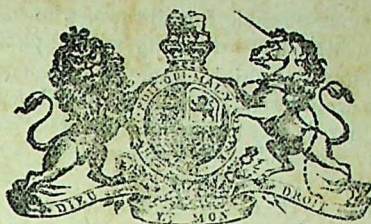


THE



Bombay Government Gazette.

Published by Authority.

WEDNESDAY, 5TH FEBRUARY 1890.

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

PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Extract from the Proceedings of the Governor of Bombay in the Legislative Department is published for general information:—

Abstract of the Proceedings of the Council of the Governor of Bombay, assembled for the purpose of making Laws and Regulations, under the provisions of "THE INDIAN COUNCILS ACT, 1861."

The Council met at Bombay on Wednesday the 8th January 1890, at 3 P.M.

PRESENT :

His Excellency the Right Honourable Lord REAY, LL.D., G.C.I.E., Governor of Bombay, *Presiding*.

The Honourable J. B. RICHEY, C.S.I.

The Honourable Sir RAYMOND WEST, K.C.I.E.

The Honourable the ADVOCATE GENERAL.

The Honourable Sir FRANK FORBES ADAM, Kt., C.I.E.

The Honourable RAHIMTULA MAHAMED SAYANI, M.A., LL.B.

The Honourable NAVROJI NASARVANJI WADIA, C.I.E.

The Honourable T. D. LITTLE, M.I.C.E.

A BILL TO CONSOLIDATE AND AMEND THE LAW RELATING TO SALT AND THE SALT REVENUE THROUGHOUT THE PRESIDENCY OF BOMBAY.

The Honourable Mr. RICHEY :—I propose in Section 16, line 2, to substitute the word "has" for the word "establishes". This of course means that the claimant may be called to prove his claim before some authorized tribunal, and to avoid any suggestion of that kind we should simply say "if he has a right."

Consideration in detail of the Salt Bill resumed.

The amendment was agreed to.

The Honourable Mr. SAYANI :—The Honourable Sardár Ráo Bahádúr Behechardas Vēharidas has asked me to move his amendments, but I wish the Council to understand that I do not adopt all these; I simply move them as a matter of form. I, therefore, move that the words "special and" in Section 16, line 6, be omitted. I believe the object of this

Act is to make matters as easy as possible for all those who manufacture salt, and if the words are allowed to stand, a little more difficulty will be put in their way.

The Honourable Mr. RICHEY :—I think, Your Excellency, that any claims to manufacture salt without a license would require a very special case indeed to admit of their being granted, and there are hardly any claims of this sort at all. What the original intention of introducing the word "special" was, I cannot discover; but probably it was introduced with a view to prevent any claims of this kind being made from any general grant of land. It may have been thought that any landholder with a sanad conveying general proprietary rights might say "I have a right to make salt on my own ground", and possibly that is the intention of the introduction of the word, viz., that every claimant must have a special right to manufacture salt. If that was the intention, and if the omission of the words would open the way to claims arising which are not specific, I think the words should be retained. And probably by this time the words are inoperative, and no fresh claims are likely to arise. In any case I would not like to have an alteration of the existing law without some strong case being made out.

The Honourable Mr. SAYANI :—Under the circumstances I shall not press the amendment.

The Honourable Mr. RICHEY :—I will now move that in Section 22, lines 11 and 12, the words "may be reasonably sufficient for the execution thereof" be substituted for the words "he shall deem fit". This amendment is intended to guide an officer in the use of discretionary powers. The section of the Act with which it deals authorises the salt revenue officer to call upon the licensee of the salt work to execute any work emergently which is necessary for the timely collection of the revenue. As the Bill stands it reads "within such period as he may deem fit". It seems reasonable that his discretion should be guided in determining the time, and I propose that instead of its being in its present form, he should issue his notice for a time which it might reasonably be judged that the execution of the work will take up.

The amendment was agreed to.

The Honourable Mr. RICHEY :—My next amendment is that in Section 23, clause (a), after the word "construct" the words "within or adjacent to such salt-work" should be added. There is authority given to the Collector to require the licensee to construct a store-house or building for the storage of salt; but it is not specified where the licensee may be called upon to erect these buildings. I think it would be rather a wide section if we leave it as it stands, and I think we should limit it by substituting the words "within or adjacent".

The amendment was carried.

The Honourable Mr. RICHEY :—I will now move that in Section 24, line 3, the words "has been found by an authority competent in this respect to have committed" be substituted for the words "is guilty of". I would ask the Council to have this considered before the amendments standing in the Honourable Sardár Ráo Bahádúr Behechardas' name, because they open up principles which can be best dealt with together. The amendment I propose is in such terms as will not in any way compromise the amendment standing in the name of the honourable Sardár. By this amendment I propose substituting, in lieu of the vague expression "is guilty of", the words I have mentioned.

The Honourable Mr. SAYANI :—I might suggest the word "Court" instead of the word "authority".

The Honourable Mr. RICHEY :—If the amendment standing in the name of the honourable Sardár is carried, then this will follow.

The Honourable Mr. SAYANI :—It is a question whether the amendment will be carried or not.

The Honourable Sir RAYMOND WEST :—If you introduce these matters into Court it would necessitate our going back over past clauses again, and for that reason the introducing of "Court" here would be inappropriate. And if the amendment is carried it would be of no practical advantage. So I think it would be better for the mover of the amendment to leave the amendment as it stands.

The Honourable Mr. RICHEY's amendment was thereupon adopted.

The Honourable Mr. SAYANI moved that in Section 24, line 2, the words "or his agent" should be omitted. He said :—It would be rather hard if the agent of a

person is guilty of an offence, that the person himself should be punished in the manner this section indicates: thus a man might be ruined for life. No doubt it may be argued that because this is a revenue matter, therefore the man should be very careful; but although the man himself is very careful he might make a mistake in selecting a bad or wicked or careless agent, and it would be very hard for him to be punished so severely for this.

The Honourable Mr. RICHEY:—This amendment and all those relating to the 24th section of the Bill are, I think, open to criticism on two grounds of general application. I should like to state my view with regard to these general grounds, so that all the amendments which immediately follow this one may be taken together. The Bill as it stands is a reproduction of the existing law; but as it was necessary to introduce some modifications into the law, the opportunity was taken of re-drafting our salt statute,—a much more convenient method, I think, than enacting a new law. But that mode of procedure for amending an Act of course exposes us to this, that any member of this honourable Council has then the right to challenge the existing law, and to propose amendments to repeal the provisions of existing statutes, and I think the Council will agree with me that in such cases the amendment proposing the repeal must be regarded in a somewhat different light from those which raise objection to a new provision not as yet made law. The burden of proving that a new provision is wanted, rests on the member in charge of the Bill, the burden of proving that an existing provision should be repealed distinctly rests upon the honourable member proposing an amendment. It is not my business in introducing the Bill to defend the existing law: I presume that the Legislature have satisfied themselves on the point and will not permit any alteration unless a very strong case is made out. Therefore when such an amendment is moved I say we should have something more from the honourable member than a mere statement of objection. This necessitates going beyond the existing state of matters to find out how the case stands, and the honourable member should make himself acquainted with the origin of the law he wishes to repeal. He now throws upon me the burden of going back to the time when this law was made sixteen years ago. But I say if it comes to the issue we should be very slow in accepting the repeal of an existing statute without strong facts. This objection of mine applies to all the amendments which have been proposed which affect the existing rules of the Salt Act and especially to this particular section, because (I now state my second objection) these provisions define the conditions of contract between Government and the licensees of the salt-works. These latter are either existing or future contracts. As regards those existing, these provisions have been in force for sixteen years and they are still binding on those who have taken up contracts under the existing law. Now if the conditions are to be modified largely in favour of the licensee, it might be argued that Government should have some consideration, for the terms on which the licensees were allowed to take up the works did not cover such favourable conditions. And it might be said that as they have paid for stringent conditions we ought to have a free hand to make fresh terms with them. What do we find is the working of these conditions? We find that so far from their being regarded as a hardship, there is such an increasing demand for licenses to manufacture salt as never existed before this Act of 1873 was in operation. All of us who are concerned in the government of the country know that Government is pestered with applications for permissions to start salt-works. These conditions cannot be objected to by existing licensees as we have no complaints, and they cannot be objected to by prospective manufacturers because, as I have said, we have larger demands for licenses than we can comply with. And then it must be remembered that no one is obliged to embark in salt manufacture so that the general public are not interested in these amendments. Now I will go back to the merits of the question. This amendment actually threw upon the member in charge of the Bill the labour of justifying the legislation of which we have only the record now, and with the permission of this Council I should like to read one or two extracts from the report of the Collector of Salt Revenue which led to the passing of the existing Act. These do not point exactly to the issue raised by the mover of the amendment, but they show the position of matters which were held to justify the Legislature in enacting these provisions.

“ 22. The proposal to make owners of salt works responsible for illicit removals of salt from their works is new, but it is nevertheless just in principle, and its adoption will, I am convinced, have more effect in repressing smuggling on a large scale than any sub-

jection of outsiders to penalties for infringements of the salt laws. As the law now stands no responsibility whatever attaches to owners unless they are personally concerned in the passing of contraband salt, and the penalty for such an offence is limited to fine, or at most to a short term of simple imprisonment. However notorious a work may be for smuggling, Government are powerless to stop manufacture there so long as it produces 5,000 maunds salt a year, so that it is actually to the interest of owners to encourage smuggling from their works. If they do not smuggle themselves, others will always be found ready to pay for facilities for smuggling. It is a significant fact that there is no case on record, so far as I have been able to ascertain, in which an owner has complained of the removal of salt from his works without payment, although owners *ought* to suffer as well as Government whenever excess salt is removed. Many of the works have now passed into the hands of traders who export the whole quantity manufactured on their own account, and some among them carry on a system of wholesale smuggling. It is from these men that the greatest danger to the revenue arises. They know every weak point in our system, and take advantage of it: they are intimate with our establishments, and soon learn from association what men are susceptible, and they bribe them right and left, and as they take out permits through their servants they run no risk whatever if a seizure is made. Surely such a state of things ought not to continue. If a distiller permits smuggling from his distillery, or if the owner of a bonded warehouse fails to take proper precautions against the smuggling of dutiable goods therefrom, detection is always followed by loss of license. In the case of manufacture and trade in all other excisable articles the possessor is answerable for every breach of the excise laws with respect to goods in his possession, and I see no reason why the owner of a salt work should not be subjected to similar responsibilities. It will not be sufficient, as proposed by Mr. Pedder [paras. 184 and 308], simply to make the works liable to confiscation when owners are proved to have connived at smuggling; such proof will practically never be obtainable, as owners will keep in the back ground and act through others. What is needed is to force responsibility on owners, so as to make their interests identical with those of Government as regards the prevention of the illicit removal of salt

“The scheme thus compels the owner either personally or by his lawfully appointed agent, to take part in every process necessary for the passing of salt from his works, so that opportunity is thrust upon him for detecting and preventing irregularities, and it then makes him responsible for irregularities committed. It also makes him responsible for breaches of the conditions of his license and for offences against the Act committed by his servants, and it protects him from the intrusion on his works of unauthorized persons. There is nothing harsh or unfair in this, and as the penalty of suppression of his work, or suspension or withdrawal of his license can be inflicted only by the deliberate action of Government, the owner is protected from hastiness or severity on the part of over-zealous executive officers. I think that Government should reserve to itself the power to decide whether an offence involving the penalty of suppression &c. has or has not been committed, as failures of justice sometimes occur in the Criminal Courts for which the criminal law affords no remedy, and cases will certainly happen in which, though it may be impossible to establish a criminal charge against the owner, his agents or servants, very good cause may be shown for the withdrawal of his license.

“23. I beg that it may be understood that the remarks made in the last paragraph regarding the complicity of salt owners in smuggling operations are not intended to apply to the whole body. Some of the proprietors are men of undoubted probity, and if they have not hitherto interfered actively to prevent smuggling, it is only because it was no part of their duty under the existing law to do so”
That points to the liability of agents. Now these extracts which I have read are from a long report which discloses a very widely ramified and very expert organization for illicit purposes, and the Government in 1873 were satisfied that such provisions as those at which the amendment has aimed were necessary for the protection of the Government. Therefore on these general grounds I have to oppose the amendment.

The Honourable Sir RAYMOND WEST:—I may remark to the honourable member that the punishment or penalty which falls on the owner or agent is not so opposed to principle as the honourable member suggested a short time ago. In England cases are not at all infrequent of a principal or a master being responsible for the acts of his agent, especially in such cases in which he enjoys a special privilege through being a

licensee: for instance, as masters of a tavern or public house. In such cases if a servant gives drink to a policeman or allows gambling, the owner is responsible for the act of his servant even though he might not have been there at the time. It is carried even so far as this, that if a servant allows cattle to stray on the road the master is responsible for any damage that might be caused. Persons who enjoy any particular privilege by a license are allowed to do so on special conditions, and it is open to any one in taking a license to refuse to take it if he does not like these conditions: it is not likely that he would take it except when he sees that, looking at the whole thing, he is to be a gainer by the transaction. If there is any alteration in this section there is a danger of every one saying that he is not responsible for any fault that may have been committed as it was committed by an agent. Morally of course a master is not to blame for the fault of his agent, but technically and in legislation we should not allow this distinction. There is another point which arises. The honourable mover of the amendment has not mentioned whether this section, which has been in operation for sixteen years, has ever been applied despotically, or how many instances there are of Government suppressing any salt-works. Unless there are many instances, and startling instances too of this kind, it is better to trust to that discretion which has been wisely exercised hitherto and which all who are interested in the revenue think has been so exercised. Of course the power given to Government to suppress a salt-work need not in any case be exercised in its utmost rigour. The man might be fined, but if that is not sufficient to restrain wrongdoers, and if there are a great number of cases of the same sort in succession, a salt-work or two might be suppressed to act as a warning to others. Of course power of this kind should always be exercised in a judicious way. I think we may fairly call upon the honourable member to mention the occasions on which Government has not been found to exercise a reasonable discretion during the sixteen years this section has been in force.

The Honourable Mr. SAYANI:—I do not wish to say that the Government have been despotical, on the contrary I think Government have always tried their best to deal with subjects in as liberal a manner as possible; but when we are discussing a matter of this kind, I do not quite see how that fact can be brought in as an argument; if we pursued that to its logical conclusion we might say there was no necessity for legislation at all. If there is a law it should be made on fair and proper principles; simply because Government have not acted harshly is no argument for any sort of clause being admitted. In the first place the Honourable Mr. Richey says that when a member wishes to propose a section of the existing Act he should show some good reasons why it should be altered because it puts the mover to a deal of trouble in defending the existing law. I admit that this is reasonable and proper. Now on the face of it the punishment in this Bill is very severe for acts not done by parties themselves but by some agent. Of course we cannot expect an agent in a salt-work to be an educated or superior man, and then the owner of the salt-work is not necessarily expected to be present there all day; in fact these men generally leave their business to be conducted by agents. So you see the case is not quite on all fours with that of the tavern-keeper or cattle-owner who are always at hand and who can supervise the actions of their servants or agents. And as to the extract which the Honourable Mr. Richey quoted from the Collector's letter, all I can say is that that was only one side of the question. Did we hear the other side? There must have been some reasons also advanced on the other side too. When a law is being enacted, I think the honourable movers can and ought to bring these matters before the Council. On the face of it these provisions are so harsh that this section if possible should not be enacted.

The Honourable Sir RAYMOND WEST:—I said that it was incumbent on a member moving an amendment to produce instances on which Government had acted in a harsh manner.

The Honourable Mr. SAYANI:—I know Government will act in a liberal manner, especially in cases where a man cannot defend himself; but on the face of it the section was so harsh that no other ground was necessary for challenging it, and I do not see why we should not challenge it when it comes up for reconsideration. Then it was said that this is a matter of contract, and that so far the Act had been in force for sixteen years, both parties agreeing to this section as one of the conditions to the contract. No doubt it is a contract, but it must be remembered that it is a contract between Govern-

ment and a subject, and consequently if even heavier terms were introduced they would be accepted, as the industry is so profitable. That is the reason why people are anxious to take the licenses. I think, so far from taking this as an argument for making things burdensome to the merchants, that all possible endeavour should be made to improve and facilitate. I am sorry therefore that I must press the amendment.

The Honourable Mr. RICHEY :—I should like to notice one or two points in the honourable member's remarks. The last suggestion of the honourable member, that if an industry becomes profitable Government should relax the stringency of their conditions, seems to me to be rather a reversion of the natural order of things : in proportion as the temptations to smuggling be increased, in the same proportion should the laws guarding against smuggling be relaxed ! But the fact that applications for licenses are being frequently made owing to the increasing profits of the trade, in spite of the presumed harsh conditions, is, I think, in itself a justification for the existence of these laws. Of all things we do not wish a return to the state of things before this law came into existence, and any relaxation of these conditions would be directly in the way of losing control over these people. Government do sympathise with the desire of the honourable member that its relations with every one should be as easy as possible, but it would be insane to restore the former order of things.

The Honourable Sir FRANK FORBES ADAM :—I think it would be exceedingly unwise to omit from this section the clause making a master responsible for his agent's actions, as the man who had a license from Government would invariably shield himself behind the excuse that his servant and not he had committed the fault. It is to my mind a strong argument in favor of leaving the words as they now stand that the man would know distinctly the terms of his contract before he undertook it. If the trade is a profitable one it is certainly an argument in favour of leaving the bill as it stands, because then a licensee would be able to afford to employ none but trustworthy, careful and reliable agents.

The amendment on being put to the vote was lost.

The Honourable Mr. SAYANI :—I shall not propose the two other amendments to this section.

The Honourable Mr. RICHEY :—I will move that in Section 30, at the end of subsection (1) the words "and he shall give a receipt for the payment in such form as the Commissioner may prescribe" be added. In the Bill there is a provision which presumes the granting of a receipt, but it is not imposed as a duty on the collecting officer to do so. As it is necessary that an officer who collects the money should grant the receipt, I move the amendment.

The amendment was accepted.

The Honourable Mr. SAYANI :—I will not press the proposition to omit clause (a) in Section 35. I formally propose that in Section 38, clause (1), line 4, the words "any salt not intended for *bona fide* domestic or agricultural purposes" be inserted after the word "possess", and that the words "salt exceeding one maund in weight" after the word "possess" be omitted. I would also propose that clause (2) in this section be omitted. The object of these amendments is obvious, but if the honourable member in charge of the Bill is opposed to it I will not press the amendment.

The Honourable Mr. RICHEY :—Yes. It will throw the duty of determining whether salt is for domestic or agricultural purposes on the revenue officer, and it will open the door to smuggling.

The Honourable Mr. SAYANI :—In that case I do not press it.

The Honourable Mr. RICHEY :—I might mention for the information of the Council that our limit of one maund is liberal, as in Bengal it is only about five seers.

The Honourable Mr. SAYANI :—I will now move that in Section 39, line 2, the words "not lower in rank than a sir-kárkún or a dároga" be inserted after the word "officer". The object of this amendment is obvious.

The Honourable Mr. RICHEY :—The provision in Section 39 follows the existing law in Bombay and all the provisions in the Government of India Salt Act of 1882. The Governor in Council or Provincial Governor is authorized to invest salt officers with powers to execute certain duties without limitation. The only exception is in Madras where one or two limitations are made. I think we may safely trust the Executive Government to

use their powers with discretion. Then there is always a risk that these restrictions might be quite unsuitable if changes are made in departments; thus it might be that an officer with all the powers and position of a *sir-kárkún* or *dároga* might go by some other name. Then there is another objection. The Governor in Council can invest officers of other departments with the powers of salt officers according to the Bill, and if we have these officers so invested, we cannot very well make a standard of official dignity by stating particular ranks belonging only to the Salt Department. On these grounds I think it would be better to leave the section as it is, in accordance with the other Acts in India.

The amendment was withdrawn.

The Honourable the ADVOCATE GENERAL proposed that the word "that" at the beginning of clause (ii) be omitted. The proposal was accepted.

The Honourable Mr. SAYANI:—I will now propose that at the end of clause (b) of the same section the following proviso be added:—"Provided that if any such place is an apartment in the actual occupancy of a woman who according to custom does not appear in public, such officer shall before entering such apartment give notice to such woman that she is at liberty to withdraw, and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it." I believe that is the usual exception to a rule of this kind.

The Honourable Mr. RICHEY:—I would have no objection to receive this; but the Code of Criminal Procedure provides sufficiently for the protection of *zenana* apartments.

The Honourable Sir RAYMOND WEST:—The remedy the most effectual would be to insert it in clause 40, where one or two particular provisions are laid down in these salt searches. The two could then go together. Perhaps the Honourable Advocate General would say what he thinks of combining the two in Section 40.

The Honourable the ADVOCATE GENERAL:—Supposing breaking open a door is not a search?

The Honourable Sir RAYMOND WEST:—Either the two sections do run together or they do not.

The Honourable the ADVOCATE GENERAL:—It would do no harm if these words were introduced.

The Honourable Sir RAYMOND WEST:—I think that Section 40 gives ample protection to the women, because their apartments cannot be entered, save under the conditions of the Criminal Procedure Code—that is, after sufficient notice has been given.

The Honourable the ADVOCATE GENERAL:—That is on the assumption that the search is under the Criminal Procedure Code.

The Honourable Sir RAYMOND WEST:—It is either so or not. The terms in the Procedure Code are quite sufficient for all purposes. The section which is important is this—"provided that an apartment is in the occupation and then break open." So I think this breaking open will only be done under Section 48 of the Criminal Procedure Code.

The Honourable Mr. SAYANI:—I withdraw that, and will not propose the amendment to Section 39, clause (c). I will now formally propose that in Section 39, clause (f), the words "and the other contents, if any" in line 7 be omitted.

The Honourable Mr. RICHEY:—That amendment will have to be considered in connection with the amendment proposed by the Honourable Sardár Bahádur Behecherdas to Section 50. That section says:—"All contraband salt, and every vessel, animal or conveyance used, or intended to be used, in carrying contraband salt, and all goods, packages and coverings in which contraband salt is found, and the other contents, if any, of the vessel or conveyance in which contraband salt is found, and every apparatus, implement, utensil or material employed, or intended to be employed, for the manufacture, excavation, collection or removal of salt without a license or for the purpose of utilizing natural salt or salt-earth contrary to any of the provisions of this Act or of any rule made hereunder, shall be liable to confiscation." Under Section 39 the salt officer is empowered to exercise that preventive function. Now the honourable member's amendment proposes to omit from Section 39 (f) the words "and the other contents, if any." That amendment as it

stands is hardly adequate and the section would require further amendment. Now, examining the other salt laws I do not find that this specific power is given under them if we consider the word "vessel" to mean ship, and the interpretation will turn upon that. It is a curious thing, and I dare say has attracted attention, that the word "vessel" is used in two senses in (*f*). In one place it means a pot or other substitute for it and in another it means a boat. In Section 50 we have "vessel" meaning a boat. Therefore I would readily accept the honourable member's amendment in so far as the word "vessel" means boat or ship, because I do not find that the other Salt Acts go so far as that. What we want then is to re-draft Section 39 (*f*) and Section 50 in such a way as to show that the other contents of the packages, coverings or utensils containing salt should be confiscated. If that will satisfy the honourable member it might be done.

The Honourable the ADVOCATE GENERAL :—It may be sufficiently remedied if the words "vessel or conveyance or" be omitted. Of course the honourable member in charge of the Bill sees the absurdity of a whole ship being confiscated. A curious incident occurred here some time ago. It did not arise under the Salt Act, but a threat was made to confiscate a whole train belonging to the G. I. P. Railway because some bottles of liquor had been conveyed by it contrary to the A'bkari Act. So leaving the word "conveyance" in would be as hard as leaving the word "vessel."

The Honourable Mr. RICHEY :—I can accept the amendment in so far as not extending the confiscation to a boat, ship or cart, but not further.

The Honourable Sir RAYMOND WEST :—Section 50 relates to a somewhat different subject, while Section 39 relates to a protection of revenue by seizure. I think if the word "vessel," which is used in one sense in one place and in another sense in another were struck out, "conveyance" would include all that was wanted.

The Honourable the ADVOCATE GENERAL :—I think the word "conveyance" is as objectionable as "vessel".

The Honourable Sir RAYMOND WEST :—No one has seized a railway train and if it is done some special provision might be made for it.

The Honourable Mr. RICHEY :—I think we should say "or other article in which the salt is contained", or "any package or covering in which such article is found," leaving out the word "vessel".

The Honourable Sir RAYMOND WEST :—That will at least remove all ambiguity.

It was then agreed that the word 'vessel' in line 55 and the words "the vessel, conveyance or" in line 58 should be omitted, and that the word 'such' should be inserted after the word 'of': and the words 'or covering' after the word 'package' in line 58 of Section 39.

The Honourable Mr. RICHEY :—I propose to substitute the words "carried out" for the word "made" in Section 40, line 3, to prevent any misunderstanding.

The amendment was accepted.

The Honourable Mr. RICHEY :—I propose to omit sub-paragraph (2) in Section 48. This sub-paragraph is taken from existing statutes, but all it does is to provide a more severe punishment than is provided by the ordinary law. It does not appear to me to be at all necessary nor can I find any special justification for its existence. I therefore propose to leave the criminals to the ordinary laws.

The amendment was accepted.

The Honourable Mr. RICHEY :—I propose in Section 49, line 5, to insert the following words between the word "salt" and the word "knowing":—"Or an incorrect certificate purporting to be such as is required by Section 32." I take this occasion for mentioning that the Honourable Mr. Pritchard submitted several amendments for the alteration of some of the existing rules of procedure. I did not however think it necessary to take up the whole of them as they stood. One item however was necessary, that is this particular little clause which I ask the Council to insert in line 5 of Section 49. A person desiring to remove salt has to get a permit and a certificate under Section 32. He is made responsible for the correctness of the permit and should also be for that of the certificate.

The amendment was accepted.

The Honourable Mr. SAXANI:—Section 50 has been already considered.

The Honourable Mr. RICHEY:—The amendment says “omit the words ‘animal or conveyance’.”

The Honourable the ADVOCATE GENERAL:—There are several amendments which stand on a very different footing to each other.

The Honourable Mr. RICHEY:—It says likewise to omit the word “goods” in line 6; but it is important that the word “goods” should be included.

The Honourable the ADVOCATE GENERAL:—I think the difficulty is to say where to draw the line; but I think the line might be drawn at the words “the other contents of such packages or coverings, if any.”

The Honourable Sir RAYMOND WEST:—I rather think the wording here follows the English Act in reference to smuggling.

The Honourable Mr. RICHEY:—It does so far as the Ábkári Act is concerned, but not in this.

The Honourable Sir RAYMOND WEST:—I suppose if there was any intention of smuggling opium. The question is as to the contents of the conveyances.

The Honourable Mr. RICHEY:—I think that is worded clearly enough.

The Honourable Sir RAYMOND WEST:—The clause as it stands is described as the existing law.

The Honourable Mr. RICHEY:—I see no objection to substituting the words we have already agreed to for vessel or conveyance in line 8 “the contents of such packages or coverings.” And as other packages are used to conceal contraband salt beside that in which it is contained I think the words “or among” should be inserted between “in” and “which”.

The Honourable Sir RAYMOND WEST:—I think we might strike out the word “vessel” and retain the word “conveyance”. The argument in favour of this is that it is the existing law; and if the honourable member is willing to accept this it is for him to signify.

The Honourable the ADVOCATE GENERAL:—The old law was “all vessels, animals, or conveyances used or intended to be used in conveying salt.” I mean Act VII of 1873, section 48. I do not think there was anything about all goods, packages or coverings.

The Honourable Sir RAYMOND WEST:—Then that being so the argument falls as to this being the existing law. But would it not be better to strike out the clause beginning at line 8 and leave the law as it is in regard to packages and coverings;—what is not a reproduction of the existing law to be left out?

The Honourable the ADVOCATE GENERAL:—I think so.

His Excellency the PRESIDENT:—Then it is agreed to leave out the clause beginning at line 8 “the other contents if any,” down to “and” in line 10; and to add the words “or among” after “in” in line 6.

This modification was accepted.

The Honourable Mr. RICHEY moved that in Section 51 (1) the words between “Act” and “shall” be omitted and also clause 2 be omitted. Sub-para. 2 of Section 48 having been omitted, he said, these words of Section 51 must necessarily follow.

The amendments were accepted.

The Honourable Mr. RICHEY moved to substitute the following for lines 7 to 11 in Section 55—“or when the notice has not been so served, the date which shall appear to the officer holding the enquiry to be the date on which the person on whom the same is to be served has become aware of the issue and purport thereof.” The mode of procedure has been, when the person on whom the notice was to be served could not be found, to send the notice to his place of residence. But that being so it has been found necessary to decide for other purposes of procedure, what should be the date on which the notice should have been presumed to have been served. It may be left to the enquiring officer to settle this by fixing the date on which he may be supposed to have become

aware of the service of the notice. The officers on inquiry would find out where the man was, and when he may have been presumed to have heard of the notice that date should be the date of service.

The amendment was accepted.

The Honourable Mr. RICHEY moved in Section 55, sub-para. 2, to substitute the words "a material misconception of the intended intimation" for the words "substantial injustice" in line 17.

The amendment was accepted.

The Honourable Mr. SAYANI, referring to amendment by the Honourable Sardar Ráo Bahádur Becharadas, Section 61, line 4—*Viz*: to insert "or against any of the officers referred to in section 41" after the words "salt-revenue officer" said:—It is not necessary now to propose this amendment.

The Honourable the ADVOCATE-GENERAL:—There is one section on which I have not proposed any formal amendment—Section 61, clause 3 para. (b). I think it would be monstrous to dismiss an action on this account. It really passes my understanding what is to happen if the money has to be paid and then the action dismissed. It seems to me that is a very bad alteration of the existing law. I would suggest that this paragraph be omitted.

The Honourable Sir RAYMOND WEST:—There is this to be noted, that in cases of this kind the Criminal Code would not be sufficient. This would affect a case in Court in which a man would be claiming damages for some wrong, and this paragraph is to prevent needless litigation on the chance of getting more, or a man from getting anything if he has had reasonable amends made to him. The object of this is to prevent a case of that kind. It is intended to impose a certain risk upon people who are claiming damages. The object of this is to prevent people bringing unnecessary or revengeful suits or carrying them on after a reasonable sum being lodged in Court.

The Honourable the ADVOCATE-GENERAL:—But in the High Court the Crown runs that risk.

The Honourable Sir RAYMOND WEST:—But it was thought necessary to make that provision.

The Honourable the ADVOCATE GENERAL:—Not in the Civil Procedure Code.

The Honourable Sir RAYMOND WEST:—It is all left to the discretion of the Judges here, if they do not take what has been reasonably tendered. No notice having been given I am hardly prepared to say just now whether this clause could be spared, or whether it might be put into another shape.

The Honourable the ADVOCATE-GENERAL:—I think it should be brought up at the third reading. I have considered it with regard to similar provisions in another Act, and I think it is entirely superfluous.

The Honourable Sir RAYMOND WEST:—I should be inclined to say it is not desirable in its present shape; but at the same time I would not like to say it would be absolutely useless.

The Honourable the ADVOCATE-GENERAL:—Well, it can be brought up on the third reading, and the Honourable Sir Raymond West will look into it.

THE GAMBLING BILL.

The Honourable Sir RAYMOND WEST, in proposing the first reading of Bill No. 2 of 1889, a Bill to amend the prevention of Gambling Act, said:—
 Sir R. West moves the first reading of the Gambling Bill. Your Excellency, the object of the Bill, the first reading of which I ask leave to move, is stamped on the surface. The Gambling Act of 1887 was passed in terms which were at the time thought sufficient; but the ingenuity of a certain class of gamblers found means of evading the law, and the matter went to the High Court for trial, and it was there ruled that what ordinary people would call gambling on the rainfall did not come within the purview of the Act. It is now necessary to fill up the blank in that Act, because it is shown that people of gambling tendencies would wager money as much even on the rainfall as on any other form of gambling. In matters of that kind we have not so much to look at the difficult and somewhat subtle principles that underlie the subject, and to determine

where the moral offence begins and ends; but rather to the good order and welfare of society, and to the prevention of practices which in effect are found to be seriously injurious. It is on these grounds that an amendment to the existing Act seemed to be necessary, and the object is to prevent people from being tempted to public and reckless wagering, by which they lose as much money as in ordinary gambling. Wagering becomes a fascinating pursuit which takes people from their ordinary avocations, induces them to risk larger sums of money than they can afford to lose and demoralizes those who take part in it, and frequently leads to disastrous results in the case of those who lose their money. There is a question as to whether the wording of the Act would best effect what is intended, and as there is this amount of doubt about it, I think after the first reading of the Bill has been accepted it should be referred to a select committee of members of the Honourable Council to settle the precise wording of the Bill. As to the general idea and principles of the Bill, however, there can be no diversity of opinion. It might be thought that by interfering with this form of gambling, betting on horse-racing would by a logical consequence have to be put a stop to; there is something to be said for that, but if you carried out the idea to the logical end then even insurance offices would be doomed; although the ground principles are extremely hard to determine, the general applications are easy, and Government, who have to look to the good of society in general, have been obliged to take the matter up in a practical rather than a systematic way.

The Honourable the ADVOCATE-GENERAL:—I may say that I entirely agree with the mover of the Bill. Although there is a very formidable amendment standing in my name, yet it only deals with the question of the machinery to be used in carrying out the provisions of the Act. I was the officer entrusted with putting the matter before the High Court, and I am of opinion that the decision arrived at by the Judges was a correct one according to the law as it stood. While I was engaged in the case I received much information from the police as to the manner in which this rain-gambling was carried on, and from this I am of opinion that the matter is one which does call for legislation. A very high authority in the English Church has said that gambling in moderation is no moral offence at all; but we in this Council can have no hesitation in saying that where a temptation is held out to people to indulge in conduct which is pernicious or extravagant, and which might lead to large losses of money, it should be put down; and I am in a position to say that this rain-betting establishment is a gaming house on a very large scale, which leads not only to people losing their own money, but to clerks and other employés risking the money they had been entrusted with by their masters. The matter is one which ought to be dealt with before the next monsoon; still the Council should consider well before they go on with it, for it opens up several very wide questions. For instance you will have to consider the question of betting on race-courses; and it will be impossible to let implementation of such betting like the totalisator continue to be used. I know there are many people who are much in favour of these totalisators. They say it makes betting on a race-course fairer, as it takes the matter out of the hands of the book-makers. But the making of the gambling easier is making it a greater temptation, and I have seen private soldiers flock to these instruments and risk their money which would have been better spent on their families. Whenever there is a public invitation to gamble, it is sure to be accepted; and as this Bill purposes to put down one special form of public gambling, I am in entire accord with it.

The Bill was then read a first time and was referred to a Select Committee consisting of the Honourable the Advocate General, the Honourable Messrs. Sayani and Wadia, and the honourable mover, with instructions to submit the report by 8th February 1890.

Bill read a first time and referred to a Select Committee.

THE DISTRICT POLICE BILL.

The Honourable Sir RAYMOND WEST in proposing the first reading of Bill No 3 of 1889, a Bill to amend the Law for the Regulation of the District Police in the Presidency of Bombay, said:—The administration of the District Police of this Presidency has been hitherto

Sir Raymond West moves the first reading of the District Police Bill.

vested, subject to the superintendence and control of Government, in the Commissioners of Divisions. Since the year 1885, an Inspector-General of Police has been appointed, whose position and powers were provisionally determined by orders of Government. The experience since gained has enabled Government to arrive at clear views of the proper place of the Inspector-General in the Police system. It has

become necessary to give legislative definition to his authority and functions, and in settling these to review and re-define the relations to the Police system of the Commissioners and District Magistrates. The constitution and working of the Police Forces established in other provinces of India, chiefly under the provisions of Act V of 1861, have been carefully considered as a source of improvement for the Bombay system, and such provisions as could be beneficially adopted have been introduced into the present Bill in such modified forms as were necessary in order to reduce them to harmony with the general system. It has been thought desirable while giving the Inspector-General full control over the discipline and mechanism of the force, to maintain and emphasize the authority of the Magistrate of the District as one in whom, to a certain extent, centre both the magisterial and the executive local powers, and to confer a corresponding authority on each Commissioner within the area under his administrative control. This Bill is introduced for this purpose, and the opportunity has been taken of re-arranging the provisions of the Police law, of revising them with a view to the conditions of the present time, and of introducing amongst them some new enactments suggested by the deficiencies of the present law. Whenever extended authority has been given to the magistracy or the police, for the purpose of preserving order and maintaining the general comfort of the public, careful precautions have been taken to prevent abuse of the powers thus conferred. Some novel sections have been introduced for the purpose of securing gentleness and humanity on the part of the Police, in the discharge of their necessarily harsh and invidious duties. The Act will not in the first instance extend to Sind or to Aden and its dependencies. But power is reserved to Government to extend to these places either the whole Act, or such portions of it as shall seem appropriate. Several of the provisions of the Bill have a possible utility independent of the others, and may be brought into operation, when the introduction of the Act as a whole might be premature or unadvisable.

The Bill may be regarded as the effect of the gradual advance in the organization of the Police, which has arrived at such a stage that further legislation is necessary on matters not included within the scheme of previous laws; at least certain regulations in matters connected with the Police have become manifestly desirable. It is known to most members of Council that the existing organization of the Police is due in a great measure to that eminent administrator, Sir George Clerk, who, taking up the subject first in 1856, and afterwards developing his scheme to some extent in 1861, when he came to this Presidency a second time, placed our police on a basis which was governed to some extent by the ideas embodied in the general Police Act of 1861, which is an Act applying generally to India, although not adopted in Bombay. Under the system introduced by Sir George Clerk, the Police Commissioner was the head of the force, and it may be through the want of organization in the administration generally at that time, but at any rate matters not having reached a high point of general development, the working of the system, it must be admitted, in the interval between 1857 and 1860 was not highly satisfactory. Consequently the Police Commissioner was dispensed with, and various proposals were laid before Government and considered as to the best means of organizing the force. In 1867 matters had reached a point at which the Honourable Mr. Ellis introduced into Bombay the District Police Act now on our statute-book. This was a distinct advance on anything enacted before, and put the Bombay Police on a footing which was satisfactory at that time. If the honourable members will look into the debates on these Acts, and especially the earlier one, they will find what Mr. Ellis dwelt upon was that it was left open to Government at that time to appoint a Police Commissioner separate from the Commissioner of the Divisions of the Presidency; but as a matter of fact such an appointment has never been made, the experience gained not having been favourable to the repetition of such an experiment. Since 1867 the police have been under the charge of the Commissioner of each Division, subject of course to the control of the Governor in Council. In more recent times the extension of railways, the improvement of education, and the wider organization of the Government departments, have given facilities for criminal organizations which did not formerly exist: and we cannot but be aware that the greater facility of passing from district to district, and even from one presidency to another, has considerably increased the necessity for a more complete organization of the police force, such an organization as will enable the head of the Police to bring his whole powers to bear at particular points where it may be necessary to meet and cope with criminal organizations. Therefore, for the purpose of an efficient

working of the police it became desirable and appeared obviously necessary to successive Governors of this Presidency that a reform should take place. It was evident, especially to Sir James Ferguson, that an improved organization of the police was indispensable if its former efficiency was to be maintained. In 1885, when an Inspector-General of Police was appointed, the idea of Government was to confer on him nearly all the powers intended to be given to the Commissioner of Police under the Regulation of 1867. That idea was not approved by the Government of India; if it had, it would have been somewhat incongruous with the legislative and administrative arrangements enforced in other parts of India. The views of the Government of India being expressed, and the function of the head of the Police being thus confined, this Government proceeded to consider what the proper powers of the Inspector-General of Police should be in matters relating to technique and the organization of the force. The way in which the duties of the police were to be performed in the suppression of crime was a matter which concerned in a special degree the Magistrate of the District, and for the Magistrate his superior, the Commissioner, was in this respect responsible. In order to combine the several principles two drafts of Police Bills were drawn up, neither of which was approved. The whole subject had thus reached the point at which the position of the Inspector-General was becoming very difficult. It was difficult I mean for him to determine his position and relations to other functionaries. It was considered desirable another effort should be made; and so in 1888 a new Bill was prepared, and then after taking advice from various sources, the outlines of the present measure were determined by Government. Since 1885 we have had an Inspector-General at the head of the Police force over all matters of discipline, and what one may call the organism and the technique and physical working of the force, and it is intended to establish that position in this Bill. At the same time the principle is recognised, and it is referred to in the Bill, that the whole control as far as possible of the forces of each district, should as to their direction and purpose be in the hands of the Magistrate of the District, and that as to both ends and means the Superintendent of Police should be his subordinate. The functions of the Magistrates are set forth clearly in Sections 13, 14, 15, and 16 and of the Commissioner in Sections 17, 18, 19, and 20 of the Bill. If these provisions are compared with those of the earlier Act of 1867, it will be found they define, and very much more clearly, what the precise functions of Magistrates and Commissioners are. Matters were left somewhat vague in the earlier Act which are now made clear, and one main idea of the present Bill is that the Commissioner shall for his whole division have substantially the same power as that centering in the Magistrate within his district, so that the Commissioner having at his disposal in any emergency a force dispersed in four or five Collectorates, may bring this entire force to the suppression of any disturbance in either of the districts. He has also authority to indicate to the Inspector-General defects either in the arrangements or the officers of the Police, and it is made a duty of the Inspector-General to do all in his power to remedy any defects in the organization of the force under his command. These sections relating to the Commissioner are not however so much new provisions, as new and clearer statements of the existing law. In substance at least they were contained in previous legislation. But as to the Inspector-General several sections have been introduced giving particular power and authority over those places under him. In matters of organization and in general technique the Inspector-General will have control and authority over the Police, it will be a disciplined instrument which he and his subordinates will handle as experts. The manipulation will be his, the work to be done and the efficiency with which the requisite ends are attained will be determined by the Magistrate and the Commissioner. They are to preserve peace and suppress crime: the Superintendent's function was subordinate and ancillary; he is not to be allowed to have authority in the use of the Police which will interfere with the authority of the Magistrate of the District. But an authority is given to the Inspector-General which is obviously necessary for such purposes as the centralisation of the force when it may be required at any particular part of the Presidency which may lie outside the district, and even outside the division in which any particular Commissioner is carrying on his duty. Particular provision is made in order to enable Government and the Inspector-General to exercise authority of that kind in any case of emergency, and making it the duty of every police officer to exercise his functions in any part of the Presidency to which he may be sent. Another case in which the functions of an Inspector-General become very useful is that in which an Inspector or other officer of special qualification is needed at one particular part of the Presidency, or where he may be less needed in one than in another. Suppose we want an officer of special detective

skill in Gujarát or some other place, the Inspector-General may know where to lay his hands on the officer most useful for that particular purpose although such a one could not be found within that particular division. The appointment of Inspector is by the Bill placed in the hands of the Inspector-General, and the appointment of officers of lower grades is placed in the hands of Superintendents, the function of the Magistrate being to prevent improper appointments, and power being given to him for that purpose. The Inspector-General in carrying out his functions is empowered by Section 26 to make general rules for the co-operation of the different members of his force, but all rules which he makes must be consistent with the force remaining under the control of the Magistrate of the District, and with the authority given to the Magistrate in specific cases. Section 31 enables an Inspector-General to employ any number of forces in any part of the Presidency when required, and Section 27 imposes a duty on subordinates and others under him to furnish him with such reports or information as he may require for carrying out these functions properly. Under Section 28 the honourable members will find he is given power to punish his subordinates within reasonable limits. These are functions which are to a certain extent new under the Act. The Superintendent has not only power to suspend any subordinate, but he has one or two other functions given him which I may refer to. For instance the punishment of subordinates is given to Superintendents under Section 30. The Police are to a certain extent an armed force; and it is intended by the Government of India that every police force should have a nucleus of men tolerably well disciplined to cope with any serious disorder that may arise; and when men have arms, especially fire-arms, in their possession, a somewhat severe system of discipline becomes necessary. So it will be found that reasonable power is given by Section 30 to deal with insubordination. Then a Superintendent is given power to issue orders in furtherance of those made by the Magistrate for the suppression of disorder. A provision to that effect will be found in Section 44; and in Section 55 will be found a provision enabling the Superintendent of Police to make orders with regard to dogs, when there is any danger of rabies or any alarm in the community on account of dogs being at large. It is obvious at the same time that it will not be safe to give enlarged powers to executive officers without sufficient check being put upon them, and in Section 46 you will find all the powers given to a Superintendent and all orders issued by the Superintendent are subjected to a strong control in the hands of the Magistrate of the District. The Magistrate of the District is under this section granted powers to set aside or modify any orders issued by the Superintendent under his control. The functions of the police officers under the Superintendents are for the most part limited to carrying out his orders, but some initiative has in one or two instances been found necessary. It has been found necessary to make provisions for officers being called upon to act suddenly when the public safety is seriously endangered. Section 43 is one of this kind. It is, for instance, very common in the Mofussil to have theatrical representations in tents or even without tents in matted enclosures made of very combustible materials. Large numbers of people congregate at these entertainments, where there is considerable danger of fire, or from people crushing or crowding over one another, if the representation of a play becomes popular. It has been thought desirable to give authority to police officers to regulate assemblies of this kind so as to prevent danger, where danger is obvious, and if there is any disorder in an assembly, to preserve order. Then there is a distinct extension of the functions assigned to the Police under Section 48, in which they are required to assist helpless persons, as for instance those who fall in the road and break their limbs. Section 40 also requires them to give protection to any poor lunatic, or drunk or helpless person, and there is also provision made to ensure their humanity and gentleness in taking people into custody. These are somewhat new provisions; but it has been thought desirable to introduce them and also to provide against officers in the execution of their functions generally being either unkindly, careless or unnecessarily harsh or severe. The Police by the Bill, in the event of their transgressing the law in using their power too harshly, are subject to special penalties as will be found in Sections 55, 57, and 58; and in Section 57 it will be found that a special duty of forbearance and warning is provided for and the police are forced to beware of harshness. There are other provisions of this kind. It will hence be the duty of the Police in a great number of petty cases, not necessarily to arrest a man, but rather in the first instance to tell him the law requires him to do so and so, that he must obey the law, otherwise complaint must be made against him on which he will be punished. At the same time if the person cautioned should neglect the warning, the requisite provisions are held

in reserve. There is a further development in these police regulations, for as new wants have arisen beyond the capacity of the officers of Government under the existing law, it has for the general comfort and welfare become necessary for Government to make increased regulations. Now if the honourable members will look at the chapters relating to the Police regulations they will find there has been an endeavour made to embody some of the experiences gained both in this country and in England by which the convenience of the public may be essentially promoted. These regulations are partly in the hands of the Magistrate, and if the honourable members look carefully into the Bill, they find that this class of regulations relate to the people's safety, that the people's safety has been put in the hands of the District Magistrate, the preservation of the people's safety is equally necessary in a large town and in a small village, and if in a village it should become necessary, provisions under the sections to which I now refer may be made for the ensuring of the people's safety, and when it is requisite the same regulations may be enforced as in a large town. It may be said perhaps that there is no necessity for bringing the application of such a law to bear generally, the necessity for which may never occur, or very rarely. If however the occasions are rare so will the application of the regulations be, and when the occasion does arise the regulation we think becomes necessary. If honourable members will refer to Sections 37, 38, and 41, they will see that power is given to the Magistrate in these sections to make regulations which will tend to preserve the safety of Her Majesty's subjects as by preventing building material from being left in the middle of the road, or preventing people suffering from infectious diseases being carried through the streets subject to certain reservations, or, again, prohibiting people from allowing animals to be tethered on the footpaths, and matters of that kind, where regulations are really necessary for the safety of passengers. Another rule is one enabling Magistrates to make provisions in case of epidemic, but regulations which the Magistrate may make in this case will only be in force within the short period of a fortnight, unless extended by Government for a longer period. Power is thus given to the Magistrate only in cases of emergency, and only during such time as the establishment of such rules is necessary; and after that time the authority is vested solely in Government. Certain powers are likewise given to Magistrates for maintaining good order and decency; thus in Section 39 provision is made for dealing with a certain class of houses which are not a benefit to the community; Section 40 enables a Magistrate to make orders and rules which it is hoped will prevent the occurrence of such terrible riots and affrays as have sometimes arisen between different classes of the community; and the Magistrate is empowered to prevent the uttering of cries calculated to excite religious fanaticism, to prevent the exhibitions of symbols or placards which have too often resulted in exasperation and fatal conflicts. It is necessary while guarding the rights of every class that any abuse of them for the purpose of insulting and annoying others should be suppressed; and if the powers proposed are given, these outbreaks, it may be hoped, and their disastrous consequences will be prevented. In connection with that you will find provisions for enabling the Magistrates to suppress the utterance of those obscenities which are a great public nuisance. They require immediate suppression, even in this city. Any one who has a knowledge of Maráthi in going along some of the streets at particular seasons may find his ears assailed by such language as he would not like anyone of the other sex to have her ears defiled with. Power is given to deal with cases of that kind when required. Section 42 is one with regard to the public safety in cases of gangs of men who the Magistrate may consider are, if not actual criminals, yet possibly and probably on the verge of criminality, men who create a certain amount of alarm. The section enables the Magistrate to deal with them in a fitting manner. It is within the experience of Government that in several instances gangs of Pathans and men of other classes have paraded some of the districts causing considerable alarm, and to a certain extent levying blackmail; as in former days it was not an unusual thing for gipsies in England to go about levying blackmail on farmers and other countrymen to save them from having their hen-roosts robbed. Power is given to Magistrates under Section 42 to prevent this. As contrasted with these measures essential to the general safety the different sub-sections of Section 55 will be found to relate to the convenience of people in matters which will arise generally only in towns; it will very seldom, or never, be necessary for Government to introduce such provisions into places other than towns. If, however, the necessity should arise, it will be within the power of Government to do so. Section 56 is one which will meet with the approval of all. It provides a proper remedy against cruelty to animals. Section 59 and sub-sections relate to punish-

ment, and the honourable members will find that fines may be levied according to the gravity of the offence, not exceeding a certain amount, although the provisions are meant far more to prevent the offences than to punish for them. The only other section which appears to require any particular reference is Section 71, which imposes on a Municipality the duty of providing quarters for such Police as may be deemed necessary by Government for the special protection of that Municipality. This is a new provision here; although it is the law in England that Government shall only pay half the amount of the cost of salaries and clothing towards the maintenance of the Police, the rest being paid from local resources. The Police forces in large towns in England are furnished with quarters by the towns. This brings me to an end of the important provisions of the Bill. Some of these provisions may admit of debate; there is no doubt some of them are open to discussion, and Government desires that discussion. In the meantime it will be desirable that the Bill be read the first time, and then I will move that it be referred to a Select Committee in order that the several provisions may be gone through with care. I move that this Bill be read the first time.

The Bill was accordingly read a first time, and on the motion of the Honourable Sir Raymond West was referred to a Select Committee consisting of the Honourable Mr. Richey, the Honourable the Advocate General, the Honourable Mr. Sayani, the Honourable Sir Frank Forbes Adam, the Honourable Sardár Ráo Bahádúr Bebecherdas Veharidas and the honourable mover, with instructions to submit the report by 8th February 1890.

Bill read a first time and referred to a Select Committee.

His Excellency the PRESIDENT then adjourned the Council.

By order of His Excellency the Right Honourable the Governor in Council,

J. J. HEATON,

Secretary to the Council of His Excellency the Governor
of Bombay for making Laws and Regulations.

Bombay, 8th January 1890.

☞ Please substitute these pages for pages 35—38 of the *Bombay Government Gazette*, Part V, dated 8th March 1890.