I therefore ask the Council to reject this resolution and leave the matter to the discretion of Government.

The Honourable Rao Bahadur VENKATESH SHRINIVAS NAIK:—Your Excellency,—I am thankful to the honourable members of this Council who have shown their sympathy with the resolution moved by me. The Honourable Mr. PRATT has raised an objection that there was a section in the Bombay Village Sanitation Act by which the Collector can levy a rate for the notified areas. But this section can only come into operation after the notified area committees have made provision for the expenditure of the amount promised by the villagers, but who later on have refused to pay the same according to their promise, and for the next year's budget they will have to rely entirely upon the promises given by the villagers during the previous year. There is nothing binding in the Act itself on the part of the villagers that the promise given in the previous year will be continued during subsequent years and so practically in the next year the Collector will not be able to levy a rate again. Moreover, the limit to which the Collector can levy such a rate is only half the local cess raised in the village, and this amount will be insufficient for the working of these Committees and in most cases it is negligible.

Now with regard to the panchayats, of course, I said when moving the resolution that there were three remedies for bringing into effect the suggestions asked for by me in the resolution. The first was to amend the Bombay Village Sanitation Act, empowering village sanitary committees to levy a cess; the second was to have village panchayats with powers of taxation, and the third was to amend the Bombay District Municipal Act as asked for by me in the resolution. I was very glad to hear that village panchayats are shortly coming into existence and nobody would be more satisfied than myself, if they will be introduced soon

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with powers of local taxation for local improvements. I only asked for an assurance whether they would come into being within a short time and I am glad that my honourable friend Mr. CURTIS has been kind enough to say that they are under the serious consideration of Government and that they will come into existence very soon.

Of course, with regard to the Honourable Mr. UPASANI'S observation that if sanitary committees are turned into notified areas, the expenditure on schools and dispensaries and other things will have to be borne by these notified areas, I do not think that when a sanitary committee is turned into a notified area all the powers of the District Municipal Act regarding these institutions will be given to the notified areas and they will be saddled with consequent burden of expenditure. Only such of the powers of that Act which His Excellency the Governor in Council, after inquiry as to whether a particular notified area committee is competent to exercise and is able to bear the burden of expenditure such committee will have to incur in the discharge of these powers, is satisfied, are usually extended to the notified area committees and there is no need to apprehend any fears on that score.

As an assurance has been given by the honourable member in charge of the portfolio of local self-government that village panchayats are shortly coming into existence, I think I should withdraw this resolution and wait till the result of the panchayats is out.

His Excellency the PRESIDENT:—I am much obliged to the honourable member for withdrawing his resolution, but before we go further I should just like to say this. Of course, the honourable member does not wish us to specify a definite time. I keep saying to honourable members that such resolutions as this do raise very great difficulties, because, as honourable members know, we are getting out this bill which does include the question of panchayats, notified areas, municipalities and district local boards, and to ask us to pass a resolution on this matter is, of course, as honourable members must understand, quite impossible. I can quite understand honourable members endeavouring to discover what is in Government's mind by bringing in resolutions of this kind, but I hope that they will not endeavour to do so too often and embarass Government in regard to these matters.

The resolution was by leave withdrawn.

His Excellency the PRESIDENT:—Resolution No. 10. The Honourable Dewan Bahadur GODBOLE.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency,—I am likely to take half an hour in speaking on this resolution.

His Excellency the PRESIDENT:—We can go on for an hour and a half more.

The Honourable Dewan Bahadur GODBOLE:—The resolution of which I have given notice reads as follows:—

"This Council recommends that His Excellency the Governor in Council will be pleased to investigate and subsidise, if necessary, the establishment of factories for the production of manures and fertilisers in this Presidency."

This Council is aware that agriculture is the premier industry of India and that four-fifths of the population of this country derive their subsistence from agriculture. The successful prosecution of the profession of agriculture is meeting with numerous difficulties at present of which the main difficulty is rise in the price of labour. In 1912 the rates of labour varied between $2\frac{1}{2}$ and 4 annas per day, and now they range between 5 and 10 annas per day. Then, as to efficiency of labour, in 1912, an ordinary labourer was willing to work for 8 and 9 hours a day, and now he gives work to the extent of 6 hours only. Taking these circumstances into consideration,

the prices of labour may be said to have gone up to the extent of from 100 to 150 per cent. The rise in the prices of agricultural produce has not been commensurate with the rise in the price of labour. I find that the price of jwari in 1912 was 12 seers per rupee, and now it is 9 seers per rupee. This is a rise of 33 per cent. against 150 per cent. rise in price of labour. The natural consequence of these disproportionate enhancements in prices is, that the profits of cultivation are dwindling down seriously and I am afraid that in the early future, these profits of cultivation will come to the zero point. I should not be surprised under these circumstances, if after a few years the dry crop lands in the Deccan go out of cultivation, on account of serious labour difficulties. Actually we find that in the Deccan villages, some of the dry crop land has remained uncultivated on account of labour difficulties, and has been turned into pasture and babul preserve land.

To save the situation, we must have recourse to intensive methods of cultivation as they are practised in advanced countries. According to these intensive methods, the outturn per acre from the soil increases very greatly. We find that in India the outturn of wheat per acre is about 674 lbs., while in European countries, before the war, the outturn figures that I have got are, in England 1,938 lbs. per acre, in Belgium 2,094 lbs. per acre, in Denmark 2,916 lbs. per acre, and in the Netherlands 2,298 lbs. per acre, against 674 lbs. per acre only in India. The Denmark yield before the war was more than four times the yield in India, and in the Netherlands the yield was more than three times the yield in India. These figures will show that if we adopt the European intensive methods of cultivation, we will be able to produce very much greater crops than we do at present.

Now, what are the requisites of these intensive methods of cultivation? They are principally water and manure. The water difficulty is being met by the construction of wells and canals wherever that is practicable, and it is the manure difficulty with which I propose to deal in the present resolution. The supplies of ordinary indigenous manures in this country are getting dearer year by year. The indigenous manures principally in use are oil cake, fish, bone meal and farm yard manure.

As regards farm yard manure, the Council is aware that the numbers of cattle are dwindling fast in this Presidency and therefore the extent to which this farm yard manure is available is also decreasing. There is another reason why farm yard manure cannot be had to a considerable extent and that is the use of this manure for fuel proposes which is increasing very fast year by year. The scarcity of farm yard manure is being felt to such a great extent, that it is selling at present at from 4 to 6 annas per bag. Oil cake manure during the last ten years has increased 50 per cent. in value. As regards bone meal, the prices realised by the export of bones are so high, that it does not pay the cultivator to purchase bone meal for use as manure in agriculture. The consequence of this shortage of indigenous manures has been, that the importation of chemical concentrated manures has commenced in this country. We find accordingly that before the war, in the year 1912-13 there were 8,324 tons of chemical manures imported into India. I might tell the Council that in the bulletin of the agricultural department No. 76 of 1915 Dr. Mann, by means of experiments that he has carried out, has proved that the use of the chemical manures is profitable in the growth of certain crops in this Presidency.

Now the question is whether these chemical manures can be manufactured in this country, instead of being imported from abroad. If we can manufacture them here, we can deliver them to the cultivator at a much lower price than he is paying for the imported stuffs. The principal chemical manures that are used in agricultural operations are sulphates, nitrates, chlorides and superphosphates. We find that potash manures cannot be manufactured on this side of India, because we have no potash deposits in this Presidency. As regards ammonia, we have no coal deposits and therefore ammonia is not available to us in this

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Presidency as a by-product during the conversion of coal into coke and coal gas. But I find that it is quite within the range of feasibility to manufacture nitrate manures on the lines on which they have been manufactured in Europe and in America. The supply of nitrogen in the atmosphere is almost inexhaustible. We have 20 million tons of nitrogen per square mile of the earth's surface and if by any process we could fix this nitrogen and convert it into nitrogen fertilisers in this country, we would have gained a great deal. In Europe and America this nitrogen has been taken from the atmosphere and fixed, and nitrates have been manufactured for manurial purposes in factories actually working before the war. I will specify some of the methods of manufacture which have been successfully adopted in European countries and Amarica for the production of nitrates. The first is called the electric arc porcess. In this, a stream of air is brought into contact with an electric arc and the nitrogen and oxygen of the air are made to combine together to form nitric oxide which is afterwards converted into nitric acid and nitrate fertilisers. Similarly by what is called the Haber process, the nitrogen of the atmosphere and the hydrogen in water are combined together to form ammonia and ammonia is turned subsequently into ammonia sulphate and other ammonia fertilisers. The third process which I think is worthy of consideration for adoption in this country is the manufacture of calcium cyanamide. Carbon and lime are fused together to form what is called carbide of calcium. Nitrogen is passed through this carbide mixture in electric furnaces with heat ranging at 1,000 degrees centigrade and this process yields a substance called calcium cyanamide which is a very valuable fertiliser. Sixteen factories for the manufacture of this calciu n cyanamide fertiliser were at work in Europe before the war. They were at work in Norway, Sweden, Germany, Austria, Italy, France, Switzerland, Japan and America.

The main requirement for the establishment of these calcium cyanamide factories is electric energy generated by cheap hydraulic power. I think, sir, that in the Bombay Presidency, serious efforts should be made to establish factories for the manufacture of calcium cyanamide and nitrate fertilisers on the lines that have proved successful in Europe and America. As I said, for the successful establishment of these factories cheap electrical energy generated by hydraulic power is required. In our Presidency, in the Konkan and Ghat districts fortunately, we have many sites where hydraulic power to the extent of over 100,000 horse power can be generated. With this hydraulic power we will have the electric energy, and if we select a suitable site on one of the navigable estuaries of Kanara or Konkan rivers, we will have ideal conditions for the establishment of nitrate and cyanamide factories. We will have cheap electrical energy and economical water carriage and we can easily get together raw materials such as charcoal and lime.

I grant that the problem is a very difficult one and that it requires technical skill and technical experience of a very high order. But looking to the results that can be achieved, I think it is quite worth the while of Your Excellency's Government to make all initial enquiries as regards the establishment of factories in this Presidency, for the fixing of nitrogen and for the manufacture of calcium cyanamide and other nitrate fertilisers. As I have already stated to the Council these factories have been successfully started in European countries and we ought to have them here.

There are other sources of increasing our manure stocks which are not so heroic as the one that I have described. They are three. The first is what is called fish guano. I might tell this Council that I have been in correspondence with Sir Frederick Nicholson, a retired Madras civilian, who is interesting himself in the question of fisheries in Madras. I have had correspondence with this gentleman and he tells me that guano factories have been established in the South Kanara and Malabar districts of the Madras Presidency. There are

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250 of these factories established already. These factories yield fish oil and guano. Fish are cut, boiled, and pressed. This process yields oil. What remains after extraction of the oil is dried and converted into guano, which is a very valuable manure.

The Honourable Mr. CARMICHAEL:—May I ask the honourable member what the outturn is per annum?

The Honourable Dewan Bahadur GODBOLE:—Unfortunately I do not know what it is. I have not got the figures. Sir Frederick Nicholson tells me that these factories were started seven or eight years ago and when their number has increased to 250 in this short period, the conclusion naturally is that they must be paying. Otherwise they would not have increased so rapidly. There are two products given by these factories, one is fish oil and the other is guano. It is stated that the price realised by one of these products (the oil or the guano) is sufficient to pay the cost of manufacture, and the price realised by the other product remains as profit to the proprietor.

Now I submit, sir, that we have a long sea-board in this Presidency extending from Karachi to Bhatkal, and distributed over the district of Karachi, the Cutch State, a number of Kathiawar States and the districts of Broach, Surat, Kolaba, Ratnagiri and Kanara. It seems to me that we may get along this coast line a number of suitable sites for the establishment of fish oil and guano factories. The Bombay Government should make an earnest endeavour to start these factories on the lines adopted by the Government of Madras after making all preliminary inquiries. If they succeed in starting the factories, they will increase the supply of manure to a considerable extent in this Presidency. As the factories will be on sea-coast, the guano manure produced can be transported wherever required in this Presidency at a moderate cost.

Then another possible source of increasing manure supply in this Presidency is, I am told, the likely deposits of potash in the Runn of Cutch which could be utilised for the production of potash manures. This source of obtaining potash from the Runn of Cutch requires investigation at the hands of Government.

There is yet another source of obtaining potash in this Presidency, and that is from the burning of sea-weeds of which there are large quantities on our sea coast line. This source also wants investigation.

I will now briefly state what I want Government to do. I want them first to investigate whether fish oil and guano factories cannot be established on the Bombay sea coast line on the same lines as have been successfully followed in Madras. Secondly, I want Government to make enquires whether the Runn of Cutch will give us potash deposits from which we can manufacture potash fertilizers. Thirdly, I want Government to find out by the necessary experiments if the sea-weed areas on the coast line of this Presidency are sufficiently large to give us potash for manurial purposes, by burning these sea-weeds on lines which are successfully followed in America, and fourthly, I want Government to give consideration to the heroic measures I have suggested for obtaining calcium cyanamide and nitrate fertilisers by methods that have been successfully followed in Europe and America. We have possibilities in our Presidency of generating cheap hydraulic power and cheap electrical energy, and with this special advantage that we have in this Presidency, it is quite worth while considering whether we cannot have nitrate and cyanamide factories on the same scale as obtains in Europe and America. I want Government to make inquiries regarding all these possible sources of increasing manure supplies in this Presidency, and to publish the results of these inquiries when completed, in the shape of press notes. I must congratulate the Bombay Government on two of the press notes that they have recently issued. The first of these two press notes is on brick and tile factories, and the second

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on the use of the ground-nut as an article of food. I feel almost sure that the publication of these two press notes will lead to the establishment of factories as industrial concerns. What I wish Government to do is to publish similar press notes when their inquiries as regards manure factories are completed. If the results of the inquiries are promising, the published press notes will probably lead to the etablishment of manure factories which will be a great advantage to the Presidency. With these remarks, sir, I commend my resolution to the Council.

The Honourable Mr. G. F. KEATINGE:—Your Excellency,—In the interests of agriculture in this Presidency I cordially welcome any proposal calculated to increase the supply of fertilisers in this Presidency or to decrease their cost. In moving this resolution the Honourable Dewan Bahadur GODBOLE, however, has supported his contentions by various arguments which, I think, are hardly in accordance with facts. For instance, he expresses the opinion that the profits of cultivation and the numbers of cattle in the Presidency have been dwindling, that the land is falling off in value and that much land is going out of cultivation. Well, the statistics show that the numbers of cattle have of recent years steadily increased and are now standing at a higher figure than they have stood before. Then as regards the profits of cultivation; with the commercial crops there has been a very large increase in the value of the crops.

The Honourable Dewan Bahadur GODBOLE:—What about dry crops?

The Honourable Mr. KEATINGE:—As to the dry crops their values have gone up, inasmuch as the prices of common staple foods like jowari have gone up. In so far as people use hired labour no doubt the cost of production has gone up too, but most of the ordinary cultivation of staple crops such as jowari and bajri is, I think, done by the land owners themselves. However, I do not wish to enlarge on this point.

As regards the land going out of cultivation my experience is quite the contrary. In the Deccan I think there is hardly any piece of land fit for cultivation which is not under cultivation. In fact a great deal of the land which is cultivated is below the economic margin of cultivation, and personally I should be glad to see some of it go out of cultivation. In Gujarat, I know, much of the land which formerly was uncultivated has within the last few years been taken up, and brought under the plough.

As to land values it is a matter of surprise to me to find how extraordinarily high they are almost everywhere. In the cotton tracts of the Dharwar district I found that land was changing hands at Rs. 450 per acre, and that too as a business transaction; and it struck me as being enormous. I was told generally that there the land value has greatly increased.

However, without going into details, I would only be too pleased to see more intensive cultivation introduced if fertilizers may give us more intensive cultivation. I am afraid that the comparative figures of wheat outturns given by the Honourable Dewan Bahadur GODBOLE are rather fallacious ones. I quite admit that in India the outturn of wheat is very much smaller than in European countries, but that really is not entirely due to want of fertilizers, but to the fact that the conditions are quite different. In Europe wheat has a growing season of 8 or 9 months in the year, whereas in India it has only 3 or 4 months in the Deccan and 4 or 5 months in the north. The condition of the climate and the unevenness of the rainfall make wheat production more difficult in India than in many parts of Europe, and however much fertilizers you may apply you never can get an outturn of dry wheat equal to that of some parts of Europe where the conditions are different. However, we certainly could do more with additional fertilizers, not so much I am afraid for the ordinary dry crop, but for the more valuable irrigated crop, and if any means can be found to produce fertilizers at a lower cost the agricultural department will certainly see its way to introduce them.

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Within the last few years we have worked up to a consumption of several hundred tons of ammonium sulphate, and there has been a large increase in the use of oil cake as manure. But for the high prices of artificials caused by the war, I have no doubt that we should have at the present moment been asked to supply at least a thousand tons. Ammonium sulphate, however, can only be produced in coal districts or in places where coal is changed into coke and coal gas. We cannot produce it here on a large scale. It is being produced in the steel works of Messrs. Tata in Bengal.

As regards bones, no doubt there are a lot of bones, and they are exported. It is generally assumed that crops would be greatly increased if bones were not exported. But, as a matter of fact, it is difficult with most crops to get any advantage out of the application of bones. Rice is the crop which with us shows most advantage from the application of bone meal. Bone meal increases the produce, but the increase hardly pays the cost of the bone meal, and that I think is the reason why it is exported.

As regards calcium cyanamide and other nitrogenous manures of this kind if they can be produced, we can find a market for them. I believe, however, that in the countries where they are produced cheaply, it is under conditions of cheap electric power. Whether it will be possible to produce them in a country like this I do not know.

As regards fish guano, this is, as I understand it, mainly a by-product. If a big fish curing and canning industry can be established on the coast, I have no doubt we shall be in a position to manufacture fish guano. The matter of fish manure has not entirely escaped the notice of the agricultural department, and for several years we did make enquiries as to where a considerable amount of fish could be secured. We found at one place in the Ratnagiri district there was a good deal of such fish and next year we intended making an experiment; but unfortunately the fish shifted to another locality, and the next year when we were trying to make an experiment there was no surplus of fish there at all.

I hope my honourable friend Dewan Bahadur GODBOLE will not think that I am in any way opposing this resolution. I shall be only too glad if enquiries are made which will lead to an increased supply of fertilisers, and I think with the increase of canal irrigation there will be a very large demand for cheap fertilisers.

The Honourable Mr. PURSHOTAMDAS THAKURDAS:—Your Excellency,—I think this Council will agree with me when I say that the Honourable Dewan Bahadur GODBOLE has given us a very interesting and instructive narration of what his experience was in connection with these matters. When the whole country is passing through a wave of enthusiasm for the industrial development of India, it is very gratifying to find experienced persons standing in the position of my honourable friend Dewan Bahadur GODBOLE turning their attention to agriculture. Looking at the evidence that has been placed before the Industries Commission we find proposals placed there by responsible and representative citizens of Bombay in connection with Government undertaking factories for the sake of demonstration and as pioneer factories too, and it has been seriously recommended to the Commission that Government should undertake this work out of public funds. If this holds good for the industrial development of India, I submit, sir, that it holds much better and is on a stronger footing when my honourable friend recommends Government to pioneer and make investigation and subsidize factories for the welfare of the agricultural population of the Presidency. The difference between the agricultural and the industrial development to my mind is this. As far as industrial development is concerned, it may be contended that there are capitalists who should put their shoulders to the wheel and, as the capitalists would benefit solely from it, there may not be

much reason, as it has been contended by Government, to spend the tax-payer's money on experiments. But I submit, sir, that the same objection, whether it is valid or not in matters industrial I am not prepared to say,—for this is not the occasion to say that,—but I say that nothing like that objection stands when it comes to the question of the welfare of the agricultural population. In matters agricultural it has been now recognised that there is a sad want of capitalists, and where the experiments want any capital at all, I submit that the tax-payer's money would not be wasted even though the investigation might not be so fruitful.

The Honourable Mr. KEATINGE has in some minor detail here and there tried to point out or criticise Dewán Bahádur GODBOLE'S figures. I am not prepared to go into the figures given by my honourable friend, as I have not the same intimate knowledge about matters agricultural as the Honourable Mr. KEATINGE has. But I take the whole question in a broad light and I submit, sir, that whatever money, whatever help, Government could give to the matter of a better outturn of agricultural crops would be best spent. Dewán Bahádur GODBOLE has shown to this Council the various directions in which experiments may be made. I dare say in some of these directions a few members of this Council may have some of their own experience; but the proposition as it stands before the Council is one which should appeal to the Council, and I hope they will pass it.

The Honourable Mr. F. G. PRATT:—Your Excellency,—I have only a few remarks to offer with regard to this resolution. My honourable friend Dewán Bahádur GODBOLE himself admitted that some of the measures he recommends are heroic, and it is not for me to say anything against his resolution or against those measures, especially when the honourable the Director of Agriculture has expressed himself to be in general sympathy with the resolution. But there is just this one consideration which I would put before the Council. Before resorting to heroic measures, is it not a good thing to make use of those simple means which lie ready at hand? I refer to a particular manure which I do not think the Honourable Dewán Bahádur GODBOLE has referred to at all in his remarks. That is night soil. Now this matter has been investigated by careful experiments both by the sanitary department and by the agricultural department. I believe that Dr. Mann has analysed the output of carefully manufactured night soil manure and has certified that it has very high manurial properties indeed. I remember reading recently a leaflet by the agricultural department in which it was shown that a test of this manure upon land showed that it would very greatly increase the output and fertility, and so far as my recollection goes, it need not be repeated at least for five years.

The Honourable Dewán Bahádur GODBOLE referred to the practice and experience of other countries, and I think he particularly mentioned the well known name of Sir Frederick Nicholson of Madras. Some years ago I had a very interesting pamphlet of his in which he described the experiments in Japan, and he showed how in that country the Japanese cultivator wasted practically none of the night soil in villages or towns. My special object in getting up and speaking on this subject is to refer to the methods which have been perfectly successful in Nasik and which have been successfully reproduced at Surat in the Northern Division. That has the double advantage of not only producing a first rate manure, but has a further advantage of being the most excellent way of disposing of the refuse matters of our town in such a way as to keep that town in a clean and healthy condition and removing the danger of fly nuisance. That is a very cheap and simple experiment which every municipality in every town in the Presidency could try, especially the municipalities in the particular portion of Sind where rain is negligible. It can be tried with success and profit to agriculture and profit to the municipalities, because the income which they will derive from this source will enable them to carry out more efficiently the conservancy of their towns.

FACTORIES FOR MANURES AND FERTILIZERS.

[5TH DECEMBER 1917.] [*Mr. F. G. Pratt; Mr. Balkrishna Sitaram Kamat; Sardar Dulabawa Raisingi; Mr. Chunilal Vijbhukhandas Mehta.*]

I apologise to the Council for detaining them on this particular subject in which I am keenly interested. But I thought that it was very well worth bringing to the notice of this Council, and especially of municipalities, because the system is so simple, so admirable and so effective.

The Honourable Mr. BALKRISHNA SITARAM KAMAT:—I have great pleasure in supporting this resolution. May I tell my honourable friend Mr. PRATT that the experiment of night soil being turned into manure has been tried in the town of Poona and the suburban municipality has been for some years turning the night soil into manure for the use of cultivators, but the supply is so limited that I believe along the canal where sugarcane is cultivated very largely the supply gets exhausted in no time, and as a source of manure I do not think night soil could be counted upon as a very large source at all.

I would look to another source of manure, to which the Honourable Dewán Bahádur GODBOLE referred in his remarks, namely, the source of fish. I have had something to do in connection with the supply of fish manure to agriculturists for sugarcane growing, and I have imported for trial purposes fish guanos from South Malabar. In fact, there are merchants in Poona who import this fish guano every year in very large quantities, a id it has been tried along the canal and found successful. But the difficulty, I may tell the Council, is the question of transport at cheap cost from Malabar to the Poona market. If this guano can be imported at a smaller cost than at present or if it could be manufactured along the Bombay coast as suggested by the Honourable Dewán Bahádur GODBOLE, then I think, according to the statistics given by him, we shall have next to our doors as it were, a very good source of fish manure. This is a problem which I think the Bombay Government may well investigate. It is not like the other problems, namely, nitrates, for which hydro-electric power is required, or a problem for which a large scheme is required.

Efficient manure could be manufactured from fish as Sir Frederick Nicholson has done on the South coast, and I think the Bombay Government can well try to establish fisheries for the manufacture, both of fish oil for commercial purposes and fish manure for agriculture in the Presidency.

The Honourable Sardár DULABAWA RAISINGJI, Thakor of Kerwada:—Your Excellency,—I consider it to be the duty of every honourable member to support this resolution. The subject of agriculture, my Lord, is a very important one, and I think we cannot expect satisfactory results by way of improvement, unless the science on the subject is brought to bear upon it. In this country, agriculture is in a backward state. We should, therefore, profit by the example of other countries who have developed their agriculture scientifically to a great extent. Your Excellency, the question of manure forms a very important item in agriculture, and I think it would be better if it is very carefully considered by Government.

With these words, I support the resolution.

The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA:—Your Excellency,—I think the Honourable Dewán Bahádur GODBOLE deserves the hearty congratulations of this Council, not only for having made an excellent speech, but for having put before this Council constructive proposals as regards the improvement of manure in this Presidency. Perhaps the examples or instances which he gave and which were chiefly criticised by the Honourable Mr. KEATINGE he need not have mentioned, but they bring forth one fact, and it is this: that there is a large and increasing demand for manure. That demand is admitted, and I think it is the duty of Government, especially when it concerns a large mass of the population and a mass which is unable, in its present stage of knowledge, to supply its own needs to manufacture manure on a large scale or try and help, as far as possible, in that manufacture.

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In addition to the sources of manure that the Honourable Dewán Bahádur GODBOLE mentioned, I may be permitted to state that there is at the present time an enquiry going on to add another source of fertilizers, and I believe that if that enquiry comes out successful, it will be a very valuable source of manure. I am referring to certain arrangements that I understand are at present being made with the Bangalore Institute of Science to produce manure out of scrap. I do not think I need go more into details on this matter.

The Honourable Mr. CARMICHAEL:—May I know what the honourable member means by scrap?

The Honourable Mr. CHUNILAL MEHTA:—Iron scrap. There is a further source of manure which has been already referred to by the Honourable Mr. PRATT and the Honourable Mr. KAMAT. In that direction, too, I think enquiries on a detailed and extensive scale are at present being made, and I hope that the result of these enquiries will be such as to place within the reach of cultivators these manures at a cheap cost. I am not so sure whether at this present moment it is necessary to ask Government to subsidise the establishment of these factories. I am not in the least bit opposed to this suggestion, but I quite see, as the Honourable Dewán Bahádur GODBOLE says, that subsidising is to be resorted to only if it is necessary, and on that understanding perhaps it may be allowed to stand. But the main thing is that investigation in this direction is needed quickly. I also think, sir, that it would be an advantage to consider whether manures cannot be obtained as a by-product of industries, and I think it must be within the knowledge of this Council that an extensive and valuable source of manure could be obtained out of oil-cake. The public know at the present moment that a very large company is being formed which will utilise the by-product of this industry, *viz.*, oil-cake for manure. At present the difficulty is that the cultivators do not take kindly to oil-cake, and almost all the cake that is made has got to be exported. The question is whether means cannot be devised or attempts cannot be made to induce and educate cultivators to the true value of oil-cake as a valuable manure, and energy spent in that direction will, to my mind, be spent in the right direction.

With these remarks, I have great pleasure in supporting the resolution of the Honourable Dewán Bahádur GODBOLE.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD:—Your Excellency,—As one of those interested in the question of the cheap production of manures, I beg to accord my hearty support to the resolution which has been moved by the Honourable Dewán Bahádur GODBOLE. The resolution merely asks Government first to undertake an investigation and then, if necessary, to subsidise the production of cheap manure. If your Excellency's Government is able to assure this Council that an investigation will be taken up, I think a very large portion of the agricultural community would feel indebted, because one of the questions in which they are most interested at present is really receiving the consideration which is due to it from your Excellency's Government.

The question of the application of night soil and the use of night soil in rural areas is not so easy as the Honourable Mr. PRATT appeared to think. It is indeed very difficult to get night soil and to apply it even in a crude form. The agricultural department have just demonstrated the utility of applying even crude night soil to land and they have shown that at least thrice the amount of crop can be grown if the land is treated with crude night soil. But even that experiment can only be undertaken near very large cities and near very large municipalities. In rural areas the cost is so prohibitive that it cannot be undertaken with any prospect of success as a business proposition. The real question, therefore, though there are several manures before the cultivator, is to find out one for him which will suit his needs and which will suit his purse. This is one

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of the questions that really requires very serious investigation and one of the matters which really requires a solution in the interest of the agricultural classes.

The Honourable Sardár SHRINIWAS COOPOOSWAMY MUDLIAR:—Your Excellency,—I have very great pleasure in supporting the resolution put before this Council by my honourable friend Dewán Bahádur GODBOLE. He has placed facts in support of his resolution so very ably, that in the interest of agriculture in this country, I am sure every one here will support this resolution.

He has not at all exaggerated the difficulty of obtaining cheap labour. I can say from my personal experience that agriculturists feel this difficulty so keenly that they prefer to neglect good fertile lands to grow into grazing lands. The only way to get out of the difficulty and to improve agriculture entirely depends on the establishment of factories for the production of manures and fertilizers.

The Honourable Mr. KEATINGE differs from the Honourable Dewán Bahádur on some points which he has placed in support of his resolution, yet he is prepared to consider this question favourably, which is really very encouraging. With these few words, I support this resolution.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA:—Your Excellency,—I do not in any way desire to throw cold water on the Honourable Dewán Bahádur GODBOLE'S proposals. But I would like to make it quite clear that the matter is not so easy as the Honourable Dewán Bahádur has tried to make it out. The Industrial Commission had a meeting with the Industries Committee, and, as the Honourable Mr. PURSHOTTAMDAS said, the question of starting pioneer industries was discussed thoroughly. The Commission have expressed their views on the subject, but as regards the Committee we were divided among ourselves, and personally I do not know whether we can at present take up this idea. Is it right for us when the Government of India have not yet decided as to their general line of action on the report of the Industrial Commission to take up this question now?

The second question that I want to put before this Council is the question of the expense of making these investigations. It is not a slight matter. We must have a research institute. We must have eminent chemists. All these matters have to be taken into consideration.

I would divide the proposition into two parts. The first is the manufacture of fertilizers and manures and the second the popularising of the same. As regards the second the agricultural department is doing all that it possibly can. I may say here that I have heard from various persons that when they wanted the help of the agricultural department, they have received support from that department in helping them to introduce the oil-cake manures. My honourable friend Mr. CHUNILAL says that the cultivator must be taught the true value of oil-cake; but that portion of the work is being done by Government, and I do not think that even the Honourable Dewán Bahádur GODBOLE wants them to do more than they do at present. They are doing their very best.

The other work is really very big. We have got at the head of industries a man whose special work will be to see how far it will be possible to start pioneer works, but his duties will be carried out only when he has got experts in carrying on this research work. Merely to pass a resolution in this Council to show sympathy with the objects of the Honourable Dewán Bahádur GODBOLE is no good, and I do not think any practical steps could be taken. My honourable friend Mr. CHUNILAL MEHTA referred to the Bangalore Institute of Science Some of the Bangalore experts were here and we talked with them, and they said that possibly they could not do the work themselves privately unless the director and the staff all agreed with them that they should work for us. That is one thing. The second question is about the remuneration

they will have to be paid for this kind of work. As I say, this question is bristling with difficulties. The matter is not so easy as it might appear from the Honourable Dewán Bahádur's resolution.

As to the question of fertilizers, there is no difference of opinion as to the necessity of manufacturing them. But is the Government now going to take this work up, taking for granted that the investigation is successful and it is shown that commercial industries could be started for the manufacture of fertilizers? I might mention for the information of this Council,—I do not think it is a confidential thing—that the Tata Iron & Steel Company are in negotiation with a big company for the manufacture of zinc and sulphate of zinc from Burma, and it is possible that we may be able to manufacture sulphuric acid at a very cheap rate and as much as would be required for years to come, even with the canals working at a much lower rate than they are doing now. Supposing this industry is started here with the help of Government experts and then the Tata Company are able to produce these fertilizers, what would be the position of factories started under Government subsidies? I say that this whole question is bristling with difficulties, and I would strongly request my honourable friend Dewán Bahádur GODBOLE not to press his resolution here, but to bring it before the Director of Industries who will go through the details of the whole question and will consider whether it is necessary that Government should take up this work.

The Honourable Mr. G. CARMICHAEL:—Your Excellency,—I do not really intend to take a very long time in replying to this resolution. The hour is very late and another reason is that on behalf of Government I am prepared to state that Government will accept the Honourable Dewán Bahádur GODBOLE's resolution. It will be accepted to this extent that we should be guided by the orders which will be passed on the report of Sir Thomas Holland's commission.

With regard to the second part of the resolution "and to subsidise if necessary the establishment of factories" the action to be taken will have to be governed by the orders passed on the recommendations of the report of Sir Thomas Holland's commission. The Honourable Mr. KEATINGE has told us very clearly the conditions which apply in India, and I do not think I need go into that part of the case. The Honourable Mr. PRATT has referred to the use of, or rather the desirability of making more use of, night soil as good manure than is made at present. The Honourable Mr. GARUD said that that is not a suitable manure, but I think the Honourable Mr. PRATT intended to point out that the manure is actually used by the Japanese in their villages and that such suitable material should not be allowed to go to waste. The Honourable Mr. CHUNILAL MEHTA has mentioned oil-cakes. I do not think the Honourable Dewán Bahádur GODBOLE referred to the use of oil-cake, but I understand that the position is, as pointed out by my honourable friend Mr. CHUNILAL, that there is a sufficient supply if machine pressed cake is taken into account and that what has to be done is, as the Honourable Mr. LALUBHAI SAMALDAS suggests, to take measures to popularize this form of manure. This the agricultural department already does.

As regards fish manure, I have already asked the Director of Industries, Mr. Mead, on the conclusion of the work of the Commission here, to go to the United Provinces and Madras, and one thing which I have asked him to look into when he goes to Madras is what has been done there in regard to fish canning factories and manufacture of fish guano. I think fish manure is really a by-product, and in order to get an appreciable supply there ought to be an appreciable demand for fish as food, and possibly there is now an appreciable demand. Government some 10 or 12 years ago did direct that certain enquiries should be made as to what measures might be taken to increase the supply of fish and improve the methods of fishing. The report was submitted, and it was

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ascertained, as far as Bombay was concerned, that the fishermen of Ratnagiri and the Konkan were well ahead of any other fishermen in India, and on that account Government thought it not necessary to do anything except to carry out some improvement with reference to the establishment of fish curing yards in various parts of the coast. Since then the demand has increased very much, and I think there is a possibility in Bombay and also North Konkan offers possibilities for the establishment of large fish-yards. I think the question is one which requires investigation. It is a large question, because to make any appreciable difference in the supply of fish manure and also in the supply of fish would necessitate very extensive enquiries, as it is necessary to know where the fish can be had. They are not to be had in every part of the ocean, they move about from one bank to another, and it is necessary to acquire a very complete knowledge of the fishing grounds. Then, the further question is whether it would pay to run a fishing trawler. Until you increase the fish supply, it seems to me that you will not be making a very great advance in regard to the supply of fish guano or fish manure. As I have said, we are asking Mr. Mead to go to Madras and to see what they are doing there.

With regard to the heroic measures which the Honourable Dewán Bahádur GODBOLE recommended, I think it was the Honourable Mr. KEATINGE who said that it all depends upon whether you can get your electrical power at a sufficiently cheap rate and another honourable member pointed out that the difficulty in Bombay was that before we get that power we have to build a very costly storage reservoir, and I think we should have to compare the possibilities in Bombay with those of European countries where hydraulic power is obtained from a constantly running stream without any storage.

There is no doubt that the determination of this difficult question will require very close investigation, and it will be a costly work, and I am not prepared to say that we can undertake to investigate the subject as it really requires. But with regard to the fish manure question that will be gone into.

With regard to obtaining a supply of potash, the honourable member said that it is likely that a supply may be obtained in the Runn of Cutch. I do not know on what authority he makes that statement.

The Honourable Dewán Bahádur GODBOLE:—It is in the report of the acting Director of Agriculture, Dr. Mann.

The Honourable Mr. CARMICHAEL:—I think Dr. Mann says that it may be possible. But that is a very different thing. I should like to ask the Geological Department of the Government of India whether they consider that there is any likelihood of obtaining a supply of potash in the Runn of Cutch. They will possibly be willing to help us in this matter.

With regard to the remarks that fell from the Honourable Mr. LALUBHAI, he says that there is a possibility of one of our leading companies in Bombay undertaking work which will give a cheap supply of sulphuric acid. I think there is still another scheme which is under contemplation which will help in the same way, but I do not know whether that will help with regard to the preparation of sulphate of ammonia in Bombay. I presume it will be prepared somewhere in the coal mines area. Given a cheap supply of sulphuric acid it would be useful for the manufacture of superphosphates. That is a question which, I understand, the Board of Agriculture, at their next meeting, have under consideration; so that, that particular development will not be neglected.

With these remarks, sir, I repeat again that the Government of Bombay are ready to accept the resolution of the Honourable Dewán Bahádur, subject to the qualification with regard to the recommendations of the Industries Commission.

The Honourable Dewán Bahádur KASHINÁTH RAMCHANDRA GODBOLE:—I am very glad that your Excellency's Government has practically admitted my

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resolution, and will take the necessary steps for carrying out the suggestions that I have placed before the Council. Now that your Excellency's Government have got their Director of Industries, I hope their pace will be very rapid in the industrial development of this Presidency.

His Excellency the PRESIDENT:—I wish to add one word and it is this. Of course everybody, and Government in particular, is anxious for the improvement of agriculture and will do everything possible in order to see that improvement comes about, particularly in connection with manures and fertilizers. But I want to make a few observations to honourable members, with some diffidence as I have been in India only for a short time, with regard to the position of agriculture and particularly with regard to the improvement of agriculture which we are discussing this evening. It seems to me that everybody says that Government ought to do this and Government ought to do that. May I, on behalf of Government and particularly of the agricultural department under the able headship of the Honourable Mr. KEATINGE, say that I think that the agricultural department has done a very great deal for agriculture in this Presidency from what I have seen? But may I suggest this, that the owner of property who has tenants under him in this Presidency is generally not a practical farmer himself and knows nothing about practical farming? Government can do a great deal by experimental means and by assisting fertilizer factories and in other ways, but I am perfectly clear on this, that without the real and active co-operation of the land-owning classes, by taking a practical interest in their own properties and taking a practical interest in the advancement of their own tenants and assisting them in the various ways that a land owner can assist them with regard to farming, without that co-operation from the land-owning class, I do not think that we shall advance nearly as fast as I think we ought to. That is a feeling which I have entertained almost since my arrival in India. The situation will improve rapidly; things have advanced very rapidly in the Bombay Presidency, but I give this suggestion to honourable members as something that comes from my inner heart.

The resolution was put to the vote and carried.

His Excellency the PRESIDENT:—I think it will be to the convenience of honourable members if we now adjourn till 11-30 a.m. tomorrow.

The Council then adjourned till 11-30 a.m. on Thursday, the 6th December 1917.

By order of His Excellency the Right Honourable the Governor,

R. B. MILNE,
Secretary to the Legislative Council
of His Excellency the Governor of Bombay.

Journal of the Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915 (5 & 6, Geo. V, Ch. 61).

The Council re-assembled on Thursday, the 6th December 1917, at 11-30 a. m., at the Council Hall, Secretariat, Bombay.

PRESENT:

His Excellency the Right Honourable Lord WILLINGDON OF RATTON, G.C.I.E., Governor of Bombay, *President.*
The Honourable Sir MAHADEV BHASKAR CHAUBAL, K.C.I.E., C.S.I., *Vice-President.*
The Honourable Mr. G. CARMICHAEL, C.S.I., I. C. S.
The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.
The Honourable the ADVOCATE GENERAL (Mr. T. J. STRANGMAN).
The Honourable Mr. S. R. ARTHUR, I. C. S.
The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.
The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.
The Honourable Mr. GHULAM MUHAMMAD walad Khán Bahádur WALI MUHAMMAD BHURGRI, Bar.-at-Law.
The Honourable Mr. P. R. CADELL, C.I.E., I. C. S.
The Honourable Mr. SHERIFF DEVJI CANJI.
The Honourable Mr. JAMES GARGRAVE COVERNTON, C.I.E.
The Honourable Mr. PANDURANG ANANT DESAI, LL.B.
The Honourable Captain C. FERNANDES, M.D., I.M.S.
The Honourable Mr. SIDDHANATH DHONDDEV GARUD.
The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.

RASAI, LAPO AND CHERR IN SIND.

[*The President*; *Mr. Ghulam Muhammad Bhurgri.*] [6TH DECEMBER 1917.]

The Honourable Mr. MAHOMEDBHOY HAJEEBHOY.
The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Mr. EBRAHIM HAROON JAFFER.
The Honourable Mr. J. D. JENKINS.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Mr. G. F. KEATINGE, C.I.E., I. C. S.
The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwada.
The Honourable Mr. H. S. LAWRENCE, I. C. S.
The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
The Honourable Khán Bahádur PIR BAKSH walad MIAN MAHMUD.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Sardár SHRINIWAS COOPOOSWAMI MUDLIAR.
The Honourable Ráo Bahádur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. W. U. NICHOLAS.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. F. G. PRATT, I. C. S.
The Honourable Mr. MUNMOHUNDASS RAMJI.
The Honourable Mr. W. M. ROSS.
The Honourable Ráo Bahádur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. C. N. SEDDON, I. C. S.
The Honourable Mr. PHIROZE C. SETHNA.
The Honourable Mr. PURSHOTAMDAS THAKURDAS.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.

His Excellency the PRESIDENT:—Resolution No. 13. The Honourable Mr. BHURGRI.

"That this Council recommends to His Excellency the Governor in Council that a mixed committee of officials and non-officials be appointed to consider what measures should be adopted for the suppression of 'rasai' or free supplies, 'lapo' or illegal exactions, and 'cherr' or forced labour in Sind."

The Honourable Mr. GHULAM MUHAMMAD walad Khán Bahádur WALI MUHAMMAD BHURGRI:—My Lord,—The resolution which I rise to move, and which I trust this Council will accept, has reference to certain well known abuses connected with the administration in Sind. *Rasai* connotes supplies, and refers to the supplies obtained from the people for the benefit of officers of Government touring in the country. *Lapó* means illegal exaction, and is the tax levied by the tapedars from the people originally for the ostensible purposes of *rasai*. Lastly, *cherr* is forced labour, and refers to the labour extracted from the people for various purposes connected with official touring. These three abuses are intimately connected with each other. In fact, they form one stock, of which *rasai* and *cherr* are the elder members, and *lapo* the younger. Of these *rasai* is the first in importance, and I, therefore, place it in the forefront of our consideration.

The practice of *rasai* owes its origin to the touring system. An officer of Government going on tour in the rural areas with an establishment generally obtains for himself and his establishment such supplies as he can obtain in the locality through which he is touring. Things which cannot be had locally are sent for, sometimes from great distances, such as the larger towns. For these supplies the payment made is generally inadequate, and sometimes woefully so. The bills

that are submitted to and paid by the officers are generally the veriest make-believe. A gazetted officer of Government, who lives in the European style, recently stated on oath in a court of law that he received and paid a bill of a rupee for two days for supplies which included meat, a fowl and eggs; and, when questioned further, he stated that he generally paid 8 or 9 annas a day, thus showing that he considered such payment adequate. These 8 or 9 annas a day, I presume, covered also fodder for his horse, and milk, fuel, etc., for himself. I have mentioned this case merely for the purpose of showing how the matter is regarded by certain officials, and this is by no means an isolated case, but is a typical illustration of the nominal and almost apologetic character of the payments generally made. And what is worse is that even these payments do not reach the poor suppliers, and are absorbed by the establishments of the officers concerned. The grievous hardship and injustice entailed by the system are obvious. But the most unfortunate feature of it is that the burden falls heaviest on the shoulders of those least able to sustain it. For it is not the landowner, who in the first instance meets the expenses of the supplies, but it is the needy cultivator, who ultimately bears the greater part of burden of this iniquitous charge. And the burden is a heavy one. For the officers who tour in the districts in connection with various departments of the administration are many, and the sums spent on some of the camps are large, and hence the burden is, in the result, both heavy and of some duration.

Fortunately for me, the existence or the extent of the evil is not a point that I need at all labour. It has been the subject of almost infinite complaint and representation from every quarter during a long course of years. It has been discussed, almost threadbare, in its every aspect and feature, by responsible private individuals, by public men, by public bodies, by the press and by responsible officers of Government. And, finally, the evil has arrested the attention of Government themselves, who some years ago held an enquiry in the matter, and issued a resolution penalizing the practice. It is to be deplored, however, that that investigation was of a purely confidential character, and public opinion was not at all consulted in the matter by Government. At the same time, it is worthy of note that, though official opinion alone was taken in the matter, that opinion was such as to lead Government to pass the resolution referred to. That resolution, unfortunately, has been practically a dead letter. It has been honoured more in the breach than in the observance. It has crystallized, and beyond, perhaps, some historic interest and value, is void of any practical worth. Hence the evil has only grown and gained strength with the passing of the years and the evident impunity that would seem to attend it. I might almost say it has been sanctioned and hallowed by a long and undisturbed existence. The evil has, indeed, attained the proportions of a public calamity.

Begotten of the system of *rasai* is the institution of *lapo*. *Lapo* represents a certain fixed percentage on the acre of land or the rupee of assessment, levied by the tapedar from the landowner or cultivator, originally mainly for the purpose of meeting the demands of *rasai*. When an official encamped at any place, it was the duty of the mukhtyarkar, through the tapedar, to provide the necessary supplies. This necessitated the maintenance of a fund for the purpose, and this fund had to be raised from the people. For the tapedar and the mukhtyarkar would not and could not find the supplies out of their own pockets. This was the origin of *lapo*. But bad as was this state of things, it was superseded by even a worse condition of affairs. For, the proceeds of *lapo* were subsequently devoted to the providing of supplies for the smaller camps only, and for the larger camps a separate *rasai* fund was maintained by the mukhtyarkar at the cost of the poor zemindars who made fixed and regular contributions towards it. The unfortunate result is that, though *lapo* has practically lost its *rasion d'être* it continues to exist without any justification for its existence. And, finally, the present arrangement, according to which the individual zemindar in whose land the official is for the time being encamped is made responsible for the providing of the sup-

plies, is even worse than the old. It has shifted the burden from the shoulders of many to the shoulders of one, and thus made the burden more insupportable.

I come lastly to *cherr*, or the system of impressing the labour of agriculturists for purposes connected with official touring. On the arrival of a touring officer in a place, a demand is made by the mukhtyarkar for the supply of free labour. This demand is reluctantly answered by the cultivators, whose free labour is utilized for sundry purposes in connection with official touring, such as making roads, preparing camping grounds, pitching tents, fetching water, fuel, etc., and generally, running errands of all sorts. This sort of thing goes on from camp to camp, and entails the greatest hardship on the poor cultivators and also on the zemindars. The taking away of the cultivators from their ordinary labours has the most disastrous effect on their subsistence, and their withdrawal from cultivation, sometimes at very necessary and critical periods, inflicts serious damage on the zemindars in the shape of a poor outturn and consequent financial loss.

It is a matter for deep gratification and thankfulness that Government have recognized the evil, and have put forth high endeavour to suppress it. But the regret is that that endeavour has almost completely failed to effect any improvement. The reasons for that failure are, to my mind, patent enough. The first is that the attack first made was made in the wrong quarter. A blow was aimed at *lapo*, and not at *rasai*. But, as shown above, *rasai* is the cause, and *lapo* the effect. *Rasai* is the parent, and *lapo* the offspring. *Lapo* is the fund which the system of *rasai* has directly begotten and reared, and which it continues to nourish even though the necessity for the nurture has long departed. It is therefore very necessary to consider the question of changing the objective of attack from *lapo* to *rasai*. *Rasai* is the main position, and *lapo* only a subordinate earthwork. If *rasai* is stormed and taken, *lapo* must needs collapse. Starve out *rasai*, and *lapo* must needs perish with it. The latter must die of inanition.

On the other hand, all attempts at directly suppressing *lapo* without touching *rasai* are so much misdirected waste of effort. The above view of the situation would appear to be obvious enough, but, if authority were needed in support of it, I believe it could be found in the opinion of some of the most eminent and experienced officers of Government. At any rate, the matter is one worthy of careful consideration.

The second reason for Government's failure to suppress *rasai* is that all the orders of Government have left the prevailing conditions unaffected. The practice of *rasai* is a result of the touring system, and while that system, within proper limits, is expedient and even necessary, the question of its duration, which appears to many to exceed the actual requirements of the situation, is a matter that deserves the most serious consideration. Again, so long as the providing of supplies is left to the executive officers of Government or to the zemindars, so long will the evil continue. Hence, the expediency and practicability of a system analogous to the military commissariat is yet another matter for consideration.

The last, and, perhaps, the most outstanding, reason for the failure of Government in this direction is that Government have from the outset treated the whole matter as strictly private. They have not taken the people into their confidence. The opinion of the parties concerned or of the public at large has never been consulted. Both the enquiries held and the orders passed by Government have been confidential. The public have never been in a position to know the nature or result of the investigation held or the nature of the orders issued by Government in the matter. The result has been unfortunate both for the people and for Government. The people have not had the advantage of putting their case before Government, and Government have been without the benefit of public advice and assistance in the matter.

It may be objected that the system owes its origin to the spirit of hospitality on the part of the agricultural classes; that the system cannot be considered to be a hardship or a grievance of that class, inasmuch as they consider that their honour is involved in its maintenance; that at any rate the hardship and

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grievance are greatly exaggerated inasmuch as there has been little or no complaint on the part of the zemindars; and finally, that the maintenance of the system is bound up with the prestige of the officials and of Government. To these objections I would answer that, while the system no doubt originated in the hospitality of the zemindar, the burden in the olden days used to be scarcely appreciable owing to the extreme rareness and smallness of the demand on that hospitality; that the immense growth of the touring system has enormously added to the weight of the burden, so as to make it almost intolerable; that it is not true that there has been no complaint on the part of the zemindars and that, on the contrary, there has never been a more fertile subject of complaint; that the surprise is not that there has not been more complaint, but that there has been so much in view of the fact that resistance is not only futile but dangerous, and that complaint in this matter is known to be often attended with the gravest consequences to the poor complainer, who generally not only recieves no sympathy or support from official quarters but becomes an object of serious disfavour in that quarter; and that it is not true that the maintenance of the system involves the prestige of the officials, and that, even if this were so, the question of prestige is a consideration which should give way to the clear demands of justice.

I have purposely refrained from going into details of fact or into the evidence, for I consider that to make disclosures in such a matter while being extremely unpleasant to me, was also quite unnecessary, as the subject is one of the greatest notoriety. Very much, indeed, could be said and written on the subject, but I am afraid that it would be anything but savoury and would, at the same time, be superfluous.

My Lord, the question is one of the deepest concern both to the Government and to the people. It involves the welfare of the silent suffering millions of the field, whose welfare is, after all, the welfare of Government. The situation is one of the utmost gravity, and needs to be grappled with with promptitude and decision. The attempts hitherto made by Government have been determined enough, but they have failed mainly because wrong remedies were applied and because the co-operation of the people was not enlisted in their support. What is needed is a concerted effort on the part of the Government and of the people to suppress an evil of such antiquity and of such dimensions, and hence the urgent necessity for the present resolution, which I earnestly trust will commend itself to this Council.

I merely move this resolution in order that there may be an enquiry. But I want an enquiry at which the people will have some voice. Therefore, I have put it as a committee of officials and non-officials. As I have shown, sir, in this question hitherto all enquiries and all other materials that were supplied were only conceived and brought out by officials. In no case, so far as I am aware, the opinions of the public were invited, and therefore, I think that the remedies. Government have applied have failed. Therefore, sir, I have brought this resolution and hope that Government, as they are themselves as anxious as we are, to suppress the nuisance, would see their way to hold an investigation and give the public also a chance of making suggestions which will be not only in the interest of the public and the country but of all.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL.—Your Excellency,—I rise to accord my hearty support to the resolution which has been so ably moved by my honourable friend Mr. BHURGRI. After hearing his speech one wonders whether the province of Sind is a part of the Bombay Presidency under the enlightened British rule. What does his speech show? It shows that there is a system known as *rasai* or free supplies to touring officers, *lapo* or illegal exactions and *cherr* or forced labour in Sind.

I for a moment ask the Council to confine its attention to *lapo*, a system which is unknown in the three divisions of the Presidency proper. *Lapo*, if I understand my honourable friend Mr. BHURGRI rightly, is a sort of cess on assessment, a

cess not for works of public utility or for education which is known as the local fund cess, but cess collected from the zamindars for the purpose of meeting the expenditure incurred by officers on tour.

With regard to the question of what is known as forced labour, I may say that I had occasion to look up resolutions of Government on the subject in connection with my own resolution on the agenda. I read a number of resolutions applicable to the Presidency on the subject of free supplies and forced labour, but I must say that the state of things that has been brought to light by my honourable friend Mr. BHURGRI is not justified by any of them. The first Government Resolution that I could get hold of in this connection is of the year 1883. It is Resolution No. 6126 dated the 18th August 1883, and with your Excellency's permission I should like to read it to this Council. "Circumstances occasionally occur in the districts where in order to carry out the requirements of public servants it is necessary to procure forced labour, but it is distinctly to be understood that labour is not to be pressed when free labour is available; and that no officer under the rank of a Mamlatdar is authorized to press labourers or coolies."

Now this resolution, I respectfully submit, is against the spirit of the criminal law obtaining in this country. No person has any right whatsoever to compel any other to do any thing against his will. The resolution in question, however, allows much compulsion. It is now 34 years since this resolution has been passed and I respectfully submit that the time has come when it should be repealed altogether. Your Excellency, whatever may be the justification in those days for such a resolution, I submit that in these civilized days, the resolution should not be allowed to remain on the Government records.

The Honourable Mr. BHURGRI'S resolution prays for a committee: What is the use of a committee? What will that committee do ? The facts are clear that there is the system of free supplies, *lapo* and *cherr*, prevailing in the province of Sind and if Government have the will they can by one stroke of pen do away with these monstrous practices.

His Excellency the PRESIDENT:—Will the honourable member show us the golden means of so doing?

The Honourable Mr. PATEL:—Your Excellency,—Indian and European travellers do not find the least difficulty in getting labour and if only a fair price is paid people would be willing to sell supplies also. I cannot understand why officers of Government with influence at their command, with servants at Government expense at their beck and call should not get what they want by paying the fair price for it. If Government rules that in future Government officers shall not have recourse to free supplies, to *lapo* and *cherr*, there would not be the slightest difficulty in putting an end to these practices. What would the committee do in the matter? They may say that such and such a thing is not fair or such and such a thing is oppressive and should not be resorted to. But what remedy would the committee suggest to put a stop to it?

I therefore propose an amendment to this resolution, namely, that the words "that a mixed committee of officials and non-officials be appointed to consider what" should be dropped and the resolution should stand as follows:—

"That this Council recommends to His Excellency the Governor in Council that measures should be adopted for the suppression of 'rasai' or free supplies, 'lapo' or illegal exactions, and 'cherr' or forced labour in Sind."

There is no reason why a committee should be appointed in this matter. The case is as plain as anything and steps should be taken at once by Government to prevent and remedy the evils which have been pointed out by my honourable friend Mr. BHURGRI.

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With these few words I move my amendment and I hope my honourable friend Mr. BHURGRI will accept it.

The Honourable Mr. DATTATRAYA VENKATESH BELVI:—Your Excellency,—I wish to add the words "in the Presidency" at the end of the resolution.

His Excellency the PRESIDENT:—I cannot admit the Honourable Mr. BELVI'S amendment as it does away with the whole object of the Honourable Mr. BHURGRI'S resolution. If the Honourable Mr. BELVI looks at resolution No. 29, which is to be moved by the Honourable Mr. PATEL, he will find that the very point which he raises is to be dealt with in that resolution.

The Honourable Mr. SIDDANATH DHONDDEV GARUD:—Your Excellency,—I do not think I can support the amendment which has been moved by my honourable friend Mr. PATEL. This question needs not only to be enquired into in Sind but also in the other three divisions of this Presidency. This evil is practically common to both the Presidency proper and Sind. So, your Excellency, I am going to move an amendment that the words "Sind" might be dropped.

His Excellency the PRESIDENT:—Order, order. Has not the honourable member heard the ruling that I gave to the honourable Mr. BELVI? I think he must confine himself to Sind.

The Honourable Mr. GARUD:—Your Excellency,—my submission is that this resolution requires a committee to be appointed and the other resolution which the Honourable Mr. PATEL is moving does not require any committee, but only requires an enquiry, and therefore, I suggest this amendment.

His Excellency the PRESIDENT.—If the honourable member wishes to move an amendment to resolution 29, he can do so later on.

The Honourable Mr. GARUD:—Then my only submission is that a committee should be appointed in the first instance to enquire and find out to what extent the evil is rampant in that particular place and then measures might be taken to suppress it. With these words I support the original resolution.

The Honourable Khán Bahádur PIR BAKSH walad MIAN MAHMUD:—Your Excellency,—I am sorry I have to oppose the resolution and the amendment respectively of my honourable friends Mr. BHURGRI and Mr. PATEL. I do not think that it is at all necessary to appoint a committee to consider what measures should be taken for these supposed evils or grievances, for the reasons I am just going to mention. *Rasai* is already suppressed and in order to prevent its recurrence strict orders are issued every year by the administrative and executive officers and the result is that some of the mukhtyarkars, police inspectors and even officers of lower grades carry supplies with them. I have had occasions to be in the camps of some officers and I learnt that the tapadars—here they are called village talatis—were strictly prohibited from attending the camps except on public business and I found that shop-keepers who had opened shops in camps through zemindars were paid to a pie.

As regards *cherr*, I know that touring officers have at their services tent-pitchers or khalasis. Hence they need no *cherr*. The public works department as a rule give on contract the work of clearance or excavation of canals and of the construction or repairs of buildings and pay the contractors direct. It is only in the case of emergency, such as breaches in canals or in protective bunds, that the department calls upon the zemindars to come to its aid and in this case too the *cherr* (labourers and coolies) are fully paid and I may add here that on such occasions the zemindars themselves willingly come forward to help the public works department in closing breaches as soon as possible in order to avoid their crops and villages being damaged or destroyed by floods. Therefore, to hold an enquiry into the matters suggested by the resolution would be a waste of energy.

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As regards *lapo* I do not think the proposed committee would be able to suggest more effective measures for the punishment of such evil than what the Indian Penal Code provides. The measures will be found in chapter IX of the code and in the compilation of departmental rules which are worked whenever and wherever necessary.

The Honourable Mr. H. S. LAWRENCE:—Your Excellency,—The terms employed in this resolution are liable to some misunderstanding. *Rasai* does not mean free supplies but all supplies. *Lapo* is not necessarily an illegal exaction, it means in Upper Sind the rent of a landlord; *cherr* is not necessarily forced labour, but includes the services which tenants are bound by agreement to render to their zemindars.

It is well to define these terms, for if any members of this Council were to visit Sind in a year or two, and enquire if *rasai*, *lapo* and *cherr* had ceased, they would be understood by the Sindhi zemindar to enquire whether the zemindar had ceased to receive rent or his customary dues from his tenants; and they would be distressed to learn that these customs still continue.

The honourable member has drawn a very black and gloomy picture. I think that his speech suggests that the officers of Government in all departments oppress the people by exacting supplies of all kinds without payment, by levying illegal gratifications, and by enforcing unpaid labour.

Now these different forms of tyranny are of course possible in every country by all persons who are entrusted with the power of the state; and it is to prevent such tyrannies that the British Government has established its elaborate machinery, with grades of supervising officers one above the other; and I have no doubt that this Council recognises, as many impartial observers have recognised, that this machinery works with substantial justice. No one will deny that in a vast country, with millions of inhabitants, and thousands of Government agents of every variety and calibre, petty acts of tyranny must occur; but when these are brought to light, they are visited with condign punishment.

Firstly in regard to *rasai*. This has many heads, with slightly differing characteristics as concerns different departments. But if we take the form which seems to bulk most largely in the view of the honourable member, *rasai* by village accountants, in its usual form this is understood to mean the collection by the village accountant of supplies of various kinds and also of cash. The supplies are collected under the guise of being consumed by the touring officer and his establishment, and the cash is collected under the guise of presents to the clerks, pattewalas and private servants. It is generally believed that the collections by the tapedar are very greatly in excess of any consumption by the establishments or payment to the establishments. Anyway the evil has existed, and for a good many years now a rule has been made that wherever possible supplies should be obtained, not from the tapedar, but from some neighbouring zemindar or bania; that these supplies should be kept down to the smallest quantity of articles possible, and that notice should be given of what articles would actually be required. This system is reported, in the reports which I have received very recently, to be working fairly satisfactorily; in some places quite satisfactorily, but in some places, where the zemindars are men of high position and wealth, it is impossible to induce them to agree to perform a duty which they regard as derogatory to their dignity. But all reports coincide in holding that a great advance has been made in educating the zemindar to a sense of his rights, in reducing his fear of and dependence upon the tapedar, and thereby in reducing the amount of the loot which the tapedar secured from the zemindar. This is the result of continuous efforts by the superior officers of Government over several years, and these efforts are being persevered in.

The next point is *lapo* or in more familiar terms *dasturi* or graft. This is a far more insidious and widespread evil; and whereas *rasai* is confined to the occasional sporadic visits of officers, *lapo* goes on all the time. It has been

attacked by various methods, and it is generally agreed that it is far more under control than it was, say, even ten years ago.

As you have been told by the honourable member, it has been customary for the tapedar to add a percentage to the Government revenue. The remedy lies in better supervision; and some twelve years ago a vigorous effort was made by adding 50 per cent. to the number of supervising officers called supervising tapedars, under whose immediate supervision the tapedars work. There had been 150 of these officers in Sind, and they were suddenly increased to 225. But complaint has been made that these supervising tapedars do not supervise and that the evils continue. Then efforts have been made to improve the class of our mukhtiarkars; and I think there is no doubt that with the spread of education, our mukhtiarkars are better men all round than they were twenty years ago. I have heard from many sources that the tapedars do not now gather in more than a fraction of what they used to gather before.

At the same time the Council may be assured that this is not always a one-sided business. The zemindar often receives his *quid pro quo*, and that, naturally enough, at the expense of Government. Cases not infrequently come to light where cultivated lands are shown as uncultivated, and the zemindar thereby escapes payment of the assessment, but the tapedar and the zemindar conjointly share the profit. If supervision is tightened up, as I hope it will be more and more, I am not at all sure that the zemindar will not before long be pining for a return to the good old days of *lapo*.

Only recently I have submitted a scheme to Government for the improvement of the position of the tapedar, for the improvement, above all, of the supervision under which he will be controlled, and have told Government that I trust that this scheme will result to the benefit both of the zemindar and of Government: that the zemindar will be free from exactions, and that Government may be free from frauds upon its revenue.

The third head mentioned by the honourable member is that of *cherr* or unpaid labour. This is the first time that I have heard a complaint made of this matter and I am not therefore in a position to discuss it with any detailed knowledge. Conditions in Sind are not really in the deplorable condition which he depicts. But I should like to tell the Council that the relations between the zemindar and his tenants are similar to those which prevailed in England in former years. The landlord not only shares the produce with the tenant, but also gives the tenant his protection and advice in times of difficulty. In Sind the landlord also gives his tenants advances of money free of interest. In return he is entitled to receive services from his tenant; for which he pays not in cash but in friendly services. I was unable to hear the honourable member fully but I gathered he referred to occasions of *shikar*.

The Honourable Mr. BHURGRI:—No, I spoke of the preparation of roads and camping grounds.

The Honourable Mr. LAWRENCE:—I can only say at present that if the honourable member can give any instances of unjust treatment, I shall be very glad to have the matter investigated, and any person responsible made liable for his misdeeds.

The honourable member has suggested a public enquiry and has complained that the public has not been consulted hitherto. I have received reports from the Collectors which, as every one who knows Sind can appreciate, are based upon consultation with the principal zemindars of the district. The Council will realise that it is often more easy to secure full advice from zemindars in private discussion that in a public enquiry.

However, if the Government desire a public enquiry, there is of course no possible objection on the part of any officers in Sind. I have no great confidence

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that the enquiry will be more effective than the measures already in operation; but of course those measures will continue.

The Honourable Sardár DULABAWA RAISINGJI, Thakor of Kerwada:—Your Excellency,—I rise to support the amendment moved by my honourable friend. I must confess that I have neither the experience of my honourable friend Khán Bahádur PIR BAKSH, nor have I the advantage which my honourable friend Mr. LAWRENCE has of knowledge with regard to Sind. But I do think that it is a revelation to many of us to hear of this forced labour and supply of *lapo* that is required by officers, which really means an illegal imposition in these days of civilisation. I consider that the evil as it exists in Sind certainly exceeds the limits. However great facilities these customs may give to touring officers in the matter of getting supplies that they may want, Government should really do something to put a stop to these old customs which could not have been sanctioned by any law.

With these remarks I support the resolution moved by my honourable friend Mr. BHURGRI.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH:—Your Excellency,—Coming from the same part of the country to which this resolution relates, I consider it my duty to say a few words about it. Referring to the speech of my honourable friend Khán Bahádur PIR BAKSH, I was very much amused to hear that there is no *rasai* and *lapo* in Sind. The Honourable Mr. LAWRENCE, the Commissioner in Sind, whose speech all the members of the Council have listened to, leaves the impression on the minds of every one of us that there is *rasai* and *lapo* in Sind. That is the honourable mover's complaint, and the Honourable Mr. LAWRENCE admits that there is a real evil. But the evil exists not only now, but it existed before the British came to Sind. It is the duty of Government to see that it is put down. Now, this system originated before the British conquered Sind. The original custom used to be that small officials of the Government used to get from the zemindars a certain percentage of the assessment either in cash or in kind for the purpose of entertaining officials when they came on tour, and that system continued even after the British advent. Originally all these arrangements used to be made before the British Raj by petty officers, now known as tapedars. Now the tapedar has been prohibited, under the orders of the local Government, from taking *rasai* and has nothing to do with the *rasai* and his place has been taken by the zemindar of the local area. Now I must make it very clear to this Council that though there is a complaint about *rasai* on our side, we know that there is not much of railway communication in Sind and officers of the revenue department especially have to tour 210 days out of each year, that is, seven months. Now, supposing you take the example of a deputy collector, he has about three talukas in his charge. He has to go about and spend those 210 days at each corner of the taluka. Now there are places where it is very difficult for him to get supplies. For instance, supplies of the nature of flour, bread and ghee he might carry with himself. But what about grass, fuel and milk? It is very difficult for him to carry these things. There I quite realise the difficulties of the officer. Besides that, these things have not much value in the mofussil in normal times. Generally Mussulman zemindars who have got a large number of cattle do not like to sell their milk and they therefore willingly give gratis milk, and also grass and fuel. I do not resent that. But it is not only grass and fuel that is given gratis to the officials, but besides that cash payments are made to the clerical establishments, pattewalas, butlers, and so on, of the superior officers. Supposing a deputy collector comes on tour, his head munshi and his head clerk are given something of the *lapo* paid to the tapedar. I resent these cash payments. I know of zemindars who can provide supplies to ten officers if they come along. They won't mind that. But they

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have to pay very heavily in the form of cash payments which are given to the office people, to the pattewalas and other menials.

Now I have told the Council that formerly this arrangement used to be made by the tapedar. This evil is admitted even by the Government of Bombay. If I am not wrong, there was a resolution by the Government of Bombay in 1902 that this evil ought to be put down. Again I remember four or five years ago the Commissioner in Sind reduced a mukhtiarkar for making *rasai*. No doubt the Government officials, specially the Commissioner in Sind, have been from time to time taking steps to put it down, but to my mind it appears that all this depends on the individual officers and on individual zemindars. I know an instance of an officer in Sind who asked the tapedar why no arrangements had been made for his *rasai*, and who, on being told by the tapedar that there was a circular of the Commissioner prohibiting *rasai*, told the tapedar that that circular was only binding on the Commissioner and not on him, and that till he issued such a circular himself arrangements for his *rasai* should continue to be made.

Again, I must blame the zemindars also. I know of a zemindar who called upon an officer with a *dhali* (present), and who, on being told by the officer that there was a circular of the Commissioner prohibiting *rasai*, told the officer it would be very humiliating for him to take it back and that anyhow he must accept it. The problem, I admit, is really a hard one.

Coming to the present system that is being carried on in Sind, the zemindar has to make "*rasai*". Now the poor zemindar, although he has to make *rasai* and the tapedar has absolutely nothing to do with it, yet the zemindar has to pay *lapo* to the tapedar. That is an additional burden. I must say that for this the zemindar is burdened with extra cost now. He has to make the *rasai* and he has to pay the *lapo*. The Honourable Mr. LAWRENCE has told this Council that the tapedar has very wide powers. He can do a lot of favours and a good deal of harm as well. The zemindars pay money to him, I think, in some cases because he can show cultivated land as uncultivated. So, this system of *lapo*, I am afraid, will continue unless Government puts it down with very stringent measures.

Now, the resolution of my honourable friend Mr. BHURGRI is that an enquiry should be made by the appointment of a committee. I would suggest to my honourable friend to leave the matter to the Commissioner in Sind. I feel confident that the Commissioner in Sind will take the non-officials into his confidence, consult them, consider the suggestions that they will make, and try his level best to put down the evil, and I hope that the Honourable Mr BHURGRI will accept my suggestion.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE:—Your Excellency,—I rise to support heartily the motion of my honourable friend Mr. BHURGRI. The honourable the THAKOR OF KERWADA has said the state of things revealed in the speech of my honourable friend Mr. BHURGRI is nothing short of a scandal. We have been always told that strict orders have been issued in these matters and we have occasionally been told that the explanation of this state of things is that the zemindars are so very hospitable. This leads one to wonder whether the Indian is a different being from the people of other countries in his ideas. We have thus been told that the Indian criminal is so anxious to confess his crime that he will come before the courts to confess anything that he has done or even anything that he has not done. In the same manner we are often told that the zemindar in Sind particularly is so very anxious to be hospitable to officers whom he had never seen before and whom he is not likely to see again that he will not accept any payment for all the services that he renders them. I am afraid, however, that, as the Honourable Mr. LAWRENCE

has admitted, there is an object in all this vociferous hospitality that the zemindars show. I believe that the Honourable Mr. LAWRENCE as well as the honourable mover of the resolution has made out a very clear case for an enquiry. The Honourable Mr. BHURGRI says that these practices constitute a very great hardship to the people. The Honourable Mr. LAWRENCE has told us that they result in great loss to Government; so that from both points of view, from the point of view of the people and from the point of view of Government, there has been made out a clear case for enquiry.

As regards the remarks of the Honourable Khán Bahádur Pir BAKSH, I am tempted to think that he is more royalist than the king himself. The Honourable Mr. LAWRENCE admits that to a certain extent the evil does exist, whereas the Honourable Khán Bahádur PIR BAKSH thinks that there is no evil at all.

The Honourable Khán Bahádur PIR BAKSH :—Not as regards *lapo*.

The Honourable Mr. PARANJPYE :—The Honourable Mr. LAWRENCE has told us that he has appointed supervisors, but I would ask him "who watches the watchmen themselves?" If these supervisors get a share of the illegal exactions some other and better machinery has got to be provided for stopping all these evils. So I think a clear case has been made out for an enquiry; but I think the Honourable Mr. PATEL'S amendment should not be carried, but I would rather vote for the Honourable Mr. BHURGRI's resolution, because it wants that a public enquiry of the nature suggested should be conducted and the committee might suggest methods in preference to those which the Honourable Mr. LAWRENCE says are being used, because admittedly they are not proving very effectual.

With these words I beg to support the resolution of the Honourable Mr. BHURGRI.

The Honourable Mr. P. R. CADELL—Your Excellency,—As a member of the Council who has perhaps done more touring in Sind than any other member of this Council with the exception of the Honourable Mr. LAWRENCE, I may be allowed to say a few words in support of the remarks just made by that gentleman. I must, in the first place, point out that this is a very difficult subject for members of the Council who have not been in Sind to understand. This is proved by the Honourable Mr. PATEL'S remarks. He apparently imagines, for example, after hearing the honourable mover's speech, that *lapo* is a fund got up for entertaining officers. Of course it is nothing of the kind. I did not hear the whole of the Honourable Mr. BHURGRI'S speech, but he has been good enough to let me read his own copy of it. I can only say that if other honourable members were able to follow that speech, they must have been most seriously misled. Take for example the question of *rasai*, *i. e.*, the procuring of supplies for officers on tour. He alleges an instance of an officer being supplied with all articles on tour, including fowls and eggs, at a cost of a rupee per diem, and says that that is a typical case of *rasai*. I say that if the case is true at all it is not a typical case of *rasai* but it is a case of corruption. I gather from the honourable gentleman that the officer was not a European. Perhaps the honourable gentleman will tell us whether he was a Hindu or a Mahomedan and what rank he held.

The question of *rasai* is undoubtedly one of considerable difficulty. The honourable mover's remarks about the hospitality of the zemindars seem to have caused amusement to some members of this Council, among others to the Honourable Mr. PARANJPYE, who apparently cannot believe that such hospitality can exist. All I say is that the Honourable Mr. PARANJPYE does not know the spirit of the Baluch. It is perfectly true that it is extremely difficult to get a Baluch zemindar to accept payment for what he regards as a gift or to understand that it is improper for an officer to accept anything without payment. But, even

where payment is readily accepted, it is extremely difficult to see that payment reaches the proper person. This is due to the petty corruption of subordinates, particularly the tapedars. We know the evil to exist and it is an evil which can be met only by constant supervision and constant care. That care and attention is being given by the Commissioner in Sind.

As regards *lapo*, the honourable mover adduced no evidence for his statement that it is derived from *rasai* and the statement is on the face of it absurd. *Lapo* is not only a much bigger but a much more ancient thing than *rasai*. As the Honourable Mr. LAWRENCE pointed out, *lapo* has in Upper Sind the perfectly legitimate sense of a rent or cess levied by the zemindar on land occupied by his tenant. It has now obtained the derived and improper sense of a percentage taken by the tapedar from the zemindar. The latter often does not regard it as extortion, but as a mere extra rate, which it is worth while to pay to the tapedar. The unfortunate thing about *lapo* is that it is lucrative both to the zemindar and to the tapedar. The latter reports the land to be uncultivated or unirrigated or to have a poor crop. The zemindar benefits by much more than the amount of *lapo* he pays to the tapedar. The only sufferer is Government, that is, the public revenue. It is undoubtedly a serious evil, and one that must be prevented. But at any rate it is an evil which does not injure the zemindar, in most cases, but Government.

As regards *cherr* or forced labour, the account given by the honourable mover was so lurid that it made the Honourable Thakor of Kerwada marvel that such things were possible under British rule. I have no hesitation in saying that that account is a ridiculous exaggeration. I shall try to bring home to members not acquainted with Sind what this amount of labour really means. In Sind the labour for preparing a camp and pitching tents for a district officer on tour is less than in the Presidency proper for the sole reason that at least in a good many places in Sind there are camping grounds already prepared at the expense of Government for the camping of Government officers. Honourable members know that prepared camping grounds are rare in the Presidency proper, and that when district officers visit a place it is necessary to have a camping ground prepared before they encamp; but no one has ever thought of complaining that the small amount of labour involved is a serious hardship for the villagers.

The Honourable Mr. BHURGRI:—What about roads?

The Honourable Mr. CADELL:—I am coming to the roads. It is perfectly true that roads are occasionally prepared for officers, but who gets the benefit of them? the district officer who merely goes from one place to another or the people who use the roads constantly? And it must be remembered that in some cases the zemindars are responsible to the local boards for the upkeep of portions of roads. The condition, or rather the absence, of roads in Sind is undoubtedly a hardship. There are, of course, great natural difficulties in maintaining them but it would be a very good thing if the Honourable Mr. BHURGRI would pay attention to the subject. But that has nothing to do with the question of *rasai*, *lapo* and *cherr*.

But honourable members may well ask why the Honourable Mr. BHURGRI should have made so misleading and inaccurate a speech. I cannot help feeling after reading the Honourable Mr. BHURGRI'S speech that he is attacking the system of officers' touring. Gentlemen like the honourable mover do not like the touring system. They do not wish officers to go round to ascertain the condition and wants of the people. In respect of touring, however, the Presidency system does not differ from that in Sind. The touring system, that is to say, the obligation on officers of Government to travel in their charges for seven months in the year, is the foundation of our Bombay system of government. It was, I believe, as a historical fact, introduced by that great administrator Sir Thomas Munro.

who brought it from Madras. It was, and I hope still is, known as the "Char Darwaze Kole", the system of the four open doors. It was and is literally true that the tents of officers are always open to the people in places near their homes. That system has continued and exists I believe more in Bombay than in any other part of India, with the possible exception of Madras, and I believe it to be one of the principal causes of the success of our district system. I would point out to honourable members that if Indians are going to have a larger share in the administration, if, for example, the Brahman from the Deccan is to be employed in Upper Sind, it will be not less but more necessary that the system should prevail, and I hope it will always continue. It is perfectly true that this system means a severe tax on the time of officers and their establishment; it is true that these establishments are liable sometimes to become a burden; but I say that the good of the system far outweighs the evil. I remember once when I was a Collector in Upper Sind, I once checked the average number of petitions that were given me by hand in one particular tract and I found that it was between 80 and 90 a day. It may be imagined what trouble and time were saved to the people by this opportunity of giving petitions. Honourable members may take that as a sample of how an officer's touring in Sind is appreciated. As the Honourable Mr. GHULAM HUSSEIN HIDAYATALLAH said, communication is very difficult in Sind. Apart from the opportunity given to the poorer classes to petition, the big zemindars are glad to see the officer coming round and it is in the interests of administration that he should go round. To attempt to destroy the touring system because of the admitted difficulty of supplies would be a great mistake. The difficulty, as I have said, does exist, but it is now very much better in Sind than in the old pre-British days or even than it was a few years ago. It is almost impossible to eradicate that evil altogether, but it can best be reduced by the measures which the Honourable Mr. LAWRENCE has sketched. It would be very unfortunate if gentlemen like the Honourable THAKOR SAHEB OF KERWADA were led by the honourable mover's speech to think that the evil is increasing or that the touring of officers, particularly in Sind, causes serious hardship; I think that is absolutely untrue. I think that the best way of meeting this evil would be to strengthen the hands of the Commissioner; to bring home to the zemindars, notwithstanding their notions of dignity, that payment for supplies must be taken; to bring home to them still more that payments to tapedars whether in the form of *lapo* or otherwise are illegal; and also to make tapedars understand that the taking of illegal gratifications is dangerous; while at the same time, as the Honourable Mr. LAWRENCE has said, taking steps to improve the tapedar's pay and prospects.

The Honourable Mr. F. G. PRATT:—Your Excellency,—I would like to add my testimony to that of the Sind officers who preceded me. I have served in Sind for a good many years and have done a fair amount of touring there. The last time I served in Sind was in 1905, and I remember that one of the first things that I did after taking over charge of the Hyderabad district was to deal with a case in which an assistant collector in the course of trying certain income-tax appeals had seen the books of certain village banias and on looking at those books had found evidence that a number of tapedars and supervising tapedars had been taking illegal gratifications of the nature included in the term *lapo*. He held careful departmental enquiries into the matter and the case came to me, and one of the first things which I had to do in the district was to pass an order of dismissal at one stroke of about six tapedars and one supervising tapedar. That was twelve years ago.

Well, sir, in the discussions which we have heard today, I do not think that those who have spoken in favour of this resolution have made it clear, as they ought to have made it clear, that this evil is on the increase. I think the facts are exactly in the other direction. This evil has long been recognised and Government and has been receiving continuous attention from touring officers, by

supervising officers in Sind, and not only in the province of Sind but in the other parts of the Presidency also; I think it is incumbent upon those who ask the Council to give their time to a discussion of this question to show that the matter is not receiving sufficient attention, that the evil is on the increase, or is not being adequately dealt with. We contend that Government officers are well aware that it is an evil which is deeply rooted in the habits of the population of this country and in the subordinate Indian officials of this country, and that it is only through increased enlightenment that this evil can be remedied. It is only by the people more and more co-operating with the officers of Government to put a stop to these practices that we will get any improvement. I think it is unquestionable that this evil has very greatly decreased during the last 20 years, and that decrease is due to the continuous attention which it has been receiving from Government officers.

I would like to add a word or two also as to what the Honourable Mr. CADELL was saying just now about the touring system. One disadvantage, I venture to suggest, that an unnecessary discussion of this kind has is that it produces an idea that the touring system is a monstrous system which villagers who are very easily misled in this matter would be justified in hindering or opposing; I have recently received information from at least one of the districts in my division that the tour of the collector has been hindered by organised opposition to such a trifling requirement as the carts required to move his kit for the purpose of travelling from camp to camp. Now, sir, without such touring, the administration of this country could not be carried on well. It was only yesterday that a member of this Council spoke to me personally about a matter in which he was interested in one of the larger districts of the Northern Division. It was with regard to the question of a burial ground in which the Hindus and Muhammadans were in conflict with each other. As I happened to be there on the spot, I took the opportunity of seeing the place and I heard what both sides had to say in the matter. If officers do not tour, such questions cannot properly be investigated and if such questions are not investigated the result would be likely to be serious disturbance and perhaps a riot and disorder in the village.

The Honourable Mr. G. CARMICHAEL:—Your Excellency,—I confess that I have no acquaintance with Sind itself, except on paper, and I feel a difficulty in discussing this particular subject without local knowledge. The Honourable Mr. PATEL and a good many others who have spoken on the subject are in the same position as myself in that respect. The honourable member proposes that the resolution should be amended so as to recommend that measures be taken to suppress this undesirable state of affairs, but he himself does not suggest any measures, and I find as the Honourable Mr. LAWRENCE and the Honourable Mr. CADELL have pointed out, that none of the members who really know the actual state of things in Sind make any suggestion at all with regard to any particular measure. They recommend that the question should be investigated first of all. None of them are prepared to say that any particular measure should be applied.

The Honourable Mr. BHURGRI suggests that the system of officers' touring is at the root of this evil and goes on to argue that if touring were to be put a stop to, the evil would stop.

The Honourable Mr. BHURGRI:—What I say is that there is a good deal of touring apart from necessary touring. That might be curtailed. I have not said that touring should be abolished.

The Honourable Mr. CARMICHAEL:—It is very difficult to ascertain what the honourable member means by unnecessary touring.

The Honourable Mr. BHURGRI:—There are certain periods fixed by Government under certain rules for the touring of a collector, assistant collector

or district superintendent of police. Of course, I can understand that they have to do this touring in connection with their work. But in many cases a good deal of unnecessary touring is done and this may be curtailed to some extent.

The Honourable Mr. CARMICHAEL:—I think he must leave it to the collector and to the assistant collector to decide what amount of touring is necessary in order to complete the work which he has to do. You cannot tie down his conscience and say that he should not do any particular work if he feels that it is his duty to do it.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH made out that as a matter of fact the custom of *rasai* and *lapo* has had its origin from a date long before the advent of British rule in Sind. It is a legacy from ancient times and it is a legacy which perhaps in some form or other existed when the British Government came into other parts of India. The difficulty with regard to Sind is that the conditions there are peculiar, particularly with regard to the method of cultivation. The cultivation there is dependent on irrigation and the method of land settlement which has been found most suitable for Sind is different from that in the Presidency. These conditions are special and there are others too, as the Honourable Mr. LAWRENCE pointed out, such as the rarity of bania shops. These conditions have made it a very difficult matter to diminish the evils arising out of the ancient customs which were found to exist when the country was taken over by the British. In other parts of the Presidency I think there is no doubt that the success of the British administration in purifying the atmosphere has been much greater and more rapid than in Sind, but that is no reason why we should despair of reaching in Sind the same standard which has been obtained in this matter in the other parts of the Presidency proper. In any area which has to depend on irrigation for cultivation, there is no doubt that it is very difficult to suppress an evil of the nature of *lapo*, even in the Presidency proper; I may say that one of the measures which will tend to reduce the dependence of the zemindar on the tapedar is a more regular and systematic cultivation of land and greater control over the water supply and the possibility of selling water in bulk. When these improvements are achieved in Sind, the evil of *lapo* at least would practically be stopped. The zemindar will then have nothing for which to look to the tapedar, the tapedar would not be able to do anything for the zemindar in return for the *lapo* and I presume the zemindar would not pay him. But that is looking a long way ahead. In the meantime we have to deal with matters as we find them. There is no doubt that the evil does exist. The Honourable Mr. PRATT and the Honourable Khán Bahádur PIR BAKSH have told us that it has diminished, that it is still decreasing owing to the action which has been taken by Government or rather by the Commissioner in Sind under the instructions of Government. The matter came prominently to the notice of Government in 1902 and Government took certain measures at that time which have had, I believe, a great effect in diminishing the evil results of this practice. There is still more to be done and personally I am inclined to agree with the Honourable SHEIKH GHULAM HUSSEIN and the Honourable Mr. CADELL that the best way might be to leave it to the Commissioner in Sind to devise measures and to maintain constant vigilance in suppressing the evil practice wherever it can be found out. I am inclined to think that that would be the best method of dealing with the question, but if this Council is of opinion that the enquiry recommended in the Honourable Mr. BHURGRI'S resolution would be a better method, then I can assure them that Government will be prepared to accept that recommendation and act upon it and have a public enquiry held. At the same time the measures taken by the Commissioner in Sind will be proceeded with simultaneously.

The great difficulty is to secure the co-operation of the zemindars themselves. The Honourable Mr. PARANJPYE rather mocked at the hospitality of the zemindars. I do not think that his remarks would be appreciated very much,

in fact, I am sure that they would be resented by a great many of these zemindars. That is one of the difficulties which has to be faced in dealing with this problem.

The other difficulty is, as the Honourable Mr. LAWRENCE pointed out, that of securing the co-operation of the zemindars and of preventing them from depending on the tapedars.

The Honourable MR. LAWRENCE has referred to the proposals which he has submitted to Government for the improvement of the pay of the tapedar. His proposals Government are disposed to regard with favour and they are being taken up. In this direction I think I can safely say that the necessity of obtaining a better staff is a matter of considerable urgency. We have seen the results which have been obtained in the Presidency proper when these improvements have been carried out, and there is no doubt that at the present day in the Presidency proper—I speak of that part of the Presidency which I know best—there has been a very great improvement in this matter in all branches of the revenue service, if we compare the condition of things as they exist now and as they existed say 30 years ago. But the possible advantage of having a committee, which is recommended by the Honourable Mr. BHURGRI, is that the attention of the zemindars themselves would be focussed on the problem and we may hope, by stimulating them, to obtain much greater co-operation in this particular matter than has been obtained in the past. So if this Council is in favour of the Honourable Mr. BHURGRI'S recommendation, I say that Government are prepared to accept it and to act upon it. I do not think that the amendment proposed by the Honourable Mr. PATEL should be accepted, because no one has any measures to suggest and no non-official member who has spoken has any definite measure to recommend.

The Honourable Mr. PATEL:—I understand that Government is going to accept the resolution of my honourable friend Mr. BHURGRI. In that case I withdraw my amendment.

The Honourable Mr. GHULAM MAHOMED walad Khan Bahadur WALI MAHOMED BHURGRI:—Your Excellency,—It is only left for me to thank the honourable member in charge for accepting my resolution. There are, however, a few remarks which I should like to make in reply to certain objections. First it has been urged that the meaning I have attached to the words *rasai*, *lapo* and *cherr* is misleading. I have only to say that the meaning I have given these words is the meaning which these words actually convey to the people. Then, my resolution has been construed into an attack on the touring system. But I have made it clear in my opening speech and in my statement during the course of my honourable friend Mr. CARMICHAEL'S speech that all that I have contended is that there is a great deal of unnecessary touring, which might profitably be curtailed. Further, the remarks which have fallen from officers who have been in Sind and know Sind seem to imply that I have drawn rather a gloomy picture. But I can assure this Council that, far from the picture being gloomy or exaggerated, my presentment of the situation has been made with studied care and moderation, and that, if anything, it rather understates the truth. It has also been urged that the present system has been working well. But I can state with certainty, from my personal knowledge as a zemindar, that the present state of things is worse than the old, as the burden which formerly rested on the shoulders of many has now fallen on the shoulders of one. Then it has been objected that the instance I have given is not a typical case, and that the officer in question was not a European. But I can assure this Council that the case is, by no means, an isolated case, and that I know of far worse cases involving even European officers; but I have studiously avoided being dragged into personalities.

RASAI, LAPO AND CHERR IN SIND.

[*Mr. Ghulam Muhammad Bhurgri; the President.*] [6TH DECEMBER 1917.]

As regards *lapo*, my honourable friend Mr. LAWRENCE has tried to make out that *lapo* is quite separate and unconnected with *rasai*. But I maintain that this is not the case. Else, how comes it that *lapo* is levied only by those subordinate officers who have to do with *rasai*, such as the tapedar and the darogah? In regard to *lapo*, it has also been contended that zemindars pay *lapo* with a view to obtain some benefit for themselves from the tapedar. It is alleged that tapedars are sometimes known to enter cultivated numbers as uncultivated, and thus cause damage to Government revenue. I asked my honourable friend Mr. LAWRENCE how many such cases had come to his notice, but I received no reply. The pity is that the poor zemindar is mulcted, and, at the same time, a grievance is made against him that he profits at the expense of Government.

In regard to *cherr* an attempt has been made to show that there is no such thing in Sind. It has been contended that camping grounds are kept ready for officials in Sind, and that all that the people are asked to do is to give their labour for a very short time only. I asked my honourable friend Mr. CADELL how about roads. He replied that officials only used these for a short time, and that the people alternately stood to benefit from them. But if such a proposition is once accepted, why then not abolish the Public Works and other departments and get all work for the public good done by forced labour.

Finally, I would repeat that *rasai* and *lapo* can be stopped if only a determined effort is made by the officers of Government. As I have said before, *lapo* is collected by those subordinate officers who have to arrange for *rasai*, that is, the tapedar. Now, the tapedar is only a subordinate officer, and if he has not got the support of his superior, the Mukhtyarkar, he will find it difficult to impose *lapo*. The Mukhtyarkar will only give his support when he knows that he must depend on his subordinate officer for the collection of *rasai*. Hence, I am confident that, if superior officers make their intentions clear in the matter, *rasai* and *lapo* will be stopped. They have been stopped in the past by a few officers who have endeavoured to do so. I can give the names of Mr. Monie, Mr. Beyts, Mr. Moysey, Mr. Coverntoh and of other officers who have tried, and successfully, to stop the evil. And what was the secret of their success? It was that they impressed upon the Mukhtyarkars and their subordinate officers that they would not tolerate any nonsense like *rasai* and *lapo*. Well, if all officers of Government were to act likewise, *rasai* and *lapo* would be no more. With these words, I again thank the honourable member in charge for accepting my resolution.

His Excellency the PRESIDENT:—I have only one word to add. In the first place, I am glad to find that the Honourable Mr PATEL has had the wisdom to withdraw his amendment. With his considerable knowledge of Sind he moved his amendment, apparently thinking that no measures were ever taken by the Commissioners in the past or in the present to try and remove what is admitted to be a serious difficulty. He must know that measures are being taken, measures have been taken in the past, and that this is a question of extraordinary difficulty which Commissioners one after another have been trying to grapple with. I should like to endorse what my honourable colleague has said with regard to the remark that fell from the Honourable Mr. PARANJPYE. I own that I thought that his remark, that the zemindar showed his hospitality with an object, was an extremely ungenerous one. I can safely say from my personal experience—and I think it will be the experience of all gentlemen who go and tour in Sind—that the zemindar is a most open-handed and generous person and, as far as I am individually concerned, I have never found, directly or indirectly, that he ever showed me any hospitality with any object in view.

Government's position, as my honourable colleague has said, is that we are perfectly satisfied in our own minds that the Commissioner in Sind and his officers are doing everything that they possibly can to get rid of this admittedly serious evil. But I hope my honourable friend Mr. BHURGRI will not take it hardly if I say that

he and a good many of his friends have been continually representing what I have sometimes read in newspaper reports, the rather shocking behaviour of officials in regard to these matters; having regard to that fact and in order to satisfy him, Government are perfectly ready to have this committee appointed, of officials and non-officials, to enquire into the whole matter and if, which I own I very much doubt, they find the golden way to get rid of these difficulties which have taxed the ingenuity of the various Commissioners in Sind for the last 20 years, nobody will be more gratified than the Commissioner in Sind himself and the Government of Bombay. That is the position in which we stand in accepting the resolution of the honourable member.

The resolution was then put to the vote and carried.

His Excellency the PRESIDENT: Resolution No. 14. The Honourable Mr. KAMAT.

The Honourable Mr. BALKRISHNA SITARAM KAMAT:—May it please your Excellency. The resolution which I wish to place before this Council for its favourable consideration is to the effect that

"This Council recommends that the Governor in Council may be pleased to direct that there should be held periodically in each division of the Presidency a Divisional conference to which may be invited Heads of Departments and non-officials of standing from the districts concerned, with power to them to move recommendatory resolutions on matters of public interest in each division, under a prescribed procedure."

I shall indicate to this Council what I believe would be the composition of these divisional conferences and also what should be the functions and powers of their members and also indicate what I expect to be the advantages to be derived from these conferences and their resolutions.

As mentioned in the text of the resolution itself I believe this conference should be composed of non-officials of standing from the districts concerned and among them I include non-official members of the Legislative Council residing in the division. So also they should invite to this conference the presidents and vice-presidents of the municipalties and local boards. Similarly a few Inamdars and Jahagirdars and such other persons who take interest in public matters. This is so far as non-officials are concerned.

On behalf of the officials I believe that the conference should be composed of the Commissioner, the Collector of the districts concerned, and heads of departments, such as the medioal, educational and so on.

The advantage of having a conference like this held periodically would be, in the first place, a very free and frank interchange of opinion between the officers and men of light and leading in the districts. I believe that it will cut short a great deal of the correspondence that goes on on trivial matters between the various heads of departments and also in the same department from the smallest to the highest officer in the ladder. Another effect of a conference like this would be to decentralize and to reduce the work of the Legislative Council here. I shall illustrate how that would be done. For instance, we had yesterday a resolution with regard to forest passes. When that resolution was moved by my honourable friend Mr. GARUD the Commissioner of the Division, my honourable friend Mr. SEDDON, said he had no opportunity to consider that proposition. Now, if a divisional conference like the one I suggest were held and if honourable members like my honourable friend Mr. GARUD were given an opportunity to bring all the facts to the notice of the Commissioner with regard to matters of smaller importance, I think a question of that sort would be solved on the spot. At any rate the Commissioner would be in a position to give an explanation and if he refers questions to the heads of departments, the head of

that particular department to which the subject belonged, if present at the conference, may also be in a position to give an explanation. So that the proposition would be solved more easily than by the present method of correspondence.

I should indicate also what sort of resolutions might be moved in a conference like this. I know that at present there are conferences organized by Government and held in the districts. There are co-operative conferences and conferences regarding agricultural questions, to which non-official members are invited; but these conferences concern themselves only with questions such as co-operation, agricultural matters and some such things. In a conference which I propose, I believe various questions could be discussed. If I may indicate the list of questions, I think members could take up, say, questions about forest grievances, questions connected with the irrigation department about matters which are found to work harshly upon cultivators, questions about the location of liquor shops, questions regarding the subordinate police officers as to whether they are to be reduced or increased and such sort of things.

Similarly, members could be at liberty to propose resolutions in a conference like this, say, on questions of remission and suspension of land revenue at a particular time of famine or scarcity. Then again, they may also suggest means for the prevention of severe epidemics like plague and so on. So also if members wanted more schools in the division and if the head of the educational department be present at the conference, I believe, he would be in a position to give an explanation as to whether such schools are necessary or are unnecessary. I believe all such questions regarding the educational department, revenue department, police department, could be tackled in a conference of the nature I suggest. This is so far as regards the list of subjects to be taken in a conference like the one I suggest.

But the greatest advantage of this conference whould be to associate people with the regular administration of the province and to bring them into closer contact with officers than they are at present, and this, I think, would be the greatest advantage so far as improvements in the district are concerned. Now in the Presidency those gentlemen who get the advantage of coming into close contact with the administrative problems are very few indeed. Whereas if a conference of a division were held and if people from the districts were allowed to move resolutions there and thus to bring to the notice of Government officers certain petty grievances of either particular or a general nature, I believe they would be more educated to tackle administrative questions, and this is exactly what I want to be done by the sort of a conference I propose and this I claim to be the greatest advantage of my proposal.

Then I have to bring to the notice of this Council that I have an analogy and a precedent to quote in favour of the suggestions which I make and that is from the Report of the Decentralization Commission. In paragraph 522 of the Report of the Royal Commission upon Decentralization in India, it is stated: "Conferences of this nature are held in the Province of Bengal. A conference lasting about a fortnight is held there every autumn, and is attended not merely by Commissioners of divisions, but by the members of the Board of Revenue, the Secretaries to Government and heads of Provinicial Departments. Non-officials of standing, such as members of the Legislative Council, are also invited to attend during the discussion of particular subjects in respect of which their views would be useful; and their opinions appear on the records of the conference, though they do not vote as members." Of course I differ from this last measure; on the contrary I further recommend that instead of not being allowed to vote, I think that they should be in these days empowered to move resolutions. The Report further states in paragraph 523: "We recommend the extension to other provinces of a system somewhat similar to that which has been adopted in Bengal. A conference of this sort, bringing Commissioners into

periodical touch with one another and with the officials at headquarters, as also with non-official gentlemen of standing, gives great assistance in the disposal of matters which would otherwise take up much correspondence, and affords opportunity for full and friendly interchange of opinion." I therefore think that we should have in this Presidency the trial of an experiment which has been tried in Bengal and which has been found successful there and which has had the favourable recommendation of the Commissioners of the Royal Commission upon Decentralization.

The Honourable Mr. CURTIS:—What is the date of the Commission's Report?

The Honourable Mr. KAMAT:—25th February 1909.

I know in this Presidency there are occasionally held conferences of Commissioners only and they are probably restricted to questions of administration relating to the divisions. No non-official members are allowed at those conferences. I think, your Excellency, the time has arrived to go a step further and that Government should take the public into their confidence; especially those who take an interest in public questions should have their say on special questions like this and Government ought to allow the leading members in the division to associate themselves with the problems which are coming before them from time to time and are found very difficult for solution, as for instance the one we found this morning.

This is the object with which I bring forward this proposition and I trust honourable members of this Council will find that it would be of a very great advantage. I know I shall be told that there are the district durbars which are held occasionally. But such durbars are more or less intended for districts only. There only the Collector of the district is present and not the heads of other departments and the only right allowed to the non-official members is that of interpellation. I go further and say that the time has arrived when non-official members who have the right of interpellation at present already ought also to have the right of moving resolutions and raising discussions regarding public questions and if possible of focussing opinion both on official and non-official side. With this sort of opinion expressed in the divisional conference Government might be in a better position to shape their policy and solve difficult questions regarding the matters of principle. With this object I have moved my resolution and I trust the Council will accept it.

The Honourable Mr. C. N. SEDDON:—Your Excellency,—Being a somewhat fully occupied official I wish to say that I have listened to the speech of my honourable friend Mr. KAMAT with feelings akin to dismay. We have been occupied in this Council here for four days and unless, a very improbable contingency, the Honourable Mr. PATEL will omit a whole block of resolutions or unless —a more likely event—your Excellency will exercise your prerogative of mercy and allow us to go I see no reason why we should not be here for another four days or more. Honourable members will see from this what an amount of time is taken up in discussion, and the legal department, I am sure, will be able to explain better than I can what a deal of labour is required to prepare for this Council. This little book, which is a book of questions and answers, takes a very short time indeed merely to put upon the table, but it takes a very long time of all the officers of Government to prepare. Now my honourable friend proposes that there should be another conference, another Council, held, at which the Commissioners should preside and at which other officials should attend. I think that unless he makes out a very strong case the amount of labour which it would necessarily entail and the amount of time to prepare for such a conference will be a very serious matter, and I would appeal to honourable members to refrain from throwing this extra burden on officers of Government. I admit that the honourable member's intention is excellent. He wishes to provide additional

facilities for the ventilation of grievances and for the submission of proposals, but I cannot imagine myself what possible grievances there can be which cannot be dealt with by the machinery now existing, or what proposals remain concealed from Government and Government officers at present. Nor do I think there is the least likelihood of work in this Council being reduced. I cannot imagine that honourable members will, because they attended a conference held under the comparatively lowly presidentship of the Commissioner, deny themselves the pleasure of asking questions or moving resolutions in the Provincial Council. The Honourable Mr. KAMAT says that complaints can be brought and settled quickly by this conference, and he instances the Honourable Mr. GARUD'S complaint regarding the removal of forest produce yesterday. There was nothing to prevent the Honourable Mr. GARUD in the ordinary way from putting forward his complaint by addressing the local officers of Government. If he could not do that now he could not do that any more if he had a Commissioners' conference. The contention that I brought yesterday was that although the door was open he had not chosen to use it.

Then another object which the honourable gentleman has put forward is this: that by this divisional conference, the officers of Government, the Commissioners and others, will be brought into closer contact with the people. Well, we think that in Bombay this object is attained by our touring system. We think that by our touring and going to every district the Collectors and Commissioners and the Assistant Collectors, and, in fact, all officials, do come into close contact with everybody in the remotest corner of the district. The difference will be this. That if we give up this touring system and adopt the divisional conference system the people who will take part in those conferences will not be the people with whom the officers come into contact now. They will not be actually the people but the representatives of the people.

Now with regard to the Commissioners' conference, which exists I am told in Bengal, and which is recommended by the Decentralization Commission, in the first place, it is a different sort of conference altogether, and, in the second place, it is such, as my honourable friend recommends here, that it would do away with touring. In Bengal there is practically no touring. Perhaps, such a conference may be needed there, but we do not require it here so long as the officers do come into touch with the people in their district.

There are certain other objections to the divisional conference here. The division is not a unit of administration. It is not a unit but it is a mere collection of districts. If we had a divisional conference of the Northern Division we should have there people from Thana, Ahmedabad etc., who have really nothing in common at all. In the Southern Division, the people of Ratnagiri would meet the people of Dharwar and Belgaum and they won't even understand one another because they speak totally different languages. For this reason I think it is the district durbar which is really the proper body to discuss matters. A few weeks ago I was present at a durbar held at Satara, and I was very much impressed by the usefulness of the work done in that durbar, the free discussion and the general clearing up of difficulties that took place there. If you have a divisional conference nobody will want to attend a district durbar. I submit you ought to make as much as possible of the district durbar, and I submit you should not reduce its utility by having a divisional conference.

One thing more. There is no salvation in the multiplication of conferences. We have already conferences of every kind. We have agricultural, co-operative, social, educational, industrial, provincial, and political. In any case what we want is not so many conferences, not so much talk but more action, and no further additions to the already long list of conferences would prove of any use. With these words I beg to oppose the resolution.

The Honourable Khán Bahádur PIR BAKSH walad MIAN MAHMUD:—Your Excellency,—We are all aware that each division of the Presidency is sufficiently

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represented by honourable members on the Council. We fully know the grievances, the wants and the sentiments of the people, at least these are brought to the notice of all honourable members by the public and are placed by the honourable members in this Council for discussion. In support of this argument I would only respectfully invite your Excellency's attention to the number and the variety of the resolutions which are discussed here at each and every session. The collectors of the districts, the divisional commissioners and other executive and administrative officers of Government are touring about in their divisions, listening to the people and bringing the grievances and wants of the people in general to the notice of Government either by means of special references or by annual reports. The adoption of this resolution would mean merely the creation of a branch of this Council in each and every division and to invest them with powers which are now exercised by honourable members of this Council. I might add here that we are thankful to the several newspapers that bring to our notice the views of the public. We know that we have now a conference on each and every subject in the Presidency, and therefore there is no necessity for any further conferences.

For these reasons I oppose the resolution.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE:—Your Excellency,—While sympathising with the object of the resolution of my honourable friend Mr. KAMAT, I would like to have it altered in the following form:—

"This Council recommends that His Excellency the Governor in Council may be pleased to direct that there should be constituted a District Council in each district with a substantial elective majority which should meet periodically and have powers to move recommendatory resolutions on matters of public interest under prescribed regulations and procedure."

The Honourable Mr. CURTIS:—I rise to a point of order. I submit that it is entirely a different question.

His Excellency the PRESIDENT:—Order, order. I cannot accept the amendment, because the Honourable Mr. PARANJPYE is suggesting an elected conference, which is quite a different thing to what my honourable friend Mr. KAMAT proposes. I hope honourable members will not feel that I am exceeding my powers, but I would like to suggest that it is desirable, as far as possible, to keep to the original resolution and not, as some one put it, continually try to move amendment after amendment. The resolutions should be put as they are and not with minor alterations.

The Honourable Mr. PARANJPYE:—I propose then an amendment in the following form:—

"This Council recommends that the Governor in Council may be pleased to direct that there should be held periodically in each district of the Presidency a District Conference to which may be invited heads of departments and non-officials of standing from the districts concerned with power to them to move recommendatory resolutions on matters of public interest in each district, under a prescribed procedure."

Your Excellency, this is a very small amendment that I am moving, because I feel the full force of the Honourable Mr. SEDDON'S remarks that the division is not the unit of administration.

The district durbars at present, your Excellency, are of a very informal and irregular nature and there are no resolutions submitted at the district durbars. The collectors can ask anybody and need not ask anybody, but the Honourable

Mr. KAMAT'S resolution, if restricted to durbars, will regularise, at least to a certain extent, the procedure at these durbars. I would like to go a little further, but at the same time it would be a great improvement on the resolution if the district is used instead of the division.

I do not agree with the Honourable Mr. SEDDON when he says that the work of this Council will not be at all relieved. I think the work of this Council will be a good deal relieved if these durbars are more regularised, and if these durbars properly regularised are given more opportunities for the proper ventilation of grievances. If one looks to the number of resolutions moved and the questions asked in this Council, it will be found that a great many matters dealt with in them are purely of a local interest. When resolutions of local interest of this sort are sent to the secretary to the Legislative Council, occasionally we are told that the matter is purely of a local interest and therefore it is disallowed. Now this state of things cannot happen if there are district durbars with powers to the members to move resolutions and bring forward their grievances before these durbars. I therefore think that at least half the work of the Legislative Council will be diminished and transferred to the district durbars if they are properly organised and if they are given a suitable status in the administration of this Presidency. I think however that the people that are called to the durbars require a good deal of encouragement. At present some people are asked who ought not to be asked to attend and other people who ought to be asked are occasionally not asked to attend, and I must protest against the remark of the Honourable Mr. SEDDON when he said that the honourable members of this Council would not care for the lowly atmosphere of a divisional or district conference and would like, if I may paraphrase his words, to advertise themselves even in this Council. I do not think so at all. I think the non-official members of this Council want to have questions ventilated and this is the only forum at which they can do so and therefore it is that we are compelled to bring them here, but if they can be brought forward by the people who actually feel the grievances in the districts as the units of administration, I think the work of this Council will be greatly diminished.

There is another thing which is a usual thing in the official mind and it is their great aversion for publicity. The Honourable Mr. SEDDON does not want these things to be made public. He wants all these things to be private. I think "light and more light" is the necessity of all our administration, and a great deal of the difficulty could be removed if this procedure were followed to a greater extent. Therefore I hope that the Honourable Mr. KAMAT will accept this amendment. The late Mr. GOKHALE had proposed a similar resolution in the Imperial Legislative Council which was not accepted, but I think we have moved further on since the time that resolution was moved, and I think the present time might be propitious for this resolution to be accepted.

The Honourable Mr. DATTATRAYA VENKATESH BELVI :—Your Excellency,—I regret my inability to accept the amendment which has been proposed by my honourable friend Mr. PARANJPYE. We find that durbars are held at present almost every year in every district of the Presidency and I do not understand what more will be got by accepting the amendment of the Honourable Mr. PARANJPYE. On the contrary, I think that the suggestion made by the Honourable Mr. KAMAT is one which deserves our serious consideration. I am aware of the fact that my honourable friend Mr. SEDDON has said that divisional commissioners are very hard-worked officers and they may not find the necessary time to hold such conferences. That is an argument which has got much force in it; but at the same time we should remember that even divisional commissioners do get time during the rains to convene such conferences as are suggested by my honourable friend Mr. KAMAT. The experiment suggested is worth making and I make no doubt that such a conference will give an opportunity to the leading gentlemen of each district to meet at least once a

year in the headquarters of the division or in one of the district towns of the division and to compare notes as to how things are going on in their district. The leading gentlemen of the different districts constituting the division will get an opportunity of speaking to the commissioner about the grievances which may be prevalent in the different districts, in the presence of the heads of the different departments. I shall make plainer what I mean. Supposing we have a grievance against the forest department, is it not better that we should ventilate our grievance in the presence of the commissioner when the forest officers themselves are there to discuss and to give their explanations? Is it not better to have such an informal and friendly discussion in the presence of the commissioner and the forest officer, instead of putting a series of questions in this Council, to which we find very often unsatisfactory answers are given? An informal discussion in a conference under the presidency of a commissioner will in my opinion lead to much good, and I do not understand my honourable friend Mr. KAMAT to say that such a conference should be held once in a month or once in two months. In my opinion if is sufficient if it is held once in the whole year during the monsoon. Such a thing will not cost the commissioner much time; but on the contrary it will give to the people of the different districts an opportunity to speak about their grievances to the commissioner in the presence of the heads of the different departments.

With these few observations I support the original proposition of my honourable friend Mr. KAMAT and oppose the amendment of the Honourable Mr. PARANJPYE, which I consider to be absolutely useless.

The Honourable Mr. F. G. PRATT:—Your Excellency, I hope that this Council will not be tempted by the prospect of relieving themselves of the accumulating and increasing burden of the resolutions which are overwhelming us, especially the busier members of this Council, in the hope that by accepting this resolution that burden will be passed on to the Divisional Commissioners. I do not think that it is at all likely that if this resolution were accepted that the bulk of resolutions offered for the consideration of this Council will be materially, if at all, diminished. On the other hand, we would very likely be overwhelmed by the same evil which is now eating up the time of many members of this Council. But what I particularly dislike in the Honourable Mr. KAMAT'S proposal is the formal procedure which is attached to his proposed divisional conferences. I do not think that any stiff and formal regulations are at all necessary or would be at all appropriate for such interchange of opinion between the commissioner and the leading gentlemen in his division. I was considerably surprised to hear the Honourable Mr. KAMAT say that the gentlemen who had the opportunity, if not the sole opportunity, of access to divisional commissioners were those few gentlemen who happened to be members of this Council and the representatives of that division in this Council. My experience has been different. In the course of my tour I meet I think every prominent non-official gentleman, the inamdars, the presidents and vice-presidents of municipalities and district local boards and all the categories of gentlemen whom he enumerated as possible members for the divisional conference. On the other hand I may tell this Council, as to the members who represent the Northern Division in this Council, that the occasions on which I see them in the course of my tour through the Northern Division are few and far between. They are at the other end of the division and their activities are confined to Bombay.

The Honourable Mr. PATEL:—The Thana district, Mr. PRATT, and not Bombay.

The Honourable Mr. PRATT:—That is at the other end of the division. Then again to compare the nature of the divisional conference with that of the provincial conference. The time of the members of the divisional conference

will not be likely to be at all so valuable as the time of the members of the Legislative Council and consequently I am very much afraid that the number of questions which would be put up for discussion in the divisional conference would be vastly greater and also the importance of the questions suggested for discussion would be vastly smaller than that of the resolutions that are presented to us here, and I think it has been the experience of a good many busy members of this Council that they are often asked to spend their time on the discussion of resolutions which are really not of an importance sufficient to justify their being discussed in this Council chamber.

Then again, I need not cover the ground already traversed by the Honourable Mr. SEDDON about the other engagements of the Commissioners because to that extent I am in complete sympathy with the Honourable Mr. KAMAT that it is really important that the Commissioner of a division and every district officer must find time to meet and discuss matters of public interest with gentlemen living in his division or district, but I would like to continue to do what we do now, *i. e.*, to choose our own subjects for discussion. In the course of the last rains we had in the Northern Division a conference, a very useful conference, to which I invited gentlemen from the Northern Division, and we discussed at great length during the two days, and I venture to hope with some profit, the questions connected with local self-government and the question of punchayats and local boards. Another engagement which was similarly arranged was a conference which we recently held to which presidents of municipalities in the Northern Division were invited and we discussed there a lecture which was delivered to us by Mr. Orr about the reform of building bye-laws in the municipalities. In the Christmas of this year I hope in the same way we will be able to arrange a conference whose discussions will be attended by the Sanitary Commissioner and I hope we might be able to invite genlemen who are interested in public questions generally. But discussions of this kind are far more fruitful if they are not tied up with the red-tape of formal rules, formal procedure, resolutions, amendments and all sorts of things as all that sort of machinery would be quite inappropriate and would not produce any useful results. As the Honourable Mr. SEDDON said, it would on the contrary lead to a great deal of unprofitable talking and a great deal of waste of time which would be otherwise much better spent. It was only the other day, sir, that in company with an honourable member of this Council, a distinguished member if I may say so, that we discussed the affairs of an important pilgrimage centre in the Northern Division at a round table with the members of the municipalities concerned in the matter and I hope that that gentleman will bear me out that the results of that discussion were much better and more quickly obtained in that way than they would have been by any such informal procedure and all the rest of it in the manner such as is contemplated by the mover of this resolution.

Then when I come to look at the sort of questions which my honourable friend suggests might be discussed at this divisional conference, I find that practically every one of them are matters which can be very easily discussed in the district durbar. What, I ask, would be the use of asking the head of the education department, the Director of Public Instruction, to neglect his work and come down to this conference and discuss whether the village A or village B should have an elementary school or not? That is what is seriously suggested by the honourable mover; that we should call the Director of Public Instruction one day at Belgaum, another day at Ahmedabad and some other day at some place in the Central Division to discuss some question or some trivial matter of that kind about the opening of a new school. Surely, sir, I hope that members of this Council would agree that it would be a waste of time which is of much value to officers.

The Honourable Mr. G. S. CURTIS:—Your Excellency,—May I throw a suggestion which may perhaps shorten the discussion? Honourable members

know that we are discussing resolution No. 14 and there are 36 more resolutions to follow.

The principal resolution relates to a proposed divisional conference and the proposed amendment relates to a district conference. I suggest, sir, that these two questions and the difference between them form serious food for thought. As your Excellency remarked yesterday, the whole question of constitutional reform is in an extremely fluid state. We see in the columns of a Northern India paper, which is one of the most important of the Anglo-Indian papers, suggestions by which the principal unit for legislative action and so forth is to be the Division, that the district council is to replace the provincial Legislative Council, that district local boards are to disappear and their place is to be taken by a divisional council with definite constitutional powers. Now, sir, I do not for a moment wish to discuss the scheme which has been elaborated by a namesake of mine, but, sir, I do interpose with the suggestion that in view of the fact that this scheme has been put forward, I understand with considerable backing, and that it raises a very important constitutional question which both the resolution and the amendment raise, that it is somewhat superfluous for us, at the present moment, to try and discuss these very important questions which are, at the present moment, under discussion by far higher authorities in other parts of India. In other words, I submit, whatever our opinions may be on the relative merits of the district as the unit, the division as the unit, or the province as the unit of administration, the matter really ought to receive much more extended and careful consideration than we can give it now and that it will really be better for the mover of the resolution on the one hand and of the amendment on the other to postpone them until they can receive more careful consideration than they can possibly do at present.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency,—We are thankful to the Honourable Mr. CURTIS for the suggestion he has made, but I am sorry I cannot agree with him. I for my part would support the amendment which the Honourable Mr. PARANJPYE has moved. We have already district durbars, and for my part I would prefer that these district durbars should be open to non-official members under certain regulations, and if they are made open to non official members they will serve our purpose much better than the conference suggested by the Honourable Mr. KAMAT. There are several matters which cannot be considered in this Council. We have not the time nor the opportunity to discuss here matters referring to any particular district or place as we desire. In fact we deal here with matters that concern the province generally or the public generally, and if you have these district durbars changed into district councils it will be far better in the interests of the district administration. The district councils may not be so formal as this Council. They may be more elastic, but they must bring the leading people of the district into closer touch with the officials so as to enable both to interchange their views freely. The proper time for the meeting of such a district council will be when the district budgets are to be submitted. If at that time the heads of the district and the leading gentlemen meet together, probably many of the suggestions which we make here after the budget is settled will receive timely consideration from the district officers themselves and much labour will be saved and things will be better managed.

These district councils may mean a little inconvenience to the divisional commissioners if they have to attend them. But we can make it possible to fix the meetings of these district durbars at a time when the commissioners may be expected to visit those particular districts. Without these district councils it will be almost impossible for the leading men in the district to discuss public matters relating to details of district administration from the public point of view.

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The amendment suggests that the district durbars should be brought under certain regularity and that rules should be framed with regard to their procedure, and I fully agree with that suggestion. Even at present there is nothing to prevent a collector allowing such matters to be discussed at such durbars, but they do not allow it. Therefore, if rules are framed on the lines of this Council's rules, the proceedings will be more regular. If unofficial members at the district durbars are allowed to discuss the district budget, ask questions and move resolutions regarding district matters and if needful action is taken in time it will be helpful to the district authorities themselves and it will afford better means of ventilation of public grievances and consequently a portion of work that we have to do through this Council will be lessened. It will also in various ways conduce to the prompt redress of several grievances which have been brought to Government's notice through this Council.

The Honourable Mr. CURTIS :—Does the honourable member support the resolution or the amendment ?

The Honourable Mr. UPASANI :—I am supporting the amendment.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD :—Your Excellency,—I rise to support the amendment. One of the objections which has been urged by the Honourable Mr. CURTIS against the consideration of this resolution or resolutions similar to the one that is before us is that the whole question is now being reconsidered. I know great changes are in the air and large schemes are being discussed, but we do not know at this stage anything definite about them and we do not know what shape they will ultimately take. I do not therefore think it right that we should sit still until a new order of things is evolved and that we should refuse to consider the questions that are placed before us from time to time. We had better go on with questions that come before us and decide them for the moment, and as things take a more definite turn these questions will naturally take the shape that we now desire them to take. Government would not, for instance, be bound to maintain these district conferences if ultimately it is decided to abolish the district as the unit. I therefore submit that these questions should be considered in the light of the present information at our command and should be definitely decided for the moment. The amendment before us suggests that the district durbar which we have at present might be improved by the addition of power to move resolutions in the durbar and by the regularisation of the procedure in the durbar.

The Honourable Mr. CURTIS :—Will the honourable member say who would be the members of the durbar ? What would be the qualifications ?

The Honourable Mr. GARUD :—There is, as your Excellency is aware, a durbar held annually by the district officers in the districts and they have already made up lists of people whom they invite to the durbars. They are what we know as durbarees.

The Honourable Mr. CURTIS :—What qualification is there for entry on the durbar list ?

The Honourable Mr. GARUD :—There is at present no definite qualification for entry on the durbar list, except the discretion of the collector. Several attempts were made to put in some qualifications, but it was thought that the system of leaving the matter to the discretion of the collector was in the present circumstances satisfactory. These durbars were started originally as an experiment by the late Mr Jackson at Nasik, and the experiment as it commended itself to Government was extended to other districts. The durbars have during this period of their existence done useful work, but their deliberations are not yet guided by any rules and regulations. The present resolution merely requests your Excellency's Government to——

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The Honourable Mr. CURTIS:—I beg the honourable member's pardon for my interruption. Who is to preside at the conference? At present the collector presides at the conference and this resolution does not give any detail as to the qualification of the president or as to the procedure.

The Honourable Mr. GARUD:—All I have to say, your Excellency, is that this experimental measure is now in actual practice, and what this resolution seeks is merely the addition of one more feature to the present proceedings in the durbar.

With these words, your Excellency, I beg to commend the amended resolution to the acceptance of this Council.

His Excellency the PRESIDENT:—I should really ask, before going any further, what is the exact intention of this resolution? The resolution reads: "This Council recommends that the Governor in Council may be pleased to direct that there should be held periodically in each division of the Presidency a divisional conference to which may be invited heads of departments and non-officials of standing from the districts concerned, with power to them to move recommendatory resolutions on matters of public interest in each division, under a prescribed procedure." Well, is this to be an independent divisional conference, or is the divisional commissioner to preside or who is to be put on it? Is it to be a non-official divisional conference?

The Honourable Mr. KAMAT:—What the resolution contemplates is that the procedure and all the qualifications are to be laid down and prescribed by Government, if they accept the resolution. If it is decided to hold such a conference, then the next step would be to fix down the qualifications of the durbarees and lay down the rules under which the proceedings are to be carried on, and also who is to preside, and so on. All these details are to be considered.

His Excellency the PRESIDENT:—It must be quite evident to the honourable member, I think, that if he is going to make a suggestion to Government he must give a complete suggestion. It is all very well for the honourable member to come to Government and say: "Please arrange for a conference and make rules and other regulations". What we want are definite suggestions and proposals.

The Honourable Mr. CURTIS:—What happens if on any particular subject, say, the subject is Modi and Balbodh, the divisional conference of the central division decided to prefer Modi and the Provincial Legislative Council decided for Balbodh? What answer does the honourable member contemplate to that?

The Honourable Mr. KAMAT:—The answer is that the resolutions that are accepted by the divisional conference are to be recommendatory like the resolutions which are moved in this Council. Both the resolutions passed by the divisional conference and by the provincial Council will be recommendatory.

The Honourable Mr. G. S. CURTIS:—Your Excellency,—I think we have had perhaps enough discussion on this particular subject. What I would first endeavour to place before this Council is that though the resolution looks extremely harmless, if one thinks about it and devotes to it the same degree of thought and consideration that one is compelled to devote to other questions which are harmless in appearance which have been arising lately, he will see that there is far more behind it than probably the mover of the resolution and of the amendment ever contemplated. We see discussed in the press, I do not say *ad nauseam*, but at very great length various schemes for the reform and regeneration of representative institutions in India. I have seen, I think, the signatures of every one of the honourable members of this Council appended to some of these schemes. I do not wish to ask any of them inconvenient questions. But as regards only one matter, which I think is a common factor of many of the schemes, that is to say, the representative electorate, I would ask the proposer of the resolu-

tion and the mover of the amendment a question. I would like to know in what way they would reconcile a local body meeting in a district or in a division and passing resolutions or discussing matters behind the backs of the parliamentary representatives. It cannot be too often impressed that these proposals which involve important additions to constitutional machinery raise very difficult questions indeed and that it is an impertinence on our part to sit down and try and solve these very difficult questions indeed in the course of a hurried discussion at the end of a four days' sitting in this Council. I refer once more, sir, to the suggestions to which I have already referred. In several memorials which have gone up to the Right Honourable the Secretary of State it has been suggested that the Provincial Legislative Council representatives are artificial congeries of local units and that a more suitable assembly for the discussion of general matters of administrative interest and for legislation and possibly for the eventual control of administrative departments would be the divisional council instead of the Provincial Legislative Council as it exists at present. Of course, it is not for me in any way to express any opinion whatever on the suggestion, but it is at present being extensively canvassed and for that reason alone it seems to me that it would be very much better for us to keep off from what must be very dangerous ground. At any rate, honourable members will see that with these suggestions under discussion, it would be quite impossible for Government to express any opinion which would lead anybody to suppose that they would prefer the division as the unit or the district as the unit of administration.

Quite apart from that, there are obviously elementary difficulties in connection with the resolution which the Council will gather from the questions which I put to the Honourable Mr. GARUD. Of course, it is true that the Decentralization Commission put forward the original idea in 1908. The report was written in 1909. Since 1909 a good deal of water has gone under the bridges. If the Decentralization Commission had seen the 411 questions which I hold in my hand and the 50 resolutions of which we have so far discussed only 14, they might have qualified, at any rate, their opinion as to the advisability of the divisional conference initiated in Bengal. Quite apart from that, sir, I submit that when an honourable member comes forward and puts before us an important constitutional change of this order, it is incumbent upon him, at any rate, to supply a few more details as to its effect. The honourable gentleman says gaily that there should be a conference. Apparently the question as to who is to be called and who is not to be invited is to be left to the collector's discretion, although that discretion, according to him, has hitherto been exercised in a wrong manner.

The Honourable Mr. KAMAT: —I said that Government should lay down the rules and not that it should be left to the collector's discretion.

The Honourable Mr. CURTIS:—It is not clear, at any rate, from the resolution as to who is to be the president, it is not clear what is to be the electorate, and it is not clear what is to be done with resolutions when you have got them. Possibly we may have in the district durbar one resolution, and in the divisional conference another resolution, and in the provincial Legislative Council there may be a third resolution. It is quite possible, judging from the various amendments that are moved to resolutions in this Council, that we may have three separate views on one subject. I tremble to think what would be the lot of Government having to decide these questions when three conflicting views from three different bodies are before them. So far indeed from simplifying administration, I can quite see that the conflicting views of these bodies may lead to still greater trouble. In any case, sir, I hold orders in my hand which lay down that district durbars should be held as far as possible. So far as I know, these orders were passed in 1909 and I believe that durbars are fairly regularly held. As far as I know, district officers are fairly accessible, and if they are not there

is a large, growing and influential class of well-trained lawyers who are always ready, in my experience, to place before the officers the grievances and the defects in the administration which they have discovered. Nothing struck me more when I went back to places in which I had served before than the extraordinary growth in the number of lawyers, and if any of these gentlemen does not succeed in disclosing the various defects in the administration—of course there may be abuses at times—all I can say is that I should be very much surprised.

Finally, sir, I would suggest for the consideration of this Council that possibly we may have too much of conferences. At the present moment we are having four Councils a year, there are district durbars and there are conferences on all sorts of things. It makes it, according to my experience, very difficult indeed for the ordinary officer to keep pace with his ordinary work, if he is compelled to devote constant time to talking or listening to other people. There are only a limited number of hours in the day. The number of officers is not increased nor is the establishment, but work is probably increasing four or five-fold. I think, sir, that this Council would do well to remember that it does not pay to place too great a burden on the officers employed by this Government and that probably better results would be shown if they are left to do their work without imposing upon them the constant strain of attending conferences and Legislative Council meetings.

For these reasons I hope that the Council will vote both against the resolution and the amendment.

The Honourable Mr. RAGHUNATH PURSHOTAM PARANJPYE :—Your Excellency,—I do not wish to speak much on this resolution because I think myself that my amendment is more suitable than the original resolution I do not know which scheme the Honourable Mr. CURTIS has referred to when he said that the provinces as the fundamental units of provincial administration are to be done away with and divisions are to be only the units of provincial administration. One thing I know is that there is a vast opinion in the country which will be opposed to have these small toy provincial administrations. On the other hand so far as the utility of these glorified durbars, as it is proposed practically in this resolution, is concerned, I think the utility is very great if our durbars are confined to districts.

There is a considerable body of opinion in this Presidency that at present, at any rate, when we have quicker means of communication, the Commissioners are a fifth wheel in the coach and that with a little re-organization the Commissioners might very easily be done away with. I do not know how far it is feasible but I do know this that there is a considerable amount of opinion in this country which holds this opinion. In any case the districts are the proper units and the Honourable Mr. SEDDON is also of the same opinion. If, for instance, there were a divisional conference in the Southern Division, I do not know what a man from the Ratnagiri District will have to say when the conference is held at Belgaum. He might have a resolution about inconveniences of steamer traffic or something like that, and I do not know what the other people from the three or four districts above Ghauts who had perhaps never seen the sea would be able to say. I do not know what they will have to say about communication by sea. The same thing would happen more or less in the case of people of the other districts. The people in the Thana district speak one language and the people of other districts in the Northern Division an entirely different language. If we are to have any real use of these conferences properly organized, it can be only by confining them to districts and not to divisions. The leading people in a district meet on various occasions and in various parts of the district. But I do not know how many people from the Ratnagiri district have occasion to go to Belgaum and if they do go there they will find themselves like fish out of water.

I do not think therefore that a conference properly organized in the manner that the Honourable Mr. KAMAT suggests should be a divisional conference but that it should be a district conference.

There is only one more point that I should like to mention about the Honourable Mr. CURTIS' objection about the different kinds of resolutions moved in the various conferences. I think the same thing occasionally happens even now in the Provincial and Imperial Legislative Councils. He asked us, suppose we have a certain resolution in this Council and we come to a certain conclusion, and a resolution on a similar matter is moved in the district conference and that conference comes to a different conclusion, what is going to happen in that case? Take the illustration which the Honourable Mr. CURTIS has brought forward about the question of Balbodh and Modi. I think that question need not have come to this Council at all. The Central Division Conference might have decided that question without any reference to this Council at all, and in this manner the work of this Council might be diminished to a great extent by having divisional conferences or better still by having district conferences.

The Honourable Mr. BALKRISHNA SITARAM KAMAT:—Your Excellency,—Replying to the debate as regards what has fallen from the Honourable Mr. PRATT and the Honourable Mr. SEDDON that the work of the Council will not be reduced, I must say I am not at all surprised that both the Commissioners of the divisions tremble at the idea of additional work in the shape of resolutions and interpellations being heaped on their heads but I still believe that by a conference of the kind I propose, a good deal of the work of the Legislative Council will be reduced, for, on this very agenda paper, *e. g.* there are no less than four or five resolutions which the heads of departments can dispose of in the Division, for instance, that one moved by my honourable friend Mr. GARUD and the other standing in the name of the Honourable Sardar SYED ALI EL EDROOS; again a third resolution in the name of my honourable friend Mr. PATHAN asking for the entertainment of a Persian teacher in the Karnatak college at Dharwar and a fourth one about business regarding the constitution of the Godhra municipality. These four or five resolutions on the agenda are, I believe, enough to convince any man that a good deal of such work which comes before this Council at present can be done away with, and if resolutions are moved at a conference in the lower atmosphere of a Division as the Honourable Mr. SEDDON remarked, it will always save the work of this Council.

Regarding what the Honourable Mr. PRATT said that already there exist a good deal of facilities for consultation by the non-official members I think the whole position is this. I believe the only difference is this. At present the consultation is held according to the choice of the Assistant Collectors, Collectors or Commissioners. They choose the particular man and the particular subject on which they wish to consult non-officials whereas according to the suggestion which I make, if a definite procedure is prescribed, if members are empowered to move resolutions, then the choice of subjects and the persons will not be in the hands of individuals but will be regularized by procedure. That is all the difference between informal consultations and the nature of the consultations which I propose.

Now the question is about the touring system. I do admit that there are immense advantages in the touring system but even then as I pointed out in the beginning of my remarks I believe each officer chooses for himself the places where he will tour. He is never brought into contact in a sort of round table conference as between different officers of different departments; the particular questions raised are considered between certain departments only. It might, for instance, be carrying out a small repair to a bridge or a road. Well, for that sort of thing there is endless correspondence as I suggested in the beginning of my remarks. All this will be cut down if officers can meet at a round table

conference and discuss the necessity or feasibility of adopting any proposal brought forward by any member; this would be an extra advantage, in addition to the touring system.

Now coming to the remarks of the Honourable Mr. CURTIS, in the first place, he suggested that this was not an opportune moment in view of the fact that there are already in the air constitutional changes. With all due deference I think that if constitutional changes, such as whether the divisional conference or the district council should be the unit of administration are in the air, the honourable members of this Council ought to be allowed to have their say and to give an expression of their opinion and if they are not allowed to do so and if such changes are being discussed elsewhere officials will be discussing in that case such changes, in fact, behind the backs of honourable members without giving them an opportunity to have their say. For the precise reason that such changes are being discussed somewhere I believe this Council must have the opportunity to put forward its views.

The Honourable Mr. CURTIS:—Have not honourable members of this Council already sent up their representation?

The Honourable Mr. KAMAT:—Yes.

The Honourable Mr. CURTIS:—Well, that representation having gone, it is not correct to say that honourable members have not had their say and the representation being *sub judice* I do not think honourable members can say that.

The Honourable Mr. KAMAT:—Regarding the qualifications and other details of my scheme which the Honourable Mr. CURTIS wants, I think in a resolution like this it is never intended to give all the cut and dried details but if I were allowed an opportunity to give details I dare say that with the help of my lawyer friends and with the help of the legal department it would not be very difficult to fix down certain qualifications and also the procedure for a divisional conference. But if I may be allowed to throw out merely as suggestions, I believe that the qualifications of members should be, as I have already suggested, persons who are presidents and vice-presidents of municipalities and local boards; also those who are of the status of inamdars, and those who take part in the co-operative movement and people with such qualifications. As to the question of who is to preside I believe it should be entirely left to the choice of Government, and they should decide whether the Commissioner or any other officer should do so.

As to the procedure of moving certain resolutions and asking questions it would not be difficult also to lay down rules for the asking of questions and moving of resolutions, and so far as the difficulty raised by the Honourable Mr. CURTIS of conflicting resolutions both in the Legislative Council or the district durbar, I think my honourable friend Mr. PARANJPYE has answered it already. Even now there are these difficulties. As at present I think there are certain questions which are already discussed even now in the district durbar and a certain view is expressed by Government on them. Well, suppose that an expression of opinion or the view of the district durbar conflicts with the view which has been recorded here in the shape of a resolution, what is the position of Government in that case? As long as the durbar resolution or the Legislative Council resolution is not binding upon Government, I see no difficulty whatever, because it does not tie the hands of Government to a particular resolution at all. When there are 3 or 4 resolutions either coincident or conflicting on one subject, it matters very little, as long as Government gets an expression of the views of the public and they can then take their own stand and shape their own policy.

Regarding the amendment moved by my honourable friend Mr. PARANJPYE I for one have not the least objection to accept it and I withdraw the resolution in favour of the amendment.

DIVISIONAL CONFERENCES.

[*The President.*] [6TH DECEMBER 1917.]

His Excellency the PRESIDENT:—I have very little to add to what my honourable colleague has said. But I do own, frankly once more to a sense of keen disappointment that honourable members have not supported me in the appeal I made to them at last session and again at this to endeavour, as far as they could, not to embarrass Government by raising such questions on local self-Government. They must realise, I should have thought, that it is extremely difficult for Government to discuss, and certainly to agree to, any suggestions of this sort. Indeed I have been seriously thinking whether under rule 3 (*c*) of the resolution rules it would not have been right for the Governor to disallow such resolutions. I have not done so because I had hopes that honourable members would support me in my wish and not bring forward such embarrassing resolutions. However, I am sorry to say that honourable members, although in some cases I readily recognise that they have supported me, have felt bound for purposes of their own to bring forward these resolutions.

I have only got a few words to say on the merits of the resolution itself. It must be clear to honourable members, I think, after listening to the speeches of the Honourable Mr. SEDDON and the Honourable Mr. PRATT, that the Commissioners, if you take a division as the unit,—but the same holds good as regards the Collectors,—are extremely hard-worked men and they have a great deal of work to do. The Collector at present does hold a durbar in which matters of interest are discussed. The divisional Commissioner, as you heard from the Honourable Mr. PRATT, is a very busy gentleman; but after all, if you were to ask him to have a conference on any particular subject, I think he would only be too glad to do so at any time. But I want to make a suggestion to honourable members. To my mind there is no necessity for this resolution in any form or shape: and for this reason that it would be a very good thing if honourable members showed more independence in their actions and did not bring resolutions asking Government to do things. Why do they not have a conference of their own? Why do they not have a non-official district conference? They could invite the Collector, they could invite the Commissioner, or any other person to come and join their discussions. Why have they got to come to Government and ask them to lay down the exact formation, the exact constitution of the conference which they require? Do honourable members want at this conference to have the Collector as their chairman, or, if they have a divisional conference, do they want the Commissioner to preside? In these democratic days I should have thought that my honourable friends would have liked that the bureaucratic element should have been excluded from the chair at such a conference. Well, I would suggest to my honourable friend Mr. PARANJPYE that it would be very much better if he were to withdraw his amendment and were to start his own conference, inviting officials, if he wishes, to take part, and I feel perfectly certain that officials would like to assist these non-official conferences in any way that they can. Under any circumstances, it is perfectly clear from what I have said that Government find it impossible to accept the resolution as it stands.

The resolution was then put to the vote and lost, 11 members voting for and 23 against it. The Council divided as follows:—

Ayes.	Noes.
The Honourable Mr. Pandurang Anant Desai, LL.B.	His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E., Governor of Bombay, *President.*
The Honourable Mr. Siddhanath Dhonddev Garud.	The Honourable Sir Mahadev Bhaskar Chaubal, K.C.I.E., C.S.I., *Vice-President.*
The Honourable Dewan Bahadur Kashinath Ramchandra Godbole.	The Honourable Mr. G. Carmichael, C.S.I., I. C. S.
The Honourable Mr. Balkrishna Sitaram Kamat.	

Ayes.

The Honourable Sardar Dulabawa Raisingji, Thakor of Kerwada.
The Honourable Rao Bahadur Venkatesh Shriniwas Naik.
The Honourable Mr. Raghunath Purshottam Paranjpye.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.
The Honourable Mr. Abdul Kadir *alias* Fakir Mahomed walad Ibrahim Khan Pathan.
The Honourable Mr. Shridhar Balkrishna Upasani.

Noes.

The Honourable Mr. G. S. Curtis, C.S.I., I. C. S.
The Honourable Mr. S. R. Arthur, I. C. S.
The Honourable Mr. Salebhoy Karimji Barodawalla.
The Honourable Mr. P. R. Cadell, C.I.E., I. C. S.
The Honourable Mr. Sherriff Devji Canji.
The Honourable Mr. James Gargrave Covernton, C.I.E.
The Honourable Captain C. Fernandes, M.D., I. M. S.
The Honourable Mr. Mahomedbhoy Hajeebhoy.
The Honourable Mr. G. F. Keatinge, C.I.E., I. C. S.
The Honourable Mr. H. S. Lawrence, I. C. S.
The Honourable Surgeon-General R. W. S. Lyons, M.D., I. M. S.
The Honourable Khan Bahadur Pir Baksh walad Mian Mahmud.
The Honourable Sardar Shriniwas Coopooswami Mudliar.
The Honourable Mr. W. U. Nicholas.
The Honourable Sir Dinshaw Manockjee Petit, Bart.
The Honourable Mr. F. G. Pratt, I. C. S.
The Honourable Mr. Munmohundas Ramji.
The Honourable Rao Bahadur Ganesh Krishna Sathe, C.I.E.
The Honourable Mr. C. N. Seddon, I. C. S.
The Honourable Mr. Purshotamdas Thakurdas.

His Excellency the PRESIDENT:—The Council will now adjourn till 4 o'clock.

The Council then adjourned for lunch till 4 p. m.

[*After Lunch.*]

The Council re-assembled after lunch at 4 o'clock.

His Excellency the PRESIDENT:—Resolution No. 16. The Honourable Sheikh GHULAM HUSSEIN HIDAYATALLAH.

"This Council recommends to His Excellency the Governor in Council that Urdu should continue to be the medium of instruction for Mahomedans in vernacular schools in accordance with Government Notification No. 3833 of the 23rd December 1913."

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH:—Your Excellency,—As your Excellency's Government is going to consider the question of Urdu I want to postpone my resolution.

Resolution was by leave postponed.

PERSIAN IN KARNATAK COLLEGE.

[*The President; Mr. Abdul Kadir Pathan; Sir Mahadev Bhaskar Chaubal.*] [6TH DECEMBER 1917.]

His Excellency the PRESIDENT:—Resolution No. 40. The Honourable Mr. PATHAN.

The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN:—Your Excellency,—The resolution that stands in my name runs as follows:—

"This Council recommends that His Excellency the Governor in Council may be pleased to provide at an early date for the entertainment of a Persian Professor or Lecturer at the Karnatak College."

Most of the honourable members here know that the Karnatak College has recently been opened at Dharwar for the convenience of the students of that part of the Presidency. At present it is a second grade college and as your Excellency has been pleased to give an assurance I hope it will be soon converted into a first grade college. The college, even though a second grade one, has at present removed the long-felt want of Karnatak students to a great extent. But it is a pity that no provision has been made for the teaching of Persian in this college and, my Lord, unless such a provision is made there would be a great drawback for Mahomedan students or other students who take up Persian as their second language.

Of course the first question, that will be put to me, I am afraid, is, what is the number of students in the Karnatak College who have taken up Persian as their second language? I may tell the Council that at present there are in the College three students, two Mahomedans and one Brahmin, who have taken up Persian as their second language, but there is no provision for teaching Persian to those students and consequently five or six boys from Dharwar and Bijapur have joined the Fergusson College and one more student has joined the Deccan College in the Intermediate class. So in all six boys from the Karnatak have joined other colleges as there is no provision for teaching Persian in the Karnatak College. I also know that three other students wanted to join the Karnatak College but they could not do so without help. They are however going to appear for the first year examination as ex-students of the Fergusson College. So if a provision is made in the next year's budget for the appointment of a Persian lecturer I dare say there would be an appreciable number of Persian students in the Karnatak College and they would not be obliged to go to other colleges. In the Government high schools in the southern division there are Persian teachers and I fail to understand why no provision has been made for teaching Persian in the Karnatak College. Further, I may say for the information of this Council that this year I have made enquiries and from the figures I have got from Hubli, Belgaum and Dharwar High schools it appears that no less than 15 Mahomedan students will appear for matriculation this year. So I can safely say that there will be not less than 15 Persian boys in the College if we make provision for Persian. I submit that unless such provision is made the Government cannot expect any Persian students to join the college and if Government are pleased to make provision——

His Excellency the PRESIDENT:—Can the honourable member give an assurance that there are going to be so many boys who want Persian?

The Honourable Mr. PATHAN:—Yes, sir.

His Excellency the PRESIDENT:—How many?

The Honourable Mr. PATHAN:—From these three high schools 15 will appear for the matriculation, namely, Hubli, Bijapur and Dharwar high schools. There are Persian teachers in Belgaum, Bijapur and Dharwar Government high schools. There are Persian teachers in other high schools also.

The Honourable Sir MAHADEV CHAUBAL:—Will the honourable member pardon me. I think it is not fair that any resolution should be moved in this Council on a hypothetical state of things which he expects to come up at a

PERSIAN IN KARNATAK COLLEGE.

[6TH DECEMBER 1917.] [*Sir Mahadev Bhaskar Chaubal; Mr. Abdul Kadir Pathan; Mr. Ghulam Muhammad Bhurgri; Sheikh Ghulam Hussein Hidayatallah; Mr. J. G. Covernton.*]

future date. The resolution states that " Government be pleased to appoint at an early date " and therefore, it must be moved on the present state of things and not on any hypothetical circumstances. So far as those circumstances go they will be reported in the usual course by the principal to the Director of Public Instruction and proposals will, in the ordinary course, be put up before Government, but if he wants to move his resolution he can only do so on the present state of things in the college.

The Honourable Mr. PATHAN:—If that argument is advanced by Government I submit that the present state of things will continue for long, nay for ever. Unless provision asked for is made the Government cannot expect Persian students to join the college. So it is rather moving in a circle to say that unless you have students you cannot come and ask for the entertainment of a Persian lecturer. These three boys would not have joined the college had it not been for the fact that they are too poor and they could not leave the place and join a college in Poona, and they would not have stuck to the college had I not prevailed upon them to stick up there and had I not helped them in some other way by giving them the assistance of the principal and Mahomedan staff of the Hubli Karnatak Urdu High School. I said to them that if they could go for a day every week to Hubli they would go on alright. Otherwise they were not willing to continue there. If they failed this year they would be losing one precious year of their lives. With help these three boys have continued in the college and unless any provision is made I do not think the Persian students will join the college in future, and so the college will be practically shut up for this particular class of students. So, in these circumstances I submit that Government will find their way to accept my resolution, and I may further say that after making this provision and after a Persian lecturer is appointed if Government find that there is not an appreciable number of students in the College for Persian they may abolish the Persian lecturer's post. I hope the Council will pass my resolution.

The Honourable Mr. BHURGRI:—May I ask the Honourable Mr. PATHAN to tell me how many students for Persian there are now in the college?

The Honourable Mr. PATHAN:—At present three are in the college and more will join if we appoint a Persian lecturer. As a matter of fact I find that six from Belgaum, Dharwar and Bijapur have joined the colleges in Poona, as there is no provision for Persian in the Dharwar College.

The Honourable SHAIKH GHULAM HUSSEIN HIDAYATALLAH.—Your Excellency,—I rise to support the resolution moved by my honourable friend Mr. PATHAN. He has shown to this Council that there are three students already who have taken Persian as second language. Some have gone to other colleges as there is no provision for Persian in the Karnatak College. I submit that unless there is a clear provision made there will not be students taking Persian as second language. All that my honourable friend wants is a lecturer in Persian. It won't cost much to Government. It would cost at the most Rs. 125 or Rs. 150 for a lecturer to teach Persian. My honourable friend has placed the alternative before Government that if in spite of Government appointing a Persian lecturer many students do not join the college the post may be abolished. With these remarks I support the resolution moved by my honourable friend.

The Honourable Mr. J. G. COVERNTON:—Your Excellency,—This resolution raises a point on which I have only a few words to say. I think the principle which all will accept is that when there is a sufficient number of students who take Persian in the college Government will be willing to provide a lecturer to teach them. But I also think that it is doubtful whether we have any accurate data at all on which to go for the present. I may remark that it is now December; as long ago as June the Honourable Mr. PATHAN was asked to supply us with

PERSIAN IN KARNATAK COLLEGE.

[*Mr. J. G. Covernton; Mr. Ebrahim Haroon Jaffer; Sir Mahadev Bhaskar Chaubal.*] [6TH DECEMBER 1917.]

figures in regard to this particular proposition. He has now presented the figures before the Council but it is a very short while ago that he sent those figures to the principal of the college. The principal of the college sent them on to me and they reached me only the day before yesterday. It is obvious, therefore, that the statement of the Honourable Mr. PATHAN that we have been in correspondence for the best part of six months over this particular point is liable to be misunderstood. And it is also clear that we have not had sufficient time to verify Mr. PATHAN'S figures or to make any further enquiry, which we should like to do. It seems to me that the question turns on the number of students who take up Persian in those high schools which are 'feeders' to the Karnatak College, and at present I regret I am unable to say what that number is; nor, I understand, is Mr. PATHAN able to do so. Assuming that a figure could be fixed for the number of those who are proceeding to the matriculation this year, we are still left in the dark, because it can by no means be taken for granted that all the boys will pass; nor, even if they pass, can we take it for granted that they will proceed to college; and, if they do proceed to college, we cannot take it for granted that they will proceed to the Karnatak College. There are quite a number of pupils who, for other reasons apart from the question of Persian being provided or unprovided, prefer to go to one of the Poona colleges or to one of the Bombay colleges instead of to the Karnatak College. The position, I admit, is rather awkward from another point of view, namely, from the point of view of students who contemplate joining the college in the hope of some provision being made for Persian and who naturally wish to know what actually will be done. If we are to make some financial provision for the post, presumably in the regular way, that ought to be made now by the department. But I feel that we are not yet in a position to make any regular definite provision. It seems to me that, if a sufficient number of students is likely to appear in June at the Karnatak College, we could be informed of the number a short while before, and that we might then make provision out of savings or from whatever funds might be available. But as things are it seemes impossible at the present moment to guarantee that Government will provide a regular post. It has been suggested that if after its creation there is no use for the post, we can abolish it. Well, I suppose we could do so; at the same time the position would be very awkward. Once a man is selected and appointed, if we were to tell him a little later on, if no students come forward, that his post was to be abolished, naturally he would not be particularly pleased with the procedure. I really think that, as things stand at present, it would be better to wait before we take immediate action.

The Honourable Mr. EBRAHIM HAROON JAFFER:—Your Excellency,—I beg to support the resolution moved by my honourable friend Mr. PATHAN. As the president of the Poona Mahomedan Students' Union, I know that there are several Mahomedan students in the Poona colleges from the southern division who are willing to take up Persian and join the Karnatak College. If a Persian lecturer is entertained in that College, on behalf of the Honourable Mr. PATHAN and myself I am prepared to give an assurance to Government that there will be at least fifteen students who will take up Persian in that college before 1st June next.

With these words I support the resolution of my honourable friend Mr. PATHAN.

The Honourable Sir MAHADEV BHASKAR CHAUBAL:—Your Excellency,—I rise to make a statement on behalf of Government about this resolution which the Honourable Mr. PATHAN has moved. I am afraid Government cannot possibly accept it. When I had the honour of opening that college on behalf of your Excellency, I remember I had some conversation with the Honourable Mr. PATHAN on this subject. I had then made

enquiries as to how many students were likely to take up Persian, and I was told that there would not be more than two. This was when the college was to be opened and applications for admission into it had been registered, *i. e.*, on the 20th June 1917. He then told me that there were likely to be a few more students who would take up Persian. I then explained to him the circumstances under which with some difficulty Government had been able to push on the scheme for a secondary college at Dharwar. As the Honourable Mr. PATHAN is and all other honourable members are aware, Government did this notwithstanding the financial stringency under which we have to defer a number of useful and desirable educational schemes and improvements. I told the honourable member then that he ought not to expect Government to provide a professorship or lecturership for the convenience of two students only. The honourable member then moved a resolution in this Council to the effect that that college should be made a first grade college. On that point also he has had the assurance of Government that when financial circumstances will permit they have fully the intention of converting the second grade college into a first grade one. The conversion of a second grade college into a first grade institution necessarily means additional recurring and non-recurring expenditure and he was told that it would not be possible for Government to undertake the conversion in the present financial stringency. I do not say that for 200 boys the provision now made of six lecturers in all, or one principal and five lecturers, is an adequate provision and I should no doubt be very glad to increase it, if circumstances permitted it. The first thing to do with any appreciable relaxation of the stringency would be to equip it fully as a second grade college and it would be only after experience had shown that as a second grade college it has worked successfully that Government think of turning it into a first grade one. There has hitherto been only one admission into the college, the one I have referred to, in June 1917. When therefore within such short time the honourable member moved his resolution for a Persian professor I asked him how many more had taken up that second language and he has told us that in addition to the two Mahomedans, there was a third student, a Brahmin, who had taken it up. I therefore repeat that the honourable member has not made out any case for his recommendation. But I go further and say that even if there was a fairly large number desiring to take up that subject Government cannot accept a proposal for additional provision in a new institution that has been only recently started on a non-official representation of this kind. The proposals must come in the proper channel from the principal of the college whose first care would naturally be to develop the institution in accordance with its urgent needs. Students when they are admitted must offer to take up Persian. It is only then that the principal of the college will be in a position to put before the Director of Public Instruction and before the Government the necessity of making any additional provision, either in Persian or Arabic or in any other language or subject. So long, therefore, as the number of students taking up Persian is only two or three, I can state on behalf of Government that they cannot undertake the additional expense, involved in providing a chair or a lecturership in Persian.

One honourable member said that it is only a lecturer and therefore it did not matter; that he could be got on a salary of Rs. 100 or so. But the honourable member will consider that five others on the staff are also lecturers and he must be put on the same level as the lecturer on Sanskrit, for instance. But says the Honourable Mr. PATHAN if a chair were provided there would be more seeking admission next year or the year after that. As the Director of Public Instruction has pointed out, there are so many problematical things which have to be assumed, if an argument is to be based on a state of things which may come into existence in 1918 or 1919. We must look at the state of things as it obtains to-day, and under the present state of things, if there are only two or three students taking up Persian, there is no case made out for the provision asked for: and after all I do not see that there is any considerable hardship if a

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few students who are keen on learning Persian went and sought admission in a more distant college. Perhaps they would be all the better for it. For these reasons I oppose the recommendation proposed in the honourable member's resolution.

The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN:—Your Excellency,—I am extremely sorry to hear the remarks of the Honourable Sir MAHADEV CHAUBAL. May I enquire if any such calculations were made at the time of creating Persian lecturerships in the other colleges? I think in respect of the other colleges, when such provision was made it was made as a matter of arrangement, and even now private colleges such as the Fergusson College and the other colleges have made provision for the teaching of Persian although the number of boys is small.

My main contention is this, that unless proper provision is made no Persian students can be expected to join the college. So I submit that provision should be made, and if it is made clear by Government that provision would be made before such and such a date for the Persian students joining the college, then I think there would be something clear to assure the students that some provision will be made. Unless such an assurance is given, Government cannot expect the students to join the college.

I trust, under these circumstances, the Council will accept my resolution My honourable friend the member in charge suggested that this was not the way in which a motion should be made for the provision asked for in my resolution, but unless this difficulty is brought before the Council and before Government, it would not be possible for them to appreciate the difficulties of the student world. Under these circumstances, I submit that this Council will accept my resolution.

His Excellency the PRESIDENT:—I must suggest to the Honourable Mr. PATHAN that his position is a little unreasonable. His position is this. He says that Government should appoint a Persian lecturer in the hope that a sufficient number of students will come forward to take up Persian at the Karnatak College. The position of Government is this. We are perfectly ready, if the principal of the college, on the application of the students entering the college, says that there will be a sufficient number of students, to supply the necessary educational facilities. I really think that the position of Government is a practical one and it seems to me rather unnecessary expense and would be bad in policy to appoint a man in the hope that students may come forward to be taught Persian.

Under the circumstances, I agree with my honourable colleague that Government cannot possibly accept the resolution of the honourable member.

The resolution was then put to the vote and lost.

The Honourable Mr. PHEROZE C. SETHNA:—Your Excellency,—The resolution which with your permission I beg to move is as follows: —

"This Council recommends that His Excellency the Governor in Council may be pleased to appoint a committee consisting of officials and non-officials to consider and formulate proposals for the prevention of professional beggary in the City of Bombay and in particular stopping minor boys and girls from being turned into or sent out as beggars and mendicants by their parents, preceptors or others who may for the time being have the care of such minors."

Your Excellency, every civilized country has dealt with the pauper question on lines chalked out after years of practical experience and attained a fair measure of success. It must be admitted however that this question has not received the attention it deserves from the Government of this Presidency or for the matter of

that from the Government of India. In this Presidency the largest number of beggars are to be found in the city of Bombay whither they are drawn by the reports of the wealth of its inhabitants. Charity is an instinct of human nature, but if misdirected and misapplied instead of alleviating human misery it encourages the illegitimate craft of beggary and this charge is not infrequently, and perhaps with some justice, levelled at the heads of several of our charitably inclined citizens. Due, perhaps, to some extent to this misguided charity the number of beggars in Bombay is very large but what the exact number is, the census figures do not help us to make out. In the census returns beggars, prostitutes, procurers, receivers of stolen property and cattle poisoners, a very heterogeneous mass, are all lumped together and their number for the city of Bombay stands at 11,069 and for the Presidency of Bombay at 3,76,288. One quite realises the difficulty of getting an accurate register of a vagrant class of population but there is no reason why the paupers should not be treated as a separate class and they ought not to be mixed up with other people with whom most of these unfortunates have nothing in common.

Broadly speaking those who live by begging may be divided into four classes. There are first of all sadhus or religious mendicants. They live on the charity of others because it is a part of their creed to do so. With proper safeguards this class would require to be exempted from the operation of any legislation that might be introduced and thereby the sentiments of certain communities be respected. Nor would they be a nuisance or menace to society if they desist from infesting the streets. There is next the class of beggars who are physically able to work and yet prefer to earn their living by begging. Stricter legislation than what exists ought certainly to be enforced to deal with this particular class. They require to be kept in houses of detention and other means employed to compel them to work. We now come to the third class of beggars who are physically cripples or invalids or incurables—in fact the outcasts of society and the refuse of humanity. It is absolutely necessary for Government to erect at different places what may be called "Human panjrapoles" for such people, *viz.*, homes for "the homeless, the helpless and the hopeless". Calcutta has gone one better than ourselves in this direction. There is established there what is known as "the Refuge" which was opened in February 1901. It owes its existence and its success to the indefatigable exertions of one Anondo Mohun Biswas who has identified himself with the work and renders noble service to these unfortunates in that city. I understand that the Trustees of the N. M. Wadia charities, who spare no pains to utilize the large funds committed to their care to the best advantage of the poor around us, specially invited Mr. Biswas to help them in the matter of opening a refuge in Bombay. They despaired of practical results without securing the services of willing workers like Mr. Biswas, and Mr. Biswas himself could not be induced to stay away for a few months from his own refuge and set a new one going in Bombay. The excellent intentions of the N. M. Wadia Charity Trustees therefore progressed no further. With Government help something tangible can be done and there is no doubt that such institutions properly looked after by Government would receive large donations from the generous public of Bombay for this particular kind of charity greatly appeals to all Indian communities, Hindu, Mahomedan or Parsee. There is lastly the class of children beggars, children who are put to this trade by their own parents or by others who live on their earnings. Thanks to the efforts of a sympathetic and very capable English citizen, Mr. J. S. Wardlaw Milne, a society was formed last year and the public has helped it with funds. Enthusiasts on the subject of child protection like Mr. R. P. Masani are earnest workers in its cause. The society has opened a home for destitute children and it deserves every encouragement at the hands of Government and our great philanthropists. I understand the society has collected useful data of actual sales of children, also of ill-treatment of children and that it intends to forward at an early date a representation to Government for reform in the existing law dealing with such cases. Perhaps a special Act on

the lines of the Children's Act of England will prove salutary. That will adequately stop the "manufacture" of beggars and the heartless neglect and ill-treatment of the juvenile population in our midst.

If Government is pleased to appoint the committee which this resolution asks for, it could, I feel certain, recommend effectual measures for remedying the beggar nuisance which is so greatly on the increase in the city of Bombay and to which we see constant reference in the press. Elsewhere in the Presidency the nuisance is by no means so great but if remedial measures in Bombay prove successful there is no reason why by degrees the same might not be extended to other parts of the Presidency. Some members of this Council might argue that this question falls within the purview of the Bombay Municipal Corporation. There is naturally in that body considerable difference of opinion as to whether the expense that would be incurred in adopting measures should be borne by the city or in all fairness ought to come out of the revenues of the Presidency because the larger percentage of beggars in Bombay come from the mofussil. The Municipality has had the question brought up before it more than once and even at the present moment it is under the consideration of a special committee.

As to existing remedies the Commissioner of Police has certain powers but they do not go very far. According to section 121 of the City Police Act if a person begs or directs or permits children under his control to beg or exposes for the purpose of obtaining or extorting alms any sores, wounds, etc., in any street or public place, he can be punished with imprisonment. The police do bring up people under this section before magistrates but in the great majority of cases the punishment inflicted is a day's imprisonment which means that the accused is kept in the lock-up until the Court rises in the evening. This amounts to a conviction of course. Now section 27 of the same Act lays down that the Commissioner of Police can direct the removal of persons who have been twice convicted under section 121. This seems easy enough but it is very difficult for the police to keep track of the countless number of beggars who have been so convicted and who, as I say, have been sentenced to only a day's imprisonment. The police take finger prints and I understand have recently appointed a special staff for the purpose of finding out the number of beggars who have had two or more convictions, but in spite of their efforts they have not succeeded to an extent that the public would appreciate. What the public desire and what would prove of great help to the police as well would be houses of detention where these beggars might be sent by magistrates. Again under section 27 the Commissioner of Police has power to cause pauper immigrants to so conduct themselves as to prevent the spread of epidemic diseases in the city. He can therefore collect such beggars and detain them in segregation camps and remove them to their native places if they do not belong to the city. This involves the provision of a segregation camp, the feeding of beggars whilst in the camp, and the cost of their removal to their homes. The Municipal Commissioner as recently as the beginning of this year asked for a grant of Rs. 10,000 for this purpose which was immediately voted by the Corporation and I quote this instance to show that the Corporation is quite alive to its responsibilities. I suggest that it should be within the scope of the committee I have asked for to make recommendations in regard to the division of the responsibility as between the Government and the Municipality. Whilst beggars from the mofussil can be dealt with by the local police there is greater difficulty in regard to beggars who are residents of this city. It often happens that when the police want to send away some beggars upcountry, people who are residents of this city come forward to claim them as their relatives and the police have no other recourse but to hand them over to them. Such beggars continue in the city and the best that the police can do is to bring them up before magistrates time after time. If there were a home for those beggars who are residents of Bombay and if the police had plenary powers the situation would greatly improve.

BEGGARY IN THE CITY OF BOMBAY.

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In Ceylon they have tackled this question in a manner which we might copy with profit. The beggar nuisance in Colombo became so great that a commission was appointed which as a result of its deliberations recommended legislation. A special Ordinance was passed and came into effect from 1st January 1914. A house of detention and home for vagrants was opened under the supervision and control of the police. It is the duty of the police to arrest and place before a magistrate all persons loitering in the streets and begging. If the magistrate declares a person so brought up to be a vagrant and a vagrant is defined as a person who asks for alms or is without employment and has no visible means of subsistence then such person is removed to the house of detention. This place is a sort of a clearing house from where those who do not belong to the Island are deported, the sick and the aged are passed on to the Salvation Army who undertake to look after them and light work is found for the able-bodied. The Ordinance has thus rid the Island of its vagrant population and the lot of the destitute who used to flock there in large numbers is much improved. Further east at Singapore and even at Hongkong they have adopted similar measures and there is no reason why the Government of Bombay should not move in the matter. I trust therefore that Government will see its way to accept the resolution and appoint a Committee as asked for. The object of this resolution and of any subsequent legislation is best expressed in the statement of objects and reasons appended to the Singapore bill, *viz.*, " to get rid so far as possible of useless members of society, to help so far as may be possible blameless decrepitude and in cases where the decrepitude or inability to work is of a temporary nature to restore to health and enable the patient to regain the habit of self-support." At the opening of the Exhibition of Foods and Household Products a few days ago at the Town Hall your Excellency claimed for the citizens of the Presidency over which you preside the distinction of being the pioneers in this country of several great undertakings during the past few years. Much of this credit is due to your Excellency personally and to your Excellency's Government and I trust that the Bombay Government will likewise be able to claim the distinction of being the pioneer province in India to deal successfully with the question of professional beggary.

The Honourable Mr. G. CARMICHAEL :—Your Excellency,—The Honourable Mr. SETHNA has referred to the work that has been done by the society for the protection of children in Western India. There are two separate societies, one in Poona, started 7 years ago, and the other in Bombay which was started about two years ago at the instance of the Honourable Mr. WARDLAW MILNE. As a member of the Bombay society, I wish to give to this Council some information which may enable it to discuss this resolution with more information. The particular point I wish to bring to notice is what the society is doing at present with regard to proposals for legislation. The society of course is mainly concerned with children and that has reference to the second part of the resolution that the Honourable Mr. SETHNA has just moved. It is concerned with stopping minor boys and girls from being turned into or sent out as beggars and mendicants by their parents, guardians or others who may for the time being have the care of such minors. The proposals have not yet been sent up to Government, but they have been worked out and they will be very shortly sent up to Government. As the Honourable Mr. SETHNA said, we are following the lines of the Children's Act at home. One proposal is to have children's courts for the disposal of offences by children.

But the main proposals are that the police should have authority to take charge of children and with the sanction of the magistrate place them in some home. At present the society have no authority to detain the children, but when they are found they take them to the children's homes and as far as possible distribute them to the various orphanages, such as the one in which the Honourable Mr. PAREKH is interested, the Lady Northcote orphanage and such other

places where they are looked after. But it very frequently happens that the children disappear and go back to the streets. In order to prevent that, it is necessary that the person who takes charge of them should have some authority to detain them, and the proposal of the society is that the police should have power to bring any children before a magistrate, and the magistrate have the power to direct that the children should be detained in a home. In this connection I may refer to legislation which was under the consideration of the Government of India. That deals, I believe, chiefly with the protection of minor girls and their rescue from danger of being sent to a life of immorality. There was a good deal of discussion on that bill in the Council of His Excellency the Viceroy, and I understand that it was postponed as a contentious measure.

The chief difficulty there was that several members took objection to the vagueness of the provisions in the bill which referred to the home into which the children were to be remanded by the magistrate. The objection they raised was that there was no definite provision that the children should be brought up in the religion which the parents or guardians profess. On that point there was lengthy discussion and, as I said, the bill has been held up as a contentious measure. But our society held that conditions in Bombay being different, there being a considerable number of orphanages, Hindu, Mahomedan and others (and also our society hopes to start a home of their own near Bombay) and it not being necessary to make further provision in the matter of homes, there should be no difficulty in giving to the police authority to remove the children to any home. We hope that the children would in the first instance be given to the society for care and it should be left to the society to arrange for their being sent to a suitable home and detained there.

I am very glad that the Honourable Mr. SETHNA has brought this resolution before this Council and I hope that he and other honourable members including the Honourable Mr. PATEL who has a similar resolution on the agenda list will give to the society both moral and financial support. As the question is actually coming up to the Government from the society in a concrete form I do not think that there is any particular point in having a further inquiry on the subject, because the proposals will, if Government think they are reasonable, be brought before this Council for consideration. So that it is hardly necessary to delay matters by having a further inquiry into the position with regard to the protection of children.

With regard to the question of professional beggars, the Honourable Mr. SETHNA proposes that something should be done either by way of a workhouse or as in Calcutta by way of a refuge. There also legislation would be required in order to prevent the beggars, once they are brought into the refuge or workhouse, from disappearing.

I remember that the Honourable Diwan Bahadur GODBOLE and I worked together in connection with an institution in Poona provided for by funds given by a charitable donor. This institution was intended for the reception of beggars and poor people but it was generally found that they came into the refuge simply for a change and after they stayed there for a time they went back and the committee of that fund were unable to control their movements.

The Honourable Mr. SETHNA said that the Bombay Municipality was unable to do anything because the beggars were not their beggars. That is I think taking a very restricted view of the duties of a municipality and I hope that if a refuge for professional beggars is established the Bombay Municipality will help it. It seems to me that it is peculiarly their duty and I also hope that if the society for the protection of children approaches the municipality for a grant that they will help that society, and as a member of that society I hope that if that society approaches Government for a grant that they will also be liberal in the matter.

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[6TH DECEMBER 1917.] [*Mr. Vithalbhai Jhaverbhai Patel; Mr. G. S. Curtis; Mr. Phiroze C. Sethna.*]

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—It is unfortunate that I have been placed at the furthermost end of the house and I must confess I have not been able to follow all that the Honourable Mr. CARMICHAEL has said. If my honourable friend Mr. CURTIS is going to accept the resolution on behalf of Government——.

The Honourable Mr. CURTIS:—No, no. I am waiting to hear what the honourable member has got to say.

The Honourable Mr. PATEL:—I should ask the Council to turn its attention to resolution No. 25 on the agenda. That resolution has been in my name and it is a resolution which is very comprehensive. The greater includes the less. The resolution of my honourable friend Mr. SETHNA which has been so ably moved by him just now is confined to the city of Bombay. But the resolution No. 25 applies to the whole of the Presidency. I therefore, with your Excellency's permission and in order to save the time of the Council and facilitate its business, would like to move an amendment to the Honourable Mr. SETHNA'S resolution. I would drop the words "in the city of Bombay" and leave the rest of the resolution as it is. If the amendment is agreeable to my honourable friend I would support the resolution in the amended form.

The Honourable Mr. SETHNA:—I have no objection to accept the amendment of my honourable friend Mr. PATEL.

The Honourable Mr. PATEL:—If the words "in the city of Bombay" are taken out the rest of the resolution will read as follows:—

"This Council recommends that His Excellency the Governor in Council may be pleased to appoint a committee consisting of officials and non-officials to consider and formulate proposals for the prevention of professional beggary and in particular stopping minor boys and girls from being turned into or sent out as beggars and mendicants by their parents, preceptors or others who may for the time being have the care of such minors."

Your Excellency, the system of professional beggary to my mind is objectionable on social, moral and economic grounds. Society is not bound to maintain idlers. Every member of the society is bound to render service to it either bodily or intellectually. A 'professional beggar' by which term I mean a person who begs for alms in any public street without rendering any secular or religious service is a public nuisance. It does not require any very great observing faculty to see the danger involved in allowing this sort of nuisance in our social fabric. I know that there are one or two societies in Bombay for the protection of children. The efforts of those societies, laudable though they are, are not sufficient to cope with the ever growing evil of professional beggary in the city and outside and unless Government comes to their assistance the question will not be solved at all. It is not at all my intention to come in the way of sadhus. They may receive alms for rendering their religious service to their laity. My objects in moving this resolution are two. The first is to minimise the nuisance of public begging and the second is to prevent the exploitation of minor boys and girls. In the first place I am bound to explain the situation that has arisen since I gave notice of this resolution. I gave notice in September last and I got a letter from Government to say that Government were considering the question, that they had received some proposals from the society for the protection of children and that some legislation on the lines proposed was in view. The letter further stated that there was already a provision in the City of Bombay Police Act penalizing professional beggary but that such a provision did not find a place in the District Police Act, and that Government was going to amend the District Police Act to bring it on a line with the Bombay Police Act. Your Excellency, speaking for myself, I say that section 121 of the City of Bombay Police Act has not at all served to solve the question. Section 121 no doubt penalises professional beg-

gary. The policemen can under it get hold of beggars and bring them up before a magistrate and the magistrate may sentence them for a day or a week, as my honourable friend Mr. SETHNA said, but the question of professional beggary would not be stopped at all in that way. I would just like to invite the attention of this Council to what the Inspector General of Prisons in his last annual administration report says. In his remarks regarding "nature and length of sentence" he says :—"In this connection I will briefly allude to the imprisonment of beggars in Bombay. In the Common Prison 127 males and 74 females were committed to jail for this offence.

"Seventy-one were sentenced to simple imprisonment : 51 for seven days and under and 20 from seven days to one month.

"One hundred and thirty were sentenced to rigorous imprisonment : under seven days 18, from seven days to one month 112.

"Two females were under 16 years of age; 16 males and 13 females under 21 years of age; 17 were totally blind.

"These beggars are, it is needless to say, a constant danger to the health of the jail. I presume that the object of this imprisonment is the prevention of begging. But short sentences will never have this effect nor will sentences of simple imprisonment. If a beggar's gains from begging were confiscated regularly his trade would cease to be profitable. I have known beggars, sentenced to a few days imprisonment bring with them to the prison sums varying from a couple of rupees to thirty. They are bathed, well fed, medically treated, and then, thoroughly refreshed, they are released and the money handed back to them."

That is the effect of section 121. Of course I do not at all agree with the remedial measures suggested by the Inspector General of Prisons in the latter part of his report, but so far as his remarks on the failure of section 121 is concerned I entirely agree. I therefore respectfully submit, your Excellency, that the insertion of a similar provision in the Bombay District Police Act will not at all solve the difficulty. The question has to be decided once for all after it is seriously tackled by a committee consisting of officials and non-officials. It is no use passing piece-meal legislation in this matter. What I propose is that your Excellency's Government should accept the resolution of my honourable friend Mr. SETHNA as amended and decide the question once for all. It is certainly not the purpose of the Honourable Mr. SETHNA'S resolution to suggest ways and means for the solving of the problem. It is for the committee to do so. However, he has suggested some remedies and I should also like to suggest some. In my opinion instead of sentencing beggars to imprisonment I would send them on to homes provided by the state or private homes recognized by the state and for this purpose I would empower the magistrate to send those beggars who are hauled up before them to these homes.

The Honourable Mr. CURTIS :—How are the homes to be paid for ?

The Honourable Mr. PATEL :—From the public exchequer.

The Honourable Mr. CURTIS :—Has the honourable member any idea of the number of beggars in the Presidency ?

The Honourable Mr. PATEL :—3,50,000.

The Honourable Mr. CURTIS :—What is to be the proportion of beggars who would be kept in these homes? Has he any idea ?

The Honourable Mr. PATEL :—You might send them to industrial homes where they might be employed or they might be sent to mills or other work. If Government has really a will it is easy to find the way. I do not profess to put a complete scheme before Government but I merely make suggestions. It is for the Committee to submit a complete scheme.

The Honourable Mr. CURTIS :—May I ask my honourable friend who would give them the clothing and meals ?

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The Honourable Mr. PATEL:—I said the public exchequer.

The Honourable Mr. CURTIS:—Has the honourable member any idea of the jail population.

The Honourable Mr. PATEL.—The jail population of beggars, you mean?

The Honourable Mr. CURTIS:—No. I am only trying to hint to the honourable member that the financial problem is rather a large problem and I want to ask how he is going to tackle it. It is rather a very difficult one.

The Honourable Mr. PATEL.—All the problems that come before Government are more or less difficult but Government have got to solve them for the good administration of the country.

I also suggest that the City of Bombay Police Act and the District Police Act must be amended on the lines of the Children's Act in England. Section 58 of the Children's Act in England is as follows (quotes).

With these words I heartily support the resolution.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE:—Your Excellency,—I accord my hearty support to the resolution which has been so ably moved by the Honourable Mr. SETHNA. The evil is a very growing one, as everybody admits. But the removal of that evil is also an exceedingly difficult problem. Here is a question on which it is impossible for Government to legislate too far in advance of public opinion, and the one great result of this discussion in the Council will be to serve to educate public opinion in this matter. The various classes of beggars were enumerated by my honourable friend. Now one very great difficulty in this matter is that one fairly inoffensive class that he mentioned is being needlessly swollen by other people who claim to belong to that class,—I mean the class of sadhus or religious mendicants. People claim to possess some sort of religious atmosphere about themselves in order to dupe the public, and I am afraid unless public opinion is properly moved and taken into confidence we shall find that the evil of this class of sadhus, including practically all beggars, will go on very much as before. We find, for instance, that it does not take very long for anybody now-a-days to turn into a sadhu; a little paint, with possibly no kind of dress on at all, will make a man a sadhu. He may not have the slightest atmosphere of religion about him, but he can produce a certain amount of sympathy among the common people. As I say, on this question the public opinion has got to be educated. We have got to bring common people to see that the effect of their indiscriminate charity is really extremely demoralising to the whole body politic. Of course, one feels a certain pleasant sensation when a man comes and asks for alms and he gives it to him. But I think there ought to be a legal provision for preventing beggars from plying their trade in public and for this purpose some kind of legislation would be required.

I myself think that the alternative of the work-house, which has been tried in England, is not a satisfactory solution. Work-houses have been going on in England and we hear various complaints about the management of these work-houses, because, after all, the people who manage them come into so intimate contact with this degraded humanity that their feelings themselves get hardened and, after all, we might have some of the types of superintendents of work-houses typified by Dickens in Oliver Twist. I think, therefore, to a great extent a certain amount of philanthropic agency will have to be utilised for this purpose and I think that large charities which are at present to a certain extent used for the purpose of feeding the poor, whether they are deserving or not, might possibly be diverted for the legitimate purpose of helping the cripples and deserving beggars, but not for the purpose of helping and feeding able-bodied beggars.

Another idea that I have is that these able-bodied beggars, when they are convicted of mendicancy, should not be sent to prison, but they should be sent to special gangs like the Visapur gang of criminal tribes, or something similar to

that can easily be done. A large colony of beggars might be started with, of course, full powers for the police to prevent them leaving the colony; but they ought not to be put under the same regime as an ordinary prison. They ought to be made to work in a distinct colony of themselves. Possibly a few beggars might start hunger strikes, but I think in a few cases we shall have to be hard hearted, at least till the strike comes to an end.

Then there are also several other classes in the case of which I am afraid Government has not done its duty. I refer to the class of people who occasionally go with deformed cattle, deformed cows and so on, showing that they have 5 legs or 6 legs, which everybody knows have been secured by acts of almost terrible cruelty upon those animals. We find that these deformed cattle are used for the purpose of eliciting alms. I think Government might very easily try to put the law in motion in cases of this type. They are cases of horrible cruelty to animals and I do not know how these men are allowed by the police or Government.

His Excellency the PRESIDENT:—What are Government to do in the opinion of my honourable friend ?

The Honourable Mr. PARANJPYE:—Prosecute these people. I should take it that every deformed cow which is exhibited in this way is to be presumed to have been made to look like that by criminal means unless it has been proved that they are natural monstrosities. I think it is admitted on all hands that these monstrosities are created by horrible methods of cruelty. That is one point.

Another point is that some of these beggars occasionally secure the services of a child or some cripple, and we have often read in newspapers advertisements for a blind person to go about with an able-bodied beggar to secure the sympathy of the people. Well, there is a trade in these cripples, who are taken round by able-bodied people for the purpose of exciting sympathy. We must take care of these cripples in the proper manner and stop able-bodied beggars from plying their profession; and if we keep them in gangs far away from their houses and allowing them to go only when the superintendents of the work-houses say that they have reformed themselves, something might be done. In this case also in the beginning a certain kind of legislation could be useful, possibly for those municipalities or local bodies which would like to do away with professional beggary within their limits. It is possible that some local bodies, if there are enabling clauses in the Act, may be able to put those clauses into operation and stop professional beggary within their limits. In any case, whatever the means, the proposal of my honourable friend Mr. SETHNA will secure the appointment of a committee which will find out ways and means for doing away with the evil, which is almost eating up the vitals of some classes in our country. For instance, when a beggar sometimes gets more food to eat and in fact is much more happy than a man who works all day long, the incentive for regular and honest work is taken away from the ordinary people. It is not only for the good of the beggars, but it is for the benefit of other people who want to live honestly, that certain remedies are required for getting rid of this nuisance. For this purpose I heartily support the resolution so ably moved by my honourable friend Mr. SETHNA.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency,—I also heartily support the proposition which has been placed before the Council by the Honourable Mr. SETHNA. I have been giving some attention to the subject of charity in municipal areas. I happen to be connected with an infirm asylum in the City of Poona, an institution established over 50 years ago, that has got funds to the extent of about Rs. 80,000. We get interest from these funds from which we keep the asylum which is called the David Sassoon Infirm Asylum. In this asylum we can take 60 inmates and we

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have been making endeavours to get this number of inmates for a number of years. But unfortunately on account of the indiscriminate charity that prevails in Indian cities, our funds are not fully utilised. We spend out of our receipts about half the amount in keeping up about 20 infirms, and the rest of the money is being added to the funds year after year. This is not a desirable state of things. The reason is that there is no charity organisation, no legal remedy, and no powers with which the police are invested for stopping beggary in the streets. Charity is practised indiscriminately in Indian cities, and the consequence is, that the blind, the halt, the infirm and the old and decrepit people get far better treatment from the general public outside than they get in the asylum itself. We admit the infirms, we feed them, we lodge them and we keep a doctor to look after them in our asylum. But I find from enquiries that I have been making, that in addition to getting their food and raiment, the infirms get a lot of money by begging in the streets and in the temple yards. Unless, as my honourable friend Mr. PARANJPYE has put it, the public realise the evils of indiscriminate charity, the evil, I am afraid, will not stop. But the Government also must come to our rescue by insisting that in areas where due provision has been made for infirms, minors without guardians and others who are incapable of earning a living for themselves, street begging should be made penal. In Poona, for instance, we have got the David Sassoon Infirm Asylum. We can accommodate there 60 people who are lame, halt and blind and who are therefore incapable of earning their own living. This asylum should be sufficiently enlarged and equipped so as to provide for *all* the incapables in the Poona municipal area.

The Honourable Mr. CURTIS:—Who would pay for the equipment?

The Honourable Dewán Bahádur GODBOLE:—The funds ought to come partly from the municipality and partly from the state exchequer.

All the minors that have no guardians to take care of them should also be provided for in boarding houses and schools, preferably boarding industrial schools. After this provision at Poona, the magistrate should have powers to step in and to say that begging of any sort will be penal in Poona municipal area, except in the case of recognised sadhus who, on account of their religious teaching and environment, have obtained the privilege of living by begging. I might tell the Council that amongst Hindus certain Brahmins like Ramadasis are allowed to beg when they devote themselves to the worship of God.

His Excellency the PRESIDENT:—May I ask my honourable friend whether he would exempt all sadhus from the provisions of any legislation that might be passed?

The Honourable Dewán Bahádur GODBOLE:—I would insist, your Excellency, that able-bodied sadhus who are doing no religious work should not be allowed to beg.

The Honourable Mr. CURTIS:—What is the definition of a sadhu?

The Honourable Dewán Bahádur GODBOLE:—The word should be defined by the committee. A recognised sadhu should hold a license.

The Honourable Mr. CURTIS:—Does the wearing of a robe constitute one?

The Honourable Dewán Bahádur GODBOLE:—We will have to formulate proposals to discriminate the real from the false sadhu. In the case of every other beggar it should be made penal to beg. Otherwise the evil will not stop. I consider it scandalous, sir, that able-bodied people, in these days should be allowed to beg.

His Excellency the PRESIDENT:—But the honourable member exempts sadhus?

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The Honourable Dewán Bahádur GODBOLE :—We must differentiate between the false and the real sadhus. One has to realise in these days, when labour is commanding from 8 annas to 10 annas per day, that it would be a scandalous waste of public funds to feed able-bodied beggars. It is distressing to see numbers of able-bodied people who come from Marwar and Northern India periodically and make begging their profession in this Presidency. If we ask them why they do not do some sort of work they say " Our business is begging ". In these days when labour is commanding such high prices as 8 annas to 10 annas per day, and when the economic conditions of the Presidency are suffering from want of labour, these people must be prevented from begging. Each beggar means a loss to the country of Rs. 200 per annum, Rs. 100 for his own upkeep and Rs. 100 for the price of labour which he otherwise would give to the country. In the Poona district according to the census figures there are 12,373 beggars including procurers, prostitutes, receivers of stolen property, etc. If out of these 12,373 we take 4,000 as able-bodied beggars who have no right to beg at all, it means a loss to the Poona district of eight lakhs of rupees. If this army of 4,000 beggars were given in my charge, in the course of two years I will build a light railway of twenty miles in length with their assistance (laughter).

I think, sir, that the resolution that has been put forward by the Honourable Mr. SETHNA is worthy of every consideration, and that it should be accepted by this Council. I respectfully submit that a committee should be appointed in the manner suggested by him to formulate feasible proposals for stopping beggary by able-bodied people.

The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA :—Your Excellency, while I agree with the remarks that my honourable friend Mr. SETHNA has made on this matter I feel that tackling the question with regard to the whole of the Presidency is a very big matter as will be seen from the census figures that have been quoted, namely, that this Presidency contains something like three lakhs and seventy-six thousand beggars and various other persons. The matter so far as the whole Presidency is concerned is so large that perhaps it would have been better if the Honourable Mr. SETHNA had confined himself to his original resolution and restricted the scope of the inquiry to Bombay city alone, and also I think that perhaps it would have been better if the Honourable Mr. SETHNA had waited to see what decision or results the committee, which the Municipal Corporation of Bombay has appointed and which is considering this matter for some few months past, arrives at before bringing this matter before this Council.

I may mention, sir, that I also feel that if my honourable friend Mr. SETHNA said, as I think the Honourable Mr. CARMICHAEL suggested, that the Corporation had no desire to undertake any liability in this matter because of the influx of beggars that comes into the city from outside, I do not know what authority the Honourable Mr. SETHNA had for saying so.

The Honourable Mr. SETHNA :—I did not say so.

The Honourable Mr. C. V. MEHTA :—The fact of the matter is that under section 63 (k) of the Bombay Municipal Act we are entitled and I may say we are willing to consider any question of contribution that may be required from the Bombay Municipal Corporation to put a scheme into practice which will do away with professional beggary. I do not, however, think that it would be strictly within the province of the municipality to deal with able-bodied beggars who do not expose to the public offensive sores or ailments or who do not in any evil way directly or indirectly affect the health of the city.

The Honourable Mr. CURTIS :—May I ask the honourable member why? I have before me the poor rates of London. It is the recognized duty of local bodies in England to provide for able-bodied vagrant poor. Why should not a local body in India provide for the able-bodied poor?

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The Honourable Mr. C. V. MEHTA:—As the honourable member is aware, section 63 (k) of the Bombay City Municipal Act imposes not an obligatory but a discretionary duty on the Corporation to take such measures as may promote the health or convenience of the public or public safety only. However that may be, I am sure that the Bombay Municipal Corporation would be willing to shoulder its fair burden of the cost of any scheme that may be proposed. It is with a view to ascertain how matters are dealt with in Ceylon that the Corporation put themselves into communication with the authorities there and I may mention that the one fact that comes out of these discussions is that firstly it is absolutely essential that we must provide a home for the sick and the diseased before we can take any further step in the matter at all. That has apparently been done in Ceylon as well. There are two classes that are dealt with in Ceylon—one, those who cannot work owing to disease, and the other, those who cannot work owing to old age. Those who cannot work owing to disease are sent to hospitals and those who are too old are sent to the home for the aged, and those who can work but won't work are dealt with otherwise and are deported out of the island. I may mention that the problem in Ceylon is not at all anything like what we have to deal with even in a single city like the city of Bombay. In the three years that this measure has been enforced in Ceylon there have been only 1,760 beggars that have been dealt with during that period and out of that the number for whom employment is found is 580, the number shifted to India is 641 and the number transported to their homes is 22. The number of those who died or were discharged was 309.

The first essential therefore is to provide a home to which these diseased or old beggars can be sent after they have been put before the magistrate. It must be within the knowledge of the inhabitants of this city that there is already in existence a home of this character situated at Bellasis Road near the Parsi Statue. It is called the Benevolent Institute. But the accommodation in that home is so limited that if we are to deal with this problem in this city in any comprehensive manner, we shall have to provide homes of very much larger proportions.

With regard to the City of Bombay Police Act, which has been quoted by two or three speakers here, mention has only been made of section 121, but I may remind them that there is in existence another section, section 36, which has been framed on the lines of the English Vagrancy Act, and that section gives full powers to the police to deal with vagrants or able-bodied beggars. That section runs as follows:—"Any officer in charge of the section may without an order from a magistrate and without a warrant arrest or cause to be arrested any person within his section who has no ostensible means of subsistence or who cannot give a satisfactory account of himself". So that so far as legislative powers are concerned they are already provided in the City of Bombay Police Act. But the complaint of the Bombay Municipal Corporation has for a long time been that either the police are too over-worked or that the number of police constables is too small to deal with a problem of this nature. And I have no doubt that the honourable member in charge will give due attention to this complaint of the Corporation.

The next point that the committee of the Corporation had to consider in connection with the treatment of this problem was that it must be proceeded with in a cautious manner. The Honourable Diwán Bahádur GODBOLE spoke of sadhus and it seemed to me that he spoke of them in a manner which leads one to believe that the public opinion at large at present would second any effort which is made to deal with all sadhus generally. I am afraid that public opinion not only in the Presidency but in the city has not so far advanced as to allow religious mendicants to be dealt with wholesale in any drastic manner. It is, therefore, that the problem is a greatly complicated one, and it is therefore that it is essential to act with caution in the matter, and to ascertain the views of several religious bodies of Hindus and Mahomedans at present giving subsistence to these religious mendicants, and it is suggested that if a committee is appointed

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which has on it the representatives of these various sadawarts, wakfs and mirasi funds, it might be possible to carry public opinion with us on this matter and it might also be possible to obtain contributions to the funds which might be required in a large measure if this problem is to be tackled in a comprehensive manner.

I should like to add here that it may possibly be necessary to strengthen the hands of magistrates by legislation. At present their powers even if they are exercised to the full are somewhat limited and the punishments that they inflict upon these beggars, whether they are able-bodied or whether they are diseased, are not of such a deterrent character as not to allow them to repeat their offences and it should be possible to allow magistrates to inflict punishments up to two years and to insist upon these able-bodied beggars, these vagrants, who have no ostensible means of subsistence, to do some class of work in a workhouse or a jail which will in a great measure tend to reduce the cost of this measure. The first and foremost thing therefore is having a house or home for the decrepit and diseased, and those suffering from old age, and once we have got that we can ask the police to exercise full powers, and I am sure that if the question is confined to the city of Bombay alone, I have no doubt that not only the Bombay Municipal Corporation but the various other religious bodies in the city will be able to contribute to the foundation and upkeep of such a home. I think that in Ceylon these homes are kept by Government and the municipal bodies. The cost of finding and equipping the home is borne by Government and the cost of upkeep is equally divided between the municipal councils and the Government.

The Honourable Sardar SHRINIVAS COOPOOSWAMY MUDLIAR:—My Lord,—After having heard those honourable members who have supported this resolution, it does not appeal to me to support this resolution, though I confess that the object of the proposer is a very laudable one. I am also of opinion that professional beggary should be stopped; but it is a very big and a difficult problem and in my opinion it is not so very easy to put a stop to this as some of us here think. It is not only finance that will come in our way, but there are many other things. The local conditions of this country are not the same as in England and other western countries. The Honourable Mr. PATEL and other honourable gentlemen just now remarked that sadhus should be excluded; but I would like to know who is to distinguish a real sadhu from a beggar who only professes to be a sadhu for the puposes of begging? Looking to these and other similar reasons I am of opinion that a small start should be made in this direction, and as suggested by the Honourable Mr. CARMICHAEL, I understand that we are shortly going to consider the question of minor boys and girls. And when we take that question in hand, we shall have the satisfaction that we have solved this problem considerably, though not entirely as proposed by the mover of this resolution.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH:—Your Excellency, I heartily support the resolution that is moved before the Council. Professional beggars may be divided into two classes. The first would be the helpless. Amongst the helpless I would put the decrepit, the defective and the invalid. As regards the permanently invalid and the decrepit, they should be maintained and I think it is a public duty, a charge upon the public purse, so far as the maintenance of these people is concerned. Then in reference to the defectives, there are no doubt institutions for the purpose of enabling them to receive some education and to lead an independent life, but I should think they do not get sufficient benefit of this institution and I think there should be some legal provision for the purpose of forcing the defectives that resort to street begging to go to the homes or asylums which are started for their benefit. Another class of helpless beggars consists of orphans, and so far as this class of beggars are concerned I think in Gujarat and Bombay there are a large number of institutions set up for the purpose of supporting them and giving them education and equipping them

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for the business of life and I am sure that efforts ought to be made in order to bring together all the parentless and helpless. I should think that some legislation to prevent them from begging and to force them to obtain an asylum in some home or orphanage would be really a most desirable thing, because not only they become dregs of society, if they are left alone, they acquire evil habits; they become thieves and they are the sources out of which the dangers to society arise. Therefore, it is absolutely necessary for societies whose business it is to protect children and others to see that the manhood of the country is not lost, and that these people are not permitted to lead idle lives and to beg in the streets. If there is any deficiency in the number of the asylums, the Indian public is sure to make it good.

The most difficult question is in refereuce to the able-bodied beggars. I am of opinion that if street begging were to be prohibited altogether by law this nuisance will be reduced to a minimum. It is necessary to deal with beggars of this class. A few of these may be what are styled religious beggars, but most of them assume to be religious beggars when as a matter of fact they are not. They are Waghris and other classes of people who pretend to belong to the class of sadhus. If begging is prohibited altogether, I am sure they will engage in some useful industry or cease themselves to reside in British territory. In reference to these people, I think something out to be done in order to prevent them from begging. It is not a mere economic loss in so many thousands of people not doing anything and living on alms, but most of them or a large number of them make alms one of the means of committing thefts. If one goes to one of these bazaars where these beggars sell the gains of the day and get money for them, he will be disgusted and he will find that he can do no greater harm to society than to give alms to these beggars. I therefore wish that, so far as able-bodied persons are concerned, something ought to be done and the best way of preventing them is to prevent begging in streets by legislature.

(At this stage His Excellency the President withdrew and the Honourable the Vice-President occupied the chair).

So far as other classes of religious beggars are concerned, I do not think that those who do perform some useful service, who when asked for the purpose of census returns say their profession is that of a *Bhikshuk*, are really beggars; they do some service for which they are paid, and I would not class them amongst the regular beggars. But as regards beggars proper, there may be now and then a few cases of people who are really wanting help and for whom homes may be required. I should think, however, that it would not at all be a very large number, and even in reference to such people as are unable to work, I am sure there would be provision coming out of the philanthropic public of this Presidency. I therefore consider that it would be a great service to society, if the profession of begging in the streets is prohibited altogether by law. I no doubt admit that the matter is full of complications and it could not be disposed of by a discussion in this Council and, therefore, it is most desirable that a committee should be appointed whose business it would be to enter into all the details of this question and to advise how the question of beggars should be disposed of.

The Honourable Rao Bahadur VENKATESH SHRINIWAS NAIK:—Sir,—Though it is very late in the day and though I think I should not trouble this Council with a speech at such a late hour on this important question so ably placed before this Council by my honourable friends Messrs. SETHNA and PATEL and sufficiently discussed, I think I should be failing in my duty if I did not say a few words in support of the resolution as to what people in rural areas think of the question.

For centuries past India has been proverbily known as a land of charity, and it is given in this country to individuals in the form of either food, raiment or money. Though our social and religious laws strictly enjoin that giving charity

to the undeserving and receiving the same by them are heinous crimes against humanity, through the influence of self-interested priestly classes at one time, this noble virtue of giving alms and charities is now-a-days so freely and indiscriminately carried on, with the result that many able-bodied persons have become indolent and burden to the society in respect of their maintenance. As a necessary consequence of this, many classes of people in almost all castes and sects, without adopting any honourable profession for their livelihood, have betaken themselves to some form of begging either in open streets in an outrageous manner, or inside the houses. These idlers who have made begging their profession on the pretence of religion, swell their rank by constantly drawing fresh recruits from the society, minor boys or girls are decoyed to join them by false representations, or foolish and credulous parents are made to part with them. The number of these beggars and religious medicants in this country is indeed appalling. It is true that there are some deserving cases amongst them, but it is also true that a vast majority of them are unproductive consumers and consequently dependent upon the earnings of others. These are the parasites of the society and constitute a very great social and economic evil of the country.

This is more a question concerning the society and reforms in this matter should begin with the people themselves. The society must drive these non-productive citizens out of their circle by the force of public opinion, but their evil has taken so deep a root that without the help of Government and legislation the society can do nothing in this matter. The policy of Government has always been, and justly too, one of strict neutrality in all social and religious matters, but when any custom or right has been found to be pernicious to the society, Government in the past history of this country have not shrunk from their responsibility of interfering and putting a stop to it. It appears to me that putting a stop to professional beggary and preventing the minors from being turned into beggars, is more a question of national well-being than that of religion or society. The census reports as we have been just now told show that the number of these professional mendicants and street beggars is greatly increasing and when this vast number of idlers in the society is a source of mischief and weakness to it, I would earnestly request Government to look into and give the question their best consideration. Moreover it is an understood rule of all civilized Governments that the minors are the wards of the State and when there are practices prevalent in the country which have a tendency to corrupt their morals or to demoralize them or make them unfit to be worthy citizens it is the first and foremost duty of Government that instead of allowing them to be ensnared by irresponsible persons or permitting their parents or guardians to dispose of their children or wards as if they were their personal belongings, to take them in their hands and so far as it lies in their power to stop these malpractices. This question of preventing beggary is no doubt a question concerning the whole of India, and as such should have more appropriately been discussed in the Imperial Council, but as this Presidency has a share of this unproductive and inert mass of humanity, my friend the Honourable Mr. SETHNA is not a bit too early or out of order in bringing this subject before our Council. When this very serious evil affecting the society is placed before the highest legislative body in this presidency it seems to me to be most reasonable that Government should appoint a committee of officials and non-officials, as asked for in this resolution, to consider thoroughly the religious aspects of the question, practical difficulties in carrying out the prevention of beggary and conversion of minors into beggars and suggest measures as will prevent the creation of these professional beggars any more, and reclaim those that have been lost to the society. With these few words I heartily support the resolution.

The Honourable Mr. PURUSHOTAMDAS THAKURDAS:—May I say a few words on this resolution ?

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The Honourable the Vice-President :—I think I can declare that the resolution has been sufficiently discussed in accordance with resolution rule No. 18. I therefore ask the Honourable Mr. SETHNA to reply.

The Honourable MR. SETHNA :—I would be glad to hear the honourable member in charge before I reply.

The Honourable Mr. G. S. CURTIS :—Sir, I will state as shortly as I can the views which Government hold on this somewhat large and extensive question. The mover of the original resolution which is now under discussion, divided beggars into 4 classes. I would prefer to divide them into 5 for all practical purposes. The first class are the child beggars. As regards those we have already heard what is being done by the society of which Mr. Wardlaw Milne is the moving spirit. That society has made an application for assistance to Government which application is at present under consideration. It will not be suitable for me to say in what way it will be disposed of, but I think we can assume that as regards those children efforts will be made as far as possible to ameliorate the present condition of affairs, and I may remark in passing, what perhaps the Honourable Mr. SETHNA may not be aware of, that the matter of legislation for infants has been already before the Government of India and action has been suspended pending solution of the religious difficulty. The religious difficulty is a very acute one and until some suggestion is made by which it can be surmounted it is not very clear how any progress can be made with regard to that particular bill. But such progress as seems possible is rather in the direction of local effort supported by public contributions to societies of which the Honourable Mr. CARMICHAEL has given us an example. It is very much to be hoped that the efforts of that society will result in many more being established, in places like Ahmedabad and elsewhere. So much for the child beggars.

The second class to which I will refer to is the criminal beggar of the several criminal classes, such as Berads, Bhamtas, Haranshikaris and Ghantichors and numerous other criminal tribes that are described in the Act bearing that title. With regard to these very successful action has of late been taken under the Criminal Tribes Act by the staff which has been so ably headed by Mr. Starte and at the present moment there are I think something like 8,500 of these classes in this Presidency under settlement who are gradually being trained to lead a wholesome life and earn their living by honest labour. In Sholapur in particular the settlement has been very much appreciated by local employers of labour and is now in process of expansion. I think as regards these particular classes it will, I hope, be only a matter of time before they (I must admit they are a very small fraction of beggars) are satisfactorily disposed of.

Now there are three other different classes. First of all, the sadhū, secondly, the physically fit, and thirdly, the unfit. First of all let us take the sadhus. The Honourable Mr. PARANJPYE (I am sorry I don't see him here) gave us an amusing description of the easy way in which it is possible for an ordinary member of the society to become a sadhu. If the reports I have seen in the papers are correct I think the seconder of this resolution has himself had some personal experience of how easy it is to change the habiliments of ordinary life to those of an able-bodied sanyasi. However, sir, the problem of the sadhu is very serious indeed. As the Honourable Dewan Bahadur GODBOLE himself admitted there is nothing as far as one knows to distinguish a real sadhu from a false one, and in the case of an Indian to whom indiscriminate charity to persons wearing the garb of religious mendicants is an act of the very highest religious merit, it seems almost impossible to frame a law by which this practice of indiscriminate charity can possibly be restricted. The only possible way I can see is to go round temples like Bhuleshwar or Matunga and actually take into custody the persons who give out doles to other persons who on enquiry turn out not to be proper sadhus. This Council will have noted that the Honourable Dewan Bahadur GODBOLE was compelled to fall back on a system of licensing sadhus, and that no sadhu should be allowed to accept charity unless when called on by the police he was able to produce his ticket. Well, sir, I think that any measure

of that sort contemplates a very serious interference with ancient customs and ancient beliefs in this country and no Government could attempt it without very much clearer indications than we possess at present, that such legislation is likely to become popular and if popular successful.

Now I come to the really serious matters, the physically fit beggar and the unfit. We have had two speeches, namely, the Honourable Mr. SETHNA'S and the Honourable Mr. PATEL'S. I wonder whether this Council realizes that if these speeches are closely analysed they are rather contradictory. What was the main ground for Mr. SETHNA'S motion for legislation? He has given two precedents, one was Ceylon and the other Singapore, and what he urged was a thorough and wholesale enforcement of section 121 of the City of Bombay Police Act, *i.e.*, find the beggar, take him before a magistrate, don't allow him to come back, strengthen your police regulations and if he comes back turn him out.

The Honourable Mr. PATEL remarks that he does not think it would be very successful, and I venture to think that residents of places other than Bombay might be inclined to agree with him and that to this extent, that the mere expulsion of beggars from the city of Bombay where they naturally come having regard to the wealth of the city, is really not to deal with the evil at all. Moreover, the legislation in Colombo which merely consists of finding the beggar and turning him adrift at Tuticorin with Rs. 5 in his pocket, is not really any serious attempt to cope with beggary nor, on the other hand, does the giving of a railway ticket for a beggar to Poona really constitute any proper solution of the beggar problem. At the same time, I must admit that the Honourable Mr. PATEL recognised that he was prepared to go the whole way. "Yes", he says, "we will have houses of detention everywhere. We will have asylums for the unfit and we will cover the country with places to which anybody begging, whether he is fit for labour or whether he is unfit, can be summarily consigned by an order of the magistrate."

I wonder whether honourable gentlemen have read anything about the history of the English Poor Law. It is rather a big question to start talking about at this time of the evening. It is a big question, and if the honourable gentleman will go into the history of the whole matter, he will find that the control of this particular matter in civilised countries is one of the biggest problems which has taxed the energies of the administrator; and even at the present time, with all our progress and wealth the number of paupers maintained in the United Kingdom is nearly 900,000 and that the expenditure on paupers is about 17½ million sterling. I may add that most of the large sum comes from the local rates and that in the ordinary parishes in London the poor rate is something like 8 shillings, that is from 7 to 8 annas on the rateable value in the rupee, that is 50 per cent. Honourable members will see why I interrupted the Honourable Mr. PATEL when he said gaily that provincial revenues could afford to pay this large amount. I will put it in another way. The jail population in this Presidency is about 10,000. The expenditure is about 10½ lakhs of rupees. The possible number of beggars is about 350,000. Well sir, if I only take one-tenth of that number, that is 35,000 and put them on jail diet,—we could not give them less,—and we make them work as prisoners, we may assume arguing from the analogy of the jails that it will cost provincial revenues 35 lakhs of rupees.

The Honourable Dewan Bahadur GODBOLE admitted that it might be possible to find some of this amount by recourse to municipal and local taxation. I do not want to be too personal, but I know a good deal of the finances of the Poona municipality. I may say generally, from what I know of the finances of local institutions, that the municipalities and local boards are far more prompt to apply to Government for grants than they are prepared to take their share in financing any big operation of this nature.

BEGGARY IN THE CITY OF BOMBAY.

[6TH DECEMBER 1917.] [*Mr. G. S. Curtis; Dewán Bahadur Kashinath Ramchandra Godbole.*]

May I take the matter a little further? It is quite clear, of course, that a large part of the beggar population in Bombay do not come from Bombay at all and that they have not got what is known in English law as a settlement in Bombay. Under the English law, I think the period of settlement is something like three years. Therefore, if they are deported and if we have a regular poor law, we shall have to deport them to their native places wherever they may possess a settlement. As many speakers have noted, quite half the number of beggars in Bombay come from the United Provinces or outside Bombay altogether and therefore if we are to have an act dealing with the poor and putting the whole machinery of workhouses into operation, it will only apply to Bombay Presidency, but it will leave unsolved the problem so far as the rest of India is concerned. The poor law must be tackled as an imperial question, partly on account of the enormous financial cost involved and partly because of the religious questions and difficulties likely to arise, out of the purely religious aspect of the question. I have, I think, Mr. Chairman, exceeded my time. I do not think I will weary the Council any longer with a discussion of this matter.

As regards industrial homes and such like institutions for children or persons of tender years, Government is, at the present moment, supporting small institutions such as the Borstal institution at Dharwar. There is an institution at Byculla and there are other institutions in various parts of the Presidency. But as the Honourable Dewán Bahadur GODBOLE points out, these institutions do not receive very much public support and the consequence is that it is very difficult to keep them going. In fact, in the present state of public opinion in Indian society, it is a sin to stop begging. I may say that with a large class of people, the man who passes his day without giving some definite fraction of his income in charity to a beggar, which he does very frequently without discriminating between the worthy recipient and the unworthy man, may be considered to have committed a sin and it seems probable that until there comes a change in public opinion with regard to the whole matter of charity, in particular to the manner in which large sums accumulated in religious charities which at present are badly or, at any rate, not efficiently disposed of by the managers of these institutions, and until public opinion demands that indiscriminate charity shall not be indulged in, it seems difficult to tackle this question.

However, as there seems to be a wish on the part of the members of this Council to pursue the enquiry with regard to this particular subject, Government are prepared to agree to the appointment of a committee, but they consider, having regard to the very delicate nature of the questions involved, that it will be undesirable that any officer of Government should be associated with it. They are therefore quite prepared, if the honourable mover of this resolution will send up half a dozen names, to appoint them as a committee of this Council and to arrange with the officers of the Secretariat generally that any information that the committee requires will be placed at their disposal, such as books and literature dealing with these matters generally.

The Honourable Dewan Bahadur GODBOLE:—Will the Secretary of the Committee be a Government official?

The Honourable Mr. CURTIS:—He will be some Secretariat official. He will not be a very high official, but he will be a competent officer.

In view of the fact that the Honourable Mr. PATEL has moved a similar resolution, and he also has first-hand experience of these sadhus, he might also join as a member of this committee. I am prepared to accept half a dozen members or any number which the honourable mover of the resolution thinks suitable. Instructions will be given to the Commissioner of Police and any other officers of Government he considers likely to be of assistance to the committee to give the necessary help.

(His Excellency the President at this stage returned and resumed the chair.)

BEGGARY IN THE CITY OF BOMBAY.

[*Mr. Phiroze C. Sethna; Mr. G. S. Curtis.*] [6TH DECEMBER 1917.]

The Honourable Mr. PHIROZE C. SETHNA:—Your Excellency,—My task in replying is considerably lightened by the fact that the honourable member in charge has kindly agreed to accept the resolution which I have moved. But I may be permitted to say a few words in reply to those who did not see eye to eye with me in the remarks I made. In the first place, I think I must explain why I accepted the Honourable Mr. PATEL'S amendment. My honourable friend Mr. CHUNILAL MEHTA is of opinion that I should preferably have allowed the enquiry to be confined just to the City of Bombay to begin with. That, sir, was my original intention. But members of this Council like the Honourable Rao Bahadur SATHE and others who certainly know much more about the mofussil than I do, advised me to accept the amendment and I have done so. I was under the same disadvantage as the Honourable Mr. PATEL in believing that the Honourable Mr. CARMICHAEL was the member in charge of this portfolio. He spoke however in his capacity as a member of this Council and not officially. I welcome the remarks that fell from him, because he has made them from first-hand information, being a member of this society. The name of the society, I believe, is "A Society for the Protection of Children in Bombay," in which Mr. Wardlaw Milne takes such a deep interest. And I was further pleased to hear from the Honourable Mr. CARMICHAEL, who is our Finance Member, that he will gladly welcome any request for help from Government and that he will afford both moral and financial support so far as lies in his power.

Then, sir, I regret if I did not make myself very clear, which led the Honourable Mr. CARMICHAEL to infer that in my opinion the Bombay Municipal Corporation was opposed to share the expenses in regard to any remedial measures in connection with beggars in the City of Bombay. On the contrary, I observed that the Bombay Municipality is certainly alive to its own responsibilities. Under section 27, among other powers, the Commissioner of Police is also authorised to take certain steps to prevent epidemics in the city, and I may mention an instance that occurred in the beginning of this year. There was fear of a cholera epidemic and the Commissioner of Police arranged to segregate beggars in the city. Now, sir, when these beggars were removed to segregation camps, the cost of erection of such camps and the cost of removal of these men to their homes outside Bombay was shared by the corporation. The corporation, I may mention, without any demur voted Rs. 10,000. I quote this instance to show that the Bombay Municipality is perfectly alive to its responsibilities. I would like it to be put within the scope of the committee I have asked for, not only to recommend, but to differentiate the responsibility of Government and of the municipality with regard to the number of beggars in the city, to apportion if they can the cost of any remedial measures they might suggest and other details.

Then, sir, the honourable member in charge questioned Mr. PATEL in regard to the number of beggars in the Presidency. I am sorry on my suggestion he gave the number as 3,76,000. I should have asked him to add that the 3,76,000 included, besides beggars, the various other classes that I have referred to. If there are 3,76,000 beggars and others in the Presidency, it follows that if you exclude sadhus and able-bodied men who would be dealt with otherwise, the number that Government will have to deal with in asylums or poor houses will be reduced to a much smaller number.

The Honourable Mr. CURTIS:—Is the honourable member quite sure that sadhus have been enumerated under the head of beggars, cattle poisoners, prostitutes and others in the census reports?

The Honourable Mr. SETHNA:—I take it that they are; but I am open to correction.

BEGGARY IN THE CITY OF BOMBAY.

[6TH DECEMBER 1917.] [*Mr. G. S. Curtis; Dewan Bahadur Kashinath Ramchandra Godbole; Mr. Phiroze C. Sethna.*]

In regard to the cost of expenditure, in Ceylon the cost works out at Rs. 10 per mensem. But the cost in Ceylon is higher, because prices of food stuffs, etc., are certainly higher there than in the Bombay Presidency. But I will accept the figure of the honourable member in charge, namely, that Rs. 35,00,000 will be required for looking after the beggars.

The Honourable Dewan Bahadur GODBOLE:—In our institute the cost is Rs. 7 per month in Poona.

The Honourable Mr. SETHNA:—If it is Rs. 7 a month in Poona, it will be more in Bombay; but it will be much less in other parts of the Presidency. As I have said, I will accept Rs. 35,00,000. Assuming the figure is nearer the mark, I contend that it is quite possible to levy a portion of this amount from the different municipalities; and so far as the Bombay Municipality is concerned, I am perfectly certain that they will be prepared to bear their share in regard to any remedial measures affecting beggars who are residents in the city of Bombay. In that way the burden of Government will be lightened to a certain extent and similarly in the case of Ahmedabad and Poona municipalities.

The Honourable Mr. CURTIS:—If is very difficult to get money out of either.

The Honourable Mr. SETHNA:—I put it to my honourable friend that if he will only appeal to the charitable instincts of the Indian communities, they will most readily come forward to help with funds. I gave your Excellency to understand in the course of my opening remarks that though asked by no one, the trustees of the Wadia Charities of their own accord went to the extent of asking Mr. Biswas to come down to Bombay all the way from Calcutta to advise about starting a Refuge in this city.

Now, sir, I might draw the attention of the honourable member in charge and the members of this Council to the various sadavrats and wakafs in this city. My honourable friend Mr. CHUNILAL MEHTA referred to the society which is located somewhere near the Parsi Statue in Bellasis Road. He gave us the number of people provided for in that institution as about 150. I wish my honourable friend Mr. CHUNILAL MEHTA, who is certainly conversant with the details in regard to similar charities in his own community, had given us further details. For, sir, I understand and I am supported in my contention by the Hindu members of the city of Bombay who are members of this Council that there is a particular sadavrat in Bombay known as the Kesowji Jadhowji Sadavrat where every morning at least one hundred beggars are fed and I think there are various other similar smaller sadavrats amongst Hindus. There is one at Walkeshwar where I understand nearly the same number is fed. Similarly the Mahomedan community entertain the belief that the first act of charity is to feed the poor.

The Honourable Mr. CURTIS:—Does the honourable member propose a comprehensive act dealing with charitable trusts?

The Honourable Mr. SETHNA:—I am not dealing with charitable trusts at all. I am referring to charity on the part of individuals. An ordinary Indian considers it very humane to feed and clothe the poor. As I say, sir, that is the first act of charity that appeals to him. And therefore, Sir, in my opening remarks I observed that if Government interests itself in opening asylums the burden of Government will be very considerably lightened by endowments from individuals. I again mention the case of the Wadia Trustees. If an asylum is opened under Government auspices I would not be surprised if the Wadia Trustees will, without any distinction of caste, creed or colour, come forward and extend substantial help. I am not one of the trustees myself, but I know this much that such a form of charity will greatly appeal to them.

I do think therefore that the task is not as prohibitive as it appears to the honourable member in charge and I do not suppose the expenditure will be as large as he estimates. I do not want to detain the Council as I do not know that there is anything else that I can urge and in conclusion, sir, I thank the Government for accepting this resolution and I shall be glad to propose the members of the committee.

Am I to name both the officials and non-officials or only non-officials ?

The Honourable Mr. CURTIS :—We suggest that the number should not exceed a dozen and that no officials should be proposed. The committee is to be entirely non-official. Those are the terms under which Government will accept the resolution. If information is required from the Commissioner of Police it will be supplied by him to the committee. But the composition of the committee will entirely be non-official.

His Excellency the PRESIDENT :—I can assure the honourable member that Government will give this committee every assistance in their power.

The Honourable Mr. SETHNA :—May I name members who are outside this Council also ?

The Honourable Mr. CURTIS :—Yes.

The Honourable Mr. SETHNA :—I thank you, sir, again for accepting the resolution.

The resolution as amended was then put to the vote and carried.

His Excellency the President :—The Council will now adjourn till 11-30 to-morrow.

The Council then adjourned till 11-30 on Friday, the 7th December 1917.

By order of His Excellency the Right Honourable the Governor,

R. B. MILNE,

Secretary to the Legislative Council
of His Excellency the Governor of Bombay.

Journal of the Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915 (5 and 6, Geo. V, Ch. 61).

The Council re-assembled on Friday, the 7th December 1917, at 11-30 a. m. at the Council Hall, Secretariat, Bombay.

PRESENT:

His Excellency the Right Honourable Lord WILLINGDON OF RATTON, G.C.I.E., Governor of Bombay, *President.*
The Honourable Sir MAHADEV BHASKAR CHAUBAL, K.C.I.E., C.S.I., *Vice-President.*
The Honourable Mr. G. CARMICHAEL, C.S.I., I. C. S.
The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.
The Honourable the ADVOCATE GENERAL (Mr. T. J. STRANGMAN).
The Honourable Mr. S. R. ARTHUR, I. C. S.
The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.
The Honourable Mr. GHULAM MUHAMMAD *walad* Khán Bahádur WALI MUHAMMAD BHURGRI, Bar.-at-Law.
The Honourable Mr. P. R. CADELL, C.I.E., I. C. S.
The Honourable Mr. SHERRIFF DEVJI CANJI.
The Honourable Mr. JAMES GARGRAVE COVERNTON, C.I.E.
The Honourable Mr. PANDURANG ANANT DESAI, LL.B.
The Honourable Captain C. FERNANDES, M.D., I. M. S.
The Honourable Mr. SIDDHANATH DHONDDEV GARUD.
The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.
The Honourable Mr. MAHOMEDBHOY HAJEEBHOY.
The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Mr. EBRAHIM HAROON JAFFER.
The Honourable Mr. J. D. JENKINS.

PAY OF ASSISTANT MASTERS IN VERNACULAR SCHOOLS.

[*The President; Sir Mahadev Chaubal.*] [7TH DECEMBER 1917.]

The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Mr. G. F. KEATINGE, C.I.E., I. C. S.
The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwada.
The Honourable Mr. H. S. LAWRENCE, I. C. S.
The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
The Honourable Khán Bahádur PIR BAKSH *walad* MIAN MAHMUD.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Sardár SHRINIWAS COOPOOSWAMI MUDLIAR.
The Honourable Ráo Bahádur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. W. U. NICHOLAS.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED *walad* IBRAHIM KHAN PATHAN.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. F. G. PRATT, I. C. S.
The Honourable Mr. MUNMOHUNDASS RAMJI.
The Honourable Mr. W. M. ROSS.
The Honourable Ráo Bahádur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. C. N. SEDDON, I. C. S.
The Honourable Mr. PHIROZE C. SETHNA.
The Honourable Mr. PURSHOTAMDAS THAKURDAS.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.

His Excellency the PRESIDENT:—Order, order. Resolution No. 48. The Honourable Mr. UPASANI.

"This Council recommends that the minimum pay of assistant masters in vernacular schools be fixed at Rs. 12 and of head-masters at Rs. 15."

Will the honourable member allow my honourable colleague to make a statement on behalf of Government in connection with this resolution?

The Honourable Sir MAHADEV BHASKAR CHAUBAL:—Your Excellency,—These two resolutions, Nos. 48 and 49, are resolutions which appear to me more appropriate to be moved as resolutions in connection with the financial statement than as ordinary resolutions on matters of general public interest and if permitted it would perhaps be difficult for this Council to deal with them when the budget is not yet ready.

But so far as the subject of these two resolutions goes, if the honourable member will allow me to make a statement, he may perhaps see his way to withdraw them particularly when the finance committee is to meet shortly and will have to give its opinion on the proposals submitted to it.

I may, however, tell the honourable member that so far as his resolution No. 48 is concerned there is a proposal at present which will come before the finance committee under which it is proposed to utilise a total amount of Rs. 1,73,000 for the purpose of improving the prospects of untrained teachers, and as regards his resolution No. 49 concerning the pay of vernacular trained teachers, an amount of Rs. 31,487, which is necessary for giving them the face value of their certificates, is proposed to be provided. So that as regards resolution No. 49 practically everything that he wants or can want is going to be provided for, and as regards resolution No. 48, as I said before, an amount of Rs. 1,73,000 roughly is proposed to be provided in the budget for that purpose.

PAY OF ASSISTANT MASTERS IN VERNACULAR SCHOOLS—PAY OF VERNACULAR TRAINED TEACHERS—NOTIFIED AREAS: EXPENDITURE ON EDUCATION, MEDICAL RELIEF.

[7TH DECEMBER 1917.] [*Sir Mahadev Chaubal; Mr. Shridhar Balkrishna Upasani; the President.*]

If in view of this statement the honourable member will see that it would not be of much use moving these resolutions, he might perhaps like to withdraw them.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency,—In view of the statement which the Honourable Sir MAHADEV CHAUBAL is pleased to make I beg leave to withdraw resolutions Nos. 48 and 49* and I will await the result of the deliberations of the finance committee. If I am not satisfied with the result of those deliberations, I will present these resolutions at the March meeting when the budget will be discussed.

Resolutions Nos. 48 and 49 were by leave withdrawn.

*"**This Council recommends to His Excellency the Governor in Council that the vernacular trained teachers be paid their salaries according to the face value of their certificates.**"

His Excellency the PRESIDENT:—Resolution No. 50. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency,—The resolution that I move runs as follows:—

"**This Council recommends that Notified Areas be not charged with expenditure on education and medical relief and that when it is proposed to be so charged the Notified Areas be raised to a Municipality, and that this be done particularly in the case of the Notified Areas of Chalisgaon in East Khandesh and Nandgaon in the Nasik District and in other cases where the population of the town exceeds 5,000.**"

Your Excellency, the object of this resolution is that in case a notified area is proposed to be charged with full liabilities of a municipality that notified area ought in justice to be also allowed the rights and privileges which a town with a municipality enjoys.

At present the procedure is rather anomalous. Ordinary villages and towns which have not got a municipality are generally charged with only the expenditure on sanitation, and the expenditure on account of education and dispensaries is for the most part borne by Government. In the case of municipalities, this expenditure on education and medical relief is borne partly by the town and partly by Government, and the people of the town have a voice in the municipal administration. But in the case of notified areas, though both these items are in some cases charged to the notified areas the people of those areas have no voice in their administration, the same being entrusted to small committees which have no elective element on them. What I, therefore, desire is, that towns with a population exceeding 5,000 should, so far as possible, be provided with municipalities instead of being formed into notified areas, and that this should be particularly done in the case of the larger towns, like Chalisgaon and Nandgaon which are the headquarters of the mamlatdar, and where it will not be difficult to find members to work on the municipality; therefore, these are proper cases for raising the existing notified areas into municipalities. Chalisgaon has a population of more than 9,000, and the income of the notified area, I think, is at present over Rs. 16,000 and it pays the expenditure on schools and also on the local dispensary. There are a number of schools in that town which the notified area committee has to maintain. Had it not been for the fact of a notified area being established there, all this expenditure would have been borne by the local board. I dare say it is not the object of Government in establishing these notified areas to relieve the local boards of the charge on account of education and medical relief that is at present borne by them and to transfer the same to these towns. If at all it is to be done, I think it is but fair that the people of those towns should have also a voice in the administration of the local notified area committee and in disposing of the funds which the committee may raise from them.

NOTIFIED AREAS: EXPENDITURE ON EDUCATION AND MEDICAL RELIEF.

[*Mr. Shridhar Balkrishna Upasani; Mr. C. N. Seddon; Mr. G. S. Curtis.*] [7TH DECEMBER 1917.]

With these remarks I move my resolution and trust that the Council will accept it.

The Honourable Mr. C. N. SEDDON:—Your Excellency,—I think that very probably it might be a good thing to constitute municipalities of these larger towns such as Chalisgaon. One of the main reasons why municipalities have not been constituted is the unpopularity of municipal administration in small towns. The chief reason of the unpopularity is the fact that when a municipality is established, all the expenditure on education and dispensaries has to be borne by the people of the place. But if there is no local institution, it is all paid for by the local boards, that is, by other people. In the case of notified areas, it is not quite the fact, as the Honourable Mr. UPASANI says, that the whole expenditure falls upon the notified area. In the case of Chalisgaon which he quotes, a grant of Rs. 1,500 has just been sanctioned by the local board towards the expenditure of the schools of Chalisgaon, and the dispensary is maintained to a larger extent by the local board than by the notified area. Similarly in Manmad the schools are not paid for by the notified area, but by the district local board. So, I do not know whether my honourable friend understands that it will be a very unpopular measure to constitute municipalities in these places, but if he is willing to face that unpopularity, I do not know why Government should object; because, after all, it is much fairer that the town which is getting the benefit of the educational institutions and dispensaries should pay the expenses of these institutions itself. There are some instances where fairly large towns have not been paying anything at all for such institutions. For instance, Nasirabad in East Khandesh, which has a population of 13,000, gets all its expenditure for schools from the district local board. I should be very much inclined to support the honourable mover, as I said above, in his proposal. And as to Chalisgaon I think that it should certainly be turned into a municipality at once.

And though it is rather an unusual position for me to find myself in, I am inclined to support the honourable member that all the larger places should be turned into municipalities. And whether they are made municipalities or not, I think that in common fairness to the district local boards they ought to pay for their own schools and dispensaries.

The Honourable Mr. G. S. CURTIS:—Your Excellency,—I think perhaps that if I interpose it may shorten discussion in view of the large programme before us of which several matters are rather of more than local interest which might be appreciated by the Council. I venture to point out to the Council that the subject which we are discussing in this resolution has already received a considerable degree of attention at the hands of the Council with reference to a previous resolution. I would once more point out that the whole question of the future policy of Government with reference to these small areas is at present receiving consideration with a view to the amendment of the municipal act. Whether any intermediate body is wanted between the panchayat and the larger body is a matter which is receiving careful attention and I cannot myself say what the policy will be with regard to it.

As regards Chalisgaon, I will only say that I think there I was myself responsible for starting what is known as a notified area committee in 1905, and the progress of the place seems to have been remarkable since. I think when I started, the income anticipated was only Rs. 4,000 or Rs. 5,000 and it seems to have gone up considerably in the last few years. Probably, if a proposal comes up to Government to convert it into a municipal body, that proposal will receive consideration.

As regards, however, the general principle, as I said the other day, I am not at all sure that the interposition of the chapter with regard to notified areas in the municipal act in 1903 was really necessary. All that was necessary was to

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notify an area as suitable for municipal management and make the necessary allowance in the form of grants from Government and the local board and also with regard to particular sections which are to be applied to that area. At any rate, the question of the future treatment of these areas is at present receiving consideration, and I trust the Council will be satisfied with this assurance.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency,—I am glad that both the Honourable Mr. SEDDON and the Honourable Mr. CURTIS approve of the principle of this resolution. So far as I am aware, I believe that the people of both the places which I have mentioned in my resolution have already submitted representations asking for their notified areas to be raised to municipalities and I hope their request will meet with the approval of Government. In the meantime, if this resolution is approved by the Council, it will strengthen the hands of the officers who may have to move Government to make the necessary provision on that point. The reason why municipalities are unpopular is because in the case of the smaller towns they cannot bear all the expenditure that is put upon them both as regards education and as regards medical relief and the smaller municipalities get a proportionately smaller share of help for this expenditure from Government than the local boards and the other municipalities which may be better placed. If these matters are properly considered in apportioning the help from Government, I hope the present difficulties will be satisfactorily met. Under these circumstances, I think the resolution as it stands will meet with the approval of the Council.

His Excellency the PRESIDENT:—I do not think the honourable member has quite clearly appreciated what my honourable colleague suggested. His position is this. With many other questions dealing with local self-government, the question of notified areas is under consideration; as regards this particular resolution, my honourable colleague, though in sympathy with the general idea, under the circumstances suggested to the honourable member to withdraw his resolution.

The Honourable Mr. UPASANI:—With this assurance coming from your Excellency, I beg to withdraw the resolution.

The resolution was by leave withdrawn.

His Excellency the PRESIDENT:—Resolution No. 8. The Honourable Mr. GARUD.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD:—Your Excellency,—The resolution which stands in my name reads as follows:—

"This Council recommends to His Excellency the Governor in Council that a third year class be added to the Vernacular Training School at Dhulia and that non-stipendiary students be admitted to that school."

This resolution is capable of being divided into two parts. The first of these parts requires that a third year class be opened in the Dhulia training school, and the second that non-stipendiary students be admitted to that school. Every year more than about 200 students appear for the vernacular final examination at Dhulia. Last year the figure was 225. About the same number appears for the training school entrance examination. These boys are not allowed to appear for the examination as soon as they pass the vernacular final examination but have to go through a probationary training as teachers. Last year the number of those who appeared for the entrance examination was 196, but out of this only a small number was admitted into the school and the rest who had qualified themselves to appear for the examination and who had taken the necessary pains to pass the test in the hope that they would be allowed to undergo the training in the school had to go. The number of admissions into the school is regulated not by the

number who pass the test but by the number to whom stipends can be paid by local bodies As soon as that number is reached the other boys are sent away.

This works great hardship in a large number of cases. Many of the boys are willing to avail themselves of the advantage of the training that is given in the training school. Many of them are willing to pay their own way to qualify themselves as teachers and to start on better pay. Government would not, however, be bound to take up these students who have qualified themselves. Government will not have in these cases to pay any stipends and I do not see what harm there is to allow these students to qualify at their own expense. The usual objection that is urged against non-stipendiary students being admitted to the school is that there is no boarding accommodation enough for this large number. When students pay for their own schooling there is no need for boarding accommodation. They will only need the advantage of the training given in the school. The first year class in training schools contains a large number of boys,—about 80 boys now,—and it can easily hold a few more. The second year class too contains practically the same number of boys and that class could easily afford to take on a few more. Then at the end of the second year's schooling, they are all asked to take up their appointments as teachers. As they are bound they all at once take up the teaching profession on the pay which is given to second year trained teachers, but many of them are willing to undergo a further course of training and would easily qualify themselves for the third year at their own expense. The number that was sent from Dhulia last year to the Poona training school was only 5.

Government will not have to pay them more as they will go through the training at their own request but will be able to get the services of third year trained teachers for the pay of second year trained teachers. The difficulty frequently pointed out is that the school would require a larger staff. There are now on the staff of the school 11 teachers and the period for which they have to do the teaching work is in many cases so small that it can easily by a readjustment be increased. In that case there would be enough staff found to start a third year class without any more expenditure, or perhaps, with the loan of not more than one teacher from the Poona training school. The Dhulia training school now teaches about 160 boys. The Garud High School teaches about 500 boys. The accommodation in the training school is by no means small and it can very easily undertake the training of a far larger number than it is doing at present. It will mean a readjustment no doubt, but that readjustment can be easily made.

This question has been placed before Government for their consideration. It has been placed several times before the collector's durbar for being forwarded to the educational authorities for consideration and it has also been considered by the educational authorities. Considering the increased number of trained teachers that would be available to us at almost the same cost, it is in the interest of Government that they should strengthen the present staff by the addition of a teacher and they should undertake the third year class at Dhulia. Apart from the advantages it would afford to Government, it would help the poor students to attain better qualifications. There are several openings where those better qualifications can be used and Government need not guarantee any better pay. Vernacular teachers for instance are required to undertake teaching of higher vernacular in some of the high schools. Then again gymnastic teachers and drawing teachers are required. In all these cases the training which is given in a training school, and particularly that which is given in the third year class, would be sufficient to enable many of these students to take up these better paid posts in the educational service. I therefore hope that this proposition will meet with the favourable consideration of the educational authorities and I commend it to the Council.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE:—Your Excellency,—I would like to put before the Honourable Mr. GARUD and this

Council a few considerations which will show that the Council will not be well advised in accepting this resolution as it stands. In the first place, it will be found that the number of third year trained teachers required for the conduct of primary education in the Presidency is not quite so large as the number of first and second year trained teachers that are required. These third year trained teachers are generally put in charge of full primary schools and the number of these full primary schools is comparatively limited. Again, in considering any scheme of wide extension of primary education, what we want is not immediately a very large number of full primary schools, but a large number of schools teaching up to the 4th or at the most 5th standard, and for these schools third year trained teachers may perhaps do better work, but they are not absolutely necessary. What we find is really required for these schools teaching up to the 4th or 5th standard is teachers who have been trained up to the second year. The first year is not quite enough, but teachers who have been trained up to the second year do this work quite efficiently, and it would be rather not so good use of the funds at the disposal of Government if people are educated to get a higher qualification, which qualification is not always absolutely necessary.

Again, the third year teachers get a certificate the face value of which is Rs. 20 and some of them get Rs. 25, and I do not know whether the educational department will be able to pay the full face value of the certificate to any teacher that chooses to qualify himself for the third year of the training college. Again, I have an idea that it would be very much better if, instead of asking purely vernacular teachers to qualify for the third year, we allow some people, for instance, those who have passed the matriculation examination, afterwards to go in for the third year of training.

My honourable friend Mr. GARUD said that there is a good deal of opening for these third year trained teachers in the high schools for the purpose of teaching higher vernacular or mathematics and so on in the lower classes. Now, I would put it to him whether it would not be better if, for the purpose of filling up places of this kind, the student had first of all matriculated and then had got training in the third year class of the training college. That is only an idea that I have, but it might possibly be an idea worth considering. I myself think that the syllabuses of these training colleges would require modification; but a modification in the direction of making the students learn English at the same time would be a very desirable one.

Then again, coming to the second part of my honourable friend's resolution about admitting non-stipendiary students, I would put it to him whether he is not proceeding in the wrong way for increasing the supply of trained teachers. Only at the last meeting of the Legislative Council a resolution was passed which recommended to Government the opening of more training colleges. I think a greater supply of trained teachers would be better obtained by the opening of more training colleges than by increasing the number of students in the existing training colleges. So far as I can see, at present the training school at Dhulia admits as many people as it can make adequate provision for. After all, in a training school the accommodation is limited by the area of the lecture rooms; the magnitude of the practical training ought to be taken into consideration, and the practical training that is given to the students is of the highest importance. If, therefore, a larger number cannot be provided proper facilities for receiving practical training, it is no good admitting more students than Government at present admits. I do not know whether the practising school attached to the training school at Dhulia is of a sufficiently large size to allow of this practical training. I know there is a certain class of people who say that you must not have big classes. Well, after all, big classes while teaching certain subjects would not be such a bad thing, but big classes in science for instance, or in a training school would not be suitable, because they are limited by the facilities for laboratory work or, as in this case, facilities for practical training. I think, therefore, that the proper way of getting more trained teachers is

not to increase the number of students in any particular school, but to open more training colleges. The Council has already made a recommendation to this effect and I think that that will be a better way of tackling this problem.

With these words I put it to my honourable friend whether it would be right to persist with this resolution and not find out some better means for effecting this purpose.

There is one more word I want to add, namely, that the Dhulia school would probably require more funds for its proper organization for the purpose of giving third year training than it is worth while to spend for the purpose. After all, if we have a very efficient institution for training teachers of the highest efficiency at Poona, it would be better really for the third year students to come to Poona than learn in the Dhulia school which has not quite so efficient facilities. I think, therefore, that the proposal of my honourable friend would require reconsideration before it is put to the Council.

The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA:—Your Excellency,—I am in agreement with all the remarks that have fallen from the Honourable Mr. PARANJPYE and the Honourable Mr. GARUD, with regard to the first part of this resolution. I would, therefore, confine myself only to the second part of the resolution and the remarks that I am going to make are more with a desire to elicit certain information from Government than to express my own views about the proposal that has been made.

After visiting one of these training classes it struck me that it would be possible to use the lecture rooms and practising rooms for the purpose of admitting more students to study and practise in those rooms without being given accommodation in the hostels and boarding houses. It appears that the accommodation in the colleges is really limited not by the space or by the lecture rooms that are available in the colleges themselves, but that it is limited by the space that is available in the hostel or boarding house. Now it strikes me that to ask for more training colleges and to have them built of the size and capacity of those that are at present in existence would require a great deal of money and would mean a great deal of delay. I was wondering whether it would be possible to allow non-stipendiary students either to make their own arrangements for boarding and lodging and to learn in the training colleges and whether it would be possible to make an addition to the teaching staff in the colleges by means of which two shifts of lecture hours might be introduced, so that the number taught in any one day might be double the number that is being taught at present. I understand that one main difficulty in this connection is the insistence of the educational department on the question of discipline that must be maintained for all these students who come up to the training colleges.

[At this stage His Excellency the President withdrew and the Honourable the Vice-President occupied the chair.]

I have myself no particular information on this point and, as I said, I mention this matter in order to elicit the exact state of affairs which is at present in existence. If it is not possible to allow non-stipendiary students to be admitted into the colleges for want of accommodation in the hostels of the colleges, then I am afraid it would not be advisable to accept the resolution of the Honourable Mr. GARUD, because, the consequence of that acceptance would be this: These stipendiary students at any rate are bound, after they pass out of the colleges successfully, to give their services to a municipality or a local board or some other school while the non-stipendiary students are not bound to do anything of the kind, and even if a very small proportion of these stipendiary students leaves the colleges after passing and does not join the teaching profession, then at least up to that number there is a loss in

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the number of trained teachers for the Presidency. I do not think that that is the result that the Honourable Mr. GARUD would like to see. The object of all of us is to increase the number of trained teachers. The only course that appears to my mind that will meet the situation is in the first place to increase the number of these colleges and, secondly, I may suggest (and I suggest it with a great deal of diffidence as I confessed before) a double shift in the colleges by which students may be allowed to study and also to practise in the training classes without being compelled to join the hostels in which as at present situated there is absolutely no accommodation for a larger number of students.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency,—I rise to support the resolution moved by the Honourable Mr. GARUD. I think it is a resolution which should also meet with the acceptance of this Council. It is admitted that our existing training colleges are not able to supply the regular number of trained teachers. At present we have in our Presidency only 34 per cent. of trained teachers in our primary schools. The municipal and local board schools have a larger proportion, but all put together the percentage comes only to 34. The greater proportion still consists of untrained men. The Council will find by a reference to the supplement to the last report of the Director of Public Instruction that in the Central Division alone we have 1,981 untrained head-masters as against 791 trained. As regards assistants we have got only 752 trained assistant masters as against 1,522 untrained who have passed the vernacular final examination. In several cases even these are not available and in this Division alone there are not less than 222 untrained assistant masters who are neither trained nor have passed even the vernacular final. This is a state of things which as the Council will see is far from satisfactory. There is a cry in every Division for more trained teachers, and considering the area and population of the Central Division it is absolutely necessary to have both the training colleges in that Division well equipped to teach the full three years' course. The training school at Dhulia should, therefore, be allowed to train students for the third year class also.

The Poona Training College now has on its roll 287 students while the Dhulia training school has 170, Ahmedabad 294 and Dhárwár 310. The accommodation in the Dhulia training school has been recently extended and I think it can well accommodate a much larger number of students than it used to do before. What is required at the present time is not more accommodation but only a few more trained teachers to teach the third year class and that is all. If with the addition of one or two more teachers we can really get what we want, I think it is by all means desirable that it should be done.

At present the Poona Training College has to supply third year trained teachers not only for the districts of Poona, Sátára and Sholápur but also for the districts of Thána, Colába, Ratnágiri, Nagar, Násik and East and West Khándesh. Therefore, I think, it would be better to open a third year class in the Dhulia training school as it would add more to the number of trained teachers.

As the Honourable Mr. GARUD has pointed out at present from the East Khándesh, West Khándesh and Násik Districts only 5 students are sent to the third year class in the Poona Training College, namely, 2 from Násik, 2 from East Khándesh and 1 from West Khándesh. What I propose is that another third year class may be added to the Dhulia training school so that for these four districts of the Central Division there may be a class in the Dhulia training school to train third year students. If this is done, the Poona Training College may at the same time be able to supply a greater number of trained teachers than it does at present for the remaining districts.

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Now as a matter of fact under the standing rules vernacular standards 5th, 6th, and 7th are required to be taught by third year trained teachers and the number of boys in these standards—the Council will find on a reference to the statement in Supplement II to the last Report of the Director of Public Instruction—amounted to 36,809 in 1916; and if we take one teacher for one class of 35 students we shall require 1,056 third year trained teachers, but we will see that at present we have got only one trained teacher for 935 students. I do not think the present number of third year trained teachers supplied by the Poona Training College will be sufficient for all the Marathi-speaking districts. That being the case, if without any serious additional cost we can provide the needful number by accepting the Honourable Mr. GARUD'S suggestion, I think, by all means, we should accept it. For want of better teachers what do we find? We find that out of 670,000 students we have only 1,08,000 in the upper primary stage, that is, less than one-sixth of the total number, which is smaller than what it was in 1909. Under these circumstances, I think, the honourable member's suggestion for strengthening the Dhulia training school should, by all means, be welcome. Now, the expenditure for opening new training colleges will be excessive and that may well be avoided by this suggestion being adopted. Further it will be noted from the last year's report that in the Poona Training College only 190 students were admitted out of 426, in Dhulia 85 out of 137, in Ahmedabad 160 out of 804 and in Dhárwár 103 out of 505. So it will be seen that we do not admit enough number of candidates from among those who present themselves for admission to these schools, and it is owing to want of accommodation in the several schools. But if there is extra accommodation now provided in the Dhulia training school and more students can be admitted for a third year class, why not do it? We may admit more candidates as non-stipendiary. That has been done in the medical school at Poona. There additional stipendiary students are allowed, and in the same way if we allow students to come to the training schools who do not want stipends, then we shall get a larger supply without any additional expenditure for it. I think it is a very reasonable suggestion in the interests of the candidates and the training schools, and in the case of these four training schools there is enough accommodation for more students and also enough need for these trained teachers in the vernacular schools. My suggestion is to add Nagar to the existing three districts served by the Dhulia training school. Then the distribution will be equal and I think on the whole the interests of primary education will be benefited if the resolution of my honourable friend Mr. GARUD is accepted.

The Honourable Mr. J. G. COVERNTON:—Your Excellency,—This is a proposal of the Honourable Mr. GARUD. The principle is one which all of us would accept willingly and that being so the discussion has turned on questions of detail and questions of practicability. Now as regards these points, I have very little to add to what my friend the Honourable Mr. PARANJPYE has said. He quoted quite clearly and emphatically the various difficulties and objections which lay in the way of both portions of this resolution of the Honourable Mr. GARUD. As I indicated just now, nobody connected with the department, no sensible person, wishes to decrease the number of the most highly qualified trained vernacular teachers. Similarly, if the conditions allow, nobody wishes to prevent the attendance of non-stipendiary students. We admit both principles. But we have to look further than to the general principle.

Take the question of these third year trained teachers. As indicated by the Honourable Mr. PARANJPYE, we have to consider, first of all, the number of schools which would be required to be served by them and, secondly, we have to consider the financial side of the question. Now, I am afraid, it is quite common in various parts of the Presidency for the various local boards and municipalities to be unable to pay the face value of the promotions as they become due of the more

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expensive class of teacher. We are endeavouring to put that right, but I do not think we shall put it right very quickly if at the same time we increase the corps of the most highly trained teachers. One speaker, I think it was the Honourable Mr. GARUD himself, suggested that we might still go on turning out these third year trained men, but that they should remain on the pay of the second year men. Of course that is a possible proposition, but I put it to the Council whether it is likely to prove a popular measure. If a man takes the trouble to go through the third year of training and he passes what is really a difficult examination, is he likely to thank us or would he be content if we pay him just as much as he might have got without taking that trouble? There is a certain amount of perhaps not unnatural soreness in the minds of the vernacular teachers at the difficulty which has hitherto been experienced in paying them the pay which their certificates entitle them to. We are doing our best to remedy that, but we shall certainly not remedy it if we turn out more trained men without the possibility of their obtaining the full face value of their certificates.

There is also a further point connected with this question of the third year men and the schools to which they may be attached. The Honourable Mr. UPASANI, I think, said that the number of the higher grade primary pupils in the vernacular schools was sufficient to take up these men But he indicated himself that the number had declined. He said that the reason for the decline was that we do not provide sufficient number of teachers. I confess that I do not think that is at all the reason. The reason why such a large number of pupils now do not proceed to the higher standards in the vernacular is one which, I think, is well known to everybody, namely, that the attraction of an English or Anglo-vernacular school course takes away a very large number of students before they can enter the higher vernacular schools.

The Honourable Mr. UPASANI:—May I inquire the number of students who go to the English schools from the vernacular schools?

The Honourable Mr. COVERNTON:—I am afraid I cannot tell you off-hand what the number is; that will require reference. But the point is that our present upper primary schools are very well staffed. I have no complaints either from the deputies or anybody connected with these upper primary schools, namely, schools where education is imparted up to the seventh vernacular standard, as regards the staff. From my own acquaintance with the schools of that class, both here and in another province, I am bound to say that I think our Bombay upper vernacular system is better provided for than in any other province in India and a tribute was paid to that system by Sir Harcourt Butler. Before I left Burma, he told me that in his opinion the Bombay vernacular system was undoubtedly the best in every way in India.

Now, there is a further question put forward in this connection by the Honourable Mr. GARUD and that is that of non-stipendiary students. It is urged that non-stipendiary students should be admitted into the training schools. In the first place, we have no objection to non-stipendiaries, and in certain cases they are allowed. But there is one obvious consideration with regard to them and that, I think, is that we cannot allow them to attend the school and afterwards do what they please and thus be a sort of bar to the proper stipendiary teachers for whom the colleges are intended and with whom Government enters into strict obligations. If in any college after we have provided for all the stipendiary teachers that are required there is still room for non-stipendiaries, naturally, it would not object to take them but in the first case they should take stipendiary teachers on whom the local boards and the municipalities depend for their recruitment. The non-stipendiary is under no particular obligation and if he choses after having had his training and taken up the time of the staff in the training college to go off and seek another profession, all the time and money that has been spent upon him in the training college is naturally thrown away.

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We propose to adopt another method, which I think will meet with the wants of this Presidency—everybody is agreed that we do want many more trained teachers—and which will increase the number of trained teachers and reduce the number of untrained teachers. I have put suggestions before Government for a scheme the basis of which will be the provision of a training school or college (I should not like to adopt the ambitious word "college", we will call them "training schools"), one for each district in addition to existing training schools. That means that each district will then have a centre for training for its own teachers, and that that centre will provide for the local wants both of the municipality and the district local board.

(His Excellency the President at this stage resumed the chair.)

So we have to begin in a humble way. My own idea as to what we should do is somewhat as follows. We should start these schools with first year men and provide for turning out as many first year men as we can pay and as we can find staff to train them. As pointed out by the Honourable Mr. PARANJPYE the most pressing need, and it will be the most pressing need for some time to come, is the training of teachers to manage the lower classes of the primary schools, and for that purpose I think the first year men will do. But it is not at all contemplated to limit these schools to first year men only. I propose that in each case in accordance with the development of the district and in accordance with the provision of funds, we should add eventually another year to the training school and later on still if there is a demand, a third year. I do not myself think that all these 26 training schools would rise to the third year at all. Probably, some will rise to the second year but in respect of all districts we want a centre which would afford training up to first year, for all lower primary schools. In a good many districts these centres will afford training for second year men and in a few they will afford it for third year men. It is proposed that at first for these institutions hired houses shall be taken up. Later proper arrangements for buildings will be made.

What is, however, in my opinion, an even more urgent and more pressing need than buildings is the supply of trained female teachers. What we want to-day in this Presidency is trained women even more than trained men. If you train girls and if we have a sufficient number of trained women teachers I think we shall be able to tackle the large problem of female education.

There is one more consideration I want to press on the Council in this regard and that is that you cannot measure the accommodation and the work in these training schools and training colleges in the same way as you would the work and space in a factory or even an ordinary school. One honourable member, the Honourable Mr. CHUNILAL MEHTA, said that teachers in training colleges might be given double shifts. In this connection I do not think he considered the question of expense in giving this double shift. This means double pay, and will require also more expense for housing the staff and for their pension and there will be many other difficulties.

As a matter of fact I do not think that many members are acquainted with our present training colleges. For instance, if an honourable member visits the training college in Poona he will see that the work begins very early in the morning and goes on to late in the evening. Even so, we cannot pretend, I am afraid, that the work always gives good results or as good results as it is expected to. One of the main factors in the question to my mind is the practical training; I mean in regard to the supply of men from our own training colleges. It is common knowledge that there are training colleges everywhere but I did hope when I came to Bombay to find the supply from our training colleges to be rather superior to that in other provinces. Well, I am afraid that I cannot say that I was altogether satisfied in that respect or that in Bombay the supply is distinctly superior. We want to give much more attention to practical work. As it is there is a good deal less of practice and in certain cases too much theory. Now in order to ensure a

thorough practical training we want very good and, I may add, large practising schools attached to the training colleges. Without large practising schools we cannot arrange to give the teachers in training a sufficient number of lessons to enable them to go out with that confidence to do their work which they ought to have. And that applies not only to Poona and Ahmedabad, but also to Dhulia. Honourable members, when they wish to make proposals for adding to the attendance at training colleges, must take into consideration the practising schools as well. I have had certain suggestions just recently put before me by the educational inspector of the central division in connection with the practising school at Poona, and I hope, if we are able to adopt this proposal, it will produce a considerable improvement and we may try it at Poona first, and if it meets with success there, the experiment may be applied elsewhere.

Consequently, while, as I said at the beginning of my remarks, I am glad to accept the principle of this resolution, I am afraid that we cannot guarantee at once to carry out the actual proposals. In my opinion it is better to start and spend money on these new training schools that we propose than to add a third year class immediately to Dhulia school; and in the same way I think it better to spend money on training lower primary stipendiary teachers rather than to add in our existing training colleges a large number of non-stipendiary teachers over whom we have no hold and on whom a certain amount of money spent might be thrown away.

The Honourable Sir MAHADEV BHASKAR CHAUBAL:—Your Excellency,—I do not think that I will detain the Council for more than a couple of minutes after the full and exhaustive explanation which has been given to the Council by the Director of Public Instruction, but I shall very briefly sum up the reasons for which we cannot possibly accept the resolution which has been moved by the Honourable Mr. GARUD. I entirely sympathise with the laudable desire which has prompted the mover of this resolution, as indeed was admitted by the Director of Public Instruction; in fact, everywhere, both in primary education as well as in secondary education, the great difficulty, the great want, that faces us and which we are trying to get over, is the want of proper masters and our object is to get them as early as possible. I stated to the Council last time that Government was trying to see how far it can increase the supply of trained secondary and primary teachers from the existing institutions and then to consider what else would be necessary to do in order to increase the annual output. As a matter of fact, the Director of Public Instruction has informed you that such proposals have been made and those proposals will come on in the regular course of things for consideration before Government. At the same time, as regards the first part of the Honourable Mr. GARUD'S resolution, I draw the Council's attention to the circular which, I think, I read on the last occasion, that the Government of India wishes, if possible, to so arrange the curriculum of the first year in training colleges that after one year's instruction a man could be sent out to take charge of a primary school. So while on the one hand the Honourable Mr. GARUD wants a third year class to be added to the Dhulia school, the Government of India so strongly realise the necessity of very early bringing out a large number of trained teachers that they desire, if possible, that a curriculum should be arranged for one year so that a person after a year's training would ordinarily be fit to take charge of the earlier standards in a primary school. That is a point which the Honourable Mr. PARANJPYE rightly tried to make, that while the third year students or those who have been trained fully were required for the higher standards in full primary schools (which were comparatively few), the great and the immediate want was for the vast mass of primary schools teaching the earlier standards, and for this purpose, as he said, a two years' course would be quite enough. Indeed in order to expedite the supply the attempt is to see whether we cannot possibly devise a one year course which ought to turn out a man fairly competent to teach the first four standards in primary schools. We are

trying to carry out the wishes of the Government of India and the promise given to this Council by Government that they will try to increase the output of trained teachers from the present existing institutions and, if that is not sufficient, to see how otherwise to increase that output. As a matter of fact, a suggestion has already been made in this direction, as you have been just informed by the Director of Public Instruction, namely. his proposal that there should be a training school attached to each district; and while this proposal is under consideration I do not think that this Council should commit itself to accepting a resolution which requires us to increase the expenditure on one of these institutions for the purpose of getting a few more masters for full primary schools, who are not so badly needed as masters for the vast number of primary schools teaching the earlier standards.

Then, as regards the second part of the resolution, you will see that as the resolution stands I think the honourable member ought to withdraw it because, from its language the resolution assumes, there is a prohibition at present to prevent the admission of non-stipendiary students.

His resolution is:—"This Council recommends to His Excellency the Governor in Council that a third year class be added to the Vernacular Training School at Dhulia and that non-stipendiary students be admitted to that school." Let me inform the Council that there is no prohibition against the admission of non-stipendiary students into any school provided there is accommodation. You have already been informed by the Director of Public Instruction, that the whole object of these training colleges is that we should get men who would be under an agreement to serve as teachers. If you admit non-stipendiary students, they will avail themselves of the instruction in these colleges and after having done so they would be free to go where they like, and the object for which these colleges are started and are maintained at such expense to Government and to the rate-payer will not be carried out at all. Therefore, it is only proper that the main object should be to provide for the stipendiary students and, if after providing for them there is any accommodation left, then non-stipendiary students should be admitted But, so far as the resolution goes, the Director of Public Instruction has informed you and I can tell the Council that, although it is a small number as it must necessarily be, non-stipendiary students are admitted. The first claims, however, must be of those who are stipendiary students, because they are bound to enter into an agreement with Government that as soon as they complete the instruction provided in the training college they will serve Government for the purpose for which they have been trained; so that I do not think that the second part of the honourable member's resolution is at all necessary. The recommendation appears to have been made under the misunderstanding that training colleges were not permitted to admit non-stipendiary students. The Director of Public Instruction has corrected this misunderstanding and, if necessary, I can give the figures of the small number no doubt of the non-stipendiary students who have been entertained in most of these training colleges during the last few years.

For these reasons I think the Council will decide not to accept the resolution the acceptance of which could only embarrass Government in the consideration of the questions which I have mentioned.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD:—Your Excellency,—The main object of my resolution is to enable the educational authorities to take full advantage of the resources that are at present at our disposal to turn out a large number of trained teachers. This resolution does not come in the way of opening fresh institutions or opening new classes in addition to the existing institutions in any way. All that this resolution contemplates at present is that full advantage shall be taken of the institution at Dhulia to enable non-stipendiary students to go through the training in large numbers.

DHULIA VERNACULAR TRAINING SCHOOL—STREET ACCIDENTS IN BOMBAY.

[7TH DECEMBER 1917.] [*Mr. Siddhanath Dhonddev Garud; Sir Mahadev Bhaskar Chaubal; the President; Mr. Balkrishna Sitaram Kamat.*]

Now the Honourable Sir MAHADEV CHAUBAL said that non-stipendiary students are admitted in all institutions. So far as I know there are none admitted in the Dhulia institution. The only objection which I have heard urged against this proposal, is that many third year students cannot be paid the face value of their certificates at present. It is for this reason that I urged that those students who are willing to take this third year training at their own expense in the hope that they may better their prospects in the long run by bettering their qualifications may be permitted to take advantage of this training in the Dhulia institution. Therefore, the objection that the third year students are not needed now will disappear and there will be at hand some teachers who are fully qualified when they are needed.

Government have now committed themselves to permit the introduction of compulsory education in some municipal areas and as these municipal areas come up for permission the demand for trained teachers will go on increasing. At the same time it will not be possible to turn out at once the number that is required to meet this demand. We shall have to depend upon teachers that have already qualified and all these teachers will be taken up.

I know that the Dhulia municipality even at the present moment wants a far larger number of trained teachers than can be supplied by the educational department. The difficulty which is often experienced is that the educational department cannot turn out these trained teachers as quickly as they are needed. The only solution, therefore, is to allow students to qualify themselves as trained teachers in the hope that their services may be utilized when they are needed. Government will not bind themselves to take them up nor will these students bind themselves to serve Government. They will be in existence only as a sort of reserve. The present percentage of trained teachers in our primary schools is only 30 and a far larger number than is turned out is needed to cope with the situation even at present.

The Honourable Sir MAHADEV CHAUBAL :—Does the 30 per cent. refer to the second or third year trained teachers ?

The Honourable Mr. GARUD :—I mean trained teachers generally.

The Honourable Sir MAHADEV CHAUBAL :—I hope the honourable member does not suggest that those who have had one year's training or two years' training are not to be called trained teachers. They are not fully trained teachers but they are trained teachers all the same. My question therefore was, whether the 30 per cent. he quoted includes the first two years or only the third year ?

The Honourable Mr. GARUD :—The 30 per cent. does include the three years. The number of trained teachers will also have to increase as more pupils are admitted into primary schools in the first four standards. I submit therefore that there are facilities at present which could be utilized and that Government should not be slow to take advantage of them to create a sort of reserve. These students will not have to be paid as soon as they pass out of the school and may be taken up whenever opportunity arises.

The resolution was then put to the vote and lost.

His Excellency the PRESIDENT :—Resolution No. 15. The Honourable Mr. KAMAT.

The Honourable Mr. BALKRISHNA SITARAM KAMAT :—May it please your Excellency, the resolution which I move reads as follows :—

"This Council recommends that in view of the large number of street accidents occurring in the City of Bombay, Government may be pleased to take such steps as may be necessary to provide at as early a date as possible a street ambulance service for Bombay for the conveyance of injured persons to hospitals."

STREET ACCIDENTS IN BOMBAY.

[*Mr. Balkrishna Sitaram Kamat; Mr. Chunilal Vijbhukhandas Mehta.*] [7TH DECEMBER 1917.]

Your Excellency,—In a large city like Bombay the need for street ambulance service is almost obvious, especially with the large influx of motor cars in recent years, I believe, it goes without saying that some such arrangements for the conveyance of injured persons to hospitals by means of an ambulance car is of the utmost necessity.

Through the kindness of the Commissioner of Police I have got a statement of street accidents and I shall read it to the Council. Since the 1st of January 1917 to 30th September 1917 there have been in the streets of Bombay, that is within nine months, 1,576 street accidents, not all fortunately of a fatal character. Of these 1,576 accidents, 498 have been due to motor-cars, 176 due to tram-cars, 897 have been due to other vehicles and 5 of a miscellaneous character. That being so, the number of accidents per month comes to 175 or roughly one-half dozen per day. I therefore think the time has now come both for Government and I believe for the Corporation to consider some means for the conveyance of injured persons immediately to hospitals in a decent manner. I do not wish to venture an opinion whether it is the duty of the Corporation or the duty of Government or of both jointly to arrange for an ambulance service. If it is thought that the Corporation ought to do these things, probably Government will be pleased to move the Corporation to take the necessary steps. But what I do know, so far as the public is concerned (and I am speaking from the point of view of the man in the street) is this, that some means have to be devised for the immediate conveyance of the injured persons. The present system is, I gather, to take injured persons from the street to the hospital in a victoria and there is probably no arrangement for any fast conveyance in which to take the injured person to the hospital. The persons who have sustained an accident may have broken a leg or an arm. He is huddled up in the victoria in any manner that the policeman thinks best. This sort of arrangement ought to be changed and some sort of motor ambulance either at a police station or fire brigade station, through some association like the St. John's Ambulance Association is necessary. Some sort of first aid to the injured persons is also necessary. I know that the St. John's Ambulance Association do take certain steps in this regard, but I gather,—I am speaking subject to correction—that at present they have no ambulances whatever. What they do now is only to train people in first aid; I believe they intend to go further and if possible to arrange for ambulances, and if that were the case, I am sure men from the Hindu, Parsi and other communities will come forward to take lessons in first aid and render such assistance in the case of accidents as may be necessary. The first thing, however, to be done would be the equipment of ambulance cars. I think I have only to bring this matter to the notice of Government, and Government will I daresay move themselves in the matter or will be pleased to move the Corporation to make the necessary arrangements.

The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA:—Your Excellency,—It is refreshing to find so much interest being taken in the affairs of this city by those outside it. The Honourable Mr. KAMAT took the trouble of asking the Police Commissioner for certain information with regard to the accidents in the City of Bombay. He got those figures. Had he taken a little further trouble and asked the Commissioner of Police whether there is any arrangement already in existence for the conveyance of injured persons from the streets to the hospital, he would have been told that there is such an arrangement and that it has been in existence for some little time. If his interest also had taken him to the Municipal Corporation, he would have found that there is also a further scheme by which motor ambulances are proposed to be provided in the case of accidents in the City of Bombay.

I shall tell the Council what is the exact state of the arrangements as at present existing. There are seven hand ambulances already in existence situated

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[7TH DECEMBER 1917.] [*Mr. Valkrishna Sitaram Kamat; Mr. Chunilal Vijbhukhandas Mehta; Mr. P. R. Cadell.*]

at some of the most important centres in the city. They are situated as follows :—

The first at the Esplanade police station, the second at Princess Street police station, the third at Nagpada police station, the fourth at Suleman Chowki police station, the fifth at Dadar police station, the sixth at Delisle road police station and the seventh at the Princess Dock police station. The ambulances are in the charge of the Commissioner of Police.

The St. John's Ambulance Association suggested a scheme for locating three motor ambulances, one at each of the existing hospitals, the Goculdas Tejpal Hospital, the J. J. Hospital and the St. George's Hospital. When the scheme was being considered by Government, it was pointed out that the location of these motor ambulances at the St. George's and G. T. Hospitals would not be of much benefit to the city, not only because the number of accidents in those parts is comparatively small, but because other conveyances are within easy and early reach of the injured persons. It was also suggested that these ambulances should be in the charge of the Police Commissioner, but it was found on discussion that it would be extremely difficult to work such a scheme by which these ambulances were to be in the charge of the police authorities. It was found that it would be advisable to have one of these ambulances located in the northern parts of the city, namely the mill districts, where these accidents mostly occur, and it was arranged that one such ambulance should be so located But it was found impracticable for the control of the ambulances by the police or by the hospital authorities, and a suggestion was eventually made by which the ambulances should be located at the fire brigade headquarters and should be under the direct control of the chief officer of the fire brigade, the staff being controlled and paid for by the Association. Unfortunately, almost immediately afterwards the war broke out and the St. John's Ambulance Association have, for the present, allowed the matter to remain in abeyance. The Corporation, I may mention, have already expressed their desire to contribute towards any scheme which may be put up after the war by the St John's Ambulance Association or by any body else. The truth of the matter is that at present the ordinary hack victoria is the best means of conveying the injured persons, because it is most easily obtained without much loss of time. It has to be remembered that in the north of the island, telephones are not easily available, and it seems probable that in most cases the speedy utilization of the victoria is the most practical and the safest thing to do in case of accidents. I may mention further that when the scheme was being considered in the Corporation it was at my instance that a report has been called for as to how telephone communication could be put up in the various parts of the city and could be used just as it is being used in the case of fires occurring in the city.

The Honourable Mr. KAMAT :—May I know when the scheme was considered ?

The Honourable Mr. CHUNILAL MEHTA :—The scheme was considered about six months ago. As I say, the St. John's Ambulance Association scheme was proposed before the outbreak of the war, that is in 1914. The great difficulty about any scheme of telephone communication is that it has to be done on a large scale and possibly at great expense. That, however, is still under the consideration of the Corporation, and I am not prepared to say what conclusions have been yet arrived at, because no conclusions have been arrived at at present.

I see that the resolution says that Government should take up a scheme of this nature. I have no doubt if the scheme is at all taken up, as I hope it will be, the cost will be met not only by Government but by the Corporation and by the various large employers of labour in this city. I do not think the Honourable Mr. KAMAT made any further point in this matter.

The Honourable Mr. P. R. CADELL :—Your Excellency,—I may be permitted to add a few words because I was Municipal Commissioner when this question

was brought up in the Corporation, just before the outbreak of the war. At that time, as the HonourableMr. CHUNILAL MEHTA has told you, at the instance of the St. John's Ambulance Association the matter was taken up by the Corporation. Something would doubtless have been done, but when the war broke out the St. John's Ambulance Association naturally desired to use any ambulances they could obtain to meet the more immediate needs of the war. I may at the outset remark that when strangers who usually stay at Poona see the enormous traffic in Bombay and hear of accidents occurring are inclined to think that Bombay is a very much more dangerous place than it really is. Accidents, however, of course occur, but, apart from the difficulties of providing ambulances which the honourable member has touched upon, there are other difficulties to be met before a perfect system can be devised. For instance, even when the motor ambulances are provided, you will need a system of telephones to use them properly. I hope the members of this Council will appreciate the difficulty of the question when I say that the London County Council, which is I think I may say in advance of the Bombay Municipality, has not been able to produce such a system of telephonic communication. In the year 1914 the London County Council, when enquiring into the best system of telephone communications for the working of ambulances, curiously enough came to the same conclusion as the Bombay Municipality had done, namely, that the ambulances should be kept at the fire brigade stations in preference to having them at hospitals or police stations. There would be obvious advantages in having such ambulances at hospitals or police stations, but neither the police nor the hospital authorities were willing to be responsible for the ambulances, and we had therefore to decide that we must put the ambulances in Bombay at the fire brigade stations. In dealing with this question I say the London County Council came exactly to the same conclusion, but while they are going to have their ambulances at the fire brigade stations, they propose to have a separate telephone system for the ambulances. We have got a special fire alarm telephone system already in Bombay, and I should think that the simplest method will be to use these fire-alarms to call ambulances in the case of street accidents. The Honourable Mr. KAMAT has, I think, suggested that this is a matter which Government should take up. It is a matter of purely internal administration of the city, and it is a matter which the Corporation is perfectly willing to undertake. The Corporation has not in any way repudiated their responsibility and they are willing to overcome the difficulty of making the system effective. I would again say that the necessity is not so great as it might appear to strangers to Bombay, and it is perfectly true, as the Honourable Mr. CHUNILAL MEHTA has said, that the simplest way of tackling the difficulty is by using the ordinary victoria. When an accident occurs a victoria will almost always turn up and can reach the hospital as soon as a motor which has to be called from a distance can do. It can, at any rate, meet the first essential which is to take the injured person away from the scene of accident as soon as possible. I do not think it is a matter in which Government need be concerned. Perhaps the Honourable Mr. KAMAT is not aware that the Corporation Committee passed a resolution at their meeting of September on the subject, and I think it is a matter which can be very safely left to the Corporation.

The Honourable Mr. G. S. CURTIS:—I have nothing very much to say after the remarks of the last speaker. I would only observe that I do not think it is a matter in which Government can assume any responsibility. Obviously it is in safe hands, as the matter has been dealt with by the Corporation, and when the requisite machines are available they would safeguard the city by placing ambulances in a manner most suitable to be of use. At the same time as the Honourable Mr. CHUNILAL MEHTA remarked, it is extremely refreshing to find gentlemen from Poona making enquiries about the state of things in Bombay, but it seems to me that if this principle is applied in the reverse direction it might be rather awkward for Poona. I should be delighted, I may say incidentally, if honourable gentlemen when they go to Poona in July would take a drive

STREET ACCIDENTS IN BOMBAY; TRIAL BY JURY.

[7TH DECEMBER 1917.] [*Mr. G. S. Curtis; Mr. Balkrishna Sitaram Kamat; the President; Mr. Vithalbhai Jhaverbhai Patel.*]

through the city and view the condition of some of the Poona roads and some of the Poona municipal arrangements. If resolutions are passed based on their experience they might possibly receive support from the citizens and the rate-payers of Poona. With these remarks I would ask the Council to reject the resolution.

The Honourable Mr. BALKRISHNA SITARAM KAMAT:—I do not think I have got very much to add to what I have already said on this resolution. I took an interest in this matter because of the number of accidents that occur and I suppose that the majority of the victims come from the mofussil. I am glad to find from the remarks made by the Honourable Mr. CHUNILAL MEHTA that something has been done by the Corporation and a scheme has been taken up in hand although it has not been completed. We only hope that it will be completed very soon. With these remarks I beg to withdraw my resolution.

The resolution was by leave withdrawn.

His Excellency the PRESIDENT:—Resolution No. 17. The Honourable Mr. PATEL.

The Honourable Mr. PATEL:—Your Excellency, I rise to move the following resolution:—

"This Council recommends that His Excellency the Governor in Council may, with the sanction of the Governor General in Council, be pleased to direct that in all districts of the Presidency proper except those of Thana, Surat and Poona, the trial before any court of session of all offences punishable with death, transportation for life, or imprisonment for ten years and all offences in which the accused is charged that he is, by reason of a previous conviction, liable to enhanced punishment under Section 75 of the Indian Penal Code, shall be by Jury."

My Lord, in the backward race of slow progress the question of jury system surpasses even the question of local self-government. This system was introduced in this country by the Criminal Procedure Code of 1861. The Indian Law Commissioners appointed under India Act of 1853, drafted a bill on the Code of Criminal Procedure. That bill contained provisions for the double system of jury and assessors. It was laid before the Supreme Legislative Council and referred to a select committee. The committee did not accept the double system and recommended the introduction of trial by jury. In their report to the Legislative Council they struck out altogether the provisions respecting assessors. The Council accepted the recommendation of the select committee and the bill, as passed, provided for the introduction of the jury system in all districts.

The Secretary of State for India in Council, to whom the bill was submitted for approval, intimated that the course recommended by the Law Commissioners should be followed, and the Imperial Council had thus to modify its own conclusions so as to provide that trial by session courts should be generally conducted with the aid of assessors and that the trial by jury should be extended to such localities as local Government may deem fit. The Council will thus see that but for the interference of the Home Government the jury system would have been introduced throughout the length and breadth of British India as early as 1862.

Let us now proceed to examine how far local Governments have extended this system in their respective provinces during the course of six and fifty years. I take Bengal first. The Government of Bengal introduced in the year 1862 the system of trial by jury into seven districts under Section 322 of the Criminal Procedure Code, 1861. Thirty-five years later, *i.e.*, in 1897, the system was extended to four other districts. Last year a resolution for the extension of the system to the remaining sixteen districts of the Bengal Presidency was moved by one of the non-official members. The honourable member on behalf of Government promised to look

into the matter and requested the mover to withdraw the resolution. The offer was not accepted and the resolution after a very interesting debate was put to vote with the result that 24 voted for the resolution and 22 against it.

I now come to the United Provinces. In the year 1884 the Government of the United Provinces issued a notification directing that in the three districts, *viz.*, Allahabad, Benares and Lucknow, the session trial shall be conducted by jury with regard to certain offences. No further advance having been made by Government in this direction since then, a non-official member moved a resolution recommending the extension of the system to nine other districts. Government adopted an extremely hostile attitude towards this modest resolution with the result that when it was put to vote it was carried by 21 against 20.

In Madras the system is extended to all the districts except the agency tracts. In Assam, too, the system, I am informed, is of general application.

In our Presidency the system of trial by jury was first extended to Poona district in 1867. Later on during Lord Ripon's viceroyalty the system was further extended to the districts of Ahmedabad, Surat, Thana, Belgaum and the city of Karachi between the years 1884 and 1885. As matters stand at present, so far as the Presidency proper is concerned, the trial before any court of session in the districts of Poona, Surat and Thana of all offences punishable with death, transportation for life and imprisonment for ten years is by jury ; while in the district of Ahmedabad such trial extends to offences punishable with death only. I do not wish to refer to the unfortunate district of Belgaum in reference to which we had some rather unpleasant discussion in this Council only a few months ago. The object of this resolution is to secure for all the districts of the Presidency proper trial by jury of all offences punishable with death, transportation for life or imprisonment for ten years and of all offences in which the accused is charged that he is by reason of previous conviction liable to enhanced punishment under section 75 of the Indian Penal Code.

The position, my Lord, is quite clear. The last notification was issued 32 years ago. The progress that education has made during that long period cannot be denied, and it is high time that Government threw off this vacillating policy in regard to this question. In this matter of trial by jury, the first and foremost right of the British citizenship, more than half a century has elapsed in a half hearted and a very limited experiment. There has been a long and indeed a very long 'pull' but there should now be a 'pull' altogether. I ask Government and the members of this Council to rise above all narrow considerations and wholeheartedly accept a recognized principle for the vindication of British justice in the administration of this—the foremost province in the country. My Lord, I have always regarded that it is one of the great blots on the administration of criminal justice in this country that whereas in the case of the trial of Europeans all offences are to be tried by jury, in the case of offences committed by Indians hey are not to be similarly tried. But as I do not wish to raise any racial controversy I pass on to other points in support of my resolution.

Those of us who have taken part in criminal practice and appeared in sessions trials specially those presided by a European judge must have noticed that in many cases it has not been so much possible for a European judge to follow the evidence that is given by the witness as would have been possible for an Indian judge or for an Indian who happens to be a juryman sitting along with a European judge. My Lord, only a few months ago I was arguing an appeal before the High Court against the order of conviction passed by a certain sessions judge. The Government pleader pointed out that certain inferences must be drawn against the accused for his having not explained in his statement before the sessions court certain matters appearing in evidence against him. As a matter of fact, these matters had been explained and notes taken thereof by the Shirastedar in the language of the accused. This explanation was not at all noted by the sessions judge in his notes of evidence in English. I brought this to the notice of the

judges, whereupon the entire vernacular statement of the accused was ordered to be translated. The translation was then compared with the sessions judge's notes and both read quite differently. The point is that evidence is followed and appreciated most by a person who belongs to the nationality of the witness and who is acquainted with the customs and manners of the people. No doubt there are assessors to assist the judge. But we are all aware that this system is a failure. If the judge agrees with the assessors it is all right. If, on the other hand, the judge disagrees with them, in that case the opinion of the assessors is of no value.

It is said that the institution of trial by jury is exotic to India. To this objection my reply is that in a country where Panchayat system was prevalent from time immemorial and where the voice of the five is up to this day respected as the voice of God, this system cannot be called an institution imported from abroad.

Another argument advanced against the extension of the jury system is that jurors sometimes return wrong verdicts. My Lord, jury system after all is a human institution and the jurors are after all human beings. Like all other men jurors are also liable to err. And it is therefore natural and inevitable that the verdict of the jurors in some cases will be erroneous. But I ask in all seriousness whether there exists any tribunal of any description in any country which is absolutely free from wrong verdicts? Are not the decisions of the sessions judges in the non-jury districts reversed by the High Courts in a large number of cases? Have we not known of capital sentences passed by non-jury judges replaced by the order of acquittal by the High Courts? How often have we heard the decisions of our Bombay High Court set aside by their Lordships of the Judicial Committee? Has not the elaborate machinery of our law courts beginning from the courts of the magistrates and sub-judges with provisions for appeal in the courts of district magistrates and the district and sessions judges and for the second appeal and revision and reference in the High Courts with the Privy Council in England as the highest Tribunal for counteracting and undoing all the blunders committed by courts of the various judges in India, for its basis the fundamental truth that verdicts of all courts and all tribunals must inevitably be wrong in some cases? No institution is or can be ideally perfect.

It is contended, my Lord, that enough number of jurors will not be available in all districts and that the Presidency is not yet fitted for such a progressive institution which requires a good deal of public spirit education and intelligence. To this my answer is that one of our districts was found fit for the jury system in 1867; that four more districts were found fit in 1884, and if after 33 years of further continued progress in education and material prosperity, in public spirit and capacity for self-government, Government cannot find other districts fit for trial by jury, then I think it is our misfortune and our case is hopeless and our aspirations for popular institutions are vain and futile. If the system has proved a success in some districts, there is no reason to suppose that it will not be so in other districts. When you say that enough people are not available, I ask have you tried to find out such people? Whence do come all the assessors? Whence the jurors in the jury districts? Or the honorary magistrates? The nominees of Government on the taluka and district boards and municipalities? What is the use of saying that people are not fit before they have been placed in a position of responsibility? How do we expect people to learn to swim before they have entered water?

Then again, my Lord, we are told that in India a juror is averse to pass a verdict of guilty particularly in murder cases. I say Indians should be given credit for a certain amount of common sense. They are not expected to risk their homes and hearths by keeping a real culprit loose in the society to commit depredations. It is the instinct of self-preservation, of protecting his family, his relations and friends which leads a man to punish the criminals. And an

Indian juror is not a bit behind others in seeing that the society gets free of the wrong-doer.

As I observed a little while ago, cases of miscarriage of justice may and will occur. But are there not ample safeguards in the Criminal Procedure Code for it? A judge is not bound to agree with the verdict of the jury and is entitled to refer the matter to the High Court under Section 307 of the Code. Thus the highest court of appeal in the country can set the matter right if there is the least ground for suspecting injustice. I have with me statistics to show in how many cases tried by jury since the year 1885 upto the end of 1914 in the whole Presidency the judges agreed or disagreed with the verdict of the jury and in how many of them on a reference to the High Court that court disagreed with the jury.

The total number of cases tried by jury in Belgaum, Poona, Thana, Surat and Ahmedabad was 1,174, 1,013, 1,268, 402, and 474 respectively from the 1st January 1885 to the end of 1914. The total number of cases in which the sessions judge made a reference to the High Court under Section 307 of the Code of Criminal Procedure during that period was 81, 59, 86, 18 and 55 respectively. And the total number of cases in which the High Court upheld wholly the opinion of the sessions judge was 49, 46, 62, 9 and 34 respectively during that period. These figures show that the total number of cases tried by jury in the Presidency proper during the period of 30 years ending 31st December 1914 is 4,331. The judges agreed with the verdict of jury in 4,032 cases, *i.e.*, 93 per cent. of the total number of cases tried. In 299 cases only judges differed and made a reference to the High Court. The High Court agreed with the verdict of jury in 99 and disagreed in 200 cases.

The Honourable Sir MAHADEV CHAUBAL:—Has the honourable member collected similar figures about agreement with assessors.

The Honourable Mr. PATEL:—No, I have not got them.

What more proof is required to prove that the system of trial by jury has proved a great success in this Presidency and the fears entertained in some quarters regarding competency and capacity of the jurors are unfounded?

The judges either agree or disagree with the verdict of the jury. If they agree, then certainly the verdict is not erroneous in their estimate. It is only when they disagree that the judge calls the verdict of jurors to be erroneous. Now the verdict of the jury cannot with confidence be said to be erroneous merely because the judge disagrees with the same. What is the justification for saying that in all cases of difference of opinion the judge is right and the jury is wrong? One should have thought that the jurymen being drawn from the people themselves are better able to decide questions of fact than the judges who are more or less unfamiliar with the customs and manners and the languages of the accused and the witnesses. It is universally admitted that jurors are more often right in finding of facts than judges. I shall quote the testimony of three judges from three provinces. In the year 1890 Sir Charles Farran, Chief Justice of Bombay, said: "The verdict of jurors, by reason of local knowledge they possess and their perfect acquaintance with the habits, customs and modes of thought of the accused and of the witnesses examined before them, is more likely to be correct than the decision of a judge, though the latter approaches the considerations of a case with a more trained intelligence and a more logical mind but with less accurate perfection of native life and native thought."

Mr. Woogan, District Judge of Cuttuck, observed so far back as 1884:—"I have often found the assessors as a rule take an intelligent interest in the proceedings, and although I think them in some cases prone to acquit, I have frequently found, where I have overruled, that their doubts were endorsed by the High Court on appeal."

TRIAL BY JURY.

[7TH DECEMBER 1917.] [*Mr. Vithalbhai Jhaverbhai Patel; the President.*]

Mr. Benson, a judge of Madras Presidency, remarked in 1890:—"Jurors are more often right on facts than judges in their self-sufficiency give them credit for."

This view is shared by the Bengal Jury Commission who observed:—"That compared with the sessions judges a local jury shall be better able to draw inference of fact and to discriminate between the truth and falsehood of conflicting oral evidence given in their language. One of the greatest disadvantages of a sessions trial in this country is that many of our European judges do not know the language of the accused and the witness and some of them do not care to know it. This is simply disastrous for the ends of justice."

Again, it should also be borne in mind that some of the erroneous verdicts are probably due to want of practice on the part of judges in the very difficult art of charging the jury. A good and clear charge or an insufficient one makes all the difference in a verdict. In a jury trial the judge must play the roll of a friend, philosopher and guide to jurors.

There is, my Lord, one more point to which I should like to refer. The success of jury system depends upon a proper selection of jurors. Justice is done in all cases if we get intelligent and duly qualified jurors. If the preparation of the list of jurors is left to an irresponsible subordinate officer, it cannot be viewed as satisfactory. The legal practitioners who by virtue of their special knowledge are competent to weigh evidence properly have been excluded from sitting as jurors. Of course, I do not overlook the weighty consideration which may justify the exclusion of practising criminal lawyers from the jury. But there is many a legal practitioner both at the headquarters of the districts as well as in the sub-divisions who does not at all deal with criminal cases. There are also quite a number of graduate and undergraduate teachers who may serve as jurors, and if the jury list is carefully prepared by responsible men and not left to the police officer there will not be wanting a sufficiently strong jury list for every district.

My Lord, the great importance which the people attach to the privilege of trial by jury and the real necessity that exists for its liberal application in this country were some time ago emphasised by a very high authority whose opinion is entitled to the greatest respect. Sir Richard Garth, the late Chief Justice of Bengal, shortly after his retirement said "Of all the privileges, I believe, which Parliament has bestowed upon India there is none more highly prized by the people than the right of trial by jury and well they may prize it. The police are notoriously corrupt and mendacious, and the magistrates too often inexperienced and the Government, I am sorry to say, far too prone to put an undue pressure upon the mofussil judges to convict, so that the life and liberties of innocent persons are often in great jeopardy and the best safeguard they have is an independent jury who knows the crooked ways of police and can see their fraud and falsity."

His Excellency the PRESIDENT:—Who wrote that?

The Honourable Mr. PATEL:—Sir Richard Garth, your Excellency.

His Excellency the PRESIDENT:—Who is this gentleman of whom I have never heard?

The Honourable Mr. PATEL:—That is Sir Richard Garth, the late Chief Justice of Bengal.

His Excellency the PRESIDENT:—When did he write that? Can my honourable friend give me the year?

The Honourable Mr. PATEL:—I think he wrote it just before his retirement but I do not remember the year exactly. His opinion exactly tallies with the opinion recently expressed by the Commissioners in Bengal who were asked to make inquiry in the matter.

My Lord, I ask the Council to bear with me when I read the opinion of the Bengal Jury Commission on police methods referred to by Sir Richard Garth.

TRIAL BY JURY.

[*Mr. Vithalbhai Jhaverbhai Patel; the President; Mr. Pandurang Anant Desai.*] [7TH DECEMBER, 1917.]

The Commissioners say " There is no doubt that some of the verdicts alleged to be erroneous may be fairly attributed to distrust of police evidence and of the manner in which cases are got up by the police. This distrust has not been without reason in the past. But steps have been taken to improve the police generally and in particular, investigation and preparation of cases shall be entrusted to a higher and more trustworthy class of officers. With these improvements the distrust may be expected to disappear."

Whether the hope of improvement of police and their methods may or may not be justified by the event or whether distrust of the police evidence will or will not disappear, we have at all events here a most significant and unequivocal pronouncement that the alleged erroneous verdict are not always so in point of fact, that it is unreliable police evidence which is the real cause of failure of prosecution.

His Excellency the PRESIDENT :—That I take it was purely with reference to the province of Bengal.

The Honourable Mr. PATEL :—Of course, the Commission was with regard to Bengal but I do not think that in this matter of juries the conditions are different in this province than those in Bengal.

If there is anything wrong in those cases, it is not in the verdict of jury, but in the very inception of the case, *i.e.*, in the placing of the wrong men upon trial and attempt to obtain conviction by evidence which is not acceptable to the jury. The only thing left to the police is the stereotyped cry,—the verdict is wrong—the verdict is perverse.

Lastly, I ask this Council, my Lord, to look at this question from a political and a moral point of view.

In the administration of justice the jury system may be looked upon as a measure of self-government. So far back as 1872 Sir Charles Campbell, although rather hostile to the jury system in India, remarked in the course of the debate in the Supreme Legislative Council that the system had a great effect on the political education of the people inasmuch as they were induced to take part in self-government in the administration of justice.

This system is also calculated to promote co-operation between the people and the judiciary and will provide a common platform where the leading and educated men of the whole district can meet the judges.

Sir J. F. Stephen in his history on criminal law of England observes as follows :—

" Though the judges are known to be independent of the Executive Government it is naturally felt that their sympathies are likely to be on the side of the authority. The public at large feel more sympathy with jurymen than they feel with judges and accept their verdict with much less hesitation and distrust than they would feel towards judgments, however ably written and expressed."

Are not these remarks, my Lord, applicable with much more force to the conditions prevailing in this country ?

In conclusion, my Lord, I ask Government to say whether in their opinion they regard this system, introduced 56 years ago, a success or a failure. Surely the experiment for this long period ought to suffice to enable Government to answer this question. If you answer this question in the affirmative, you are bound to accept this resolution. If you, however, say that the experiment is a failure, it is your duty to make the pronouncement boldly and abolish the system altogether and without delay.

The Honourable Mr. PANDURANG ANANT DESAI :—May it please your Excellency,—I rise to support very heartily the resolution which has been so ably placed before the Council by my honourable friend Mr. PATEL. It is desirable

to extend the system of jury to all the districts. The opponents mostly put forth the objection that this jury system is a foreign system and cannot thrive well if implanted on the Indian soil. If we look to the historical works, if we look to the Smritis, we find that the law-givers have laid down that disputes should be tried by persons well-versed in the shastras and by persons well-versed in the several departments of knowledge. In the Smriti of Manu who was the first law-giver of India he says that a learned Brahman should take the assistance of persons who know different professions and who have got experience of the world and through their assistance he is to determine the disputes which are brought before the authorities. We find a similar provision made in the later Smritis. Your Excellency probably knows that the Smriti period was from the first to the sixth century. After the advent of the Mahomedan rule and after the advent of the Maratha rule, we find that the disputes were generally referred to the Punchayats and the decisions of the Punchayats were taken as the decisions of God. Generally five persons were chosen by the litigants themselves with the approval of the judge or with the approval of the state authority and the decision given by these five persons was accepted as God's decision. We have got in Marathi the phrase which means that the voice of the five is the voice of God, probably because the highest deity among the Hindus is the Mahadeva who is described as having five mouths. Therefore the five persons who are chosen as Punchayats were looked upon as part and parcel of God who could have no partiality in the decision of the disputes referred to him. This would show that the argument that this jury system is a foreign system has no force in it.

There is the second argument that has been advanced by the critics or the opponents of this system and that is that we cannot find able and competent men to decide questions with proper judgment. My honourable friend Mr. PATEL has quoted the figures from several reports which would show that in 90 per cent. of cases we find the judges agreed with the jury.

The Honourable Sir Mahadev Chaubal asked about assessors. I have got last year's figures about assessors. The annual administration report of last year shows that judges agreed with the assessors in 69·6 per cent. of the cases which were decided by the judges in sessions courts with the assistance of assessors.

When education is spreading in the whole Presidency, I do not think that it can be urged with any show of reason that there would be any difficulty in finding out good jurors. The sessions cases are tried in the district towns where there would be no difficulty in finding good and competent men to serve as jurors.

Another reason which is put forth by the critics is that by extending the jury system you lose the important right of appeal to the High Court. The law is that the jury being the judges on questions of fact there is no appeal as regards the determination by the jury of questions of fact and an appeal lies to the High Court only on the ground of legal questions. So it is said if we extend the jury system to all the districts the result of that would be that if the jury gives a wrong verdict then on questions of fact, there could be no appeal and thereby as you lose the right of appeal, the people would lose this important right and thereby their case would be prejudiced. As regards that point my submission is that if we see the figures that have been quoted by the Honourable Mr. PATEL we find that in about 50 per cent. of cases the verdict of the jury was accepted by the High Court even when the judges who tried with the assistance of jurors disagreed with the verdict of the jury. So in 50 per cent. of the cases the verdict of the jury was accepted by the High Court and this will show that only in a very small percentage of cases the verdict of the jury was not accepted by the High Court. I therefore submit that there is no force in the argument that the verdicts of the jury are perverse or are verdicts which are not proper. In 90 per cent. of the cases the verdicts of the jury have been upheld during the last 30 years. It is only in 7 per cent. of cases that the judges did not agree with the verdicts of the jury.

[Mr. Pandurang Anant Desai; the President; Mr. Siddhanath Dhonddev Garud; Mr. Sheikh Ghulam Hussein Hidayatallah; Mr. Vithalbhai Jhaverbhai Patel.]

Then it will be seen that the jurors are taken from the communities knowing the manners and customs of the people. They know the language, they know the manners and habits of the people, that is, the witnesses who are examined before them. It is very difficult for a man to appreciate properly the phrases which are used by witnesses unless he knows their language, habits and customs intimately and therefore it is desirable that every trial should be by the help of a jury.

With these remarks I support the resolution.

His Excellency the PRESIDENT:—I think perhaps it will be to the convenience of the Council if we adjourn till 3 o'clock.

The Council adjourned for lunch till 3 o'clock.

After lunch.

His Excellency the PRESIDENT:—Order, order. Further consideration of Resolution No. 17.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD:—Your Excellency, I rise to support the resolution brought before the Council by the Honourable Mr. PATEL. Of all other forms of trials trial by jury is undoubtedly the best. The only objection that has been urged against it so long is that it is not often possible to find enough people in the mofussil to work on juries. That objection I submit is not now tenable. It is possible to find, in the headquarters of every district, enough educated and independent people to sit on these benches.

My lawyer friends will, I think, bear me out when I say that in cases which are tried by individual judges the percentages of convictions and the severity of punishments often vary as they say with the length of the judge's foot. In cases coming before jurors, the general sense of the population practically makes them come to decisions which are usually acceptable. And now that some other provinces have decided to take up the system of trial by jury, I hope that our Council too will persuade itself to adopt this system in our Presidency. The Madras and the Bengal Councils have adopted this system by a majority vote of the Council, the United Provinces Council has also gone in for it and I hope that our Council too would show that this system would be acceptable in our Presidency.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH:—Your Excellency, I propose an amendment to this resolution. It is as follows:—

After the words "the Presidency proper" add the words "and in the district of Hyderbad, Sind".

His Excellency the PRESIDENT:—Does the Honourable Mr. PATEL accept this addition?

The Honourable Mr. PATEL:—I have no objection to accept the addition proposed by my honourable friend SHEIKH GHULAM HUSSEIN.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH:—Your Excellency, we all know that the jury system is an integral part of the administration of British justice. Previous speakers have shown how the jury system is the great safeguard against bad administration of justice. The real test to decide whether the jury system should be extended to a particular district or not is to see whether in that district there is a sufficient standard of intelligence and education prevalent or not.

My amendment deals with the district of Hyderabad only. I do not propose that this system should be extended to the sessions division of Hyderabad which includes Nawabshah and Thar and Parkar, but I simply ask that the jury system be extended to the Hyderabad district alone.

TRIAL BY JURY.

[7TH DECEMBER 1917.] [*Mr. Sheikh Ghulam Hussein Hidayatallah; Sardar Shriniwas Coopooswamy Mudliar.*]

My reasons are these:—All who know Sind will admit that Hyderabad is a great centre of education. Looking to the large number of schools it has, and looking to the large number of Sindi students that are in the Sind College and in the various other colleges it will appear that they all belong to the district of Hyderabad. In fact in the town of Hyderabad where the Sessions Court holds its trials a sufficient number of intelligent and educated men could be found who can discharge the duties of a jury very satisfactorily. There is a sufficient standard of intelligence and education in the town of Hyderabad where a sufficient number of people could be had to discharge the functions of a jury satisfactorily.

With these remarks I support the resolution.

The Honourable SARDAR SHRINIWAS COOPOOSWAMY MUDLIAR:—My Lord,—I cannot help supporting the resolution proposed by my honourable friend Mr. PATEL and this I am constrained to do for two special reasons that particularly appeal to me from my experience obtained by observations of jury working in the Deccan. I do not wish to weary the Council with any further details of a historical nature to prove that the jury system in one form or another existed in this country from time immemorial. I prefer to take my stand in favour of the extension of this system in the light of its modern mode of working. I shall concede the strongest point that can be urged against it and would in spite of it submit for maintenance that no dereliction on the part of the system can be pointed out as amounting to gross miscarriage of justice. We know where juries and judges have disagreed and the latter have been upheld, but then after all has been said and done, the analysis can only reveal a fact that it was one opinion against another. It will however, I have no doubt, be conceded that there are also various instances in which the opinion of the juries has been upheld. I am however of opinion as stated at the outest of my remarks that, apart from these considerations, there are two reasons which impel me to support this resolution and I submit that it ought to be done even at the cost of a thought that in some instance some injustice may have accrued. That we know from experience to happen even in the case of any single tribunal as at present constituted. But against the drawbacks we have the educational standards to keep in view and it is these that must drive anyone possessing a reasonable balance of mind and knowledge of his countrymen to conclude that these two standards must be achieved at any cost and there can be no justification at least in going back on the system. Those of us who have served on the jury know that it is a great education which trains the mind to sift the truth and find legal conclusions and this training helps in a way to build up character and mind for appreciating the truth of a given case. Its efficiency too cannot be denied. Whatever else may be said against it, one thing is certain. However good and clever a judge may be, it happens, in innumerable cases, that certain facts transpire in a case of which the best and natural judges are the local men. This fact alone, even leaving several other, ought to be an enormous impetus to bring into prominence the system of trial by jury. Even conceding for the sake of argument that it is a system of western birth we have now in almost all district towns enough of elements to meet the need for appreciation from that point of view. In England the system came into existence when perhaps the education of the people was not what it is to-day and it has grown since its first inauguration. In India it has begun and it would be a great pity to go back on it. The Government ought by every means at its command to support this means of doling out justice which with its drawbacks has other compensating advantages which we cannot afford to overlook. It is a source of great assistance to the judge and besides there are good channels to correct and overcome any error that may arise through any untoward decision on the part of the jury. That being so I submit that the system must not only be not curtailed but extended, and being conscious of its manifold advantages I have much pleasure in supporting the resolution.

TRIAL BY JURY.

[*Mr. Gokuldas Kahandas Parekh; Mr. H. S. Lawrence.*] [7TH DECEMBER 1917.]

The Honourable Mr. GOKULDAS KAHANDAS PAREKH:—May it please your Excellency,—As an old lawyer I have my natural predilection for trials by jury. I look, however, at the question only from one standpoint. The trials whether by jury or assessors are mere instruments of justice, and the only question that one has to consider is which form of trial will better help the interests of justice—whether the trial by jury or the trial by a judge with the aid of assessors. If the view expressed by some of my honourable friends that an English judge is less competent to form a correct opinion upon the evidence than jurors promiscuously chosen is correct, trial by jury must necessarily be accepted. But I feel some doubt whether in the case of experienced judges — and most of the district judges are experienced judges — you can generally say that the view of the judge on facts where he differs from the view of the jury is less acceptable than the verdict of the jury. It appears to me that in any case we must say that both are entitled to equal weight; if not, the view of the judge of several years' experience is perhaps entitled to greater weight than the view of the jury.

The next thing to which I wish to draw the Council's attention is that it ought not to be taken, from the number of cases where references have been made and the small number of cases in which the verdicts of the jury were set aside, that the judge's view is generally wrong even in these cases. The law upon this point as it is understood is this, that the verdict of the jury is accepted unless it is perverse or so grossly improper as to require interference. Otherwise, unless the party is able to show that the verdict of the jury was perverse or so bad that the judges ought not to accept it, even though the appreciation of the evidence may not be accepted and even though upon the evidence the judges of the High Court may come to a different conclusion from the verdict of the jury, still unless they see that it is quite erroneous, they have to uphold it. This being the law, I think that the number of cases in which the verdict of the jury is upheld is certainly no ground for saying that in all the other cases the judge was wrong

My own view upon this question is that the fact that the intelligence, education and the character of the people in the country have improved during the last few years is a very important element for consideration. I do understand that there have been old views, old expressions of opinion, by the judges of the High Court which lead to the conclusion that the jury system is almost a failure; but I should think, looking to the condition of education in the country, that view may have to be revised. At all events, my own view is that all the districts have not equally advanced. There may be some districts which are very well advanced; there may be some which might still be regarded as backward. There may be places where you cannot get a sufficient number of good or reliable jurors. There are differences in the districts. But Government have the High Court judges for consultation and, if a reference is made to them, they will be able to advise Government as to the districts in which the system may be introduced and those in which it would not be proper to do so. If a reference is made and if the Government try to give the powers of trial by jury according to the view of the High Court Judges, I think an advance in that direction would not all be unwise.

The Honourable Mr. H. S. LAWRENCE:—Your Excellency,—I was much gratified to hear the Honourable Mr. PAREKH discuss the point of view whether trial by jury would or would not advance the cause of justice; for that is a point on which the honourable mover appeared to me to lay insufficient stress. The honourable mover omitted to mention in what language these trials should be conducted. He stated that since Government were able to secure persons fit to be honorary magistrates, co-operators, and municipal councillors, there could be no difficulty in securing competent jurors. He appears to have forgotten that there is no necessity for the qualification of a knowledge of English to an honorary magistrate, a co-operator or a municipal councillor; whereas this qualification is necessary for a juror.

TRIAL BY JURY.

[7TH DECEMBER 1917.] [*Mr. H. S. Lawrence; Mr. Siddhanath Dhonddev Garud.*]

It may certainly be suggested that whereas for fifty years, under the control of the Bombay High Court, all sessions cases which are tried with the help of a jury have been tried in the English language, this is no longer necessary, and that cases should be tried in the vernacular of the special region. This is an interesting and arguable proposition. We have heard recently of a movement for the renaissance of Indian languages in various matters; that University degrees should be given in the vernacular, that a Women's University should be started in the vernacular, and so on. These movements may have great vitality, and may come to perfect fruition. But the Council will no doubt remember that there has been a considerable divergence of opinion in the past. Some 15 years ago, when His Excellency Lord Curzon, with the assistance of Sir Bampfylde Fuller, held an enquiry whether vernacular languages should not be the medium of instruction in agricultural and other scientific colleges in India, great opposition was aroused; and some hostile critics even accused the Government of India of a desire to retard the progress of higher education in India by this insidious movement. And if the vernacular languages are a suitable medium for the trial of cases of life and death, shall we not naturally proceed to the use of the vernacular languages for discussion in this Council hall? Quite conceivably, that may be a development of the future, but I would only ask now whether the honourable member, in advocating his present policy, is prepared to carry it to its logical ultimate conclusion.

But let us now return to the question whether the adoption of the vernacular in jury cases in a Court of Sessions will really be beneficial to the state. There are two main arguments against the proposition. Firstly, the interests of justice: interests, that is to say, both of the crown and of the accused person. A certain degree of education, of power, of thought and of judgment, is necessary to qualify a man to be a juror; and it has been held in the past that the qualification is best ensured by a knowledge of English. This does not mean that there are no men of ability without a knowledge of English, but simply that the best universal test easy of application, and exempt from the likelihood of error or of favour, is the English test.

The Honourable Mr. GARUD:—May I tell your Excellency that all trials in mofussil in sessions cases are conducted in the vernacular?

The Honourable Mr. LAWRENCE:—Not in English? Is there not an interpreter?

The Honourable Mr. GARUD:—No.

The Honourable Mr. LAWRENCE:—I don't know.

Secondly, as regards our judges. It is not an easy task to charge a jury even in the English language; it is a very difficult task in any vernacular language. It is not easy to be certain that the jury do understand the charge in the English language; it is quite impossible to be certain in the vernacular. But then some light-hearted gentleman will say, "Let all the judges be Indians." This will in no way improve the position. We have four main vernacular languages in this Presidency, Sindhi, Gujarati, Marathi and Kanarese. A Marathi judge will make as many mistakes in Sindhi as an Englishman; and a Gujarati judge has the greatest difficulty in mastering Kanarese; and so with all the other varieties. This multiplicity of tongues in some places even affects the juries. I have heard of a jury sitting in Belgaum, the mother-tongue of one juror being English, of a second Marathi, a third Kanarese, a fourth Konkani and a fifth Portuguese; and the only common language that they all understood was English.

I think the Council will agree that these two arguments render it inadvisable to change the language in which jury cases are conducted from English, and to establish a jury where English-speaking jurors are not available.

On the other hand, it is alleged that accused persons prefer a trial before a jury. I have also heard another version of this story, that an accused person who is guilty prefers a jury, and that an accused person who is innocent prefers a judge. We must remember that the finding of a jury on the facts of a case is conclusive; and every man with experience of law courts knows of cases where an appeal to the High Court could have succeeded on the facts had not the judge been debarred by the verdict of the jury from considering those facts. I mention this not as an argument against having any juries at all, but as an argument in favour of seeing that your jurors are as competent as possible.

Further, it is clearly advisable that the system should be introduced in regard to cases of less importance first. Thirty years ago, when the Bombay Government established juries, they separated themselves from the principles adopted in the rest of India by giving the most important cases to these new and untried bodies to deal with. If any extension is now possible, it should begin by handing over the less important cases to juries, and when they have shown their competence, their jurisdiction may be correspondingly extended.

The Honourable the Advocate General (Mr. T. J. STRANGMAN):—Your Excellency,—I find myself unable to support this resolution as it seems to me that none of the arguments that have been advanced in support have any substance whilst there are arguments against of considerable weight.

Now at the outset I would like to deal with two matters. Certain speakers have attempted to give this question a political aspect. It has been put in this way. Is it or is it not just that a certain further and higher right should be conferred on the people, namely, the right to try their fellowmen? That I submit is an entirely erroneous aspect of the question. The only point on which the Council is called upon to give an expression of opinion is this. Is it or is it not in the interests of justice that the jury system should be extended in the manner proposed? Are better results than are at present obtained likely to be obtained by such an extension? The second matter is this that we are not concerned here with any attempt to reintroduce an indigenous system which has fallen into disuse but what we are concerned with is an attempt to extend a system which is foreign to India. It has been suggested by some speakers that there is an analogy to the jury system in the village punchayat. There is no analogy whatever. The village punchayat, so far as I know, never dealt with criminal cases of a more serious character than petty assaults.

Now it is necessary in approaching the question under consideration to consider in the first place the points of difference between a trial by a judge and jury and trial by a judge either alone or with assessors and these differences are twofold: firstly as to who is to decide the facts and secondly as to the powers of interference of the High Court. In a trial by a judge and jury the jury have to decide all questions of fact and the judge is merely entitled to decide questions of law, whereas in a trial by a judge with or without assessors the judge decides all questions both of fact and law.

As regards the powers of interference of the High Court, in a trial by a judge and jury if a judge disagrees with the jury and he is clearly of opinion that it is necessary for the ends of justice to submit the case to the High Court he has to submit the case accordingly. Here, I would point out that it is not sufficient merely that he should disagree with the jury but he must be clearly of opinion that it is necessary in the ends of justice that the case should be submitted to the High Court. If he does so then the High Court is entitled to deal with the matter as it were an ordinary appeal. A reference to this provision is necessary in order among other things to expose the fallacy of the figures quoted by the Honourable Mr. PATEL. He put those figures forward suggesting that

those were the only instances in which judges had disagreed with juries. That is not the case at all. Those are cases where the judge not only disagreed but was clearly of opinion that it was necessary for the ends of justice that the case should be submitted to the High Court. There must, however, have been numerous cases where the judge disagreed with the jury and yet no reference was made. A judge must often have said to himself: "Here are five men who decide this way and it is not for me, although I disagree with them, to carry the matter further." Suppose then the judge does not submit the case the result is that there can be an appeal only on a question of law. Now, generally speaking, a question of law would only arise in three instances. First of all, if it could be said that the judge had misdirected the jury; secondly, if it could be said that he had improperly accepted or rejected evidence; and thirdly, if it could be said that there was an absence of evidence on some material point. A mere weakness of evidence on a material point will not suffice, and the result is that numerous cases come before the High Court where the judges would have come to a different conclusion on the evidence but are powerless to interfere. Now, in other cases, that is to say, in cases tried by a judge either with or without assessors the right of appeal is unrestricted. It lies whether on a question of law or on a question of fact, and that it is an exceedingly important right, will be seen from the number of cases in which the High Court have interfered. So that bearing these matters in mind the design of the resolution is in reality twofold. First of all to hand over the decision on questions of fact to a body of laymen who are quite unversed in weighing or appreciating evidence, and in the second place to cut down the present right of appeal so as to make it in reality illusory. Viewed in this light the proposal of the Honourable Mr. PATEL appears to be far from attractive. If there is one thing dear to the litigant, whether in a civil or a criminal court, it is an unrestricted right of appeal.

Now to deal very shortly with the arguments against the resolution, First take the matter from the point of the jurors: You have five persons, all busy men I suppose, called upon to come and assist one man in performing a duty which that one man is trained and thoroughly competent to perform by himself. This is a waste of public time. It is also at times a matter of hardship. Not unfrequently,—I speak of Bombay and I suppose it is the same in the district,—you find a man in sole charge of an important business or in sole charge of a department of a large business called upon to come and serve on a jury for two or three days to the neglect of that business.

Now let us take it from the point of view of justice. You have five men, as I said before, wholly unversed in the art of weighing and appreciating evidence who are called upon to exercise that art, and I say it is an art, just as much an art indeed as that of conducting an agency of a cotton mill, building a railway bridge or cutting off a leg.

The anomaly is that you have an expert sitting there, actually taking part in the trial, yet precluded from taking any part in the decision on the evidence.

The Honourable Mr. PATEL, as I understand, sought to remedy the difficulty which he foresaw in this respect by suggesting that pleaders might be allowed to serve on a jury. I think I can claim to have more experience than anybody else in this assembly in the matter of juries. I have in the course of my experience come across many persons who wished to avoid serving on a jury. I have never yet met one who wished to serve on a jury. If the Honourable Mr. PATEL were to put to the pleaders that they should come forward and sit on juries, he would assuredly be met with a refusal. That is a privilege that they are entitled to claim and a privilege they are not going to give up. So that, the resolution comes to this, that you have to hand over to five persons unversed in a particular art the duty of exercising that art, and naturally enough, the results of so doing are frequently most unsatisfactory.

Let me give an instance which occurred in the last sessions in Bombay. A man and his wife were alone in a room. The neighbours heard the woman cry out. They tried to get into the room, but finding it bolted sent for the police. The room was then opened by the prisoner from inside and the wife was found on the ground with her head literally pounded to pieces. A short distance away from her body was a curry stone which was covered with blood. The prisoner had blood upon his hands and blood upon his clothes. Those were the admitted facts. The explanation of the prisoner was this. His wife refused to go with him to Poona; she then picked up the curry stone and rushed towards him. He rushed to meet her; she fell down and the curry stone fell upon her head. The medical evidence was to the effect that a great number of blows must have been inflicted in order to produce the injuries which had occurred and that the injuries could not have been caused in the manner alleged by the prisoner. We have nine jurors in Bombay. Five out of these gentlemen were of one opinion and the other four were of another opinion. I cannot tell you of which opinion the five were and of which opinion the other four were. But either the five or the four wanted to acquit that man. That occurred in Bombay, a civilised city, where you get men of exceptional qualifications on the jury. I say that is really a very good instance of the absurdity of the jury system. The truth of the matter is really this, that a jury is far more prejudiced than a judge. That prejudice will sometimes work against the accused and sometimes in his favour. It will work in favour of the accused in a case such as I have described where you get a certain number of men upon the jury whose scruples or ideas prevent them from sending a man to the gallows, although undoubtedly guilty of murder. It will work against an accused person where you have a crime committed which creates considerable popular indignation, such as a dacoity. The jurors are incensed and obsessed with the nature of the crime and they do not stop to consider whether or no the people who are charged before them are sufficiently identified with the crime or not. Numerous cases of that description have occurred.

Now, there is one member at the back of the hall making copious notes with a view I suppose to reply to what I have said. When he does so, I would ask him to address himself to a question I will in a moment propound. He is, I understand, a gentleman who at one time of his career was a renowned subordinate judge. The question I want to ask him is this, whether he considers that the numerous civil cases he was called upon to decide would have been more satisfactorily disposed of if all questions of fact had been decided by a jury and he alone had decided questions of law, and I hope he will see his way to answer to that question.

The first objection then is, as I said before, that you have five men who are not experts asked to do an act which involves great skill and training. The second objection, with which I have already dealt, is that you are taking away an exceedingly valuable right of appeal and substituting something quite illusory for it. Those are the disadvantages with regard to the proposal, and on the other hand the advantages of the present system are, first of all, that you have a trained man to try the case in all its aspects and in the second that you have an unrestricted right of appeal.

There is just one point I want to refer to and it is this. It was said that English judges do not understand the ways and the languages of the people with the result that injustice often occurs. After that remark had been made I took the opportunity of asking a judge on the High Court bench who had the longest experience of appellate criminal work in this court, what he thought about it. What he told me was this, that he could not recollect a single case in which it had ever been urged before him that injustice had been done because the judge did not understand the ways of the people, and it is absolutely certain that if any such contention had been raised it had not been given effect to. I asked him whether he could recollect any case in which it had been said that the judge had erred because he did not understand a

vernacular expression. To that he replied that such contentions had been raised at times, but he could not recollect a single instance in which the contention had been given effect to. I think that is a pretty conclusive answer to the objections in that connection which have been raised.

Then, just a word as to the views of Sir Richard Garth. Those views were expressed with regard to Bengal. Your Excellency asked the Honourable Mr. PATEL when it was that Sir Richard Garth retired. He retired, I find, in 1886. With regard to Sir Charles Farran's remarks, as against those you must set off what I have said today as having come from the learned Judge of the High Court with whom I communicated during lunch time.

It seems to me really that it is mere sentiment that has brought in this resolution and the sentiment arose out of the catch phrase that a man must be tried by his peers. That is quite fallacious really, because after all, it is not the Brahmin that is going to be tried by the Brahmin or the untouchable by the untouchable, but that every one is to be tried by persons who are to be selected irrespective of caste or creed owing to certain educational or other qualifications, and the result is that the judge is as much the peer of the prisoner as any one of the jury.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE:—Your Excellency,—I had no intention of inerfering in the discussion on this subject, which is rather too technical for me, but I was rather surprised to hear the arguments of the Honourable the Advocate General. If I were to put it in one word, I think that by his arguments he has proved far too much. I think his speech is a complete assault against the jury system anywhere and everywhere, in England, France, Australia and everywhere. I wish he had started a crusade in England against the jury system; and I wonder what success he would get there if he were to preach the doctrine which he has preached this afternoon in this Council. One thing, however, I know; and that is that even in this country the European inhabitants of this country prize very highly their particular right of getting a jury of Europeans and we have heard very often of cases where there has been gross miscarriage of justice, but I have not heard the Advocate General trying to persuade his European fellow citizens that they ought to give up this right of trial by jury and consent to be tried by a single judge.

Well, I am afraid cases of wrong decision do occur and there must be other instances. We occasionally hear of trials in France where on the most clear evidence the juries have come to an apparently contumacious verdict simply because a judge is not allowed to go against the verdict of the jury, particularly in crimes of passion. I remember reading that death punishments used formerly to be given for simple cases of theft when the article stolen exceeds £2 in value. Once a man was charged with having stolen £5 and the case was absolutely clear, but the jury brought in a verdict, not that he stole £5, which would have immediately caused him to be sentenced to be hanged, but that the man stole 5 pieces of gold of value £1 19*s.* 6*d.* There are, therefore, occasionally cases where the juries do consciously come to a contumacious verdict on account of other circumstances. I do not say that all verdicts of the jury are right, but it is on the whole a good system. The jury principle is one which has been accepted on all hands as providing a proper safeguard. One very eminent Englishman has said that the one great object of education is to bring twelve men together in a jury box and let them come to a proper decision by applying common sense. Well, I think, if that is the objeet of education in England, I do not know why that ought not to be the object of education in this country. As I say, the Honourable the Advocate General has proved far too much and I do not know whether the Council will accept all the contentions advanced by him.

TRIAL BY JURY.

[*Mr. Shridhar Balkrishna Upasani; Sir Mahadev Bhaskar Chaubal.*] [7TH DECEMBER 1917.]

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI :—May it please Your Excellency,—In matters of law we all quite naturally look up to the Honourable the Advocate General for advice and guidance, and we had hoped that his advice in this respect would have been one which could have been respected by us with great confidence. But, unfortunately, his advice is directly in conflict with the advice and experience which in England has led to the upholding of this institution of jury system. The arguments which the Honourable the Advocate Genetal has urged are unfortunately those general arguments which might come from a layman, but which are, I think, not expected from an authority on law. One of the reasons that he gave is that a judge is a man versed in law. Are the judges in England not as versed in law as our judges are? I daresay they are as much versed in law as our judges, and very probably much more versed, and yet they have juries to help them, why not then let our judges also have juries? Our judges here labour under one very great disadvantage, namely, that they have to hear cases in a language which is not their mother tongue. They have to deal justice to people whose feelings and ideas are different from theirs, and it is not easy for them to understand the feelings and motives of men who belong to a foreign country. If there is necessity for the jury system it is more here than in England, and I should have been glad if due note was taken of that objection. Then, there is another circumstance of which we have to take note, and it is the language difficulty. The Honourable Mr. LAWRENCE has referred to it, and I put it to the Council whether it is possible for a judge to do complete justice if he finds it difficult to understand the native tongue and to read the vernacular script, especially in cases of perjury and forgery. Can he do it without the assistance of men who are Indians? In matters of personal liberty, life and death I think it is much better for the judge to have all possible assistance that he may need, and usefully get from the jury which is more conversant with the language and script of the country than himself. After all, the jury has to follow the lead of the judge, as my Honourable friend the Advocate General should have seen. The jury is meant for the judges help. There is, also a safeguard against failure of justice in the right of appeal. The judge can himself refer the matter to the High Court if he disagreed with the jury and, as a matter of fact, the proportion of cases in which the judge agrees with the jury is far too great to justify any fears as those entertained by the Honourable the Advocate General. If the system in our country had proved a failure, I daresay it could not have been allowed to continue for the past 30 or 40 years as it has been. If it were a failure, the High Court would have taken notice of it or Government itself would have taken needful action in the matter. The very fact that it has been allowed to continue so long goes to show that it has not proved a failure and it is a justification for its retention and its further extension. The circumstances prevailing in these 30 or 40 years are not in any way different from the circumstances which are prevailing now, and if 30 years back Government thought there was no objection to extend the system, I daresay the time has come when in the light of actual experience we are now bound to extend it to all the other districts in the class of cases for which it has proved a success. And not only that, but in the more important class of cases of political offences it is absolutely necessary that people should be tried by men who understand the language, and know the feelings and sentiments of the people and can duly appreciate the situation and matters that come before the court with regard to the alleged offence.

The Honourable Sir MAHADEV CHAUBAL :—Does the honourable member say that the political trials are at present triable by a jury in the mofussil courts?

The Honourable Mr. UPASANI :—I mean that all those cases recommended by my honourable friend, and all serious cases, ought properly to come before the jury rather than before a single judge. You seem to have a travesty of justice in some of these political trials. Here you have a judge who does not know the

language of the country or, if he knows it, he knows it indifferently. He has to deliver judgments upon subject matters and evidence recorded not in his own language but in the vernacular of the country; it has to be translated for his perusal; and upon that translation the judgment is to be given. Let the Council take the case of a similar trial in England. Supposing a judge who did not know English were to sit in trial of an English offender and the jury were men who did not know the English language, would a verdict of such a jury and a conviction based on such verdict be accepted in England. Would it be tolerated in England? And when we ask for the simple primary right which has been enjoyed for centuries in England, I do not know why there should be any opposition to the concession of that right? If it were a mere matter of sentiment I do not know why any suggestion has not been made that this right should be given up by those by whom it is enjoyed in England. If the jury system is necessary and desirable in their case, I do not know why our people should labour under the present disadvantages and should not have the right of trial by jury.

As regards civil cases, in England the jury system has been extended to civil cases also. But we have not yet come to that millenium here. This resolution confines itself only to more important criminal cases. That being the case I do not think the question of civil cases arises at all. If it did arise it could be looked at in the light of the experience in England. We have not that experience here. Our experience here is confined to criminal cases only. It is for us to follow that and I daresay, that Government will in the light of that experience be pleased to acept my honourable friend's resolution.

The Honourable Sir MAHADEV BHASKAR CHAUBAL :—Your Excellency,—I did not expect that I would have to address again this Council on a question which was threshed out here less than two years ago when the question about Belgaum juries was raised by my Honourable friend Mr. BELVI. I had hoped to save all this flood of oratory which we have been listening to for the last two hours by approaching the honourable member before he moved this resolution and asking him, whether he would rest content with an assurance from me that Government would call for reports from local officers and get at the necessary facts and figures with a view to see if there were any districts to which the system of trial by jury could with advantage be extended. I explained to him that this was necessary inasmuch as since 1893 at any rate this question had not been inquired into by Government and that this information was necessary in view of section 269 of the Criminal Procedure Code under which for any change in the law with regard to juries we must have the previous sanction of the Government of India and that it was not possible for this Government to approach the Government of India with any recommendation on the question unless we had facts and figures and opinions of responsible officers in the districts. I asked him if in view of this he will withdraw this resolution if I gave him an assurance to that effect on behalf of Government To my surprise he categorically replied "No." I tried to take him into confidence by asking him Dear Mr. PATEL, what is the great urgency about this question that you cannot wait till the necessary inquiries are made. The only answer I could get was; "Oh, self-government, self-government". Well to-day in his address he has not based his case so much on self-government. At least partly he brought in the administration of justice also and I do not think he could have brought forward a more rotten argument than the one which he has been advancing in his remarks based on the administration of justice.

The Honourabe Mr. PATEL :—I rise to a point of order your Excellency, whether "rotten" argument is a parliamentary expression?

His Excellency the PRESIDENT :—I think it is a very undesirable expression.

TRIAL BY JURY.

[*Sir Mahadev Bhaskar Chaubal; Mr. Vithalbhai Jhaverbhai Patel.*] [7TH DECEMBER 1917.]

The Honourable Sir MAHADEV CHAUBAL:—I plead guilty to the charge of using an expression which I think I should not have used.

But I think all the honourable members will agree with me that if there is one thing in the minds of the public for which British administration has been uniformly and universally given credit it is the sound administration of justice. But when my Honourable friend Mr. PATEL and my Honourable friend Mr. UPASANI get up and say that the administration of justice requires that there should be an extension of the jury system I do not think that they have got any following behind their back so far as the public and the people of this country are concerned. Now that is the point which I wish the Honourable members of this Council to consider.

In the speech which the honourable mover has made he referred to Bengal and Madras and different other provinces: but I waited in vain to listen to any evidence in the speech that his own electorate had ever complained that they were suffering from injustice and that the administration of criminal justice was defective because foresooth the system of trial by jury had not been introduced into some of the Districts of the Northern Division.

The Honourable Mr. PATEL:—Several people in the Kaira district tell me Sir MAHADEV CHAUBAL that there is an urgent need there for this system.

The Honourable Sir MAHADEV CHAUBAL:—I am afraid I cannot take an assurance of that kind. People in these days make petitions to Government about their grievances: public bodies and associations ventilate their grievances: but I do not think that the Government or the High Court have ever had a representation made to them about the extension of the system of jury to any particular district on the ground that the want of it causes failures of notice. Therefore I do say that until I am assured that the people of the Northern Division seriously desire that in order to improve the administration of criminal justice the jury system is wanted, I cannot take an assurance of an individual honourable member about several people in a single district like Kaira having spoken to him. After all these people must be persons who have not seen the jury-system work in their District. He ought to know that there are other people who can speak from their positive experience of the working of the system: and in any event because a few people have spoken to the honourable member in the way he says they have, it is too big a jump to ask for the extension of the system whole sale to all the Districts in the Presidency.

I find that several honourable members have spoken in favour of this resolution but I may be pardoned for mentioning that except my honourable friend Mr. GOKULDAS PAREKH I do not know from what actual experience the previous speakers addressed the house on this question. None of them belong to districts which enjoy or suffer from this system of trial by jury. Is there any evidence I ask, has any of the speakers brought any evidence before this Council, that it is the desire of the people to see this system introduced into districts where it does not obtain, that the public demand in any part of the Presidency is for improving the administration of criminal justice by the extension of this system to districts in which it does not obtain. Well in the absence of such evidence I do not think that Government can possibly move the Government of India. When such evidence is forthcoming, when the people of a particular province or a division have expressed a desire for this extension, Government will consider whether the circumstances are such that the system needs to be extended to any particular district.

I won't take up the time of this Council by referring to points to which the Honourable the Advocate General has already referred. But the Honourable Mr. UPASANI, I think, most eloquently confessed to the strength of the Advocate General's argument and the weakness of his own, when he failed to answer the direct challenge which was made to him by the Advocate General. The Advocate

General asked my honourable friend to state honestly to this Council if while he rendered valuable service to the state as a First Class Subordinate Judge in this Presidency he as the presiding judge in civil cases before him would have preferred to have a question of fact determined finally and conclusively by any five persons belonging to the class or classes from which jurors are selected and that would he be prepared to admit that his own decision on that question of fact was wrong if it did not agree with theirs. That was the challenge thrown out to him and his only answer was that we were at present concerned with the administration of criminal justice and not civil. He said let us not confuse matters and make them more complicated by introducing cases of civil justice. I think if that is his only answer he entirely gives up his case, because for the trial of questions of fact in administering civil justice you are not going to get a different type of jury from the one you can empanel for a criminal case. The rules for the appreciation of evidence in the two sets of cases are not going to be different. Take the point of local self-government in the interests of which the Honourable Mr. PATEL is so keen. Is local self-government or education in such government suffering on account of the want of extension of this system or can he say that the people of a district which enjoys this privilege show more capacity for self-government than those of a district which has not that right? As a matter of fact in almost all districts the judge has the assistance of two assessors. These gentlemen are drawn generally from the same class from which juries are selected except that they may not know English. What the Honourable member wants is that instead of two assessors there should be five jurors, but I have not heard any argument to show that the three additional gentlemen who will add to the present number of assessors are likely to be of a different class or men of different attainments from the present assessors. If, therefore, the mere existence of a system of jury is supposed to be any education in matters of self-government the only argument that can be advanced would be that three more men would be getting their lesson in the education for self-government each time, instead of two as at present. If it was only that I do not think Government would have minded the extension asked for. What makes such extension a matter for serious consideration and inquiry is the fact that the opinion of these five gentlemen on a question of fact becomes binding on the judge. That is the point which has got to be most carefully considered both from the point of view of the public and from the point of view of Government. If it is the desire of any members that there may be facilities for criminals to escape or the innocent to suffer I certainly don't sympathise with it. It ought to be the desire of every law-abiding citizen that a criminal should be, so far as possible, brought to book and that an innocent person should not suffer. That desire is not likely to be satisfied by the extension of a system which makes the opinion of a trained lawyer accustomed for years to sift evidence subordinate to that of five men of ordinary intelligence, with meagre educational qualifications, and whose honesty and integrity may vary considerably. I think nobody will maintain that a system which does that can be calculated to improve the administration of justice.

Then the Honourable Mr. UPASANI based some argument on the judge's ignorance of the vernaculars. I do not think that this resolution as it is moved makes any exception in the case of Indian members of the Civil Service or in the case of those gentlemen who having served for years together and proved their merits in the Provincial Service are given posts of District Judges and the argument at least as regards these two is on the face of it absurd. If it is put forward as against European judges only, I have no hesitation in affirming from my limited experience of 27 years what the Honourable Mr. GOKALDAS PAREKH has asserted with his experience at the Bar of over 40 years that any aspersions made against the administration of justice on the ground that the trying judge in a sessions court is a European have no substance in them at all. And I believe that is the experience of all persons, who have been connected with the administration of justice for any length of time. With such experience as I have and with

my knowledge of the experience of my friends at the Bar I do not think I ought to allow that remark about European judges to pass unchallenged.

Then the Honourable Mr. PATEL'S resolution as it is moved assumes that all the districts in the Presidency proper stand exactly upon the same level. Well, I am not aware of the experience which the honourable member has of all the districts in the Presidency proper (apparently the only evidence on which he relies is his conversation with several people in the Kaira district) but whatever his opportunities for knowing all the districts may be I do think that the powers of observation of any one who ventures to assert that all the districts in the Presidency proper stand on the same level of intelligence and advancement must be of the most limited character. The honourable member does not wish Government even to undertake an enquiry about the prospect of getting a sufficient number of English knowing people in each district to serve on the jury. He wants that Government should, straight off simply on the assurance given by him to this Council, approach the Government of India and say to them that the time has come for the extension of this system to all the districts. Well, I think I can safely trust to the sense of the honourable members of this Council to see that the utmost that Government could do would be to promise an enquiry before they venture to go to the Government of India as the section of the Criminal Procedure Code absolutely requires them to do. Beyond that I do not think Government can at all move but so far as any evidence is disclosed in the speeches which have been made by the honourable mover and by those who spoke in support of it I fail to see that Government have any grounds to start even any enquiry at all. With these remarks I propose that this resolution should not be accepted by the Council.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—May it please your Excellency,—I very much regret the tone of the Honourable Sir MAHADEV CHAUBAL'S speech in connection with this resolution, but I am not a bit surprised at it, for I was present last December when he rose to reply in reference to a similar resolution of my honourable friend Mr. BELVI. However, I feel very much grieved to hear the Honourable Sir MAHADEV CHAUBAL say something about the interview that I had with him in connection with this resolution. I have no doubt that my honourable friend was very much put out by the replies that I gave to him during that interviw. I also know it is only rarely that he condescends to talk to a non-official member. What happened, your Excellency, was this. My honourable friend wrote to me asking me to see him. That was in October last. There was a postal strike and I did not get the letter in time. On the day of the Council meeting I entered the Council Hall at Poona. My honourable friend met me and asked me whether I had received his letter. I said, "No, I have not received it." He asked me whether I would withdraw my Jury resolution if an assurance were given by him that Government would make inquiry in the matter. I told him that I regard the question of the jury system as self-government in the administration of justice. My honourable friend catches hold of the word "self-government" and gives an impression to this Council that it is because higher problems of self-government are in the air that I was referring to them in my conversation with him. It was nothing of the kind. I repeat I regard the system of jury as self-government in the administration of justice and am not at all sorry to have made that statement. I further told him that the system is in force for 56 years and I could not believe that Government had made no inquiry so far in the matter.

The Honourable Sir MAHADEV CHAUBAL:—The honourable member will give me credit for saying that I did not hear anything beyond the word self-government.

The Honourable Mr. PATEL:—My honourable friend can say very well what he heard and what he did not hear. However, I do not want to go into it at all. The resolution is there and I have moved it.

TRIAL BY JURY.

[7TH DECEMBER 1917.] [*Mr. Vithalbhai Jhaverbhai Patel; Sir Mahadev Bhaskar Chaubal.*]

I must say that I have not heard any arguments from my honourable friend Sir MAHADEV CHAUBAL, except those old arguments regarding the paucity of jurors and the eminence and capacity of the European judges. Of course, I quite understand he lays stress on the argument of my honourable friend Mr. PAREKH who says that he has never heard of any injustice being done by a European judge sitting with assessors. I do not know what he exactly said. If I understood the Honourable Mr. PAREKH right, he gave this Council the impression that he was in favour of the extension of the jury system.

However that may be, my honourable friend Sir MAHADEV CHAUBAL is entitled to rely upon the experience of my honourable friend Mr. PAREKH. But this Council will note that my friend the Honourable Mr. PAREKH and the Honourable the Advocate General both have practised mostly in Bombay. We have here three or four gentlemen, the Honourable SHEIKH GHULAM HUSSEIN, assistant public prosecutor of Hyderabad (Sind), the Honourable Mr. GARUD and the Honourable Mr. DESAI, that have practised and are practising in the mofussil and have strongly supported my case for the extension of the jury system.

The Honourable Sir MAHADEV CHAUBAL :—But the jury system does not obtain in all their districts.

The Honourable Mr. PATEL :—They are tired of the system of assessors and therefore they want the jury system. If the experience of these three gentlemen of different districts is of any use to the Council, I trust this Council will support my resolution.

The Honourable Sir MAHADEV CHAUBAL said that he was willing to make enquiries. But I strongly urge that this is not a case for enquiry at all. We have had this experiment of trial by jury for the last 56 years. Enquiries were from time to time made, and surely Government must be in a position to now say definitely whether they regard the trial by jury a success or a failure in this Presidency. If you are satisfied that the system is a failure why don't you say so? But if you say that the system has worked successfully where is the necessity for an enquiry?

My honourable friend Mr. LAWRENCE based his arguments on the supposition that trial in the sessions court was conducted in English. He was at once corrected by the Honourable Mr. GARUD that trial in a sessions court takes place in the vernacular of the district. It is a matter of great regret that so experienced and able an officer as the Honourable Mr. LAWRENCE should not have known so long—I believe he has been in service for 25 years—that in the districts under his charge sessions trials are conducted in vernacular and not in English. When he finds that he is wrong he puts forward another lame argument. He says that because a judge gives the charge to the jurors in English, therefore the jurors must be English-knowing people. Your Excellency, the jurors are concerned mostly not with the charge that is delivered by the judge, but they are mostly concerned with the evidence that is given before them by the witnesses. They follow the evidence given in the language they understand. They know the manners and customs of the people, their ideas and habits, and it is they who are the judges of the facts. The judge says, "Here is the evidence, what do you say?" That is the charge which is delivered to the juries. That being so, where is the necessity that the jurors should be English-knowing people.

The Honourable Sir MAHADEV CHAUBAL :—I ask the honourable member what suggestion he has for repealing the provision in the Criminal Procedure Code. How does he suggest by this resolution to get that repeal?

The Honourable Mr. PATEL :—Your Excellency, I merely answer the argument of the Honourable Mr. LAWRENCE. He says that English-knowing jurors will not be available, but my point of view is that English-knowing jurors are available in every district. But taking a hypothetical case, as he says

where English-knowing jurors would not be available, I say that English-knowing jurors are not necessary. The witnesses give their evidence in the vernacular and if the jurors know the language that is quite sufficient.

My honourable friend the Advocate General cited a case from Bombay and observed that the whole jury system was absurd. Very well; I ask, has any attempt been made so far to move Government to cancel the notification applying the jury system to the city of Bombay? Why does not he do so? Dare he do it? Certainly not. And, as I said, his experience is mostly confined to the city of Bombay, and one case, after all, does not prove the absurdity of the jury system. If the jury system is really a failure, I ask why is it extended for the whole of India for trial of Europeans? Is there any reason? Of course, I do not wish to take up the time of the Council, but I must say once more that this is not a case for enquiry. Government must declare once and for all, whether the system tried for six and fifty years has failed or has been successful. If Government is not prepard to make the declaration now, I trust this Council will accept my resolution.

His Excellency the PRESIDENT:—After the lengthy discussion that we have had this afternoon, I am sure honourable members won't expect me to speak on the merits of this particular matter. My duty is merely to put before the Council, in order that they may come to a conclusion, what is the exact position of Government with regard to it. Now I hope he will excuse me for saying so, but it seems to me that my honourable friend Mr. PATEL roused himself to a considerable pitch of feeling with regard to a certain private conversation he had had with my honourable colleague. But he cannot get away from the facts. The position of Government is simply this. We say, and I think we perfectly rightly say, that since 1893, when there was the last report on the jury system, there has been no inquiry with regard to this question. We further say that we are ready to have an inquiry and to make up our minds whether it is a fit and proper time to develop the jury system. But my honourable friend Mr. PATEL with his usual excess of zeal, wishes at once to rush matters, to introduce the jury system throughout the whole of the Presidency. Well, I leave it to the Council to make up their minds which is the right and proper way; but I am bound to say that the Council would be well advised to come to the conclusion that no Government in its senses could possibly accept a resolution of this sort without the very fullest inquiry as to the merits and demerits of the course proposed.

Now, as I say, I do not want to go into the merits of the question. But there were two significant features with regard to this debate, which I think must have struck honourable members. One of them has already been referred to by my honourable colleague, namely, the fact that a very direct challenge was given to a certain honourable member of this house by my honourable friend the Advocate General, to state perfectly clearly as a result of his personal experience whether he would have adjudicated better by himself or with the assistance of five laymen as jurors. For some reason best known to himself, he has declined to answer that challenge. The other significant fact to my mind was the speech of my honourable friend Mr. PAREKH. Now I consider that the Honourable Mr. GOKULDAS PAREKH made an extraordinarily interesting speech. He evidently was extremely anxious not to desert his friend the Honourable Mr. PATEL, and like Agag trod very delicately round this thorny question. I am bound to say that he left me and I expect most honourable members in considerable doubt on which side of the fence he finally selected to come down.

All I can say to honourable members is this, that we, the Government, are perfectly prepared and my honourable colleague thinks it is full time, to make further inquiry into the whole of this matter. But we cannot allow ourselves to be carried away by the impatient suggestions of the honourable member; we must decline to accept his resolution in any form.

The resolution was then put to the vote and lost, 11 members voting for it and 23 against it.

TRIAL BY JURY : FREE-STUDENTSHIPS IN ARTS COLLEGES.

[7TH DECEMBER 1917.] [*The President ; Mr. Abdul Kadir Pathan.*]

The Council divided as follows :—

Ayes.

The Honourable Mr. Sherriff Devji Canji.
The Honourable Mr. Siddhanath Dhonddev Garud.
The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.
The Honourable Mr. Ebrahim Haroon Jaffer.
The Honourable Mr. Balkrishna Sitaram Kamat.
The Honourable Sardár Dulabawa Raisingji, Thákor of Kerwada.
The Honourable Sardár Shriniwas Coopooswami Mudliar.
The Honourable Mr. Raghunath Purshottam Paranjpye.
The Honourable Mr. Vithalbhái Jhaverbhai Patel, Bar.-at-Law.
The Honourable Mr. Abdul Kadir *alias* Fakir Mahomed *walad* Ibrahim Khan Pathan.
The Honourable Mr. Shridhar Balkrishna Upasani.

Noes.

His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E., Governor of Bombay.
The Honourable Sir Mahadev Bhaskar Chaubal, K.C.I.E., C.S.I.
The Honourable Mr. G. Carmichael, C.S.I., I. C. S.
The Honourable Mr. G. S. Curtis, C.S.I., I. C. S.
The Honourable the Advocate-General (Mr. T. J. Strangman).
The Honourable Mr. S. R. Arthur, I. C. S.
The Honourable Mr. Salebhoy Karimji Barodawalla.
The Honourable Mr. P. R. Cadell, C.I.E., I. C. S.
The Honourable Mr. James Gargrave Covernton, C.I.E.
The Honourable Captain C. Fernandes, M.D., I. M. S.
The Honourable Mr. Mahomedbhoy Hajeebhoy.
The Honourable Mr. H. S. Lawrence, I. C. S.
The Honourable Surgeon-General R. W. S. Lyons, M.D., I. M. S.
The Honourable Khán Bahádur Pir Baksh *walad* Mian Mahmud.
The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL.B.
The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.
The Honourable Ráo Bahádur Venkatesh Shriniwas Naik.
The Honourable Mr. W. U. Nicholas.
The Honourable Mr. F. G. Pratt, I.C.S.
The Honourable Ráo Bahádur Ganesh Krishna Sathe, C.I.E.
The Honourable Mr. C. N. Seddon, I. C. S.
The Honourable Mr. Phiroze C. Sethna.
The Honourable Mr. Purshotamdas Thakurdas.

His Excellency the PRESIDENT :—Resolution No. 41. The Honourable Mr. PATHAN.

"This Council recommends that the Government may be pleased to provide for a certain percentage of free-studentships in every Government Arts College as in Government High Schools".

Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED *walad* IBRAHIM KHAN PATHAN :—I beg to postpone this resolution, your Excellency.

The resolution was by leave postponed.

SIR MAHOMED YUSUF'S DONATION: TRIAL BY JURY.

[*The President; Mr. Ebrahim Haroon Jaffer; Mr. Vithalbhai Jhaverbhai Patel.*] [7TH DECEMBER 1917.]

His Excellency the PRESIDENT:—Resolution No. 44. The Honourable Mr. EBRAHIM HAROON JAFFER.

"This Council recommends to His Excellency the Governor in Council that arrangements be made to utilise the interest which has already accrued and which will accrue in the next five years on Sir Mahomed Yusuf's donation of 8 lakhs for giving scholarships to Mahomedan students in Colleges."

The Honourable Mr. EBRAHIM HAROON JAFFER:—Your Excellency,—I would like to move an amendment to this resolution of mine as I think I shall then have better support. The amendment is as follows:—

"This Council recommends to His Excellency the Governor in Council that arrangements be made to utilise the interest, which has already accrued and which will accrue, till the donation of 8 lakhs of Sir Mahomed Yusuf is finally disposed of, for giving scholarships to Mahomedan students in Colleges."

His Excellency the PRESIDENT:—I do not know whether it will shorten discussion of this resolution if I were to inform the honourable member that we are in correspondence with the donor with regard to the disposal of these eight lakhs of rupees and it will be quite impossible for Government to give any definite reply for the very good reason that we have not received any answer to that correspondence. Until we get an answer from the donor it will be impossible for Government to make any definite statement with regard to the donation at all.

The Honourable Mr. EBRAHIM H. JAFFER:—I find that for the past two years nothing has been done to ascertain the wishes of the donor. There were two resolutions on this matter before the Council in March 1916 and I am sorry to find that no final decision has been arrived at as yet, although an assurance was then given that some action would soon be taken.

His Excellency the PRESIDENT:—Is the honourable member suggesting that we are not trying to deal with the matter speedily? We have written to Sir Mahomed Yusuf, we have asked him to give us his views as to the way in which this money should be spent and until we receive an expression of his views, obviously it is impossible for Government to move in the matter.

The Honourable Mr. EBRAHIM HAROON JAFFER:—In that case your Excellency will kindly allow me to postpone the consideration of this resolution till the next meeting.

The resolution was by leave postponed.

His Excellency the PRESIDENT:—Resolution No. 18. The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—The resolution that I move reads thus:—

"This Council recommends that His Excellency the Governor in Council may, with the previous sanction of the Governor General in Council, be pleased to direct that in the districts of Thana, Surat and Poona and in the City of Karachi, the trial before any court of session of all offences shall be by jury."

With regard to this resolution I should like to say that the trial of all offences of death, transportation for life and imprisonment for 10 years in all these districts are for the last 30 years tried with the aid of assessors. If the system had been reported to be a failure Government would have cancelled the notification by which the system was introduced. But the very fact that the system is in existence for the last 30 years and the fact that we have not heard anything

TRIAL BY JURY: URDU STUDENTS IN URDU SCHOOLS.

[7TH DECEMBER 1917.] [*Mr. Vithalbhai Jhaverbhai Patel; Sir Mahadev Bhaskar Chaubal; the President; Mr. Abdul Kadir Pathan; Mr. Ebrahim Haroon Jaffer.*]

against it goes to show that the system is a success. That being so, I ask this Council to go a step further and say that all other offences in these three districts should also be tried by jury. I hope Government will accept this modest resolution and not put it off on the ground that they are prepared to make inquiry.

With these few words I move the resolution.

The Honourable Sir MAHADEV BHASKAR CHAUBAL:—Your Excellency,—I do not think I need take up the time of this Council on this resolution, because everything that can be said on it, all the arguments for and against, that could be urged, have been urged on resolution No. 17, and I will only say that for the reasons for which I proposed to this Council that resolution No. 17 should not be accepted, I say that for the same reasons this resolution No. 18 should be rejected inasmuch as the honourable mover is against having any inquiry whatsoever and wants Government to take his *ipse dixit* for the alleged necessity of the extension of the system of trial by jury.

The Honourable Mr. VITHALBHAI JAVERBHAI PATEL:—Your Excellency,—I have not heard a word from my honourable friend Sir MAHADEV CHAUBAL that Government are in any way dissatisfied with the working of the jury system in these districts. I have already said the system has been in existence for the last 30 years. I do not at all agree with the Honourable Sir MAHADEV CHAUBAL that there is a case for enquiry nor has he addressed any reasons why inquiry is called for. For these reasons, I trust the Council will accept my resolution.

The resolution was then put to the vote and lost.

His Excellency the PRESIDENT:—Resolution No. 42. The Honourable Mr. PATHAN.

The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED *walad* IBRAHIM KHAN PATHAN:—Your Excellency,—The resolution of which I have given notice reads as follows:—

"This Council recommends to His Excellency the Governor in Council, in connection with the Press Note issued on the 14th of August last upon Mahomedan education, the desirability of continuing the Urdu standards at present in use in Urdu Primary Schools in accordance with the wishes of the Mahomedan Community, and as recommended by the Committee appointed by Government, and of making necessary modifications in the Government Resolution (No. 1143, dated 30th April 1917) to suit this recommendation"

As I understand that Government is calling a conference to consider the question of the medium of Urdu, I beg permission to postpone my resolution.

The resolution was by leave postponed.

His Excellency the PRESIDENT:—Resolution No. 45. The Honourable Mr. JAFFER.

The Honourable Mr. EBRAHIM HAROON JAFFER:—Your Excellency,—The resolution of which I have given notice reads as follows:—

"This Council recommends to His Excellency the Governor in Council that section 11 of the Bombay District Municipal Act be applied to the Poona City Municipality as has been done in the case

of Karachi, with a view to constituting a separate Mahomedan electorate."

Having regard to what has fallen from your Excellency yesterday with reference to resolution No. 2 and as the Secretary of State for India is here considering reforms, I think it would be better for me to postpone this resolution

The resolution was by leave postponed.

His Excellency the PRESIDENT:—The Council will now adjourn.

The Council then adjourned *sine die*.

By order of His Excellency the Right Honourable the Governor,

R. B. MILNE,
Secretary to the Legislative Council
of the Governor of Bombay.

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