

PROCEEDINGS

COUNCIL OF THE GOVERNOR OF BOMBAY

ASSEMBLED FOR THE PURPOSE OF

MAKING LAWS AND REGULATIONS,

1897.

VOLUME XXXV.

Published by the Authority of His Excellency the Governor.

Bombay:
PRINTED AT THE GOVERNMENT CENTRAL PRESS.
1898.

V231,31
P5C7-C8
228058

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PROCEEDINGS
OF THE
COUNCIL OF THE GOVERNOR OF BOMBAY
FOR THE
PURPOSE OF MAKING LAWS AND
REGULATIONS.

*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 ACTS, 1861 AND 1892."*

The Council met at Bombay on Wednesday the 24th February 1897, at 11 A.M.

PRESENT:

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

The Honourable Mr. H. BIRDWOOD, C.S.I., M.A., LL.D., I. C. S.

The Honourable Mr. ~~W. H. CROWE~~, C.S.I., I. C. S.

The Honourable the ADVOCATE GENERAL.

The Honourable Mr. BAL GANGADHAR TILAK, B.A., LL.B.

The Honourable Mr. DAJI ABAJI KHARE, B.A., LL.B.

The Honourable Mr. A. T. SHUTTLEWORTH.

The Honourable Mr. J. K. SPENCE, I. C. S.

The Honourable Mr. T. R. MCLELLAN.

The Honourable Mr. T. B. KIRKHAM.

The Honourable Mr. NAVROJI NASARWANJI WADIA, C.I.E.

The Honourable Mr. JAVERILAL UMIASHANKAR YAJNIK.

The Honourable Mr. ABDALLA MEHERALI DHARAMSI, B.A., LL.B.

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

The Honourable Mr. T. D. MACKENZIE, I. C. S.

The Honourable Mr. J. MONTEATH, M.A., I. C. S.

The Honourable Mr. H. M. THOMPSON, B.A., M.Inst.C.E.

The Honourable Mr. A. ABERCROMBIE.

QUESTIONS AND ANSWERS.

The Honourable Mr. JAVERILAL UMIASHANKAR YAJNIK, on behalf of the Honourable
Mr. CHIMANLAL HARILAL SETALVAD, who was not present, put question No. 1 standing in
the latter's name—

(a) *Is it true*

(1) *that, with reference to the refusal of the Collector of Ahmedabad to allow the Municipality to open the Baradari gate in the Bhadar at Ahmedabad, the Commissioner, N. D., has lately written to the Municipality, informing that body that their power to open or close public streets and gates would be admitted on the understanding that they would not further press for the re-opening of the gate in question, and*

(2) *that the Municipality has passed a Resolution refusing to make any such terms and asserting their right to open the said gate and pointing out the public inconvenience caused by its closing?*

(b) *Will Government be pleased to lay on the Table copies of the said letter of the Commissioner, N. D., and the Resolution of the Municipality thereon?*

(c) *Has the Commissioner given any, and if so, what, decision in the matter of the above gate in pursuance of the direction of Government in that behalf (vide answer (h) to question No. 2 at the Meeting of 17th August 1896)? Will Government be pleased to lay a copy of the said decision on the Table?*

(d) *Will Government be pleased to give directions to the Commissioner, N. D., and the Collector of Ahmedabad to allow the Municipality to open the said gate without further delay?*

The Honourable Mr. BIRDWOOD in reply said—

(a) (1) and (b). Copies of the Commissioner's letters Nos. 746 and 3545, dated, respectively, the 25th May and 17th September 1896, to the President, Ahmedabad Municipality, are placed on the Table.*

(a) (2) Government have no information on the subject.

(c) A copy of the Commissioner's decision is placed on the Table.*

(d) In view of the Commissioner's decision no further directions on the part of Government are necessary.

The Honourable Mr. YAJNIK (for the Honourable Mr. SETALVAD) then put question No. 2—

What was the nature of, and to whom were the warnings given about, improving the attendance of Kaliparaj children at the Tarbhan School? Will Government be pleased to lay on the Table copies of the warnings thus given and the correspondence that has now led to the people of Tarbhan agreeing that 25 Kaliparaj children shall attend the school if it is re-established? Has the school been re-established, and if not, will Government be pleased to state when that will be done?

His Excellency the PRESIDENT in reply said—Enquiries are being made.

The Honourable Mr. YAJNIK (for the Honourable Mr. SETALVAD) then put question No. 3—

(a) *Now that the Central Distillery system is held to have been well established in the Khândesh District, what are the reasons that induce Government not to issue licenses for the sale of toddy in that district as was done before the introduction of the Central Distillery system and restrict the licenses for tapping of toddy trees to their owners and that also for domestic consumption only?*

(b) Will Government be pleased in view of the present scarcity to make toddy available to the poor masses, at least temporarily, by freely issuing licenses for the tapping and sale of toddy in this as well as other districts?

The Honourable Mr. NUGENT in reply said—(a) This is the eighth occasion on which a question on this subject has been put by the honourable member. Government have already fully explained the reasons for the policy adopted by them in this matter and they have nothing now to add.

(b) Government do not consider that a free supply of intoxicating liquor would be beneficial to the poor masses in a time of scarcity or at any other time and are therefore unable to adopt the suggestion of the honourable member.

The Honourable Mr. YAJNIK (for the Honourable Mr. SETALVAD) then put question No. 4—

Is it true that numerous petitions from the talukhs in the Northern Division for an improvement in their salaries and pensions were addressed to the Commissioner, N. D. ? How has that officer disposed of these applications ?

The Honourable Mr. NUGENT in reply said—

The honourable member is referred to the reply to question No. 6 put by him on the 12th October last. That reply still holds good.

The Honourable Mr. YAJNIK (for the Honourable Mr. SETALVAD) then put question No. 5—

Will Government be pleased to lay on the Table the information, if now received, that was for about Agency Co. by my question No. 8 at the Meeting of the 15th January 1936 as promised in the answer to that question ?

His Excellency the PRESIDENT in reply said—

The statement is laid on the Table.* It is confined to cases cognizable by Political Officers and by Government in virtue of powers directly conferred by the legislature. It excludes cases dealt with under the executive authority of the Paramount Power or by political usage or delegation.

The Honourable Mr. YAJNIK (for the Honourable Mr. SETALVAD) then put question No. 6—

Will Government be pleased to give full answers to questions No. 10 (a, b, d and e) put at the Meeting of the 12th October last, if the information called for has now been received ?

The Honourable Mr. BIRDWOOD in reply said—

Government are not at present in a position to answer this question.

The Honourable Mr. YAJNIK (for the Honourable Mr. SETALVAD) then put question No. 7—

What orders have Government passed about the alleged severe ill-treatment by the police in the case of Empress vs. Lakhman Gauda, referred to in my question No. 3 at the Meeting of 17th August last ? What are the salary, standing and grade of the Police Officers who conducted the actual investigation of the case and who were responsible for the alleged ill-treatment ?

* Vide Appendix C.

The Honourable Mr. BIRDWOOD in reply said—

Government have caused a searching inquiry to be made into the facts and are satisfied that the charges of torture brought by the accused against the Police are not proved and cannot be substantiated. In these circumstances, the second part of the question does not admit of any answer.

The Honourable Mr. YAJNIK (for the Honourable Mr. SETALVAD) then put question No. 8—

Are Government aware that the condition about residence laid down in Rule 3 (1) of the Rules for admission to the Provincial Service is, so far as the Judicial branch of the Service is concerned, in contravention of the spirit of Section 22 of the Bombay Civil Courts Act XIV of 1869, as amended by Bombay Act III of 1895, which makes subjects of all Native States in India, under the suzerainty of Her Majesty, eligible for judicial appointments, and will Government be pleased to modify the above rule in that particular?

The Honourable Mr. BIRDWOOD in reply said—

Government do not consider that the condition about residence, in the Rule quoted, is opposed to the provisions of the Acts referred to. They do not propose to alter the Rule.

The Honourable Mr. YAJNIK (for the Honourable Mr. SETALVAD) then put question No. 9—

What is the total amount at present of the Ahmedabad Relief Fund with accretions of interest, &c., raised at the time of the flood of 1875 in Ahmedabad as well as subsequently on other occasions and with whom are the funds now deposited? What is the constitution of the committee, if any, under whose control the funds are placed, who are the present members thereof and by whom are they appointed? Is the interest of these funds or any part of it at present expended, and if so, on what objects?

The Honourable Mr. NUGENT in reply said—

The total amount of the Ahmedabad Relief Fund is reported to be Rs. 1,00,012. Of this sum Rs. 99,400 are invested in Government securities, which are in the custody of the Accountant General.

The Committee under whose control the funds are placed consists of—

The Collector as President,

Ráo Bahádúr Lalshankar Umiashankar,

The Honourable Ráo Bahádúr Ranchodlal Chhotalal, C.I.F.,

Seth Umabhai Hathesing.

In the event of a vacancy occurring the remaining members appoint to it.

A scheme for vesting the Fund in the Treasurer of Charitable Endowments has been proposed and is under consideration. Out of the interest of the Fund Rs. 1,000 are annually appropriated for the maintenance of the Victoria Jubilee Dispensary and Rs. 200 for the maintenance of the Ranchodlal Dispensary.

The Honourable Mr. YAJNIK (for the Honourable Mr. SETALVAD) then put question No. 10—

What arrangements do Government propose to make about the disposal of judicial appeals, &c., coming up for the decision of Government after the retirement of the Honourable Mr. Birdwood?

His Excellency the PRESIDENT in reply said—

They will be disposed of by the Governor in Council.

The Honourable Mr. YAJNIK (for the Honourable Mr. SETALVAD) then put question No. 11—

(a) *Have Government issued any instructions to the district officers about the suspension and remission of land revenue in the districts affected by famine? If so, will Government be pleased to lay them on the Table?*

(b) *Is it true that the Collector of Poona has issued directions to his subordinates that (a) the full land revenue should be recovered from all non-agriculturist occupants or mortgagees whether well-to-do or not and irrespective of the amount of crops yielded by their fields; (b) that in the case of agriculturist occupants suspension should be granted only in cases satisfying both the conditions, viz., loss of three-quarters or more of their crops and not being well-to-do; (2) that Government have approved of these instructions; and (3) that Government have directed that the same instructions be followed in other famine-stricken districts?*

The Honourable Mr. NUGENT in reply said—

(a) Government have issued instructions with regard to the suspension of land revenue in districts affected by famine and copies of the orders* are laid on the Table.†

(b) The honourable member will observe that the directions of the Collector of Poona are not to the effect stated; that definite instructions are given only as regards the classes of people to whom notices should be issued, and subsequent measures depend on the circumstances of defaulters; and that Government have approved of the instructions of the Collector of Poona and have directed that the same course should be followed in all the affected districts and also in Thána, Kolába and Ratnágiri.

The Honourable Mr. YAJNIK (for the Honourable Mr. SETALVAD) then put question No. 12—

(a) *Will Government be pleased to state the reasons that led them to recommend to the Government of India the inclusion of the Head Masterships of the High Schools at Belgaum and Poona in the Indian Educational Service and the putting of the Head Mastership of the High School at Ahmedabad in the Provincial Service and that of the High School at Surat in the Subordinate Service (vide Appendix A to Government of India Resolution No. 4—204-215 of 23rd July 1896)?*

(b) *Are Government aware that in all the other provinces in India all Head Masters of High Schools are appointed in India? Have not the Head Masterships of the Elphinstone, Poona and Belgaum High Schools been filled in the past to the satisfaction of Government by gentlemen appointed in India? If so, what were the reasons that led Government to recommend their inclusion in the lists of posts to be filled in England?*

(c) *How many European and Indo-European schools for boys and girls are there in Bombay and how many in Poona? Were not all these schools formerly inspected by the Inspector, Central Division, and his assistants? For how many years has the present system by which all the three Inspectors share the work of examining these schools in Bombay been in force, and for what time on an average every year is each Inspector occupied in this*

† Vide Appendix D.

work? Has not the Inspector of the Southern Division, who is a native, done this work to the satisfaction of Government? If so, what were the reasons that induced the Government to recommend to the Government of India a departure in the case of Bombay from the suggestion of Lord Cross that at least one-half of the Inspectorships should be transferred to the Provincial Service, by the inclusion of two out of the three Inspectorships in the Presidency proper as well as the Inspectorship in Sind among the appointments to be filled in England? Before making that recommendation did Government consider the feasibility of throwing open two Inspectorships in the Provincial Service by entrusting the work of inspecting the abovementioned schools only to one Inspector who may be appointed in England, if an European Inspector was considered necessary for that work? What are the special circumstances of the province of Sind that require an European Inspector there (vide paragraph 11 of the same Resolution)?

His Excellency the PRESIDENT in reply said—

(a and b) The honourable member is under a misapprehension in supposing that this Government recommended the inclusion of the Head Mastership of the Surat High School in the Subordinate Service. I invite his attention to paragraph 7 of the Government of India's Resolution No. 4-Education—204-215, dated the 23rd July 1896, published at pages 736-749 of the *Bombay Government Gazette* of 30th idem, Part I, from which it will be seen that this Government recommended that all Head Masterships except the three included in the Indian Educational Service should be placed in the Provincial Service. Although the Head Masterships of the Poona and Belgaum High Schools are included in the three appointments referred to, it is not to be understood that European Head Masters will always be appointed to the two schools named. While ordinarily the Head Masterships of the Elphinstone and the Poona or Ahmedabad High Schools will be held by Europeans, Government have reserved to themselves the power to appoint the third European Head Master to the School where, in their opinion, his services will be of most use. It is true that Head Masterships of the High Schools named have been held in the past to the satisfaction of Government by gentlemen appointed in India. It was considered desirable to have a European element in the staff of Head Masters, and after careful consideration the number of Head Masters to be recruited in England was fixed at three. The honourable member will see from paragraph 13 of the Government of India Resolution referred to, that in the Punjab also one Head Mastership is included in the Indian Educational Service.

(c) There are 18 schools of the class named in Bombay and 6 in Poona. They were inspected by the Educational Inspectors, Central Division and North-East Division up to the end of 1886-87 and since then the Inspectors of the three Divisions have shared all the inspecting work in Bombay. In 1895-96 the Educational Inspector, Central Division, spent 52 days in Bombay, the Educational Inspector, Northern Division, 30 days and the Educational Inspector, Southern Division, 25 days. The last named officer has always done his work to the satisfaction of Government. He has sometimes to inspect a European school, but the practice is to give him the English school for natives and to leave the European schools to the other two Inspectors. Government considered it desirable that the three Inspectors in the Presidency should continue to share the work of inspecting the schools in the Presidency Town, and that the European schools both there and in Poona should be inspected by officers trained in England and with a knowledge of the standard of discipline and teaching maintained there. The backward state of education

in Sind and the fact that the Inspector was so far removed from the Director's personal supervision were considered to be reasons for the employment in that Province of an Inspector trained in England.

The Honourable Mr. YA'JNIK (for the Honourable Mr. SETALVAD) then put question No. 13—

Is it true that Messrs. Paranjpe, Pimpulkar and Karulkar of Umbargaon in the Thána District were arrested by a warrant and prosecuted under section 117 of the Indian Penal Code and section 43 of the A'bhári Act and section 25 of the Forest Act, for publishing and circulating printed copies of a hand-bill in the vernacular, explaining the provisions of the Famine Code regarding suspensions and remissions of the land revenue, and that the District Magistrate before whom the trial was held, on a perusal of the hand-bill, discharged them? Who was the Magistrate who issued the warrants and on what information did he act in issuing the warrants? Did he before issuing the warrants satisfy himself by a careful perusal of the hand-bill whether it disclosed any offence? Will Government be pleased to take notice of the conduct of the officers concerned in the arrest of these people?

The Honourable Mr. BIRDWOOD in reply said—

Government are not at present in a position to answer this question. A report has been called for.

The Honourable Mr. YA'JNIK (for the Honourable Mr. SETALVAD) then put question No. 14—

What is the result of the communication that this Government had with the Government of India about the question of giving early effect to the recommendation made by the Finance Committee in 1886 to put the Clerk of the Insolvency Court on a salary of Rs. 500 or 600 a month, and credit all fees in excess of that sum to Government?

The Honourable Mr. BIRDWOOD in reply said—

The subject is still under discussion with the Government of India.

The Honourable Mr. YA'JNIK (for the Honourable Mr. SETALVAD) then put question No. 15—

Is it true that Professor Sathe of the Poona Sárvajanik Sabha was arrested on a warrant and charged before the Magistrate at Pen with offences under section 117 of the Indian Penal Code, section 43 of the A'bhári Act and section 25 of the Forest Act; that when the case was called on on the 1st of January last the Magistrate said that he was himself in the dark about the case and there was no formal complaint before him and therefore adjourned the case; and that at the trial on the 11th of January the examination-in-chief of the witnesses for the prosecution disclosing no offence the Magistrate discharged Professor Sathe? Who were the Police officers who proceeded against Professor Sathe and on what information did they act? What are their salaries, standing and grade? Who was the Magistrate who granted the warrant of arrest and on what information did he act? Will Government be pleased to enquire into the circumstances connected with this prosecution?

The Honourable Mr. BIRDWOOD in reply said—

Government are not at present in a position to answer the question of the honourable member. A report has been called for.

The Honourable Mr. JAVERILAL UMIASHANKER YAJNIK then put question No. 1 standing in his name—

Whether it is true that the District Superintendent of Police at Sholdapur withdrew, against the wishes of Mr. Deshmukh, the Collector, the Police force kept to guard the grain bazárs, for the purpose of furnishing an escort to some prisoners from Bijápur; and that this circumstance had some indirect influence in bringing about the grain riots at Sholdapur?

The Honourable Mr. BIRDWOOD in reply said—

It is true that the constitution of the guard referred to was altered without the knowledge of the District Magistrate and that he had given orders some time previously as to the maintenance of an armed guard in the bazár for the time being. The Chief Constable in charge of the City relieved the armed guard in accordance with the usual routine in such matters, in order to comply with a demand for an escort for certain prisoners to Bijápur and replaced it by an equal force of unarmed police. The District Superintendent of Police was absent from Sholápur at the time. Government do not consider that the removal of the armed guard had any influence in bringing about the grain riots at Sholápur.

The Honourable Mr. YAJNIK then put question No. 2—

Has it been brought to the notice of Government that the order removing Mr. Deshmukh from Sholdapur to be First Assistant Collector in Kánara has been received by all classes of people in Sholdapur as a slur on a deserving officer who had done excellent service as Collector of Sholdapur during the present famine?

The Honourable Mr. NUGENT in reply said—

Three telegrams and a petition on the subject of the removal of Mr. Deshmukh from the post of Collector of Sholápur have been received by Government, but there is no evidence that the feeling of all classes of people in Sholápur is as stated by the honourable member. The responsibility of estimating the merits of their servants and their fitness for particular posts rests entirely on Government, and appointments are made under a full sense of that responsibility.

The Honourable Mr. YAJNIK then put question No. 3—

Have Government taken steps to provide the public and subordinate officials in the affected districts with copies of translations into vernaculars of the revised Famine Code?

The Honourable Mr. NUGENT in reply said—

The Code has been translated into the vernaculars of the Presidency proper and the translations, which are being printed, will be distributed for the use of subordinate officials. Copies will be procurable by the public at the Government Book Depót.

The Honourable Mr. YAJNIK then put question No. 4—

Is it a fact that most of the relief works now on hand provide for the breaking of metal for road repairs? If so, is this due to want of readiness on the part of the Public Works Department to furnish plans and estimates for really useful works, such as those for the improvement of the water-supply or communications?

The Honourable Mr. NUGENT in reply said—

A large proportion of the famine labourers are employed on the breaking of metal. This fact is not due to want of readiness on the part of the Public Works Department to furnish

plans and estimates for other works. This form of employment is in many respects best adapted for famine labour, especially in the early stages of the famine, and is calculated to be more useful than other expenditure on communications which cannot subsequently be maintained, or than expenditure on such projects for improvement of the water-supply as are not found on professional examination to be sound. But it is recognized that the breaking of metal will not be profitable if carried beyond reasonable requirements, and arrangements are being made for the employment of famine labourers on the earth-work of railways and on irrigation works which, although they are not likely to be financially profitable, will probably be of advantage to the community.

The Honourable Mr. YAJNIK then put question No. 5—

Will Government be pleased to place on the Council Table a list of the tanks and road works, which were undertaken during the past famine, but which were left unfinished and abandoned on account of want of funds after the famine was over, and have Government enquired why the famine works programme of this year has not been made to include these works for which plans and estimates were already in their possession?

The Honourable Mr. NUGENT in reply said—

It is believed that none of the tanks and roads undertaken during the last famine and left unfinished were abandoned on account of want of funds; such as were not finished were abandoned because it was found that it would not be profitable to complete them.

The Honourable Mr. YAJNIK then put question No. 6—

Are Government aware that some of these works in this year's programme contemplate breaking stones for road-metalling in advance for the next twenty or thirty years, and if so, have Government ascertained how this storing of metal can prove anything but wasteful expenditure of public funds?

The Honourable Mr. NUGENT in reply said—

The honourable member is referred to the answer to his question No. 4.

The Honourable Mr. YAJNIK then put question No. 7—

Are Government aware that Taluka Local Boards have always been pressing their demands for tanks, wells, &c., which the District Boards have been unable to meet for want of funds? Have Government made inquiries why these deferred works cannot be made available for famine relief at this time?

The Honourable Mr. BIRDWOOD in reply said—

Small tanks and wells are not suitable for the employment of famine labour to any large extent, because supervision is not available for small parties of workers scattered over the country. But everything that is possible is being done for the temporary improvement of the water-supply in the affected districts; and people in need of relief are employed for that purpose.

The Honourable Mr. YAJNIK then put question No. 8—

Have Government received any information in reply to the inquiries ordered by them to be made through the Director of Agriculture as to stocks of grains in the affected districts, and will they be pleased to place on the Council Table the results of such inquiries?

The Honourable Mr. NUGENT in reply said—

Statements showing the movements of food-grains by rail and the inferences to be drawn therefrom have already been published. Further information has not yet been

received. The reports or the substance of them will be published without avoidable delay.

The Honourable Mr. YAJNIK then put question No. 9—

Will Government be pleased to place on the Council Table information as to the following points:—

- (a) *What sums have been advanced for takávi during the past five months in the various tálukas of the affected districts?*
- (b) *How many applications were received and for what amount, and how many have been disposed of either by way of refusal or compliance?*
- (c) *How much of this takávi advance was made for buying seeds and bullocks, and how much for sinking wells?*

The Honourable Mr. NUGENT in reply said—

The amounts which have been specially assigned to the several affected districts in connection with the famine for takávi advances are as follows:—

	Rs.
Ahmednagar	4,75,000
Khándesh	92,000
Sholápur	2,00,650
Násik	75,000
Sátára	2,25,000
Poona	1,25,000
Bijápur	8,30,000
Dhárwár	1,00,000
Belgaum	2,50,000
Additional sum for distribution in Southern Division	25,000
Total Rs. ...	23,97,650

Detailed information as to the sums advanced in each táluca of any affected district is not available. The local inquiries made on receipt of applications, which are very numerous, are not yet completed, and therefore the information on other points asked for by the honourable member is not yet available.

The Honourable Mr. YAJNIK then put question No. 10—

Will Government be pleased to direct that the weekly summaries they publish for general information shall include information on the following points:—

- (1) *criminal statistics relating to offences against property,*
- (2) *execution of decrees,*
- (3) *registration,*
- (4) *attendance at schools.*

The Honourable Mr. NUGENT in reply said—

Government are unable to see that any purpose of public utility would be served by requiring from officers, whose time is already very fully occupied, weekly returns on the points specified by the honourable member, and cannot therefore comply with request.

The Honourable Mr. YAJNIK then put question No. 11—

Was there any particular reason why the scale for grain compensation to poor employes of Government, provided by the first Famine Code of 1885, was omitted in the revised Code, and in its place the scale allowed by the Civil Allowance (? Account) Code was sanctioned? Are Government aware that this scale is inadequate to provide relief to these poor people?

The Honourable Mr. NUGENT in reply said—

Provisions regarding a scale of grain compensation were omitted from the revised Famine Relief Code by direction of the Government of India, whose policy is not open to question in this Council. Government are not aware that the scale of the Civil Account Code, which, so far as it goes and so far as any Government servants are now affected, is the same as that prescribed in the Famine Relief Code of 1885, is inadequate, nor has any representation to that effect at any time when the Civil Account rule has been applied been made by any person affected.

The Honourable Mr. YAJNIK then put question No. 12—

Were the prosecutions of Professor Sathe and of the three Umbargaon gentlemen, which have resulted in the acquittal of the accused persons, undertaken by the district authorities on their own responsibility or with the previous sanction of Government? If the sanction of Government had not been asked for, will Government be pleased to direct that such prosecutions should not be undertaken without a reference to Government in the first instance?

The Honourable Mr. BIRDWOOD in reply said—

The prosecutions in question were undertaken without the previous sanction of Government. It is not usual for the Executive Government to make orders limiting powers vested in Magistrates by law.

The Honourable Mr. YAJNIK then put question No. 13—

Are Government in a position to place before the Council information regarding the terms on which the new Provincial Contract for the next five years are likely to be settled?

The Honourable Mr. NUGENT in reply said—

The reply to the honourable member's question is in the negative.

The Honourable Mr. NAOROJI N. WADIA, on behalf of the Honourable Mr. PHEEROZESHAH M. MEHTA, who was not present, then put question No. 1 standing in the latter's name—

(a) In asking the Municipal Corporation of Bombay to appoint a Deputy Commissioner are Government aware that the Corporation have never been asked by the Municipal Commissioner to do so? (b) Have Government ascertained the views of the Municipal Commissioner on the subject and will they be pleased to state what they are?

His Excellency the PRESIDENT in reply said—

Government are aware that the Municipal Corporation had not been asked by the Municipal Commissioner to appoint a Deputy Commissioner. Relations between Government and the Municipal Commissioner at this crisis have naturally been of a most intimate nature. His views as to the appointment of a Deputy Commissioner were ascertained. The Municipal Commissioner considered that a Deputy Commissioner would

be of most valuable assistance, provided the Municipal Act were amended in the manner proposed in the Bill to be introduced to-day.

The Honourable Mr. WADIA (for the Honourable Mr. MEHTA) then put question No. 2—

(a) *Are Government aware that for the first time since Mátherán Hill Sanitarium was started, a license has been given for the retail sale of country liquor and a shop opened for that purpose near the bazár on the main road to Neral?*

(b) *Was any notice given to the residents inviting their opinion or ascertaining their objections, or any other measure taken for that purpose?*

The Honourable Mr. NUGENT in reply said—

(a) Government have ascertained that a country liquor shop was in July last allowed to be established in Mátherán in consequence of representations that it was urgently required to satisfy a legitimate demand and to remove an inducement to illicit consumption.

(b) The sanction was given on condition that the Collector satisfied himself that house-owners and residents were not likely to raise objections, and it may be inferred that the usual measures were taken to ascertain the opinion of the residents. The Superintendent of Mátherán approved of the opening of the shop.

The Honourable Mr. WADIA (for the Honourable Mr. MEHTA) then put question No. 3—

Will Government be pleased to state if it is not possible and desirable to have less of stone-breaking for famine relief work and more of the nature of tank-digging, road and embankment-making?

The Honourable Mr. NUGENT in reply said—

The honourable member is referred to the reply to question No. 4 put by the Honourable Mr. ~~WADIA~~

The Honourable Mr. WADIA (for the Honourable Mr. MEHTA) then put question No. 4—

(a) *Is it true that in working at stone-breaking the wages earned are generally of the lowest of the standards?*

(b) *Is it true that the average wage earned, though it may be sufficient to sustain life for the moment, is not sufficient to sustain strength and vitality for any length of time?*

The Honourable Mr. NUGENT in reply said—

(a) On all classes of relief works the bulk of the labourers earn wages of the intermediate standards; but it is not true that in working at stone-breaking the wages earned are generally of the lowest standard.

(b) The reports received from medical and other officers show that such is not the case.

The Honourable Mr. WADIA (for the Honourable Mr. MEHTA) then put question No 5—

(a) *Is it not true that the work of stone-breaking is not suited to the people of the weaver class and that they are unable to earn on such work any except the lowest wages?*

(b) *For how many of this class has work been provided at home?*

The Honourable Mr. NUGENT in reply said—

(a) The suitability of a particular kind of work for a particular class of people is a matter of degree and one about which opinions may differ; Government have expressed the view that earthwork is more suitable for weavers than stone-breaking and have directed that people of that class should be employed on earthwork as far as practicable. But the State is under no obligation to provide people with the kind of employment which suits them best, and able-bodied persons will be relieved only on the condition of their doing such work as is available for them. It is not true that weavers are unable to earn on stone-breaking any except the lowest wages.

(b) The numbers vary from week to week and are not regularly reported from all the affected districts. The honourable member will find such information on the point as is supplied to Government in the summaries published weekly in the *Government Gazette*.

The Honourable Mr. WADIA (for the Honourable Mr. MEHTA) then put question No. 6—

Will Government be pleased to state what was the cost of Dr. Hunter's Bombay Drainage Commission appointed by the Government of Sir Richard Temple, and who defrayed it?

The Honourable Mr. BIRDWOOD in reply said—

The information required has been called for.

The Honourable Mr. BAL GANGADHAR TILAK then put question No. 1 standing in his name—

In consideration of the fact that the burden of exchange compensation charges is thrown on the Provincial finance, does this Government mean to ask, and if so, to what extent, for a revision of the conditions laid down in 1882 under which it is to receive help from the Imperial Government in case of a severe famine like the present?

The Honourable Mr. NUGENT in reply said—

The revision of the Provincial Contract is still under correspondence with the Government of India, and it would be contrary to rule and practice to publish any information on the subject of it.

The Honourable Mr. TILAK then put question No. 2—

Is Government aware of the fact that low-paid teachers in the Vernacular Schools in the affected districts have not yet received any compensation for the dearness of grain on the ground that there is no balance to meet the charge from the portion of the Local Funds assigned to education? Will Government be pleased to direct that such extra expenditure should be met from the general balance, if any, or from the portion of the Local Funds usually devoted to Public Works and debited to Famine Relief under clause (i) of section 30 of Act I of 1884?

His Excellency the PRESIDENT in reply said—

It is for Local Boards to decide whether they should give grain compensation to their own employes. Government do not contemplate issuing any such order as is suggested by the honourable member.

The Honourable Mr. TILAK then put question No. 3—

Will Government be pleased to place on the Table the reports of the revenue officers giving the results of their crop-inspection preliminary to giving relief by way of suspension or remission of land revenue under the Famine Code?

The Honourable Mr. NUGENT in reply said—

Government are unable to comply with the request.

The Honourable Mr. TILAK then put question No. 4—

Does Government intend to grant any suspension of land revenue to superior holders like khots, mortgagees, &c., with directions to pass them on to their tenants, as is done in other provinces under the Famine Code? Has Government received any representation from superior holders on this subject, and if so, how have they been disposed of?

The Honourable Mr. NUGENT in reply said—

Government have no intention of granting any general suspensions of land revenue to superior holders with directions to pass them on to their tenants. The rule recommended by the Famine Commission and now generally accepted is that nobody should be forced in a season of extraordinary drought to borrow in order to pay the land revenue, but that all who can pay it without borrowing should do so. This rule applies to superior holders as well as to occupants who themselves cultivate their lands, and under it the former are not entitled to suspensions unless they suspend the collection of rents from their tenants and also have no other means without borrowing of paying what is due to the State. Petitions, almost all of them being from districts which are not affected by famine, have been received from persons purporting to be cultivators and land-owners and rayats, some or all of whom may be superior holders. Most of these petitions violated the rules regarding petitions and were returned. To one which purports to have been adopted at a public meeting held at Panvel the following reply was sent :—

“Government decline to take into consideration representations purporting to come from associations of people on the subject of such concessions. Persons who cannot without difficulty pay what is due by them to the State or who can show equitable grounds for a remission, are at liberty to apply individually to local officers and to appeal under the rules to controlling authorities, and such petitions will be dealt with in accordance with the rules and not otherwise. People who have ample means of discharging their debts to the State, which are not less morally or legally binding than debts to private individuals, are not entitled to combine with others for the purpose of attempting to obtain concessions, and Government will give no recognition to such combinations.”

The Honourable Mr. TILAK then put question No. 5—

Is Government aware of the circular issued some time ago by the Māmludār of Dhulia directing the collection of both the instalments of land revenue in one payment this year before the crops were removed; and that the same has been enforced in several cases? If so, what notice Government has taken or proposes to take of the same?

The Honourable Mr. NUGENT in reply said—

Government have no information on the subject referred to by the honourable member.

The Honourable Mr. TILAK then put question No. 6—

Has Government received, and if so, will it be pleased to publish any information regarding loss of cattle in the districts of Sholdpur and Bijapur owing to want of fodder during the last four months? If not, will Government order the same to be collected and published at an early date?

The Honourable Mr. NUGENT in reply said—

Government have not yet received detailed information on the subject; it will be collected and published in due course.

The Honourable Mr. TILAK then put question No. 7—

Will Government be pleased to publish a detailed statement regarding each of the relief works and test works in the affected districts, stating (1) the average daily number of men, women and children (working and non-working) shown separately, (2) extent of hutting accommodation available, (3) nature of water-supply, (4) bazar arrangements, (5) arrangements for in-door and out-door medical relief, and (6) average daily wages paid to each man, woman and child under different classes? Also the number of poor houses and kitchens, the places where they are opened and the number of persons receiving relief at each of them?

The Honourable Mr. NUGENT in reply said—

The honourable member is referred to the summaries published weekly in the *Government Gazette* in which information, which Government consider sufficient, is given on the points specified by him. Government do not consider that a detailed statement in the form suggested would serve any useful purpose beyond what is attained by the information already furnished and are therefore unable to comply with the request.

The Honourable Mr. TILAK then put question No. 8—

Has Government noticed that Babu Satyacharan Shástri, a respectable Bengali author, while travelling by the Southern Marátha Railway in November last, was detained in custody by the Railway Police at Koregaon Station without any warrant? If an enquiry has been made, will Government be pleased to publish the result, and if not, to order an enquiry into the matter?

The Honourable Mr. BIRDWOOD in reply said—

Yes. The Head Constable at Koregaon acted on a telegram received by him from the Assistant Station Master, Sátara Road, indicating a certain passenger in a particular carriage as one of the persons implicated in a case of cheating the Railway by obtaining delivery of a parcel on a forged receipt. The Assistant Station Master had, of course, made a mistake, while the Head Constable who had lately joined at Koregaon knew nothing about the case and was informed by the telegram that a warrant had issued. The Head Constable has been severely reprimanded and the action of the Assistant Station Master has been brought to the notice of the authorities of the Southern Marátha Railway, with a request that they will deal strictly with him for his inexcusable mistake.

The Honourable Mr. DAJI ABAJI KHARE then put question No. 1 standing in his name—

(a) *Has the attention of Government been drawn to the proceedings in the criminal case against Professor Achut Sitaram Sathe tried at Pen before Mr. Brooke on 11th January last, and specially to the failure of the prosecution therein?*

(b) *Is it or is it not a fact that the prosecution was undertaken simply on the strength of the police report of Mr. Sathé's speech without further inquiry?*

(c) *Does Government consider such reports made by low-paid police constables by themselves sufficient to justify the issuing of a warrant in any case? If not, will Government be pleased to state what other precautions are taken before commencing proceedings in such cases?*

(d) *Does Government mean to take any notice of the conduct of those concerned in having the warrant issued?*

The Honourable Mr. BIRDWOOD in reply said—

The honourable member is referred to the reply to question No. 15 put by the Honourable Mr. Setalvad.

The Honourable Mr. KHARE then put question No. 2—

(a) *Are Government aware that a large number of third class passengers to and from Nasik are being carried by the Great Indian Peninsula Railway in A class goods wagons?*

(b) *What steps have Government taken to prevent the Great Indian Peninsula Railway Company from carrying passengers in goods wagons?*

(c) *If no steps have been taken in the matter, will Government be pleased to take steps immediately to prevent passengers being carried in goods wagons?*

The Honourable Mr. NUGENT in reply said—

(a) Government have no information on the subject. Railway administrations may use goods-stock for the conveyance of passengers, provided it is done in accordance with rules framed to satisfy the conditions laid down by the Government of India in that behalf. As a consequence the answer to

(b) is "none"; and to

(c) "No."

The Honourable Mr. KHARE then put question No. 3—

Will Government be pleased to give a table of all the places at which relief works have been opened since October last, showing the dates of opening and the times when sheds were provided at particular places?

The Honourable Mr. NUGENT in reply said—

The honourable member is referred to the summaries of information published weekly in the *Government Gazette*. Government regret that they must decline to add to the labours of officers already fully employed by requiring from them detailed statements which, so far as the Governor in Council can judge, can be of no practical use.

The Honourable Mr. KHARE then put question No. 4—

(a) *What food and in what quantities is allowed per day to a male prisoner undergoing rigorous imprisonment in jail?*

(b) *What is the amount of money paid as wages per day to an adult male working on the relief works?*

Is the money paid as wages to one worker sufficient to purchase food equal in quantity to that allowed to one prisoner and sufficient fuel to cook that food, according to the market rates prevailing from time to time?

The Honourable Mr. NUGENT in reply said—

(a) The statement laid on the Table* shows the quantities of food of various kinds allowed daily to a male native prisoner undergoing rigorous imprisonment, which vary with the kind of labour exacted.

(b) The amount of money paid as wages to an adult male working on relief works depends on the price of grain and the task performed. The honourable member will find a scale in Appendix V to the Famine Relief Code. The money paid as wages to an able-bodied male of the class of professional labourers is sufficient to purchase the same quantity of grain as is allowed for an adult male employed on hard labour, together with dāl, salt, ghee, condiments and vegetables. The wages also cover the cost of fuel, which however is often obtained free.

The Honourable Mr. KHARE then put question No. 5—

Will Government be pleased to state the result of the inquiries instituted in pursuance of my question No. 3 put at the meeting of the 12th of October 1896?

His Excellency the PRESIDENT in reply said—

The invitation to the Conference at Poona was a general one and included all non-official educationists in the Central Division. There was no principle of selection as all were invited. The circular of invitation was addressed to the three Bombay daily newspapers and to all Colleges and aided and unaided schools in the City of Bombay and other places outside Poona whose addresses could be found.

The Honourable Mr. KHARE then put question No. 6—

Is Government aware that one Anglo-Vernacular School for girls was opened with the sanction of the educational authorities by the Municipality of Surat?

Is it true that it was closed after being kept up for 12 months?

Will Government place upon the Table the correspondence upon this subject between the Educational Inspector, N. D., and the President of the Municipality?

(Question No. 6 put at the Meeting of the 12th October 1896.)

* His Excellency the PRESIDENT in reply said—

The Municipal Board opened an Anglo-Vernacular School for girls with the consent of the educational authorities and closed it after a short time with the consent of the department. I refer the honourable member to the correspondence laid on the Council Table.†

The Honourable Mr. KHARE then put question No. 7—

Is it a fact that the Government of Bombay have instructed Collectors of districts to suspend collection of assessment in the case of agriculturist holders who are not well-to-do and who have lost three-quarters or more of their crops?

Is it a fact that Government have prohibited suspension of revenue in the case of non-agriculturist holders irrespective of the out-turn of their fields?

* Vide Appendix E.

† Vide Appendix F.

If any orders or instructions have been issued will Government be pleased to publish them?

Do these orders or instructions apply to both or only one instalment of the revenue?

The Honourable Mr. Nugent in reply said—

The honourable member is referred to the reply given to question No. 11 put by the Honourable Mr. Setalvad.

The Honourable Mr. KHARR then put question No. 8—

Is it a fact that some passengers, who were taken out of the trains at Kalyán on suspicion that they were suffering from the plague and taken to the Municipal Hospital there on the 12th instant, were left there without proper nourishment and medical attendance for a whole night and part of the next day?

The Honourable Mr. BIRDWOOD in reply said—

Enquiries have been made and it does not appear to be the fact.

PAPERS PRESENTED TO THE COUNCIL.

- (1) Statement* referred to in the reply to question No. 1 (a) put by the Honourable Mir Allahbakshkhan valad Alibakshkhan Shahwani Talpur at the Meeting of the Council of the Governor of Bombay for making Laws and Regulations held on the 17th August 1896.

* *Vide* Appendix A.

† *Vide* Appendix B.

‡ *Vide* Appendix C.

§ *Vide* Appendix D.

|| *Vide* Appendix E.

¶ *Vide* Appendix F.

(2) Paper† referred to in the reply to question No. 1 put by the Honourable Mr. Chimanlal Harilal Setalvad.

(3) Statement‡ referred to in the reply to question No. 5 put by the Honourable Mr. Chimanlal Harilal Setalvad.

(4) Copies§ of orders referred to in the reply to question No. 11 (a) put by the Honourable Mr. Chimanlal Harilal Setalvad.

(5) Statement|| referred to in the reply to question No. 4 put by the Honourable Mr. Daji Abaji Khare.

(6) Correspondence¶ referred to in the reply to question No. 6 put by the Honourable Mr. Daji Abaji Khare.

- (7) Second Report of the Select Committee appointed to consider Bill No. I of 1896, a Bill to amend the Bombay Boiler Inspection Act, 1891.
- (8) Report of the Select Committee appointed to consider Bill No. III of 1896, a Bill to amend Act VIII of 1870 (an Act for the prevention of the murder of Female Infants) as to the Presidency of Bombay.
- (9) Petition from Shambhuprasad Becherdass Laskari and other Kadva Kunbis, dated the 6th October 1896.

- (10) Petition from Patel Vrajbhai Ichabhai and other Kadva Kunbis of Sánand, dated the 9th October 1896.
- (11) Petition from Desai Kalansing Fatehsingji and other Kadva Kunbis of Pátri, dated the 9th October 1896.
- (12) Petition from Karsandas Jayshingbhao Desai and other Kadva Kunbis of Viramgám, dated the 10th October 1896.
- (13) Petition from Chugoolal Shomnath Vunmalidaswala and other Kadva Kunbis, dated the 9th October 1896.
- (14) Petition from Khushal Gokaldas Patel and other Leva and Kadva Kunbis of Kaira and Ahmedabad, dated the 8th October 1896.
- (15) Letter from Miss Alice Maude Sorabji, Poona, dated the 3rd November 1896.
- (16) Letter from the Secretary to the Government of India, Legislative Department, No. 368, dated the 18th February 1897—Returning, with the assent of His Excellency the Viceroy and Governor-General signified thereon, the authentic copy of the Law to amend the Bombay General Clauses Act, 1886.
- (17) Telegram, dated 23rd February 1897, from Sheth Shambhuprasad Becherdas Laskari.

BILL No. II OF 1896: A BILL TO AMEND THE BOMBAY BOILER
INSPECTION ACT, 1891.

In moving the second reading of the Bill to amend the Bombay Boiler Inspection

The Honourable Mr. Birdwood moves the second reading of the Bill to amend the Bombay Boiler Inspection Act, 1891.

Act, 1891, the Honourable Mr. BIRDWOOD said—Your Excellency,—It will be in the recollection of this honourable Council that the Bill to amend the Bombay Boiler Inspection Act, 1891, was referred a second time to the Select Committee on the 18th August last for the consideration of certain amendments which are set out at length in the Committee's second report, dated the 5th October last, which, with the present Bill, as now amended by the Select Committee, has been a long time in the hands of honourable members. We have as yet received no objections to the amendments finally proposed by the Committee; nor, so far as I am aware, has there been any unfavourable comment in the public press or otherwise on any of the provisions of the proposed Bill. On the contrary, I have reason to know that the Bill, as it now stands, meets with the approval of those who are specially interested in the working of the Boiler Inspection Act, including not only the Government officers whose duty it is to work the Act, but also the members of the Millowners' Association and the Boiler Commission. I propose, therefore, that, with a view to the report of the Select Committee being taken into consideration and the Bill being considered in detail, the Bill be now read a second time.

The Honourable Mr. NAVROJI NARAYANJI WADIA said—Your Excellency,—I join in the congratulations which we must feel on this important measure, which is the fifth of its kind since it was inaugurated in this Presidency, to minimise the difficulties which industries are likely to encounter in carrying out their avocations and, therefore, the amendment as now before the Council must be welcomed. Since the Bill was first introduced several other amendments were brought before the Select Committee: no less than seven

additional important changes being proposed. Of these three were rejected by the Select Committee, while the remainder have been accepted. In supporting the passing of this Bill I reiterate what has fallen from the honourable mover, that the Millowners' Associations and the several bodies, who are interested in the working of the Act, will fully appreciate the change which has been brought about through the channel of the Select Committee.

Bill read a second time.

His Excellency the PRESIDENT then put the motion that the Bill be read a second time.

This was agreed to.

Bill considered in detail.

On the motion of the Honourable Mr. BIRDWOOD the Bill was then considered in detail.

The Honourable Mr. BIRDWOOD said—I desire to move that in section 4, sub-section (2), the word "for" be substituted for the word "allowing". This is merely a verbal alteration, but is desirable, as it makes the meaning clearer.

The amendment was carried.

The Honourable Mr. BIRDWOOD—I now move that the Bill, as amended, be read a third time and passed.

Bill read a third time and passed.

The motion was agreed to, and the Bill was then read a third time and passed.

BILL NO. III OF 1896 : A BILL TO AMEND ACT VIII OF 1870 (AN ACT FOR THE PREVENTION OF THE MURDER OF FEMALE INFANTS) AS TO THE PRESIDENCY OF BOMBAY.

In moving the second reading of the Bill to amend Act VIII of 1870 (an Act for the

The Honourable Mr. Birdwood moves the second reading of the Bill to amend Act VIII of 1870 (an Act for the prevention of the murder of Female Infants) as to the Presidency of Bombay.

prevention of the murder of Female Infants) as to the Presidency of Bombay, the Honourable Mr. BIRDWOOD said—Your Excellency,—This Bill was referred to the Select Committee on the 12th October last, with instructions to report, not only on the Bill, but also on the various petitions which had been or might be received regarding it up to a certain date. The Committee has considered the Bill and the petitions appended to its report dated the 3rd instant. We are of opinion that it will be desirable to alter the form of the Bill, so as to make it clear that it is not intended to add two new sections to an existing Act of the Governor-General in Council which is capable of general application, but merely to enact certain necessary provisions, to be in force as a local Act only, for dealing with the accumulations of certain funds levied under Act VIII of 1870, which is an Act of the Governor-General in Council, in force in this Presidency, and for applying those accumulations in a manner for which no provision is made by that Act. This object can be secured by embodying the requisite provisions in sections to be numbered as sections of the proposed local Act instead of as sections 8 and 9 of Act VIII of 1870, and by the omission of the words "or hereafter" in section 1 of the Bill, as thus altered. The Bombay Government has received the sanction of His Excellency the Governor-General under section 5 of the Indian Councils Act of 1892 to the introduction of the Bill; but in giving effect to that sanction the course recommended by the Com

mittee seems preferable to that adopted when the Bill was introduced; and I have no doubt it will be accepted by the honourable Council. The Committee recommend, however, a more important change,—in the principle of the Bill itself. Instead of handing over the accumulations of the two infanticide funds in the Kaira and Ahmedabad districts to the Local Boards of those districts, as at first proposed, we now propose that, in deference to the expressed wishes of the members of the two castes interested, the funds be retained in the hands of Government, and be expended by Government for the exclusive benefit of the members of the Lewa and Kadva Kunbi castes in each district in such manner as Government may, from time to time, find expedient. Certain specific proposals have been made by the petitioners as to the purposes to which the funds should be applied. The Committee see no objection to most of these proposals, but doubt the expediency of giving effect to any of them in the Bill; for, not only are the petitioners not unanimous in their recommendations, but it seems also to be inadvisable to lay down hard and fast rules regarding the objects on which money should be spent. I may add that it appeared to the Committee that, as time went on, the circumstances of the communities to be benefited might be so changed that the necessity might present itself for expending the funds on objects different from those at present contemplated. However, I must admit that it is not clear on what objects, except educational objects, the funds could well be spent. I am sorry the Honourable Mr. Mehta is prevented by illness from being present. He was to have moved that the word “educational” should be inserted before the word “benefit” in lines 18 and 30 of section 1 of the Bill. This amendment has been considered by the Executive Government, and Government are prepared to accept it, but I doubt the necessity of going further and specifying the precise manner in which the funds should be managed. With these remarks I move that the Bill be read a second time.

The Honourable Mr. JAVERILAL UMIASHANKAR YAJNIK said—Your Excellency,—I beg to express my general concurrence in the recommendations of the Select Committee. The Committee have materially altered the Bill both in form and substance. The two new provisions, with a slight modification, are calculated, in my opinion, to meet the wishes of the classes most interested in them as conveyed in their petitions. Out of the three main points referred to in those petitions, the revised Bill has given effect to two by providing, in the first place, for the accumulations of the funds remaining in the hands of Government, in lieu of the proposal to hand them over to the Local Boards of the Ahmedabad and Kaira districts; and, secondly, by directing that the funds or the income thereof shall be spent exclusively for the benefit of the classes who have alone been contributory to them. And now that the third point is conceded by the honourable mover of the Bill by his acceptance of the amendment of the Honourable Mr. Mehta, namely, that the funds should be administered for the educational benefit of the two classes, the Bill will, I think, meet all the three prayers of the petitioners and become as complete and acceptable to them as they can possibly desire. I am of opinion that the petitioners cannot but feel grateful to Government and the Select Committee for having seen their way to comply with their wishes, in respect of this legislation, expressed in their petitions. I have much pleasure in voting for the Bill as now amended.

Bill read a second time.

His Excellency the PRESIDENT then put the motion that the Bill be read a second time.

This was agreed to.

On the motion of the Honourable Mr. BIRDWOOD, the Bill was then considered in detail.

The Honourable Mr. BIRDWOOD moved the amendment standing in the name of the Honourable Mr. Mehta, *viz.*, that in section 1, lines 18 and 30, the words "educational" be inserted between the words "the" and "benefit."

The amendment was agreed to.

The further stages of the Bill were not proceeded with.

BILL NO I OF 1897. A BILL TO FURTHER AMEND THE CITY OF BOMBAY MUNICIPAL ACT, 1888.

The Honourable Mr. BIRDWOOD said—Your Excellency,—The Bill to further amend the law relating to the Municipal Government of the City of Bombay was published in the *Government Gazette*, by order of your Excellency, on the 16th instant. Such publication is deemed to be the introduction of the Bill under Rule 22 of the amended Rules of the Council. Under Rule 23 the Bill cannot be read a first time till fifteen clear days after its introduction and fifteen clear days after copies of it have been despatched to members. As that period has not elapsed since the publication of the Bill and the despatch of copies to honourable members, and as the Bill is of an urgent nature, as I propose to explain presently, I ask your Excellency to exercise the power conferred on the President of this Council by Rule 49, and to suspend Rule 23, in order to enable me to move the first reading.

His Excellency the PRESIDENT thereupon suspended Rule 23 of the Rules of the Council.

The Honourable Mr. BIRDWOOD, in moving the first reading of the Bill, said—Your Excellency,—In now moving the first reading of the Bill

The Honourable Mr. Birdwood moves the first reading of the Bill.

to further amend the law relating to the Municipal Government of the City of Bombay, I would desire to explain that the object of it is to confer a very necessary power on the Deputy Municipal Commissioner for the City of Bombay on those occasions when the Corporation finds it expedient to appoint a Deputy Commissioner. The provisions of the City of Bombay Municipal Act of 1888 relating to the appointment of a Deputy Commissioner are contained in Sections 55 and 56 of the Act and in certain other sections to which it is unnecessary for me to refer. Under Section 55 the Corporation is empowered, at any time and from time to time, to appoint, subject to confirmation by the Governor in Council a person to be a Deputy Municipal Commissioner if it shall appear to it expedient so to do. Every person so appointed is subject to the same liabilities, restrictions and conditions to which the Commissioner is subject. Section 56 then provides that the Deputy Commissioner shall be subordinate to the Commissioner and shall exercise, subject to the Commissioner's orders such of the powers and perform such of the duties of the Commissioner as the Commissioner shall, from time to time, depute to him. The section contains, however, a proviso that it shall not be lawful for a Deputy Commissioner to appear in the Commissioner's stead at any meeting of the Corporation or Standing Committee, or to exercise thereat any right or power of the Commissioner. Now honourable members of the Council are probably aware that the Standing Committee meets every Wednesday. These meetings last on an average about an hour and

a half. The Commissioner is not bound by law to attend these meetings, but in practice it is found necessary that he should do so; otherwise the business of the Municipality might often come to a standstill. The meetings of the Corporation are generally fixed for the fourth or fifth of each month, and there is generally a long agenda paper to be worked through. In practice, the business fixed for the meeting cannot be finished at a single sitting, and the rule is to hold meetings on Mondays and Thursdays in each week till the agenda paper is worked off. The adjourned meetings are generally continued till the 25th of the month, and each meeting lasts two hours. Now the tendency of municipal business is to increase in all departments; and the Commissioner is not only required to be present at each meeting of the Corporation and each adjourned meeting, but it is necessary for him to read all the correspondence relating to each subject to be disposed of, in order to acquire a complete mastery of all its details and be able to speak on the subject, if necessary, or furnish any information that may be called for by members of the Corporation. The necessity for preparing for the meetings and for attending them makes serious inroads on the Commissioner's time, which would often be better spent in other ways. At present the Commissioner has little leisure for various important duties of inspection, and it is necessary that he should obtain such effective relief as the present Bill will afford him. If the Deputy Commissioner is empowered to attend meetings, not only in such times of stress and strain as the present, but at all times when the pressure of business in the Commissioner's office makes it necessary for the Corporation to appoint a Deputy, then he will be able to give the Commissioner such effectual relief as is desired. I therefore move the first reading of the Bill.

Bill read a first time. The motion was agreed to and the Bill was read a first time.

The Honourable Mr. BIRDWOOD—It is the custom for this honourable Council to refer Bills, when they have been read a first time, to a Select Committee; but in view of the great urgency of this measure I do not think that the Council will consider it necessary for that course to be taken on this occasion. I will, therefore, ask your Excellency to suspend the Rules generally, in order that the Bill may be considered in its further stages without reference to a Select Committee.

Suspension of the Rules generally. His Excellency the PRESIDENT thereupon suspended the Rules generally.

The Honourable Mr. ABDALLA MEHERALI DHARAMSI—Your Excellency,—Before the second reading is carried I should like to ask whether, as the Rules have been suspended, I shall be in order in moving an amendment.

His Excellency the PRESIDENT—There will be no objection to the honourable member moving an amendment.

The Honourable Mr. BIRDWOOD—I now move that the Bill be read a second time.

The Honourable Mr. DHARAMSI then moved the following amendment:—That for section 1 of the Bill the following be substituted: 1. The words "except as hereinafter provided" shall be inserted between the letter (a) and the word "it" in the second line of sub-section (2), clause (a), of section 56 of the City of Bombay Municipal Act, 1888; and that the following proviso be added after clause (a) of sub-section (2) of the said section: "Provided further that it shall be lawful for the Governor in Council upon the representation of the Corporation to declare by notification in the *Bombay Government*

Gazette that the operation of sub-section (2), clause (a), hereof shall be suspended for any period to be specified in such notification."

In moving the amendment the honourable member said—The clause proposed to be repealed by the Bill was specially inserted by the Legislature in section 56 of the Act after careful consideration, and it is extremely desirable that it should be retained and at the same time that power should be taken to suspend its operation whenever occasion may require. No doubt the present time is critical, and it is necessary that complete and extensive relief should be given to the Commissioner; that is really the object of the Bill, because it is stated in the Statement of Objects and Reasons that "the heavy duties *now* devolving on the Municipal Commissioner in consequence of the outbreak of bubonic plague in Bombay and the extreme urgency of the measures he is required to organize and carry out show that, in circumstances of such pressure, the relief granted to him by the appointment of a Deputy Municipal Commissioner should be as complete as possible." It seems to me that to attain this object it is not necessary to make such a sweeping change in the law as is proposed. If the Act is altered as proposed by the honourable mover of the Bill, the alteration will take effect not only for the purposes of the present emergency but will continue in force always in the future, which is not required. Although the appointment of the Deputy Commissioner will be temporary at present, it may become necessary in future to have a permanent Deputy Commissioner. If that event happens, the permanent Deputy Commissioner will have the power of attending meetings of the Corporation and Standing Committee, and that being so, it is not difficult to imagine that some Commissioner may delegate to his Deputy the task of attending these meetings and absent himself therefrom. The Commissioner is the chief executive officer of the Municipality, and as such responsible to the Corporation for the proper management of the affairs of the city. He must be present at all meetings of the Corporation to guide them in important matters and to be in touch with their views on the various questions that come up for their decision. The appointment of a Deputy would in ordinary times relieve the Commissioner of a good deal of routine work as well as out-door work, and surely it cannot be said that in ordinary times the Commissioner would not find sufficient time to attend the meetings of the Corporation and Standing Committee. There is a feeling in the Corporation that the Bill as proposed is not the best way of dealing with the question. The appointment of a Deputy Commissioner is left to the Corporation, and they can be safely trusted to represent to the Government whenever necessary that the operation of sub-section (2), clause (a), should be suspended. The Governor in Council would only have to publish a notification in the *Gazette*, and that would at once give power to the Deputy Commissioner to represent the Commissioner at the meetings of the Corporation and Standing Committee. I consider that the views entertained by the Corporation to which I have now given expression ought to have due weight. I hope that Government will accept the amendment I have proposed. In principle there is no difference. The object which Government has in view is to afford complete relief to the Commissioner in times of emergencies. My amendment will carry out that object equally well. The only difference is that, whereas under the motion of the Honourable Mr. Birdwood it is practically sought to give power to the Commissioner to authorize his Deputy to attend meetings, under my amendment that power will be given to the Corporation. The Honourable Mr. Birdwood has stated that the Municipal Commissioner has suggested legislation in the present form, but I have reason to believe that Mr. Snow

requires relief at present not because of any abnormal increase in his ordinary work, but because he is required to do a great deal of out-door work. Mr. Snow no doubt has done his best to discharge the multifarious duties that have devolved upon him owing to the present emergency, but it is to be hoped that a crisis like the present will be the first and last of its kind. For ordinary times legislation in the form proposed is not necessary and those conversant with the practical working of the Corporation will appreciate my remarks that it is not desirable or advisable to give power to the Commissioner to absent himself from the meetings by sending in his place his Deputy. I again express a hope that Government will see their way to accept my amendment.

The Honourable Mr. JAVERILAL UMIASHANKAR YAJNIK said—I quite see the necessity of giving relief to the Municipal Commissioner during the prevalence of the bubonic fever in Bombay. I do not think that any objection will be raised to the provision, but at the same time I agree with the remarks made by the Honourable Mr. Dharamsi. The Municipal Commissioner's presence at the meetings of the Corporation I consider to be absolutely necessary. The Corporation is frequently guided in its decisions on many of the most important questions before it by the light of knowledge and experience which the Commissioner is able to furnish at first hand. The Corporation should have the benefit of the Commissioner's presence at the meetings when such emergent times have passed by. I agree, therefore, in the propriety of the amendment proposed by the Honourable Mr. Dharamsi.

The Honourable Mr. NAVROJI NABARWANJI WADIA said—I have only to add a few words to what has fallen from my honourable colleagues. The subject of the appointment of a Deputy Municipal Commissioner was brought before the Corporation at the last meeting for consideration. There was then a general expression of opinion that this amendment of the law should be limited to the special existing emergency or any situation like it. The presence of the Municipal Commissioner at their meetings was felt to be most essential and desirable in ordinary circumstances, because then and then alone the Corporation can carry on their work expeditiously and with better results than would otherwise be the case. I have much pleasure in supporting the amendment that has been moved by my honourable friend Mr. Dharamsi.

The Honourable Mr. BIRDWOOD said—I trust my honourable friend will not press this amendment. I will ask him to consider the circumstances under which this appointment can be made. It is an appointment at the disposal of the Corporation, and they are not likely to make it unless an occasion of emergency arises,—unless circumstances like those now existing occur. For years, however, the tendency of municipal business has been to increase greatly. My contention is that, so long as the appointment is needed, it should be as helpful an appointment as possible for the relief of the Municipal Commissioner. It is no use having a Deputy if he is not able to relieve the Commissioner of the work in all branches of the administration which at present takes up so much of his time to the exclusion of other pressing duties. This is the reason why we wish to empower the Deputy to take the Commissioner's place at all meetings. An enactment which does not give this power would be only a half measure. The proposal is not to take away the Commissioner's own power to attend meetings; he will be able to do so whenever it is necessary; as for instance on occasions when it may be necessary for him to make some personal explanation to the Corporation, or when there is any other good reason for his

attendance ; and of the sufficiency of such reason he may be relied on to judge rightly. But he will no longer be required by law and the necessities of his position to attend all meetings—a duty which can frequently be just as well performed by a Deputy having the requisite ability. I therefore appeal to Mr. Dharamsi not to delay the passing of the Bill by moving its reference to a Select Committee or by pressing the amendment he wishes to propose.

His Excellency the PRESIDENT said—It appears to me that the amendment of the honourable member is practically a motion for the rejection of the Bill which Government have laid before the Council. The honourable member can say “No” when the Bill is submitted for second reading, and then if he fails to attain his object he can make this suggested amendment as an addition to the Municipal Act of 1888. The amendment, being aimed at the principle of the Bill, can only be regarded at this stage as made for its rejection. If a second reading is agreed to, the Bill will be considered in detail, and then the honourable member can propose another amendment if he chooses to do so.

The Honourable Mr. DHARAMSI—Permit me to say, your Excellency, that the proposal of the Bill is to delete sub-section (2), clause (a), of Section 56 of the Act, which denies to the Deputy the power of representing the Commissioner at the Corporation meetings. Am I not in order in moving in its place a proviso empowering the Deputy to represent the Commissioner in this way under certain circumstances?

His Excellency the PRESIDENT—I think the only thing for me to do is to put the Bill to the Council, and the honourable member, who supports the amendment, can vote against the Bill. The question now is that this Bill be read a second time. Does the honourable member say “No”?

The Honourable Mr. DHARAMSI—May I move that the Bill be referred to a Select Committee with instructions to report in a week?

His Excellency the PRESIDENT—As the Bill is one of urgency, we must get it through to-day, and the question is that the Bill be read a second time.

The motion for the second reading was then put by His Excellency and carried.

The Honourable Mr. DHARAMSI—My Lord, I must press for a division.

A division was thereupon taken, His Excellency the PRESIDENT announcing that twelve members had voted for, and five against, the second reading of the Bill.

The Bill read a second time. The Bill was then read a second time.

Consideration of the Bill in detail. The Honourable Mr. BIRDWOOD then moved that the Bill be considered in detail.

The Honourable Mr. DHARAMSI said—As the Bill is now being considered in detail, I beg to propose that my amendment be substituted for Section 1 of the Bill. I confess I do not see the force of the objections that have been taken to the amendment. My object is the same as that of the Government to give relief to the Municipal Commissioner in this emergency. The members of the Corporation are as much in favour of this as the members of Government ; but as I have pointed out, circumstances can be conceived in the future when it may not be desirable for a Deputy Commissioner to have the power to represent the Commissioner at meetings of the Corporation. I quite agree with the Honourable Mr. Birdwood that to give such authority to the Deputy will not take away the power of the Commissioner himself to attend the meetings

of the Corporation in his official capacity; but if the Commissioner does not want to attend he will be able to send his Deputy to the meetings on all occasions when this Bill is passed. Those who are acquainted with the practical working of our municipal system will agree with my two honourable friends, Mr. Javerlal and Mr. Wadia, both of whom are members of the Corporation, that it is extremely desirable that the Commissioner should be present at meetings of the Corporation, and that it is only upon emergencies like the existing one that he should be relieved. If, as Mr. Birdwood says, it may be necessary in future years to make the appointment of Deputy Commissioner a permanent one, owing to increasing municipal business, the Deputy will be able to relieve the Commissioner of a good deal of office and routine desk work which he has to do. This relief will of course give the Commissioner more time to attend meetings of the Corporation to explain matters of business to them, and to keep in touch with their views. I cannot see why Government are unable to accept my amendment. I admit that the matter is urgent, but if a Select Committee was appointed it could be directed to report within a week, and as it will take some little time before the recommendation of the Corporation is in your Excellency's hands, this would not lead to any great delay. The Corporation are not without a voice in this matter. As the initiative must be taken by the Corporation, they might, if they chose, defeat at any particular time the desire of Government by not making the appointment of a Deputy Commissioner, but by giving the Commissioner a good and capable Assistant on a higher salary, in which case there would be no necessity of going to Government and asking for their confirmation. It seems to me that the Corporation can be safely trusted to realise an emergency when one arises, and to give relief to their chief executive officer in the matter of attending the meetings when that is necessary. Under the circumstances I strongly hope that honourable members will agree with me that all that is wanted is the insertion of some section in the Act which would empower Government, on the motion of the Corporation, to give complete relief to the Commissioner whenever occasion may require by suspending the operation of sub-section (2), clause (a), of Section 56. I think due regard should be paid to the views of the Corporation, that legislation should not be carried which will enable their chief executive officer to absent himself from the meetings save at extraordinary times like the present. The special powers that have been given to Mr. Snow have greatly enhanced his responsibilities and have necessitated a good deal of out-door work. As he is a conscientious man, he does not like always to act in important matters connected with sanitary improvements of the city upon the reports of his subordinates without satisfying himself by personal inspection that the measures they advocate should receive his sanction. A good deal of out-door work is thus thrown upon him. By delegating his routine office work to the Deputy more time will be given him; and although in emergencies like the present he may be glad to be relieved occasionally of the duty of attending meetings, there are grave objections to his being allowed to do so regularly. If my amendment is carried, all emergencies will be met and the feelings of the Corporation will be duly respected.

The Honourable Mr. JAVERLAL said--I trust, Your Excellency, this amendment will be accepted in view of the fact that the Municipal Commissioner is an officer of exceptional knowledge and experience, and the decisions of the Corporation are arrived at frequently by the aid he is able to give by his advice and guidance. At the present time we are all agreed that he should have relief, and that the relief should be as complete as

possible; but when the present critical period has passed away, the Corporation should, I think, have the benefit of his presence at their meetings. In the past history of the Corporation, it should be remembered, there has been a Deputy Commissioner appointed when necessary, but he was not empowered to attend the meetings, as the relief the Deputy afforded to the Commissioner gave the latter officer more time to attend the meetings of the Corporation and Standing Committee. I say that at the present time the Commissioner should be relieved in view of the existing emergency, but when that emergency has passed, I feel that the Corporation should have the benefit of his knowledge and experience gained at first hand.

The Honourable Mr. BIRDWOOD said—I trust that the honourable Council will deal with this amendment as they dealt with the proposal Mr. Dharamsi made on the motion for the second reading. I will not go over the same ground as I travelled over a few minutes ago. I will simply point out that the question whether the appointment of a Deputy Commissioner will be permanently necessary or not does not affect the arguments for and against the amendment. My point is that, when it is necessary for the appointment of a Deputy Commissioner to be made, he should have as much statutory power to relieve the Commissioner as possible. It is immaterial whether the appointment is a permanent one or not, but I think it most likely that it will be permanently necessary to appoint a Deputy; and it seems to me that a Deputy Commissioner will be of little or no use if he is not able to save the Commissioner from the necessity of attending the Corporation meetings when more pressing duties require his presence elsewhere. I therefore trust this amendment will not be carried.

The Honourable Mr. NUGENT said—Before the debate closes I should like to make a few remarks, because it seems that there are one or two points which have been overlooked by the proposer and seconder of the amendment. I certainly do not feel able to give my assent to the amendment. The Honourable Mr. Dharamsi and the Honourable Mr. Javerilal seem too much disposed to prophesy smooth things, and to suggest that when these plague clouds have rolled by we shall be free from every stress of municipal work or emergency; but I should be disinclined to take so favourable a view. It is possible that the appointment of a Deputy Commissioner may at present be temporary, only perhaps for six or eight months, or whatever time this pestilence remains brooding over us; but the work of the Commissioner has such a tendency to increase that probably before long it will be essential to have a permanent Deputy Commissioner. I quite admit that as soon as we have a Deputy Commissioner in addition to a Commissioner as a permanency, the main function of the Deputy would, in ordinary times, be to perform the less important and routine work which devolves at present on the Commissioner; being the junior officer he will naturally take the routine work. But at the same time it would be necessary that whenever it was requisite in the view of the Commissioner that he should be temporarily relieved of that portion of his duty which consists of attending meetings of the Standing Committee and the Municipal Corporation he should be empowered to authorise his Deputy to attend on his behalf. But it does not follow that because the Commissioner may from time to time as occasion requires empower the Deputy to appear on his behalf at those meetings he should necessarily depute that power to his Deputy *en permanence* and abstain himself from ever appearing at the meetings. The fact that the Commissioner will have the power to authorise his Deputy to attend on his behalf will not take away in any sense the power of the Commissioner to

attend the meetings of the Standing Committee and the Corporation when he thinks necessary. Mr. Dharamsi, it appears, considers that the attendance of the Commissioner at meetings is one of the most important part of his duties, but I am rather disposed to doubt the accuracy of this view. I have never been a member of the Corporation and have never had the privilege of attending any of its meetings, so that my information is based solely on newspaper reports. Judging from what I see in the newspapers, there seems to me an endless cascade of conversation at these meetings and immense floods of eloquence which very often lead to nothing at all. This can only be regarded as an enormous waste of power and often a serious waste of time. The Municipal Commissioner should of course be present at some of the meetings when important questions are brought up and where his opinion may be required; but I do not see that his attendance at all the meetings is necessary, for, as far as I can learn from the newspaper reports, it frequently happens that the Commissioner does not even open his mouth. I also learn from the Honourable Mr. Javerilal that the Municipality is largely guided by the advice and opinion of the Municipal Commissioner. That is a statement which I think requires to be accepted with considerable reserve. I am not quite so sure as is Mr. Javerilal that members of the Corporation do always accept the views of the Commissioner. Indeed if my memory serves me right they not infrequently pay little heed to his counsels. The object of this Bill is to give the Commissioner the power of delegating to a Deputy his work at the meetings of the Standing Committee and the Corporation whenever it is deemed necessary or desirable. He will thus be relieved of attending meetings when his time can be more profitably employed in work of far greater importance. I think everyone will admit that the superintendence of the sanitary arrangements and other plans being carried out for removing the pestilence that now surrounds us, is more valuable work than sitting hour after hour every week in the Municipal Hall listening to inordinately long speeches, some of which may be of great value, but to others of which the same description certainly hardly appears to apply.

The amendment was then put by His Excellency the PRESIDENT and was rejected; and the Bill was then considered in detail.

Section 1 and the preamble having been agreed to, the Honourable Mr. BIRDWOOD said—I desire to propose a verbal amendment of the title of the Bill. As it stands, the title is “A Bill to further amend the law relating to the Municipal Government of the City of Bombay.” As the Bill is one which amends the Municipal Act of 1888, I propose that the title be “A Bill to further amend the City of Bombay Municipal Act, 1888.”

The amendment was carried.

Bill read a third time and passed. On the motion of the Honourable Mr. BIRDWOOD, the Bill was read a third time and passed.

His Excellency the PRESIDENT then adjourned the Council *sine die*.

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

S. L. BATCHELOR,

Secretary to the Council of the Governor of Bombay

for making Laws and Regulations.

Bombay, 24th February 1897.

APPENDICES

TO THE

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR OF BOMBAY, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS, ON THE 24TH FEBRUARY 1897.

APPENDIX A.

Statement showing remissions claimed and granted by Local Authority in the Province of Sind during the three years ending 1894-95.

District.	Year.	FAULT REMISSIONS.		Remission of Land Revenue granted by Local Authorities on time-expired fallow number.	Remission granted by Local Authority for reasons other than those shown in the preceding column.	Total remission granted by Local Authorities.	Remarks.
		Remission of Land Revenue applied for by the Zamindars.	Remission of Land Revenue granted by Local Authority.				
1	2	3	4	5	6	7	8
		Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
Karachi	1892-93	1,94,554 8 0	1,50,404 4 0	35,495 10 0	886 12 0	1,86,286 10 0	
Hyderabad	"	89,584 9 0	26,208 12 0	37,993 14 0	174 9 0	84,877 8 0	
Shikarpur	"	1,14,590 2 0	88,719 7 0	7,267 7 0	3,629 2 0	94,616 0 0	
Thar and Parkar	"	4,076 5 0	1,731 14 0	...	.....	1,731 14 0	
Upper Sind Frontier	"	46,756 14 0	17,334 3 0	6,030 0 0	6,466 4 0	29,830 7 0	
Total of the Province...	...	3,98,642 6 0	*2,79,393 8 0	86,736 15 0	10,656 11 0	3,76,843 2 0	i.e., 70 per cent. of the amount claimed.
Karachi	1893-94	1,62,536 8 0	1,20,849 9 0	25,253 14 0	2,139 6 0	1,46,244 13 0	
Hyderabad	"	26,373 0 0	17,501 6 0	40,451 0 0	430 2 0	58,362 8 0	
Shikarpur	"	1,01,077 14 0	42,779 9 0	11,583 12 0	3,042 5 0	57,405 10 0	
Thar and Parkar	"	2,147 10 0	853 12 0	.....	.....	853 12 0	
Upper Sind Frontier	"	1,63,913 8 0	84,948 1 0	7,076 2 0	4,524 9 2	96,548 12 2	
Total of the Province		4,55,948 8 0	†2,66,931 5 0	84,364 12 0	10,136 6 2	3,61,432 7 2	†58.53 per cent. of the amount claimed.
Karachi	1894-95	2,48,812 5 0	1,88,300 0 0	49,738 10 0	5,207 14 0	2,43,246 8 0	
Hyderabad	"	43,321 10 0	20,684 15 0	1,11,684 13 0	2,633 11 0	1,36,008 7 0	
Shikarpur	"	1,63,787 0 0	1,05,281 2 0	25,775 14 0	3,129 10 0	1,34,196 10 0	
Thar and Parkar	"	44,805 6 0	24,592 14 0	1,193 0 0	.....	25,785 14 0	
Upper Sind Frontier	"	75,033 12 0	35,380 4 0	3,895 5 0	14,468 10 6	53,744 8 6	
Total ... ..	...	5,75,760 1 0	†3,74,339 3 0	1,92,287 10 0	25,439 18 6	5,91,966 10 6	†i.e., 65 per cent. of the amount claimed.
Grand Total for the Province for three years...	...	14,30,250 15 0	§9,20,569 0 0	3,63,739 5 0	46,232 14 8	13,30,241 8 8	§i.e., 64 per cent. of the amount claimed.

NOTE.—Rejected applications consisted of those cases in which remissions were not allowed under the rules, or in which the conditions of the rules (which are thoroughly well understood by every Suddhi cultivator) were not complied with.

H. E. M. JAMES,
Commissioner in Sind.

APPENDIX B.

No. 746 of 1896.

FROM F. S. P. LELY, ESQUIRE, I. C. S.,
Acting Commissioner, N. D. ;

To THE PRESIDENT,
Ahmedábád Municipality.

Camp Tithal, 25th May 1896.

SIR,

It has recently come to my knowledge that on 13th November 1893 the Municipality forwarded to the Collector the papers connected with the closing of the Barádari Gate of the Bhádar, with a request to forward them to me, and an intimation that it was intended to appeal against his order. The papers were not sent on to me as they should have been.

2. They have now been received and will be considered in due course. Meanwhile, however, I would invite the attention of the Municipality to the fact that the appeal is nearly three years old. The closing of the gate is said to have been a great convenience to the Bhádar by stopping the trespass of cattle, &c., and no serious complaints have been made. The only representation against it among the papers—that by Professor Cowser—only asks that it may be left open until the bridge is finished. That being done, he implies that his objection would be removed.

3. Under these circumstances, I would ask if the Municipality think it worth while to press the appeal, considering the long time that has elapsed, and considering that up to this day it has never been formally made. There is no wish to insist on legal technicalities, but it cannot be denied that there was some negligence on the part of the Municipality on this point.

4. If the matter is thus dropped, it might be on the clear understanding that the Municipality alone has power to stop up public streets or roads under Section XXVIII, Clause 1, of Act VI of 1873.

I have, &c.,

(Signed) F. S. P. LELY,
Acting Commissioner, N. D.

(True copy)
J. W. S. DRACUP,
Assistant Commissioner, N. D.

No. 3545 of 1896.

FROM F. S. P. LELY, ESQUIRE,
Commissioner, N. D. ;

To THE PRESIDENT,
Ahmedábád Municipality.

Ahmedábád, 17th September 1896.

SIR,

I have the honour to acknowledge the receipt, through the Collector, of your letter No. 739 of 18th ultimo, forwarding copy of the Resolution of the General Meeting of 1st idem, on the subject of the closing of the Barádari Gate. I am sorry the Municipality has not thought well to accept my suggestion; but under the circumstances, the enquiry into the point at issue between it and the late Collector must of course now proceed. It will be taken up on

27th October at 2 o'clock P.M. at the Sháhi Bágh, and the Municipality may, if it chooses, appoint an agent to attend and state its case.

I have, &c.,
(Signed) F. S. P. LELY,
Commissioner, N. D.

Through the Collector.

(True copy)

J. W. S. DRACUP,
Assistant Commissioner, N. D.

Before the Commissioner, Northern Division.

In the matter of the appeal by the Municipality of Ahmedábád against the action of the Collector of Ahmedábád in requiring the closure of the Barádari Gate in the wall of the city.

The Secretary being deputed by the Municipality has appeared and stated their case.

Read also the papers beginning with Mr. Frost's No. 2165 of 16th July 1891. Also Government memorandum No. 2097 of 9th May 1896, requesting the Commissioner to hear the appeal. Also the Commissioner's letter to the President of the Municipality, No. 746 of 25th May 1896; the President's answer No. 739 of 18th August 1896 and connected papers.

Decision.

On 16th July 1896 Mr. Frost, then Collector and District Magistrate, requested the President of the Municipality to close the gate in question, and it was done. Shortly afterwards Mr. Cowser, Professor in the Gujarát College, who lived on the other side of the river, represented that the closure obliged him to make a long round when coming to the city, and asked the President "to throw it open till the completion of the bridge in March next." This request being referred to Mr. Frost, he refused to acquiesce, as he thought the inconvenience caused was not very great, the unnecessary expense of a náká-wálla and police guard was saved, and "the right-of-way has been reserved to Government by the expedient of closing the said gate every night."

2. The Managing Committee passed a resolution asserting the right of the Municipality to open the gate and declaring their opinion that it should be opened (29th April 1893). A general meeting of the Municipality on 29th July 1893 unanimously adopted these views and referred the matter to the President for action. The President forwarded the papers to the Collector, but the then acting Collector, Mr. Weir, refused to interfere in what Mr. Frost had done. This being laid before the general meeting of 13th November 1893, it was resolved by a majority to appeal to the Commissioner. A copy of this resolution was sent by the President to the Collector, with a request that he would therefore send the papers to the Commissioner. Upon this Mr. Frost wrote— "There is no necessity whatever to send on the correspondence to the Commissioner as he has not asked for it. So it should be allowed to remain on the Collector's file."

3. Section XXVIII, Clause 1, of Act IV of 1873, gives the Municipality power to stop up any street or road. I cannot find that Government or any other authority has similar power at least within municipal limits.

4. The Collector's argument is understood to be that the Barádari Gate is in the wall or citadel of the Bhádar and therefore should be under the control of the Supreme Government, and (2) that the land of the Bhádar (of which it is a gate) belongs to Government; that in fact it is a Government enclosure. As to the first of these positions, it may be desirable that Government should hold the inlets and outlets of a wall which was originally built for a fortification and might possibly be so used again as such, but the point is not what is desirable but what is lawful "All public town walls" are "under the direction, manage-

ment and control" of the Municipality (Section XVII, Act VI of 1873), and though these words do not cover an action which is a breach of their trust, such as a demolition of part of the walls, it would certainly, I should think, give them power to retain them in *statu quo*. Otherwise, the words of Section XVII would have no meaning. This is quite apart from the special power of stopping roads conferred on the Municipality by Section XXVIII, a power which has nothing to do with the fact—undoubted though it is—that the open spaces of the Bhádar belong to Government. They belong to Government just as the sites on any other road are private property, and they do not any the less make the road passing up to and through the Barádari Gate a "public street." Nor is the position altered by the fact that the gate has always been closed at night by the Municipality for the safety of that same public. In Surat and other places it is, or was till lately, the practice to close *all* the town gates at night, but it has never been suggested that this made the main streets leading to them other than "public streets." In short, it cannot be reasonably contended that the road through the Bhádar, which has been closed at Mr. Frost's request, is not a public street over which the public have a right-of-way. As such, the Municipality have repaired, watered, and lighted it, and as such they alone have the right to close it.

5. It is stated by the Collector that the closure of the gate practically inconveniences no one; that if opened now that the bridge is built, it will be used by scarcely any one but vagabonds and trespassing cattle, and that it will involve the unnecessary expense of a police guard and an octroi peon. There can be no doubt this is true. The only detailed objector—among the papers before me, Mr. Cowser—distinctly states that he only wanted the gate kept open until the bridge was ready for use. This is obviously reasonable and should have been at once conceded, for residents on the other side of the river formerly crossed and made straight for the gate. Now that a good roadway exists over the bridge, it is absurd to suppose that any one would undertake the labour of ferrying over the river and then struggling across an expanse of heavy sand. The petitioners of 27th May 1892 complain of access to the Small Cause Court and other offices being obstructed; but there are other entrances to the Bhádar nearer to these places, and the natural road to them for any person whatever, certainly is not through the Barádari Gate. They further argue that the latter has existed from the time of the "Maji Raj," but the answer to that is that the conditions have been wholly changed by the opening of the Ellis Bridge. The present Collector, Mr. Gibb, reports that "absolutely no inconvenience is caused to the people by the closure." My own knowledge of the gate probably extends back further than that of some of the Municipal Commissioners, and I have no doubt that the above report is correct. It will, I think, not be denied by any candid man who is familiar with the facts.

6. But all this does not affect the question of authority to close the gate. That I think appertains to the Municipality whose orders on the subject should be given effect to.

7. I do not think that either party emerges from this controversy with credit. Setting aside altogether the question of the Collector's legal position, the request of Professor Cowser, supported by Mr. Waddington, was perfectly reasonable and should have been at once granted. The subsequent refusal by Mr. Frost to forward the papers to the Commissioner when asked to do so by the Municipality was unjustifiable.

8. The Municipality on their side were quite right to assert what they considered their rights so long as they were not admitted. It was a matter of principle. When, however, that principle was conceded in their favour, it would have been more worthy of a public body if they had laid aside all personal feeling and confirmed the arrangement instead of insisting on action which will only benefit idlers and trespassers and will cause useless expense both to the people whom they represent and to Government.

(Signed) F. S. P. LELY,
Commissioner, N. D.

Camp Mehmabad, 23rd January 1897.

APPENDIX C.

Name of Agency.	Total receipts of the Courts in the Agency by way of fees charged on the institution of suits, appeals, &c.	APPEALS RECEIVED BY GOVERNMENT FROM DECISIONS OF SUCH COURTS.										REMARKS.
		CIVIL.					CRIMINAL.					
		Total number.	Total receipts by way of institution of fees, if any, charged on such appeals.	How disposed of.			Total number.	Total receipts by way of institution of fees, if any, charged on such appeals.	How disposed of.			
				Decision confirmed.	Reversed.	Varied.			Sentence confirmed.	Reversed.	Reduced or otherwise modified.	
1	2	3	4	5	6	7	8	9	10	11	12	13
	Rs. a. p.		Rs. a. p.									
Kolaba...
Cutch
Surat...
Jawhár
Khairpur
Sávantrádi
Násik
Kaira
Khándesh
Sholápur	...	260 14 0	...	...	...	...	...	...	...	...	...	...
Savanur
Rewa Kántha
Kolhápur and Southern Marátha Country
Sátára
Poons
Pálanpur	...	22,377 0 9	14 964 0 0	12	2	...	5	...	2	...	3	...
Mahi Kántha
Káthiáwár
Agent for Sardárs in the Deccan.	...	3,149 5 0	* 8 221 2 0	1	...	...	...	...	...	...	...	...

* Two appeals pending before Government.

APPENDX D.

• CIRCULAR.

No. 9704 OF 1896.

REVENUE DEPARTMENT.
(Famine.)*Bombay Castle, 2nd December 1896.*To
THE COLLECTOR OF

SIR,

I am directed to request that you will now submit with the least possible delay a statement of the extent to which in your opinion it will be necessary, if at all, to suspend the collection of the land revenue in each taluka of your district. You have already in Government Circular No. 9292, dated 21st November 1896, been asked to furnish a report as to the areas sown and the estimated outturn. The information collected on this matter will give a general indication of the suspensions which will probably be needed. I am however to point out that if occupants have the means of paying the assessment it is not to their own interest that the levy of it should be postponed. It is to be remembered that if they have been able to sell any produce even of previous years, they have probably received a very high price for it and may be in a better position even than in ordinary years to pay what is due in money. In districts in which there has been only a partial failure of crops many are likely to have some surplus even of this year's produce, which will fetch a high price, and in some cases fodder which is available for sale will probably realize

* Laid down by the Famine Commission.

more than enough to pay the assessment. But the principle* that as far as possible no body should be forced to borrow in order to pay the assessment should be carefully borne in mind, and estimates of the suspensions needed should be framed on that basis. In any case, in which for special reasons the levy of assessment due from a land-owner who does not cultivate himself is postponed, it should only be on the condition that the levy of rent due to him from tenants is also postponed and the condition should be strictly enforced.

2. In connection with this question it will be desirable to ascertain how far, if at all, small occupants and tenants are already in such distress that they resort to the relief works and how far substantial land-holders have ceased to employ the labourers who ordinarily work for them. Careful inquiries should be made on this point from the labourers employed on the works or otherwise.

3. As soon as the information on the points above noted is ready for any taluka, it should be forwarded without waiting for that for other talukas. The estimates should be corrected and observations on them made by the Assistant Collector or Deputy Collector, Collector and Commissioner, with the aid of such independent information as they may be in possession of. The effect of the recent rain will of course be carefully taken into account.

I have the honour to be,
Sir,

Your most obedient Servant,

(Signed) * J. MONTEATH,
Acting Chief Secretary to Government.

Famine.

Arrangements for the collection of the land revenue in the Poona District.

NO. 98-FAM.

REVENUE DEPARTMENT.
(Famine)

Bombay Castle, 9th January 1897.

Memorandum from the Commissioner. C. D., No. R.—5623, dated 30th December 1896—Submitting for information copy of the following memorandum No. 11267, dated 28th idem, addressed by the Collector of Poona to the Assistant Collectors in his district, together with copies of the Collector's endorsement No. 11268 of the same date and of his reply to it, in which he states that he considers the arrangements made by the Collector judicious, and that he has nothing further to suggest at present:—

"Mr. Orr reports that in his charge not a pie of the revenue instalment due on 10th instant has been paid, and that he has taken the following steps:—

(1) Directed notices should be issued only for land of which the crop is four annas or over.

(2) Directed notices to issue to mortgagor (*sic* query mortgagee) or other interested person, as well as to the occupant.

(3) Directed immediate report to him on expiry of term of notice with a view to forfeiture of occupancy under Section 152, Bombay Land Revenue Code, which he recommends in all cases in which there is a well-to-do defaulter interested in the crop, the forfeited land to be let thereafter on annual lease until the occupancy can be sold again for a fair price.

"2. In the opinion of the Collector, it is desirable to issue notices somewhat more freely than Mr. Orr proposes. There are unmistakable signs of a determination to pay no revenue being formed and fostered by persons not immediately concerned with the land; and it is necessary to meet this determination with some firmness. The Collector therefore desires that:—

(1) on the expiry of the ten days' grace usually allowed from the date on which an instalment falls due notices shall issue to—

(a) all non-agriculturist occupants and all non-agriculturists directly interested as mortgagees or otherwise in land, whatever the outturn of the land may be;

(b) all agriculturist occupants whom the Mámlatdár knows or has good reason to believe to be—

(i) either well-to-do (that is to say, possessed of sufficient means to be able to pay without undue difficulty), whatever the outturn of his fields may be;

(ii) or occupants, who are not well-to-do, of fields which have yielded a crop of four annas or over;

(c) all agriculturist mortgagees and others interested directly in lands in the occupancy of Class (b);

(2) notices shall not issue to agriculturist occupants or mortgagees, &c., who have both of the following qualifications:—

(i) not well-to-do,

(ii) crops have not reached four annas.

(3) In all cases coming under Classes (a) and (b i) and (c), the Collector, as at present advised, does not see any objection to proceeding as recommended by Mr. Orr in paragraph 1 (3) above, but will be glad of the opinion of Messrs. Bonus and Sale. In cases coming under (b ii) opinion is invited from all Assistant Collectors as to whether the ordinary sequence of recovering the arrears should be followed, or should be in any way, and, if so, in what way, departed from.

(4) Of cases coming under Article (2) of this paragraph, the Collector is prepared to receive lists with recommendations for suspension of revenue."

RESOLUTION.—Government approve of the instructions issued by the Collector of Poona.

2. The course proposed for Poona should be adopted in all the affected districts, and also in Thána, Kolába and Ratnágiri.

(Signed) G. S. CURTIS,
Under Secretary to Government.

To
The Commissioner, C. D.,
The Commissioner, S. D.,
The Commissioner, N. D.,
The Collector of Poona,
All other Collectors in the Central and Southern Divisions (except the
Collector of Kánara),
The Collector of Thána.

APPENDIX E.

Statement showing the quantity of diet allowed per day to a male native prisoner undergoing rigorous imprisonment in Jails.

Scale.	Grain flour (wheat, bajri or jowar).	Dal.		Mutton.*	Vegetable.	Condi-ment.	Onions.	Salt.	Tamarind.	Oil.	Fuel.	REMARKS.
		Ozs.	Ozs.									
Hard labour ...	24	5	4	8	4	4	8	8	8	8	1	Prisoners working up to a full task and able-bodied men.
Medium labour	22	4	4	8	4	4	8	8	8	8	1	Prisoners in subordinate jails.
Light labour ...	20	4	...	6	4	...	8	8	8	8	1	

* Issued once a week in lieu of dal.

APPENDIX F.

No. 287 of 1891.

From
F. S. P. LELY, ESQUIRE,
Collector and President, Surat ;

To
E. GILES, Esq., M.A.,
Educational Inspector, N. D.

Camp Tithal, 8th May 1891.

SIR,

I have the honour to inform you that at a recent General Meeting of the Municipal Commissioners of Surat, a strong feeling was expressed that considering the pressure of other demands the Anglo-Vernacular Girls' School is not such an institution as should be supported for the present by Municipal funds. It is the wish of the majority to apply the money to the help of the Raichand Dipchand Vernacular Schools, which are understood to be in need and to the establishment of a Mahomedan Girls' School as recommended by yourself, but before taking any decisive steps they wish to be favoured with your opinion.

2. I must confess that the view taken by the Commissioners seems to me not unreasonable. The net income of the Municipality already works out to a larger sum per head of population than anywhere else in the Northern Division. Most of it is contributed necessarily by the poorer classes who have

not fresh water to drink and to whom even vernacular education for their girls is a rare luxury. The estimated yearly surplus of revenue is under Rs. 30,000, so that it is difficult to see how the proposed water-works scheme can be floated without a serious addition to taxation. This being so it seems inappropriate to spend, as was done last year, Rs. 1,207, on the advanced education of a very small number of children of well-to-do persons who can easily afford to pay the whole expense if they so desire. The cost per pupil during 1890-91 amounted to Rs. 67, against which Rs. 18-4-0 in all were credited to the Municipality as fees. It appears that only six girls have remained in the school since its commencement, *viz.*, 3 Kayasth, 1 Bráhmín and 2 Wánia. On the other hand, Mahomedan female education is entirely unprovided for and the Hindu Vernacular Schools are in pressing need of extension, both objects which the Municipality can't possibly take in hand, except by a corresponding reduction of other burdens.

3. In view of these facts, I request the favour of being informed whether you have any objection to the course the Municipality wishes to adopt.

I have, &c.,
(Signed) F. S. P. LELY,
Collector and President, Surat.

(True copy)
(Signed) J. OLIVER,
Educational Inspector, N. D.

No. 950 of 1891-92.

To
THE COLLECTOR AND PRESIDENT,
Surat.

Ahmedabad, 19th May 1891.

SIR,

With reference to your No. 287, dated the 8th instant, I have the honour to state that I have no objection to the course proposed by the Municipal Board, and that while I am heartily in favour of expenditure of public funds on female education, I am of opinion that female vernacular education for all classes of the community should be provided before higher education is attempted.

2. I had hopes that the leading men of Surat would have agreed to a fee-rate for the Anglo-Vernacular Girls' School which with the aid of the Government would have gone far to meet the cost of the Anglo-Vernacular School, but as this has not been the case and as the fee receipts bear a very small proportion to the total expenditure, I think that the Municipal Board is justified in declining to support the school any longer.

3. I would note that there is a good Anglo-Vernacular Girls' School supported by the Irish Presbyterian Mission and by Government, so that those in Surat who require higher education for their daughters can obtain it.

I have, &c.,
(Signed) E. GILES,
Educational Inspector, N. D.

(True copy)
(Signed) J. OLIVER,
Educational Inspector, N. D.

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 ACTS, 1861 and 1892."

The Council met at Poona on Wednesday the 4th day of August 1897, at 12 noon

P R E S E N T :

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

The Honourable Mr. JOHN NUGENT, C.S.I., I.C.S.
The Honourable Sir E. CHARLES K. OLLIVANT, K.C.I.E., I.C.S.
The Honourable Mr. ABDALLA MEHERALI DHARAMSI, B.A., LL.B.
The Honourable Mr. LINGAPA JAYAPA, Sir Desai of Shirsangi.
The Honourable Mr. W. H. CROWE, I.C.S.
The Honourable Mr. J. MONTEATH, C.S.I., M.A., I.C.S.
The Honourable Mr. H. M. THOMPSON, B.A., M.Inst.C.E.
The Honourable Mr. A. ABERCROMBIE.
The Honourable Mr. DAJI ABAJI KHARE, B.A., LL.B.
The Honourable Mr. NARAYAN GANESH CHANDAVARKAR, B.A., LL.B.
The Honourable Mr. J. K. SPENCE, I.C.S.
The Honourable Mr. T. B. KIRKHAM.
The Honourable Mr. W. C. HUGHES, M.Inst.C.E.
The Honourable Mr. A. S. MORIARTY, I.C.S.
The Honourable Mr. BHALCHANDRA KRISHNA BHATVADEKAR, L.M.
The Honourable Mr. T. R. MCLELLAN.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, B.A., LL.B.

QUESTIONS AND ANSWERS.

The Honourable Mr. DAJI ABAJI KHARE put question No. 1 standing in his name—

(a) *Is it true that the Sessions Judge of Thana in Sessions case No. 25 of 1897 convicted one Vārli woman called Navshi of the offence of murder for throwing her daughter into a well and sentenced her to transportation for life?*

(b) *Is it a fact that Navshi stated to the Court that she threw her daughter into the well because she herself and her daughter had had no food to eat for five days consecutively?*

(c) *Will Government be pleased to exercise the prerogative of mercy in this case on behalf of this unfortunate woman?*

The Honourable SIR CHARLES OLLIVANT in reply said—

(a) Yes.

(b) The exact answer of the woman was, "Because I had nothing to eat."

(c) Without pledging Government to any specific course in relation to a case which has not yet come officially before them, I have little doubt that any recommendation for

mercy which the presiding Judge may feel justified in making will receive the most favourable consideration.

The Honourable Mr. KHARE then put question No. 2—

Will Government be pleased to appoint a Commission to hold a public enquiry into the alleged grievances in connection with the plague operations in Poona?

His Excellency the PRESIDENT in reply said—

Government do not propose to appoint a Commission as suggested in the question.

The Honourable Mr. KHARE then put question No. 3—

(a) *Has Government enquired into the serious allegations made by Pandita Ramabai in her letter dated 18th May 1897, published in the "Bombay Guardian" of the 22nd May, in connection with the management of the Poona Plague Hospital?*

(b) *Will Government be pleased to state the result of such inquiry?*

His Excellency the PRESIDENT in reply said—

Government did enquire into the allegations made by Pandita Ramabai in a letter which is believed to be the one mentioned by the honourable member. The result is that Government consider the statements grossly inaccurate and misleading, and had no reason to be dissatisfied with the management of the Poona Plague Hospital.

The Honourable Mr. KHARE then put question No. 4—

Will Government be pleased to furnish the information called for by question No. 2 put by the Honourable Mr. Setalvad at the meeting of the Council held on 24th February last about the closing and re-opening of the primary school at Tarbhan?*

His Excellency the PRESIDENT in reply said—

In addition to repeated warnings given by the Mámlatdár personally, warnings were on two occasions given in writing to the Patel and the Taláti, as being the principal members of the School Committee for communication to the villagers. Copies† of the translations of the warnings and of the correspondence on the subject of the re-opening of the school are placed on the Council table, to which I refer the honourable member. The vernacular order No. 25 of the President of the District Local Board, was communicated to the School Committee on the 27th February 1895. On the 8th March 1897 the Collector and the President of the District Local Board reported that the school would be re-opened in that month.

The Honourable Mr. KHARE then put question No. 5—

Will Government be pleased to give the information about District Municipalities and Local Boards called for by question No. 6 put by the Honourable Mr. Setalvad at the February meeting of the Council?

The Honourable Sir CHARLES OLLIVANT in reply said—

† Vide Appendix C. The answer to this question is laid on the table ‡

The Honourable Mr. KHARE then put question No. 6—

* What was the nature of, and to whom were the warnings given about improving the attendance of Kaliparaj children at the Tarbhan school? Will Government be pleased to lay on the table copies of the warnings thus given and the correspondence that has now led to the people of Tarbhan agreeing that twenty-five Kaliparaj children shall attend the school, if it is re-established? Has the school been re-established, and if not, will Government be pleased to state when that will be done?

Will Government be pleased to reply to question No 13 put at the Meeting of Council held in February last about the prosecution of Messrs. Paranjpe, Pimpulkar and Kulkarni (Karulkar?) of Umbargaon, if the information called for has been received?*

The Honourable Sir CHARLES OLLIVANT in reply said—

Messrs Paranjpe, Pimpulkar and Karulkar of Umbargaon were arrested in December 1896 on charges of offences under Sections 117, 143 and 186 of the Indian Penal Code. The warrants were issued by the District Magistrate on official reports received by him. The case was dismissed under Section 253 after hearing the arguments of Counsel. Government consider that the hand-bill went far beyond the description of it given in the late honourable member's question and afforded a perfectly sufficient *prima facie* case for the action taken by the District Magistrate.

The Honourable Mr. KHABE then put question No. 7—

Will Government be pleased to furnish the information called for by question No. 15† put by the Honourable Mr. Setalvad at the Meeting of Council held in February last about the prosecution of Professor Sathe of the Poona Sarvajanic Sabha?

The Honourable Sir CHARLES OLLIVANT in reply said—

Professor Sathe was arrested on a warrant and charged before a Magistrate with an offence under the sections mentioned. It is not the fact that the Magistrate made the statement alleged. In the absence of evidence which would warrant a conviction Professor Sathe was discharged. The warrant was issued by the Sub-divisional Magistrate *suo motu*, and the proceedings were not initiated by any Police officers. Government do not propose to make any further enquiry into the matter.

The Honourable Mr. KHABE then put question No. 8—

Are Government now in a position to answer question No. 14‡ put by the Honourable Mr. Setalvad at the last meeting of the Council about the proposal to give early effect to

* Is it true that Messrs. Paranjpe, Pimpulkar and Karulkar of Umbargaon in the Thána District were arrested by a warrant and prosecuted under Section 117 of the Indian Penal Code and Section 43 of the A'bkári Act and Section 26 of the Forest Act, for publishing and circulating printed copies of a hand-bill in the vernacular, explaining the provisions of the Famine Code regarding suspensions and remissions of land revenue, and that the District Magistrate before whom the trial was held, on a perusal of the hand-bill, discharged them? Who was the Magistrate who issued the warrants and on what information did he act in issuing the warrants? Did he, before issuing the warrants, satisfy himself by a careful perusal of the hand-bill whether it disclosed any offence? Will Government be pleased to take notice of the conduct of the officers concerned in the arrest of these people?

† Is it true that Professor Sathe of the Poona Sarvajanic Sabha was arrested on a warrant and charged before the Magistrate at Pen with offences under Section 117 of the Indian Penal Code, Section 43 of the A'bkári Act and Section 25 of the Forest Act; that when the case was called on on the 1st of January last, the Magistrate said that he was himself in the dark about the case and there was no formal complaint before him, and, therefore, adjourned the case; and that at the trial on the 11th of January the examination-in-chief of the witnesses for the prosecution disclosing no offence, the Magistrate discharged Professor Sathe? Who were the Police officers who proceeded against Professor Sathe, and on what information did they act? What are their salaries, standing and grade? Who was the Magistrate who granted the warrant of arrest, and on what information did he act? Will Government be pleased to enquire into the circumstances connected with this prosecution?

‡ What is the result of the communication that this Government had with the Government of India about the question of giving early effect to the recommendation made by the Finance Committee in 1886 to put the Clerk of the Insolvency Court on a salary of Rs. 500 or 600 a month and credit all fees in excess of that sum to Government?

the recommendation made by the Finance Committee in 1886 to put the Clerk of the Insolvency Court on a salary of Rs. 500 or 600 a month and credit all fees in excess of that sum to Government ?

The Honourable Sir CHARLES OLLIVANT in reply said—

The honourable member is referred to the answer to question No. 2 put by the Honourable Mr. Dharamsi.

The Honourable Mr. KHARE then put question No. 9—

(a) Is it a fact that a circular was issued by the Commissioner of the Central Division in May last to all the Collectors in the districts to report how far combinations incited by the Poona Sarvajanik Sabha to withhold payment of land revenue had any effect in their districts, whether they rendered necessary the use of coercive measures, how far those measures were efficacious, and whether any agents of the Sabha were holding meetings since the publication of the Government Resolution No. 375 (Famine), dated 17th March last, or the conviction in Koldba of Mr. Apte ?

(b) Was the circular issued with the knowledge and sanction of Government ?

(c) Have any reports been received and will Government be pleased to put them on the Table ?

The Honourable Mr. NUGENT in reply said—

Any question of the kind asked by the honourable member could have no other basis than information supplied by an official in violation of the rules relating to the conduct of public servants and of his duty, and Government must decline to reply to such a question.

The Honourable Mr. DAJI ABAJI KHARE, on behalf of the Honourable Mr. ABDALLA MEHERALI DHARAMSI, who had not arrived, then put question No. 1 standing in the latter's name :—

Will Government be pleased to state whether they intend to amend at an early date the Bombay Municipal Act III of 1888, as requested by the Corporation, on the lines suggested in the President's letter No. 7488 of 1896-97, dated the 20th October 1896, to the address of the Secretary to Government, Legislative Department, so as to enable the Corporation to invest their sinking and surplus funds in bonds or debentures issued by the Municipality ?

The Honourable Sir CHARLES OLLIVANT in reply said—

The Municipal Commissioner has been requested to get a Statement of Objects and Reasons prepared by the legal advisers of the Corporation and submitted to Government at an early date, with a view to the draft Bill, sent with the President's letter No. 7488 referred to, being considered in the Legislative Department.

The Honourable Mr. KHARE (for the Honourable Mr. DHARAMSI) then put question No. 2—

Will Government be pleased to state (if they are now in a position to do so) the result of the communication between them and the Government of India regarding the question of giving early effect to the recommendations of the Finance Committee to put the Clerk of the Insolvent Court on a salary of Rs. 500—600 a month and to credit all fees received in excess of such salary to Government ?

The Honourable Sir CHARLES OLLIVANT in reply said—

The subject is still under discussion.

The Honourable Mr. KHARE (for the Honourable Mr. DHARAMSI) then put question No. 3—

(a) *Will Government be pleased to consider the advisability of engaging the services of a duly qualified judicial officer for the special purpose of advising the Governor in Council in the disposal of judicial appeals, &c., coming up for the decision of Government?*

(b) *Will Government be pleased to consider the advisability of hearing the parties before the disposal of the said appeals?*

His Excellency the PRESIDENT in reply said—

The return laid on the Table at the Meeting of February 24th shows that the cases to which I assume the honourable member must refer are exceedingly few. Government do not deem it necessary to consider either of the suggestions of the honourable member in that connection.

The Honourable Mr. KHARE (for the Honourable Mr. DHARAMSI) then put question No. 4—

Is it true that in connection with the Educational Conference held last year at Ahmedabad instructions were issued to the officers of the Educational Department by the Inspector, Northern Division, and the Director of Public Instruction to the effect that they should not make any proposals for reforms at the Conference and that they should not read any papers before the Conference unless they were first submitted to the Inspector for approval?

His Excellency the PRESIDENT in reply said—

The Director of Public Instruction instructed the Educational Inspector, Northern Division, that papers from officers of the Department to be read at the Conference were to be submitted to him before being read, so that purely departmental matters should be excluded from a Conference to which people outside the Department were specially invited. It is not true that Educational officers were forbidden to make any proposals for reform or were forbidden to submit papers to the Conference.

The Honourable Mr. NARAYEN GANESH CHANDAVARKAR, on behalf the Honourable MIR ALLAHBAKSHKhan walad ALIBAKSHKhan SHAHWANI TALPUR, who was not present, then put question No. 1 standing in the latter's name—

Will Government be pleased to publish the report of Dr. Pollen regarding zamindari rights in Upper Sind and the decision of Government thereon for the information of the public in Sind?

The Honourable Mr. NUGENT in reply said—

The honourable member is referred to the answer given to paragraph (a) of question No. 3 put by him at the meeting of the Legislative Council held on 17th August 1896. The substance of the orders passed by Government on Mr. Pollen's report referred to by the honourable member will be communicated by the Commissioner in Sind to any person affected by those orders on application.

The Honourable Mr. CHANDAVARKAR (for the Honourable MIR ALLAHBAKSHKhan) then put question No. 2—

With reference to the reply to my previous question No. 4 do not Government see the necessity of laying down a fair rule for apportioning expenditure in the case of those

courts which have both civil and criminal powers in order to ascertain whether the civil courts are working at a profit or at a loss?

The Honourable Sir CHARLES OLLIVANT in reply said—

Government do not at present see any necessity for laying down a rule of the nature suggested.

The Honourable Mr. CHANDARVAKAR (for the Honourable MIE ALLAHBAKSHKHAN) then put question No. 3—

Will Government be pleased to state whether they authorized Survey and Settlement Officers in Sind to record zamindári rights in jághirs while fixing the water-rate on jághirs? If so, under what law was such authority given? Did Government at the time of introducing the said survey in jághirs state that in cases where the jághirdár is himself the zamindár the cost of demarcation will be borne by Government and has it now been ruled that he must pay the cost of repairing the boundary marks from time to time?

The Honourable Mr. NUGENT in reply said—

The jághir survey was undertaken by order of Government in order that fair rates of hakábo might be levied, it having been found that the former demand on this account was not equitably distributed. It was not stated at the time of introducing the survey that the cost of demarcation would be borne by Government. It was decided that in cases in which the jághirdár is not the zamindár the expenses of putting up boundary marks should be borne by the zamindárs as in unalienated lands, but that in cases in which the jághirdár is also the zamindár the cost of the survey should be borne by Government. For the purpose of carrying out this decision it was necessary to ascertain in whose occupancy the several lands were, and information on this point is also needed for statistical purposes and is such as Government have a right to obtain; but the record of course in no way affects the nature of the actual rights existing.

With reference to the concluding portion of the honourable member's question his attention is invited to Section 123 of the Bombay Land Revenue Code, 1879.

The Honourable Mr. CHANDAVARKAR (for the Honourable MIE ALLAHBAKSHKHAN) then put question No. 4—

Will Government be pleased to rule that the periods fixed in the fallow rules should be extended whenever fallow land is not cultivated owing to causes over which the landholder has no control, e. g., failure of water-supply?

The Honourable Mr. NUGENT in reply said—

The authorized practice is already in accordance with the suggestion of the honourable member.

The Honourable Mr. CHANDAVARKAR (for the Honourable MIE ALLAHBAKSHKHAN) then put question No. 5—

Will Government be pleased to state whether in the Jacobabad Táluka of the Upper Sind Frontier District the assessment of land was at the last settlement increased from the original rate of ten annas and eight pies per acre to rupees two and eight annas on lands in the first class and rupees two and annas four on lands in the second class, and whether in the last year the assessment has been further increased by eight annas on lands in the first class and four annas on lands in the second class, and if so, for what reasons?

The Honourable Mr. NUGENT in reply said—

The revision of assessment in the Jacobabad Taluka has not been as stated in the honourable member's question. The honourable member will find full details both of the rates and of the reasons for them in the papers relating to the several settlements, which can be purchased by him.

The Honourable Mr. CHANDAVARKAR (for the Honourable Mr. ALLAHBAKSHKHAN) then put question No. 6—

Will Government be pleased to rule that before a jaghirdar or a zamindar is deprived of his license to carry arms or of his privilege to sit on a chair in darbars, &c, he should be given an opportunity of being heard in his defence?

The Honourable Sir CHARLES OLLIVANT in reply said—

Government have no knowledge which would lead them to suppose that a general rule on the subject is required, and so far as Sind is concerned the authority of the Commissioner will suffice, as hitherto, to deal with questions of this nature.

The Honourable Mr. KHARE, on behalf of the Honourable Mr. BAL GANGADHAR TILAK, who was not present, then put question No. 1 standing in the latter's name—

Is it a fact that in the inquest held in May last on two dead bodies found on the roadside in the Umbargaon Petha in the Thana District it was at first reported that death in both cases was due to starvation? Was a second inquest or inquiry ordered to be made on the ground that the first report was unreliable? Is the second report same as the first? If so, will Government be pleased to take notice of the conduct of those officers who directed the second inquiry?

The Honourable Sir CHARLES OLLIVANT in reply said—

Government have no information on the subject, but inquiries are being made.

The Honourable Mr. KHARE (for the Honourable Mr. TILAK) then put question No. 2—

Is Government aware of the fact that the rayat in the Umbargaon Petha in the Thana District has been in great distress on account of famine, and that no relief works have been started by Government in that petha? Will Government be pleased to state what amount has been spent on famine relief in the petha?

The Honourable Mr. NUGENT in reply said—

What is alleged in the question of the honourable member to be a fact is not supported by the information which has been supplied to Government. In March last it was understood that there was some distress amongst the forest tribes and arrangements were at once made to commence relief works in Umbargaon. It was announced to all people likely to be in need of relief that employment was available for them, but up till the end of May none took advantage of the offer. A further report was recently called for but has not yet been received, and Government are not aware whether there have yet been any applicants for employment, which however has since March been available for any who wished to accept it.

The Honourable Mr. KHARE (for the Honourable Mr. TILAK) then put question No. 3—

Has the attention of Government been drawn to the complaints regarding the recovery of full land revenue from almost all the occupants in the Alibag Taluka in the Kolabri

District by threats of prosecutions or confiscation of the occupancy rights, and that this has, contrary to the provisions of the Famine Code, driven many of the cultivators to borrow money from savhars or to sell cattle to pay the assessment? (See Times of India of 20th July 1897.) Is it a fact that nearly the whole of the land revenue in the Umbargaon Petha in the Thána District was recovered by a similar process? Will Government be pleased to make an inquiry into the matter?

The Honourable Mr. NUGENT in reply said—

The attention of Government has not been called to any such complaints, but they are aware that it was necessary owing to the ill advice of certain agitators to make known what were the orders of Government with regard to the recovery of the land revenue and even to make use of coercive measures against substantial occupants to a larger extent than would otherwise have been the case.

An attempt at combination in the Umbargaon Petha was defeated by similar means. In few cases was it necessary to resort to actual distraint. Government see no valid reason for making a special inquiry regarding these matters. They have full confidence that the local officers will administer the law and carry out instructions with discretion and with the fullest consideration for those entitled to it.

The Honourable Mr. KHARE (for the Honourable Mr. TILAK) then put question No. 4—

Will Government be pleased to state what was the amount of land revenue recoverable last year (1896-97) in each of the districts affected by famine, and what amount thereof was suspended or remitted in each of the districts? Also what portion of such suspensions or remissions represents increase in the assessment caused by the Revision Survey in the first year of its levy?

The Honourable Mr. NUGENT in reply said—

Exact information on the matters referred to in the first part of the honourable member's question is not yet available, but a statement* is laid on the table showing the approximate demand and the amount which it is estimated will be suspended in each of the districts affected by famine or scarcity.

There are only four talukas and certain lands in two talukas in the affected tract in which revised assessment was levied last year for the first time, but suspensions and remissions were not made with any regard to increase of assessment under revision settlements.

The Honourable Mr. KHARE (for the Honourable Mr. TILAK) then put question No. 5—

Is it a fact that some agriculturists in the village of Bayer in the taluka of Dhulia in the Khándesh District had to pay in one sum the last year's land revenue ordinarily recoverable in two instalments? If so, will Government be pleased to inquire why this extraordinary course was adopted?

The Honourable Mr. NUGENT in reply said—

Government have no information regarding the particular matter referred to by the honourable member, but are aware that owing to evidence of a combination to withhold the Government revenue in the Dhulia Taluka the law for its recovery, which authorizes

the levy at once of the whole amount, due, was enforced against some well-to-do persons, with the result that almost all the occupants, probably including some who would have been held entitled to suspension, forthwith paid their assessment.

The Honourable Mr. KHARE (for the Honourable Mr. TILAK) then put question No. 6—

Is it a fact that Government has called for reports from the District officers regarding the existence of any combination to resist the payment of land revenue in the districts affected by famine? If so, will Government be pleased to lay on the Table the reports received by Government?

The Honourable Mr. NUGENT in reply said—

The honourable member is referred to the answer to question No. 9 put by the Honourable Mr. Daji Abaji Khare.

The Honourable Mr. KHARE (for the Honourable Mr. TILAK) then put question No. 7—

Is it a fact that Government has declined to grant tagai to the rayats in the alienated villages? Were the inámdárs also informed that in case they granted any tagai to their tenants they could not have the same facilities for recovering it as Government? If there are any legal difficulties in the matter, will Government be pleased to move for an amendment of the existing law on the subject?

The Honourable Mr. NUGENT in reply said—

Government have declined to give tagai to rayats in alienated villages without the assent of the inámdárs. Inámdárs have not, so far as Government are aware, been informed to the effect stated by the honourable member. There is not, in the opinion of Government, any occasion for an amendment of the law with reference to the points specified by the honourable member.

The Honourable Mr. KHARE (for the Honourable Mr. TILAK) then put question No. 8—

Will Government be pleased to lay on the Table the details of the sixth Provincial Contract so far as they have been settled?

The Honourable Mr. NUGENT in reply said—

The honourable member is referred to paragraphs 6, 14 and 17 of the Financial Statement, in which is given all the information on the subject of the sixth Provincial Contract which can at present be published.

The Honourable Mr. KHARE (for the Honourable Mr. TILAK) then put question No. 9—

Will Government be pleased to place on the Table a statement regarding the petitions received by the Poona Plague Committee against the improper administration of the plague rules or the conduct of the persons engaged therein, showing (a) the name and address of the complainant, (b) the nature of the complaint, and (c) how it was disposed of? What is the total number of such petitions received by the Plague Committee or its Chairman?

His Excellency the PRESIDENT in reply said—

Government do not consider that any good purpose will be served by supplying the information asked for.

PAPERS PRESENTED TO THE COUNCIL.

- (1) Letter* from the Secretary to the Government of India, Legislative Department, No. 402, dated the 25th February 1897, and its accompaniment, together with a copy of the amended Rules for the Conduct of Business at Meetings of the Council of the Governor of Bombay held for the purpose of making Laws and Regulations under the provisions of "The Indian Councils Acts, 1861 and 1892."
 • *Vide* Appendix A.
- (2) Letter from the Secretary to the Government of India, Legislative Department, No. 686, dated the 19th March 1897—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law to further amend the City of Bombay Municipal Act, 1888.
- (3) Letter from the Secretary to the Government of India, Legislative Department, No. 893, dated the 24th April 1897—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law to amend the Bombay Boiler Inspection Act, 1891.
 † *Vide* Appendix B.
- (4) Copies of the papers‡ referred to in the reply to question No. 4 put by the Honourable Mr. Dáji Abáji Khare.
- ‡ *Vide* Appendix C.
- (5) Reply‡ to question No. 5 put by the Honourable Mr. Dáji Abáji Khare.
- § *Vide* Appendix D.
- (6) Statement§ referred to in the reply to question No. 4 put by the Honourable Mr. Bal Gangádhár Tilak.

**EXPLANATION OF THE FINANCIAL STATEMENT OF THE
GOVERNMENT OF BOMBAY FOR THE YEAR 1897-98.**

In presenting the Financial Statement of the Government of Bombay for the year 1897-98 the Honourable Mr. NUGENT said :—The general nature of the existing financial system is so familiar to honourable members that it is not necessary to do more than remind them that its leading feature is the division of revenue and expenditure between the Imperial and Provincial accounts in certain fixed proportions. The two sides of the provincial account are balanced by an allotment from the Imperial share of the Land Revenue, and the settlement of the amount of this allotment is the most important part of the arrangement which is commonly called the Provincial Contract. The present statement deals with the final accounts of the year 1895-96 : with the revised estimates of 1896-97 : and with the budget estimates of 1897-98. The figures throughout represent thousands of rupees. When preparing the Budget for 1895-96, the fourth year of the contract then current, Government anticipated a deficit of 9,79. Happily this forecast was not realised, and the year ended with an actual surplus of 10,07. The improvement was in great part due to abnormal causes, such as the collection of large arrears of land revenue in Gujarát, and the restoration by the Government of India of the contribution of 5,60 which had been made to them in the previous year : but besides these windfalls there was a substantial increase in the receipts under Stamps, Excise and Assessed Taxes, which affords a gratifying proof of the elasticity of these heads of revenue. The year

1896-97, the last year of the contract, opened with fairly favourable prospects, and provision was made in the budget for increased expenditure on education, public works and village water-supply. But the occurrence of widespread famine and the outbreak of plague in the second half of the year compelled Government to abandon many minor improvements, and to incur very heavy expenditure on measures of relief and sanitation. At the same time the paralysis of business arising from these calamities caused a decrease in revenue amounting to 14,45. Had the whole of the famine charges (25,10) fallen upon Provincial revenues, the year would have ended with a deficit of 49,07 and a minus closing balance of 8,99. The year has been one of the most disastrous ever known. In order to provide this Government with a working balance of 10,00 the Government of India have undertaken to bear a share of the famine charges of the year 1896-97 amounting to 18,99, and almost all the famine charges of the current year will have to be borne by Imperial funds. It may be of interest here to state briefly the financial results of the provincial contract which was in force from 1892-93 to 1896-97. During this period the contract allotment was 77,14, and this Government was bound to keep a balance of 20,00 in hand. The opening balance on 1st April 1892; the difference between the total receipts and the total expenditure, excluding opening balance for each year of the contract; and the closing balance on March 31st, 1897, were as follows :—

Opening balance	...	...	...	...	...	40,70
1892-93 Difference between receipts and expenditure Accounts					...	-2,39
1893-94	"		"		...	+1,95
1894-95	"		"		...	-10,25
1895-96	"		"		...	+10,07
1896-97	"		Revised		...	-30,08
Estimated closing balance	...	...	...	...	...	+10,00

It will be seen that during the first four years of the contract surplus alternated with deficit, and that the surpluses and deficits very nearly balanced each other. The calamities of the fifth year have, however, made the result very unfavourable to Provincial revenues, which have suffered a net loss of 30,70 during the currency of the contract. As shown in paragraph 4 the closing balance of 10,00 has been obtained through the Government of India bearing a share of the famine charges. The sixth Provincial Contract, of which 1897-98 is the first year, would ordinarily have been fixed in the usual way on the basis of the figures for 1896-97, by excluding abnormal items. But the finances have been so seriously affected by famine and plague, on both sides of the account, that the figures of 1896-97 gave no trustworthy guidance. The Government of India have therefore made what is properly speaking a contract for one year only, and have reserved the settlement of the fixed allotment for the last four years of the contract until next cold weather, when the revenue under I. Land Revenue, IV. Stamps, V. Excise and IX. Forest, and the expenditure under 1. Refunds, so far as it relates to these heads, and under 11. Forest will be re-examined, the allotment fixed and a working balance provided for the Presidency. As regards the remaining heads contract figures for the full five years have been finally agreed upon. For the *ad interim* contract an assignment of 77,42 has been arrived at in the manner explained in paragraph 17 below. The Government of India have also informed us that the amounts under the heads specified above, which are hereinafter referred to as the excluded heads, will be credited or debited to Provincial revenues, whether they are or are not actually reached. It will be seen that as this Government

receive fixed sums under all the more important heads of revenue except VIII. Assessed Taxes, there is very little room for variation between the Budget and the actuals so far as the credit side of the account is concerned. On the expenditure side of the budget no provision has been made for direct famine charges, which will be borne by the Government of India and by Municipal and Local Funds: but it has been necessary to provide for a large amount of indirect expenditure on account of famine and plague, such as the cost of strengthening police, medical and revenue establishments, and the grant of grain compensation in all departments. The Government of India before sanctioning the Budget thought it necessary to make reductions aggregating $5\frac{1}{2}$ lakhs on the expenditure side, which are shown for the most part as probable savings or as lump deductions under the minor heads concerned in the printed estimates. We have, however, found it impossible to make the full deductions required under 20. Police, 22. Education, and 24 Medical, and have therefore been compelled to cut down the Public Works grant by 2,80 instead. Since the Budget was framed, the Government of India have allotted 5,00 for expenditure on plague operations, the greater part of which will eventually, it is trusted, be recovered from local bodies. It has already been explained that the contract for 1897-98 is provisional only, and that the allotment for the last four years of the current contract will not be fixed until next cold weather. Further, the Presidency has been passing through a period of great stress and difficulty from which it may take a long time to recover. It is therefore impossible to say how long it may be necessary to practise the severe economy that has been forced upon us by the misfortunes of this and the past year, or how soon we may be able to undertake any of the improvements which have hitherto been postponed for want of funds. For the present we can only wait upon events and hope for better times. The plague happily seems to be rapidly dying out in the cities, towns and villages where it wrought most destruction, and the monsoon though tardy in its advent appears so far to be favourable in large tracts at least of the Presidency.

The Honourable Mr. ABDALLA MEHERALI DHARAMSI said—Your Excellency,—This year's Budget does not call for many remarks. Still there are some points to which, with your Excellency's permission, I would like to invite the attention of this Honourable Council. Before doing so, I may be allowed to express my approval of the provisional arrangement made by your Excellency's Government with the Government of India, whereby the sixth Provincial Contract, of which this year is the first, is not settled, but a contract of one year only is made, leaving the settlement of the fixed allotment for the remaining four years to be arranged for hereafter. As remarked in the Financial Statement, the year 1896-97 has been one of the most disastrous ever known, but it has taught us certain experiences in regard to the financial arrangement of this Presidency as governed by the system of the quinquennial provincial contracts at present in force which will not be thrown away. The opening balance of Rs. 40,05,000, which the revised estimate for the last year showed, has not only been swept away, but the year would have ended with a minus closing balance of Rs. 8,99,000, had it not been for the contribution from the Government of India towards the large expenditure incurred on account of the famine. Scarcity and famine occur periodically, and it is therefore necessary that the resources of the local Government should be so husbanded as to meet and cope with such contingencies whenever they may occur, especially if famine relief be a provincial head of expenditure. Several reasons are urged in support of the statement that the system of provincial contracts as at present in vogue is unsatisfactory, and when a year like the

one that has ended occurs, the unsatisfactory nature of the system is brought into sight more prominently. To show the one-sided nature of the arrangement, I will merely draw your Lordship's attention to the total figures of revenue and expenditure, as given in this year's Budget, which show that whereas the Supreme Government receive a sum of Rs. 10,13,11,000, the expenditure which falls to their share, including the charges on account of the army (Rs. 3,49,12,000) and expenditure on account of famine relief (Rs. 50,00,000), which is not an ordinary item, comes to Rs. 5,76,90,000, thus leaving a surplus of Rs. 4,37,02,000 in their hands. On the other hand, the Provincial Government get as their share of revenue Rs. 4,15,80,000, and have to provide for an expenditure of Rs. 4,15,73,000. My Lord, this has been a terrible year, and what with plague and famine, the resources of your Excellency's Government have undergone such a strain as they never experienced before, and I approach the consideration of this Budget in a spirit of sympathy.

I will now shortly refer to the head of Land Revenue, which is the backbone of our finances. The total budgetted amount under this head is Rs. 3,81,12,000, which exceeds the revised estimate for 1896-97 by Rs. 4,50,50,000. Owing to the famine last year, the ryots have suffered considerably, and even if this year turns out one of prosperity, as we all sincerely hope it will, I am afraid mere suspensions of revenue will not adequately meet the case of numerous cultivators. As your Excellency is no doubt aware, many of the agriculturists in several districts of this Presidency, such as Bijápur, Sholápur, Ahmednagar, etc., have lost all their belongings, including cattle, and but for the charitable assistance given to them from the Bombay branch of the Indian Famine Relief Fund, of which your Lordship is the Vice-President, they would have found it impracticable to set up in life again. The collection of arrears will in many cases work undue hardship, and I have no doubt that your Excellency's Government will sanction adequate remission and give proper facilities for the payment of instalments of revenue to the poor ryots. In this connection I am glad to notice a remark in the Financial Statement that "in framing the estimate of ordinary land revenue, it has not been thought safe to allow for the recovery of more than a small part of the ten and a-half lakhs postponed in 1896-97 on account of the famine." If a larger amount had been budgetted for, it would in all probability have resulted in pressure and hardship, as there is a tendency on the part of Revenue officers to work up to Budget figures in the matter of the collection of land revenue. I feel sure that your Lordship will also give sympathetic consideration to the question whether the distressed condition of certain parts of the Presidency does not require that the enforcement of the revision survey settlement should be postponed for some time. Under the head of Opium revenue, I wish to draw your Excellency's attention to the fact that, although it is entirely an Imperial head, the Provincial Government has to make payments to certain Native States in respect of opium compensations, amounting to Rs. 46,000, which are entered under the head of Assignments and Compensations.

Under the heading of Law and Justice, I expected to see that credit would be taken this year in respect of fees paid into the office of the Clerk of the Insolvent Court, after providing a fixed salary for that officer, but this does not appear to have been done. These fees amount to about Rs. 40,000 a year, and at a time of great financial stringency like the present, when the strictest economy is exercised this amount could have been applied to useful purposes.

Turning to the head of Education, it is to be regretted that the state of the finances is such that Government have been compelled to curtail the building grants to Rs. 50,000. The Budget estimate for 1896-97 in respect of this item was Rs. 1,50,000. In the revised estimate it was reduced to Rs. 66,000, and this year the amount has been still further reduced. In connection with the item of grants-in-aid under the head of Education, I notice that a lump deduction of Rs. 75,000 has been made to comply with the orders of the Government of India, who, as stated in the Financial Statement, before sanctioning the Budget thought it necessary to make reductions aggregating Rs. 5,50,000 on the expenditure side. It appears that a larger deduction than Rs. 75,000 was directed to be made under the head of Education, but your Excellency's Government found it impossible to make the full deduction. This shows how the hands of this Government are tied in allocating funds to different heads, and illustrates the inadequacy of the Provincial contract arrangement. The head of Education should be a progressive head of expenditure, and it is a pity that the construction of many useful buildings urgently required will have to the detriment of the institutions concerned to stand over. While recognising that the present position of Government does not enable them to spend more under the head of education, it is to be hoped that within the next year or two the educational grant will be suitably increased. The same remarks apply to Civil Works. Under this head also it has become necessary to cut down the grant considerably. The allotment made for expenditure is Rs. 5,84,000 less than the Budget for 1896-97, and is no doubt the result of the pinch felt by the Provincial Government. The material development of the Presidency is thus checked, and several useful public works have to be abandoned.

I observe that since the Budget was framed, the Government of India have allotted ✓ Rs. 5,00,000 for expenditure on plague operations, but as remarked in the Financial Statement, Government expect to recover a greater part of this eventually from local bodies. My Lord, the suppression of the plague was more than a local question, and in fairness local bodies ought to receive from the Imperial finances a fair and reasonable share of the expenditure incurred by them on this account. The expense which the Municipal Corporation of Bombay has been put to in connection with the measures adopted for the suppression of the plague, has been, as your Excellency is doubtless aware, very heavy, and the Corporation can fairly claim that a reasonable share of this heavy expenditure should be refunded. I feel sure that when this question comes on for final settlement, your Excellency's Government will lend their strong support to the claim of the Corporation.

There is only one other subject to which I wish to allude before concluding my observations. It is the subject of famine relief expenditure. The honourable the financial member, in paragraph 41 of the Financial Statement, says that famine relief is, properly speaking, a provincial head of expenditure, but owing to the state of provincial balances, the Supreme Government has undertaken to provide for so much of it as cannot be met from local funds. I do not know if this is intended to mean that if the state of the provincial balances had permitted all expenditure under this head would have been charged to them. I am not sure whether this would be in accordance with the conclusions arrived at by the Indian Famine Commission, who, in paragraph 177 of their report, say, "the extent to which the aid from the resources of the Central Government should be given will have to be determined as each case arises," and there can be no doubt

that in all cases of severe drought this liability will occur. There can be no question that the drought prevailing last year was not only severe but was also general, and it cannot be said that the Supreme Government generously came to the relief of the Provincial Government by undertaking an obligation which did not rest upon them. Bearing in mind that the Government of India receive a three-fourths share of the land revenue of this Presidency, and do not contribute anything towards the cost of collection, it becomes their duty to assist the cultivating classes, who are the chief sufferers from the effects of the famine. This obligation on the part of the State is acknowledged by the Famine Commission. The financial resources placed at the disposal of the Provincial Government are meant for normal times, but when a calamity like the one experienced last year occurs, it cannot be said with fairness that unforeseen and extraordinary expenditure of this kind should be thrown upon the shoulders of the Provincial Government. The share which this Government gets in the revenue is intended for carrying on the general administration and for education, public works, sanitation, opening up of road communications, and other works calculated to improve the material development of the Presidency. In times of famine works of public utility are stopped, and the Presidency suffers in many ways, including a diminution of revenue, but if in addition to this loss it had to defray all the expenditure on account of famine, we should be most seriously handicapped, and the sooner the contract arrangements are altered the better. Under no circumstances should the minimum contract balance of Rs. 20,00,000 be allowed to be trenched upon.

The Honourable Mr. DAJI ABAJI KHARE said—Your Excellency,—As my friend the Honourable Mr. Dharamsi remarked, this year has been a year of great disaster; the famine and the plague have played great havoc amongst us and the Government of this Presidency has had to face a situation of exceeding difficulty. I do not consequently propose to enter upon any criticism or add anything to what Mr. Dharamsi has said. On the contrary, it is but due to your Excellency's Government to say that the famine administration in the Presidency has on the whole been very successful and the people have every reason to feel deeply thankful for what has been done for them in their distress. I would not, as I have said, allude to anything now except to the grievance of the khots of the Devgad taluka. That grievance has remained unredressed for some years past, and I would take this occasion to request your Excellency's Government to redress it as early as possible.

The Honourable Mr. NARAYAN GANESH CHANDAYARKAR said—Your Excellency,—I wish your Excellency's Government had more money for the administration of the Presidency than has been placed at your disposal, and in that case I would have imitated the example of my friend Mr. Dharamsi, and, like Oliver Twist, cried for more in the interests of public works, education and other desirable objects. But the present situation is an exceptional one, and the famine and plague having upset all calculations, I think it is my duty to approach the discussion of the Budget on the present occasion in a spirit of sympathy rather than in a spirit of criticism. The famine has undoubtedly been responsible for much of the discouraging tale told in the budget; and your Excellency's Government have had to contend, and are still contending, with an exceptionally difficult situation created by it. But it is a matter of satisfaction to know that those difficulties have been grappled with by your Excellency's Government in a very satisfactory and successful manner. I have myself been in some of the famine districts and have been able to ascertain the popular opinion, and the result of my enquiries has been that the

skill, wisdom, and care of the famine administration in this Presidency we owe the fact that there has not been a single death from starvation. The other point to which I wish to refer is the liberal manner in which your Excellency's Government have made what are called the "takávi" advances in the famine districts. These advances are highly appreciated by the people; they are of great help to the rayats; and I believe my information, gathered on the spot, is correct, that your Excellency's Government have given Rs. 42,000 as takávi for the taluka of Sholápur alone; and the other talukas in the Sholápur district have each received from one to one lách and a quarter. This is very satisfactory indeed. My Lord, I have already said this is not an occasion for a critical discussion of the financial situation. When peace and plenty and prosperity are restored, and I devoutly hope they may soon be restored and the famine and the plague may soon die out, we shall be able to make suggestions to the Government in the matter of much-needed reforms, and those suggestions will come more aptly then.

Before resuming my seat, may I, my Lord, make an appeal to your Excellency's Government regarding the need of maintaining the judicial service of this Presidency in a state of efficiency? The Bombay tradition, if I may so call it, has been to get good men for the judicial service, and having got them to keep them there. In this Presidency we have generally got on on the administrative principle: "Once a Collector, always a Collector; once a Judge, always a Judge"; and the principle has worked very satisfactorily, whereas elsewhere a Civil Servant can become a Collector to-day, a Judge to-morrow, and a Collector again the day after. This latter practice is not calculated to keep the judicial service in a high state of efficiency, and there is some reason to fear that there has been a tendency of late in this Presidency to adopt that practice. I have in my mind's eye just now an able Civil Servant, who having served his apprenticeship in the revenue service, entered the judicial line, did good work as an Assistant Judge, was promoted to be Acting District Judge, in which capacity he did excellent work, and promised to be one of our best Judges. But he has reverted to the revenue line, and though he is now doing useful work as a revenue and famine officer, those who had opportunities of observing the satisfactory manner in which he discharged his duties as a Judge, have always regretted that he was allowed to revert to the revenue line. This should not be. My Lord, these are the few observations that I have thought it my duty to offer on the Budget, having regard to the financial difficulties of an unusual character with which your Excellency's Government has been coping. Let us hope next year we shall meet under better and more encouraging circumstances.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH said—Your Excellency,—The year that has passed was of extreme distress to the country and of unprecedented difficulty to Government. This Presidency during the year suffered from two visitations of a very severe kind. On one side we had the plague which devastated three of the biggest cities of this Presidency, which carried away thousands of people, and nearly paralysed all trade and business; on the other side there was famine and scarcity, which in some of the districts rendered people completely helpless. These have taxed to their utmost the energies and the resources of Government. Government may be congratulated that we are now approaching better days. The plague has been successfully coped with, and it may be taken to have nearly disappeared. Though the mortality of Bombay has recently much increased, I hope that, with the great watchfulness that the authorities observe, there is no reasonable apprehension of its re-appearance. In respect of the famine, the holding over

of the rains in a few districts did cause anxiety, but now nearly the whole of the Presidency has had rain; and if it is seasonable during the rest of the monsoon, we may have good and plentiful harvests. In reference to the famine, I completely endorse my honourable friend Mr. Chandavarkar's remarks. The famine operations were very sympathetically and successfully conducted, and wherever real distress was found, attention was paid to it.

It has been often remarked in this hall, that the discussion of the Budget is a matter of academical interest. It is true that so far as the existing Budget is concerned the discussion is of no use. I understand that the object of the discussion is, that the members of Government may bear in mind the views of the additional members at the time of the framing of the next Budget, and give them such consideration as they may deserve.

In reference to the Budget, the most important thing that strikes one is the hardness of the Provincial Contract. So long as its terms are not made more favourable, the honourable member in charge of the finances will, with all his skill, always find it difficult to agree to give larger assistance to departments which administer to the wants of the people, or to agree to the removal of any burdens which they may feel too heavy to bear. Though the receipts are large, most of our important revenue items are absorbed by administration charges and other expenditure which this Government has no power to curtail. Thus the items of the Provincial share of Land Revenue Rx. 9,528, the assessment of alienated lands Rx. 9,791 and of the Provincial revenue of salt Rx. 67, aggregating in all Rx. 19,386, are absorbed by the items of refund on account of land revenue Rx. 37, assignments to inámdárs and other grantees Rx. 8,155, pensions in respect of resumed lands Rx. 1,532, costs of the Land Revenue Department Rx. 6,891, costs of General Administration Rx. 1,453, superannuation allowances and pensions Rx. 1,668, Post Offices Rx. 109 and Provincial salt compensation Rx. 43, aggregating in all Rx. 19,388. The revenue in respect of stamps Rx. 4,309 is absorbed by the net costs of the Law Courts Rx. 4,212 and miscellaneous charges Rx. 130, aggregating Rx. 4,342. The Imperial Funds contribution of Rx. 7,750 is absorbed by the net cost of the Police Rx. 5,558, net cost of jails Rx. 566, Provincial expenditure in respect of Political Department Rx. 374, stationery Rx. 771, and miscellaneous refunds and assignments other than those that relate to land revenue Rx. 509, aggregating in all Rx. 7,778. Thus the only appreciable items of revenue that are left are the Excise, the net revenue of which is Rx. 2,659, net Assessed Taxes Rx. 1,702, net Forest Rx. 527, net Registration Rx. 175, and Customs Rx. 96, aggregating in all Rx. 5,159, against which are the charges of the Educational, the Medical, the Public Works, the Scientific and other Minor Departments. These Departments do not get much out of the benefit of improved revenue; but as the other charges do not bear much curtailment, whenever there is a bad year they are the first and foremost to suffer. One feels it regrettable that Departments that administer to the wants of the people should be left in this plight when our revenue has been growing very fast.

In 1871-72 the receipts amounted to 980 lakhs, in 1881-82 they rose to 1,172 lakhs, in 1891-92 to 1,208 lakhs, and in 1895-96 to 1,417 lakhs. But the Provincial revenue has not received any proportional benefit from their increase. By far the largest portion of the increases has been appropriated by the Government of India. The saving to the Imperial funds after deducting the Imperial costs of working the Civil Departments was 475 lakhs in 1871-72, 622 lakhs in 1881-82, 720 lakhs in 1891-92, and 900 lakhs in

1895-96. I submit that it would be much fairer if our Presidency received a larger share in the revenue of lands and others which have great expansive capacity.

The visitations from which we have suffered had a very disastrous effect on our finances. Our most important items of revenue suffered very seriously, and there has been an immense increase in our expenditure.

We have to thank the Government of India for contributing about 19 lakhs of rupees towards the famine expenses of the last year, and 50 lakhs in meeting the famine expenses of the current year. I, however, feel that full measure of justice is not done to our Presidency. I think the Imperial funds ought to meet all charges, direct and indirect, in consequence of the famine. The Provincial contract was so settled, that unless there was some windfall, our Government could barely make both ends meet. During the first four years of the last contract, though this Government practised the utmost economy and though many useful works had to be put off, the result of the working was excess of expenditure over revenue by about one lakh and sixty-two thousand rupees. When the contract arrangements are on such a footing, it is reasonable that all extraordinary charges should be borne by the Imperial Government.

When the contract of 1882 was made, there was a reservation of our receiving assistance from the Imperial funds on the occasion of a famine. But our position has changed much since, to the disadvantage of this Presidency. Under the contract of 1892 we had a greater share in the more expansive revenues. Though the contract of 1892 was less favourable than the previous one, this Presidency was not allowed to work under it unhampered; a large and unforeseen liability was thrown on our revenues in the form of exchange compensation; and we received nothing in return for this increased expenditure. During this period again, the Customs revenue immensely increased, and a new item of revenue was created in the form of excise on cotton manufactures. These have been appropriated exclusively by the Imperial funds, and the Provincial funds have got no share out of them. But my greatest ground is the vastness of the resources of the Government of India. They receive from us more than two-thirds of our revenues free from all local civil expenses. A few lakhs of rupees are nothing to them when compared with the large items of their revenue and expenditure, but they would affect us very seriously.

It appears from the Budget that about Rs. 10,00,000 of the famine expenses have been charged against the Local funds. As between the Imperial and Provincial funds I should much wish these extraordinary charges to fall on the former, but as between the Provincial and the Local funds, I should wish them to be borne by the Provincial Funds. It may be one thing if the Local funds are rich, and the boards are anxious to undertake any particular works of local usefulness. The majority however of works undertaken as famine relief works are not of this kind, and I understand that if the Local fund administrations were left to themselves, they would be unwilling to undertake them. What the rural population, for whose benefit these funds are made, want are, village wells, tanks, and other small works of local usefulness. Such works are considered not good for famine relief. The Local funds should not be spent in works which are fitted only for famine relief, to the neglect of works more needed for the material prosperity of the district. The pledges given by Government to the cultivators that Local funds would be used merely in supplying local wants such as wells, tanks, rest-houses, local roads and village sanitation

should be carried out in their entirety. I submit that it is very desirable to check the present tendency of diverting Local funds to purposes other than those for which they were created.

It appears that the Government of India have allotted five lakhs of rupees for expenditure on plague operations, and it is intended that these moneys should be recovered from the local bodies. I think this item of extraordinary expenditure should be borne by the Government of India. The plague was a visitation from heaven, and did not much depend on local circumstances. The municipalities and the local bodies in incurring charges in reference to the plague operations were for the most part acting under the orders of Government. The operations were needed not only for the place itself, but for preventing the plague from spreading to other places. The places that suffered from the plague had their revenues considerably crippled, and they had a considerable increase of indirect expenses: it would be very hard on the local bodies if they were made to bear these expenses. Places subject to the attacks of the plague would take much time to recover their financial equilibrium, and their material improvements would be much retarded if the plague charges were thrown on them. I should therefore suggest that these expenses should be borne by the Imperial revenues; in any case they should be borne by the Provincial revenues, and not thrown on the small funds at the disposal of local bodies. I should wish that they should not at all fall on small municipalities. They should be entirely exempt from these contributions.

Referring to individual items, the first question to which I shall refer is that of land revenue. When so many lakhs of our agricultural people have become helpless, and have to ask help from State funds, it may not be amiss to consider whether the incidence of land revenue does not fall somewhat too heavily upon them. The result of the revised surveys is to add nearly 40 lakhs to the assessments that existed before. I think that the condition of our agriculturists is such as not to bear the burden, and that under the pressure of the increasing assessments, they are getting more and more impoverished every year. There is one fact that furnishes to my mind very strong evidence of the impoverishment. The number of transactions of mortgages and of sales of immovable properties has been increasing continuously from year to year. The Registration returns show a regular increase of transactions of this kind. The number of documents mortgaging immovable property of over Rs. 100 was 49,377 in 1888-89, and by continuous increase they rose to 71,568 in 1895-96; the number of transactions showing sale and exchange of immovable properties of over Rs. 100 was 38,254 in 1888-89, and it rose by regular increases to 53,669 in 1895-96. The returns do not show how many mortgagors and vendors in these transactions were agriculturists, but as agriculturists form the greater part of the people in this country, I should think that the majority of the mortgagors and vendors were of that class. This shows therefore that the debts of the agriculturists are increasing from year to year and that more and more of their property passes out of their hands every year. In this connection, my Lord, I would suggest that it would help much if the Registration Department were asked to show the mortgages and sales separately in respect of agricultural transactions.

In connection with the question of Land Revenue, I have to draw your Excellency's attention to one item on the revenue side—"Fines for appropriating lands for purposes unconnected with agriculture." In small townships, where population has increased, the town site is often insufficient, and in consequence of heavy fines and high assessments, the

people are unable to take up quarters outside the town site, and are therefore obliged to crowd themselves within narrow limits. Overcrowding is injurious on sanitary grounds; it is most dangerous when an epidemic breaks out. It seems to me that Government ought to discourage overcrowding, and to give every encouragement to people to live in more open and better ventilated houses. If Government were pleased to make some relaxation in the condition, on which they would permit lands to be appropriated for house-building purposes, it might relieve some towns of overcrowding, and lead to the improvement of general health in this country. The question of fines in respect of Government unoccupied lands requires careful consideration at the hands of Government on other grounds. There are complaints as regards the mode of levying the fine; many poor cultivators have been heavily fined for storing grass or other field produce in Government unoccupied lands. I would ask that Government may be pleased to call for a return showing the details of the total of fines on this account.

We expected that the Survey Department would be abolished this year. It had been announced that the department would be abolished from the 1st April last, but expenditure on it still exists in the Budget. I should be glad if Government would be pleased to see that this department is abolished as early as possible.

In reference to education, in primary education we are considerably behind other educated countries, and even behind some of our good Native States. We do want more schools. In female education we are also considerably behind. Female schools require special encouragement. There are many reforms recommended by the Education Commission, which we are unable to carry out for want of funds. Considering the urgent needs of the department, Government was pleased to allow in the Budget estimate of the last year an increase of Rs. 1,15,000, but when there are financial difficulties the first sufferer is the Educational Department. Instead of getting the increase, Rs. 75,000 have been taken away from it. The result is, that in connection with the Provincial grants to schools Government has been obliged to curtail the amount of Rs. 6,81,000 to Rs. 36,000. I hope your Excellency's Government will be able to give a considerably larger grant to education in the next Budget.

I have to offer my most sincere thanks to Government for their liberal policy in reference to the advance of the takávi in consequence of the distress of the agriculturists; the advances of the year have been exceptionally large. But for some years there has been a regular increase in them. I regret to notice that there has been a curtailment of Rs. 50,000 in the grant to the Medical Department. It is a matter of pity that at a time of financial distress, Government are unable to make up their Budget without seriously embarrassing a department which aims at the alleviation of the miseries of the poor.

With reference to the Miscellaneous, Scientific and other minor Departments, I find that the grant to the Reay Museum at Poona has been curtailed. The grant is made under a contract. The present curtailment may be perhaps owing to the exceptional circumstances of the year. I hope, however, that Government will order the payment of the balance as soon as better times arrive.

The Honourable Dr. BHALOHANDRA KRISHNA BATAVADEKAR said—Your Excellency,—Having received the papers in connection with this meeting less than a week ago I have not been able to bestow that amount of time and attention on the study of the Financial Statement that its importance demands. I am afraid, therefore, I shall not

be able to do proper justice to the subject. I only propose to offer a few observations on some of the heads in which I take special interest. In this connection I will follow the example set by my friend the Honourable Mr. Chandavarkar, that is, to approach the discussion of the Budget in a spirit of sympathy rather than of adverse criticism. Taking into consideration the fact that the Presidency has been passing through great difficulty and distress on account of the prevalence of the plague and famine during the past year, the arrangement come to for only one year regarding the Provincial contract seems to be satisfactory, and your Lordship's Government is to be warmly congratulated on being able to obtain such fair terms, to transfer the burden of famine relief to Imperial finances, and to get an additional grant on account of plague expenditure. As the estimate of revenue is higher, I beg to express a hope that there will be no particular stringency in its collection in view of the fact that the rayat has been passing through famine. Passing to the consideration of the different heads in the statement I notice the revenue under the head of Forests has fallen off to a certain extent, but the reasons which are given in the statement appear to be satisfactory. I would make one remark in this connection, and that is with reference to the hardship entailed on the aboriginal tribes—the Várlis and Kátkaris—residing in the Bassein and Dahánu talukas, on account of certain stringent orders passed by Government some years ago, prohibiting those people from collecting dried twigs and pieces of wood lying in the jungles. These poor people maintain themselves almost entirely by selling faggots of these dried pieces collected in the forests, The preventive orders appear to have operated on these poor people so harshly, especially during the trying time of the famine, that they were unable to suppress their feelings, an ebullition of which unfortunately found expression in the recent riots in Bassein and Dahánu a few months ago. The Government to pacify these people, as a temporary measure of relief, have relaxed their stringent orders, and the people have quietly settled down to their peaceful avocations. They are a very law-abiding people and, I believe, were unfortunately driven to extreme action on account of the pangs of hunger. Taking this circumstance into your favourable consideration, I venture to express a hope that your Excellency's Government will be pleased to consider the advisability of relaxing these orders permanently, so as to permit these people to earn their livelihood without any trouble, especially as I believe the loss incurred from this source is not likely to be very great.

The next head in the statement which I wish to advert to is Police. Immediately on setting foot in Bombay your Lordship was pleased to convey a message of assurance to the Bombay Municipal Corporation on the vexed question of the proper adjustment of the Police charges. This question, which had long remained unsettled, and had caused so much friction between the Government and the Corporation, is now, I am glad to observe, on a fair way towards settlement, and the Corporation cannot be too thankful to your Excellency for the genuine and sympathetic interest evinced by your Lordship. I earnestly hope that the matter will soon be finally placed on a satisfactory basis, both to the Government and the Corporation. The total annual allotment on account of the Police charges provided by the Corporation in the Budget for 1897-98 is Rs. 5,00,000, and the monthly instalment is Rs. 40,500. The arrears claimed by Government on the 1st of April 1895, from 1892 to 1895, is Rs. 1,01,137, out of which Rs. 51,589 were paid in 1896-97, leaving a difference of Rs. 49,548. Over and above this sum Government claimed for 1895-96 Rs. 14,876, making up a total of Rs. 64,424, the payment of which

is disputed by the Corporation on legal grounds, which have been already represented to Government, and which, I trust, will receive your Excellency's best consideration.

The keen interest which your Lordship has evinced in education generally, and in primary education in particular, and the assurances given on the occasion of the Budget discussion last year as regards secondary education, leave no ground for apprehension regarding the future of secondary education in this Presidency. I would, however, allude to one point on which last year the Honourable Mr. Kirkham had such a lively passage-at-arms with my friend the Honourable Mr. Mehta, whose absence on this occasion I sincerely deplore, and who, I hope, will soon return in renewed health and vigour. The honourable member for education, for whom I have high respect, and whose quondam pupil I am proud to acknowledge myself to be, laboured ingeniously on that occasion to prove that the Bombay Municipal Corporation had failed in its duty towards primary education. I have very carefully read his speech, but I must confess I have not been convinced by the arguments used by him to prove his case. The figures he quoted in reference to English towns do not, I submit, justify him in making them applicable to the Bombay Municipality. The conditions here are quite different. The position of the Corporation is unique in one respect. A heavy burden has been imposed upon it in the shape of the Police charges since 1865, entirely unassisted by Government, whereas Section 139 of the Acts of 1872 and 1878 left it to the option of the Corporation to contribute a reasonable sum for primary education, and they have not shirked their duty, optional though it was, consistent with their finances and their other obligatory demands. The Madras and Calcutta Corporations have not the burden of Police charges put upon them, and the English cities which he cited as examples have not, I believe, to bear the burden to the same extent. Had the Government of the time taken the lead in the matter of providing sanitary and commodious school buildings, and had they called upon the Corporation to bear their share, they would willingly have met Government half-way.

Another injustice done to the finances of the Corporation was the fixing by Act V of 1878, the annual figure of the liquor licenses as low as Rs. 1,43,157, whereas, as the Honourable Mr. Mehta pointed out last year, the actual income on that head amounts to about three lakhs. If their police charges are lowered, and the proper revenue on liquor licenses allowed, the Corporation, who have at present allotted Rs. 1,05,000 towards educational objects, will be, I trust, only too ready to contribute towards primary education and buildings in connection therewith. Mr. Kirkham takes the Corporation to task for not raising taxation for educational purposes. I hope he is aware that the Bombay rate-payer, rich as he is supposed to be, has been very heavily taxed, and the expenditure on the plague, as I shall show presently, has nearly swept off our surplus cash balances, and unless the Local and Imperial Governments are prepared to help us, I am afraid the already heavily taxed rate-payer will find it difficult to bear the additional burden of fresh taxation imposed on him especially in view of his heavy losses during the plague and famine due to paralysed industry and trade. I have heard with regret, my Lord, that Government have reduced their grant to the Victoria Technical Institute by Rs. 5,000. It is needless for me to remark that technical education is a plant of very recent growth in Bombay. It has been nursed and reared up by the Government, the Municipality, and the public, and the time has not yet arrived when it can prosper and grow without external help. The Corporation, in spite of their crippled finances, only the other day, at the instance of my

friend Mr. N. N. Wadia, have increased their grant to that Institution from Rs. 10,000 to Rs. 15,000 for the purpose of enabling the Board to engage the services of a qualified professor to teach sanitary engineering. I venture to hope, my Lord, that the claims of technical education will not suffer at the hands of your Excellency's Government.

Passing to the head Medical, I take this opportunity to express my sorrow that the Government have seen fit to increase the fees at the Grant Medical College. The scale of fees up to within a short time ago was Rs. 10 per mensem, whereas since last year it has been raised to Rs. 12, the increased fee being made payable by new students. The scale of fees in the Elphinstone College is Rs. 10, in the Deccan College Rs. 6-10, at the Science College Rs. 8, while at the Law School it is Rs. 4. I am not aware of the circumstances which have led the Government to enhance the scale of fees in the Medical College. The Grant Medical College being the only Medical College in the Presidency should have, really speaking, a smaller rate of fees. I do not believe the Government could have raised the fees on the score of revenue, because the increase, granting the number of students to be the same, is a mere trifle. But, as a matter of fact, the scale presses heavily on the poorer class of students. Some have actually to forego the advantage of medical education on account of their inability to meet the increased demands. I venture to hope that the matter will receive the earnest attention of Government, and that they will see fit to reconsider their decision in reference to it. The next point of importance under this head is the system of appointments to the professorial chairs in the Grant Medical College. It has long been a conviction with me that the state of medical education in our Presidency is not so satisfactory as it should be, and I have expressed this conviction on different public occasions, and at the various discussions on the vexed M.B. question in the University Senate. I have not a word to say, my Lord, against the past or present Principals and Professors of the College. In fact some of them were my own teachers, others are my personal friends, and I have a very high regard for them. I believe the system of appointments is faulty, and the men are victims to it. Some of the past Principals have bitterly complained of this system in their annual reports. I mean the system of appointing men to suit the exigencies of the service and not the exigencies of the College. The teaching staff as well as the students suffer on account of frequent changes and appointing a Professor to teach several subjects in succession. The Bombay Medical Union, as the accredited mouthpiece of the native medical profession, memorialized the Government, and a Resolution No. 1979, November 1888, was passed by the Government of Lord Reay with the view of placing medical education on a better basis. The principle enunciated in that Resolution was to appoint a Professor after careful selection to teach one subject and to allow him to continue to work with the same subject without prejudice to his promotion in the service. There was a ray of hope that that Resolution would place medical education in the only Medical College in this Presidency on a sound basis. But, I am constrained to remark that owing to circumstances of which I have no knowledge, there has been a want of continuity in the policy enunciated in that Resolution. Knowing full well that your Lordship takes keen interest in medical education and the management of hospitals, I earnestly hope that this important question will receive due consideration at the hands of your Lordship's Government. No less important is the question of the status and pay of Civil Assistant Surgeons, a very useful class of public servants, recruited mainly from the medical graduates of the Bombay University. Many of them are doing very useful work in the Mofussil, and some of them

are ornaments to the profession. Their status and emoluments have been originally fixed very low, in comparison to their worth, and, instead of being improved, have suffered a diminution for some time past. Their pay is graded from Rs. 100, rising by increments of Rs. 50 by septennial periods, after a searching examination each time, to the maximum of Rs. 200, with a handsome pension of Rs. 100 after thirty years' service, and each grade carrying an allowance of Rs. 50 in case of an independent charge. Their compeers in the Revenue, Judicial, and Engineering Departments are placed on much higher salaries, beginning with Rs. 150, and rising in their respective grades to Rs. 800, and in exceptional cases even more. Some of the Assistant Surgeons have been held eligible to act for Civil Surgeons for long periods, and, I believe, have given entire satisfaction in the discharge of their duties. In spite of this, I have heard of no instance in which they have been confirmed in these appointments. In the districts they do an important portion of the work of Civil Surgeons and thus lighten their labours. The Finance Commission of 1885 made a recommendation that at least five uncovenanted appointments of the grade of 2nd class Civil Surgeon should be reserved for the best Civil Assistant Surgeons. But I am grieved to remark that, during the last twelve years, only one Assistant Surgeon has been found fit to fill an appointment of that nature, and that at Sávantvádi, where the salary is paid by the State. Their grievances have been represented to Government, both by the profession and by themselves individually and collectively, but up to this time without any tangible result. I feel keenly, my Lord, on this point, because I was one of them, and know personally their grievances. I earnestly appeal to your Lordship that their grievances may receive a very careful and favourable consideration at the hands of the Government. In this connection I must not omit to mention the grievances of another class of medical servants, I mean the class of Hospital Assistants. I feel bound to place them prominently before Government, as they have been doing very useful work in the whole Presidency. Their pay and allowances are also very low, ranging from Rs. 25 to Rs. 60. In many cases they are placed in independent charge of Mofussil dispensaries and have very responsible duties to discharge. The lives of men and the ends of justice depend upon the skill and evidence of these low-paid Hospital Assistants. Under these circumstances, I think, they should be placed above all sorts of temptation.

Under the head of Grants-in-aid to Village Sanitation Committees a saving is shown. This strikes me as if very little is expended on village sanitation. The Village Sanitation Act, which was brought into existence during Lord Reay's régime, through the earnest and sympathetic representations of that philanthropic lady, Miss Florence Nightingale, has been in operation for about seven years. It does not, in my humble judgment, appear to have done any tangible good. I have seen in some villages in the Deccan and Gujarát the old state of things still prevailing. I believe this arises from the Village Sanitation Committees being constituted of members who are ignorant of the very principles of hygiene, and are unable to do anything towards improvement in sanitation. Some rules relating to sanitation have been issued by Government for the guidance of these committees and the Circle Inspectors. But I am not aware if these are properly carried out. The Circle Inspectors have, as a part of their duty, to supervise the working of these committees, and to assist them with suggestions on sanitation from time to time. I am not in a position to know the qualifications of these Inspectors, nor as to whether they are required to possess a knowledge of the elementary principles of sanitation. I believe the addition of the village school-masters to the committees is desirable.

These masters should be required to pass an examination in elementary hygiene in addition to the subjects already prescribed. This step is calculated to lead to some practical improvement, and I would here venture to make some suggestions for the sanitation of villages:—

I. Open spaces should be reserved outside the villages for the collection of manure. These spaces (*chara*) should be as far as possible on the northern or eastern side. They may be utilized as open latrines also.

II. In villages where the *narvadári* system is in force there are three pieces of ground allotted to each *narvadár*, *viz.*, the house, the house site, and a piece of land (*ghur*, *ghurdar* and *dubhan*). The first is used for human habitation, the second for tethering cattle and the third which is generally on the outskirts of a village is used for depositing manure. In many cases owing to over-population or indifference these pieces of land are not used for their proper purposes.

III. Farm-houses should be encouraged so that the cultivators of Government land can tether their cattle and deposit their manure in the fields. The assessment for these farm-houses in Government land should be remitted. Any encouragement in this way will not only relieve the village of its over-population but will also be of great use in checking and altogether preventing epidemics. Ordinarily the manure is collected for six or eight months, beginning from June or the middle of May, and is removed to the fields in the month of May (*Waisakha*). Now that being the hot season it is precisely the time when the pits should not be disturbed. If therefore these manure heaps are removed to the fields near the farm-houses the difficulty will be removed. In some Native States, such as Lunávada, this farm-house system has been introduced.

IV. As for Halálkhore service, it is better to improve on the old system than to introduce a new one. The old system is this. In every village there is a sweeper who is granted a field of two, three, or five acres free of rent for service to be rendered. He does the sweeping and other work and generally gets pieces of bread and food gratis every night from the villagers. These two are amply sufficient to maintain the sweeper and his family.

V. A larger area for a village site should be allotted to make room for increasing population. During the last thirty years though the population has increased, the area of village sites has not been extended.

VI. The system of founding Mawadas at some distance from the village on *kharába* land may also be used with advantage. In the Rewa Kántha Agency and in some of the States of Rájputána this system is in vogue and the Mawadas are called *falias*.

VII. As regards *tanks*, it so happens that in many cases the rain water from the villages runs into the tanks and fills them up. Village water is generally mixed with refuse and carries with it germs of disease. This should be stopped and rain water from the open spaces and fields outside should alone be allowed to run into the tanks. In the Rewa Kántha Agency and to a great extent in the Panch Maháls this system is followed and the water of such tanks is drunk without any detriment to health.

VIII. The system of allowing any *Poisar* (*Nelumbium Speciosum*) and *Singoda* (*Trapa bispinosa*) to grow into tanks used for drinking purposes, either for man or

beast, should wherever found be discouraged, while the system of digging and carrying away to the fields the tank refuse (*tam*) when the tank is dry in the hot season should be encouraged.

IX. As regards wells used for drinking purposes they are generally not bad, but all trees that grow near the well in such a way that the leaves fall into it should be removed, also the shrubs that grow on the sides and inside the well. All such wells should be supplied with small drains to carry off waste water and every such well should be cleaned every third year. Now and then permanganate of potash may be added to purify the water.

X. The enforcement of these rules must be left to the Village Circle Inspectors under the superintendence of the Māmlatdārs and the sanitary authorities. The Circle Inspector should possess knowledge of the ordinary principles of sanitation. The village headman and the mātādārs should be given a voice in the matter, but not much power nor great responsibility unless proved to possess some disinterestedness and knowledge of sanitation.

I notice that a grant of Rs. 5 lakhs is entered in the Statement as having been obtained from the Imperial Exchequer to meet Plague charges and to assist Mofussil Municipalities. Of this grant, I am informed, a lakh and a half has been given away to the Karachi Municipality, and Rs. 25,600 to the Poona Municipality, and the remaining sum is intended to cover the expenditure incurred by the Government on plague operations in the Presidency. It is understood that none of this grant is to be used as a subvention to the Bombay Municipality, and whatever portion of it will be given to the local bodies will be recovered from them gradually. It is rather a surprise to Bombay. The Bombay Municipal Corporation from the commencement of the plague up to now have not grudged a single pie for the purpose of ridding the city of this great scourge which has till now carried off about 30,000 of its inhabitants. They have spared neither money nor energy, and in spite of the calumnies and abuse that were showered on that much-maligned body as well as the Municipal Executive by irresponsible persons entirely ignorant of Municipal constitution and Municipal administration, I boldly assert, my Lord, that no Municipal body could have acted so zealously and could have shown itself so alive to a sense of its duty towards the city as the Bombay Municipality. The campaign with the plague was conducted from its beginning by the Municipal Executive and their subordinates with a zeal and earnestness which cannot be too highly praised. Due to these vigorous operations the plague began to decline from the middle of February, and even after the appointment of the Plague Committee they worked as zealously and loyally as before. Our best thanks are due to them for their arduous labours. The Plague Committee's operations were conducted by the Chairman with great tact, discretion, and ability, and gave entire satisfaction to the people. Bombay owes a deep debt of gratitude to the gallant Chairman, General Gatacre. I may point out that the expenditure on plague operations in Bombay up to the present time amounts to no less than Rs. 12,80,000, and a large part of it has been spent by the Plague Committee.

His Excellency the PRESIDENT :—Does not this include the whole of the conservancy charges that would have to be met in any case ?

The Honourable Dr. BEALCHANDRA :—It is difficult to say, my Lord.

His Excellency the PRESIDENT :—Does it not include all the work of the Health Department since last September including the charge for the vast army of sweepers ?

The Honourable Dr. BHALCHANDRA:—No, my Lord. This is an addition to the budgeted grant for the ordinary expenditure of the Health Department. This was incurred from the surplus cash balance. Out of this sum Rs. 4,50,000 have been incurred by the Plague Committee, and there is at present before the Standing Committee a requisition from the Municipal Commissioner for a sum of Rs. 3,00,000, of which 2,00,000 are required by the Chairman of the Plague Committee for expenditure already incurred and to be incurred in future up to the end of the rains. This gives a total of Rs. 15,80,000, which have almost entirely swept away our surplus cash balances. Owing to the temporary paralysis of trade and industry in Bombay our Municipal revenues have suffered considerably, and the Municipal Commissioner has already foreshadowed fresh taxation as the only means of meeting the heavy demands of Municipal administration, as well as of meeting an additional expenditure of nearly five lakhs of rupees per annum for the re-organization of the Health Department, which is felt an urgent necessity by the Corporation, having regard to the needs of the city and the increased mortality. Under these circumstances I would appeal to your Lordship to keep a sympathetic corner in your Excellency's heart for the Bombay Municipality. Its claims are just. Your Lordship on the occasion of taking the Plague administration out of the hands of the Municipality assured the Corporation that the suppression of the epidemic was a matter of "Imperial concern." I trust, therefore, that your Excellency will be pleased to represent this to the Imperial Government. If the Bombay Municipality are left out in the cold in the apportionment of Imperial aid there will be no encouragement to promote economy in municipal administration. I trust this will not be the reward to the Corporation for husbanding its resources so carefully to meet urgent necessities.

Passing on to famine relief I have very little to add to what has fallen from my friend the Honourable Mr. Chandavarkar. He has had opportunities of personally inspecting the famine relief camps. I had no such opportunities, but from the information I have been able to get and from the reports from the famine districts submitted to the Presidency branch of the famine relief fund, of which I am an humble member, I have been able to satisfy myself that the famine administration has been of a most satisfactory character, and your Lordship's Government deserves the highest praise for this. In this connection, my Lord, I would venture to make one suggestion. I have heard that some millowners in Bombay are short of mill-hands and they would be glad to have some skilled labour imported into Bombay, such as the weavers of Bijipur and Sholapur and other able-bodied persons. I merely throw out this suggestion for the consideration of your Lordship's Government, because it may perhaps relieve the hands of the Government to a certain extent.

Under the head of Civil Works, I wish to make one remark and that is with regard to the disinfecting chamber which, as mentioned in the Statement, is to be erected in Bombay. The necessity of such a chamber has long been felt and was felt most during the prevalence of the plague. If such a chamber is erected soon it will serve as a model for a similar chamber which the Bombay Municipality intend to erect.

With these few observations I beg cordially to thank your Lordship and the Council for giving me such a patient hearing.

At this stage the Council adjourned for half an hour.

The Honourable Mr. KIRKHAM said—Your Excellency,—The circumstances under which we meet this year are so entirely different from those that existed at the time of the

last Budget discussion that I feel sure you will agree with me that any lengthy remarks on the subject of education such as seemed to be called for last year would now be out of place. In the state of war through which we have passed, or rather are still passing,—war with famine and war with plague, matters of life and death,—it is inevitable that education should for the time take a somewhat back place. All the same, Sir, I must say that looking at this Budget as a whole, those of us who are specially interested in education have not only no reason for complaint, but grounds for something like agreeable surprise. It has not been possible to provide for any great advance, but on the other hand we have been secured against any retrogression. My honourable friend Mr. Dharamsi commented on the reduction in building grants. The reduction is of course a matter for regret, but a temporary suspension of building operations does not affect educational efficiency. The object kept in view has been to maintain all educational institutions and agencies in existence in full efficiency and working order so that at the earliest possible moment after the return of prosperity our normal state of steady and continuous progress may be resumed. I feel sure the Council will recognize the practical wisdom of this course. Under these circumstances, I believe you will excuse me from discussing the educational details that have been referred to. I will not even be tempted to follow my friend the Honourable Dr. Bhalchandra, whose kindly reference to old times I cordially acknowledge in his provocative remarks on my controversy with the Honourable Mr. Mehta last year regarding the important subject of primary education in the City of Bombay. That controversy is on record, and I am perfectly content to allow judgment to go on the papers as they stand. I will, however, take the opportunity of expanding one hint I gave last year with regard to industrial competition in the Far East. I know from correspondence with educationists in Japan that they are there expending money like water on primary education for the artizan and industrial classes. The Japanese have learnt from Europe to recognize the fact that there is a very close relation between a skilful industrial class and efficient primary schools for the people. The millowners of Bombay will not open their eyes to this fact, and are, I believe, running a serious risk of industrial defeat in cotton-spinning at the hands of the Japanese. I will not detain the Council with details, but I venture to warn Bombay that at no distant date we shall probably see Japanese foremen coming to Bombay and pushing the natives of the place from their stools. I notice that in the last issue of the *Indian Textile Journal*, a very ably conducted paper, it is stated that “there can be no doubt of the superior aptitude of the Japanese operatives, both male and female, for the work of spinning, and it will be no matter of surprise if they get ahead of Bombay in the matter of fine spinning.” I will only add that this sort of competition is not to be met by a school-rate which still continues to be less than a half per cent. on the rental of the city.

The single subject on which I feel disposed to make a few remarks is of a strictly financial character, and that is, the claims on Government on the part of the City of Bombay, which have been foreshadowed in several of the speeches made to-day. Now, Sir, claims on the part of Bombay are usually very important for two reasons. In the first place they are usually big affairs and involve large amounts, and in the second place they are invariably urged with great ability and persistence. Now, I am in no way interested to anticipate what the decision of Government may be as to any claims the city may prefer for help from Provincial funds. They will, of course, receive, as they deserve to receive, the most careful consideration. But as I ventured to point out last

year, when Bombay makes a claim upon Government, as it is called, if you look behind the word Government you see that the claim is really made upon the ryots of the Presidency, the poorest class, and I will also add the most important class, whose land-tax constitutes the largest part of the Provincial revenues. I have often thought that if my Bombay friends who urge so eloquently the claims of their great city on help from Government, would only substitute the words "the poor ryots" for the word "Government," they would often feel ashamed of the claims they make. We heard from the speech of the Honourable Dr. Bhalchandra, and to some extent also from that of the Honourable Mr. Dharamsi, that the citizens of Bombay are very heavily taxed, and that its finances are in a very critical state, and it is upon these grounds that Government is to be approached for special aid. But the Council must have observed that the Honourable Doctor gave neither proof nor illustration to enable us to judge what he meant by "heavily taxed." So far as I understand the matter, I deny categorically that Bombay is heavily taxed, and contend on the contrary that it is very lightly taxed, and to prove the point I ask the Council to compare the local taxation of Bombay with that imposed in England, in cities of anything like the same size and pretensions as Bombay. Unless we have some standard of comparison the words light and heavy can convey no definite meaning. I will take one example from figures I happen to have here.

We have heard a good deal to-day about the Police charges in Bombay which have been increased of late years by Government, and which are now represented to be crushing. Well, the police charges of Bombay amount to five lakhs of rupees per annum. But the annual rental of Bombay is roughly 250 lakhs per annum, and the police charges are, therefore, equivalent to a police rate of 2 per cent. Is this high or low? I say take a city something like Bombay in population and rank and compare. Take Liverpool. It has, I believe, a population of 641,000, its annual rental is £3,400,000, and its police force costs about £100,000 a year, equal to a police rate of 3 per cent. How then can it be said that the police charges of Bombay are high when they are much lower than those found necessary in a seaport like Liverpool, which has so many points of resemblance to Bombay. I will not go into further details. I wish merely to suggest to my former colleagues in the administration of Bombay that they must accustom themselves to compare their great city, not with small places, but with cities of the first rank elsewhere, and especially in England. If they do this, I believe they will arrive at the opinion at which I arrived many years ago, that the Municipal administration of Bombay is one of the cheapest in the world. Everyone knows that when a man takes a house in a large town in England he has to reckon on adding a third, say 30 per cent., to the rental for local taxation, whilst in some parishes of London it is actually above 40 per cent. Now, what is the local taxation of Bombay. It is, I believe, about 16 per cent. on the rental.

The Honourable Dr. BHALCHANDRA :—Our taxation is 17½ per cent.

The Honourable Mr. KIRKHAM :—Yes, but in that my honourable friend includes "wheel tax," which is only paid by those who ride in carriages, and against that I would point out that my calculation of 16 per cent. includes free water, which in most large cities is considered a service and paid for separately like gas. That, however, is a small detail. Broadly you have the fact which is, I think, indisputable, that the local taxation of Bombay is about one-half of what it is in Western cities of first class rank which may fairly be compared with her. Now, one concluding word on the critical state of her finances. I believe, Sir, that at this moment the general tax of the city stands at 8 per

cent. which is the minimum allowed by the Act. The Act prescribes a minimum of 8 per cent. and a maximum of 12 per cent., so that unless I am altogether mistaken there is a margin of 4 per cent. available. If my honourable friend Mr. Dharamsi will only move that in these times of plague and famine it is necessary to collect the General Tax at 12 per cent., and if Dr. Bhalchandra will second it, and the members of the Corporation raise their hands, the Corporation will at once have ten lakhs of rupees a year in addition to their present resources.

The Honourable Mr. DHARAMSI :—Sir Charles Ollivant well knows that the thing is impossible.

The Honourable Mr. KIRKHAM :—In that case it is fortunate that Sir Charles will be in the Council to protect the interests of the city. I am quite willing to leave the matter in his hands. My point is that I desire to put in a plea for the ryot against the landlords of Bombay when they seem disposed to make claims that threaten his interests. It is useless to express pity for the ryot and advocate suspensions and remissions of taxation, and at the same time make claims on behalf of Bombay which must ultimately in one form or another fall on his shoulders. Bombay must learn the lesson of self-help.

The Honourable Mr. A. ABERCROMBIE said :—I desire, Your Excellency, to make a few remarks upon a subject which has not, in my opinion, received the consideration to which it is entitled. I find that in respect to Irrigation the Budget contains an item of 26½ lakhs of rupees. Mr. Nugent has kindly given me some further information on the subject, and tells me that there has been a grant of Rs. 3,30,000 for works in progress, chiefly in Sind, and 22 lakhs for maintenance. This means that at a time when we have spent something like 67 lakhs of rupees on account of famine relief we are spending something under four lakhs of rupees, and that chiefly in Sind, for one of the most important preventives of famine. It seems to me that this grant is sadly inadequate. Instead of increasing expenditure for the purpose of insuring tracts of country against famine by supplying means of irrigation, Government are reducing such expenditure. So far as works in the Presidency proper are concerned, the accounts for 1895-96 show that 27 lakhs of rupees were expended on irrigation, and the revised estimates for the year 1896-97 provide 28 lakhs of rupees for this purpose, while the estimates for the current year only allot 26½ lakhs to irrigation. I am told that irrigation does not pay, and I am not sufficiently acquainted with the subject to say how far this view is correct. But I see that in the accounts against the 22 lakhs charged for maintenance, there is a revenue of 17½ lakhs; so that on this basis there is only a loss of 4½ lakhs, which cannot be regarded as a large amount, in view of the benefits which irrigation confers.

His Excellency the PRESIDENT :—I desire to point out to the honourable member that the expenditure on irrigation is an Imperial charge with the exception of one item. Although I agree with the views of the honourable member I hardly consider that it is within the province of this Council to discuss the question, as the expenditure is Imperial.

The Honourable Mr. ABERCROMBIE :—I am afraid then I must sit down. I was told that the amounts spent on irrigation were set forth in the Budget.

His Excellency the PRESIDENT :—The only irrigation charge which is provincial is that of the Gokak Canal; all the other expenditure under this head is Imperial.

The Honourable Mr. ABERCROMBIE :—All I desire to do, my Lord, is to point out the desirability of increasing the irrigation grant, at a time when so much is being spent on famine relief.

The Honourable Sir CHARLES OLIVANT said—Your Excellency,—When, owing to unfortunate circumstances our finances are truncated, our speeches must, more happily, follow suit, and I will therefore confine myself to the one or two points only which concern the department with which I am most immediately connected. First of all, I notice that the Honourable Mr. Dharamsi referred to the question of the insolvency fees, but as the matter is still under consideration, I am unable to make any answer beyond that contained in my reply to one of the questions. A more important matter to which Mr. Chandavarkar referred was that of the condition of appointments in this Presidency to the Judicial branch of the service. When I first arrived in this country, if I had one aspiration more than another it was that some day or other I might attain to the High Court bench, but unfortunately my ambitions were summarily cut short by a too despotic superior. I am able to assure the honourable member that no influence of that kind is at present at work, and that one of the great objects of Government is to make one branch of the service as popular as the other, and to secure the highest dignity they possibly can to the Judicial service. There have been instances here and there, and there will be again, of men who are equally fitted to adorn either the Bench or the Revenue service, and the fact that they join the one or the other often arises from their own choice or from accident rather than from the action of the authorities in making a particular selection. I have reason to believe that the gentleman to whom Mr. Chandavarkar referred as being transferred from the Judicial to the Revenue service was so transferred of his own free will. He, if I am right in my conjecture as to the officer alluded to, has served under me, and I have no hesitation whatever in stating that at the time he was in Judicial work he was longing for enfranchisement and wishing to get back to the more congenial Revenue work. The Honourable Dr. Bhalchandra Krishna touched on the happily impending solution of the question between the Government and the Municipality regarding police charges, and I was glad to notice that he thought that any minor point remaining for settlement should be dealt with upon an amicable basis, instead of upon a legal basis. I must congratulate your Excellency on having for the first time, at any rate for many years, a representative of the medical profession upon the Council. I have had the pleasure of knowing Dr. Bhalchandra's practical business qualities on another board, and I am sure that all who have heard him to-day will feel how valuable his suggestions have been in regard to those matters which more immediately concern his own profession. But he alluded, and I will take advantage of the allusion, to the drawback which attends a man who is called upon to deal with five entirely different subjects in succession, and I feel that would apply to me if I attempted to follow him through the various matters on which he touched. Some of them were matters of such interest and importance that I respectfully offer the suggestion that it may be well if at subsequent meetings of this Council he sends in notice of questions in a concrete shape so that I may be in a position to prepare a reply to them. But in regard to one particular matter of which he treated—the position of Civil Assistant Surgeons—though I am not prepared to go into the question fully, it struck me that there was one point of view not sufficiently alluded to. These Assistant Surgeons are in a position to take fees in their private practice, whereas their contemporaries in the Public Works Department have not that opportunity. Both the Honourable Dr. Bhalchandra and another member referred to the question of village sanitation. I am quite certain that within reason the Government would be only too glad to afford facilities for extending village sites where cases of overcrowding are substantiated. With regard to other features of village sanitation, I confess that, speaking for

myself, I am not at all in favour of causing irritation by worrying the people into ways and methods to which they are not accustomed. The lack of sanitation which we all deplore is far more likely to be remedied by the diffusion of general education and by the large cities setting a good example. It is to these cities that the young men resort for their education, and when they go back to their villages they can take with them enlarged views regarding sanitation which will re-act favourably upon their fellow-villagers. This is a better way than to force upon people sanitary improvements which they do not understand and which therefore may prove no improvements at all. One more remark of the honourable member deserves attention. He referred to a desire on the part of some of the mill-owners of Bombay to obtain labour from the Government relief-works. On that most interesting subject I should like to have further information. From my recent visit to Bombay, so far as I am in a position to speak at all (and I do not care to speak without more certain information), the sanitary condition of Bombay seems rather to demand that overcrowding of the working classes should be remedied by providing attractions and labour outside of Bombay than by encouraging more people to crowd into the city when so many of them are in a bad physical condition. I notice this great rise in the mortality has chiefly occurred in the very section of the city which has been drawn attention to by the Army Sanitary Commission, and which is the one to which the mill-hands most resort. If we provide more labour locally, more people will crowd into the city, and have to be dealt with there. The better way is to provide some counter attraction in places where the people can be more healthy, because the population is not so congested, and because they can be located under more favourable conditions as to dryness of atmosphere and subsoil. I have only one other matter to refer to before I sit down, and that is the general tone of sympathy which prevailed in the speeches of the honourable members who have addressed this Council. I can only say that being here, as I am, for the first time as a member of Government, I could hardly remain unmoved whilst I heard these remarks. I know well what has been the strain upon Government, and I can speak with the greater liberty in appreciation of the kindly sentiments expressed by honourable members because I was not a member of the Government which had to deal with famine and plague in the first instance. But I have been sufficiently behind the scenes to know how earnest and unremitting have been the labours of Government, and I was glad to hear honourable members say how successful have been the efforts of those upon whom the strain has rested. Mistakes may have been made, but at any rate, whatever mistakes were made, those who know anything about Englishmen, know that they are not irresponsive to the generous sentiments of others, and all Englishmen who have been connected with the recent operations cannot fail to appreciate the sympathy of the natives of this country. The longer one has lived among the natives of the country, and the more years one has spent in service here, the more he appreciates utterances and sentiments such as we have heard to-day. We may still have troubles before us, but going hand-in-hand to meet them I have no doubt of the result.

The Honourable Mr. NUGENT said—Your Excellency.—Many changes, some disastrous, have occurred since the last Budget meeting of this Council in August 1896, and our position is far less favourable in all respects than it was a year ago. Then we had had up to that date an ample, indeed if anything, too heavy a rainfall; the crops generally were flourishing; a bumper harvest was anticipated; the population was

healthy; no epidemic prevailed; and our finances were in a satisfactory condition, enabling Government to contemplate a material additional outlay on public works, and also to strengthen in certain directions departmental establishments and to improve their pay and prospects. But, unhappily, speedily after the Budget meeting our sky became covered with clouds which have not yet rolled by. The monsoon ceased abruptly. The harvest in by far the greater part of the Central Division and in portions of the Southern Division was very deficient. Even the coast districts suffered. After a short time we had to recognise that a famine had to be faced, and thanks to the zeal and ability and indefatigable labours of the officers of the Land Revenue, Public Works, and other departments, on whom it fell to meet the emergency and to carry out the policy and orders of Government, the famine has, I think I may say, been faced with commendable success. There has been no starvation: there has been no misery: there has been no appalling suffering. So far the supply of relief-works has amply sufficed to meet the demand for employment of the people, men, women, and children, thrown on the works and their adjuncts, and, besides, maintaining hundreds of thousands on the various works started in the affected districts, Government have made provision for the support of the destitute in the other ways authorised by the Famine Code and have granted immense sums for distribution in the form of loans and tagai advances. Every effort possible was made to provide for the requirements of the cattle of the cultivators in the famine-stricken districts, and thousands of tons of grass, mainly in Thána and Khándesh, were collected, pressed, despatched, and sold by a special agency, controlled by Mr. Shuttleworth, the Conservator of Forests of the Central Circle. Notwithstanding this, myriads of cattle have died from lack of fodder. It is, however, consolatory to know that in this Presidency no loss of human life has been caused by starvation. This result, though, has only been attained by a huge outlay which, combined with other inevitable but unforeseen expenditure, has crippled our finances to such an extent, that this Government is practically insolvent, and has had to fall back for funds to carry on the administration on the Government of India, which has met with prompt and generous liberality our requests for aid. To show the enormous financial strain which the famine has thrown on the Government, I may mention that the outlay on famine-relief in 1896-97 amounted in round numbers to thirty-two lakhs, and that the estimated expenditure for relief in the current year is over sixty-seven lakhs, of which about thirty-one and one-third lakhs had been spent up to June 30 last. In addition to this immense sum, some thirty-six and three-quarter lakhs were granted as takávi advances in 1896-97, and about twenty and a quarter lakhs have been given this year. The money thus lent will, it is hoped, be eventually recovered from the borrowers. The bulk has been expended on the sinking of wells and the improvement of land, and has afforded profitable employment to large numbers of persons, who would otherwise have resorted to our relief-works, in addition to conferring a benefit on those to whom the funds were advanced by facilitating the irrigation of their lands and bettering the productive capacity of their holdings. Much also has been given to enable cultivators to purchase seed and plough cattle and to maintain themselves until they can reap the harvest and realise a part of the proceeds. A full list of the works which have been carried out and are in progress in the various affected districts with a view to furnishing labour for those in need of food and employment would be as lengthy as, and not much more interesting than, the catalogue of the ships in Homer. Broadly speaking, those works have chiefly been road-making, road-repairing, preparation of a stock of road metal calculated

to last for many years to come, irrigational tank embankments, dams and canals, or distributories, and railway earth-works. To road-making, road-repairing, and collection of road metal there obviously must sooner or later be an end, and we are now nearing the completion of most of the works of this nature which can with any profit be undertaken in the majority of the affected districts. It is of little advantage to construct roads which when finished cannot from lack of requisite rupees be maintained in efficient order by Provincial or Local funds. The number of roads to be repaired is limited to the number of roads in existence and needing repairs, and it is of no gain to accumulate gigantic stocks of road metal which cannot be utilised within the span of life of this and of the coming generation. Our mainstay, therefore, for the immediate future and for a still further period, should the present monsoon fail us, is the construction of new and the improvement of existing tanks and their auxiliary works, combined with such railway extensions, as may be found feasible. These undertakings will furnish suitable employment, concentrated at comparatively few places, for immense numbers of labourers. That the tanks will as an investment of capital prove remunerative I should hesitate to assert. They may not, probably will not, yield a large return on the money expended on them. In a year of copious rainfall the cultivators may not care to draw water from them to irrigate the lands: in a year of deficient rainfall they may not fill, or only fill partially. But in any case they are likely to prove more beneficial and of greater use than a multitude of roads, which are not urgently required, and which cannot be kept in satisfactory repair. In regard to railways much valuable work has already been supplied by the earth-work of intended extensions of the Barsi Light Railway line to Pandharpur and Sangola, and on this line there may possibly be, hereafter, still further extensions. Railway projects are also either in progress or very shortly to be taken in hand in Khândesh and elsewhere, and should the worst come to the worst, and another season of partial famine be in store for us, the earth-works required for the eventual doubling of the G. I. P. Railway line from Sholápur to Lanowli will supply occupation as a famine-relief work for a large number of people. It is far too early yet to venture on any prediction, even on any conjecture, as to how the present season will turn out. In many districts the rainfall in June and the first half of July was on the whole scanty and inadequate, but the situation has been materially improved by the recent rain, and affairs look more promising than they did three weeks ago. With seasonable rain this month and in September, the customary storms later on in the year in the Deccan, and a favourable Madrás monsoon in the south-eastern portion of the Presidency, where now perhaps things look worst, we may trust to be at the end of our famine troubles and outlay by November, but even should this good fortune be ours, I anticipate that the number of people on our works and in receipt of relief will continue to be large until the beginning of October, and that we shall be unable to relax our efforts until then, to furnish employment and to maintain the indigent population in good health and heart. I beg to thank the honourable Messrs. Khare, Gokuldas, Chandavarkar and Dr. Bhalchandra for their sympathetic remarks on the conduct of famine operations in this Presidency by this Government, and for their cordial recognition of the success of the measures adopted to cope with the famine and to ameliorate the condition of the hard-pressed poor. It is gratifying to find that such intelligent and able critics fully approve of the action we have taken, and I most fully appreciate their kindly expressions. In our case, too, the truth of the adage, that misfortunes never come singly, has been exemplified. Putting aside recent events in Poona,

to which I do not propose to refer here, simultaneously with the advent of the famine, the plague appeared in Bombay, and after creating there sad havoc, leading to a large exodus of the population greatly hampering all trade and business and seriously affecting the local mill industry, it spread to the adjoining districts, north, south and east, and reaching Sind, Poona and Cutch, wrought there great destruction of human life. The expenditure incurred in the combat with the pestilence is to be reckoned by lakhs, and though this outlay has probably proved the salvation of the lives of many thousands, it has still further augmented the difficulties of our financial condition, sorely tried already by the famine, which whilst entailing enormous expenditure has also led to a reduction of land revenue in the form of remissions and suspensions of collection. Eventually, probably most of the money spent on plague operations will be recovered from the various local bodies within the limits of whose jurisdiction the outlay for the purpose has been incurred, but even allowing for this the charge borne and to be borne by Government is very considerable. That Municipal and Local Boards should pay from their own funds the cost of preserving the lives of the persons residing within their areas, and, checking or warding off plague by the adoption of approved sanitary measures, seems but equitable and proper.

And in this Council itself not a few changes have occurred. Some familiar faces are no longer present. Some new-comers have to be welcomed. *Uno avulso non deficit alter*. The uncrowned king of the Corporation is absent for the time in England, where I believe and trust, his health has greatly improved. Mr. Wadia has also gone. We have lost for ever the outpourings of the *mitis sapientia*, mingled with many a cough of Mr. Javerilal, and his comprehensive researches into the numerous subjects in which he took an interest. Mr. Setalwad, too, has been removed, happily not by the hand of death, but as a consequence of the transfer of the affections of the Municipalities of the Northern Division, and we have no longer the benefit of the investigations instituted by his microscopic eye and active and inquisitive mind. He has ceased for a time at least to flutter the dovescots of the Bombay Courts, and to search with unremitting vigilance for the weak points in our harness and defective joints in our armour. And of the English gentlemen who attended the Budget meeting last year, Messrs. Birdwood, Little and Mackenzie will never again sit at this table, having now retired on well-earned pensions.

I feel myself to-day very much in the same predicament as was the ancient traveller when he found himself with nothing in his pockets in the presence of the Roman robbers. I trust I shall not be charged with having accused some of my honourable native colleagues of being dacoits. I can sing a song of sixpence, or any other song because I have absolutely nothing to give, and no entreaties or menaces can wring from me a rupee for any object, however intrinsically meritorious. It is therefore consolatory to find that my honourable non-official colleagues acknowledge the fact and have not pressed for the immediate grant of additional sums for various objects. Various honourable members have referred to the Provincial Contract, and made suggestions concerning it and the principles on which it should be framed, and regarding alterations in it which appeared to them desirable. I can assure these gentlemen that in the course of the negotiations with reference to the new contract which came into operation on April 1st last, this Government did their best to secure the most favourable possible terms for the Bombay Presidency, and I am bound to admit that I do not think that as a whole we have been very harshly treated by the Supreme Government. The Honourable Mr. Dharamsi, as I

understood, is of opinion that the Local Government should bear all charges in connection with a famine when a famine does occur and that to enable them to do so the contract should be so framed as to provide the Local Government with a large annual surplus over and above its estimated yearly expenditure in normal times, and that this surplus should be allowed to accumulate and to form a fund from which when a famine did visit the land the entire outlay in connection with the famine should be defrayed. In other words, he would lock up for many years, perhaps ten, possibly twenty, that is for a period of four consecutive contracts, and conceivably even more, what would be a huge sum, and leave the money lying idle and yielding no return of any description until an emergency arose when it would be required. To such a scheme the Government of India would I should say certainly refuse assent, and for my part I could not recommend the adoption of such a project which in my opinion has little if anything to commend it. The system now in force appears to me to be in every way preferable. We are required to maintain a fixed minimum balance, only to be trenched upon in most exceptional circumstances. We are given a certain annual income consisting partly of a fixed lump assignment, partly of the proceeds of our share of the revenue under certain specified heads, and partly of the entire revenue under certain other heads; and with this income we have to meet our expenditure, cutting our coat according to our cloth, and, as a rule, we are better off at the end than we were at the beginning of a contract. But such an arrangement is obviously designed to meet only normal times and ordinary circumstances. It clearly does not provide, and cannot provide, for exceptional calamity, such as famine, and for the extraordinary outlay which such a misfortune necessitates. When the calamity does befall us we have then, as in the present instance, first to exhaust our own resources to meet it, and then to seek the requisite assistance and funds from the Government of India. This method of dealing with the difficulty seems to me the simplest and the best, and under it the Government of India have as a matter of fact to bear the bulk of the famine charges in every Province where severe famine prevails over an extensive area, as the means at the disposal of the Local Government are insufficient to enable them to meet the whole burden. The accumulation of a large balance greatly in excess of our wants is an unprofitable locking-up of capital, and as painful experience has taught us, is to be avoided, for as once before remarked it tempts the Imperial Assyrian at Simla or Calcutta to come down on our fold and carry off many of our idle lambs. The deviation from the existing system which the Honourable Mr. Gokuldas apparently advocates, is that the Government of India should bear all famine expenses, leaving us our full ordinary income to meet our ordinary outgoings; in other words, we should not contribute at all from our balance or our current revenue towards meeting the cost of a famine. This doubtless would be for the Local Government an agreeable arrangement, but it is opposed to the principles which constitute the basis of the contract. It is to my mind barely equitable, and it is useless to expect that the Government of India would accede to such a suggestion. Further, as I have already remarked, the Supreme Government does perforce bear the bulk of all famine charges. The Honourable Mr. Gokuldas is in favour also of a revision of the terms of the contract. He thinks that our lump assignment out of the land revenue of the Presidency is too small, that it should be increased, and that we should be given a larger proportion of the receipts under the shared heads. Of course, I should like to have more money to spend. I wish that the honourable member's suggestion could be carried out, as it would obviously be a great gain to this Presidency. But there are two partners to the bargain and in the business, and

we cannot leave out of consideration the wants of the senior partner. His requirements as well as our needs have to be met out of the general estate or business in which we may be regarded as a junior-paid partner, with a certain share in the profits. It must be remembered that the Government of India have to bear the cost of all the military and naval forces, of various purely Imperial departments and establishments, of interest on Indian Government loans, of home charges and pensions, and of the Supreme Government itself, to say nothing of other minor items, and that to meet this expenditure it must of necessity draw its funds from the revenues of the various provinces or rather the State revenues collected in those provinces. We cannot expect to pocket the whole of the Bombay Presidency revenues, and in existing circumstances, and pending the advent of the millennium, it would, I apprehend, be of little avail to invite the Government of India to kindly make our share of income under the shared heads a much larger fraction than it now is. The suggestions for the modification of the contract seem therefore to me to be for the present beyond the range of practical politics and finance. The Honourable Mr. Dharamsi appears to think we are unfairly treated in having to pay from Provincial funds the sums given to Native States for opium compensation. I am unable to agree with him, seeing that provision to meet the charge is made in the contract. This is not a new or unforeseen demand to meet, for which there is no cover on the credit side. As regards the reduction, which the Government of India directed to be made in the estimated expenditure in our Budget, it indubitably has pressed hard on us, and I doubt if the full reduction is feasible, or can be actually effected, but we had to carry out orders, and adjust it in the manner we deemed most practicable and expedient for the time being, the luckless Public Works Department being in the end the chief sufferer. The only other remark made by the Honourable Mr. Dharamsi, to which perhaps I need refer relates to the grant of remissions of land revenue in the districts where famine obtains. I can only say that the local officers are naturally the best judges as to where and to what extent remissions should be given, that Government have full confidence in them and trust to their discretion, and that their recommendations are accepted. Allusion was made by the Honourable Mr. Gokuldas to the subject of exchange compensation allowance, and to what he deemed the unfairness of imposing this charge on Provincial revenues without any corresponding credit. It is true that when this allowance was first sanctioned during the currency of the contract which has just expired its incidence fell on Provincial revenues, and the Government of India, when applied to, declined to give us an additional assignment to meet it. This was, of course, somewhat hard on us, but the Supreme Government contended that it was a consequence of the terms of the contract that we should bear the new charge without an enhanced grant to cover it. In the new contract, however, the requisite provision has been entered, and no grievance therefore now exists on this score. The same honourable member contended, as I gathered from his remarks, that it was not proper that Local Funds should be called upon to make provision for famine relief works. From this view I must express my dissent. On the contrary, I can perceive no more useful or appropriate object on which Local Fund money can be spent. The cost is levied for the benefit of the population of a district. One-third has by law to be expended on educational purposes, the remaining two-thirds are available for outlay on works; such as wells, communications, and the like. I cannot see how this money can be laid out to greater advantage than in carrying on with it public works, which will not only prove hereafter of service to

the cess-payers, but will also at the same time provide suitable occupation for the poor of the district and assist in preserving their lives in times of suffering and distress.

Mr. Gokuldas is, I think, under some misapprehension in holding that the action of Government in levying a fine when agricultural is converted into non-agricultural land, or in other words, is rendered incapable of being cultivated by the erection on it of buildings, presses harshly on the rural population, by creating overcrowding in existing village sites, and thereby injuring the health of the villagers. In respect of providing additional land for new sites in an ordinary village when increase of population renders an enlargement of the village site desirable, or of giving new village sites when the former sites are found to be unhealthy or liable to be flooded, Government always act with liberality. Fines are not imposed, and the land, if waste, is given free or for a merely nominal charge, or if, as has been the case in several instances which recently have come before me, the land is occupied and is bought by the villagers from the holders. Government purchase it from the villagers for the sum so paid by them, and it is parcelled out amongst intending house-builders, and an amount equivalent to that paid for the land is recovered from them. In the instance of towns and large villages, which might almost be described as towns, the case is different. There when the population expands, and the trade and importance of the place increase, and when for these or other reasons the value of the land immediately surrounding the town is materially raised a fine varying in amount according to circumstances is levied. It is but fair that Government as the owner of the land should share with the tenant the unearned increment in the value of the land when it is converted from cultivated ground into building sites. I agree with the Honourable Dr. Bhalchandra as to the intrinsic expediency of the various sanitary improvements suggested by him, but there are two difficulties in the way; first, there is the conservative instinct of the ordinary villager and his dislike of all change and callousness regarding the need for cleanliness of his surroundings which he cannot understand and is not keen to secure; and secondly, there is the fact that generally the land immediately around a village is occupied and that sites for clusters of separate dung heaps and the like are not procurable.

The Honourable Dr. Bhalchandra has referred to the question of the forest tribes in Thána and the privileges allowed to them in the Government forests. It seems only necessary to say with regard to this matter that several months ago on consideration of the circumstances Government suspended the operation of the order passed some ten months ago withdrawing from the forest tribes privileges in forest which they had previously exercised. The suspension was nominally temporary, but the restrictions on forest privileges imposed last year will not, I think, be re-imposed—at all events not with the same rigid and comprehensive effect. I am unable to agree with the honourable member in his eulogy of the Katkaris as honest and law-abiding people. I knew them well when I served as Assistant Collector in Thána for three years, and unless since then their morals have greatly improved and they have gained a keener perception of the difference between *meum* and *tuum*, they certainly do not merit this description of them. Perhaps they rarely are guilty of very serious crime, but as thieves on a small scale they are difficult to beat.

The Honourable Dr. Bhalchandra has revived the well-worn subject of the adequacy of the annual ábkári compensation paid to the Bombay City Municipality. I do not propose to refer at length to this matter. I can only repeat what I have said before more

than once that the amount of the compensation has been fixed by law, that Government are not prepared to re-open the question, and that as far as I can see the Municipality has no legal or equitable claim to an increase of the sum paid yearly to it. The Honourable Mr. Khare has mentioned the subject of the Devghad Taluka Khots and the necessity for legislation with reference to them. Government admit that the Khoti Act must be amended, and a Bill to effect the alterations deemed requisite has been drafted, is now under consideration, and will, I trust, ere long be introduced. The Honourable Mr. Abercrombie has made some remarks on the subject of irrigation and the advisability of extending it. Irrigational revenue and expenditure are however Imperial with the exception of a comparatively small irrigational work at Gokak in the Belgaum Collectorate, which has been provincialised for reasons which I need not detail. I would, however, point out to the honourable member that of the very large sum amounting to many lakhs which has been advanced by Government to occupants of land fully one-half, I should say, and probably more, has been laid out in the sinking of wells for irrigational purposes, and will thus materially increase the irrigable area, as each well thus sunk will suffice to supply water for the cultivation of several acres of land. I do not think I need further detain the Council. I have I hope referred to most of the subjects touched on in the debate. The rest have been dealt with by my honourable colleague, Sir Charles Ollivant, and the Honourable Mr. Kirkham, or will be referred to by His Excellency the President. The comments on the budget have not on this occasion been as numerous and varied as usual; adverse criticisms have been few: and it only remains for me again to thank honourable non-official members who have to-day addressed the Council for their courteous and interesting observations.

His Excellency the PRESIDENT said—My honourable Colleagues—Under the rules of this Council it is provided that the budget discussion shall be closed by the President if he has any remarks to make. I have a few remarks to make, particularly on a subject with which I have been more intimately connected than either of the other members of Government, but before I come to that I must say something regarding the changes in the Council itself. This is the second occasion on which I have had to welcome new members and to regret the loss and departure of others. Some members have appealed to their constituents, and, as in the case of elections in all countries, some have been fortunate enough to be returned and others have lost their seats. Amongst the latter is Mr. Setalvad with his great anxiety for information—an anxiety with which I have never once quarrelled. He is an energetic young man and I have no doubt that during the time he is absent from the Council, he will find other fields for the talents and energies he undoubtedly possesses. I regret in common with all members present the absence of the Honourable Mr. Mehta who possesses a record of public life which is most honourable to himself. I sincerely hope and I am encouraged to believe, from the enquiries I have made, that the operation he went to England to have performed has been successfully carried out, and I hope we shall soon see him in public life and at this Council table in his former health and strength. I regret the loss of my honourable colleague, Mr. Birdwood, although his post is filled by so able an officer as Sir Charles Ollivant. We all know that for many years he rendered faithful service to this country and our good wishes for a lengthy leisure have followed him to his home. Another personage I miss, not only from this table, but also in my bi-weekly meetings with Government officers is my friend Mr. Little, whose portly form we shall not see here again. During his long service in

this country he proved to all the value of his counsels and the breadth of his views on all subjects; he was a friend of all, and we lose in him a public servant of very great value to Government. We welcome however several new members of Council, amongst them Mr. Chandavarkar, whom I did not previously know, and Dr. Bhalchandra. Both have proved themselves in their various walks of life men of ability and also so far as the latter is concerned, of administrative capacity, and I cannot but think that they will be a source of strength to us. Mr. Gokuldas has hitherto not been personally known to me, but I observe with pleasure that he takes considerable interest in the various subjects with which this Council is concerned.

As has already been mentioned this Presidency has passed through a most terrible year. In November last I visited Surat and I had an opportunity of shadowing forth the policy of the Government of Bombay in regard to famine, should it unfortunately rise to the proportions which it unhappily reached. But it was then impossible to foresee that the Government of Bombay would simultaneously find itself face to face with a foe more insidious, more damaging to commerce, more fatal, slow perhaps in its movement, but fatally sure, namely plague. Of the famine my colleague, Mr. Nugent, and the officers of Government who worked under him have unhappily in one sense had experience to guide them, and that experience did a great deal towards assuring the success of the energies that were put forth in combating scarcity. But in regard to plague we had not similar experience to guide us. What is more, the daily returns from the Municipal Health Department, at the time of which I am speaking, November, led one to believe (I don't say erroneously) that the mortality from the disease was not increasing. Before I left Mahábleshwar, about the third week in November, we were encouraged to believe that the outbreak was not gaining ground. But unfortunately these hopes were not fulfilled, and the mortality suddenly mounted up. Thus we had a combination of famine and plague calculated to strain to the utmost all the powers, nay, the possibilities of administration; not only the resources of the Bombay Government, but also those of the Government of India. I sincerely trust and pray that it may not be the lot of any future Governor or Government in Bombay to have to deal with so terrible a combination as this. With regard to the famine it is true that the responsibility for the conduct of operations against it, like all other administrative responsibility, lies with the Government of Bombay as a whole. But I noticed that throughout his speech my honourable colleague, Mr. Nugent, with characteristic modesty, spoke of the operations of Government, and did not let it appear that it was upon him that the burden of dealing with the famine principally rested. In conjunction with the Honourable Mr. Monteath, combined with the officials of various departments, Mr. Nugent is entitled to the whole credit of the success in the famine administration of which such cordial acknowledgment has been given by all non-official members to-day.

It will be remembered that some time during the month of December a public meeting was called by the Sheriff of Bombay for the purpose of starting a charitable relief fund. I was asked to preside at that meeting, and I had great pleasure in doing so. It is interesting to relate the success of the appeal then made to the public for funds, I need not remind this Council, especially such members of it as the Chairman of the Bombay Chamber of Commerce, and also the Chairman of the Port Trust, of the sad havoc the plague and famine combined were making of the commerce and industry of Bombay. But in spite of the depressed condition of trade, in sums ranging from a few rupees to

10,000 rupees the amount collected by the Bombay Fund was upwards of 2,43,000 rupees. In this sum are included sums from different parts of the Presidency and Aden. Aden sent Rs. 18,000, Ahmedabad Rs. 8,000, Bhávnagar Rs. 25,000, and so on. In addition to this we received from the Central Fund in Calcutta nearly 12 lákhs of rupees, making in all about Rs. 14,36,000. This charitable help being in addition to the work done by Government has contributed greatly to the success of famine operations. I am informed that there exists the greatest gratitude for what has been done amongst the poor and suffering. It is gratifying that such spontaneous generosity has been shown and has been gratefully received. It is also satisfactory to note (a circumstance which my honourable colleague was again far too modest to refer to) that the famine administration besides meeting with the approval of non-official members of this Council has called forth the most generous eulogies from the Government of India.

The members of the Council are aware that I have not had any opportunity of late of saying any word in public in regard to the administration of plague measures, of which I myself have had charge. It is true that I made one speech to a deputation of the Chamber of Commerce last February. I then took the opportunity to acknowledge the generosity with which the actions of the Government of Bombay had been viewed by Press and public, when serious criticisms, even though not well founded, might have been looked for. A great deal has happened since then. It has been, indeed, a long and terrible struggle, and I need not go over its history so far as Bombay is concerned. Honourable members will remember the formation of the Gatacre Committee when Government considered that the operations must be entrusted to a special agency. When that Committee undertook its functions a decrease in the mortality had already commenced. The weekly number of deaths had fallen from nearly 1,900 to about 1,400, so that the improvement was obvious. But we cannot be too thankful—I doubt whether we can be sufficiently thankful—for the extraordinary energy, the great tact and the absolute self-sacrifice of the gallant general who was Chairman of that Committee, further than that I should like to mention the work done by the Sisters, both Catholic and Protestant, who both before and after the arrival of the nurses from England did so much of the nursing of plague patients at the Parel Hospital and elsewhere. Not only is Government grateful to them for their devoted and self-denying labours, but also the public have every reason to be grateful, and in many cases patients have recognised after leaving hospital the kindness bestowed upon them.

I am also glad to take this opportunity of recognising the help afforded by the Justices of the Peace in response to an appeal I made to them at a meeting in the Town Hall in February last. There was very generous response to the application I made to them for voluntary help and a great number of the Justices worked throughout the operations and did very valuable service indeed. The result of all this self-denying labour is that for some weeks past the plague has been nearly extinct. It is true there is some ground for anxiety in the death-rate being so abnormally high. But about three weeks ago I suggested a searching enquiry as to the causes of this increase, and I find that so far as can possibly be discovered, it is not due to any disease with bubonic symptoms. I paid a flying visit to Karáchi after plague had assumed epidemic proportions there, and a plague committee was instituted. Its operations have been controlled by the Commissioner in Sind, Mr. Wingate, under whom I put all the officers concerned, and the work that has

been done there has been most unceasing, most unselfish and splendid. I would here add in addition to what I have said of the work of the civilians, that the Plague Committee presided over by General Cooke, military were employed in the service of General Cooke, and the soldiers of all ranks are entitled to our praise and thanks. There again, we are glad to observe that the plague has even more nearly disappeared. But it is not only the Plague Committees specially constituted to whom recognition is due. In almost every place in the Presidency if we had not had to combat plague, we have at least had to make such preparations as would be necessary in case the epidemic should break out.

We had to adopt an octopus-like organisation for the examination of passengers by train at railway stations. I cannot say how many medical men, hospital assistants, and others were employed in this operation which has been carried out in a manner which reflects the greatest credit upon the commissioned officers, the assistant surgeons, and the hospital assistants engaged in this delicate work. Not only did we examine passengers leaving Bombay, there was also an examination of all persons entering the city, either by rail, road, or sea, in order that they might not carry with them from their towns and villages the risk of infection. In addition to the examination of travellers by train and of passengers by harbour boats, it was absolutely necessary to examine every passenger who left Bombay by any sort of sea-going vessel, and all incoming passengers, so that Bombay should not be re-infected. In the months of February, March, April, May, June and July the number of out-going passengers medically examined exceeded 394,000, and as regards inward passengers the number of persons examined was 283,000, making a total of close on 700,000. This examination was of a very thorough character. It was a task of such colossal magnitude, that when it was seriously proposed I quailed before it, because I thought it was practically impossible. But it has been done, and successfully done. So far as I know, there have only been two ocean-going vessels that carried any plague cases from Bombay, and one was a ship for the health of which the medical officers of the Port, Drs. MacCartie and Crimmin, were not responsible. A sober-headed Scotch friend of mine said to me a short time ago, that since the building of the tower of Babel no work so great has been undertaken. Without going so far as to endorse this view, I can say that Dr. MacCartie and Dr. Crimmin have carried out the colossal project with the greatest success. To these energetic and tactful gentlemen thanks are due not only in Bombay, but also in the numerous ports throughout the civilised world where the steamers from Bombay go. Another direction in which we had to take precautions, and salutary indeed have been the results, was in the "camps of observation" at the entrances of various towns and villages. The need for such precaution is shown by the success with which Sholápur, Ahmednagar, Maháleshvar, and other places were kept free from the disease. Cases did arise on the confines of those towns, and the travellers were put into observation camps, and in some instances fatal cases of plague occurred.

Thus plague was kept away, and from our experience we know that if it had gained an entrance, it would have been hard to dislodge it, for authorities would probably not have heard of it till many deaths had occurred. I know that in very many cases great inconvenience has been caused by the measures of plague suppression that were rendered necessary. I do not suppose that there is a single member of this Council who has not known something of this inconvenience, which has been felt both by the Europeans and the Native inhabitants of this country. I know this that my own servants have been shut up in these observation camps, and inconveniences such as this have been felt by all

alike. But what are these trifling inconveniences compared with the great loss of life occasioned by the plague, and the enormous difficulty of stamping it out when once it has gained a footing? Just look at the case of Cutch Mándvi. For a considerable time they said they had no plague there. But one fine day the mortality barometer went up, and it went on going up until, if my memory serves me rightly, the death rate rose to nearly 2,000 per mille per annum. At that rate, the whole population would have been swept away in an incredibly short space of time. We sent coolies, nurses and doctors, and his Highness the Ráo of Cutch helped in every possible way. Supposing that things had been left to take their course, few who had remained in the town would have been saved. Of course we have had to do many things in a great hurry. Anxious as we are ordinarily to observe routine rules, it was not possible to do so in fighting such a campaign. The time was one for action and not for thinking of ordinary methods of procedure. I am practically certain that there is a general sense of extreme gratitude, shared by all classes of the population for the efforts made to save the population from the destruction wrought by the plague.

I turn now to a subject that has attracted considerable attention of late, and that is the work of the Plague Committee in Poona. You will have observed that various questions have been asked in the House of Commons in regard to a petition purporting to have been signed by nearly 2,000 people. Great capital was made of the alleged fact that both Mussalmans and Hindus combined, and therefore it was assumed that every allegation in that petition was a fact. Honourable members will, no doubt, have seen the direct contradiction I gave through the mouth of the Secretary of State for India, in the House of Commons, to the general allegations in that petition. From that contradiction I have not a particle to withdraw, more than that, before I sit down I shall show honourable members how baseless, how cruel, how ruthless, how disgraceful were the insinuations made. I had held a meeting, to which leading inhabitants were invited, at which I had asked them to organise measures of this kind themselves. I was also most anxious that in Poona as in Bombay, so far as human foresight made it possible, our operations should not be hindered by any unduly harsh measures, or by offending the susceptibilities of the people in regard to the examination of women. I caused the Collector to call together the various heads of the community, Mussalmáns, Pársees, and Hindus. I explained to them the terrible exigencies of the situation and pointed out what must be done, and I called upon them to assist to the best of their ability. Through Mr. Rand I arranged that ladies should be at hand to assist the search parties by examining females. I can of my own knowledge bear witness to the fact how instead of being ruthlessly severe and proud of his own knowledge, how anxious Mr. Rand was to find out the weak points in his organisation and to remedy any arrangement which might lead to unnecessary severity and hardship. Very well, what was the result? Before very long a variety of mis-statements (were I not in this Council Hall I should call them by a more direct term) were started. These mis-statements have found their way into newspapers of various descriptions, and they have found their way into the House of Commons. I cannot remember whether it was in the petition of the body styling itself the Deccan Sabha that this was stated, but stated it was, that on operations commencing so great was the terror caused that the public fled in large numbers. Now, what is the fact? Precisely the opposite; no statement could have been more misleading. Before the measures took place a certain number of people did leave the city, but when it was ascertained how simply, how quietly,

how harmoniously the operations were carried out, the people began to come back. Few more people left the city, and they began settling down to their avocations. (Mr. Rand, with whom I was in constant touch, wrote to me that since the operations had begun, on the 13th of March, the exodus had stopped. Not only so; before the operations were over the people were returning in considerable numbers. Other equally erroneous statements besides those I have mentioned were made in the various petitions. I had it from Mr. Rand's own lips and from many other sources that he did make all possible enquiry in regard to the things which were brought to his notice. Not only so, he posted a statement in the vernacular, pointing out that complaints should be made on the spot, if possible, because identification might be difficult later on. There was every anxiety to get at the bottom of grievances and remedy them. Some people may say that is not the fact, but in reply to that I may say that that dead man's word is good enough for me. Of course the measures to which I have referred were inconvenient and unpleasant; nobody likes a party of white-washers to come into their house, nobody cares to be made to go into hospital, and so forth. But what the people would not do for themselves we had to do for them in the hope of stealing a march on this almost-not-to-be-defeated enemy. In regard to one statement I put the words "malevolent fabrication" into the mouth of the Secretary of State. The statement was that women were brought down into the streets and stripped to be examined. For this statement there was no foundation whatever. As you are all aware, a great many houses in Poona are extremely dark, and, in fact, it is almost impossible to see into them. It was considered necessary, if possible, to get all the inmates of such houses, not always into the street, but into some lighter room or into a court-yard to see if they looked ill. If there were indications that the persons were not in good health, a medical inspection did ensue, but with every regard to decency. Women were examined by women, unless, as was not unfrequently the case, no objection was offered to examination by a commissioned medical officer. It was, however, reported to Mr. Rand, I think by a deputation, that this practice was objectionable to a large number of the population. Mr. Rand said, "Very well, we must see what we can do," and at the risk of impairing the efficiency of the organisation he decided to give up the practice. A still more malevolent invention was the allegation that two women had been violated by British soldiers and that one of them had committed suicide. Well, some silly person has observed that Mr. Lamb was making enquiries into this charge, after I had informed the Secretary of State that it was false, and said it was a pity that I had given this extreme contradiction without having first made these enquiries. The man who made this remark must have been very ignorant of the ordinary way in which business is carried on. Who would suppose that I should go and deny any statement without first making enquiries as to whether there was any possible foundation for it? I did make such enquiries before I telegraphed to the Secretary of State, and if the man who blames me for being, as he thinks, too hasty in the matter, had read the telegram, as given by the Secretary of State in the House of Commons, he would have seen that what I telegraphed was this: "From all enquiries I have made, I am convinced that this is a still more gross and malevolent invention than that about stripping of women." Enquiries have been made of all the persons attending the search parties, and as far as I have been able to ascertain from their replies, only one of them had ever heard even a rumour of ill-treatment of women, and on inquiry could find no basis for the rumour.

Well, then, I give you another statement this time in regard to the Poona Plague Hospital, started by a person of the name of Pandita Ramabai, that a female plague patient had been seduced at this hospital, and a general statement was made, which I think appeared in a newspaper called the *Bombay Guardian*, that the administration of the hospital was very bad and scandalous. I noticed that statement, and I made inquiries at once, which led me to believe implicitly not only that the particular charge was unfounded, but that I had no reason to criticise or to complain of the management of the Poona Plague Hospital which was not only in the charge of a commissioned medical officer, but also had three of the most efficient trained English nurses in addition. But it is a curious fact that with the five hundred women patients that the commissioned officer assumes he had from first to last in the hospital no complaint of ill treatment of women ever reached him. The hospital was not closed to visitors, and the relations, male and female, of patients were frequently about and took care of their sick, and no such imputation ever reached that officer. The result of these measures was that in a period of about six weeks we had got the death rate in Poona down to normal from the great height at which it stood—when operations began a rate six or seven times the normal—and within three months the plague was practically exterminated. I venture to say this was done by the unceasing energetic pursuit of the most monotonous, hardest, and most distasteful work that one could be called upon to perform. When you come to talk about discontent we know perfectly well that in every town, even in England, where you have a strong body to administer the health department you will always have a considerable number of grumblers who dislike being ordered to do this and that, and I am not surprised that grumbling found vent at times; but there was no shred of suspicion to justify such a saying as was reported in certain newspapers, and which I emphatically repudiate. I should like to say a word about the conservancy of the town. I believe it is difficult to imagine the filthy state in which the town of Poona was. I believe now it is in an extremely clean state. But then there was hardly a night-soil cart in proper repair, and the night-soil and refuse, instead of being taken to the proper place, was shot out here and there. All this has now been put right, and in a great measure owing to the industrious efforts of the British non-commissioned officers and soldiers, who themselves have done a great deal of the sanitary and disinfecting work which would have fallen under ordinary circumstances into other hands. Now I should like to ask how all these ceaseless and unselfish efforts are met by a certain section of the people of Poona? They were pleased to put in the back ground all the generous assistance, the voluntary aid, the self-denying energy that was shown by all those who endeavoured to do good, and instead to misrepresent—misrepresent is a mild term—the objects and the measures, and to assume and to put about that they were instigated by cruelty, greed, and lust. Also what happened after Mr. Rand had been shot, and when he was lying at the point of death? It was then that this question was prompted and found vent in the House of Commons, and without a word of generous recognition of the energy, the sympathy, he had shown, the untiring and ceaseless watch that he had kept over the plague operations. The feeling that promoted those questions is one which I believe is repudiated by a great proportion of the native inhabitants not only of the Bombay Presidency but also of other parts of India. Then it is true that an apology, and a withdrawal has been made by a gentleman whose name was prominently for a few days before the public, but it is very easy thousands of mile from here to make statements which have not a shred of

foundation, but which such a man may deem good enough for the English people—statements which show this and show that. That is very easy. It is also very easy to come back and say “I was misinformed, and I apologise,” but the harm has been done in spreading abroad these foul unfounded accusations and attacks, and while I recognise that the apology has been made I might tender the advice that in future when it is thought necessary as it may be at times to offer criticism—and I have never complained of criticism—if it is necessary to make statements of that kind they should be made here where they may be enquired into, and, if untrue, contradicted, and not made so that they gain currency all the world over before an answer can be given. There is another point, one which has attracted the attention of none here outside those who were actively responsible and who carried out the measures in Poona and other places. Few of us are aware of the dissimulation that was met with, the subterfuges that were resorted to. By a travesty of terms one obstructive individual explained that he was working in the interests of the people. The greatest and the foremost interest of the people was to get rid of the plague, which, as I said, was not killing individuals here and there, but was devastating villages and towns, and obstruction was devised with a crafty ingenuity, the object of which was to defeat the measures which were being carried out and to produce and stimulate discontent. We know very well that this was not done by those who belonged to the poor, uneducated or simple class, but it was done by some of those who, proud of their education, ought to have known better than to do as they did. They ought to have known that what was being done was to combat this disease. They must have known this, and they knew also the manner in which these operations were being carried out. There were people who surreptitiously moved plague patients from place to place, with the result that they became the instruments for spreading the disease broadcast. Now, I visited the Hindu hospital. It was not a hospital like the Poona Plague Hospital for the free admission of patients; it was a hospital to which all comers, or the greater part of them, had to pay for their food and an entrance fee of ten rupees. As far as I was able to ascertain, and I saw the hospital myself, the people in constant attendance at it were not even hospital assistants, and I think the community interested in that hospital might have discovered some one like my honourable colleague, Dr. Balchandra, who is an experienced member of his profession, who would have given up his time and worked with the greatest assiduity as did Dr. Bhalchandra in his plague hospital in Bombay, and endeavoured to save the lives and ameliorate the condition of the sufferers. The Mahomedans of Poona have erected, I believe principally at the instance of one individual—for I believe Poona is not numerous in wealthy Mahomedans—a hospital, and the friends and relations, as in the general plague hospital, were allowed to visit the patients, and the greatest usefulness was done by that hospital.

Now I wish to say a word as to the memorial which has excited so much comment, and which comes from a body called the Deccan Sabha, a memorial, I explained at the commencement of my speech, the strong point of which was said to be that it included amongst its signatories both Musalmans and Hindoos. Well I have been at the pains of endeavouring to ascertain who the signatories to this memorial were, and I found out of the 1,699 signatories 721 have been examined. Of these only 144 can be found, the remaining 577 not being found or not traceable or not known. Of these 144, fourteen deny their signatures and the rest say that they were induced by the agents of the Deccan Sabha and the “Dnyan Prakash” newspaper to sign some petition about plague measures.

Fifty of them did not know what they were signing, and half a dozen different objects for which their signatures were required were held out. One reason was for better lighting, another for fixing the price of grain, a third against increased taxes, and fourth for reduction of market rents. Ráo Bahádur Bhide was the principal signatory of this affair. He was the chairman of the Deccan Sabha and admits that he worked with the troops from first to last, never missing a day of his turn to accompany the search parties, and that he never saw any misconduct. Nawab Abdul Khan, another signatory, says he signed merely in his private capacity, never having seen the memorial, not knowing any of its contents, and never having seen any misconduct. He has been deposed by the members of that body from his position of President of the Anjuman-i-Islam. The Mahomedans deny that they have any complaints to make against the plague operations. Now, I have stated the facts of the case. I have spoken plainly, and I began to speak with that intention. The result of all this was that there was a small section in Poona who, with deliberate and unscrupulous untruth and perversion, tried to impede our plague operations, then tried to blind the public to the merit of the splendid work done by the plague workers, and finally tried to blind them to the true malignity of a cruel and deliberate murder. Now there is a brighter side to all these plague measures. I would beg leave to say that the whole of the credit for these operations—and I claim that they have been most successful, successful beyond my most sanguine hopes—has depended upon the vast army of officials of all ranks who have been engaged under the Government of Bombay in carrying out the plague work in various places. In speaking of the officers engaged in plague work I cannot but refer to the murders—I cannot do anything else—of those two officers. As for the one who was shot dead, Lieutenant Ayerst, it is so distressing that I can hardly allude to it. A boy just commencing his career, beloved by his brother officers and respected by the soldiers whom he had commanded—all I can do is to express what, I am sure, are the sentiments of this Council by saying that we all deeply deplore his death, and we tender our respectful sympathy to the widow he has left behind him. In regard to Mr. Rand, again expression almost fails me. I was particularly thrown with the late Mr. Rand throughout the whole of these operations. I heard from him, I think without intermission, daily. I stayed at Poona on two occasions, and I saw him at several other times. I have said, through the Secretary of State, that the Civil Service has lost in that gentleman an able and devoted servant. Again here let us offer our respectful sympathy to his widow, and in the face of the baseless calumnies with which he was assailed I will merely say he was a man of honour who tried to do his duty. Turning to the other officers the Council will observe that it would be impossible to enumerate by name every officer with whom I have come into contact, and to whom I wish to give the praise which has been so well deserved by all. I cannot speak too highly of the way Government have been served—nay the public have been served,—by officers both civil and military; by the medical officers of both the Army Medical Staff and the Indian Medical Service; by the subordinate Government servants; and by the private soldier, both native and European. Also I must speak with gratitude of the vast amount of work voluntarily done by the ladies who assisted us, and by the very large number of English and native gentlemen and by the Sisters and nurses. In my remarks on famine I mentioned my honourable colleague's (Mr Nugent's) energy and success and the invaluable work of the Chief Secretary, Mr. Monteath. I should like also to say I do consider the Government and the public are under a very great obligation to the officer who is the Secretary of the

General Department, Mr. Atkins, for the ceaseless work he did, and which these tremendous calamities have entailed upon us. No hours have been too long for him, no matter too trivial to be allowed to escape prompt attention, and every call has been met not only by Mr. Atkins, but by all the men in his office, with an ever-present readiness and cheerfulness which merits the highest praise. When I speak of the civil officers I am not forgetful of the deeds performed by so many private gentlemen, European and native, who have greatly contributed in Bombay, Káraochi, and Poona to render success in the task more easy, but there was not a civil officer in the Presidency who was not anxious to work. The moment a judge could leave his court he was ready to assist, whilst in remote places the assistant collectors and the subordinate officers and the medical officers of all degrees vied with one another in doing their very utmost to bring about a better state of things. The plague operations at Bandora were under the direction of an energetic Englishman, Mr. Gilbert, to whom, together with Surgeon-Captain Prall and Mr. Little, their fellow-townsmen, we owe a very deep debt of gratitude. On the Damaun frontier it is difficult to exaggerate the importance of the work done by Mr. Judge of the Salt Department. I notice side by side with this plague work that we have had to deal with famine, so that honourable members will see, as I have said, that the possibilities of the administration of Government were strained almost to bursting point, and that they could not have been carried on had not the Government of Bombay been seconded in this energetic and ever cheerful way by all the officers. I have often asked myself when I have been round the famine districts, "How long can these men endure this ceaseless work in a climate in which they were not born, and living in the hottest days and in rains in tents, and so forth?"—and the answer always given me was, "Well, you will see, these men will continue to work until the calamity is past." Such is the experience I have had, and I must say that whilst the calamities have been very great, and whilst it has been heart-rending to observe the devastation and the suffering around us, it has indeed been a proud feeling for me that I have been at the head throughout the whole of these proceedings, and to feel that I have been the chief in command of such a body of men as I have had to assist me in these calamities. I do not limit my observations to commissioned officers, civilian officers, and so on, but I wish to include amongst them the assistant surgeons and hospital assistants who come in this long list, and who, in their profession I consider to have nobly performed their several tasks. Now I must say a word about the soldiers. These calumnies have been sown broadcast—I should think as a matter of fact they have commanded very little respect and credence—but they have been made. It is not to be supposed that when these charges are made, when they are the subject of questions in the House of Commons, that Commanding Officers can sit quietly by and hear the characters of their men impugned, or that the private soldier himself does not feel the very greatest and gravest indignation. And I should like to ask those who lightly make these charges to ask themselves this question—"Are not Commanding Officers jealous to a degree of the reputation of the men whom they command?" And I know full well they would be the first to single out and punish any individuals who had been detected in crimes of this description. And is not the private soldier equally proud of his own reputation and that of his comrades and his corps? All I can say is that from the inquiries I have made, I believe that nowhere in the world could operations of this description have been carried out by any class of people more ably, more thoroughly, or more considerately or humanely than by the body of soldiers employed in plague work in

the City of Poona. I tender the thanks of the suffering public of the Bombay Presidency to all the civilian officers, subordinate servants, military officers, private soldiers, English and native, nurses, private gentlemen, and the members of the various departments of Public Works and Revenue officials engaged in famine and plague work. I cannot think at this moment that I have excluded anybody, but if I have inadvertently excluded anybody who ought to be included, he must consider himself included. I have made this speech on my own responsibility as being responsible for the department which has administered the campaign against the plague. Without disrespect to this Honourable Council I have one regret about this speech. If I may say so I should have liked to make this speech before a full body of those who have so villainously traduced the soldiers. I am convinced from the reports I have seen from officers of great experience that there exists generally—and I believe emphatically it also has existence in Poona—a great feeling of gratitude for the measures and steps which were taken in regard to checking the plague. The people do now recognise the spirit in which they were carried out and the endeavour to do good. The hospitals were hated at first in Bombay, and it was difficult to get people to go into them. It was not so much the want of hospital accommodation we felt as the want of patients who would consent to be put into them. Notwithstanding this extraordinary objection the time came when patients expressed regret at having to leave a home where they had been so happy, and on many occasions people returned to the nurses and to the good Sisters who worked so well with their humble but pathetic offerings of flowers with which to testify to the gratitude which they felt. I wish to say now that having lived through this tempestuous year which came to a climax with that terrible tragedy just outside my own doors only a few weeks ago, I would like to remind you that I have been here now for very nearly two and a half years. I came here full of the greatest sympathy for all natives, and for everything native, and I can assure my honourable colleagues, who do not come from Europe, that notwithstanding all these calumnies, which I pass over and sweep aside, and notwithstanding the heart-breaking tragedy which occurred, that sympathy is not altered one iota. I have had an opportunity, which I think I may say without putting myself forward, few others have had of visiting in Bombay the homes of many of the poorest class of people. I also made it my duty to go twice round the famine districts. It was a pleasure, if one can use such a term in regard to famine work, to see how the work was being done, how well on the whole the people looked, and how well nourished they apparently were. I have watched with the greatest sympathy and admiration the extraordinary patience with which the poorest classes of this country bear their sufferings, and my honourable friend has given his account of the proceedings of the famine. He can testify, as innumerable officers can testify, to the fact that gratitude has been shown for the assistance given, and especially in regard to the charitable fund which has been utilized to replace bullocks which were starved. At the same time I am glad to be able to record my opinion, based upon the views of those who have had a lengthy experience of this country, that the plague operations have left a great mark and a deep mark, and, as most men think, a lasting mark in a feeling of gratitude in the minds of the poorest of the people. I have said all I had to say. I thought it was due to the Council and the public to make this statement. I will merely conclude by repeating what I said a few minutes ago that the great encouragement and satisfaction I have had in dealing with this plague has been to observe the

splendid spirit which has animated and maintained every worker who has been employed under the Government of Bombay through this time of trial.

BILL No. III OF 1896: A BILL TO AMEND ACT VIII OF 1870 (AN ACT FOR THE PREVENTION OF THE MURDER OF FEMALE INFANTS, AS TO THE PRESIDENCY OF BOMBAY).

The Honourable Sir CHARLES OLLIVANT said :—Your Excellency,—I shall not have to detain the Council for any length of time in respect to this

The Honourable Sir C. Ollivant moves the third reading of the Bill to amend Act VIII of 1870.

Bill. Most of the members of the Council were present when the Bill passed its first reading, and went through other stages, and therefore know more about the objects of the measure than I do myself. The Bill has been approved by the Select Committee to which it was referred and has passed its second reading. Before moving the third reading I have to propose a slight amendment to Section 2. Owing to a clerical error the date therein stated is the 31st December 1870, whereas the proper date should be 21st December 1870. I therefore propose that the words "21st December 1870" be substituted in Section 2 for the words "31st December 1870."

Bill read a third time and passed

The amendment was agreed to. The Bill was then read a third time and passed.

BILL No. II OF 1897: A BILL TO AMEND THE SIND VILLAGE OFFICERS ACT, 1881, AS AMENDED BY BOMBAY ACT II OF 1888.

In moving the first reading of the Bill to amend the Sind Village Officers Act, 1881,

The Honourable Mr. Nugent moves the first reading of the Bill to amend the Sind Village Officers Act, 1881, as amended by Bombay Act II of 1888.

the Honourable Mr. NUGENT said—Your Excellency,—the Sind Village Officers Act of 1881 empowered the Commissioner in Sind to appoint village officers in that Province, and authorised Government to levy a cess of one anna per rupee of land assessment in addition to such assessment to meet the cost of the salaries and other emoluments of the village officers. In 1888 this Act was amended by a law passed by this Council. Amongst the amendments then made was one which constituted as village officers for the purposes of the original Act the peons of Tapedárs. A Tapedár I may mention is the officer in Sind holding a position analogous to that occupied, and performing duties in many respects similar to, but at the same time more important and extensive than, those discharged by taláti in Gujarát, the Konkan and elsewhere, and by *shandogs* in Kánara. Another amendment authorised the expenditure on account of the contingent expenditure of Sind village officers and of pensions, gratuities, or compassionate allowances granted to them on retirement to be defrayed from the special One-anna Cess Fund. The present Bill is now brought forward with a view to the insertion in the original Act of further provisions which experience since acquired has shown to be expedient. All Local Fund accounts, and of course the Sind Village Cess Fund constituted by the Act of 1881 is a Local Fund, are audited in the office of the Accountant General. For the purposes of this audit an establishment is maintained in that office, the cost of which is recovered proportionately from the various Local Funds. The Sind Village Cess Fund was at first called upon to pay its due share, and did so; but in 1889 the point was raised whether under the law as

it then stood and at present stands the payment could legally be made, and bearing in mind the precisely defined purposes for which alone under the Act of 1881 and the amending Act of 1888 the moneys of the Fund could be spent, it was held by the legal adviser of Government that the defrayal from the Fund of audit charges in connection with the Accountant General's scrutiny of the charges was not admissible under the strict letter of the law. To remedy this defect and to permit of the payment from the Fund in future of the charge for audit, as also to validate all payments under this head made up to date, provision is now made in section 2 of the Bill. It is obviously desirable that the accounts of this Fund as of other Local Funds should be subjected to professional audit, and it is but equitable that this Fund should bear its proportionate share of the cost of the Local Funds Audit establishment in the Accountant General's office as do the other Local Funds.

The Sind Revenue Survey has now ceased to exist and such survey work as has to be done is performed by the Superintendent of Land Records and Agriculture in Sind with the assistance of the Tapedárs and Supervising Tapedárs. Agricultural statistics have to be collected : the village maps and records have to be kept up to date : traverse surveys have to be made for the accurate subdivision of the land into numbers : subsidiary numbers have to be measured and plotted out : questions regarding boundaries and encroachments have to be settled. For the performance primarily of these duties in addition to the collection of all the land revenue within his charge the Tapedár is responsible. It is obvious therefore that to enable him to carry out his work intelligently and satisfactorily the Tapedár should not merely possess some ordinary literary learning but should also have received some special technical training. It is essential that he should know surveying : he must be versed in village accounts : he must understand field inspection, know the different kinds of crops and be able to judge what the character of a crop is. And all this he should know when first he enters on his duties and not be left to learn by slow degrees, if ever, by practical experience, in the meantime committing many mistakes and making many bumbles to the disadvantage both of the State and the cultivator. To enable therefore persons who are to serve as Tapedárs to acquire the knowledge and obtain the training necessary to fit them for the discharge of their multifarious and important duties before their appointment to charges a system has been devised under which probationers receive an education in the various branches of their work at the Hyderabad Agricultural School. There they are well grounded in their future duties and undergo a course of instruction tending to render them efficient servants of Government and to enable them to carry out satisfactorily, when appointed to be Tapedárs the Revenue and Survey work which is expected of them.

This system naturally involves outlay in the form of remuneration to teachers, stipends to the probationers during their two years course, and other minor incidental expenses. The expenditure thus incurred in the training of the men who are hereafter to be the Tapedárs in Sind, filling up vacancies in the permanent staff as they arise, is one which may properly and legitimately be defrayed from the Village Cess Fund which bears all charges connected with Tapedárs, but under the present Act it is not an object on which the moneys of that Fund can legally be spent. To legalise expenditure from the Fund for this purpose in future and to render legal any outlay from the Fund which has already been incurred under the orders of the Commissioner in Sind provision is now made in the Bill, of which with these remarks I now beg to move the first reading.

Bill read a first time.

His Excellency the PRESIDENT put the motion that the Bill be read a first time. This was agreed to.

The Honourable Mr. NUGENT then moved that the Bill be referred to a select committee consisting of the Honourable Messrs. Dharamsi, Spence, Moriarty, and the Mover, with instructions to report within one month.

Bill referred to a select committee.

The motion was put by His Excellency the PRESIDENT and agreed to.

His Excellency the PRESIDENT then adjourned the Council *sine die*.

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

S. L. BATCHELOR,
Secretary to the Council of the Governor of
Bombay for making Laws and Regulations.

Poona, 4th August 1897.

APPENDICES

OF THE

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR OF BOMBAY ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS ON THE 4TH AUGUST 1897.

APPENDIX A.

No. 402.

From

J. M. MACPHERSON, Esq.,
Secretary to the Government of India,
Legislative Department;

To

THE ACTING SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legislative Department.

Calcutta, the 25th February 1897.

SIR,

I am directed to acknowledge the receipt of your letter No. 23, dated the 19th ultimo, submitting, for the sanction of the Governor General in Council, a copy of the Rules for the Conduct of Business at Meetings of the Council of the Governor of Bombay held for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892, as amended at a meeting of the Council held on the 18th August 1896, and assented to by His Excellency the Governor on the 1st September last.

2 In reply, I am to state that, while the Governor General in Council sees no reason to disallow the rules in exercise of the power conferred upon him by section 37 of the Statute of 1861, it is deemed desirable to take the opportunity of inviting attention to the divergence between Rule 17 now under consideration and Rule 35 of the Rules for the Conduct of the Legislative Business of the Council of the Governor General (copy enclosed). His Excellency the Governor in Council will, doubtless, consider whether the former should not, when a convenient occasion presents itself, be made to correspond more closely with the latter in respect of the length of time fixed for giving notice as to the legislative business to be laid before the Council.

I have the honour to be,
Sir,
Your most obedient servant,
J. M. MACPHERSON,
Secretary to Government of India.

[AS PASSED IN COUNCIL.]

Rules for the Conduct of the Legislative Business of the Council of the Governor General.

I.—Preliminary.

1. These Rules supersede the Rules for the Conduct of Business at the meetings of the Council made on the 11th day of February 1873, and the 16th day of February 1883.

2. In these Rules—

“Council” means the Council of the Governor General of India assembled for the purpose of making Laws and Regulations:

“President” means the Governor General or (during the time of his visit to any part of India unaccompanied by his Council) the President nominated by the Governor General in Council, under the Indian Councils Act, 1861, Section 6, or, in the absence of both the Governor General and the President so nominated, the senior Ordinary Member of Council present and presiding:

"Member" means a Member of the Council, whether ordinary, extraordinary or additional :

"Secretary" means the Secretary to the Government of India in the Legislative Department and includes the Deputy Secretary and every person for the time being exercising the functions of the Secretary: and

"Local Government" includes a Chief Commissioner.

II.—Meetings of the Council.

3. The Council shall ordinarily meet at 11 A.M., and shall not prolong its sitting after 4 P.M., unless the President otherwise directs.

4. The quorum shall be seven, including the President.

5. The Governor or Lieutenant-Governor and the Law Member shall sit where the President may direct.

Subject to any such direction, the Members shall sit in the following order, beginning from the right of the President:—

(1) The Commander-in-Chief.

(2) The Ordinary Members according to seniority.

(3) The Additional Members according to seniority.

6. The President may adjourn, without any discussion or vote, any meeting or business, whether there be a quorum present or not, to any future day, or to any hour of the same day.

7. The President shall preserve order, and all points of order shall be decided by him, no discussion thereupon being allowed.

8. A Member desiring to make any observations on any subject before the Council shall address the President without rising from his chair.

9. On all matters brought before the Council, after the Member who makes a motion has spoken, each Member consecutively, beginning with the Member on the left of the President, may make such observations as he thinks proper. The Law Member, however, may speak according to the position of the seat he would occupy if he sat in order of seniority and not according to the seat he may occupy at the Council table under rule 5.

After all the Members in turn have had an opportunity of speaking, the Mover may speak once by way of reply, and any other Member may, with the permission of the President, speak once by way of explanation:

Provided that, if the matter be an amendment of a Bill, the Member in charge of the Bill shall be entitled to speak next after the Mover of the amendment.

10. When, for the purpose of explanation during discussion, or for any other sufficient reason, any Member has occasion to ask a question of another Member on any measure then under the consideration of the Council, he shall ask the question through the President.

11. Any Member may speak at the request and on behalf of another Member who is unable to express himself in English.

12. On every motion before the Council, the question shall be put by the President, and shall be decided by a majority of votes.

In case of a division, the votes shall be taken by the Secretary in consecutive order, beginning with the Member on the left of the President.

After the question is put, no further discussion upon it shall be allowed.

13. Any Member may ask for any papers or returns connected with any Bill before the Council. The President shall determine, either at the time or at the Meeting of the Council next following, whether the papers or returns asked for can be given.

14. Communications on matters connected with any Bill before the Council may be addressed, either in the form of a petition to the Governor General in Council, or in a letter to the Secretary, and must in either case be sent to the Secretary. Ordinarily, such communications will not be answered.

Except in the case of the High Court at Fort William, such communications shall ordinarily be sent through the Local Government.

15. The Secretary shall either cause such communications to be printed and send a copy to each Member, or circulate them for the perusal of each Member.

III.—Introduction and Publication of Bills.

16. Any Member desiring to move for leave to introduce a Bill in accordance with the provisions of section 19 of the Indian Councils Act, 1861, shall give the Secretary at least three days' previous notice of the title and object of the Bill.

If such motion be carried, the Bill with a full Statement of Objects and Reasons shall, if not already prepared, be prepared by the Member or (if he so desire) by the Secretary in consultation with the Member.

17. The Secretary shall then cause the Bill, together with the Statement of Objects and Reasons, to be printed, and shall send a copy to each Member.

If any of the Members are unacquainted with English, he shall also, if requested, cause the Bill and the Statement of Objects and Reasons to be translated into Hindustani for their use.

18. The Council may, at any time after leave to introduce a Bill has been granted, direct that the Bill be published in such manner as the Council thinks fit.

19. When a Bill is introduced, or on some subsequent occasion, the Member in charge of it shall make one or more of the following motions :

- (a) that it be referred to a Select Committee, or
- (b) that it be taken into consideration by the Council, either at once or at some future day to be then mentioned, or
- (c) that it be circulated for the purpose of eliciting opinion thereon.

20. No such motion shall be made until after a copy of the Bill and a copy of the Statement of Objects and Reasons have been furnished to each Member. Any Member may object to the motion unless such copies have been furnished to him at least seven days previously : and such objection shall prevail unless the President, in exercise of his power to suspend any of these rules, allows the motion to be made.

21. On the day on which such motion is made, or on any subsequent day to which the discussion is postponed, the principle of the Bill and its general provisions may be discussed.

22. When any motion mentioned in rule 19 is carried, the Bill shall, together with a Statement of its Objects and Reasons, if not already published on a motion under rule 18, be published in English in the Gazette of India.

The Bill and Statement shall also, if publication has not already been directed, be published in such Official Gazettes and in such vernacular languages (if any) as the Council in each case decides to be necessary for the purpose of giving notice to the communities affected by the Bill.

For this purpose the Council shall make an order at the Meeting at which such motion is carried, and may from time to time, on the motion of any Member, vary or cancel such order.

23. The Governor General, if he see fit, may order the publication of a Bill together with the Statement of Objects and Reasons which accompanies it, in such Gazettes and languages as he thinks necessary, although no motion has been made for leave to introduce the Bill.

In that case it shall not be necessary to move for leave to introduce the Bill ; and, if the Bill be afterwards introduced, it shall not be necessary to publish it again.

IV.—Select Committees.

24. The Law Member shall be a Member of every Select Committee.

The other Members of every Committee shall be named by the Council when the Bill is referred, or at any subsequent Meeting.

The Law Member and, in his absence, the Member in charge of the Bill, shall be chairman of the Committee, and, in the case of an equality of votes, the chairman shall have a second or casting vote.

25. After publication of a Bill in the Gazette of India, the Select Committee to which the Bill may have been referred shall make a report thereon.

Such report shall be made not sooner than three months from the date of the first publication in the Gazette of India, unless the Council orders the report to be made sooner.

Reports may be either preliminary or final.

The Select Committee shall in their report state whether or not, in their judgment, the Bill has been to altered as to require re-publication, whether the publication ordered by these Rules or by the Council has taken place, and the date on which the publication has taken place, or, where publication in more than one Gazette or in more than one language is ordered, the date on which the publication in each such Gazette and each such language has taken place.

If, in the judgment of the Committee, the Bill has been so altered as to require re-publication, the Secretary shall send a copy of the altered Bill to the Secretary of the Department to which it pertains.

When the Committee recommend the re-publication of a Bill which was originally ordered by these Rules or by the Council to be published in more than one Gazette or in more than one language, they shall, in the absence of anything to the contrary in their report, be taken to recommend that the Bill be republished in every such Gazette and every such language.

If the Committee are of opinion that it is unnecessary to re-publish the Bill in any such Gazette or in any such language, they shall, in their report, state the grounds of their opinion.

26. The Secretary shall cause every report of a Select Committee to be printed, and shall send a copy of such report to each Member, and shall cause the report, with the amended Bill, to be published in the Gazette of India.

If any Member present is unacquainted with English, the Secretary shall also, if requested, cause the report to be translated into Hindustani for his use.

27. The report of the Select Committee on a Bill shall be presented to the Council by the Member in charge of the Bill, and shall be taken into consideration by the Council as soon as conveniently may be; but any Member may object to its being so taken into consideration when he has not been furnished for a week with a copy of the report; and such objection shall prevail, unless the President, in exercise of his power to suspend any of these Rules, allows the report to be taken into consideration.

V.—Consideration and Amendments of Bills.

28. When a Bill is taken into consideration by the Council, any Member may propose an amendment of such Bill.

29. If notice of such amendment has not been sent to the Secretary at least three days before the meeting of the Council at which the Bill is to be considered, any member may object to the moving of the amendment, and such objection shall prevail, unless the President, in exercise of his power to suspend any of these Rules, allows the amendment to be moved.

The Secretary shall, if time permits, cause every notice of amendment to be printed, and send a copy for the information of each member.

If any member present is unacquainted with English, the Secretary shall also, if requested, cause every such notice to be translated into Hindustani for his use.

30. Amendments shall ordinarily be considered in the order of the clauses to which they respectively relate.

31. Notwithstanding anything in the foregoing Rules, it shall be in the discretion of the President, when a motion that a Bill be taken into consideration has been carried, to submit the Bill or any part of the Bill to the Council section by section. When this procedure is adopted, the President shall call each section separately, and when the amendments relating to it have been dealt with, shall put the question "that this section, or (as the case may be) this section as amended, stand part of the Bill."

32. Any Member may move that a Bill which has been amended by the Council or by a Select Committee be re-published or re-committed, and, if the Council so decide, the President may order the Bill to be re-published or re-committed, as the case may be.

33. If no amendment be made when a Bill is taken into consideration by the Council, the Bill may at once be passed.

If any amendment be made, any Member may object to the passing of the Bill at the same Meeting; and such objection shall prevail, unless the President, in exercise of his power to suspend any of these Rules, allows the Bill to pass.

Where the objection prevails, the Bill shall be brought forward again at a future Meeting, and may then be passed with or without further amendment.

34. When a Bill is passed by the Council, a copy thereof shall be signed by the President, and when the Governor General has declared his assent thereto, such copy shall be signed by the Governor General, and the Bill shall be published as soon as possible in the official Gazettes, under the signature of the Secretary, as an Act of the Governor General in Council.

Such publication shall be made in the Gazette of India in English and in the official Gazettes of the Local Governments in English, and in such vernacular languages spoken in the territories subject to such Governments respectively as may be ordered by the Council or directed by the Local Government:

Provided that, when the Act does not apply to the whole of British India, it shall be published only in the Gazette of India and in the Gazettes of the Local Governments to whose territories it applies.

VI.—Duties of Secretaries.

35. At least two days before each meeting of the Council, the Secretary shall send to each Member a list of the business to be brought forward at such meeting.

Subject to the provisions of rule 29, no business shall be entered by the Secretary in a list, unless notice thereof has been given to him at least three days before the meeting of the Council to which the lists relate: provided that business may be added to the list at any time before a meeting under the special orders of the President.

36. The Secretary shall keep a journal in which all the proceedings of the Council shall be fairly entered.

The journal shall be submitted after each Meeting to the President for his confirmation and signature, and, when so signed, shall be the record of the proceedings of the Council.

37. The Secretary shall also cause to be prepared a full report of the proceedings of the Council at each of its Meetings, and publish it in the *Gazette of India* as soon as practicable. He shall send a copy of such report to each Member and also to the Permanent Under-Secretary of State for India.

38. In addition to the other duties specially required by these Rules, it shall be the duty of the Secretary—

1st, to draft all Bills originated by the Government of India, the Statements of their Objects and Reasons, and the Reports of the Select Committee to which such Bills are referred;

2nd, to take charge of the copies of the Bills signed by the Governor-General and of all the other records of the Council;

3rd, to keep the books of the Council;

4th, to keep a list of the business for the time being before the Council;

5th, to superintend the printing of all papers printed in pursuance of these rules;

6th, to assist the Council and all Committees in such manner as they may direct;

7th, to send to the Secretary of the Department to which the Bill pertains, any Bill which an Additional Member has obtained leave to introduce under rule 16;

8th, to examine all Bills deposited by Additional Members, and report to the President on those which contain clauses trenching on subjects coming within section 19 or section 22 of the Indian Councils Act, 1861;

9th, to write all letters which the Council or the President, or any Select Committee, or the Law Member, directs to be written.

39. It shall be the duty of the Secretary to cause to be translated into Hindustani Bills, Statements of Objects and Reasons, Reports of Select Committees and Amendments of Bills, to cause papers to be explained to Members unacquainted with English, and otherwise to assist them in such manner as they may require.

VII.—Miscellaneous.

40. Strangers may be admitted into the Council Chamber during the sittings of the Council on the order of the President.

Application for orders of admission is to be made to the Secretary.

41. The President, on the motion of any Member, may direct at any time during a sitting of the Council that strangers withdraw.

42. Any paper relating to any measure before the Council may be published by order of the President.

Copies of papers so published shall be sold at such rates as may be fixed by the Secretary.

43. Any Bill respecting which no motion has been made in the Council for two years may, by order of the President, be removed from the List of Business.

44. The President, for sufficient reason, may suspend any of the foregoing Rules.

RULES FOR THE CONDUCT OF BUSINESS AT MEETINGS OF THE COUNCIL OF THE GOVERNOR OF BOMBAY, HELD FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF "THE INDIAN COUNCILS ACTS, 1861 AND 1892."

(As amended at a Meeting of the Council held on the 18th August 1896 and assented to by His Excellency the Governor on the 1st September 1896.)

I.—Definitions.

1. In these Rules—

The word "Council" means the Council of the Governor of Bombay assembled for the purpose of making laws and regulations.

The word "President" means the Governor of Bombay, or, in his absence, the Senior Civil Ordinary Member of Council present and presiding, as provided in Section 34 of the Indian Councils Act, 1861.

The word "Member" means a Member of the Council, whether Ordinary or Additional.

The word "Secretary" means the Under Secretary to the Government of Bombay in the Legislative Department; but all acts which the "Secretary" is required or authorized to do by these rules may be done by a Secretary or an Assistant Secretary to the Government of Bombay.

The word "Bill" means a proposed enactment at any stage before it has received the assent of the Governor.

In the computation of "clear days" Sundays and Holidays are not excluded.

II.—Meetings.

2. The Council will meet on such days and at such hours as the President shall direct. The date and hour so fixed shall be notified by the Secretary in the *Bombay Government Gazette* and to each Member by letter.

3. The President may adjourn to any future day or to any part of the same day without any discussion or vote, any meeting or business, whether the quorum required by Section 34 of the Indian Councils Act, 1861, be present or not.

4. 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; and such motion shall take precedence of any other motion then before the Council; but the President alone shall have power to propose the adjournment of the meeting.

5. If a motion of the kind referred to in Rule 4 be rejected, no similar motion shall be again made at the same meeting of Council except by the President.

6. Any business of the day not disposed of at the time of any adjournment of the Council shall stand for disposal on the next day on which the Council shall meet, and unless otherwise specially ordered, shall take priority of all other business on that day.

7. If at any time appointed for the holding of any meeting of the Council, or if at any time after the commencement of business, the quorum required by Section 34 of "The Indian Councils Act, 1861," be not present, the President shall adjourn the Meeting. But in the absence of a President the Secretary shall make an entry in the journal of the Council of the names of the Members present, and the meeting shall be thereby adjourned.

III.—Maintenance of Order.

8. The President shall preserve order, and all points of order shall be decided by him, no discussion thereupon being allowed.

9. Any Member may notice a violation of order by drawing the attention of the President to it. When a Member is thus addressing the President, any other member who may be then speaking shall resume his seat and cease speaking until the point of order is settled.

10. In discussing questions coming before the Council for consideration a member shall speak from his place, shall rise when he speaks and shall address the President. The President also shall rise when he addresses the Council.

11. Any Member may, with the permission of the President, speak at the request and on behalf of another Member who is unable to express himself in the English language.

12. On all matters brought before the Council, after the Member who makes a motion has spoken, each Member may speak to the motion. After all the Members have had an opportunity of speaking, the Member making the motion may speak by way of reply.

13. No Member shall speak except upon business which is at the time regularly before the Council or, by special permission of the President, in explanation of anything said by him previously in debate.

14. When, for the purpose of explanation during discussion, or for any other sufficient reason any Member shall have occasion to ask a question of another Member on any measure then under the consideration of the Council, he shall ask the question through the President.

15. A purely verbal amendment of a motion may, with the permission of the President, be moved at any time during the discussion upon the motion and without previous notice, but no amendment which is substantially the negative of a motion shall be taken into consideration by the Council.

16. Any Member may ask for any papers or returns connected with the business before the Council. The President shall determine whether the papers or returns asked for shall be given.

IV.—Course of Business.

17. (1) The Secretary shall at least fifteen clear days before each meeting despatch to each Member a preliminary list of the business to be brought forward under each clause of Rule 19 at such meeting, including all reports of Select Committees to be taken into consideration thereat; and such list shall specify in respect of each Bill therein referred to, the title and stage of such Bill.

(2) The Secretary shall also, after despatching such preliminary list, despatch to each member, as soon as it can be prepared, a complete agenda paper specifying in full detail the business of all kinds to be brought forward at such meeting.

18. The President shall have power to regulate or alter the order in which business is to be transacted, but ordinarily the business of the Council shall be conducted in the order described in Rule 19.

19. After the President has taken his chair—

(1) Questions asked under Section 2 of the Indian Councils Act, 1892, shall then be put and answered;

(2) At meetings where the annual Financial Statement is presented discussion thereon shall take place;

(3) The Secretary shall present any Petitions, Bills, and any other communications which may have been received;

(4) The Council will then proceed to consider the Bills and Orders of the day in the order in which they stand on the list of business for the meeting of that day;

(5) Afterwards, any Member may make any motion which it may be competent for him to make consistently with "The Indian Council Acts, 1861 and 1892," and these Rules.

V.—Bills.

20. Any Member may move at a meeting of the Council for leave to introduce a Bill in accordance with the provisions of Section 38 of "The Indian Councils Act, 1861," provided that seven clear days' previous notice of the title and subject of the Bill has been given to the Secretary. On making such motion the Member moving shall be at liberty to state, as concisely as may be, the scope of the Bill, and the reasons in support of it; but he may defer this till the first reading, unless the introduction of the Bill be opposed. If the motion be carried in the affirmative, the Member shall send the Bill to the Secretary with a full statement in writing of its objects and of the reasons for it, and any other papers which he may consider necessary.

21. The Secretary shall forthwith cause the Bill, together with the Statement of Objects and Reasons, to be printed, and, if ordered by the Council, to be translated into such native language or languages as shall be deemed requisite by the Council, and shall send a copy thereof to each Member of the Council, and shall cause the same to be published in the *Bombay Government Gazette*; and copies of the Bill and Statement of Objects and Reasons shall be distributed to the Press and to the public in such manner as the Governor, from time to time, may see fit to direct.

22. The Governor, if he see fit, may order the publication, in the manner hereinbefore described in the rule last preceding, of a Bill, together with the Statement of Objects and Reasons which accompanies it, although no motion may have been made for leave to introduce the Bill. In that case it shall not be necessary to move for leave to introduce the Bill; and if the Bill be afterwards introduced, it shall not be necessary to publish it again; and in any case the publication of a Bill, in pursuance of an order by the Governor, or of leave given by the Council, shall be deemed to be the introduction of the Bill.

23. No motion that a Bill be read the first time shall be made until fifteen clear days after a copy of the Bill and of the Statement of Objects and Reasons has been despatched to each Member and until fifteen clear days from the date on which the Bill was introduced.

24. Every Bill shall be read three times before it can be passed, and if the motion for the third reading be carried, the Bill, on being so read, shall be considered as passed.

25. On the reading of a Bill the Secretary shall only read the title of it, unless the Council requires that the Bill shall be more fully read.

26. If the motion for any reading of a Bill be negatived, such Bill shall be considered as rejected and shall not be again introduced at any period before the expiration of six months from the date of such rejection.

27. If the motion for the first reading of a Bill be carried, the Council shall then consider the question of referring such Bill to a Select Committee and, if the question be decided in the affirmative, the Council shall appoint the Committee and may further direct that the Committee's report be submitted within a specified period.

28. When a Bill has been referred to a Select Committee, the Council shall not take it into consideration again until the expiration of fifteen clear days from the date on which copies of the Select Committee's report, and (if the Bill has been amended) of the Bill as amended have been despatched by the Secretary to each Member nor until fifteen clear days after the publication of such report and such Bill in the *Bombay Government Gazette*.

29. The Member in charge of a Bill may, on presentation of the Select Committee's report, propose that the Bill be read a second time as amended by the Select Committee. On the second reading being carried the principle of the Bill will be considered as affirmed, and the Council will proceed to consider the Bill in detail. The Council having so examined the Bill, it may then, or on some subsequent day, be read a third time.

30. If the motion for the third reading be carried, and the Bill be passed, the President shall sign a certificate at the foot of the Bill in the following form:—

"This Law was made at a meeting of the Council of the Governor of Bombay, held for the purpose of making laws and regulations on the _____ day of _____

President."

The Bill shall then be laid before the Governor for the purpose required in Sections 39 and 40 of "The Indian Councils Act, 1861," and after it has been assented to by the Governor-General it shall be published in the *Bombay Government Gazette* under the signature of the Secretary.

VI.—Select Committees.

31. Select Committees may be appointed by the Council for any purpose connected with its business. The Council shall name a period within which a Select Committee shall make its report on any matter which may be referred to it.

32. When a Bill is referred to a Select Committee for report, it shall form part of the business of the Select Committee to decide whether the report shall be translated into any native language or languages before the same shall be presented to the Council.

33. The Council may, if necessary, extend the time for receiving the report of any Select Committee.

34. 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.

35. The report of the Select Committee, any minutes that may have been recorded by individual Members of the Committee and (if the Bill has been amended) the Bill as amended by the Committee shall be printed and copies despatched to each Member of the Council. The report and minutes (if any) and (if the Bill has been amended) the Bill as amended, or such portion thereof as may have been amended, shall also be published in the *Bombay Government Gazette* with such translations as the Select Committee may think necessary.

36. Printed copies of all Bills and reports published in accordance with this rule shall be distributed to the Press and to the public in the same manner, for the same purposes, and with a like interval of time allowed, as are hereinbefore prescribed for the distribution of copies of original Bills.

37. The report of a Select Committee on any matter other than a Bill shall not be taken into consideration by the Council until seven clear days after copies thereof have been despatched by the Secretary to each Member.

VII.—Amendments.

38. Any Member wishing to propose an amendment affecting the principle of a Bill or other matter before the Council shall send the amendment so as to reach the Secretary at least five clear days before the meeting of the Council at which the Bill or other matter is to be considered. The Secretary shall cause every such amendment to be printed, and shall send printed copies of such amendment to all the Members of Council. When the amendment is moved in Council, it shall be determined whether the same shall be translated or not.

39. If, however, any amendment not affecting the principle of a Bill, as settled by a Select Committee, or other matter before the Council be proposed without notice while the Council is sitting, the President shall decide whether such amendment shall be considered by the Council at the meeting at which it is proposed, or be deferred to the next or any other subsequent meeting.

40. Amendments shall be considered in the order of the sections to which they relate, except when an amendment in a section renders an alteration in an earlier section necessary.

41. If any amendment, not merely clerical, be made while the Bill as presented by the Select Committee is under the consideration of the Council in detail, the motion for the third reading of the Bill shall not be made at the same meeting, but the Bill shall be brought forward again at a future meeting and may then be read a third time and passed with or without further amendment.

*
VIII.—Admission of Strangers.

42. Strangers may be admitted into the Council Chamber during the sittings of the Council on the order of the President. Application for orders of admission is to be made to the Secretary.

43. The President, on the motion of any Member, may direct at any time during a sitting of the Council that strangers withdraw.

IX.—Duties of the Secretary.

44. Journals shall be kept in which all the proceedings of the Council and of Select Committees shall be entered. The Journal of the Council shall be submitted after each meeting to the President for his confirmation and signature, and when signed shall be the record of the proceedings of the Council. The proceedings of each meeting of the Council shall be published in the *Bombay Government Gazette* as soon after the meeting as can be conveniently arranged.

45. All documents ordered to be printed or recorded shall be referred to in the Journal, and after being authenticated by the signature of the Secretary shall be kept with the Records.

46. The Secretary shall attend at every meeting of the Council and of a Select Committee, and in addition to the other duties specially required by these Rules, it shall be his duty—

- (1) to take charge of the Records of the Council ;
- (2) to keep the Journals of the Council and of the Select Committees ;
- (3) to keep a Minute Book, in which he shall enter all the proceedings of the Council, and of the Select Committees, in the order in which they occur, and the names of the Members present ;
- (4) To superintend the printing of all Bills and papers ordered to be printed ;
- (5) To assist, at all times, the Council and all Committees in all work connected with their duty ;
- (6) To write all letters ordered by the Council or by any Committee.

47. After the passing of a Bill the Secretary shall revise and complete the marginal notes thereof.

X.—Miscellaneous.

48. Petitions preferred by private persons must be addressed to the Governor in Council, and, if in the vernacular, they must be accompanied by translations. Ordinarily, no reply will be sent to a petition, and no petitions will be considered unless they relate to some Bill before the Council ; but the Secretary may be ordered, for special reasons, to make such communication to the petitioner as the Council may direct.

49. The President may, for sufficient reasons, suspend any of the foregoing rules.

APPENDIX B.

C.

To

КНА'Н СА'НЕВ МА'МЛАТДА'Р,
Bárdoli.

No. 25 of 25th February 1895.

The people of Varád, Vadoli, Páni and Tarbhan should be warned that if no attempt is made to get more Kaliparaj boys within three months a recommendation will be made to remove the schools to other villages ; a detailed report showing the effect of these orders should be made after that period. In the report should be shown the number of Kaliparaj boys that have joined the school.

(Signed) F. S. P. LELY,
Collector.

D.

The Patel and Talát of Tarbhan are informed that under the instructions conveyed in the Collector's Order No. 687 of the 26th June 1895, six months' further period is allowed to get more Kaliparaj boys to the school. If the attendance does not increase within that period the order of the 25th February 1895, No. 25, to abolish the school will be put into effect. The people must be informed of this order, and you and the schoolmaster should carefully attend to the order and should try to get more Kaliparaj boys. The result should be reported in detail before the 15th December 1895, and the undersigned should be informed of the state of the case, whenever he visits the village. *

No. E.—259 of 1896.

Camp Bulsár, 30th March 1896.

MEMORANDUM.

The people of Tarbhan presented themselves before the undersigned and requested to arrange to keep their village school open. They were informed that their own obstinacy has brought this result and they must suffer the consequences. If they will agree to send at least 25 Kaliparaj and apply again with a kabuláyat to that effect their request will be reconsidered. Khán Sáheb Dinshahji is therefore requested to report in continuation of this office No. 237 of 24th instant, whether Tarbhan school has now been closed and one opened at Wanskai. It must be closed according to orders and the question of re-opening it may be considered afterwards.

(Signed) F. S. P. LELY,
President, District Local Board, Surat.

No. F.—5293 of 1896-97.

*Ahmedabad, Office of the Educational
Inspector, N. D.*

Dated 3rd March 1897.

To

THE COLLECTOR AND PRESIDENT,
District Local Board, Surat.

SIR,

With reference to your memorandum No. 121, dated the 27th ultimo, I have the honour to state that an arrangement has been made to re-open the school at Tarbhan in the current month.

I have, &c.,

(Signed) J. OLIVER,
Educational Inspector, N. D.

APPENDIX C.

*Sub-heads (a), (b), (d) and (e) of
Question No. 10 put by the Hon-
ourable Mr. C. H. Setalvad on the
12th October 1896.**

*Answer to sub-heads (a), (b), (d) and
(e) of Question No. 10 put by the Honour-
able Mr. Setalvad.*

(a) Will Government be pleased to state what attempts were made and with what result to give effect to the following assurance given by this Government in the year 1882 :—

“But he (the Governor in Council) would now assure the Government of India that whenever such a course is practicable

(a) and (b) (1) Non-officials, both fit and willing to serve as Presidents of Municipalities, have occasionally been found, but the instances have not been as numerous as Government could have wished.

*The following *ad interim* reply was given by the Honourable Mr. Birdwood at the Council meeting of the 24th February 1897:

“Government are not at present in a position to answer this question.”

and any private person is found fit to discharge the duties of President and is willing to accept the office, he will have no hesitation in conferring the post upon a non-official. He is fully prepared to concur with the Governor General in Council in regarding, merely as a temporary arrangement, the proposal that the Collector should continue as a rule to be President of the Municipal and Local Fund Committees. That arrangement will cease at once as soon as properly qualified private gentlemen can be found and induced to accept the office, and the Governor in Council trusts that the experiment which he hopes soon to make in this direction will prove so successful as to justify the adoption of the measure."

(Paragraph 5, letter No. 4141 of 27th October 1882, from the Government of Bombay to the Secretary to the Government of India.)

(b) (1) Do not Government find it possible to find non-official persons fit and willing to serve as Presidents in important towns like Surat, Broach, Thána, &c. Were any attempts to secure such persons in such places made during the last five years, and with what result ?

(b) (2) If not, will Government be pleased to now move in that direction ?

(d) (1) In what Municipalities and District Local Boards presided over by official Presidents are there non-official Vice-Presidents, and for what periods have these non-official gentlemen worked as such Vice-Presidents ?

(d) (2) Is it not true that for a greater portion of the year when the Presidents are absent from head-quarters they perform all the duties of the Presidents ?

(d) (3) Do not Government consider some of them fitted to work as Presidents, and were any of them requested to consent to be nominated Presidents ? If not, will Government be pleased to now move in that direction ?

(e) In what Municipalities and District and Taluka Local Boards presided over by official Presidents are the Vice-Presidents also officials ?

(b) (2) When a vacancy occurs Government endeavour to appoint the fittest gentleman available.

(d) (1) The information required so far as it is ascertainable from the Secretariat records will be found in the accompanying Statements I and II.

(d) (2) This is certainly not true in most cases and Government are not aware of any single case in respect of which it could be said to be absolutely true.

(d) (3) It is the intention of Government to continue to appoint the fittest person available. Government must decline to express an opinion as to whether any persons not yet appointed Presidents are fit to be so appointed.

(e) The information required so far as it is ascertainable from the Secretariat records will be found in the accompanying Statement III.

I.

Statement showing the Municipalities presided over by official Presidents in which there are non-official Vice-Presidents.

No.	Name of Municipality.	Name of Vice-President.	Remarks as to the period for which the Vice-President has served.
		NORTHERN DIVISION.	
		<i>Ahmedabad District.</i>	
	<i>Nil.</i>		
		<i>Kaira District.</i>	
1	Kapadvanj ...	Mr. Maganlal Jeychand ...	Vice-President since 1889.
2	Kaira ...	Mr. Virchand Parbhudas ...	There has been a non-official Vice-President since April 1895.
		<i>Broach District.</i>	
3	Broach ...	B. B. Chunilal Venilal, C.I.E ...	Vice-President for about ten years.
		<i>Surat District.</i>	
4	Surat ...	Mr. Iswardas Jagjivandas Store ...	Vice-President for two years.
		<i>Thána District.</i>	
5	Thána... ..	B. B. Daji Govind Gupte ...	There has been a non-official Vice-President for over five years.
6	Bassein ...	Mr. Krishnaji Daji Thakur ...	Do.
7	Máhim Kelva ...	Mr. Vaman Ganesh Dandekar... ..	Do.
8	Bhitwadi ...	Mr. Narayan Vasudev Kunte ...	There has been a non-official Vice-President for one year and a half.
		CENTRAL DIVISION.	
		<i>Ahmednagar District.</i>	
	Ahmednagar ...	Information not supplied ...	Information not supplied.
		<i>Khándaesh District.</i>	
	Dhulia ...	Information not supplied ...	Since August 1895.
	Amalner ...	Do. do. ...	Since 21st April 1892.
	Dharangaon ...	Do. do. ...	Since 24th June 1893.
	Yaval ...	Do. do. ...	Since 17th September 1895.
	Ráver... ..	Do. do. ...	Since 6th June 1892.
	Bhusával ...	Do. do. ...	Since 25th September 1892.
		<i>Násik District.</i>	
	Igatpuri ...	Information not supplied ...	Information not supplied.
	Málegaon ...	Do. do. ...	Do.

No	Name of Municipality.	Name of Vice-President.	Remarks as to the period for which the Vice-President has served.
<i>CENTRAL DIVISION—continued.</i>			
<i>Poona District.</i>			
Poona Suburban ...	Dr. R. C. Bhandarkar	..	Information not supplied.
Lonávla ...	Information not supplied	..	Do.
Junnar ...	Do. do.	..	Do.
Sirur ...	Do. do.	..	Do.
<i>Sátára District.</i>			
Sátára City ...	Information not supplied	..	Since 1st April 1892.
Wái ...	Do. do.	..	Information not supplied.
Rahimatpur ...	Do. do.	..	Since 1st April 1892.
Ashta... ..	Do. do.	..	Do.
Mayni... ..	Do. do.	..	Information not supplied.
Vita ...	Do. do.	..	Since 1st April 1892.
Mhasvad ...	Do. do.	..	Do.
Tásgaon ...	Do. do.	..	Information not supplied.
<i>Sholápur District.</i>			
Sholápur ...	Information not supplied	..	Since 1st April 1895.
Bársi ...	Do. do.	..	Since 24th September 1895.
Pandharpur ...	Do. do.	..	Since 1st April 1895.
<i>SOUTHERN DIVISION.</i>			
<i>Belgaum District.</i>			
Belgaum ...	Mr. C. P. Boyce, L.M. & S.	..	Y. m. d. 0 9 0
Nipáni ...	„ Lalchand Bhavanchand Shetgi.	..	7 8 0
Yamkanmardi ...	„ Shridhar Gangaram Mangonkar.	..	1 0 0
Athni ...	„ Mr. Dinkar Lakshman Gadgil.	..	4 4 0
Saundatti-Yellama ...	R. S. Govind Sakharan Hosur.	..	9 8 0
<i>Bijápur District.</i>			
Bijápur ...	R. S. Raghavendra Krishna	..	4 7 0
<i>Dhárwár District.</i>			
Dhárwár ...	Mr. W. B. Wright...	..	1 9 0
Gadag... ..	„ Malleshappa Fakirappa Manvi.	..	1 9 0
<i>Kánara District.</i>			
Kumta ...	Mr. Ganpat Venkatsubha Bhagvat.	..	Since 28th April 1895.
Honávár ...	K. S. Narayanrao Ranmaya Udiawar.	..	Since 21st October 1890.
Gokaru ...	Mr. Ganapa Rama Dikshit	..	Since 9th May 1892.
Haliyál ...	„ Dattátraya Yeshvant Phause.	..	Y. m. d. 6 6 0

No.	Name of Municipality.	Name of Vice-President.	Remarks as to the period for which the Vice-President has served
<i>Kolaba District.</i>			
Pen	Mr. Khanderao Yeshwant Phanse. (Mr. Phanse, though still a member of the Pen Municipality, resigned the office of Vice-President at the end of last year. Since then the Mamlatdar has been elected Vice-President by the Municipality owing to the unwillingness or inability of unofficial members to fill the office.)	6 6 0
Uran	Mr. Balabhai Damodar	2 9 0
Roha-Ashtami	Mr. V. B. Mehendale	1 6 22
Mahad	Mr. B. V. Virkar	1 6 22
<i>Belthangiri District.</i>			
Vengurla	Mr. Krishnaji Shtaram Redkar, B.A., LL.B. SIND.	1 5 0
<i>Karachi District.</i>			
Karachi	Mr. Talilram Khemchand	From 18th September 1895 to 20th March 1896, when he was appointed President on Mr. Posman resigning.
<i>Shikarpur District.</i>			
Sukkur	Mr. Pesumal Zowkiram	From 8th May 1894.
Shikarpur	Mr. Dowlatram Suratsing	From 14th May 1894.
Ghotki	Mr. Ali Mahamadshah valad Pir Ghulam Hydarshah.	From 11th May 1896.
Jacobabad	A non-official Vice-President was also in office for some years at Jacobabad, but the Commissioner in Sind reported in October last that he was then being prosecuted for malversation of municipal funds.	.....

II.

Statement showing the District Local Boards presided over by official Presidents in which there are non-official Vice-Presidents.

No.	Name of the District Local Board.	Name of Vice-President.	Remarks as to the period for which the Vice-President has served
NORTHERN DIVISION.			
Kaira	Mr. Pralhashankar Bhaishankar.	There has been a non-official Vice-President since the middle of 1895. From 1892 to middle of 1895 the Huzur Deputy Collector was Vice-President. Up to 1892 there was a non-official Vice-President.

No	Name of the District Local Board.	Name of Vice-President.	Remarks as to the period for which the Vice-President has served.
<i>NORTHERN DIVISION—continued</i>			
	Broach ..	R. B. Chumal Venilal, C.I.E.	Vice-President for about ten years.
	Thána... ..	R. B. Ramchandra Trimbak Acharya.	There has been a non-official Vice-President for the last six years.
<i>CENTRAL DIVISION.</i>			
	Ahmednagar ...	Information not supplied	Information not supplied.
	Khándesh ...	Do.	Since 6th February 1896.
	Násik ...	Do.	Information not supplied.
	Poona ...	Do.	Do.
	Sátára... ..	Do.	Since 1st April 1892.
	Sholápur ...	Do.	Since 20th June 1888.
<i>SOUTHERN DIVISION.</i>			
	Bijápur ...	R. S. Raghavendra Krishna ...	Since 1885.
	Dhárwár ...	Mr. Ramchandra Swamirao Mallapur.	Y. m. d. 1 9 0
	Kanára ..	Mr. J. J. Saldanha	Since 6th November 1895.
	Ratnágiri ...	R. B. Bhaskar Vishnu Phadke.	Y. m. d. 11 6 0
<i>SIND.</i>			
	Hyderabad ...	Mr. Chuharmal Kundanmal ...	From 19th February 1895.

III.

Statement showing the Municipalities and District and Taluka Local Boards presided over by official Presidents in which the Vice-Presidents are also officials.

MUNICIPALITIES IN THE NORTHERN DIVISION.

<i>Ahmedabad District.</i>			<i>Broach District.</i>		
Virangán.	Dholera.	Modás.	Anklesvar.	Hánsot.	
Dhandhuka.	Sánaud.	Ránpur.	Jumbusar.	Ámod.	
Dholka.	Parántij.	Mandal.			
<i>Kaira District.</i>			<i>Surat District.</i>		
Mehmádad.	Ánaud.	Matár.	Bulsár.	Ránder.	Mándvi.
Dakor	Umreth.	Mahudha.			
Borsal	Od.				
<i>Panch Maháls District.</i>			<i>Thána District.</i>		
Godhra.	Dohád.	Kátol.	Kalyáu.	Kurla.	Bándra.

DISTRICT AND TÁLUKA LOCAL BOARDS IN THE NORTHERN DIVISION.

Ahmedabad District.
 District Local Board, Ahmedabad.
 Táluka Local Board, Daskrohi.
 Do. Virangám.
 Do. Dhandhuka.
 Do. Dholka.
 Do. Sánand.
 Do. Parántij.

Kaira District.
 Táluka Local Board, Mehmabad,
 Do. Mátar.
 Do. Nádiád.
 Do. Anand.
 Do. Borsád.
 Do. Thásra.
 Do. Kapadvanj.

Panch Máhals District.
 District Local Board, Panch Máhals.
 Táluka Local Board, Godhra.

Táluka Local Board, Kálol.
 Do. Dohad.

Broach District.
 Táluka Local Board, Broach.
 Do. Vágra.
 Do. Amod.
 Do. Jambusar.
 Do. Anklesvar.

Surat District.
 District Local Board, Surat.
 Táluka Local Board, Olpád.
 Do. Chorási.
 Do. Bárdoli.
 Do. Jalápur.
 Do. Chikhli.
 Do. Bulsár.
 Do. Párdi.
 Do. Mándvi.

Thána District.
 Táluka Local Board, Bhiwndi.

MUNICIPALITIES IN THE CENTRAL DIVISION.

Ahmednagar District.
 All Municipalities except Ahmednagar.

Khándesh District.
 All Municipalities except Dhulia, Amalner,
 Dharangon, Yával, Ráver and Bhusá-
 val.

Násik District.
 All Municipalities except Igatpuri and
 Málegaon.

Poona District.

All Municipalities except Lonávla, Junnar
 and Sirúr.

Sátára District.
 All Municipalities except Sátára, Wái,
 Rahmatpur, Ashta, Máyni, Vita, Mhas-
 vad and Tásgaon.

Sholápur District.
 All Municipalities except Sholápur, Bársi
 and Pandharpur.

DISTRICT AND TÁLUKA LOCAL BOARDS IN THE CENTRAL DIVISION.

Ahmednagar District.
 All Táluka Local Boards except Nagar
 and Nevása.

Khándesh District.
 All Táluka Local Boards except Sindkheda
 and Bhusával.

Násik District.
 All the Táluka Local Boards except
 those of Násik, Báglán, Málegaon, Nánd-
 gaon and Niphád.

Poona District.

All Táluka Local Boards except that of
 Haveli.

Sátára District.
 All Táluka Local Boards except Koregaon,
 Khatáo and Tásgaon.

Sholápur District.
 All Táluka Local Boards.

MUNICIPALITIES IN THE SOUTHERN DIVISION.

Belgaum District.
 Gokák.
Dhárwár District.
 All Municipalities except Dhárwár and
 Gadag-Bettigeri.

Bijápur District.
 All Municipalities except Bijápur.

Kánara District.

Bhatkal.

Ratnágiri District.
 Rájápur.

Kolába District.
 Alibág and Pauvel.

DISTRICT AND TA'LUKA LOCAL BOARDS IN THE SOUTHERN DIVISION.

<p><i>Belgaum District.</i></p> <p>The District Local Board and all Táluka Local Boards.</p> <p><i>Bijápur District.</i></p> <p>All Táluka Local Boards except Sindgi.</p> <p><i>Dhárwár District.</i></p> <p>All Táluka Local Boards except Dhárwár, Hangal and Karajgi.</p> <p><i>Kardohi District.</i></p> <p>All Municipalities except that of Karáchi.</p> <p><i>Hyderabad District.</i></p> <p>All Municipalities.</p>	<p style="text-align: center;">•</p> <p><i>Kánara District.</i></p> <p>All Táluka Local Boards.</p> <p><i>Kolába District.</i></p> <p>The District Local Board and Táluka Local Boards of Alibág, Pen, Panvel, Roha and Mángaon.</p> <p><i>Ratnágiri District.</i></p> <p>The Táluka Local Boards of Vengurla, Sangameshvar and Dápoli.</p> <p style="text-align: center;">MUNICIPALITIES IN SIND.</p> <p><i>Shikárpur District.</i></p> <p>All Municipalities except Shikárpur, Sukkur and Ghotki.</p> <p><i>Thar and Parkár District.</i></p> <p>The Municipalities of Umarkot and Mitti.</p> <p><i>Upper Sind Frontier District.</i></p> <p>Jacobabad Municipality.</p>
DISTRICT AND TA'LUKA LOCAL BOARDS IN SIND.	
<p><i>Karáchi District.</i></p> <p>The District Local Board and all Táluka Local Boards.</p> <p><i>Hyderabad District.</i></p> <p>All Táluka Local Boards.</p>	<p><i>Shikárpur District.</i></p> <p>The District Local Board and all Táluka Local Boards.</p> <p><i>Thar and Párkar.</i></p> <p>The District Local Board and all Táluka Local Boards.</p> <p><i>Upper Sind Frontier.</i></p> <p>The District Local Board and all Táluka Local Boards.</p>

APPENDIX D.

District.	Approximate land revenue demand for 1896-97.	Estimates of probable suspensions.	Remarks.
	Rs.	Rs.	
Sholápur	11,29,996	2,28,000	
Ahmednagar	16,20,000	(3) 1,50,000	(3) The figures relate to the financial year.
Poona	13,23,294	2,36,000	
Sátára	13,37,164	1,51,200	
Násik	14,97,924	2,10,000	
Khándesh	(2) 40,23,914	(2) 6,80,000	(2) for 1896-96.
Bujápur	14,09,535	(5) 5,57,350	
Belgaum	13,70,649	25,000	
Dhárwár	24,98,931	93,000	

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 ACTS, 1861 and 1892."

The Council met at Bombay on Monday, the 20th December 1897, at 12 noon.

P R E S E N T.

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

The Honourable Mr. JOHN NUGENT, C.S.I., I. C. S.

The Honourable Sir E. CHARLES K. OLLIVANT, K.C.I.E., I. C. S.

The Honourable the ADVOCATE GENERAL,

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

The Honourable Mr. J. MONTEATH, C.S.I., M.A., I. C. S.

The Honourable Mr. H. M. THOMPSON, B.A., M.Inst.C.E.

The Honourable Mr. A. ABERCROMBIE.

The Honourable Mr. NARAYAN GANESH CHANDAVARKAR, B.A., LL.B.

The Honourable Mr. J. K. SPENCE, I. C. S.

The Honourable Mr. T. B. KIRKHAM,

The Honourable Mr. A. S. MORIARTY, I. C. S.

The Honourable Mr. BHALCHANDRA KRISHNA BHATAVADEKAR, L.M.

The Honourable Mr. FAZULBOY VISRAM, C.I.E.

The Honourable Mr. DHONDO SHAMBAO GARUD, B.A.

QUESTIONS AND ANSWERS.

The Honourable Mr. BHALCHANDRA KRISHNA BHATAVADEKAR put question No. 1 standing in his name—

Will Government be pleased to reconsider their decision regarding the enhancement of the rate of fees at the Grant Medical College?

His Excellency the PRESIDENT in reply said—

Government do not see any reason to reconsider the decision regarding the increase of fees at the Grant Medical College arrived at in February 1896, that decision having been arrived at after careful consideration.

The Honourable Mr. BHALCHANDRA then put question No. 2—

Will Government be pleased to consider the desirability of emphasising the policy enunciated in Government Resolution No. 1979 of November 1888 regarding the appointment of Professors at the Grant Medical College with a view to placing medical education in the Presidency on a better basis than at present?

His Excellency the PRESIDENT in reply said—

His Excellency the Governor in Council has every desire to adhere as far as possible to the principle laid down in Government Resolution No. 1979, dated the 9th November 1888.

The Honourable Mr. BHALCHANDRA then put question No. 3—

(a) *Have the Civil Assistant Surgeons submitted from time to time any memorials setting forth their grievances on the ground of their pay, promotion and prospects in the service, and praying Government for their favourable consideration?*

(b) *Will Government be pleased to state whether such memorials, submitted both individually and collectively, have received their favourable consideration, and, if so, with what result?*

(c) *If the memorials have not received any consideration, will Government be pleased to consider them favourably with a view to affording redress to that deserving class of public servants?*

The Honourable Sir CHARLES OLLIVANT in reply said—

Memorials of the kind referred to have been received, and the question of improving the position and prospects of Civil Assistant Surgeons is now under the consideration of Government.

The Honourable Mr. BHALCHANDRA then put question No. 4—

Will Government be pleased to consider favourably any memorials submitted by the class of Hospital Assistants regarding their grievances?

The Honourable Sir CHARLES OLLIVANT in reply said—

If, as is presumed, the question refers to memorials already submitted by Hospital Assistants, I must refer the honourable member to the answer given to a question by the Honourable Mr. Setalvad at the Council Meeting of the 17th August 1896.

The Honourable Mr. BHALCHANDRA then put question No. 5—

Will Government be pleased—

(a) *to consider the advisability of including the village school-masters in the village committee of sanitation, and*

(b) *supply any information at the disposal of Government as to the measures taken to make such committees work effectively?*

The Honourable Sir CHARLES OLLIVANT in reply said—

(a) Under the Act, the responsibility for selecting the most suitable residents of the village as members of the sanitary committees is laid upon the Collectors, and Government do not consider it advisable to issue any general order requiring the nomination of village school-masters.

(b) Where funds are contributed by the villagers, the Local Boards usually add sums equal to two-thirds of the amount contributed and Government grants one-third. The work of the committees is subject to the general supervision of the district officers.

The Honourable Mr. NARAYAN GANESH CHANDAVARKAR put question No. 1 standing in his name—

Will Government be pleased to state what action has been taken in regard to the illegal conduct of the A'bkari Inspector and of the Police under his orders, referred to in the judgment of Her Majesty's High Court of Judicature at Bombay in Imperatrix vs. Rama bin Dhondi and three others, and brought to the notice of Government by that Court?

The Honourable Mr. NUGENT in reply said—

On consideration of the explanation of the A'bkári Inspector and of a detailed report from the officer by whom the case was first inquired into, Government came to the conclusion that no further action was required.

The Honourable Mr. CHANDAVARKAR then put question No. 2—

Will Government be pleased to state whether they contemplate the early extension of the Dekkhan Agriculturists' Relief Act to other districts than those to which it has been applied?

The Honourable Sir CHARLES OLLIVANT in reply said—

Government have no such present intention.

The Honourable Mr. CHANDAVARKAR then put question No. 3—

Has the recommendation of the Special Commission appointed by the Government of India in 1891 to inquire into the working of the Dekkhan Agriculturists' Relief Act that a correct record of proprietary rights in land should be prepared and maintained been under the consideration of this Government?

The Honourable Mr. NUGENT in reply said —

The recommendation has been considered by this Government.

The Honourable Mr. CHANDAVARKAR then put question No. 4—

If the answer to question No. 3 be in the affirmative, will Government be pleased to state the conclusion they have arrived at as regards that recommendation?

The Honourable Mr. NUGENT in reply said —

This Government consider that all registered transactions affecting land should be communicated to the village officers, who should keep in each village as correct a record of proprietary rights as is possible through these means, and orders have been issued accordingly. But the question whether the land register, which under the existing law and rules is a record of legal liability for the assessment, should be converted into a correct record of rights is still the subject of correspondence with the Government of India.

The Honourable Mr. CHANDAVARKAR then put question No. 5—

Are Government aware that the District Municipalities and Local Boards are unable to bear the cost of the plague operations?

His Excellency the PRESIDENT in reply said —

The attention of the honourable member is requested to "(a)" in the reply to question No. 5 put by the Honourable Mr. G. K. Parekh, which applies also to Local Boards.

The Honourable Mr. CHANDAVARKAR then put question No. 6—

Is it the intention of Government to represent to the Government of India the advisability of the Imperial Exchequer bearing a substantial portion of that cost?

His Excellency the PRESIDENT in reply said —

Government regret their inability to reply to the question at this stage.

The Honourable Mr. CHANDAVARKAR then put question No. 7—

Are Government aware that the Quarantine Rules in some places make race distinctions?

His Excellency the PRESIDENT in reply said—

(a) The word quarantine should not appear in Government orders and in the popular acceptance of the word does not apply.

(b) There has never been any intention to exempt Europeans who are liable to carry infection and a modification will shortly be made in the rules to make this intention clear.

The Honourable Mr. CHANDAVARKAR then put question No. 8—

If the answer to question No. 7 be in the affirmative, will Government be pleased to direct that the rules be so modified as to do away with those distinctions?

His Excellency the PRESIDENT in reply said—

The attention of the honourable member is invited to the reply to the honourable member's question No. 7.

The Honourable Mr. CHANDAVARKAR then put question No. 9—

Will Government be pleased to modify the Quarantine Rules so as to exclude from their operation gentlemen of the medical and the legal profession going on professional business?

His Excellency the PRESIDENT in reply said—

The attention of the honourable member is invited to "(b)" in the reply to question No. 8 put by the Honourable Mr. Gokuldas Kahandas Parekh.

The Honourable Mr. CHANDAVARKAR then put question No. 10—

Will Government be pleased to state the result of the communication between them and the Government of India regarding the question of giving early effect to the recommendation of the Finance Committee to put the Clerk of the Insolvent Court on a salary of Rs. 500 to Rs. 600 a month and to credit all fees received in excess of such salary to Government?

The Honourable Sir CHARLES OLLIVANT in reply said —

The final orders of the Government of India have not yet been received.

The Honourable Mr. CHANDAVARKAR on behalf of the Honourable Mr. GOKULDAS KAHAN, DAS PAREKH, who was not present, then put question No. 1 standing in the latter's name—

(a) *What is the aggregate amount of expenditure incurred in connection with the plague operations in Poona?*

(b) *Have Government passed any order under the Epidemic Diseases Act for the defraying of these charges?*

His Excellency the PRESIDENT in reply said—

(a) The actual amount of expenditure incurred may be taken as between 2 and 2½ lakhs.

(b) The question is under consideration.

The Honourable Mr. CHANDAVARKAR (for the Honourable Mr. PAREKH) then put question No. 2—

Is it not a fact that Damodar Chapekar has admitted in his confession made before a Magistrate that Mr. Rand and Lieutenant Ayerst were murdered by himself and two other individuals?

The Honourable Sir CHARLES OLLIVANT in reply said—

As the case is still pending, Government can only refer the honourable member to the reports of the confession which have appeared in the public press.

The Honourable Mr. CHANDAVARKAR (for the Honourable Mr. PAREKH) then put question No. 3—

Will not Government be pleased to order the discharge of the Punitive Police posted at Poona?

The Honourable Sir CHARLES OLLIVANT in reply said—

The question to what extent the force of additional police employed in Poona can, in the unfortunate circumstances of that city, be reduced, is engaging the anxious attention of Government. I may inform the honourable member that the expression "punitive police" does not occur in the Police Act or in any rule thereunder.

The Honourable Mr. CHANDAVARKAR (for the Honourable Mr. PAREKH) then put question No. 4—

(a) Is it not a fact that several Municipalities and Local Boards had and have still to incur heavy costs to prevent the spread of plague through passengers coming by rail?

(b) Will Government be pleased to order under Section 2 of the Epidemic Diseases Act that a portion of these costs be defrayed by the Railway Administrations?

His Excellency the PRESIDENT in reply said—

(a) Government are not aware that any Municipality or Local Board has incurred heavy costs in the prevention of the spread of plague otherwise than for their own protection.

(b) Government do not consider that any portion of the costs of plague measures can equitably be imposed upon Railway Administrations.

The Honourable Mr. CHANDAVARKAR (for the Honourable Mr. PAREKH) then put question No. 5—

(a) Is it not a fact that many Municipalities have become seriously embarrassed in their finances on account of the outbreak of plague?

(b) Will Government be pleased to make contributions for relieving them of the embarrassment?

His Excellency the PRESIDENT in reply said—

(a) Government are aware that some Municipalities have become embarrassed in their finances as a result of the plague operations.

(b) The question as to whether Government will make contributions will require very careful consideration.

The Honourable Mr. CHANDAVARKAR (for the Honourable Mr. PAREKH) then put question No. 6—

Is it true that the District Local Board of Broach has made rules to the effect that it should not undertake the construction or repairs of any village well or tank (except for Dheds) unless the villagers contributed a certain proportion either in cash or labour; if it has made such rules, will Government be pleased to place them on the Council table?

The Honourable Sir CHARLES OLLIVANT in reply said—

The attention of the honourable member is invited to the following reply given at the Council Meeting of the 4th February 1895 to a similar question put by the late Mr. Javerilal Umiasankar Yajnik :—

"The District Local Board passed a resolution to the effect mentioned by the honourable member, and it was subsequently modified by a proviso 'that any hard case brought before the Board by a member of the District Local Board should be considered on its merits.' The circumstances in which the resolution was passed will be perceived from the extract* from the Collector's report laid on the table."

* *Vide* Appendix A.

The Honourable Mr. CHANDAVARKAR (for the Honourable Mr. PAREKH) then put question No. 7—

Will Government be pleased to say when they are likely to be able to bring before the Council the District Municipal Bill?

The Honourable Sir CHARLES OLLIVANT in reply said—

Government are unable at present to say when a Bill dealing with the subject may be brought before the Legislative Council.

The Honourable Mr. CHANDAVARKAR (for the Honourable Mr. PAREKH) then put question No. 8—

Will Government be pleased to direct the following modifications in the rules prescribed in reference to quarantine in the mofussil:—

That the following descriptions of persons, if free from plague or suspicious symptoms, be not detained in quarantine, or subjected to disinfection:

(a) *Persons who are able to satisfy the plague authorities that they have not been in any affected area during the preceding ten days.*

(b) *Members of the medical and legal professions travelling on duty and their servants.*

(c) *Wives and children of Government officers exempted from quarantine rules.*

(d) *Persons of known respectability who give an undertaking, and others travelling first or second class who give security to the satisfaction of the authorities that they will present themselves for medical examination at the place to which they go.*

His Excellency the PRESIDENT in reply said—

The attention of the honourable member is requested to (a) in the reply to question No. 7 put by the Honourable Mr. Chandavarkar.

(a) Persons who are able to satisfy the plague authorities that they are not "suspicious" are not detained under observation nor subjected to disinfection.

(b) A circular has been issued providing for passes which will be obtainable by members of the medical and legal professions in Bombay. In the mofussil the Collectors have discretion to exempt.

(c) No general order can be given regarding the wives and children of Government officers.

(d) Plague authorities have discretion to exempt persons of known respectability.

The Honourable Mr. CHANDAVARKAR (for the Honourable Mr. PAREKH) then put question No. 9—

(a) *Have Government noticed that the general death-rate of the City of Ahmedabad is very high?*

(b) *Are Government aware that this high death-rate is owing to overcrowding and the unhealthy condition of the subsoil?*

(c) *Will Government be pleased to make a relaxation in their conditions for allowing agricultural lands to be used for building purposes?*

The Honourable Sir CHARLES OLLIVANT in reply to (a and b) said—Inquiries are being made on the subject.

The Honourable Mr. NUGENT in reply to (c) said—

Government do not consider it to be necessary or expedient to make any relaxation in the conditions for allowing agricultural lands to be used for building purposes. Collectors are well aware that the discretion given them by the rules should not be so exercised as to discourage the conversion of agricultural land into building sites, but it would not further that process or relieve overcrowding to forego for the benefit of private land-holders the share which is due to the public of the increase in the value of land which is created by the demand for it for building purposes.

The Honourable Mr. CHANDAVARKAR (for the Honourable Mr. PAREKH) then put question No. 10—

(a) *Will Government be pleased to state the grounds which led to the arrest and imprisonment of the two Nātu brothers under Regulation 25 of 1827?*

(b) *Will Government be pleased to state whether they intend to put them on their trial, and if so, when?*

(c) *If Government do not propose to put them on their trial, will they be pleased to state how long they propose to detain them in prison?*

His Excellency the PRESIDENT in reply said—

(a) The persons referred to were placed under restraint for reasons of State touching the security of a portion of the British dominions from internal commotion.

(b) Action under the law in question implies that, in the language of the Regulation, judicial proceedings are either not adapted to the nature of the case, or are unadvisable or improper.

(c) The first part of this question is covered by the preceding answer. The answer to the second part depends on considerations alluded to in the answer to the first question and upon eventualities not yet determined.

PAPERS PRESENTED TO THE COUNCIL

(1) Report of the Select Committee appointed to consider Bill No. II of 1897 (a Bill to amend the Sind Village Officers Act, 1881, as amended by Bombay Act II of 1888).

* *Vide Appendix A.*

(2) Extract* referred to in the reply to question No. 6 put by the Honourable Mr. Gokuldas Kahandas Parekh.

† *Vide Appendix B.*

(3) Memorandum† from Mr. P. R. Desai, Pleader, District Court, Ratnāgiri, dated the 10th December 1897.

**BILL No. II OF 1897: A BILL TO AMEND THE SIND VILLAGE OFFICERS ACT,
1881, AS AMENDED BY BOMBAY ACT II OF 1888**

In moving the second reading of the Bill to amend the Sind Village Officers Act, 1881, the Honourable Mr. NUGENT said:—Your Excellency,—I beg to propose the second reading of Bill No. II of 1897, being a Bill to amend the Sind Village Officers Act of 1881, as amended by a former Act of 1888. This small measure was introduced at a Meeting of the Council held at Poona in August last, and when bringing it forward I fully gave the reasons which led Government to consider this legislation to be necessary. The Bill was then read a first time, and referred to a Select Committee which approved unanimously of it, and had no suggestion to make, or amendment to propose. The Bill is a small one and is non-contentious, and I do not think I need add anything further to the remarks contained in the statement of objects and reasons, or to the observations I made when I moved the first reading of the Bill. I will, therefore, now propose that this Bill be read a second time. I would take this opportunity of expressing my sense of the loss sustained by the death of the late Honourable Mr. Dharamsi, whom I last saw at the meeting in Poona last rains of the Select Committee on this Bill. By the premature decease of the honourable gentleman in the prime of his life and vigour an unkindly fate has robbed this Council of an able and valued member; the community to which Mr. Dharamsi belonged of one of its most distinguished ornaments; and me personally of an esteemed and courteous friend.

Bill read a second time.

His Excellency the PRESIDENT put the motion that the Bill be read a second time. This was agreed to.

The Honourable Mr. NUGENT then moved that the Bill be considered in detail which Bill considered in detail.

was carried. The Bill was then considered in detail and no amendments were made.

**BILL No. III OF 1897: A BILL TO AMEND THE BOMBAY DISTRICT
POLICE ACT, 1890.**

In moving the first reading of the Bill to amend the Bombay District Police Act, 1890, the Honourable Sir CHARLES OLLIVANT said:—Your Excellency,—I could have wished that the maiden measure it is my pleasure to present to you, had been one of more originality and possessing more fascination for myself personally. But the maiden is not one exactly of my own selection. It was left (I do not mean abandoned) to my faithful charge by my predecessor. I cannot even say that since his departure it has acquired any additional charms excepting such as may have accrued from more mature development. But probably the fact that it has had his benevolent interest will commend it to your favour far more than any panegyric on my part. For my own part, I believe it will be found a humble measure of utility, and generally speaking I should describe it as one of harmony and relief. In alluding to the harmony I do not refer to the general concurrence of this Council which I am so sanguine of obtaining, nor to the mention of instrumental music at the end of the Bill which is to form an accompaniment of the vocal

music already dealt with by law, but rather I refer to the fact stated in the objects and reasons appended to the Bill that it will bring the police law of the Bombay Presidency into harmony with the police law which prevails in the rest of India.

Then as regards relief, you will find on reference to the sections that the first relief it aims at securing, is relief from verbal ambiguity—a relief to the lawyer on the one side from much trouble and to his client on the other from much expense. The second measure of relief is one with which we will all sympathise—the power it gives to put off paying to-day what you can possibly pay to-morrow, and in another way it gives relief, by enabling your neighbours to bear a part of the expense which you would otherwise have to pay yourself. Then again it relieves certain innocent individuals from having to pay anything at all, and lastly it relieves Municipalities from having in the last resort to enforce recovery.

It is not necessary for me to go into details because the Bill is so short that all its details are adequately explained in the statement of objects and reasons. I need only make one more allusion, and that is, to the statement made somewhere, that this Bill may have something or other to do with the fact that an additional police force is employed in Poona. It has only this much to do with it: that if it had not been for the fact that an additional police force was imposed upon Poona, the Bill would have been presented to you some months earlier than this. As I have already explained, the measure was approved before I joined this Council, but it was thought that if it were introduced at the last Session of the Legislative Council, incorrect inferences might be drawn as to its having been suggested by the state of affairs at Poona. As I have mentioned Poona, I am glad to have an opportunity of saying that the most intense and impassioned sympathy is felt by Government for the sorrows, troubles and inconveniences which have befallen that city. Your Excellency, I now beg leave to move the first reading of this Bill.

The Honourable Mr. BHALCHANDRA KRISHNA BHATAVADEKAR said :—Your Excellency,—I have no wish to oppose the reading of the Bill now before the Council at this stage. But lest my silent vote may be construed into concurrence, your Lordship will be pleased to permit me to make a few observations indicating the grounds of my objection. In the form in which the Bill is now framed, I conceive it is not open to question the principle or the policy of levying any punitive post at all. The only point now open to consideration is the mode of imposing the tax, cess, or rate, whatever it may be called, to provide for its cost. Even on this limited ground the Bill as framed contains some points which, I venture to say, are open to serious objection. First, the Bill makes no mention of the rate of the tax. I believe it is not unusual for the Legislature to specify the maximum rate allowable under any circumstances. I admit that the conditions of localities incurring the penalty may widely vary, and it will be difficult to lay down a hard and fast rule applicable to all places. At the same time, I think to leave the question of the amount absolutely at the direction of the Executive is apt to lead to great hardship in conceivable cases. The Legislature should therefore, I submit, indicate its wish that certain defined limits should not be exceeded. Municipal Acts generally lay down such maximum rates of the cesses to be imposed. The impost to be provided for by the Bill is, I take it, of the nature of a municipal cess; only the authority to require its levy is the Central instead of the Municipal Government. But the necessity of putting a limit on the demand does not become less urgent on that account.

Secondly, as to the persons to be affected by the impost, the Bill makes a new departure which again is likely to work serious injustice to innocent people. It is intended to make landlords, whether resident or non-resident, liable to the tax which, if it all justified, ought to be confined to the residents of a particular locality. The ground of levying a post of punitive police on any town or village is, I apprehend, that the residents of the town or village have become too unruly to be held in check by the ordinary police, or that a certain crime is undetected in consequence of the inhabitants of the place giving shelter to the offender. There may be some justification to make the actual inhabitants responsible in this manner in extreme cases. But non-resident owners of property could not be charged, except when there is proof of complicity in any local crime. To say that men of property are likely to have local influence, and that it is their duty to use such influence in the cause of peace and good government is to argue on assumptions, which, I humbly submit, my Lord, have no foundation in fact. To put a concrete case: A is a permanent resident of Bombay. He has some property in Poona; but he is so obscure that he does not possess the slightest influence for good or evil with the inhabitants of Poona. Is he to be made responsible for any crime committed in Poona on the ground of the supposed influence he may have got from the fact of his possession of property at that place? Or to put it in another way: suppose a similar law is passed in England and an Englishman ordinarily resident in India has property in England. Is he to be supposed to have influence in England from the fact of his possession of property, and will it be equitable to make him liable on the ground of such supposed influence? Further, assuming that ordinarily a person has in point of fact such local influence as is contemplated, if he is not a frequent visitor of the place or is not in communication with his local agent, he is not likely to be cognizant of any criminal designs of any of the local residents. Besides, among the non-resident property-holders there may be women, infants, religious endowments, charities and other corporations who could not be possibly presumed to exercise any influence. If non-resident property-holders are to be made responsible on the ground of their possessing influence, I would suggest the responsibility should be based on clear and distinct proof which should be open to challenge by the person sought to be made responsible.

Thirdly, the provision as to spreading the liability over a period longer than the actual levy of the punitive post is to be greatly deprecated. A punitive post, whether justifiable or not, will always be a source of soreness among the people. To keep the tax on even after the post is withdrawn would be to keep open the sore—a result by no means desirable in the best interests of the Government. Further, it will be making posterity liable for the sins of their ancestors—a kind of vicarious suffering for which, my Lord, I humbly submit, there is no possible justification. It is usual to spread over a number of years the cost of large public works; but the principle involved in that case is that posterity gains the benefit of the works. A punitive post is a penalty not a benefit. As a penalty it should be visited on the immediate and actual, or if necessary, at the outside, on constructive offenders. But to inflict a punishment on a future generation for the crime of a prior one is, I believe, beyond the limits of secular criminal justice. If a place is too poor to pay a certain high demand made by Government that is a reason for lowering the demand and suiting it to the ability of the place rather than spreading the demand over a longer term of years than justice requires, and making innocent generations of men liable. To enable the Government to spread the cost over a number of years is to remove one important check upon the arbitrary exercise of executive powers. The most sober

and judicious executive officers are on occasions apt to be carried away by the impulses of the hour, to exaggerate evils, and to mete out exaggerated punishment on the objects of their displeasure. The very object of legislative measures is to regulate executive discretion and to provide safeguards for the protection of the weak and the innocent. I have high respect for the justice and generosity of our executive officers, but I would not be a party to legislation which would multiply facilities for the exercise of executive power and create disabilities and penalties on innocent people. As I have said at the outset, I do not wish to oppose the first reading, but I earnestly hope that the measure will be modified in regard to the points I have indicated.

The Honourable Mr. DHONDO SHAMBAO GARUD said:—May it please your Excellency,—This is the first time I have had the honour to stand at this table to address your Excellency. The time that has elapsed since your Excellency's pleasure of nominating me to this Council was made known to me is so short that I cannot within this brief interval pretend to have made myself as fully conversant with the business before this Council as my honourable colleagues. I can, therefore, only speak from first impressions, and having listened with all attention to the remarks made by the honourable mover in charge of the Bill, I am bound to say I am not satisfied that a strong case has been made out for making the proposed change in the existing law. The amendments, which demand special attention, are those in section 25, subsection (2), and the addition of section 25 A. The former refers to the cost of additional police which the Government may think fit to post in any local area. The law, as it stands at present, empowers the Government to recover such cost by a rate charged on the inhabitants generally or on any particular section of the inhabitants of such local area. These are exceptional powers, and the occasions which call for their exercise are very rare. Religious or race animosity has indeed sometimes led to breaches of the peace; but the passions excited by such causes are always of a transient nature and the powers possessed by the Government would appear to be sufficient to cope with these evils. But it is now proposed to extend these powers—to empower Government to recover such cost not only from the inhabitants but from holders of land within such local area who may not be its inhabitants. I cannot imagine how persons, who may be miles away from the scene of a disturbance, can be held responsible for the acts or misconduct of those with whom they have nothing in common save the possession of land within the same local area. We have a great many small holders who spend their time in service or other profession abroad and make an investment in land in the place of their birth as a provision for their family and themselves upon their retirement. They have generally no interest and no voice in local jealousies or animosities, and it would be very hard on this class, who may be the best respectors of law, to be classed among those who may have to be punished for a breach of it. A tax imposed, on all or any persons is likely to cause unnecessary irritation. It would bring an unjustifiable stigma on persons whose only fault may be that they are holders of land in a certain local area. It would also be objectionable if it should fall on persons whose earnings are hardly sufficient for the maintenance of themselves and their families. Such a law cannot but work harshly in practice, as it will lead to invidious distinctions for which Government cannot always be expected to give justifying reasons in each instance.

These objections apply with equal force to the provisions for realizing the amount of compensation to be awarded under the new section 25A, which is proposed to be in-

incorporated in the existing law. It is proposed by this section to empower District Magistrates to award compensation for loss or damage caused to property or in respect of death or grievous hurt caused to any person or persons by anything done in the prosecution of the common object of an unlawful assembly. The Judicial Courts both in their civil and criminal jurisdiction have power under the present law to award such compensation where justice requires that it should be granted. And when such an order is passed after judicial investigation the public have at least the satisfaction of knowing that it is dictated by justice. When it is proposed to transfer this power to the District Magistrate to award such compensation after such inquiry as he may deem necessary, the award assumes the form of an arbitrary order; and the brunt of it may fall upon persons who have no connection with the guilty parties. Then again the District Magistrate is not provided with the requisite machinery to make these inquiries. It was said with great truth by His Excellency Lord Reay, at the second reading of the District Police Act in 1890, that the District Magistrate is supreme in the district. His time is already overtaxed by the multifarious duties which he has to discharge, and he cannot be expected to devote his personal time and attention to inquiries of this kind. He will necessarily have to act upon the report of minor police or village officers who are likely to be influenced by various considerations which may not always bear examination. I am far from saying that a work entrusted to the District Magistrate will not be done well, on the contrary I have learned from personal knowledge to entertain the highest respect for his exceptional tact and judgment. But I should certainly be chary of curtailing the short leisure of the District Magistrate by throwing upon him these extra duties without providing him with adequate machinery for their proper discharge. I have not had time to ascertain how far these proposed amendments are justified by the corresponding provisions in the English law. These, your Excellency, are my first impressions, but if the Government are satisfied of the necessity of bringing forward this measure before the Council, I would wait for further information and not oppose the first reading of the Bill.

The Honourable Mr. NARAYEN GANESH CHANDAVARKAR said :—Your Excellency,—I do not desire to enter into anything like a minute examination of the provisions of this Bill, as, I believe it will be in due course referred to a Select Committee, by whom the details will be carefully considered; but one or two of the observations made by the honourable mover of this measure render it necessary that I should offer such opinion as I have formed. Sir Charles Ollivant assures us that the Bill clears away several ambiguities and must, therefore, satisfy lawyers. Well, there are some who think lawyers are a very hard lot to satisfy, and will go on quibbling to the end of the world. But even the most reasonable lawyer should find it hard to agree that this measure clears away ambiguities. For instance, there is the proposal to make not only absentee landholders, but even those who are “interested in land” liable to pay the cost of an additional police force. I am not sure that the expression “interested in land” is a happy expression to use in a legal enactment; but apart from that, may it not be taken to mean that anyone who is interested in land may be made liable, and if that is so, what is there to prevent the members of this Council from being made liable—for, I take it, we are all more or less interested in land in the sense that we take interest in the prosperity and well-being of the agricultural interest. That, however, is a minor point, for what is meant by the expression “interested in land” is evidently what the lawyers call owning an interest in land.

But has the honourable mover of the Bill carefully considered what anomalies Government would have to face, if not merely absentee land-holders, but all those who own what is called an interest in land, are included in the category of those having to pay for the cost of an additional police force? The instance of a mortgagee not in possession is not perhaps so glaring an instance of the anomaly as some other instances I would give. Take, for example, the case of the creature known to the Hindu law as the Hindu widow. Our Courts are frequently called upon to decree maintenance to such a creature and to charge it upon land; and the Honourable Mr. Crowe will bear me out, when I say that such maintenance is often Rs. 4 or Rs. 6 or Rs. 12 a year—a paltry rate which used to startle a late Chief Justice of our High Court, who could not comprehend how even a Hindu widow could keep body and soul together on such a miserable pittance. And now this Bill proposes to pounce even upon the Hindu widow's scanty rate of maintenance, for; it cannot be denied she has an interest in land. And is this to be defended on the ground that the Hindu widow, having such an interest in land, has personal influence conferred upon her by that interest? Take again another instance. I have spoken of the Hindu widow, but I shall speak of another creature known to the Hindu law—a man having what is called a reversionary interest. When a Hindu dies, leaving his widow as his heir, the widow gets the property during her life-time, and behind her is some one who longs to see the day when she shall cease to be and he will get the property as the reversioner. This reversionary interest is of a contingent and uncertain character, but, nevertheless, it is an interest in land, and is that also uncertain and precarious as it is to be made liable? I could multiply instances to show how inequitable it will be if persons interested in land are brought in as this Bill seeks to do.

But that is not all. There is a question of principle involved in this Bill, which I think deserves the very serious consideration of this Council. Legislation of this kind, which provides for the cost of an additional police force quartered in any local area on account of its disturbed or dangerous condition, has always been, so far as I have been able to understand the history of it, understood to be of a preventive or protective character, and an answer given by the Honourable Sir Charles Ollivant to one of the questions put to-day shows that he is of the same opinion, for he has told us, and rightly I think, that it is not correct to speak of an additional police post quartered in any place on account of its disturbed condition as a punitive post. If it were punitive, innocent inhabitants of a place declared to be in a disturbed or dangerous condition would not have to share the cost of the additional police, but they have to pay because of the special protection they get. This is the principle underlying legislation of this kind, but, is it the principle on which this Bill, as it is now before us, proceeds? No; because if you look at section 4 you will find that it gives power to the Governor in Council to impose the cost of the additional police, if he chooses, on a single individual, leaving aside the inhabitants generally, or any section of the inhabitants. This I consider to be an innovation entirely opposed to the preventive and protective character of such legislation. By applying it to individuals in the way that this Bill seeks to do, it violates the cardinal principle of such legislation, which is, that it is intended to touch entire classes and not individuals. When the Bill which became law as Act VIII of 1895 was before the Supreme Legislative Council, Sir Anthony Macdonell took care to point out that that Bill was never intended to touch individuals; and I do not see any reason why the Bill before us should proceed upon a line so new as to make the measure not preventive and protective, but penal and punitive.

Then there is the proposal to bring in absentee landholders, and that proposal is recommended on two grounds. Firstly, it is said, the ownership of landed property confers influence upon them. I am aware that Act VIII of 1895 of the Supreme Legislature makes absentee landlords liable, but I would in passing say that it is not quite correct to say as the honourable mover has said, that the Bill before us seeks to bring the law in harmony with that Act, for the word "inhabitants" bears in that Act a more restricted meaning than it does in this Bill. But absentee landlords were brought in by Act VIII of 1895 of the Supreme Legislature because, as a careful perusal of the debates in that Council will show, agrarian risings leading to serious breaches of the peace were frequent in Eastern Bengal; but as far as our Presidency is concerned, I think I shall not be wrong in saying that our agricultural classes have been law-abiding, and none of the riots of late have been due to agrarian disputes. Why, then, should they be brought in, as this Bill seeks to do? It is said that the ownership of landed property confers personal influence on the owners: but is it quite correct to say that of the landholders in this Presidency, the bulk of whom are peasant proprietors with small holdings? And what influence can a landholder exercise who does not live in the place where his land is situate, and who cannot, therefore, be expected to know, or be known by, the inhabitants of that place? Secondly, it is said, an absentee landlord must be made liable, because of the protection which he gets from the State. But an absentee landlord is generally one who lets his land under an agreement for a fixed rent, which he gets from those to whom the land is let. His rent is assured under any circumstances, and no special protection is afforded to his property by the quartering of an additional police force; and as to his person, there is no protection, for he does not live in the place.

Then there is what may be called the compensation section of this Bill. That, too, requires very careful consideration. In the first place, under this Bill it is open to the District Magistrate to give compensation to any person for the death of any other person, even though the former may not be the son or widow or other dependant of the latter. That is surely not just. There are other modifications which I should like to suggest in the section, for as it stands it is open to comment in several respects. But as we are now considering the motion for the first reading of this Bill I shall not enter into details at the present, but content myself with the observations which I have so far submitted for the consideration of the Council.

The Honourable Sir CHARLES OLLIVANT said:—Your Excellency,—I have but little to say as to the remarks of honourable members who have spoken, as they have all expressed their willingness to support the first reading of the Bill. So far as I am personally concerned, while I am prepared to accept in a chastened spirit the criticisms of the Honourable Mr. Garud as to my remarks in proposing the first reading, I have some grounds for consolation in the discovery that those criticisms were apparently prepared before he entered the room. So far as other speakers are concerned, I am grateful to the Honourable Mr. Chandavarkar, because he so effectually removed some of the chief arguments advanced by the Honourable Dr. Bhalchandra. The latter honourable member seemed to think that the imposition of additional police must necessarily be a punitive measure, but Mr. Chandavarkar pointed out that it might be a necessary protective measure. Dr. Bhalchandra said that if you can bring it home to the absentee landlord that he was in any way responsible for the disturbance, occasioning the extra police, it might possibly be right to make him pay. But if, on the other hand, it is necessary

owing to the disturbed state of a city to have additional police over and above the number which the general taxpayer is content to provide as the normal strength, then surely those who have the greatest interest at stake in the city, that is, those who own property there, should bear a share of the expense.

The same consideration affects the contention that the policy of permitting a deferred payment is wrong in principle, as it keeps the sore open. If the imposition of a certain extra force is a *sine qua non* of public security for a short time then the cost of the extra police is determined, not by the guilt of the inhabitants or particular section of them, but by the question of what the measure of effective protection is. If the force imposed as the minimum addition required be such as to entail a very heavy charge, is it not kinder that the inhabitants instead of being called upon to pay the whole sum at once should be allowed to spread the payment over several years. I have no doubt whatever that if the inhabitants of any town or district subject to the payment of a certain sum were polled as to the time within which that sum should be paid, they would give a nearly unanimous opinion that it should be distributed over a certain number of years. I am not in favour of laying the charge upon posterity, as some speakers seem to think, but you cannot apply that description to a payment spread over three or perhaps five years.

There is one other point touched upon by the Honourable Mr. Chandavarkar to which I should perhaps refer, one on which I have not before touched. As it is a purely legal matter, I must leave our lawyers to place beyond doubt the question of the meaning of the term "interested in land." I can only quote what our own legal advisers said on the subject. It is this: "The word 'otherwise' will limit according to established canons of construction, the application of the word 'interested therein' to persons having an interest *ejusdem generis* with that connoted by the associated words 'holders of land.'" That at any rate was the intention of Government in having this phrase inserted in the Bill. Fortunately if the actual wording at present does not carry out the intention of Government, there will be opportunities hereafter of introducing the necessary change, and I am happy to think we may probably have the assistance of the Honourable Mr. Chandavarkar in the task.

His Excellency the PRESIDENT put the motion, that
Bill read a first time. the Bill be read a first time. This was agreed to.

The Honourable Sir CHARLES OLLIVANT then moved that the Bill be referred to a
select committee consisting of the Honourable Messrs.
Referred to a select com- Monteath, Garud, Chandavarkar, Moriarty, Crowe and the
mittee. Mover with instructions to report within four weeks.

The motion was put by His Excellency the PRESIDENT and agreed to.

His Excellency the PRESIDENT then adjourned the Council *sine die*.

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

S. L. BATCHELOR,
Secretary to the Council of the Governor of
Bombay for making Laws and Regulations.

Bombay, 20th December 1897.

APPENDICES

TO THE

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR OF BOMBAY ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS ON THE 20TH DECEMBER 1897.

APPENDIX A.

Extract paragraphs 2 and 3 of the memorandum from the Collector of Broach, No. L. P.—273, dated the 5th September 1894:—

"2. The Resolution was passed in view of the fact that every village in the district has now been provided with as good a water-supply as is feasible, considering the salty character of the soil in some parts, and that it was found that money which could be more usefully expended was being spent on building flights of bathing steps (*avaras*) which are simply a luxury and desired by villagers for purposes of display.

"3. It was with a view to checking this unnecessary expenditure and amassing funds for the improvement of communications—the great need of the district—that the District Local Board passed the resolution referred to— * * * *

APPENDIX B.

MEMORANDUM.

A short Bill No. III of 1897 is about to be introduced into the Bombay Legislative Council for amending Bombay District Police Act IV of 1890. Section 25 of the Act, now in force, limits the liability to contribute to the cost of additional police quartered in any local area, which is found to be in a disturbed or dangerous state only to all the inhabitants generally, or to a particular community of the inhabitants of the locality. It is now proposed to extend this liability to non-resident landholders, because, it is said, that their property receives protection from the State while they are away from their homes. This reason has, in my opinion, only a plausible weight, but the question remains whether what they pay to the State in shape of ordinary taxes which are admittedly high enough, are not sufficient to ensure ordinary protection from the State. The necessity, if any, of quartering extra police must obviously arise from wilful acts or wilful omissions of the residents of the place and not from lands and premises owned or held by landlords, and consequently any taxation on account of extra police cannot, I submit, fairly be levied upon those absentee land-owners unless they are found directly or indirectly to aid or instigate persons creating a disturbance which may lead Government to employ additional police. I think the proposal, as it now stands, if carried out, will result in considerable hardships upon innocent persons. I am of opinion, therefore, that this matter calls for a careful reconsideration.

Another objectionable feature of the Bill under consideration is that it proposes to empower Government to extend, from time to time, the period for making payments of the cost of the Punitive Police after the period of their actual employment is over. This, no doubt, is a convenient way of recovering the money from defaulters, but how long is the liability to last? Surely there must be a stage where it ought to cease. In my opinion it ought to cease when the necessity for continuing the employment of the police ends, precautionary measures being taken, if necessary, to recover the outstanding balances, if any, from the persons charged with the cost before the period, originally fixed for employing the police, expires. The instalment system, however convenient, has the disadvantage of extending the period for paying the cost to any indefinite number of years. I hope that this proposal which is open to many objections will not survive the Select Committee that may be appointed to consider the measure in detail.

P. R. DESAI,

Pleader, District Court, Ratnágiri.

Ratnágiri, 10th December 1897.

PROCEEDINGS

OF THE

COUNCIL OF THE GOVERNOR OF BOMBAY

ASSEMBLED FOR THE PURPOSE OF

MAKING LAWS AND REGULATIONS,

1898.

VOLUME XXXVI.

Published by the Authority of His Excellency the Governor.

Bombay:

PRINTED AT THE GOVERNMENT CENTRAL PRESS.

1900.

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PROCEEDINGS
OF THE
COUNCIL OF THE GOVERNOR OF BOMBAY
FOR THE
PURPOSE OF MAKING LAWS AND
REGULATIONS.

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 ACTS, 1861 and 1892."

The Council met at Bombay on Monday the 14th February 1893, at noon.

P R E S E N T.

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

The Honourable Mr. JOHN NUGENT, C.S.I., I. C. S.

The Honourable Sir E. CHARLES K. OLLIVANT, K.C.I.E., I. C. S.

The Honourable the ADVOCATE GENERAL.

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

The Honourable Mr. J. MONTEATH, C.S.I., M.A., I. C. S.

The Honourable Mr. H. M. THOMPSON, B.A., M.Inst.C.E.

The Honourable Mr. A. ABERCROMBIE.

The Honourable Mr. DAJI ABAJI KHARE, B.A., LL.B.

The Honourable Mr. NARAYAN GANESH CHANDAVAREKAR, B.A., LL.B.

The Honourable Mr. T. B. KIRKHAM.

The Honourable Mr. W. C. HUGHES, M.Inst.C.E.

The Honourable Mr. A. S. MORIARTY, I. C. S.

The Honourable Mr. BHALCHANDRA KRISHNA BHATAVADEKAR, L.M.

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

The Honourable Mr. FAZULBOY VISRAM, C.I.E.

The Honourable Mr. DHONDO SHAMRAO GARUD, B.A.

The Honourable Mr. P. M. MEHTA, C.I.E., M.A.

The Honourable Mr. VEJJBHUKHANDAS ATMARAM.

The Honourable Mr. A. WINGATE, I. C. S., C.I.E.

QUESTIONS AND ANSWERS.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, on behalf of the Honourable Ráo Bahádúr RANCHODLAL CHOTALAL, who was not present, put question No. 1 standing in the latter's name—

Whether the Municipality of Bombay has power to prohibit people from overcrowding a house or room, and if so, what is the least cubical content of space allowed per head? If there is no such limit, is it not desirable that some limit should be legally fixed?

The Honourable Sir CHARLES OLLIVANT said—

I think it will be convenient if I answer this question, and the other questions put by the Honourable Mr. Ranchodlal, all at the same time. The answer to each question is :—The question has been referred to the Municipal Commissioner for the City of Bombay, whose reply will be laid on the table.

The other questions of which notice had been given by the Honourable Ráo Bahádúr RANCHODLAL were as follows :—

2. *Whether all or any parts (wards?) of the City of Bombay, which are overcrowded, have been provided with an efficient drainage system for the removal of sullage water, and if so, what are those wards?*

3. *Have all the houses in the wards in which a line of drainage is laid, been connected with it? If not, what is the number of the house connections and how many houses remain unconnected?*

4. *Are flushing tanks provided at the heads of these drainage lines? Are flushing blocks placed in the pipes near each manhole?*

5. *Are these drains flushed daily so as to ensure that no silt is left at the bottom of the pipe or drain?*

6. *What is the approximate total quantity of water supplied in Bombay daily and what is the quantity of sullage water pumped at the drainage station?*

7. *Has the level of subsoil water risen in Bombay during the last 10 years, and if so, to what extent?*

8. *Has the Shone system of drainage, in which the sewage is ejected by compressed air, been introduced in Bombay? If so, how many ejecting stations are working now, and whether there has been any difference in the public health since the introduction of this system?*

The Honourable Mr. DÁJI ABAJI KHARE then put question No. 1 standing in his name—

(a) *Will Government be pleased to state the law or authority under which the moveable property of the Natu brothers was attached?*

(b) *Has that property been now released from attachment?*

(c) *If so, will Government be pleased to state the grounds which led to such release?*

His Excellency the PRESIDENT in reply said—

(a) Certain moveable property was inadvertently included in the attachment of immoveable property.

(b) Orders were given to release it from attachment as soon as the mistake was discovered.

(c) This is answered by what has been said in reply to (b).

The Honourable Mr. KHARE then put question No. 2—

Is it a fact that the Cantonment Magistrate of Ahmednager assaulted the editor of the "Sudarshan," a local paper, on the 2nd of November last at the editor's own house because of some comments which appeared in that paper regarding plague operations?

The Honourable Sir CHARLES OLLIVANT in reply said—

It is a fact that the District Magistrate of Ahmednagar, under Section 203 of the Criminal Procedure Code, dismissed a complaint in which, one Wasudeo Gangaram Dange, said to be the proprietor and editor of the "Sudarshan" newspaper, alleged that he had been assaulted by an officer who was the then Cantonment Magistrate of Ahmednagar.

As to any other fact which the question imports, Government are not in a position to express an opinion, but they understand that if the complainant was aggrieved by the District Magistrate's order of dismissal he had further legal remedies open to him.

The Honourable Mr. KHARE then put question No. 3—

Will Government be pleased to state the grounds which led to the omission of the names of Haji Ahmed Haji Usman, Abdulla Mia Ahmed Khandwani and Haji Hasham Haji Abdulla Nurani (whose names appeared in previous lists) from the list of the Justices of the Peace for the Town and Island of Bombay for 1897, published in the Bombay Government Gazette?

His Excellency the PRESIDENT in reply said—

Government are not prepared to enter into the reasons which govern the selection of names for entry in, or omission from, the periodical lists of Justices.

The Honourable Mr. KHARE then put question No. 4—

Will Government be pleased to order that travellers from Bombay holding passes from the Plague Committee be not detained in quarantine anywhere in the Presidency if on medical examination they are found free from fever?

His Excellency the PRESIDENT in reply said—

The attention of the honourable member is drawn to the first portion of the reply given to question No. 7 of the Honourable Mr. Chandavarkar on the 20th December last, to the effect that the term quarantine is inapplicable to the precautions observed in this Presidency. Reference is invited to the answer given to question No. 1 put by the Honourable Mr. Garud. The attention of all officers in charge of observation camps will be directed to that reply.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH then put question No. 1 standing in his name—

Will Government be pleased, before issuing a notification under Section 1 of Bombay Act III of 1897, to consult, through the Collectors of Kaira and Ahmedabad, the leaders of the Leva and Kadva Kunbi castes of these districts as to the manner in which the moneys levied, recovered or paid under or for the purposes of Act VIII of 1870, and the income and the accumulated interest thereof, are to be applied for the educational benefit of these castes?

The Honourable Sir CHARLES OLLIVANT in reply said—

The several Collectors have been instructed to consult the leaders of the Leva and Kadva Kunbi castes.

The Honourable Mr. PAREKH then put question No. 2—

Will Government be pleased to supply information as to—

- (1) *whether Appendix III G (2) to the Administration Report of 1896-97 represents all the expenditure from the Local Funds of the Presidency incurred on new tanks and wells and the repairs of tanks and wells already in existence?*
- (2) *whether any portion of this expenditure relates to tanks and wells used or intended to be used for irrigational purposes, and if any, what, and*
- (3) *how much of the amount expended has been received as contribution from the people?*

The Honourable Sir CHARLES OLLIVANT in reply said—

- (1) The answer is in the affirmative.
- (2 and 3) Government have no information regarding the matters referred to, but reports have been called for.

The Honourable Mr. PAREKH then put question No. 3—

Will Government be pleased to supply information as to—

- (1) *whether the Local Funds are required to pay contributions towards the expenditure incurred on wells and tanks constructed and maintained for irrigational purposes?*
- (2) *if so, whether they are demanded on the ground that the people use the water for their domestic purposes?*
- (3) *on what principle are the amounts of such contributions determined?*

His Excellency the PRESIDENT in reply said—

(1) There are no wells constructed and repaired by Government for irrigational purposes. With regard to tanks, local funds are only required to contribute if there are any special circumstances such as a road in which they are interested passing over the dam of a tank.

(2) No.

(3) Each case is considered on its merits.

The Honourable Mr. PAREKH then put question No. 4—

Is it true that the Jejuri Municipality has, in consequence of its pecuniary embarrassment, been obliged to close its Vernacular School? If such is the case, have Government been pleased to take steps to open a school in the place of the one which has been closed?

His Excellency the PRESIDENT in reply said—

Enquiries are being made.

The Honourable Mr. PAREKH then put question No. 5—

(1) *Do Government believe that inoculation with Professor Haffkine's prophylactic serum gives immunity to some extent against the attack of plague?*

(2) *If so, will Government be pleased to take measures to make the means of inoculation available to the inhabitants of places where plague may be prevailing?*

His Excellency the PRESIDENT in reply said—

Government are at present advised that inoculation is still in its experimental stage, but that the results of the experiments made are so far encouraging. Whilst Govern-

ment are anxious to afford all facilities in their power to persons who desire to have recourse to inoculation as a measure of protection, it must be clearly understood that such action is to be absolutely voluntary.

The Honourable Mr. PABEKH then put question No. 6—

Are Government aware that, in consequence of the plague operations—

- (a) *race distinction is still observed in the detention and disinfection of passengers travelling by rail?*
- (b) *persons coming from particular directions are still detained and disinfected without any reference to the fact whether the locality from which they come is infected or not, and*
- (c) *persons are detained and disinfected even though they are willing and able to give satisfactory undertaking that they will present themselves for medical examination at the places of their destination?*

His Excellency the PRESIDENT in reply said—

The attention of the honourable member is requested to the reply to question No. 1 given to the Honourable Mr. Garud.

The Honourable Mr. PABEKH then put question No. 7—

Will Government be pleased to say—

- (1) *whether or not fish-curing yards have been established and maintained by Government for the purposes of revenue?*
- (2) *whether any revenue in excess of expenditure has been derived from such yards or whether these yards are working at a loss?*
- (3) *whether in some places people living at distances from 5 to 10 miles from the nearest curing yard are prohibited from using salt-earth for the purposes of curing fish?*

The Honourable Mr. NUGENT in reply said—

(1) The object of establishing and maintaining fish-curing yards is not revenue, but the encouragement of an important industry, which increases the food-supply available for the people.

(2) In the last year for which a report has been received (1896-97) seven yards in the Presidency proper were worked at a loss and eight at a profit. On the whole there was a net profit of Rs. 2,544. A fish-curing yard in Sind has hitherto been generally worked at a loss.

(3) The Collector of Salt Revenue is allowed discretion to refuse licenses for the use of salt-earth for curing fish to persons living within ten miles of a fish-curing yard.

The Honourable Mr. DHONDO SHAMRAO GARUD then put question No. 1 standing in his name—

Whether the modification in the plague rules, to show clearly the intention of Government that no race distinctions should be observed in their application, has been made as promised in the reply to question No. 7 put by the Honourable Mr. Chandavarkar at the Meeting of the Council held on the 20th December 1897, and if so, will the Government be pleased to place the modified rules on the Council Table?

His Excellency the PRESIDENT in reply said—

The rules have been modified by Government Resolution No. 154—171-P., dated 10th January 1898,* a copy of which has been placed on the Table. Paragraphs 48, 49, 50 and 51 indicate the

* *Vide* Appendix A. policy of Government and endeavour is being made to minimise detention under observation to the narrowest limits compatible with safety. Government avoid as far as possible interfering with rules made by any particular town for its own protection. So far as travelling is concerned Government intend that only those persons from the infected area should be detained under observation who appear to be suspicious by reason of their appearance, the dirty condition of their clothes, the fact that they are travelling in gangs or belong to classes which are likely to disseminate the disease, or cannot be traced on arrival at their destination, or depended upon to give information should plague occur among them after arrival at their destination.

The Honourable Mr. GARUD then put question No. 2—

Whether it is a fact that in the Ndsik and Khândesh Districts the holders of land irrigated by the canals constructed under former Governments are made to pay the expenses of repairs in addition to the water rate, while the repairs to canals constructed by Government are made at Government expense; and whether Government will be pleased to direct this inequality to be removed by ordering all repairs to canals yielding a water rate to be made uniformly at Government expense?

His Excellency the PRESIDENT in reply said—

Government are not prepared to make any change in the direction indicated by the honourable member's question.

The Honourable Mr. GARUD then put question No. 3—

Will the Government be pleased to place on the Council Table a statement showing the places where additional Police were quartered in the Presidency during the years 1890 to 1898; the time for which they were quartered; the total cost of the additional Police; the amount recovered, whether wholly or in part; and whether from the inhabitants generally or any class or section of them; and the time within which it was recovered?

The Honourable Sir CHARLES OLLIVANT in reply said—

A statement containing information as to the entertainment of additional Police for the years 1890—1895 will be found in the appendix to Volume XXXIII of the Proceedings of the Council for 1895. This statement will now be brought up to date and placed, when ready, on the Table. Government trust that it will give substantially the information which the honourable member desires. The labours devolving on district officers at the present time are extraordinarily onerous, and Government are reluctant at this juncture to demand any further compilation of statistics not absolutely indispensable.

The Honourable Mr. BHALCHANDRA KRISHNA BHATAVADEKAR then put question No. 1 standing in his name—

Will Government be pleased to state what has been done to remove the distinction made by the plague rules in certain places between Europeans and their servants and Natives of all ranks?

His Excellency the PRESIDENT in reply said—

The attention of the honourable member is requested to the reply to question No. 1 given to the Honourable Mr. Garud.

The Honourable Mr. BHALCHANDRA then put question No. 2—

Will Government be pleased to state why, when Assistant Surgeons and medical practitioners are available, many medical men were and are being imported for plague work at considerable expense?

His Excellency the PRESIDENT in reply said—

Government have already fully utilised the Civil Assistant Surgeon class for plague work and have taken and will take suitable graduates and retired Assistant Surgeons, Military and Civil, as temporary Assistant Surgeons, but this class of medical men is not a suitable substitute for commissioned officers whose place must temporarily be supplied by English doctors.

PAPERS PRESENTED TO THE COUNCIL.

(1) Letter from the Secretary to the Government of India, Legislative Department, No. 2153, dated the 12th December 1897—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law to amend Act VIII of 1870 (an Act for the prevention of the murder of Female Infants) as to the Presidency of Bombay.

(2) Report of the Select Committee appointed to consider Bill No. III of 1897 (a Bill to amend the Bombay District Police Act, 1890).

(3) Representations from the Bombay Chamber of Commerce and the Bombay Millowners' Association, respecting Bill No. I of 1898.

(4) Government Resolution No. 154*—171 P., dated 10th January 1898.

* Appendix A.

BILL NO. I OF 1898: A BILL FOR THE IMPROVEMENT OF THE CITY OF BOMBAY AND TO PROVIDE SPACE FOR ITS FUTURE EXPANSION.

In moving the first reading of the Bill for the improvement of the City of Bombay, and to provide space for its future expansion, His Excellency the President moves the first reading. His Excellency the President said—My honourable colleagues,—The City of Bombay Improvement Bill, of which I rise to move the first reading, is the first Bill on the agenda paper. I am aware that there is something unusual in the President of this assembly introducing a measure. This, however, is a most unusual occasion, and my action need not be considered a precedent; at the close of these proceedings, when I hope the Bill will have been read a first time, I shall hand the Bill over to my honourable colleague, Sir C. Ollivant, whom I shall propose as Chairman of the Select Committee. I had hoped, perhaps with the hopefulness of a look-ahead youth, that I should have been able to introduce the Bill earlier in the Session, but that was not to be. There is, however, a compensating advantage in the delay, because it has enabled my colleague, the Honourable Mr. P. M. Mehta, to be amongst us again, and I only utter the voice of the Council when I say we are glad to see him amongst us restored to health and strength. I do not know, gentlemen, that I

need say very much by way of preliminary remarks, for it seems hardly necessary to make out a case for the introduction of this Bill. By our rules the Bill has to be published a fortnight before it is read a first time. To the Bill is attached the memorandum known as objects and reasons, which make out the case for the Bill, but moreover our correspondence with the Municipal Corporation, the Chamber of Commerce, and the Port Trust, has shown that these bodies approve of the main features of the Bill, which, except in regard to police accommodation, will be found to be practically in exact accord with the Government letter of September 28th. Indeed the principles of the Bill seem to me, as far as I can judge by the ordinary methods by which public opinion declares itself, to be generally accepted. The circumstances of last year are fresh in your minds, and this year circumstances not less terrible present themselves to the citizens of Bombay. In the letter to the Corporation of September 28th, which gave the first intimation of what was in the mind of Government, reference was made to a speech made to a deputation from the Chamber of Commerce in this room last year. Since that date the subject has been closely and anxiously engaging the attention of Government with the view to see how a remedy could be provided and an improved state of affairs brought about. We dwell in a city which for density of population in a given area exceeds that of our great cities in the West, notably London. We have this city filled, nay crammed with people of various nationalities, creeds and castes, with their ancient customs and habits and beliefs, which make it extremely difficult to deal with them under circumstances of such an epidemic as the plague. We have experience of the results of efforts to extinguish such an epidemic, notwithstanding the energy of the executive of the Municipal Corporation and of Plague Committees wherever they may be, and the rare patience of the suffering population. In looking for a remedy we considered we must look for one to be permanent and continuous, striking at the root of the evil, *viz.*, insanitary areas and crowded localities, and it must be one which must not apply or limit itself merely to Bombay in its stricken condition of last year and to-day, but should have for its aim the improvement of the future as well. The state of things was not one which in the opinion of Government could be permanently improved by administrative changes, such as improved death registration or by amendment of building bye-laws, useful indeed though such administrative improvements unquestionably are. Again it was not to be done by aimless criticism of the Municipal Corporation, a body which, whatever may be said to the contrary, as we pointed out in the letter already referred to, has done great and useful work for Bombay.

In dealing with the question of Bombay there seem to me to be two portions of the question to deal with. The first, actual progress and building of to-day and the building of the future. These might, perhaps, have been dealt with leisurely by existing authorities had not the matter been urged upon us by the events of the past and present year. But the second and the great difficulty of the problem presenting itself to us for solution was how to deal effectively, fairly and promptly with the crowded areas on which buildings were erected years ago, which have been structurally added to, laid out on no particular principle, so closely built that there can be no draught of air, and so constructed that, as I have witnessed, many of the rooms and their inhabitants can receive no light of day, or fresh breath of heaven, to carry off poisonous effluvia. The principal attribute of these dwellings seems to me to be that they become on the occasion of the visitation of an epidemic a fertile soil on which malignant disease may thrive; and owing

to the very nature of the buildings, some of which contain hundreds of lodgers, it becomes a matter of the greatest difficulty to eradicate the evil. It is to meet this difficulty that in the main our Bill is framed. As I shall explain later, it is proposed to build chawls on proper principles wherein to house those who will be dis-housed. After full consideration Government came to the conclusion that lasting and permanent good might be found as a result of a bold and comprehensive scheme for the improvement and extension of the city of Bombay, if indeed, it should be found possible to frame such a scheme. We have largely availed ourselves of the reports of the Bombay Extension Committee, 1887, the English Housing of the Working Classes Act, 1890, and the Bombay Port Trust Act, 1879. A year has passed since my speech to the Chamber of Commerce, and now, gentlemen, I have the honour to produce that scheme, and I will proceed to refer to its principal points.

We propose in the first place that the improvement of the city should be the business of a special body similar to the Port Trust. I need not go at length into the reasons which have led us to propose an agency distinct from any of those now in existence in Bombay, as our proposals on this point have met with almost universal approval. But it is advisable that I should deal in some detail with our proposals as regards the constitution of the Trust, the powers which it is to exercise, and the resources which will enable it to carry out its task. In preparing our proposals for the constitution of the Trust, we have endeavoured to secure a due representation of all the most important interests of this great city. The Corporation have expressed the opinion that not less than one-half of the members of the Board should be appointed by them. We have not, however, been able to accept this principle to its full extent, and it is due to the Corporation that I should explain why we have not done so. We felt in the first place that vast as is the sphere of the Municipality, it does not cover all the activities and interests of Bombay. We have been obliged to recognise that, just as the Corporation represents the city as organised for purposes of municipal administration, so the Chamber of Commerce and the Port Trustees represent Bombay as a centre of trade and commerce. We have also borne in mind that the interests of all concerned require that the military defence of the city should not be prejudiced by the operations of the Trust. We have further had to remember that the interests which are deeply concerned in the welfare of the city are widespread, embracing not only the whole Presidency but other parts of India, of which it is the trading centre, and we have, with the sanction of the Government of India and Secretary of State, recognised this in undertaking to hand over to the Trust on very favourable terms Government land valued at nearly Rs. 57 lakhs, and reclamation rights valued at Rs. 29 lakhs, the usufruct of which represents the contribution made by the general tax-payer to the cost of this great enterprise.

It is obvious that in consideration of his large stake in this venture the general tax-payer is entitled to substantial representation on the Board. Bearing all these considerations in mind, we propose that the Board should consist of thirteen Trustees including the Chairman. Six elective Trustees (four to be appointed by the Corporation) and the Municipal Commissioner will represent the rate-payers and commercial interests, while military interests will be secured by the appointment of the General Commanding Bombay District as an *ex-officio* Trustee. Of the remaining Trustees, one, the Collector of Bombay, will be a member *ex-officio*, while three more and the Chairman will be appointed by Government. I may remind the Council that in the case of the Port Trust, which

exercises such large powers of taxing trade, only five are elective Trustees. The remaining provisions of the Bill regarding the appointment and disqualifications of Trustees follow generally the lines of the Bombay Port Trust Act and do not require special notice. I now come to the second part of this portion of the subject, *viz.*, the powers and duties of the Board.

The powers which the Board will exercise are determined by the nature of its works. It will keep before it two main objects, the improvement of the existing city, and its expansion in the future. We propose to empower the Board in the case of specially unhealthy areas to prepare comprehensive schemes of sanitary improvement, including the making of new and the alteration of old streets, the acquisition of houses condemned under Section 178 of the Municipal Act as unfit for human habitation, the construction of dwellings for the poorer classes, and the formation of open spaces. In other cases, when all that is required is better ventilation or better communications, the Board will have power to make new streets. In all cases where the operations of the Board displace any considerable part of the population it will have power to provide elsewhere for the housing of the people so displaced. To provide for the future expansion of the city, the Board will have power to open up building lands by laying out new roads. It will also have power to reclaim any part of the foreshore vested in it. We also propose to empower the Board to provide for the housing of the Presidency Police, as regards which I shall have some remarks to make later on.

In making our proposals we have borne in mind the fact that the operations of the Board will be on a very large scale and will involve very considerable financial liabilities. We have, therefore, provided that while the Board will be free to prepare street schemes and reclamation schemes without external suggestion, the more important and costly schemes for the improvement of unhealthy areas shall only be undertaken at the request of the Municipal Commissioner. The Municipal Commissioner will be free to apply to the Board on his own motion, and will be bound to forward to them any representation made either by the Municipal Health Officer, or by three Justices of the unhealthy area, or by 12 rate-payers of the ward which includes the unhealthy area. The Board, however, will not be bound to act upon the Commissioner's suggestion unless it is satisfied that an improvement scheme is required and is financially possible. We have provided that every scheme prepared by the Board, for any of the purposes for which it is established, shall be open to public criticism for at least three weeks. It is then to be revised and submitted for sanction together with any dissent on the part of owners interested. The sanctioning authority will be the Government of Bombay, not only because it is the largest contributor to the capital of the Trust, but also because it is the only possible umpire in the case of a difference of opinion between the Board and the Corporation.

I have referred above to the question of housing the Presidency Police. The events of the past year have brought out very clearly the fact that the continued existence of Bombay as a civilised community depends upon the discipline and efficiency of its conservancy staff and of its police. It is not possible to estimate the harm that might be done to the city by the disintegration of either of these two great bodies of public servants. So far as the outbreak of disease may be a cause of disintegration, it can be to a great extent prevented by the provision of healthy dwellings. For their conservancy staff the Municipality have already done much in the way of providing quarters. In the case of the police, however, financial difficulties have hitherto stood in the way of any compre-

hensive scheme being taken up. What we now propose is that the Board should borrow money for the construction of police quarters, and lease the buildings to Government at a rent sufficient to extinguish the whole debt, principal and interest, within the period of the lease, after which Government will take over the buildings. It will be seen that this is equivalent to Government guaranteeing the interest on the loan and undertaking to buy the buildings from the Board at their prime cost on the expiry of the lease. We expressly provide that Government shall bear the cost of repairs and taxes, and that, in cases where the buildings are erected on lands for which the Board is liable to pay interest, this interest also should be paid by Government. It will be understood that no liability whatever accrues to the Trust from this portion of their work.

When any scheme is sanctioned by Government, the next step will as a rule be to acquire the lands needed for the execution of the scheme. For this purpose we propose to modify in certain respects the existing law of land acquisition as contained in Act I of 1894. The Board on drawing up any scheme will issue a notice to all persons who pay municipal taxes on account of any land that is to be acquired under the scheme. This notice will require such persons to state within thirty days whether they do or do not object to the acquisition of their lands, and, if so, for what reasons. When Government gives its final sanction to any scheme, the notification of such sanction will be equivalent to a declaration under section 6 of the Land Acquisition Act that all lands to be acquired under the scheme are required for a public purpose. The Collector will then proceed to give notice to parties interested under sections 9 and 10 of the Land Acquisition Act. In view of the fact that professional advice is readily obtainable in Bombay, the period allowed for appearance in answer to such notice will be reduced from fifteen days to seven. The Collector will proceed to inquire and make his award in the ordinary way, but will be at liberty in assessing compensation to take into account the extent to which the remainder of an estate, of which only a part is taken up, may be benefited by the improvement scheme. The 15 per cent. at present allowed for compulsory acquisition under section 23, sub-section 2, of the Land Acquisition Act, will, however, no longer be granted, because it puts a premium on a refusal to come to terms; and the landowner's return of rent made under section 155 of the Municipal Act will be binding on him for purposes of assessing compensation. Further, on the principle that the owner of insanitary property shall not be allowed to profit by his own neglect or wrong-doing, we provide that in determining the compensation to be paid the rental shall be taken to be no greater than would be obtainable if the property were used for a legal purpose or were occupied by such a number of persons as it was suitable to accommodate; and, lastly, if the building is not reasonably capable of being made fit for human habitation, the only compensation payable for the building apart from the land will be the value of the materials less the cost of demolition. These provisions with an exception follow those of the English Act, 1890, for the Housing of the Working Classes.

I come now to the resources of the Board. The operations of the Trust will involve very large expenditure, almost all of which must be met by borrowing either from Government or in the open market. I fear there is no hope of Government being in a position, at present at least, to advance funds, and we must look forward to having to apply periodically to the public for loans to carry out the purposes of the Trust. But the public will require good security for their investment, and the better the security the lower the rate of interest. This, I need hardly say, is a point of very great importance

in dealing with financial measures of the magnitude contemplated. The provisions of the Bill in this respect are as follows:—Firstly, there are to be vested in the Board certain immoveable properties of very considerable value for a long term of years. Secondly, the Board is to have power to levy an annual contribution from the Municipal Corporation for the purposes of the Act. Thirdly, the Board is to have special powers to charge the cost of direction and management and, within certain limits, the deficits which accrue, pending the full development of its resources, to capital. Fourthly, there is to be a formal guarantee for the payment of all liabilities the Board may incur in respect of debenture loans. As regards the properties to be vested in the Board, there are, in the first instance, certain areas which are to be reserved as open spaces, but inasmuch as they are, to all intents and purposes, not revenue-producing, it is unnecessary for me to further refer to them. Dealing with those which represent a marketable and, therefore, a tangible asset, there are, firstly, the Government lands specified in Schedule C, Part II, which, excluding the Flats, measure 793,900 square yards, and are valued at Rs. 56,83,922, comprising principally valuable building sites in close proximity to business centres. Secondly, the Municipal lands specified in Schedule D, which measure 751,056 square yards, and are valued at Rs. 18,28,277, comprising principally vacant areas, partially laid out, on the north of the city; and, thirdly, the reclamation rights on the foreshore west of Colába and on the west side of the Island between Malabár Point and Worli Fort. The Board will ordinarily hold the lands referred to in Schedules C (Part II) and D, as well as any areas they may reclaim on the foreshore until the expiry of the terms for which it may grant leases or renewed leases of them, subject in each case to a maximum term of 99 years from the date of lease, after which the lands revert to Government or the Corporation, as the case may be. The Board will have the free enjoyment of all rents and profits from the lands, and will pay nothing to Government or the Municipality on account of the lands for ten years, and in the case of reclaimed areas for thirty years after the constitution of the Trust. Thereafter, or, in the case of the lands mentioned in Schedules C (Part II) and D, from such later date as the Government of India may determine in respect of any areas then unleased, the Board will pay 3 per cent. on the value of the lands shown in the two schedules and on the then value of any reclaimed areas minus the cost incurred in effecting their reclamation.

I would here digress for a moment to correct a misapprehension that appears to exist as to this portion of the proposals. The mere mention of reclamations in Back Bay has conjured up the bogie of the old Back Bay schemes and alarmed some of our friends. But what is now proposed, has no relation whatever to that enterprise which ended, I am told, so disastrously. It is merely contemplated, as stated in the objects and reasons, to reclaim and lay out such portions of the foreshore as, owing to the natural level being considerably above low water-mark, can be reclaimed at no great expenditure. This is at once the scope and limit of the proposals. There is nothing ambitious about them. They merely contemplate carrying out the reclamation of an area so favourably circumstanced for the purpose as to attract the attention of any one who has seen the foreshore at low water. The mere passer-by can hardly fail to be struck with how apparently favourable the conditions are. But though the scheme provides for extensive reclamations, there is, as elsewhere explained, no intention of their being carried out otherwise than tentatively after mature deliberation and experiment if the result of detailed surveys warrants such. The Board will have to be thoroughly satisfied as to

the remunerative prospects of any such proposal, and will moreover have to satisfy Government on the point before they can incur expenditure. Part of the Walkeshwar foreshore has already been surveyed, and, as the Council are possibly aware, a preliminary survey of the foreshore, west of Colába, was recently begun. The results will be at the disposal of the Board as soon as it is constituted. The values shown in the schedules have been fixed at what are certainly very moderate rates, and I think it will be admitted that the spirit in which the project has been conceived in this as in all other respects is one of extreme liberality. I can, indeed, assure the Council that feeling the greatest sympathy for the citizens in the difficult task before them, it has been my earnest desire to afford them the largest possible measure of assistance: that in this I have been heartily supported by my honourable colleagues on the Executive Council, and that the same spirit has been evinced by the Viceroy and Council and the Secretary of State in dealing with our propositions. Without such support it would have been impossible for me to-day to offer the city the assistance which it so greatly needs, and which will, I trust, constitute no small part of the means of fully accomplishing the purposes intended.

Next as regards the assistance which the Board is to receive in the shape of a contribution from Municipal Funds. Here my cordial acknowledgments are due to the Municipal Corporation for their ready acceptance of the scheme as placed before them in September last. I find in that acceptance an acknowledgment of the urgency of the need and an enlightened recognition of the necessity for exceptional treatment of this great problem, which had from the first impressed me most strongly. It is further a great satisfaction to me that the proposals as a whole, including those for increased taxation, met with the cordial approval of the Chamber of Commerce and the Port Trust. The Municipal contribution is to comprise the enhanced receipts which will accrue from Municipal assessments on the new properties, less the cost of collection, maintenance and lighting of new streets and certain other charges, together with a lump sum annual contribution. Under new properties are included the properties vested in the Board, or which they may acquire, and the properties situated within a distance of 80 feet from either side of the line of any new street formed by the Board. The theory of this arrangement is that the Board are in any area to this extent entitled to any enhanced receipts due to their operations within such area. This will afford them means to similarly deal with other areas. The annual lump sum contribution has been fixed with the concurrence of the Corporation at 2 per cent. on the total rateable value of lands and buildings in the city. These are the proposals placed before the Corporation in the autumn and accepted by them in the President's letter of 29th November. The provisions for charging the cost of management and the deficits which may accrue in the earlier years of the operations will enable the Board to tide over the time which must necessarily elapse before the receipts due to its several undertakings are realisable in full. These provisions are usual, but in this instance, from the nature of the case, are given a rather wide application.

We now come to that part of the Bill which provides for a guarantee for the fulfilment of the liabilities of the Board. There has, in some quarters, been a great deal of misapprehension of the provisions made in this respect, and the reference to it as a "Bludgeon Clause" I cannot consider appropriate. It may be asked why provide a guarantee at all? Why not let the Trust stand on its own foundation without such additional support? This point has received our most anxious and protracted considera-

tion. It is, of course, true that constituted and controlled, and endowed with property and with revenues as proposed, the Board would have a certain amount of credit. But such amount would be limited by, so to speak, the actual resources in hand at the time, discounted by the power of the Board to thereafter further pledge those resources. Moreover, the loans are to extend over a limited term of years, and the power to debit deficits to capital is likewise restricted. In these circumstances it seemed clear that without a guarantee it might be difficult, if not impossible, to borrow at reasonable rates of interest. A guarantee secures two most desirable ends: first, a minimum rate of interest, and second, power to raise funds in anticipation of results. As regards the first, we are advised that we may safely count on a saving of from $\frac{1}{2}$ to $\frac{3}{8}$ per cent. in the rate of interest, and as regards the second, it is not difficult to perceive, for instance, that it would be lamentable if, after having made one of the much needed through roads, or dealt with one of the unhealthy areas, the Board had to defer commencing another such road or another improvement scheme, until the enhanced receipts due to the first had been fully realized—a result which must of necessity take some considerable time in accomplishment.

Then as to the form of guarantee. The Government of India would not feel justified in making it either Imperial, or, what is the same thing in the end, Provincial, for it is obvious that although the interests are very widespread, the direct benefits are in a great measure purely local. The Government of India could not grant such a concession to Bombay without being prepared to extend it to Calcutta and Madras and other large towns, so that, in the aggregate, the liability, though it might be only formal, would tend to impair their general credit. It would mean that in certain possible events the burden would have to be borne by the general tax-payer all over India, which was considered manifestly unfair, as, for example, Calcutta and Madras could not reasonably be assessed for the improvement of Bombay. Another proposition which received consideration was to provide a guarantee by taking power to levy a special cess or tax throughout the Bombay Presidency. To this course there also appeared to be objections similar in character to those referred to as applying to a liability in which other provinces would share, and it was necessary to fall back upon some other method. There thus appeared to be many arguments in favour of restricting the liability to the area and interests most directly and immediately concerned. With reference to this aspect of the question Government had to consider the powers of taxation which the Municipal Corporation already exercise within that area. It had already been decided that the funds at the disposal of the Corporation, or which it is within their power to raise by taxation, should not be indented upon beyond the limits now specified in section 63 of the Bill, to which the Corporation had agreed. The powers of the Corporation are, however, restricted within very moderate limits by the Municipal Act, and are less than those exercised in Calcutta for instance. The general sewage and lighting tax there extends to 17, as against 15½ per cent. in Bombay. As compared with European cities the taxation is, moreover, light, and it appeared to Government that in the circumstances, taken as a whole, the rate-payers of Bombay, being the principal beneficiaries, could afford and could very reasonably be required to undertake the liability of guaranteeing the finances of the proposed Improvement Trust. The section has, however, been so worded that the special tax, should any such liability ever accrue, need not necessarily fall wholly on the rate-payers. It is to be such as may

be approved by Government, and its character and extent would obviously depend upon the amount to be realised. It would serve no useful purpose to now discuss the alternative taxes which would be possible to levy in the remote event of any liability accruing. The conclusion we have arrived at after looking at the question all round is that a guarantee is essential, and that in its present form it is wholly unobjectionable.

We shall very probably be told that under somewhat similar conditions Government guaranteed the finances of the Port Trust. But this is not true of loans raised by that body by borrowing in the open market. The Port Trust debenture-holder is secured in two ways: first, by the provision that the interest on debenture loans is a first charge on the revenue of the Board; secondly, by the provision that, if the Board fail to make sufficient provision to meet their liabilities, Government have power to increase or force them to increase their charges to such extent as may be necessary. The Board are able to borrow with these provisions, at rates closely approaching those at which the Government of India can borrow, and although, as I am informed, many persons at the time took a most despondent view of the prospects of the Port Trust finances, there never has been any approach to a condition of things which made these provisions anything more than a mere formality. The debenture-holder who lends money to the new Trust will be secured in precisely the same way, that is, first, under section 47 the interest on debenture loans is a first charge on the revenues of the Board; secondly, if the Board make default, their liabilities are to be made good by special taxation under the orders of Government. But the debenture-holder under the new Trust is in a much better position in this respect, that his claim is to be immediately met by the Accountant General, and his security for the payment of interest and for the repayment of his bond is thus nearly perfect.

I would lastly, in regard to this branch of the subject, add that a municipal guarantee in respect of liabilities to be incurred in which the rate-payers are far less directly concerned, is no novelty in the experience of those of us who have knowledge of affairs in Europe. To mention a recent instance, it is reported in the papers received within the last fortnight that at the present time the Corporation of one of our towns on the south coast of England is considering an application from the Harbour Commissioners to guarantee interest at 3 per cent. on a large loan required for harbour improvements, the loan being between $\frac{1}{3}$ and $\frac{1}{4}$ of the rateable value of the town. There is perhaps a more striking example of the enterprise of municipal bodies in England in undertaking financial burdens for projects of importance to the general interests of the rate-payers. It is that of Manchester, the Corporation of which city advanced £5,000,000 to the Manchester Ship Canal Company. The population in March 1896 was 534,299, and the rateable value £2,944,000. The average municipal rate for the year ended 31st March 1896 was a little under 6 shillings in the pound, or about 30 per cent., and we are told that the rate-payers pay ungrudgingly a rate of 1s. 1d. in the pound, equivalent to a rate of a little less than $5\frac{1}{2}$ per cent., to develop the canal enterprise and promote the commercial interests and welfare of the whole community. Viewed in the light of such examples, and making every allowance for differences which affect the case, it appears to me hardly too much to say that the power of the rate-payers of the great cities of India to lend their credit to promote improvements in the shape of productive works in which the inhabitants are vitally interested is as yet almost wholly undeveloped and that much ought to be done here.

I think I have thus placed before you an account of the resources of the Board. They will unquestionably need careful husbanding to secure the maximum result. The Board will in fact have to study economy in every practicable shape, and I would carefully guard against the impression that its organization means the employment of large establishments on high salaries. It is to be a working body whose greatest aim will be a maximum result at a minimum expenditure. It will necessarily need a strong executive on whom most of the work will fall, but we think the control to be exercised by the Board will not require that that body should meet very frequently. This will of course depend on developments which it is difficult to precisely foretell, but we have provided in the Bill that the Board shall not be required to meet more often than once a month. We propose to endow the Trust with large powers and resources, but I do not disguise from myself that here in Bombay the field is very wide and the task a very great one. The whole duty of the Board is the improvement of the city—nothing less—and it will not have done its task until every unhealthy area has been thoroughly dealt with and its defects remedied; until the city is traversed from end to end by wide roads in the direction of the sea breeze to secure perfect ventilation; until chawls for the poor have been provided on a scale and under regulations which will prevent overcrowding; and until ample provision has been made to meet requirements for the expansion of the city.

My honourable colleagues, I have but one more word to say. I am glad to know that there are three members of this honourable Council who dwell amongst us and who are members of the Municipal Corporation. Amongst the criticisms that I have studied I have seen the idea put forward that the aim and the intention of the Government of Bombay was to belittle the Corporation, to cripple its powers and to reduce it in the estimation of the public. Well, now, I can assure those honourable members who combine membership of the Corporation with membership of this Council, that nothing is further from the minds of Government than this idea which has been put forward as representing their view. I can also say that on the Executive Council the Corporation have a jealous and zealous protector in my honourable colleague who had so much to do with framing the Municipal Act. Not only do I go so far as to assure you that there is nothing in our plan of which the intention is to belittle your Municipal Corporation, but I look forward with a sanguine hope for the co-operation of the Municipal Corporation with the new Trust, particularly in the direction of preventing overcrowding in the chawls which are under their Health Department, in the same way as the Trust will look after overcrowding in the chawls for which they will frame regulations.

Then I would also point out this: It is not to be imagined that large sums of money are to be immediately sunk in palatial buildings. The main object of this Bill is not to beautify your city, but to do away with the insanitary areas and the unhealthy localities, and also to see that the areas over which the Trust hold their sway do not become the prey of the jerry builder. Hand in hand with the removal of these noisome quarters in which so much sickness must prevail will go the beautifying of your city. I claim for our Bill that it is a great expedient to deal with a very great and overwhelming calamity, and also to point out that when the calamity shall have passed away the expedient will continue on its beneficent course. The Bill will be entrusted to Sir Charles Ollivant to conduct it over its succeeding stages. We may well trust the honourable member not to push the Bill through with what has been termed indecent haste. I do think, and I believe the vast majority, if not all, of the honourable members of this Council will agree

with me that it is desirable to get through with the Bill as quickly as we properly can; and to set this Trust to work upon the lines laid down for it to work out the duties to be entrusted to it.

There is one feature of the Bill on which I have not dwelt so far, and that is in respect to the question which deals with the housing of those who are to be displaced by this scheme. The re-housing of the poorer classes is one of the most important and attractive provisions of the Bill. I do not wish to refer too often to my visit to the slums with two honourable members, one of whom is alas no more. But when I visited those slums they reminded me most graphically of the stories that one used to read a few years ago regarding the dens and cellars in London; where the poorest classes of the great metropolis herded together; where those who had to live by the sweat of their brows had to drag out a miserable existence. We do hope that by these particular provisions of the Bill we shall conduce to a higher state of civilization and of greater vigour on the part of these people who contribute so much to the material wealth of this city. These people deserve our sympathy and assistance. We desire to place them in better houses, so that not only will it let the sun into their houses but into their hearts and into their very existence, and thus terminate the sad state of things amongst them which at present cannot but be one of unhappiness, combined with toil. My honourable colleagues, the times are troublous in Bombay, and the cloud hangs yet heavily over the whole of us in whatever position we may find ourselves placed. But I do believe that a brighter future must be at hand, and that the most efficacious way of bringing it about, the most expeditious, safest and surest way of bringing it about, is on the lines which I have endeavoured imperfectly to explain. With the confident hope and earnest belief that what I say is true I ask you to give a first reading to the Bill.

The Honourable Mr. **DAJI ABAJI KHARE** said—Your Excellency,—I do not propose to take up any long time in discussing the Bill that has been just proposed for first reading. There can be no difference of opinion that the Bill concerns very great and paramount interests, and the whole city must congratulate your Excellency's Government upon having the interest of the city at heart and having set in motion the wheels for the improvement of the city. That the city does require such an improvement scheme there is no doubt; and I would certainly vote for the first reading of this Bill, but I would like to say a few words on the details of the measure. The agency by which this improvement is to be carried out, the functions which that agency is to perform, and the funds which the agency is to use, and the accommodation that the agency is to supply, all these are matters of detail, and, therefore, I do not think it would be right for me to detain the Council in discussing them at this stage. The proper time to discuss them will be when the further stages of the Bill are taken. Some remarks have been made as to the Government having entrusted this work to a Board which is quite independent of the Municipality of Bombay. Your Excellency has assured the Council that your Government does not intend to cast any slur upon the Corporation; but that assurance is not sufficient to my mind to justify the proposal of creating a separate and independent Board. The "Statement of Objects and Reasons" gives some grounds for this action, but they are not sufficiently convincing. As at present advised I would like to see this work entrusted to the Corporation. It is said that the finances of the Municipality are not adequate, its lawful powers are deficient, and that a special agency and a special staff would be required to carry out the task proposed. All these defects can surely be

remedied by this Council. You can give them adequate statutory powers, and then the Corporation can obtain the necessary funds and the powers. I quite admit that the Corporation as a whole will not be able to carry on the work; but they can easily appoint a subordinate committee and engage a special agency and a special staff for carrying on the work. This and other matters are, as I have said, matters of detail, and are more fit to be gone into at the Select Committee. I approve of the principle, viz., the improvement of the sanitary condition of the city, and I therefore vote for the first reading.

The Honourable Mr. W. C. HUGHES said—Your Excellency,—The main features of the Bill are, as your Excellency reminded the Council, in practically exact accordance with the terms of the Government letter of 28th September. The scheme, as set forth in that letter, met with the unanimous approval of the Port Trustees, who regarded it as one of great importance in relation to the commerce of the Port, and fully appreciated the value of the concessions Government propose making to the new Trust. The Trustees have not considered the Bill itself in detail. It is hardly necessary that they should, seeing that four of their number have the honour to fill seats on this Council. I have only to add that I was quite recently asked if this was only a paper scheme, or does it really mean business. Being as it is no mere paper scheme but one of very real intentions, it has been impressed upon me that no time should be lost in making a start with the improvements, as I am told such a step would go a long way to increase confidence on the part at least of foreign traders. I earnestly hope, therefore, that the Bill will pass the several stages with as little delay as is compatible with its due consideration.

The Honourable Mr. BHALCHANDRA KRISHNA said—Your Excellency,—The Bill before the Council is a measure of lasting importance. It is intended primarily to benefit Bombay City. If it succeeds in its object its benefits will be derived not only by the city but by the Presidency; and even the country at large. In fact, if the ideal is fully realized its good effects will reach in a manner the whole civilized world. As a great trade centre Bombay can claim kinship with the whole world, and recent events have shown how in the well-being of Bombay are bound up the vital interests of a great many other people besides ourselves. The present Bill aims at renovating Bombay, improving its sanitation, and so ordering it generally as to make impossible such visitations in the future as have been afflicting us these two years. Thus, if I understand the Bill aright, its results will be far-reaching. But beneficent as the Bill is calculated to be in its results, in its practical working it threatens to seriously interfere with the established local self-government in Bombay. In that aspect of it we are, I may venture to say so, on the eve of a change of policy in municipal government in the city. I know there are some critics who would like to do short work with the Bombay Municipality, who see no good in it, and who would prefer it to be replaced by an executive department of the State. I am glad to note that such counsels do not find favour with your Excellency. I am one of those who earnestly think that the Municipal Corporation is doing, within the limits of its constitution, valuable service, and that it is an institution which deserves every sympathy and encouragement. I should, therefore, be keenly watchful to maintain inviolate its constitution and privileges, and to resist if possible any attempt to hamper its working.

As I conceive the idea of effecting sanitary improvements, and making provision for better housing the poor in Bombay originated with that notable series of visits your

Excellency paid to the different institutions, as well as to the slums of this city in March 1896. Those visits were probably undertaken by your Excellency with a view to gaining personal acquaintance with such institutions and with the condition and wants of the poor population, and it was then expected that the knowledge thus gained would sooner or later bear good fruit. I had the privilege of accompanying your Lordship on one of those occasions. While speaking of it I cannot refrain from referring to a sad association. My esteemed friend and colleague, the late lamented Mr. Dharamsi, whose genial presence we all miss here to-day, and whose loss we shall ever mourn, was one of the party. I well remember the interest your Excellency manifested as regards all you saw. The breaking out of the plague in the rains following probably accentuated the necessity of prompt action. Your Lordship's address to a deputation of the Chamber of Commerce last February fore-shadowed the reform that was soon to take shape in the present Bill for the improvement and extension of this city. Bombay will, indeed, have cause to be grateful to the resourcefulness and statesmanship your Excellency has exhibited in meeting the present emergency. The plague will leave behind it many regretful memories, but there will be one bright spot on which the people will love to dwell; and when all the present misfortunes and hardships are forgotten as events of a remote past, the City Improvement Act will be cherished as a blessing, and will leave Lord Sandhurst's name eternally associated with it. Your Excellency is unquestionably the originator and the deviser of the scheme, and as the brunt of the work has chiefly fallen upon your Lordship the glory of having accomplished it will be all your own. From the fact that the improvement scheme is in its intention a beneficent measure, there is in some quarters an eagerness to see it carried out in all haste and without regard to the interests of existing institutions. The Municipal Corporation, which has incurred the displeasure of some of these over-eager critics, has been charged with obstructing and delaying this useful measure, and the prompt replies of the Chamber of Commerce and the Port Trust are contrasted with the tardy reply, as it is called, of the Corporation. But in point of fact the reply of the Corporation was no more tardy than was absolutely necessary for a proper consideration by the Corporation of its interests. The Chamber of Commerce and the Port Trust needed no time for deliberation as no responsibility was proposed to be put on them. The Corporation, on the other hand, had to find the funds and to see that no serious inroads were made on its constitution. If the Corporation had followed the lead of some of these irresponsible mentors and had given a hasty reply, it would have committed a blunder for which these same mentors would not have been slow to blame it. The Corporation called for further information from Government, and on receipt of that information immediately intimated its concurrence with the essential principles of the scheme. The delay in bringing forward the Bill is, if I mistake not, due to other causes than the reply of the Corporation, and yet these critics will keep on harping on the dilatoriness of the Corporation. Indeed the delay needs hardly to be regretted. An important measure like the City Improvement Bill cannot be run through like an order of the Executive. Undue haste in carrying it out might give cause to the proverbial repentance at leisure.

If I understand right, the main principle of the Bill aims at the improvement of the city by the creation of a separate body to be financed by the Corporation. I will address myself to those points of principle without going into details, as was done on a former memorable occasion by the late Mr. Justice Telang when the present Municipal Act was

discussed. As to the main principle of the Bill there is now little difference of opinion. The Bill creates a new organization for carrying out the work of improvement. The Corporation as a body have conceded that it is better that such a new organization should be created rather than that the work should be put upon themselves. There is, however, still a considerable body of opinion which maintains that the creation of a new Trust is a reflection on the Corporation, and an interference with its rights, and that instead of such a new Trust being created, the Corporation, as the sole depository of the function of self-government, should have further work entrusted to it. I have every respect for the opinion so expressed, and I am myself a warm supporter of the privileges of the Corporation; but after the best thought I could give to the subject, I am firmly persuaded that the arrangement of a separate Trust will better serve the purposes contemplated and involve no diminution in the dignity of the Corporation.

The work of improvement is most urgent. Bombay is the gate of the trade of India. It has business connections with the whole world. The ravages of the plague have shaken its sanitary credit and have brought untold losses. That credit must be promptly re-established and an assurance held out to the world that they need have no further fears in renewing their business connections with us. Such an assurance can only be given by prompt and speedy and effective work, and such work can best be done by a small compact body of persons prompt in decision and quick in execution. The Corporation is essentially a deliberative body. It has its own well-defined statutory duty and has enough work to occupy its energies. Its executive officers have their hands already full with the work imposed on them by the Municipal Act. The financial responsibility, moreover, will be almost insupportable to the Corporation. As the Bill is now framed the Corporation is indeed to act as treasurer to the Trust, and is in the last resort responsible for the Trust's liabilities; but in view of the Trust being an independent body, Government have made certain concessions which, I apprehend, they might not have made if the work was to be undertaken by the Corporation itself. Government have offered: (1) plots of valuable lands free of charge for the first ten years and at a very low charge thereafter for a further period of 89 years; (2) free use of reclamation rights for the first twenty years after reclamation and at a low charge for 79 years thereafter; and (3) the power to debit to capital account such provision for interest and sinking fund as cannot be obtained from income. These provisions will, it is apprehended, considerably add to the resources of the Trust. The revenue which the Corporation will supply to the Trust at two per cent. of the rateable valuation of properties will amount to about five lakhs per annum. The funds which the Trust will require are estimated to be largely in excess of this amount. Even if the borrowing powers of the Corporation were increased it will not be practicable for that body to carry out the new scheme within a period of 25 years. Any suggestion to prolong the period should not be considered, as the future well-being and prosperity of the city depend upon its sanitary credit, and it is the bounden duty of both the Government and the Corporation to establish it with the utmost expedition. Assuming that the Corporation would undertake to effect the contemplated improvement within 25 years at a total cost of $3\frac{1}{2}$ to $3\frac{3}{4}$ crores of rupees, excluding the cost of reclamations, as these are not absolutely necessary from a city-improvement point of view, the financial provision which will have to be made will be at the recurring rate of Rs. 70,000 per annum. This means that in the seventh year a provision of Rs. 4,90,000 will be required, equal to 2 per cent. of the rateable value, the maximum which the Corporation will have to contribute in any

one year under the scheme proposed in the Bill. But in this case the burden will go on increasing, and in the eighth year a provision of Rs. 5,60,000, in the ninth year Rs. 6,30,000, in the fifteenth year Rs. 10,50,000, or at a rate a little higher than 4 per cent. and at the end of 25 years a provision of Rs. 17,50,000 will be required, *viz.*, equal to 7 per cent. of the rateable value, and it would be necessary to levy such additional taxation for a period of forty or fifty years more until the loan is paid off. I do not believe that in the face of such figures any one would still maintain that the Corporation should undertake the work. Such an incubus in the already crippled state of municipal finances is apt to land us in hopeless insolvency. The work of improvement as a consequence will be indefinitely delayed, which will defeat the very object of the scheme. With the resources supplied by the Government the Trust may supplement its revenues derived from the Corporation, and may be able to tide over its difficulties.

In section I (2) the provisions of the Railway Act of 1890 have been saved from the operation of this Act. If that is found necessary to provide, I will submit for the consideration of the Council whether or not the Tramways Act as well as the contracts with the Gas Company and the Mills and also the agreements by the Corporation with the owners of houses for enforcing set-backs, should be equally saved. Unless that is done I fear the Corporation, in addition to its contribution, may be called upon any day to pay enormous damages in the course of carrying out of any scheme under this Act.

As Government has handed over its property to the Trust it is but right that it should have a representation on it. The exact proportion of representation is another question. The Bill proposes that the Trust shall consist of 13 members, *viz.*, of 3 *ex-officio*, 6 elective, 3 nominee trustees, and a chairman. The *ex-officio* Trustees shall be: (1) the General or other Military Officer Commanding Bombay District; (2) the Collector and (3) the Municipal Commissioner. Of the 6 elective Trustees, 4 shall be elected by the Corporation, 1 by the Chamber of Commerce, and 1 by the Port Trust. The Chairman and the nominee Trustees shall be nominated by Government. There is a consensus of opinion that as good reasons do not exist for including the General Commanding the District among the *ex-officio* members as for placing the Commissioner and the Collector there. So far as I am aware no great military interests are involved in the working of the scheme, and whatever interests are involved are safe-guarded by three provisos in the Bill. The first requires the sanction of the Government to anything likely to injuriously affect the security of the defences or the sanitary requirements of the troops. The second provides that no building shall be erected in the vicinity of the Batteries within limits to be determined by the Government of India. The third provides that the Board shall have no claim for damages in respect of orders issued under the second provision just mentioned. These provisions are as if it were self-acting, the operation of which would in no way be safe-guarded by the presence of the Commandant as a military representative on the Trust. The Port Trust, which has been taken as a model for the new Trust and which has, it is admitted, been working to the satisfaction of the Government and the public, has had no military representative on its Board, although the Military Department has been vitally interested in the arrangement for the landing and embarkation of troops. The Collector and the Municipal Commissioner are, by their official position, well suited to occupy *ex-officio* seats on the Board. The Collector's assistance will be specially useful in the acquisition of lands. There is a feeling in a small section of the Corporation that the Municipal Commissioner should not be a member

of the Board, but the majority are of the opposite view. I agree with that view, and think that he would be best qualified both on account of his intimate knowledge of Municipal affairs and finances. It is said that his hands are already full, and he has to attend the meetings of the Port Trust, and that the Municipal Act does not permit him to take up any other duties without the sanction of the Corporation. I do not consider this to be any serious objection, and believe that the advantages to the Corporation that will be gained by his presence on the new Trust will by far counterbalance all the supposed disadvantages. The Bill allots four elective seats on the new Trust to the Corporation. The Corporation in their letter requested that the new Board should consist of eleven members, half of whom should be elected by the Corporation, the Chairman being nominated by Government. Between the two, I venture to submit, my Lord, that the proposal of the Corporation seems to me preferable, because the new Board will carry on its work of city improvement from the funds supplied by the two bodies, *viz.*, the Government and the Corporation. The contribution from the Corporation will be fixed, while that from the Government must be counted as uncertain. A much larger portion of the revenues of the Board will be supplied by the Corporation than that which will accrue from the sources that will be placed at the disposal of the Board by the Government. These points cannot be disputed, and I will, therefore, not take up the time of the Council by going into detailed figures to substantiate them.

Such being the case, is it fair, is it just, I ask, that the body contributing the major share of the expenditure should be allowed representation to the extent of even less than one-third, while the party contributing a minor share should secure two-thirds of it? I may be permitted to say that the Corporation is very moderate in this demand. It does not ask for a majority on the Board, though having regard to its share of expenditure it will be fully justified in asking for it. But that body has rightly chosen to be moderate in its demand, and I trust and hope that your Excellency's Government will be pleased to consider this point favourably, and gracefully yield to the request of the Corporation. It has been urged that such an arrangement would not work; that the Chairman would have to exercise his right of casting vote too often for the efficient working of the Board, and that its constitution should not be such as to necessitate such a course frequently. I think all these fears are the outcome of gratuitous assumption arising in all probability from ignorance and want of experience of the actual working of the bodies. During my experience on the Standing Committee extending over several years I have not come across a single instance when the eight members elected by the Corporation have voted on one side against the four members nominated by Government. Those who have any knowledge and experience of the actual working of that body will be unanimous in affirming that the work transacted by that body is never disposed of in a spirit of party feeling, but with a full sense of the responsibility that rests on it and for the best interests of the city. Then, again, take the case of the Joint Schools Committee. It is a body consisting of eight members, four of whom are elected by the Corporation and an equal number nominated by Government. I have made careful enquiries about the manner in which business is transacted by that body, and I am assured that during the whole existence of that body not a single instance has occurred when the Government members have voted on one side against the four members of the Corporation. In the face of such experience, I believe it is idle to work upon the imagination of the uninformed and to raise the bug-bear of the casting vote. I have no doubt, my Lord, that should your Excellency's Government be pleased

to accede to the reasonable request of the Corporation on this point, the Board will work smoothly and to the entire satisfaction of the Government and the public. Should, however, Government think that the number of Trustees should remain 13, then I would beg to urge, on the grounds I have already mentioned, that your Excellency will be pleased to grant one more elective seat to the Corporation.

I would here take the opportunity to mention that a very large and important interest has been left unrepresented. I mean the Mill-owners' Association. This Association has been in existence for nearly a quarter of a century. There are now about 60 or 70 mills in Bombay, and their number is every year increasing. In fact Bombay is called "The Manchester of the East." There is a paid-up capital of about 10 crores of rupees, and from 60 to 70 thousand mill-hands are working under them. The mill industry in Bombay contributes about four lakhs of rupees to the Municipal exchequer. They will be called upon to contribute so much of the expenditure of the new Trust as may fall upon the city far more than any other single interest. I believe that they will neither be represented through the Chamber of Commerce nor the Port Trust, nor can their special interests either as contributors to the Municipal exchequer or as employers of labour be well represented by the Corporation. The mill-owners' representative will be a valuable acquisition to the new Trust, for through him the Trust will be in direct touch with the mill-owning opinion. He would be able to give practical advice when the question of providing workmen's buildings and chawls will come up for consideration before the Board, and the public would have more confidence in this part of the scheme if they knew that men in touch with the labouring classes and possessing a practical acquaintance with their requirements and resources are being consulted with regard to them. I trust that these arguments will appeal to your Excellency as to the justice of the claims of the Mill-owners' Association for a seat on the new Trust.

The work which the Trust is expected to perform is put under four heads: (1) improvement schemes, (2) street schemes, (3) reclamation schemes, and (4) Police accommodation schemes. Under the first head the principal item would be building sanitary dwellings for the poor. This is a necessary and useful measure but of a doubtful financial success. That the poor mill-hands and servant classes need better ventilated and better situated houses cannot be gainsaid. At the same time their income is so uncertain and scanty that it is questionable whether they will have the means of taking such improved but costly tenements as the Trust might endeavour to supply. The wisdom of the Trust will be sorely tried in suiting sanitary requirements to the capacity of the payers. European experience will hardly serve as a safe guide here. Several English organizations, such as Lord Shaftsbury's Co., the Artizan's Dwelling Co., the Improved Industrial Dwelling Co., the Peabody Buildings, have proved successful as remunerative concerns. But the English working classes are a homogenous community getting higher wages and accustomed to a higher standard of living than their Indian brethren. The Indian mill-hand refuses, I am told, to occupy a room supplied by his employer at Rs. 2 a month. His earning is scanty, his habits are often intemperate and he is frequently in a chronic state of indebtedness. He, moreover, is not educated enough to appreciate the blessings of hygiene. The buildings howsoever unpretentious will be more costly than the present workman's chawls. They could not, therefore, supply letting quarters at the rates the workmen are at present accustomed to pay. In providing these buildings

the Trust will have to be content with improved health and reduced mortality as the only return for their investment.

I am glad to note that Government now propose to count the period of interest on their lands from the time that the lands will be let by the Trust. If the period had commenced from the date of transfer by the Government, it would have proved an onerous inheritance like some of the Port Trust properties.

Street improvements and reclamations will be a source of gain. Some persons object to reclamations as a legitimate field for the Trust's work. Past experience shows that reclamation is a doubtful venture. It is also thought that reclaimed land will supply sites for the wealthy and not for the poor. But it is to be noted that reclamation is meant here as a source of revenue to the Trust. It is further to be undertaken before the land previously acquired is disposed of at profitable rates. Past experience is not entirely against reclamation. The Back Bay scheme no doubt failed, but that failure was due to various special causes. The Port Trust reclamations have on the other hand proved successful and may furnish valuable guidance to the new Trust. Reclaimed lands will give building sites for the wealthy alone; but if the congestion of the crowded localities can be thereby reduced, that will not be an end to be despised.

In connection with these schemes I would suggest for the consideration of the Government the advisability of making it obligatory on the Board to state with the estimates of each scheme the profits that are likely to accrue. May I not also suggest that, in view of the large contribution that the Corporation will make in carrying out the improvements, copies of all schemes undertaken by the Trust be supplied to the Corporation before final approval.

As regards the Police accommodation I beg to remark that this question was not included in the letter of the Government to the Corporation. It is an Imperial question and not a local one. Besides it is a question pending between the Government and the Corporation. The Police charges which the Corporation pays as a part of its obligatory duty include only the salaries and maintenance of the Police. The question of accommodation for the Police has only recently been started and is yet pending the decision of the Government, and before it is finally settled it would not be proper to legalise it and saddle the Corporation with this additional burden.

The financial provisions of the Bill call for closer scrutiny and attention. I have consulted several financial experts as well as experienced lawyers in regard to their clear meaning, and I am constrained to remark that they agree with me in thinking that the clauses are framed in a somewhat complicated and ambiguous manner and require to be made more lucid and intelligible. Section 63 makes rather a large order on the Municipality which is further emphasized by sections 70 and 71. In the letter of the Government to the Corporation your Excellency was pleased to vouchsafe an assurance that the Bill would contain provision "*for a restriction of the special rate to be imposed to a maximum of 3 per cent. in any one year.*"

The Bill under consideration does not contain any such provision, but on the contrary opens out an undefined vista of liability on the Corporation and enforces it by what I may venture to call the "Bludgeon clauses." As section 63 stands, it entails not only a heavy liability on the Corporation, but threatens very seriously to cripple and disorganize

the finances of the Municipality, already shattered as they are by the heavy demand made by the plague since the last year and a half. In the face of the assurance given to the Corporation that only 2 per cent. of the total rateable value of buildings and lands in the city would be the annual liability of the Corporation, the section introduces a new burden in the shape of the halalkhore tax as an additional contribution and the whole of the general and halalkhore taxes on the properties that will come into existence under the new scheme as well as on the properties which will be situated within 80 feet of the new streets that will be made by the Trust *minus* the cost of collection, conservancy, &c. It would be well to define exactly the liabilities of the Corporation whatever they may be, whether 2, 3 or 4 and even 10 per cent., instead of leaving them vague and ambiguous, because it will be very difficult both for the Commissioner and the Standing Committee to frame the annual budgets and to meet the demands of the Trust, which will be ever increasing under the vague and ambiguous clauses of this section. I would venture to suggest that the contribution of the Corporation should be fixed at two per cent. only, recovering the excess expenditure by distributing it over the areas improved upon analogous to what I understand is provided in the English Housing Act. It will also be advisable to make it clear whether the taxation will be included within the 12 per cent. limit fixed by the Municipal Act or whether it will be exclusive of it. Section 63 (2) requires that the first instalment of the contribution of the Corporation shall be paid on the 1st April 1900. This is both hard and unfair, because the official year commences with that month and it will not be possible for the Municipality to make the payment without serious inconvenience and loss as the collection of taxes commences in that month. The Municipality as is well known has no reserve balance, because all its surplus cash balances have been swept away by the plague operations and there is no likelihood of reserve revenue accumulating for years to come. How is the money to be obtained by the Municipality and how is it to meet this heavy demand? The current revenue cannot supply these demands. In April the Municipality to ensure its own stability must meet a charge of 4½ lakhs of rupees for interest charges for its loans. April is the month in which collections for general tax commence, while in March in the ordinary course of things, that being the last month of the official year, payments exceed receipts. I give figures for five years ending with 31st March 1897 which will bear me out in my contention :—

				(Receipts).	(Payments).
				Rs.	Rs.
March 1893	...	...	...	4,47,700	5,91,000
April 1893	...	...	...	5,84,000	5,92,000
March 1894	...	...	...	3,69,000	4,35,000
April 1894	...	...	...	5,59,000	6,14,000
March 1895	...	...	...	5,26,000	6,36,000
April 1895	...	...	...	6,21,000	7,34,000
March 1896	...	...	...	5,03,000	6,35,000
April 1896	...	...	...	6,30,000	6,27,000
March 1897	...	...	...	4,75,000	5,91,000
April 1897	...	...	...	6,35,000	7,04,000

These payments, moreover, do not sufficiently accentuate the liabilities of the Municipality in the month of April each year. In them are included the interest charges actually paid; but if the Municipality is to be financed on a sound basis, then it must

be in a position to meet at a moment's notice the full extent of its liabilities on account of interest charges, and, therefore, the full amount of interest payable, not that actually paid, should for purposes of comparison be taken into consideration. Such a calculation would only bring into better prominence the impossibility of paying to the new Trust so large a sum as 5 lakhs of rupees on the 1st of April in each year. The question is whether the Municipality is to meet first its own liabilities or those of the new Trust. The provisions with regard to the payment of second instalment on the 1st of October each year involve increasing liability on the Corporation year by year, which at the same time will year by year lose an ever increasing proportion of revenue from the areas taken up by the new Trust. The halalkore tax is to be placed to the credit in the accounts to be made up to the amount of second instalment in addition to the general tax. This is sure to increase the liabilities of the Municipality, because the Corporation only agreed to pay 2 per cent. of the rateable value of the lands and buildings. As more and more lands get vested in the new Trust the credit will be swelled year by year, so also the appropriation by the new Trust of the revenues from the general and halalkhore taxes accruing from the best frontage lands and buildings will increase in volume year by year. Whereas the rebate allowed to the Corporation of the amount of revenue which that body was receiving before the properties and lands would be taken away would stand as it is. No allowance is made for the rise in the value of the properties which would in the ordinary course of things take place year after year. And thus though the Corporation will have to pay a second instalment on the basis of an ever increasing assessment, the rebate allowed on properties assessed before the new Trust takes them over will remain a stationary figure. I am constrained to remark, my Lord, that the Corporation is expected to give assistance to the new Trust and in consideration of this assistance it is to be rewarded with a reduction of its own revenue and to be mulcted more heavily year by year in order to secure the improvement of a large portion of Government lands which eventually revert to Government.

To turn to the debit side of the account it would be advisable to define the words "reasonable allowance" which occur in three sub-sections, because it would be very difficult to arrive at a clear meaning of the words and lead to great many difficulties. I am of opinion that the allowance should be determined by the actual cost of the extra staff specially employed at the ratio which the receipts of the Board bear to the receipts of the Municipality in regard to staff engaged in the work of these bodies, for it will be difficult to keep an exact record of the establishment for all new streets and contiguous ones, as also a correct record of water consumed for the new streets as distinguished from the old. It is only on the system of averages and actual working experience that the basis on which the charge is to be made can be determined. I lay stress on this, because the clause provides that Government, who have a large interest in the scheme, are to be the sole and final arbitrators in the matters of dispute between the Municipality and the new Trust. I would beg to suggest here that the instalments should be made either monthly, as in the case of police charges, or quarterly. This arrangement will, I submit, be satisfactory both to the new Board and the Municipality and will cause no loss of interest to the latter body.

* As regards liabilities : whereas the liabilities of the Municipality will be unlimited, those of the Government, as defined by section 64, are very small. The new Trust is to get from Government rents from a blank schedule. These rents as well as other receipts

are to be brought to the credit of a general account. In section 67 (1) it is provided that interest will commence on reclaimed lands after 30 years. The reclaimed lands, if a success, must rise in value and with the rise in value will increase the amount of the contribution of the Municipality, the Government contribution being almost *nil*. Still the general account of the New Trust which is to determine the amount of rebate to the Municipality under section 69 is to be burdened by a contribution to Government in hard cash of 3 per cent. on the differences in value of the reclaimed lands as they will stand 30 years after the Board is formed and the actual value as represented by the capital sunk in the reclamation. But if the reclamation is a failure, then the rights and properties vesting in the new Trust revert under section 53 iii (1) absolutely in Her Majesty.

The interest and sinking funds charges on the capital still proceed and are shown on the general account and contribute to reducing the profits which the Corporation have a right to look for. Section 69 iii (a) provides for the liquidation of the capital due by the Board on account of lands specified in Part I of Schedule C together with interest thereon at 3 per cent. This is obviously unfair, because the lands are not to be built upon or to be leased and yet after 60 years the Corporation will be called upon to pay 36 lakhs of rupees for no benefit whatsoever; the lands may as well remain in the possession of Government, especially as under section 53 Government may at any time take possession of these lands for public or military purposes. Then again clause 2 B (b) provides that whatever surplus remains shall be equally divided between Government and the Corporation. This arrangement will be obviously unfair. Sections 70 to 72 are "Bludgeon clauses" and it is needless for me to say that they are likely to operate harshly. They are no doubt intended to serve as a guarantee to investors: the Government, being unable to give direct security, make the Municipality liable. This is also unfair, especially as the Corporation has no controlling voice at all over the expenditure of the Board. The new Trust may go on spending. There are no legal restrictions placed on it, and if it runs into insolvency, the Municipality must pay the debts under penalty of attachment of its revenue, and to make up for the deficit the Corporation has to levy a special tax over and above the 2 per cent. Surely some safeguards and limitations should be placed on the spending powers of the Trust. There ought to be a sense of responsibility in the Trust that would prevent it from incurring liabilities in excess of its income. This would, to a certain extent, mitigate the harshness of the "Bludgeon clauses." In any case I submit that the Corporation should be given an opportunity to see that the expenditure is just, and to protest in case it is otherwise.

There are several other minor points in regard to which the Bill requires amendment, but I do not wish to detain the Council at this stage. I think the bye-laws of the new Trust should not be inconsistent with those passed by the Corporation, and whenever they are framed by the Trust, the Corporation should be given an opportunity to express an opinion on them.

In conclusion, I hope, my Lord, the suggestions I have made will receive due consideration at the hands of the Select Committee. With an enlightened, sympathetic and liberal statesman at the helm of affairs and with the Honourable Sir Charles Ollivant, whose interest in, and sympathy for, the Municipality are well known, as member of Government in charge of the Bill, I am sure the interests of the Corporation are in safe hands.

At this stage the Council adjourned for half an hour.

The Honourable Mr. DHONDO SHAMRAO GARUD said—I heartily thank your Excellency for your determination to put forward a bold and comprehensive scheme for improving the city of Bombay when your hands are so full with work owing to the plague from which we are now so terribly suffering. Your Excellency has come to the aid of the city with the improvement scheme which will not only be a safeguard against the attacks of the plague, but will make the city remarkable for its health and beauty. I have great pleasure in supporting the first reading of the Bill which has been introduced by your Excellency. As regards the objects aimed at by the Bill, I may say that primarily it is the duty of the Municipality to improve the health and sanitation of the city. But the Municipality has other work to perform, and just at present they have to stop the ravages of the plague. The Municipality is, therefore, not able to devote its attention entirely to such an improvement scheme, and this work of improvement in the interests of the city should be carried out as expeditiously as possible. But, after all, it appears to me that this Trust will do the duty of the Municipality and it seems to me necessary that in this Bill some provision should be made as to the time when this dual government of the city of Bombay should cease and the Municipality of Bombay be installed in its function of performing all the duties connected with improving the health and sanitation of Bombay. This is a question which, I submit, must be considered now. I was greatly struck by the question which the Honourable Mr. Hughes had asked, whether it was a paper scheme or whether it meant business. My Lord, the inference from that remark is that, if the Trust is to be created, it must be created in as short a time as possible. It must be given full powers to work at once and it must be given all the money that it requires for carrying the scheme into execution. It must be found the money to commence the work at an early date and to carry it out as expeditiously as is compatible with the reasonable financial ability of the city. From that point of view it struck me that section 60 of the Bill, which relates to the preliminary expenses, gives force to what I say, and that the moment the Trust is created it will require money which should be given into its hands. In this connection I may remind the members of the enquiries made in regard to the question by Government in September last from the Municipality. If this Trust is to be brought into existence for the benefit of the City of Bombay alone, then surely it appears to me that these charges are properly payable by the Municipality of Bombay; and whether they are payable by the Government or by the Municipality, what I submit is that the Trust, if it is to pay this money, should be asked to pay not the first time it commences its work, but when the work is remunerative, so that all the money which will be found from the investors will at once be employed upon the legitimate objects of the Trust, *viz.*, the improvement in the sanitation and sanitary requirements of Bombay. If it is to be fully worked, the money should be found in as short a time as possible for the improvement of the city, the necessity of which the unfortunate visitation of plague has brought home to us and which must be performed in as short a time as possible. Then the Act provides that the number of trustees should be thirteen. This appears to me to be too large a number for a working body. According to my lights the trust should consist of two members of the Corporation and two representatives of Government, and a President appointed by Government. A Board so composed would be quite large enough. It is the President upon whom much of the responsibility rests in carrying out the plans and considering all schemes of improvement that may be brought before the Trust. A small trust will avoid delay due to

differences of opinion and will sail fairly and smoothly, carrying out many useful works in less time than a large trust will do. I do not consider it my province to speak of other items. I have touched only on those points which I think deserve attention in the Select Committee. I hope the new Trust will safeguard the interests of the Municipality and obtain for them the money at as low a rate as is possible. I may say, my Lord, that the success of the scheme will be watched with anxious interest by all the people in the mofussil, who, in their own way, have to carry out works of improvement. I wish the scheme every success, and as suggested by the Honourable Mr. Hughes, I hope that the Trust will be brought into existence as soon as possible, and that they will be able to accomplish for the city these great works which will establish claims on the gratitude of the people for your Excellency and will always go to justify the name which the city of Bombay has assumed as its motto, as the *urbs prima in India*.

The Honourable Mr. FAZULBHOY VISRAM said—Your Excellency,—Before I venture to offer a few general remarks in support of the Bill just introduced, I desire to assure your Excellency that the general feeling prevalent in Bombay is that in taking in hand so earnestly this important and beneficent measure for the improvement and reconstruction of the city, your Excellency has shown a foresight which, when the scheme is carried out, will not only lay the inhabitants of this great city under deep obligations to Government, but will also most honourably and indissolubly associate your Excellency's name with the city for all time to come, and I heartily echo the Honourable Dr. Bhalchandra's remarks to this effect. Both the Press and the public, as well as the three representative bodies—the Municipal Corporation, the Port Trust, and the Chamber of Commerce—have already expressed their approval of the principle of the Bill, and it now only remains for us to lose no time in launching it into operation, and the sooner it is done the better, with such modifications, of course, as may ultimately be found to be necessary by this Council. In my humble opinion, considering the ever increasing population and the declining public health—on the causes of which we need not dwell at present—the necessity for a measure like this would in any case have become imperative ere long, while recent events which we all deplore must needs accelerate the matter, and let us trust the entire public through their various representatives will heartily co-operate in improving the city generally on the lines laid down in the Bill and in such other ways as may be considered advantageous. As regards the constitution of the Trust Government no doubt have good reasons to limit the number of its members to 13, as in the case of the Port Trust, but I respectfully suggest that if it is not possible to increase the number to 14, somehow or other the direct representation on the Board of the important mill industry of Bombay, which is sure to play a prominent part in the history of the city, must be secured, and which might be easily done by a re-arrangement of seats. The mill-owners are deeply interested in the expansion and improvement of the city. Considering that they represent 10 crores of capital and about 75,000 work people, it will be found impossible to deny their claim for representation on the Board. As regards the General or other Military Officer Commanding Bombay District, Government no doubt have sufficient reasons to retain him on the Board as an *ex-officio* member as His Excellency has just explained, and I do not desire to undervalue those reasons which must exist in a scheme of this sort in which Military interests are involved. I think it is desirable that the Board should have power to initiate improvement schemes of their own motion besides an official representation by the Commissioner. With regard to the betterment

principle introduced by section 43 (7) a, I would submit that this principle cannot be considered altogether fair so long as persons whose land is taken up are made to pay for the improvement caused to their remaining property, while their neighbours whose properties would be equally improved have nothing to contribute for such betterment. I beg also to call attention to sections 53 ii (2) and iii (2), wherein are contained the terms on which the Government and Municipal vacant lands and reclamations are resumable, and I would point out that unless provision be made for compensating lessees on such resumption it would be impossible to expect a superior class of buildings to be erected. It is obvious that lessees would not pay well for the leases or would spend money on buildings on lands which could be resumed by Government or the Municipality without any compensation being paid to them for their structures. With regard to the liability which (section 59a) is sought to be thrown on the Board for payment of interest at 3 per cent. on the scheduled value of Government vacant lands reserved for recreation, I would submit that this burden can hardly be expected to encourage the Board to increase or continue the existing areas and lands for recreation purposes, seeing that they will have to maintain such spaces without any income accruing to them, while on the other hand they will be liable to Government for interest on their values. Failing a Government guarantee, which I regret to hear from your Excellency is not practicable, I see that under the heading of "guarantee for fulfilment of liability," section 70 enjoins that in case the Board makes any default in any payment of interest due by it the Accountant-General shall make such payment and the Commissioner shall repay the same from the Municipal Fund; but I cannot understand why in that case the Corporation (and not the Government) must levy a special tax to recoup itself for the same. In my opinion it will be more equitable if Government were to levy a tax from the general public and restore the withdrawals from the Municipal Fund. What form such a tax should take is a matter which might be left to the consideration of Government when the necessity should arise. I also consider that the provision for constructing dwellings for the police should be limited to the accommodation for the sepoy only as they no doubt suffer from the disadvantages of living in insanitary houses, and the advantages of concentrating them in groups in suitable localities for emergencies are obvious. The same consideration does not apply to the officers who, moreover, are well housed as a rule. I am sorry I have not had sufficient time to go more minutely into the provisions of the Bill, and therefore will not trouble the Council with any further observations at present, but we shall, of course, soon have further opportunities to do so when it is considered in detail. On the whole I consider the Bill to be a hopeful one both as regards its sanitary as well as financial success, as most well-considered schemes regarding landed properties generally are; but perhaps it will be well so far to place some limitations on the reclamations contemplated in it. In conclusion, I should like to say as to what fell from Dr. Bhalchandra as to the depreciation of the properties on the Port Trust lands, that he must be under some misapprehension about it, as I know to my certain knowledge that not only the properties there are paying, but applications are pouring in for fresh building sites, as the Honourable Mr. Hughes can bear me out.

The Honourable Mr. PHEROSHAH MERWANJI MEHTA said—Your Excellency,—While I am deeply sensible of the very kind reference your Excellency made to me in introducing the Bill, I am painfully conscious of my inability to deal with the measure, in consequence of the very short time I have had for considering the provisions of the

Bill in detail. I know that on the occasion of the first reading of a Bill it is not usual to go very minutely into the details of the measure. All that is necessary to be done at the first reading is to see whether the Council considers that new legislation should be undertaken for the object in view. My Lord, I suppose that no Governor of Bombay has ever been called upon to deal with more serious or more grave crises than those which it has been your Excellency's lot to encounter during the period of your administration. I hope your Excellency will permit me, though rather late in the day, to say a word of thankfulness and appreciation for what has been admitted to be everywhere, not only in this Presidency but throughout India, the untiring energy and great sympathy with which your Lordship and the members of your Government have met the great and towering calamities which have been visiting this poor city, not only last year, but unfortunately this year also, when there is a recrudescence of plague of a very severe character. I hope you will also permit me to say that the inhabitants of Bombay cannot fail to appreciate the very kindly and sympathetic manner in which your Lordship has referred to the patience with which the suffering people of this poor city have met the dire misfortunes that have overtaken them for the last two years. In this connection, though I should be the last person to make any claim to speak with authority on such points, I should like to bring to your Excellency's attention, and I hope I am not out of order in so doing, that while there is a great deal of quiet patience on the part of the people, there is a certain amount of unrest and distress in the community regarding plague regulations and specially the quarantine regulations. I confess I do not speak with any confidence or authority on the point, as I have only been two days in Bombay; but there is a certain amount of pathos in the appeal which has been made in regard to these rules, and I am perfectly sure that if there is any just cause for complaint, the matter will be attended to by your Excellency's Government. If your Lordship's administration has been unfortunate in having to meet such dire calamities, I think everyone will agree with what your Lordship has said, that these misfortunes may be turned to account if Bombay arises out of these calamities a lovelier and more beautiful city than it has ever been in the past. Those who are resident in Bombay, both European and Native, have come to love it with a very great love indeed, and we may be well assured that the present and future generations will be grateful to your Excellency's Government if, as a result of this calamity, we have a healthier and more beautiful city. The people of Bombay appreciate very cordially the sincerity and earnestness which your Lordship has set about the great task you have undertaken—a task which may fairly be described as the entire reconstruction of the city upon sanitary lines.

The Bill that has been introduced for this purpose is certainly one of great magnitude, and though I speak with diffidence in this matter, I think it might perhaps have been the better course to have laid on the table, either concurrently or before the introduction of the Bill, some general sketch of the detailed improvements and schemes which it may be necessary to enter upon in carrying out this work. I need not remind the Council that in the case of the Glasgow Improvement Scheme the Bill which was brought before Parliament was accompanied by details of the scheme of proposed improvements, and we know the same thing is done in regard to other schemes of a like character brought before Parliament. The desirability of that procedure is this, that in that case you do not enter upon any scheme which may after all turn out to be of a speculative character. To a certain extent you know the liabilities which you are incurring. It may not be

possible to say exactly the amount that is to be spent on these improvements, but certain definite lines can be given within which the cost of the improvement will come. I can well understand that in view of the exceptional time through which we have been passing it has not been possible to have these details ready before the Bill was introduced, but I hope they may be given during the progress of the Bill, as it is a matter of importance that the rate-payers should have some knowledge of the financial responsibilities entailed by the Bill. It will be the duty of the Select Committee to see that some definite lines are drawn as to the financial burdens which will be cast through the Corporation upon the city. The Corporation in this matter is only the representative of the city, and, it seems to me, that a definite limit should be set to the financial liability. It may be said that a line has been drawn under the provision which limits the payments to be made to 2 per cent. of the rateable value of lands and buildings in the city. That would have been a perfect answer to the objections raised, were it not for the clauses which come within what are termed the guarantee sections of the Bill. Though it is said in one part of the Bill that 2 per cent. is to be the contribution of the city to the improvements, it is provided in a later part of the Bill that whenever further moneys are required for the purposes of the Bill they must be provided. I say nothing in regard to the means to be employed. It is not the "Bludgeon" part of the clauses to which I have to take objection; but what I should like to place before the Council in regard to the clauses is this, that the guarantee renders it obligatory on the Corporation to provide additional funds if the 2 per cent. named in an earlier part of the Bill is not found sufficient. It seems to me that the limit of 2 per cent. is in reality swept away under the provisions of the guarantee section.

I do not intend to go into any detailed discussion of the Bill at the present moment, but I should like to make a few general remarks with regard to its principal provisions. Now in regard to the constitution of the Board, I do not agree with those who think that it is an attack upon the constitution of the Municipal Corporation. If we consider the present Municipal Act, we shall see that it has always contemplated that there would be special and exceptional occasions on which it might be deemed desirable not to entrust the direct work of carrying out certain duties to a body constituted as the Corporation is, but that it might be necessary to delegate such tasks to a body composed somewhat differently to the Corporation. (Hear, hear.) I need refer to nothing more than to the provision deliberately introduced in the Act for the purpose of the appointment of the Joint Schools Committee. When that section was passed it was felt that education was one subject for which it was necessary that separate provision should be made, and that instead of handing the direct work to the Corporation, it should be entrusted to a body appointed partly by the Corporation and partly by Government. Perhaps I should have preferred—and appearances in this world go very far—if this Trust had been called by some name which might have brought it more in harmony with the nomenclature of committees such as were contemplated in the Act. The constitution of the new Trust might have proceeded on somewhat similar lines as that of the Joint Schools Committee, and there is all the more reason for this, since a substantial portion of the revenue of the Committee comes from Government, while this will not be the case in regard to the new Trust to the same extent. But, as your Lordship has pointed out, the Government of India and the Government of Bombay are going to treat the city with great liberality in the matter of the properties which it is proposed to assign to the Trust, in regard to which I shall have

something to say later on. While this liberality will be of assistance, the main responsibility of providing funds lies with the Corporation, and from that point of view it might have been desirable to have given the Board a constitution more like that of the Joint Schools Committee. However, in a matter of this importance, it is not worth while haggling about the exact form, if substantially and practically the same thing is proposed to be done in this Bill. But while I quite agree that no serious objection could be raised to the constitution of a separate Board, I must say that there are some sections of the Bill which seem calculated—to use the phrase of the Honourable Dr. Bhalchandra—to make the Trust a department of Government. I do not say this is so, as I have only had time for a cursory examination of the Bill. But there appear to me to be certain sections which leave the final arbitrament of financial questions entirely in the hands of Government. Then also take, for instance, the Chairman of the proposed Board, who is to be an officer removable at the pleasure of Government and whose salary is to be fixed at any sum, it may be from Rs. 50 up to Rs. 5,000, that Government may choose. Now, my Lord, I quite admit that the Chairman of the Board must be an officer of great experience and ability and he ought to be well paid. The task that will devolve upon him will be of an exceedingly onerous and responsible character, and the salary should, I am quite prepared to admit, be comparatively heavy. But I should like to have seen some indication in the Bill as to the exact status of the Chairman of the Board. As the Bill now stands, he is to be nominated at the pleasure of Government and removable at the pleasure of Government, and his salary is to be fixed from time to time at the pleasure of Government. I hope the Select Committee will consider very carefully whether the entire power should be left indefinitely in the hands of Government as proposed in the Bill. Care should be taken not to make the Board a mere department of Government, and hence I raise this small voice of warning.

Something has been said by previous speakers as to the proposal to make the General Officer Commanding the District an *ex-officio* member of the Trust. While on the one side it may be said that such an officer may prove useful on the Board, it may be pointed out on the other side that as Government have the power to nominate certain members, the General of the District might be one of those nominated members. Government will nominate those gentlemen whom they consider from their connection, position and experience are likely to render useful service on the Board. This being so, the necessity for making the General Officer an *ex-officio* member passes away, as Government can at any time give the officer a seat on the Board.

I pass on, my Lord, to speak of the procedure which it is proposed the Board should adopt in undertaking its work. I have no doubt that the explanations we may have later on will remove many objections which arise on a cursory examination of the Bill. One thing that has struck me is, that I do not see a clear dividing line between what are called improvement schemes and street formation schemes. It seems to me that these things are very likely to run into one another. How they can be separated I do not see, because in an improvement scheme you will have to lay out roads just as well as in the streets scheme. I am speaking with great diffidence, because there may be some explanation of the sharp division drawn in the Bill between the two things, but I do not at present see the sharp line that divides them. The distinction drawn between the two things seems only to be that in the case of an improvement scheme a certain process must be gone through before the Board can undertake the work, but in regard to streets the Board can

move of its own motion. I should like the Select Committee to consider whether it is really wise that in the case of an improvement scheme the Board should only be able to proceed in the matter on the representation of the Municipal Commissioner and of certain other bodies and persons named in the sections. I make this remark because there are no two opinions in regard to this fact that there are certain portions of this city which imperatively require to be improved. No Municipal Commissioner is needed to instil that fact in the mind of any one in Bombay, no Health Officer or Justice of the Peace need tell you that. Why then, my Lord, should the Board have to wait for such a process to be gone through before improvements urgently needed are initiated. But this again is a matter with which the Select Committee will be able to deal.

With regard to the third object which is proposed by the Bill, I am not quite clear as to the necessity for including it in this measure. I have listened with very great attention to that part of your Lordship's speech which relates to the proposed reclamation of certain portions of the foreshore. I quite agree with your Lordship that we must not draw sweeping inferences from the unsuccessful character of the reclamation scheme of which many persons in Bombay had unfortunate experience in 1864. The circumstances of the Back Bay scheme of 1864 were such that you cannot draw general conclusions against reclamations from them. We know that some reclamation schemes have proved successful, while others have been unsuccessful. But the objection which presses upon my mind is that reclamation is not quite of the same urgency and the same essential character as the other improvement schemes provided for in this Bill. It would be a very good thing, I admit, for reclamations to be entered upon for the purpose of enlarging the city. But the question is whether such a scheme stands upon the same footing of urgency and necessity as the rebuilding of the city, and whether it is desirable to cast the same heavy financial burden upon the rate-payers for reclamation as it is necessary to do upon improvement. The improvement scheme is absolutely essential for improving the healthy condition of the city; the laying out of new streets is absolutely necessary and the city must make up its mind to bear the financial burden involved. But can the same thing be said in regard to the reclamation part of this measure? So far as the Bill is concerned the reclamations are to be put on the same footing as the other work to be entrusted to the Board. If there was some section of the Bill providing that reclamations could be undertaken afterwards, when the financial burdens have shown themselves to the full extent in regard to the other departments of the scheme, then my objection, as it seems to me at present, might reasonably be said not to apply. I would ask the Council to remember one thing: we have nothing before us in the way of estimates or figures or guarantees to show that reclamations might not prove to be after all of an extremely speculative and hazardous character. I trust that the Select Committee will give to the question the most careful and anxious consideration.

My Lord, I do not propose to trouble the Council with any lengthened remarks upon what my honourable friend Mr. Nugent (whose humour I always enjoy, though some of my native friends do not see the fun,) would probably call the "little bantling" of the Police Accommodation Scheme. It is a question of detail which will best be settled in Select Committee. But one thing I failed to comprehend from the remarks of your Lordship is why under the Bill the police buildings should revert to Government after a certain period. I fail to understand why those buildings should go back to Government. Of course Government will have in the first instance to pay the amount required.

for rent and sinking; but they will recover it in the proportion of three to one from the Corporation. If the Corporation has thus to meet the greater portion of these charges, I fail to see why the police buildings should revert altogether to Government. I am not quite clear about this part of the scheme, but I have no doubt that it will be explained, and light will be thrown upon it by Sir Charles Ollivant, who is unrivalled in his acquaintance with Municipal affairs, and to whom the City and the Corporation can look forward to with confidence to guide the destinies of this Bill, for while on the one hand they are grateful to him for his able administration as Municipal Commissioner, on the other they have a sort of claim over him, as it was the City and the Corporation which gave him the opportunity of bringing out the great abilities for which he is distinguished.

With regard to the acquisition of properties required for the purposes of the Bill, I quite agree that there should be a more summary way than what the Land Acquisition Act provides for acquiring properties. So far as I can at present see, the sections dealing with the subject are well calculated to effect the acquisition in a more expeditious and reasonable way than might be found possible under the ordinary law.

In regard to the Government properties to be vested in the Trust, I am prepared to accept on faith what your Lordship has said about the liberality of the Government of India in making over large properties to the Board. I do not wish to speak in any carping spirit, but if your Lordship will permit me, I must make the confession that I am not quite clear regarding this liberality, because I fail to find that their being vested in the Trust will place the Government of India in a worse pecuniary position than it would otherwise occupy, though, as I have already said, I cannot speak with any confidence at the present moment upon details which I have not had time to consider. The liberality of the Government of India may be made clear to the Select Committee; at the present moment I am not able to discover it. In connection with that point I should like to refer to the inclusion in the schedule of properties to be vested in the Trust by Government of the Flats. I do not know whether while I have been absent from Bombay your Lordship's Government has sent any reply to the representation which the Corporation made upon the subject of the ownership of the Flats, but I trust that Government will not forget the claim to the property that has been put forward by the Corporation. Its inclusion in the list of Government properties may be supposed to give legislative sanction to the absolute right of Government to the property regardless of the equitable claim of the Corporation. I venture very submissively to think that the Corporation have made out a very strong case for making over the Flats to the City.

As to the values of the properties handed over to the Trust by Government, it may be, as your Lordship has put it, that they are very nominal; but I may be allowed to remark that when the owner of a property puts his own figures as to its value, this is not apt to inspire any confidence, although the figures may be very moderate. I am not in a position to say that the scheduled values are exaggerated, or are not well within the mark; but after all we have here the figures put down by the very authorities to whom the properties belong. I trust, therefore, that in the Select Committee we shall be informed as to the way these valuations have been arrived at, and I do hope that the figures will not be taken as having been sanctioned by the Legislature in passing this Bill. One of the most important parts of the Bill is that which deals with the liabilities and the settlement of accounts. I confess that I am not quite able to comprehend them,

but I have no doubt the Chairman of the Select Committee will place before us some lucid and clear tabular statement as to how the provisions of these sections will work out. At present the impression is left on one's mind that when the Act is passed and we come to work out all the claims in respect to capital and interest and sinking funds the Corporation may find themselves in none the best position in this matter. I will not attempt to dive further into the mysteries of these sections, but it may be just possible that some of the sections may require re-drafting. Nothing is more important and more valuable than to give to the financial sections of the Bill as clear a wording as possible so as to remove all doubts and ambiguities. So far as human intelligence and ingenuity can do it, no room should be left for doubts to arise hereafter as to the meaning of legislation, and, as your Lordship is aware, there are no questions which give rise more constantly to bitter controversy than financial questions. We know perfectly well that this Government cannot enter into large financial liabilities without the sanction of the Government of India. We know that there is frequent discussion between the two Governments on financial questions, and that the Government of India say that when they are resisting what appear equitable claims they are fighting for the interests of the general tax-payer as against the local rate-payer. In the same way when there is difference of opinion on financial questions between the Government of Bombay and the Corporation, the Corporation are supposed to be fighting in the interest of the rate-payers of the City, while Government assume the rôle protecting the interests of the general tax-payer. Experience shows that interminable friction thus arises, and this being so, there is nothing more important than to frame legislation on financial subjects in as clear a way as possible. Now it seems to me that although the limit of 2 per cent. is named in the Bill, the liability of the Corporation is substantially and practically of an indefinite character, seeing that in the guarantee clauses it is incumbent on the Corporation to provide further funds should they be required. One remark of your Lordship has made me the more anxious on this point. Your Lordship said, there may be years in which it may be necessary to have larger funds in hand than the 2 per cent., which means that the Corporation may have a very much larger amount than 2 per cent. to find.

The Honourable Mr. HUGHES—I should like to explain, your Excellency, that in that case the debt would be charged to capital, the Corporation would not have more than the ordinary amount to pay.

The Honourable Mr. МЕНТА—If this is the case there is no necessity to make provision for the additional funds referred to in the guarantee clauses; however I suppose some detailed explanation is to be forthcoming. I listened very carefully to what your Lordship said on this part of the Bill, and I must say that I failed to be convinced by what fell from your Lordship as to the impossibility of either the Government of India or of the Government of Bombay standing guarantee for the liabilities of the city under the Bill. After all what is the position? You put a burden on the Corporation and the Corporation is bound, by raising additional taxation, if necessary, to provide these funds. This being so, where would the risk be in a Government of India guarantee? The Government of India could, if need be, pass legislation, compelling the rate-payers of the city to raise the moneys required which Government had guaranteed. Thus there could really be no risk whatever to the Government in giving the guarantee; the money could always be recovered from the same source from which the Corporation will be required to raise the 2 per cent. Government would absolutely stand no risk of losing one pice of their money. Then

look at the advantage of a guarantee of that character. It seems to me that if the loan was guaranteed by the Government of India in the first instance, the Local Government would have to look carefully at the proceedings of the Board, and practically it would mean that a limit would be fixed which it would be very difficult for the Trust to pass. I think the advantage we should get in that respect would be almost incalculable. A great deal has been said in regard to the success of the Port Trust, and while I am aware that you cannot draw deductions from the success of that body in regard to similar bodies created for other purposes and in other times, I would point out that one reason why the Trust has been successful, in addition to its great good fortune in securing exceptionally able men at the head of its administration, has been that Government has stood guarantee for some of its loans.

The Honourable Mr. HUGHES—Not the debenture loans.

The Honourable Mr. MEHTA—For my part I cannot see the insuperable difficulty in the way of a Government guarantee. There was a time when Government never allowed Municipal bodies to borrow moneys except from themselves. The clauses in regard to the borrowing powers of the Trust provide that loans may be obtained from the Government of India and the Secretary of State as well as from the general public. Well, in that case does it not come to the same thing as Government standing guarantee for the recovery of the money. Whether they lend the money or guarantee the loans it is the rate-payers who, under every conceivable circumstance, will have to pay the interest and repay the loans. In either case Government will look to the credit and resources of the city for repayment. I trust that these sections will receive very careful and anxious scrutiny by the Select Committee. It may be I am taking a much too hopeful view of the possibility of alteration. I know how strictly limited we are by the Olympian authorities who look upon these matters in a particular way. It will be difficult, I know, to move them in the direction I have indicated. But I still think it is worth the effort, in view of the great advantage to be derived from such a guarantee, to see if something cannot be done to win over the Government of India through the kind offices of your Lordship's Government to modify the guarantee clauses and relax their stringency.

I do not think I can usefully refer at this stage of the Bill to other sections. I would in conclusion only echo the sentiments with which your Lordship concluded your speech, that the scheme may be the foundation for the reconstruction of the city in a way for which future generations will be grateful to a Government which has had the boldness and the statesmanship, as one of my colleagues remarked, to undertake the work; to the Municipality which will have to bear the present burden of the cost; and to the rate-payers of the present generation, who while they may desire certain provisions to be altered so as to make the burden no heavier than necessary, are willing that the scheme should be undertaken, for co-operating in carrying out a measure of this essential and important character. (Hear, hear.)

The Honourable Mr. ABERCROMBIE said—Your Excellency,—I should like to express my appreciation of the general principles of the Bill. It seems to me that if Bombay is to regain its good name and is not to be seriously and permanently injured, the work, the Bill contemplates, must be taken in hand, and the sooner the better. Bombay is the only city which has had to put its house in order, and it seems to me that it is our duty to accept the Bill as put before us and to

recognise the liberality with which the Government has dealt with us. I have endeavoured to follow Mr. Mehta in his very able summary of the entire Bill, but he has spoken so quickly and with so many interjections that I have found it very difficult to do so. The honourable member seemed anxious that the Government of India should take the place occupied by the Government of Bombay, but I cannot see that this would be at all desirable. It would entail a great deal of delay, and the caution Mr. Mehta spoke of as being so necessary is not wanted here. What is wanted is the recognition that this scheme is absolutely and entirely necessary, and we have to work to put it into operation and put the city in a better and healthier state. Where there is a will there is a way: the Government has shown that there is a will, and it is now our duty to approve of the Bill and put it into working order.

The Honourable SIR CHARLES OLLIVANT⁵ said—Your Excellency,—Good wine needs no bush, and it does not lie in a member of Government to launch into unnecessary laudation of a Government measure; but considering that this Bill deals with subjects kindred to those which enlisted my best energies for nine years—subjects which, so far as public affairs are concerned, enlist my best sympathies still—I did not think I could give a silent vote upon this occasion. I would ask you to look upon me, however, rather as a humble individual expressing his own private views than as the advocate of a Government measure. When I was about this time last year in England and read of the calamity which was overwhelming Bombay my mind went back to former days, and I began to think what measures could be devised, and I came to the conclusion at once that what Bombay wanted was more ventilation, broad streets running through it, the removal of rookeries, and so on. I placed myself in communication with the Chief Engineer of the Local Government Board, Major Tulloch, with whose reputation most of you are acquainted, and asked him if he would kindly put me in the way of studying any legislation which bore upon such subjects. Some years before, when Municipal Commissioner, I had an opportunity of studying the Glasgow Acts as they were then; but Major Tulloch brought to my notice, and his Excellency has referred to it to-day, the Housing of the Working Classes Act of 1890, and on my way out, I began framing the skeleton of a measure which, I thought, might do something to meet the case; but I found on arriving in Bombay that your Excellency with local advisers had conceived a much grander scheme,—one to which I lay no credit whatever, and at which for the moment I looked askance for these reasons. First it never occurred to me in my wildest moments that the Government of India would assent to make the liberal endowments that they have made, and, secondly, I was possessed of the old Bombay horror of anything in the way of reclamations; but I saw that if the Government of India could be induced to make these concessions, there could be no doubt which was the course to pursue. The alternative was between an amendment of the Municipal Act so as to give the Municipal authorities powers similar to those conferred by the Artizans Dwelling Act at Home, or a completely new enactment and organization providing a separate machinery of the kind now proposed; and I felt that there could be little question which was the better of the two, because when I was considering the matter in England I found that I was confronted by two great difficulties. One was the limited capacity of the Municipal exchequer and the immense operations the Corporation was called upon to discharge, and the other was that I wondered how their already over-burdened executive could cope effectively with the discharge of such new duties as must be imposed upon it.

Now, Sir, if the reclamation clauses of this Bill had involved the Trust in a wild scheme of filling up Back Bay, under no circumstances could I have been a consenting party to it, not only because we cannot indulge in any such speculative undertakings, but because I can imagine nothing more fatal to the health of the city than to close up all those indentations in the coast line which nature has provided for us. The nearer we get the sea to the inhabited part of Bombay the better for the health of the inhabitants. But if by undertaking profitable reclamations experimentally until we find they pay, and afterwards upon a larger scale we can bring grist to the mill and save the taxpayer some of that two per cent. for which the Bill provides, who will say that it is not a good thing to embark on reclamations? You must remember the history of Bombay street communications. At first Englishmen, afterwards the Pársis, and then the Hindus, all have in turn found their way from their places of business in the Fort to residences in the suburbs. What is the result? All the main arteries go from the Fort to the northern portion of the Island—Parel, Byculla, and lastly to Malabár Hill. The consequence is that there has not been the same motive for opening out broad thoroughfares from west to east that there has been from south to north. Now consider what the quarter is on which the inhabited parts of the city depend for healthy air. People in Bombay know very well that when the wind is from the north it brings them fever and other complaints, but in the hot months their salvation depends upon having free access for the wind from the west and south-west, and it is therefore most desirable that wide roads should be opened up from west to east, as a channel for the breezes right through the native town to the docks. I speak thus of the need of ventilation from my past knowledge of Bombay. Now as to the plague measures. In these measures, which have called forth the heroic energy of the workers high and low, and not less the heroic patience and fortitude of the majority of the sufferers, I know that your Excellency has been guided by the best expert advice that you could get. Human wisdom is limited, and we cannot say how beneficial each and all of these measures may be, but we think that the mortality from the plague would have been infinitely worse but for the measures taken by the Government. There is one measure, however, about which there is no uncertainty whatsoever; if there is one foe to the plague germ it is ventilation. Native gentlemen, I am glad to see, are impressing upon others of their community the immense importance of keeping their houses open, even to the extent of taking off the roofs, and what we have to do is to aid these efforts to improve the ventilation of Bombay. Indeed if you want a short title for this Bill you may call it the Bombay Ventilation Bill.

The Honourable Mr. MEHTA—Not reclamation?

The Honourable Sir CHARLES OLLIVANT—No, not reclamation, and I will tell you why. The thing we are aiming at is to get improved ventilation. If you cut through the crowded localities without providing the people who live there with new residences elsewhere—I am speaking now of the poorer classes—you are aggravating the very evil you are seeking to remove, and you are intensifying the overcrowding you wish to put an end to. Therefore the first thing this new Board will have to face is the building of quarters for the artizan classes in the northern part of the Island. If buildings are to be erected they must be built by one of three agencies: either by the speculator, the investor who wishes to find a profitable way of laying out his money, or the philanthropist, or by some public body out of public funds. When I was Municipal Commissioner of Bombay a member of the Corporation, impressed with the evils of overcrowding which then existed,

asked me if I could get out a scheme for housing some of the working classes. As a Municipal scheme I found that it was absolutely impossible to give the working classes any accommodation which could fairly be considered sanitary if it was to yield such a rental as would justify the Municipality in raising a loan for it. The other day I was speaking to a most enterprising gentleman who had a large share in building quarters for the hands employed at the mills with which he is connected, and I asked him what return might be expected, assuming the sound sanitary condition of the buildings to be maintained about which I believe there is no question, and he told me it would be from $2\frac{1}{2}$ to 3 per cent. Which of the native capitalists in Bombay is prepared to place his money in a 3 per cent. investment, or rather I should prefer to say $2\frac{1}{2}$ per cent., for that is a more accurate figure? That there are many philanthropic gentlemen in Bombay I should be the first to admit, but philanthropy will not meet the demand, and it must be met by some public scheme such as this. If this is to be carried out, do not think for a moment that this is going to be a lucrative part of the operations of the Trust. It is a necessary antecedent to that duty which they are appointed to discharge, namely, the ventilation of Bombay. Having provided houses for the working classes in a certain quarter they are in a position to deal with insanitary quarters without increasing the overcrowding.

Then the Honourable Mr. METHA asks where does the reclamation come in? I am the first to say that it does not come in at all unless there is something that will pay to assist the Trust in providing those quarters for the poorer classes which cannot in themselves be remunerative. That consideration alone will justify reclamation under this Act. Whilst I am alluding to them I wish to say a word about the details of the scheme in this respect. Mr. Mehta thought the Government might be in possession of detailed reclamation estimates which have not been laid before the public. But this is not the case. In order that no time may be lost certain surveys have been started and any useful information that may be available will be laid before the Select Committee. So far as is known the result of those surveys is to justify the anticipation on which the first calculations were based. As to the question of not publishing the details of the Bill at an earlier period, that was, I regret to say, an impossibility. The great object that your Excellency had in mind was not to lose a moment in organizing the scheme for the improvement of Bombay, but it was a necessity of the situation that the permission of the Government of India should be obtained to the transfer of their valuable property, and it is not difficult to understand the delicate nature of the negotiations, or that this Government was not in a position to publish anything. The moment the Government of India announced their assent, that moment the order for the publication of the Bill was given—three days hardly elapsed between the receipt of the Government of India's approval and the publication of the scheme. So that this Government did all they possibly could do—not all that they would have liked to—but they had to consider how to get the work which this Bill is designed to accomplish started as quickly as possible.

I will now allude to a few of the principal remarks made by the several speakers. I shall not touch upon those points which can be best considered in Select Committee. I have already alluded to the fact that I think, from my past knowledge of Municipal affairs, that this work must have a special agency, and further as the Bill is more carefully studied it will be seen that the Government of India would never have consented to make this valuable transfer of land, but for the fact that a special trust was to be constituted to

deal with it. The Honourable Dr. Bhalchandra asked why is it that a special reservation was made in favour of the Railway Act and not in favour of certain provisions of the Municipal Act. As far as I am aware there are no provisions of the Municipal Act which are endangered by this Bill, otherwise they would be safeguarded, but as regards the Railway Act the case is different and I may remind the Council that for the safety of the travelling public the execution of any work within railway limits must be undertaken by the Railway engineering staff and not by outsiders. Thus when a water main has been laid under the railway, the culvert has been built not by the staff of the Water-works Engineer, but by the staff of the Railway Engineer. In regard to the "set back" provisions of the Municipal Act, to which allusion was made, a "set back" means a piece of land which the Municipality has acquired at the side of the street for widening the street, and there is no peculiar risk to the public or anybody else from operations on such land. There is therefore no analogy between the two cases. Then the same honourable member alluded to the fact that there is no representative of the Millowners' Association on the proposed Trust. As to that I have an open mind, and I should like the gentlemen who suggest a direct representation of the Millowners' Association to consider whether there are not other Associations which may equally claim a similar privilege. Does not this show the wisdom of Government in leaving three seats unallotted, so that they may be able, where need arises, to make a suitable selection to represent some particular interest which has not been specifically provided for? I take it, moreover, that one or other of the chief representatives of the Millowners' Association will always find a place on the Board either through the Corporation or the Chamber of Commerce. I merely throw out this for consideration in Select Committee. I next come to a matter which has, and I do not wonder at it, evoked some enquiry and criticism. That is about police accommodation. I am not going to enter into the thorny question as to the relative obligations of the Government and the Municipality. That has been settled elsewhere, and I was not a party to the settlement. But there is this, and I think everybody will agree with me, that when neither party gets exactly what it wants, it is always better to resort to a compromise, and I cannot imagine a better way of providing police quarters than for the cost of them to come out of a common fund to which both the Government and the Corporation will have been contributors. You are aware that the decision in respect of the police charges was roughly speaking that three-fourths of the cost should be chargeable to the Corporation and one-fourth to the Government. Therefore the Corporation have three times the pecuniary interest that the Government have in devising a scheme for providing suitable accommodation for the Police. Moreover, it stands to reason that if you are shifting the city and putting the people there in new areas, the whole distribution of the police force must be altered. For instance, if you lay out a new area to the north of Dadar, it would be absolutely necessary that a part of your police force should be quartered out there also. But there is one other point which has been taken and which is a reasonable ground for argument. It is asked, seeing that the larger portion of the cost of this police accommodation will be borne by the city and not by Government, why are the buildings to vest permanently in the Government and not in the Corporation. The answer is that, that if you substitute for the word "Government" the words "police administration" you have got exactly what the Government means by the wording of the particular section referred to. The property is to vest in those who are responsible for the police administration. At present when any of the police are accommodated in a building belonging to the Corporation the rent of the building forms a debit to the police

charge and a credit to the Municipality. If they are accommodated in Government property the rent forms a debit to the police and a credit to the Government. When the police occupy property belonging to the new Trust the rent of it will be debited to the police charges and credited to the common fund of the new Board. When the separate board ceases to exist, the trustees of the police buildings will be the persons who will be charged with the maintenance of the police, and will have the custody of the property erected by the Trust.

The Honourable Mr. MEHTA—The section says that it will become the property of Government.

The Honourable SIE CHARLES OLLIVANT—Mr. Mehta may take my word for it that the intention of Government is as I have explained it. The point will be considered in Select Committee.

The next point is in regard to the paragraph in the letter of Government which states that the liability of the Municipality will not exceed two per cent. The Honourable Dr. Bhalchandra remarked that the provisions of the Act were ambiguous. I think if he substituted the word "complicated" for "ambiguous" I should have been entirely in accord with him. Indeed the arrangements are so complicated that I despair of finding any adequate expression for them in language that is not complicated. We have gone to the lawyers to assist us, and if other lawyers can suggest a better way out of the difficulty we shall be glad to accept the improvement, but there is no question whatever about what is intended to be the limit of liability. The liability according to the Government letter is two per cent., and the only thing which can be said for a moment to conflict with that is the provision in the Bill for a guarantee. I was very glad to see that Mr. Mehta clearly perceived the distinction between the city in its aggregate aspect and the statutory Corporation created by the Municipal Act. So far as the Corporation is concerned that section need throw no extra burden whatever upon its finances. It is perfectly true that the section does speak of the Corporation as the collecting agency, and I believe that is on the whole, both for the Corporation and the rate-payers, the most convenient method to adopt. But as to the practical effect of the clause being to increase taxation, I say I do not believe a word of it, and it seems to me to be out of the bounds of probability that that section can ever be resorted to. But if a majority of this Council are perfectly satisfied (and I am sure they will not be) that the Board could raise loans on equally favourable terms, if these guarantee clauses were eliminated, then I say, strike them out, because they are put there for the security of investors, and do not practically throw any additional burden on the Corporation or the city. The real guarantee is this, that every scheme is to be published and every scheme is to be sanctioned by Government before it can be undertaken. I can honestly say that if I was going to lend money to the Board, I would lend it without the existence of the guarantee clauses, but you cannot expect the same confidence to exist in all quarters. I consulted a gentleman the other day who has a high financial reputation in Bombay, and he told me that the existence of those clauses would make a difference from a quarter to a half per cent. in raising the loan. If this is not to the interest of the rate-payers then object to it, but if it is to the interest of the rate-payers then let us leave it as it is.

The Honourable Mr. Mehta was a little bit diffident as to the real value of the Government property and the ability of the Government to value it equitably. But I can assure the honourable member that Government have not been the valuers of the

property. The figures given are not the valuation of the Government, or of the Government of India. They are not even the valuation of responsible members of the Public Works Department, and I may say that if there is one body jealous of this transfer on the terms proposed, it is the Public Works Department of the Bombay Government, because they think that there is no adequate return for it to Government.

The Honourable Mr. MEHTA—Where does the valuation come from?

The Honourable SIR CHARLES OLLIVANT—From an independent source, as I shall be happy to explain in Select Committee.

There is another matter and that is the objection to the appointment of the General Officer Commanding the District or any other military officer as an *ex-officio* member of the Board, but it must be remembered that he will be the sole representative of the Government of India's interests as distinguished from the Government of Bombay's interests. I think it would be exceedingly difficult, if not impossible, to get the Government of India to make over the valuable property they are prepared to vest in the Trust, if their military interests were not represented on the Board. Then it is said, why not, if this is the case, select the General as one of the members to be nominated by Government: but if you do so, where can we find room for the Millowners' representative or a representative of other similar associations. Say, for instance, the Bombay Presidency Association.

The Honourable Mr. MEHTA—You are not going to give us that (a laugh).

The Honourable SIR CHARLES OLLIVANT—I can assure you that other interests will be sure to crop up, and we shall feel that we have no room for them, or possibly for desirable expert representatives, unless we have such a reserve as that contemplated by the Bill.

Then it is asked why the Board should require the intervention of the Municipal Commissioner or any other persons for the initiation of an improvement scheme when it is not required for a street scheme. I may say that one reason is that the Municipal Commissioner has at his elbow the best expert advice obtainable in regard to the areas of the City which most need sanitary improvement. But it is not as though the Municipal Commissioner or the Health Officer alone could say whether there was a case for improvement. The wording is not that the "Commissioner may," but that the "Commissioner shall," and he shall do so if three rate-payers or certain other persons come and tell him that it is necessary. The Municipal Commissioner is a servant of Government and immediately in touch with the Corporation. He is appointed by Government and is removeable by Government, and is it conceivable that he would decline to bring forward a scheme which rested on any good reasons? At the same time, I think it is a desirable safeguard in the interests of the public that the Board should not of their own will and measure give a preference to this or that particular area. It is just as well to be able to say to them that it is not Malabar Hill that wants dealing with, but we want you to devote your first attention to the rookeries and to congested areas. It is to safeguard the interests of tax-payers and the interests of the public that this provision has been inserted in the Bill. You will observe too, that the street scheme is distinct from the improvement scheme for insanitary areas, and that the Board does not have to wait to move in this matter until it receives advice from the Municipal Commissioner. They have full liberty as to proposing new streets and lines of communications, and in respect to them the need of the City for new thoroughfares traversing several sections must be considered

as a whole, while improvements of insanitary areas can only be taken up one after another and the fullest consideration will have to be given to claims for priority of selection.

The only other point in the Honourable Mr. Mehta's speech to which I need allude is his expression of astonishment that the property known as "The Flats" should be included in the schedule. I know perfectly well that Mr. Mehta, in his manifold experience as a Counsel, has often found himself arguing for a principle in one case which he had to oppose in another. From a Municipal point of view the Corporation has an adequate equitable and a moral claim upon the generosity of Government. But my honourable colleague in the Council, Mr. Nugent, to whose speech at the second reading Mr. Mehta is looking forward so eagerly, may be expected as the Revenue Member to hold a different view. The best procedure when there are such differences of opinion is to adopt a compromise, and I did think that I should have had a chorus of approval from gentlemen connected with the Corporation at the prospect of this troublesome controversy being settled by Government consenting that the debatable area should be vested in the Board created in the interests of the city. The Board will take care of it for the next hundred years, when possibly its sanitary condition may admit of its being turned to uses other than at present. Then let us hope that the reversion of this property will fall to the Corporation.

Sir, in conclusion as I have already said, the credit of this comprehensive measure in no way belongs to me, and it may be of some consolation to the members, if such there be, who wish to criticise the measure in Select Committee, to know that for this reason I am able to approach it with a little of the impartiality with which we know one can constrain one's self to criticise one's neighbour's children. I have no doubt myself that the result of the labours of the Select Committee will be that the Bill will secure the unanimous approval of the Council. I heartily congratulate Your Excellency upon having introduced this measure, and upon the generous and appreciative manner in which it has been received, not only in this Council, but in the whole of Bombay. It is above all things desirable that the principles of the measure should be put to the test of application at an early date. I know the enthusiasm of which Bombay is capable, and in respect of this measure it rests with us not to allow it to evaporate. Permit me to say that you have put the wrong man in the chair of the Select Committee if any delays are to be tolerated which will prevent this Bill from being passed as soon as possible. I trust that the Select Committee may make such progress in their deliberations as to enable us to report in three weeks' time.

His Excellency the PRESIDENT said—There is nothing left for me to say except to thank you for the cordial way in which you have received the measure I endeavoured to put before you. Sir Charles Ollivant supplied many of the points that were raised in the debate, and you will not need my assurance that you will have ample opportunities in the Select Committee for considering all the points which have been touched upon by honourable members. I will now put the question that the Bill be read a first time.

Bill read a first time.

The motion was agreed to *nem con*, and the Bill was read a first time.

His Excellency the PRESIDENT said—I now move that the Bill be referred to a Select Committee consisting of the Honourable Sir Charles Ollivant as Chairman, and the Honourable Messrs. Hughes, Thompson Moriarty, Abercrombie, P. M. Mehta, Bhalchandra Krishna an

Bill referred to a Select Committee.

Fazulbhai Visram, as members, with instructions to report within three weeks. I should like to mention that the Honourable Mr. Thompson will shortly be leaving this Presidency for a brief period, and that in the meantime I wish to replace him by Mr. Doig, who will act in his absence as Secretary to Government in the Public Works Department. I shall appoint Mr. Doig a member of the Council, and I desire the authority of the Council to put him on the Select Committee in place of Mr. Thompson.

The motion was agreed to.

**BILL No. II OF 1897—A BILL TO AMEND THE SIND VILLAGE OFFICERS
ACT, 1881, AS AMENDED BY BOMBAY ACT II OF 1888.**

The Honourable Mr. NUGENT moved that, for Section 1 of the Bill as approved in Council on the 20th December 1897, the following be substituted:—

1. In section 2 of the said Act, for the words "Kotars or Tapedárs' peons" there shall be substituted the following, *viz.*:—

"Supervising, Probationary, Special and Náib Tapedárs, Zabits, and Kotars or Tapedárs' peons."

He said—This little Bill of which I have had charge is an obscure and inoffensive dwarf which is sandwiched in between the colossal measure dealing with reconstruction of chawls, reclamations, and making of roads with which we have been dealing, and the Police Bill over which an Armageddon is to be fought to-morrow. In regard to the amendment of which I have given notice, I may explain for the benefit of honourable members who like myself have no knowledge of the outlandish terms used in describing village officers in Sind that a "Zabit" means a measurer, a "Náib Tapedár" means the Náib's Deputy, while a Kotar means a Tapedár's peon. This amendment has been urged on the acceptance of Government by the Commissioner in Sind who thinks it is necessary to include in the general term of village officers, the public servants whose nomenclature I have explained. There is, so far as I can judge, no objection to making this alteration which will have the effect of making the application of section 2 of the Act complete enough to include these public servants.

The amendment was carried.

The Honourable Mr. Nugent moves the third reading of the Bill. The Honourable Mr. NUGENT then moved that the Bill be read a third time.

Bill read a third time and passed. The motion was agreed to, and the Bill was read a third time and passed.

His Excellency the PRESIDENT then adjourned the Council until noon the following day.

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

S. L. BATCHELOR,

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

Bombay, 14th February 1898.

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 ACTS, 1861 and 1892."

The Council met at Bombay on Tuesday the 15th February 1898, at noon.

P R E S E N T.

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

The Honourable Mr. JOHN NUGENT, C.S.I., I. C. S.
The Honourable Sir E. CHARLES K. OLLIVANT, K.C.I.E., I. C. S.
The Honourable the ADVOCATE GENERAL.
The Honourable Mr. W. H. CROWE, I. C. S.
The Honourable Mr. J. MONTEATH, C.S.I., M.A., I. C. S.
The Honourable Mr. H. M. THOMPSON, B.A., M.Inst.C.E.
The Honourable Mr. A. ABERCROMBIE.
The Honourable Mr. DAJI ABAJI KHARE, B.A., LL.B.
The Honourable Mr. NARAYAN GANESH CHANDAVARKAR, B.A., LL.B.
The Honourable Mr. T. B. KIRKHAM.
The Honourable Mr. W. C. HUGHES, M.Inst.C.E.
The Honourable Mr. A. S. MORIARTY, I. C. S.
The Honourable Mr. BHALCHANDRA KRISHNA BHATAVADKAR, L.M.
The Honourable Mr. GOKULDAS KHANDAS PAREKH, B.A., LL.B.
The Honourable Mr. FAZULBOY VISEAM, C.I.E.
The Honourable Mr. DHONDO SHAMRAO GARUD, B.A.
The Honourable Mr. P. M. MEHTA, C.I.E., M.A.
The Honourable Mr. VRIJBHUKHANDAS ATMARAM.
The Honourable Mr. A. WINGATE, C.I.E., I. C. S.

His Excellency the PRESIDENT said—Before the business of the Council commences I wish to say one sentence. In the course of his speech yesterday Mr. P. M. Mehta took advantage of the opportunity to call my attention to the fact that there was considerable misapprehension in certain parts of the city owing to certain plague regulations. He said that he did not speak of his own definite knowledge, and that the rumour might be unfounded, but still he had been told so by certain people upon whom he could rely, and he asked the Government to take the matter into consideration. Well I was struck by this statement of the honourable member, and I lost no time in communicating with Sir James Campbell, the Chairman of the Plague Committee, and I have had a conference with him, Mr. N. G. Chandavarkar, Dr. Bhalchandra, Mr. Gokuldas, and Sir George Cotton. Upon two or three occasions last year I called the native gentlemen together and invited their assistance and their co-operation. I cannot say that I proceeded very far until I got together the Justices of the Peace of Bombay in the Town Hall. A very large number of these Justices of the Peace, at my suggestion, came forward to assist the plague authorities of that day. Whether the same number of those gentlemen who worked in such an heroic manner last year is at work this year I am unable to say, but still there is ample opportunity, I can assure you, for a great

many more native gentlemen to come forward and assist in such parties. I must ask all you gentlemen who have influence and have friends in various parts of the town to make every effort to induce people to come forward to explain the measures to their fellow-townspersons and thus to do away with any alarm which might be caused. The Government have done the very utmost they could, and their efforts will be continuous and more extensive than ever, but still we must ask for all the assistance that can be given us by those who are intimate with, and understand the habits of, the people themselves; so I trust that this appeal, which I am now making to those of you who have influence, will not be made in vain. At the same time you will believe me when I say that I, and the Government, my honourable colleagues on the Council, Sir James Campbell, and all the members of the Plague Committee are as anxious, the one as the other, to allay any feeling of misapprehension that may possibly exist. It will be considered how far the present measures are successful, and how far it may be possible to alleviate suffering which, I am told, exists. Now I have nothing to say further on this point. It is a matter which was brought to my attention yesterday by Mr. Mehta in the course of his remarks, and I thought it was well to lose no time in taking the course I have done. I can only repeat that I must rely upon those who have influence coming forward to give assistance, and I would ask that names may be sent to Sir James Campbell of those who may be relied upon to take part in the work, and to take charge of streets. The Council will recognise that the Government have properly estimated the value of the suggestion made by the honourable member, and I thought it right to say these few words on the question.

**BILL No. III OF 1937: A BILL TO AMEND THE BOMBAY
DISTRICT POLICE ACT, 1890.**

In moving the second reading of the Bill to amend the Bombay District Police Act, 1890, the Honourable Sir CHARLES OLLIVANT said—Your

The Honourable Sir Charles Ollivant moves the second reading of the Bill to amend the Bombay District Police Act, 1890.

Excellency,—The sum of the deliberations of the Select Committee on the District Police Act Amendment Bill, the results of which are now before you, can, I think, be accurately described as a mixed number, in which the

integral represents the concord of the majority and the fraction the slight residuum of dissent. Further, I believe, the fraction is one that may be rightly called an improper fraction. I do not mean any offence, and my knowledge of arithmetic is of a most elementary character; but I think that you will find that my description applies to the minutes of dissent of Mr. Garud and of Mr. Chandavarkar, as one of the principal factors of the former is cancelled by the latter. Some of the difference between these minutes and the report of the majority may be attributed to that charming variety which distinguishes the free play of independent originality from the more prosaic cohesion of official discipline. I see that besides the minutes of slight dissent there are on the agenda paper amendments proposed by another honourable member in regard to which I need not allude in any details, but I am confident they would not have been there if only your Excellency had been able to make the Select Committee a little more elastic and had included in it the name of the honourable member (Mr. Khare) who has proposed these amendments. Now, Sir, let me say briefly what the Select Committee has done. In the first place, it has made it perfectly clear that the term of payment of the cost of the police is not to be unreasonably extended. In the second place, it has made it practically clear

that this Bill does not imply any kind of burden on individuals as such. It deals with the community or sections of the community. Thirdly, we have, we believe, improved the Bill in respect to various verbal amendments.

Of course the principal question which the Council will discuss to-day, judging from the amendments that have been proposed, will be that of the liability of absentees. Now the Honourable Mr. Garud has taken a thoroughly constitutional view which commands my respect and sympathy. He says that if there is a state of things in the locality which requires the entertainment of an additional force of police other than the normal force paid for by the general tax-payer, then the privileges and responsibilities of citizenship must come into play and the rate-payer of the disturbed area must say: "I recognise in these obligations the obligations which devolve upon me as a citizen and I am perfectly willing to take my share of the extra expense. I am not going to enquire whether it is owing to my neighbour's misconduct that this extra force is quartered here. I subordinate any consideration of that kind. I must take my share of the cost and pay it." These are very noble sentiments and I am cordially with the honourable member that if they prevailed, the necessity for charging the extra force to a particular section of the community because it had been a cause of the disturbance would not exist. Very well, what follows? If we accept this as the proper way to bear the responsibilities of citizenship, then surely it can hardly be argued that the fact of a man being away from his place of residence for a time relieves him of that responsibility. Supposing the charms of your Excellency's hospitality at Poona induce an honourable member residing in Bombay to leave the city for a period, is he thereby to be relieved from the payment of rates which attach to his property in Bombay? Or if he comes to break the official monotony of life at Maháleshvar, does he escape his liability? It seems to me that if once you accept this liability as a general charge attaching to citizenship, then it becomes a matter of course that the property owner must pay his share whether he is at the time in the place or out of the place. I can speak from my own experience. At the present moment I am paying the rates of a small house in England. I am not aware that this is due to any misconduct on my part, except perhaps the act of folly I have committed in being here instead of there. If, then, that applies to cases where the whole community is taxed, surely it must equally apply when an impartial judgment shows that this or that section is responsible and no other. Now as to the question of selecting a particular section for liability it would be invidious if I were to illustrate my meaning by a reference to this or that tribe or caste. But some of you, gentlemen, who are familiar with certain parts of the Presidency, know the gulf which divides the two sections known as the Ujliparaj or white-skinned and the Kaliparaj or dark-skinned races. Now let me suppose that in a village of this kind one of these sections created a disturbance which led to the employment of additional police, would it be reasonable for one moment to make the innocent section pay as well as the guilty? Well, if only the guilty should pay, are we going to exempt from responsibility some member of the guilty section who may have been absent from the village when the disturbance arose? I know in my own experience cases where the very worst offenders, the leaders who were responsible for these disturbances, had remained away, and yet according to the doctrine put forward here by some gentlemen they are the people who would be exempt from liability. I think what I have said is quite sufficient to show that the plea put forward for exemption on account of absenteeism cannot be admitted for one moment.

It is not applied to any incidence of taxation that I am aware of, and it should not be applied to this.

The only other point of importance in connection with the Bill to which reference need be made at this stage, is as to the payment of compensation for damage caused in disturbances. Now, Sir, I think that as to the principle of compensation we are all agreed, but the amendments point to the fact that in some quarters it is thought that this liability to payment of compensation should only extend to an area which has been already proclaimed. Well, I ask, can that possibly be reasonable? Supposing there is a riot in a street in Bombay, and the shop-keepers have their windows broken, would it not be a poor satisfaction to them to say: "We cannot grant compensation, as your street has not been proclaimed, but next week Government will put a notification in the *Gazette*, so that if in future the same people should break your windows they will have to pay you?" Then there is a lesser point which is this, that if a person or persons have to pay compensation under this section, the aggrieved party should not be in a position to claim further damages by a civil suit. As to that principle I am in entire accord with the honourable gentleman who has given notice to move the amendment. In fact, the Select Committee would have adopted that principle had they not thought that thereby they might be interfering with the rights secured to the subject under Acts of the Imperial Legislature. We have since learned that that difficulty does not exist, and therefore when the proper time comes I shall be ready to acquiesce in an amendment of the section importing into it terms corresponding to section 546 of the Criminal Procedure Code.

Before I sit down I would direct the attention of the Council to what I ventured to call the free play of independent originality as shown in the proposal to strike out section 11 of the Bill. Now, Sir, the presence of that section in the Bill has been explained in the statement of objects and reasons to be due to the fact that under a ruling of the High Court in 1896, the behaviour or action of persons constituting an unlawful assembly is not included in the legal meaning of the words "conduct of an unlawful assembly." Now our English word "conduct," like many words in Hindustani, may be used in more than one sense. It may mean the leading or guiding of an assembly or the actions of those who take part in it. But according to the ruling of the High Court, the legal meaning of the word in the Police Act is the management of the procession and not the behaviour of persons constituting it. It is for this reason that we propose section 11, to which Mr. Garud takes exception. What we want to get at may be shown by an illustration. If a person goes out into the street in a state of pristine nudity the new law provides that he may be forthwith arrested so as to prevent him from incurring heavier punishment, and also to prevent the modesty of spectators from being shocked. My honourable friend says: "No, that is unnecessary; there is no occasion to do this, because when a man has committed such an offence you may put him into prison." But then all the evils we wish to avoid have occurred and decency has been outraged. We prefer to act on the principle that prevention is better than cure. I, therefore, think that there can be no question but that the Council will accept the concluding clauses of the Bill, the second reading of which I now move.

The Honourable Mr. DHONDO SHAMRAO GARUD said—Your Excellency,—Before speaking on the motion before the Council I beg leave to express my grateful thanks to Sir Charles Ollivant for the generous way in which he has explained to the Council my attitude towards this Bill. Turning now to the Bill itself, I do not feel myself justified in voting

against this motion for the second reading of this Bill, because my objections apply not so much to the principles underlying this legislation as enunciated by the honourable mover—principles which have my entire concurrence—but to the provisions of the Bill which deviate from those principles. The Bill as it was presented at the first reading was strongly objected to because it threw its protective character entirely into the shade, and made it obnoxiously coercive and punitive. I had the privilege of serving on the Select Committee under the generous guidance of the honourable mover, and, though I am thankful for the improvements which the Bill received in Select Committee, I am sorry to say that even on points in which the Bill was not in harmony with Act VIII of 1895 of the Government of India, the Select Committee did not see their way to accept my amendments. I shall refer to those points, more particularly, in speaking to the amendments of which I have given notice. I shall now confine my remarks to showing that protection and not punishment is the right principle to be recognised in a measure of this kind. "Police," says Bentham, "is in general a system of precautions either for the prevention of crime or of calamities. It is destined to prevent evils and provide benefits." It is a natural corollary from this definition, that the parties who are benefited by the safety given to them by Police protection are the proper persons to bear its cost. These were the lines upon which our law was also based. Originally all this cost was paid from general revenues, that is, by the general tax-payer. This was the case until 1867, when Bombay Act VII of 1867 (which was the first District Police Act introduced in our Presidency on the model of Act V of 1861 of the Government of India) was passed. That Act provided for the first time that though the cost of the ordinary Police establishment was a charge on the general revenues, the cost of additional Police should be made up by local contribution from the inhabitants of the country in which the additional Police were quartered.

In speaking upon this innovation the Honourable Mr. Ellis, who was in charge of the Bill, said—"Another section which had caused some discussion, and in regard to which he regretted to say his honourable colleague Mr. Mangaldas Nathubhoy did not quite agree with the rest of the Committee, referred to the employment of special police in cases where such police might be required, owing to local disturbances. It had been thought by the majority of the Committee, that the rule should be adopted which was of universal application in England, *viz.*, that when from local disturbances, extra police were required, the increased cost should be met by local contribution, and should not be thrown on the general revenues of the country. But Mr. Mangaldas, on the other hand, thought it was the duty of the State from the State resources to provide for the cost of these extra police; in other words that the cost should be paid from the taxes paid by the community generally." In the discussion which followed upon this section there was a general consensus of opinion in the Council, including the members of the Executive Council as well as His Excellency the Governor, that if the principle of levying the cost of additional police by local contribution was to be conceded, there should at least be some limit to such levy. His Excellency the Governor (Sir Seymour FitzGerald) went so far as to suggest that the limit might be fixed at an amount equal to one year's land revenue. But on the suggestion of the Honourable Mr. Ellis that there were difficulties in the way, in adopting that course, and on the Honourable Mr. Mangaldas Nathubhoy agreeing to leave the matter to the discretion of Government, the section was amended in the following form, *viz.*:

"The cost of such additional Police may wholly or in part at the discretion of Government be defrayed by a local rate charged on the part of the country described in the notification, &c."

This was and is still the distinguishing feature of our law. For, while Act V of 1861 charged the whole cost of additional police on the inhabitants, our law taking local circumstances into consideration vested the Government with the discretion to charge either the *whole* or a *part* of the cost on the inhabitants. It provided, in other words, for cases in which a part of the cost of additional police might be collected by local contribution and a portion paid from the general revenues. This would clearly show that the charge was not intended to be punitive. The same principle was retained in Act IV of 1890. Section 25 of the Act, which corresponds to Section XVI of Bombay Act VII of 1867, is to be found in Chapter II, which is headed "Organisation of the Police," and not in Chapter VI, which is headed "Offences and Punishments." The police force is classified in that chapter into (1) the general police, whose cost is to be paid for entirely by Government, (2) special Police which is to consist of volunteers and (3) additional Police. There are three cases in which the employment of additional police is contemplated. First, when any person applies for the services of additional police. In that case, as he is the person benefited, he pays for it. Secondly, when on any railway, canal or other public work it is found necessary by the District Magistrate to depute additional police. Here, again, it is the *employer* who is *benefited* by this additional police protection who pays the cost; and the third case is when Government direct the employment of additional police in a local area which is found to be in a disturbed state. Here Government have the discretion according to sub-section (2), Section 25 of the Act to recover the whole or a portion of the cost from the inhabitants generally, or "any particular section of the inhabitants," of the local area. The words "any particular section of the inhabitants" were newly introduced into the Act and they seem to have given scope for the belief in the official mind that the section was intended to be punitive. How the new words found a place in this section I shall show later on when I speak on the amendment of the section I have proposed.

: The Honourable Sir CHARLES OLLIVANT—To which section does the honourable member refer?

The Honourable Mr. GARUD—Section 2.

The Honourable Sir CHARLES OLLIVANT—I think that the point will be made clear if the honourable member refers to it when he moves the amendment. We shall then know what it is to which the honourable member objects.

The Honourable Mr. GARUD continuing said :—Judging from the place and the companionship in which we find Section 25, it would appear that it was not the intention of the legislature that it should be worked on punitive lines; but that like its two other companions the cost of additional police in this case also should be recovered from those who were most benefited by it. Those who construe this section as a punitive provision forget that the object of the section is not punishment but the collection of money, and that the question which the Government have to take into consideration is not the *guilt* but the *means* of the persons who are required to pay it. Suppose for a moment a case in which Government are obliged to quarter additional police at a place, owing to the conduct of ten persons; and it is found that these persons have not the means to pay the

cost, will not the Government be justified in recovering the cost from the inhabitants generally, and how can that be done if liability were to attach to the guilty persons only? The benefit of protection is, therefore, the only safe test in determining this liability and the same principle is observed in English law. Statutes 11 and 12 Vic., c. 2, 49 and 50 Vic., c. 38, and similar other statutes all provide for the recovery of the cost of additional police from the inhabitants generally of the locality in which the additional police force is quartered.

But somehow or other this section has come to be looked upon as a punitive section; and that principle is further elaborated in the Bill now before the Council. The provisions for the exemption of classes or sections, or individuals are all aimed in this direction, and it is this mischief which I seek to remove by proposing the omission of the words "or any particular section of the inhabitants" from the section. In other respects I propose that the important amendments which have been made by Act VIII of 1895, in Act V of 1861 of the Government of India, should be incorporated in our law; and those provisions which do not find a place in that law should also be given no place in ours. Then only will our law be really a measure of harmony and relief; and it is to secure that end, which I feel sure will commend itself to all, that I have to bespeak the support of this Council. I wish the Honourable Mr. Mehta were in his place during this debate. He was a member of the Supreme Legislative Council when Act VIII of 1895 was passed, and his personal knowledge of the subject would have been of great use in our deliberations on this Bill :—

The Honourable Sir CHARLES OLLIVANT said—The honourable member says that his objections relate exclusively to matters of detail, and that he agrees with the principles of the Bill. This being so, he supports the second reading, and, therefore, I need not at this stage reply to his arguments. I may say I am heartily in accord with him when he says this law may be regarded as conferring benefit upon the people.

Bill read a second time.	The motion for the second reading of the Bill was then put and carried, and the Bill was read a second time.
Consideration of the Bill in detail.	The Council then proceeded to consider the Bill in detail. The preamble was postponed.

Sections 1 and 2 having been adopted, the Honourable Mr. GARUD moved the addition of the following section in the Bill :—

"For sub-section (1) of section 25 of the said Act, there shall be substituted the following, *viz.* :—

'25. (1). (a). It shall be lawful for Government, by proclamation to be notified in the Official Gazette, and in such other manner as Government shall direct, to declare that any area subject to its authority has been found to be in a disturbed or dangerous state, or that, from the conduct of the inhabitants of such area or of any class or section of them, it is expedient to increase the number of police.

'(b). It shall thereupon be lawful for the Inspector-General of Police, or other officer authorized by Government in this behalf, with the sanction of Government, to employ any police force in addition to the ordinary fixed complement to be quartered in the area specified in such proclamation as aforesaid.' "

The honourable member said—The first amendment which stands in my name refers to sub-section (1) of Section 25, which is not touched by the Bill though many and very serious alterations are made in sub-section (2) of the same section. I will briefly demonstrate to the Council the necessity of this amendment.

This section was copied into our law with one slight modification from Act V of 1861 of the Government of India. Section 15 of Act V of 1861, so far as it is relevant to our present object, runs as follows :—

“It shall be lawful for the Inspector-General of Police, with the sanction of the Local Government, to be notified by proclamation in the *Government Gazette*, and in such other manner as the Local Government shall direct, to employ any police force in excess of the ordinary fixed complement to be quartered in any part of the General Police District which shall be found to be in a disturbed or dangerous state or in any part of the Police District in which from the conduct of the inhabitants he may deem it expedient to increase the number of police.”

The corresponding section in our law was Section 16 of Bombay Act VII of 1867, the material portion of which ran as follows :—

“It shall be lawful for Government, by notification and in such other manner as may to it seem fit, to direct the employment of any police force in excess of the ordinary fixed complement quartered in any part of the Presidency which shall be found to be in a disturbed or dangerous state, or any part thereof in which from the conduct of the inhabitants Government may deem it expedient to increase the number of Police.”

Your Excellency will observe a slight change in the two sections. This was due to the circumstance that at that time we had no Inspector-General of Police. The control over the administration of the police then vested in the Commissioners and the Honourable Mr. Ellis was strongly opposed to the creation of an Inspector-General, and the section came to be worded as it was. The same provision is to be found in Section 25, sub-section (1), of Act IV of 1890. Under this section the employment of the additional police and the declaration of the local area are made at the same time. But in 1895, when Act V of 1861 was amended in the Supreme Legislative Council by Act VIII of 1895, a change was made in this section by the Select Committee of which the Honourable Mr. Lee-Warner, who represented our Presidency, was a member. In their report on the Bill the Select Committee observed that they had made important changes in this section, which was Section IV of the Bill :—

“We have,” they say, “provided for the issue of a preliminary proclamation by the Local Government declaring a local area to be in a disturbed or dangerous state or that the conduct of the inhabitants is such as to make it expedient to increase the number of police. The notification of this proclamation of the Local Government must precede the further action to be taken either in the direction of quartering an additional police force under this section or of the award of compensation for injuries suffered.”

Speaking on this amendment the Honourable Sir Anthony Macdonell in submitting the report of the Select Committee to the Supreme Legislative Council said—

“On the points on which the Bill agrees with Section 15 of the existing law, I presume that no defence of the Bill is expected from me. Taking in order the points

on which it differs I do not anticipate that any objection will be raised to separating the proclamation from the action taken in virtue of it. As a general rule, no doubt, action will follow without delay on the issue of the proclamation, but there may be cases in which the mere issue of the proclamation will bring the turbulent parties to a due sense of their responsibilities and perhaps by forcing them to settle their quarrels obviate the necessity of any further precautionary measures. At all events it cannot be denied that the amendment of the section on this point is in the direction of leniency so far as it goes." Further on he said—

"It is the expectation of the Government of India that the Government of Madras and possibly the Government of Bombay will on a suitable opportunity review their Police Acts and if necessary amend them in the chief points dealt with in this Bill and on such other points as local circumstances may suggest."

This section of the Bill was unanimously adopted by the Supreme Council and is now law.

But in this Bill, which is the first Bill introduced into this Council after the passing of Act VIII of 1895 to amend the District Police Act, no notice is taken of this special provision, "in the direction of leniency." I was given to understand that it was not within the cognisance of the Select Committee as it was not included in this Bill. But I respectfully submit that when any portion of a section is under consideration, the whole section is a proper subject for discussion and amendment. It is highly essential that in this particular our law should be in harmony with the Act of the Government of India. It will also bring our law into harmony with the English law. In Statutes 11 and 12 Vic., c. 2 (an Act for the better prevention of crime and outrage in Ireland), the Lord Lieutenant is authorized to declare by proclamation that, from and after a day to be named in such proclamation, the Act shall apply to any county. Such a provision will save the Government much of the odium necessarily attaching to such an exceptional measure as the quartering of additional police. It would facilitate the restoration of tranquillity and enable Government to withdraw or reduce the additional force in much less time than would otherwise be the case. There will probably be no riots or disturbances after such a proclamation is published, and people are warned that they are on their best behaviour. It will in short be a potent instrument for good and without much cost be an effectual means of securing that prevention and protection, which are the sole objects of the police law.

The Honourable Sir CHARLES OLLIVANT said—I must oppose this amendment. I do so on three grounds; first of all because when a Bill to amend an Act is introduced, fifteen days' notice has to be given: but now a proposed new clause has been thrown at our heads like an apple of discord, which has no immediate reference to any section in the Bill as introduced, and we have to consider it within five days. This is a most dangerous precedent, and one that ought not to be accepted. Secondly, I oppose the amendment because of the subtle meaning behind it. If the honourable member were to succeed in carrying that clause it would mean that no compensation would be obtainable except in an area that had already been proclaimed. The result of that would be most pernicious. My third ground of objection is that if we are to touch this sub-section at all, which I consider we are not now at liberty to do, I should prefer to make the amendment far more comprehensive, and to omit all reference to a disturbed state or the conduct of the

inhabitants and to leave Government to decide, without casting any reflection on the inhabitants, when an additional Police force should be imposed at the local expense.

The amendment was then put and negatived.

The Honourable Mr. GARUD next moved, in Section 3 of the Bill, to omit all the words after "tax" in line 34 to the word "charged" in line 46, and in place thereof to *substitute* the following:—

"or a rate charged on the inhabitants generally of the local area to which such notification applies."

He said—Your Excellency,—I move this amendment in the first place because it seems to me that it is not right that both a rate and a tax should be levied on the inhabitants. One and the same person should not have to pay both; and then, as stated in my minute of dissent, I object to any particular section or sections of the inhabitants having to pay for the police. As the honourable member in charge of the Bill has explained, the object of employing additional police is not punitive but protective; why, then, should a particular class or section be singled out to pay for the same? Your Excellency knows that the cost of the police, whether it was ordinary or additional, was from early times paid by the State or, in other words, was a charge on the General Revenues. This was so until 1861 when Act V of 1861 was passed in the Supreme Legislative Council. Section 15 of that Act provided that, although the ordinary police was as formerly to be paid for by the State, the cost of additional police quartered in a proclaimed area was to be paid for by the inhabitants of such area described in the proclamation. But this new distinction was not considered suited to the circumstances of our Presidency, as will be seen from what was said at the time our first District Police Act (Bombay Act VII of 1867) was being considered. (A pause.)

His Excellency the PRESIDENT—It will be better if the honourable member can proceed a little more expeditiously, as he is trying the patience of the Council.

The Honourable Mr. GARUD—I was going to point out, Your Excellency, that the Honourable Mr. Mungaldas Nathubhoy strongly maintained that the cost of the additional police should be borne by the State, or at least some limitation should be placed on the charge, so that poor ryots should not be ruined by an exorbitant tax to meet the cost. Both official and non-official members of the Council sympathised with the contention of the Honourable Mr. Mungaldas, and after much discussion the portion of Section 16 of Bombay Act VII of 1867, which is pertinent to my present purpose, was worded as follows:—

"The cost of such additional Police may wholly or in part, at the discretion of Government, be defrayed by a local rate charged on the *inhabitants of the country described in the Notification.*"

In 1890 Sir Raymond West brought forward the Bill which subsequently became Act IV of 1890. In this Act Section 25, sub-section (2), runs as follows:—

"The cost of such additional police shall, if Government so direct, be defrayed, either wholly or partly, by a rate charged on the inhabitants generally or on *any particular section of the inhabitants* of the local area to which the notification applies."

How the words "or on any particular section of the inhabitants" came into this section it is impossible to conjecture. For there is not a word in the speeches of the Honourable Sir Raymond West or of the other honourable members with reference to

this section. As the Honourable Mr. Stevens remarked in the Supreme Legislative Council, there is not a single word in the report of those debates on this point, though there were animated debates on many points—from the relations of the Inspector-General and the District Magistrate to the Police down to the destruction of dogs, muzzled or unmuzzled. (A laugh.) The fact was that the one great point upon which the interest in the Bill centred and which was then very hotly discussed was the question of the appointment of an Inspector-General, and the effect of that appointment on the powers of the Commissioners. This amendment of Section 25 was not noticed by the honourable mover and did not arrest the attention of the other members of Council—official as well as non-official. The words slipped into the Act quite unobserved. The same words were imported into the Act of the Government of India (VIII of 1895) from our Act. The Government of India wrote to our Government to report on the procedure followed in the working of this section, and, in reply, our Government stated that the power to levy the rate from the guilty portion of the community is a most valuable instrument in preserving peace. Yes, if the rate can be levied from the guilty portion of the community, it is undoubtedly a valuable power. But can that be done? I have already pointed out that it was not the aim of the section. The aim of the section is the recovery of a money contribution, and not the punishment of the guilty, which can well be taken care of by the Courts which administer criminal justice. The application of this section in a punitive sense is not only unjust to the parties concerned, but prejudicial to Police morality. Already we hear numerous complaints about the inefficiency of the Police, and we know how they attempt to throw blame from their shoulders on the judicial courts. If the idea gains ground that this section is a punitive section, the Police will be sure to move that it should be brought into operation and punish the very parties whom a judicial court may have declared to be not guilty. If the Government themselves admit that it will be impossible to exclude innocent men from the operation of this section, why introduce class distinctions which in levying other rates and taxes are not recognised.

The Honourable Mr. NARAYAN GANESH CHANDAVARKAR said—Your Excellency,—I intend to oppose this amendment, which seeks to restore the law as it had been before the Bombay District Police Act of 1890 came into force. The Honourable Mr. Garud carried us back to the times of Sir Seymour Fitzgerald and the law passed in his time, but he has omitted to mention what has taken place since then. Under the Police Act of 1867, no doubt, the cost of additional police could be imposed only on the inhabitants generally, but as a matter of fact we find Government imposed that cost on sections or classes in at least two places, though it had not the legal power to do that. For instance, there was a punitive police post levied on the Mahomedan population of Málegaon in January 1886, and in January 1887 it was levied on the Mahomedan population of Sholápur. No protest appears to have been made in any quarter against that, and I find from the official reports that the imposition of the cost of additional police upon classes or sections has enabled the executive to prevent breaches of the peace and control specially criminal tracts. Then came the measure which became Bombay Act IV of 1890. That measure was proposed by so eminent a jurist as Sir Raymond West, and two such cultured and thoughtful representatives of the native community as Mr. Justice Ranade and the late Mr. Javerilal Umiashankar held seats in the Council then. The measure passed unopposed so far as the question of imposing the cost of additional police on sections was concerned. That section gives the executive a discretionary power, which, so far, there has been nothing

to show has been unwisely exercised, and which it is desirable they should have, having regard to the special conditions of this country, the variety of castes and creeds, and the riots they now and then have given rise to. Nor do I see why all inhabitants should be charged with the cost of an additional police force in a place where certain portions of those inhabitants are responsible for its disturbed condition. Take, for instance, the riot which occurred a few years ago in a town in the Bijápur District. In that riot the Hatgars living in one street and the Lingáyets living in another took part. The other classes were neutral and peaceably disposed. Now, why should in such a case the peaceably disposed sections bear the cost of additional police required to keep peace between two particular sections of the community? It is said that legislation of this kind is *protective*, and that, therefore, it is not consistent with the protective principle to impose the cost of additional police on particular sections or classes. But the measure is not only protective but also *preventive*, as I was careful to point out in the observations which I addressed to the Council at the first reading of this Bill; and it is not at all contrary to the preventive character of the measure to impose the cost of additional police on classes or sections. That has been the law since 1890, and no valid ground is shown for returning to the older law.

The Honourable Sir CHARLES OLLIVANT said—Your Excellency,—It seems to me that my theory as to the fraction of dissent has been completely established, when we find the last speaker supplying reasons why the amendment should not be passed. The Honourable Mr. Garud's views as to what was intended when the legislation on this subject was before the Legislative Council have been sufficiently met by the Honourable Mr. Chandavarkar. As to Mr. Garud's contention that it is unjust to levy both a rate and a tax on the same person, the words have been used simply because we are advised that that is the best way of expressing the collection of a charge on a person or on property. Mr. Garud's idea is that the inhabitants will have to pay more in consequence of the use of both words "rate or tax." Now I will assume that in a particular case a force costs a thousand rupees a month, and that the place has a population of 500 of whom 100 are property-holders. Now supposing the 100 property-holders had to pay a "tax" thereon, and no "rates" were levied, the cost of the police to them would be Rs. 10 per mensem. But supposing that the tax was only intended to yield half the cost of the additional police, while half was yielded by rates, the 100 owners would share with the 400 other inhabitants the chargeability for this remaining moiety. The result will be that instead of paying ten rupees they will pay only six rupees. The Honourable Mr. Garud will therefore understand that instead of increasing the burden on individuals, the power to levy both a tax and a rate will distinctly relieve them. I oppose this amendment.

The Honourable Mr. GARUD—What I suggested was that a man should not be liable to pay both at the same time.

The Honourable Sir CHARLES OLLIVANT—As I have just explained, the liability to pay both may distinctly relieve the property-owner and he may pay less in consequence.

The amendment was then put and negatived.

The Honourable Mr. DAJI ABAJI KHARE said—With your Excellency's permission I will lump together the first three amendments of which I have given notice and which are as follows :—

- (1) In section 3, to omit the whole of the Explanation.

(2) In the event of amendment (1) being negatived, to *omit* in the Explanation to section 3 the words "or by their agents or servants" in lines 49 and 50, and also all the words after "area" in line 52.

(3) In the event of amendment (2) being also negatived, to *omit* in the same Explanation all the words after "area" in line 52.

The principle underlying these amendments is the liability of absentee landlords. I was for some moments doubtful as to whether I should propose this amendment, because I was afraid of receiving a threat from the Honourable Sir Charles Ollivant, similar to the one he gave to my honourable friend the Honourable Mr. Garud. I was afraid that, if I did not withdraw this amendment, the honourable mover might come forward with an amendment which would make the definition of the word "inhabitant" still more comprehensive. But I have resolved not to yield to any such possible threat, and I proceed now with the grounds of my proposal. The honourable mover said that property had its responsibility, and a man ought not to be able to shirk that responsibility simply by removing himself away from it. A man might go to Mahableshwar for a few days or go to Bombay and might plead that as an excuse. He himself had property in England for which he was paying rates although he is in this country. My Lord, the honourable mover did not tell us what rates he paid and under what Act. In the absence of that information I will tread upon ground known to me and not walk upon unknown territory. I will take local considerations and say that it is no reason to exempt a man from the land revenue simply because he was living far away from his land; but because this last proposition was correct, it did not show that the principle of charging absentee landlords under this Bill is also correct. The argument of the honourable mover is based upon an analogy which I think does not apply. It is a false analogy, and arguments founded upon such an analogy are liable to be faulty. You have to consider here the nature of the tax. It is not a tax that is laid upon the land by the Bill; the liability arises quite irrespective of the person charged holding any land or not. This provision in the Bill is taken from the Act of the Government of India of 1895. There the arguments advanced by Sir Griffith Evans in support of such a provision and relied upon by the executive members were quite different. Sir Griffith Evans alluded there to agrarian disputes and to the influence the Zamindars have in Bengal over their villages; but in this Presidency there is no class of landholders situated in a similar manner. You have the Inámdár class here who have not the least influence over their tenants. These Inámdárs cannot recover their rents from the tenants, but have to depend upon the village officers for that. To saddle a class like that with liability, simply because they happen to hold property in a disturbed village, appears to me to be against common sense. There is again in the Government of India Act the provision for proclaiming a distrust before charging the landholders with liability to pay for the punitive police. In this Bill there is no such provision. If that provision existed there would have been some ground to support the proposal to charge the absentee landlord. The proclamation would put him upon his guard, and then he might do what he can to influence the people living round about his property. But the provision, as it stands, makes him liable even though he had not the least notion that anything was going to happen in the district where his property may be situate. Take the instance of the recent Sinnar riot. I can confidently say that nobody living outside of that town had any notion that a riot was going to occur, and yet this Bill would make all absentees liable.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH said—Your Excellency,—I rise to support the amendments. It seems to me that the making of non-resident holders of property responsible for any share in the cost of the additional police is opposed to correct principles. It is said that the additional police is a protective and preventive measure, and that as the lands of the absentee landlord receive protection it is just that he should be required to pay a portion of the cost. I do not deny that the additional police in one sense is not punitive but protective, inasmuch as if Government were satisfied that additional police is not needed for the purposes of protection or preventing a recurrence of the disturbance, they would not be justified in posting it with the mere object of punishing the inhabitants of the disturbed locality. But it does not necessarily follow that all who receive the protection must be responsible for the additional cost. According to the law that has existed in our Presidency for the last thirty years, the charge of the additional police falls primarily on the General Revenues, but it empowers the Government to require the inhabitants generally or a portion of them to pay these costs, wholly or in part. When all the inhabitants are made liable, it is not because they receive protection, but because they are suspected of being either implicated in the disturbance or keeping back the information from the authorities, or because the innocence of any particular section cannot be demonstrated. The intention of requiring the guilty to contribute is rendered clearer when we come to the question of sections of inhabitants. When a section of the inhabitants is charged it is only because it is responsible for the disturbance and not because its property required any special protection. Where a particular section of the inhabitants of a village is perfectly innocent, it would be unjust and impolitic to require it to contribute towards the cost of the additional police. If, in a village where there is a small, peaceful and thriving population of native Christian converts and a numerous Hindu population, there occurs such an outbreak of religious fanaticism on the part of the Hindus as to render the posting of additional police necessary, would it be right to charge the Christians with the cost because the protection was required for them and their properties, and to exempt the Hindu inhabitants because no danger to their lives or property was apprehended from the Christians? Similarly, if a village is situated on the boundary of a Native State and there is a disturbance in the Native State, and the protection of the inhabitants of the British village requires more than the usual complement of police, would it be right to charge its inhabitants for the costs? I submit that unless a man by his conduct added to the responsibility of the police, he was entitled to receive protection to his life and property without having to pay anything extra in addition to the taxes for which he is liable as Her Majesty's subject. The same conclusion follows from the manner in which the cost of the police is paid. It is paid out of the General Revenues. The requirements of the police are different in different districts; in one district one policeman is required for every 2 miles of the area; in another one is sufficient for an area of nearly 8 miles. In one district there is one policeman required on a population of 463; in another district there is a policeman to a population of 1,602; and yet the inhabitants have to pay in the same way. A peaceful district has not to pay smaller taxes for the peaceful habits of its inhabitants; nor has a turbulent locality to pay more because it requires a larger establishment of the police. When localities, which permanently require more than the average complement of police, have not to pay anything extra for protection, it is not fair that any extra payment should be charged when the employment is merely temporary. There is another reason why the non-resident holders of land should not be required to pay for the additional police. There is very little protection which the landlords receive. So far

as personal protection is concerned they have none to get from the additional police. In reference to protection of property, the crops, &c., which may require protection, belong to the tenants, and the tenants would come in for a share of the cost as persons actually residing in the area. Land-owners deserve sympathy. When a local disturbance occurs they are the greatest sufferers; their lands remain uncultivated; their tenants desert; the capacity of the tenants to pay rents is impaired. Their own interest ranges them on the side of peace and order. They should not be made to feel that they suffer for the sins of others. It is just possible that there may be black sheep amongst them, as we sometimes find among religious preceptors, but the whole class should not suffer for the faults of a few.

The Honourable Sir CHARLES OLLIVANT said—The Honourable Mr. Khare warned us against false analogies, and at the same time he said that he was doubtful about proposing the amendments of which he had given notice, lest I should threaten him with some more drastic change in the section afterwards. The only reason he could have had for that, is that when the Honourable Mr. Garud proposed to introduce a new clause into a sub-section of the Act which this Bill is not designed to amend, a clause moreover which we had no opportunity to consider, I said: "If you are going to introduce clauses into the Bill in this way, I should like to introduce a clause of a more drastic kind." The case is very different in regard to a proposed amendment of the Bill before us that has been duly considered. So much for the danger of false analogies. The honourable member went on to refer to the applications I made of the principle that property should be taxed, whether its owner is in the place where it is situated or not. What I said was in opposition to the theories put forward by Mr. Garud. I cannot conceive how, if you admit the principle that property is not liable to share the cost of a protective measure when its owner is absent, it is liable to pay any rates or taxes at all. I say most distinctly, that the protection of property demands that a share of the liability should fall on the person who owns it irrespective of where he may live. But it is said, that the tax is coercive when a particular section causes the disturbance leading to the imposition of additional police, and that it would be unfair to make holders of property belonging to that community, who are non-resident, liable to the tax. But supposing the well known leaders of the guilty section absented themselves from the place when the disturbance occurred, are they altogether to escape their liability in respect to their property because they were absent? There is only one answer to that. Take the particular case that Mr. Khare mentioned. Would it be fair that the particular people, whoever they were, who fostered the outbreak of disorder at Sinnar should escape all liability in the event of their having absented themselves from Sinnar at the time of the riot, leaving other persons less guilty than themselves to pay for the protection to be afforded there by additional police? It is true that the general police charges of this country are paid by the general tax-payer and not by the local tax-payer as in England.

The Honourable Mr. MEHTA—And in Bombay.

The Honourable Sir CHARLES OLLIVANT—Yes, a part of the cost is borne in the city of Bombay by the local tax-payer, but this Act does not apply to the city. Although, as I have said, the ordinary police charges are payable by the general tax-payer, the law provides that when a particular locality requires the employment of extra police the cost is to be recovered from that locality. That is the law, and the question before us is whether the liability should attach to non-resident property-holders. I have already

given my reasons for thinking that in certain circumstances it would be equitable for them to pay just as much as if they were resident. But at the same time I would also say that when the extra police are required in consequence of the action of a minority and it is clear that non-resident land-holders who do not belong to the offending section have had nothing to do with the disturbance, it would be gross injustice to make them pay, and in that case we say they are not to be liable. Except when the charge is received from the whole community the absentee land-holder is only to pay if he is a member of the turbulent section ; he has not to pay when the liability is imposed only on a section with which it is clear he had nothing whatever to do.

The Honourable Mr. KHARE—I submit, your Excellency, that as the mover of the amendments I have a right to reply to what has just been said.

His Excellency the PRESIDENT—The honourable member can proceed.

The Honourable Mr. KHARE—I have carefully listened to what has fallen from Sir Charles Ollivant; it is a very plausible explanation no doubt, but I must confess I do not see anything in it to lead me to change my views. I quite admit that one who is guilty ought to be made liable; that would be only reasonable. But the Bill proceeds in exactly the other direction. It presumes that even absentees are guilty and lays the burden of proving themselves innocent upon those absentees. That I submit is not a correct standpoint. If the Bill said that only those have to pay who are found by the authorities to be guilty the matter would be different; but unfortunately the Bill does not say that. I do not take it that this amendment will be carried, but I would point out that the explanation given by the honourable mover as to the operation of the Bill is quite different to that which is pointed out in the Bill itself.

The Honourable Sir CHARLES OLLIVANT—I make the honourable member a present of the last word and I only wish to say one thing. Mr. Khare has suggested in the course of the debate that the reasons given here for opposing the amendment are not the same as are given elsewhere. But I shall pay the honourable members of this Council the compliment of thinking that they give quite as good reasons for their views as any members elsewhere.

The amendments were then put and negatived.

Section 3 having been agreed to—

The Honourable Mr. GARUD said—I beg to move that Section 4 be omitted. It reads as follows:—“It shall be lawful for Government to extend, for a term not exceeding in any case five years, the period for the payment of such tax or rate beyond the period for which such additional police are actually employed.” I must acknowledge that this section has received some improvement in Select Committee, but it appears to me that the section is one which ought not to have been placed at all in this Bill. My Lord, there is no such section in Act VIII of 1895 passed by the Government of India, and that is one ground why it should not be introduced into this Bill. But my next ground is that, bearing in mind that the law in our Presidency directs that the whole or a part of the cost of additional police should be levied from the inhabitants, the insertion of this section will involve heavier burdens on the people. Our law is that when the cost is beyond the means of the people to pay Government should supplement the local contribution by a Government grant. Government have therefore in each case to consider the means of the people who have to pay the additional tax and limit the charge

on them according to those means. But I submit with the greatest respect that the discretion to extend the time of payment for a further period of 5 years or so, is likely to lead to this view of the case falling out of consideration. When it is represented to Government that it is beyond the means of the people to pay the cost, within the period of the quartering of the additional police, Government might say, well, we give them 5 years' further time within which to make the payment; and it might be thought that that was the greatest indulgence which the Government could show them. But I submit that when it is acknowledged that it is out of the power of the people to pay the cost within the time the additional police is quartered, that is a case not for granting further time but for Government to supplement the popular contribution by a grant from the general revenues. It seems to me that no advantage is gained by this extension of time. We know from our experience of payments of land revenue that while remission is a distinct blessing, suspension involves a heavier burden on the people than would have been the case if the payment were recovered when it was due. In the same way with these police charges, it might appear that Government were showing indulgence to the people by extending the period of payment, while in the long run the people will find themselves more and more involved than they would have been if the tax had been recovered in one year at once. I therefore beg to submit that this section should be omitted from the Bill.

The Honourable Mr. GOKULDAS PAREKH said—Your Excellency,—I beg to support the amendment which has been proposed by my honourable friend. I am opposed to the cost of the additional police being spread over a longer period than that for which it is posted. According to the law as it exists, if the cost of the additional police exceeded the capacity of the people to pay during the period of its stay, the people are required to pay according to the extent of their capacity and the rest of the charges are borne out of the general revenues. From the difficulty of distinguishing the guilty from the innocent a large number of innocent people are necessarily required to bear this charge. Burdens of this kind ought never to last long. If the people have to make payments for a year or so when the disturbance is fresh in their minds, the thing is at once forgotten. But when the payment is to be repeated for some years the hardship of the payment rankles in the mind and breeds discontent.

The Honourable Sir CHARLES OLLIVANT said—Your Excellency,—It is perfectly clear that neither of the gentlemen who have spoken has ever been behind in his land revenue or has overdrawn his bank account. For my part, however, I can approach the subject more sympathetically, and I am perfectly certain that it would be a boon to the people to have the period of payment extended. So far from introducing a change in the law, we have been advised that this is settled law, but we limit the period of payment to five years instead of leaving it indefinite as at first proposed.

The amendment was put and negatived.

Sections 4, 5 and 6 were agreed to.

The Honourable Mr. GARUD said—Your Excellency,—I beg to propose in accordance with notice that Section 7 be omitted from the Bill. It proposes to add Section 25A to the Act. This section refers to the compensation to be given by the District Magistrate in the event of death or grievous hurt or loss to property resulting from the acts of an unlawful assembly. Under this section the District Magistrate can also exempt any individuals he pleases from the payment of the tax. With regard to this section I would

first submit that it is an innovation which has never been recognized by our law before. As the law now stands compensation for such damage is not payable by the general community. The law is that if death or grievous hurt or damage to property arises from the act of any person or persons, those who are the immediate cause of that loss are the persons who have to pay compensation. We generally adopt the English law as our model, but this section does not even follow the English law. The English Statutes 49 and 50 Vic., c. 38, 11 and 12 Vic., c. 2, and similar other statutes allow compensation for loss of property only and make no mention of damages for death or grievous hurt, and the reason is obvious. The damages caused by death or grievous hurt are so varying that it is impossible to adjudge them according to one common standard as can be done in the case of property. Again even the damage for loss of property is payable only in a proclaimed area. It is therefore reasonable to suggest that the words "death or grievous hurt" may be taken away from this section, if this section is to be incorporated in the Act. Nor do we follow the Act of the Government of India, which lays down that such losses as these are to be paid by the inhabitants of a proclaimed area only when death or grievous hurt or loss of property has occurred after the proclamation has been in force. But here there is no reference to a proclamation or notification at all. It is provided in this section that, if by the act of an unlawful assembly death or grievous hurt or damage to property results, the District Magistrate is empowered to recover that loss from the general community and to pay it to the aggrieved party. In some districts a number of dacoities have unfortunately taken place this year, and as every dacoity presupposes an unlawful assembly, the District Magistrate would be empowered by this section to grant compensation to the sufferers by the acts of these dacoits from the people. I have had this in mind in the other amendment of the section that I have proposed.

His Excellency the PRESIDENT.—The honourable member had better take a division on this amendment before speaking about other amendments.

The Honourable Mr. GARUD.—I will do so, your Excellency. But I would point out that the provision of giving compensation from the inhabitants in the case of these dacoities would be quite unjustifiable, for the cause of these unlawful assemblies is not the turbulence or unruly conduct of the people, but hunger and the want of food which impel the poor men to commit dacoities. I therefore propose that this section be omitted altogether from our Act. I would also say that if the Council is not inclined to accept that proposal, I would suggest that the section be brought into harmony with the Act of the Government of India. This at least, I think, is a reasonable request to make.

The Honourable Mr. GOKULDAS PAREKH said—Your Excellency,—The provision authorising District Magistrates to give compensation to persons who have suffered from the acts of illegal assemblies is also objectionable. I have no objection to injuries in some special cases being compensated out of the general revenue. The alteration would not have been very objectionable if the burden of the compensation fell only on the guilty; but it may fall both on the guilty and the innocent. There is no reason why several innocent people should be punished to compensate other innocent people. If the procedure of the civil courts is cumbersome, the proper course would be its simplification. Questions of compensation could only be dealt with satisfactorily by civil courts, and this power ought not to be exercised by the District Magistrates. But it may be urged that a similar provision appears in the Government of India Act. It was a law necessitated from the conditions of Bengal. I do not know much of Bengal and therefore

am unable to say whether the law is or is not suited to it; but so far as this Presidency is concerned, a policy similar to what has been proposed was in force and failed. Previous to the advent of the British Rule, Native Governments, in the event of disturbances, dealt with summary justice by requiring whole villages to pay compensation for injuries; but they never served as preventives. Disorders, turbulence, and violence increased instead of diminishing. This was the condition of things when the British Government came in. They resorted to a different policy; no compensation was given except through Courts. Whole villages ceased to be punished for the faults of individuals. Individual offenders were found out and severely punished; but as regards the inhabitants generally they were treated with indulgence. They had to pay no extra charge; but with the object of improving their condition, their burdens were kept lighter than those of the Rasti villages. Within a few years order and peace were restored, and the people were completely reclaimed. This is the result of the trial of the two systems, and I submit that the policy which brought order and contentment in the country is the one that should be followed.

The Honourable Sir CHARLES OLLIVANT said—I have very little to say in regard to this amendment. We have already explained the principle to which we propose to adhere. It is simply a question whether this clause should apply to an area that has not been proclaimed, or whether it shall only be put in force when the loss or injury arises in a proclaimed district. I doubt very much whether the idea of the Government of India Act was not that this clause should have retrospective effect; but at any rate I am quite certain, as I said before, that if shopkeepers have their windows broken, it is a poor consolation to know they cannot get compensation, because their shops are not in a proclaimed district. As references have been made to English law, I may quote an Act of the British Parliament which shows that the principles to which we propose to adhere are followed. Chapter 55, Section 341 of the Burgh Police (Scotland) Act, 1892, reads as follows: "Out of the burgh general assessment it shall be lawful for the Commissioners to defray, to such extent as they think proper, such claims for damages sustained in consequence of any riot or tumult within the burgh as may be established to their satisfaction, or, if the Commissioners think proper, they may at any time impose and levy a special assessment on all occupiers of land or premises." We must adhere to the clause as it comes from the Select Committee.

The amendment was put and negatived.

At this stage the Council adjourned for twenty minutes.

The Honourable Mr. GARUD next moved that the following be substituted for subsections (1), (2), and (3) of new Section 25A proposed in Section 7 of the Bill:—

"(1) If in any area, in regard to which any notification prescribed in subsection (1) of Section 25 is in force, loss of, or damage to, property has been caused by or has ensued from the conduct of the inhabitants of such area or any class or section of them, it shall be lawful for any person being an inhabitant of such area, who claims to have suffered injury from such misconduct, to make within one month from the date of the injury an application for compensation to the Magistrate of the District within which such area is situated.

(2) It shall thereupon be lawful for the Magistrate of the District, with the sanction of Government, after such inquiry as he may deem necessary to—

(a) declare the persons to whom injury has been caused or has ensued from such misconduct ;

(b) fix the amount of compensation to be paid to such persons and the manner in which it is to be distributed among them ;

(c) assess the proportion in which the same shall be paid by the inhabitants of such area ;

(d) require the Collector to recover the amount so determined or, if such area is a Municipal district, at his discretion require the Municipality to assess and recover such amount by a tax or by a rate which the Municipality shall impose and levy in accordance with such directions :

(e) require the Collector or the Municipality, as the case may be, to award or apportion all or any moneys so recovered to any person or among all or any persons whom the Magistrate of the District considers entitled to compensation in respect of the loss or damage aforesaid :

Provided that the Magistrate shall not make any declaration or assessment under this sub-section, unless he is of opinion that such injury as aforesaid has arisen from a riot or unlawful assembly within such area, and that the person who suffered the injury was himself free from blame with respect to the occurrences which led to such injury."

He said--The amendment which I have proposed appears to me to lay down the procedure in cases of compensation more clearly than the sub-sections of the Bill, which I propose should be amended. They do not say when the award of compensation is to be made. Whether it is to be made by the District Magistrate on his own motion or upon application made by some one. I think the Magistrate should act upon application made by a claimant within a certain period after the disturbance has occurred, and not upon his own initiative.

The Honourable Mr. NUGENT—I would call the attention of the honourable member to sub-section (3) which provides—

"No compensation shall be granted under this section except upon a claim made within one month from the date of the death, grievous hurt, loss or damage, as aforesaid, in respect of which such claim is made."

From this sub-section it is clear that a claim must be made within one month. The Collector cannot act upon his own initiative and grant compensation unless compensation is demanded.

The Honourable Mr. GARUD—I would point out that the proposed new Section 25A commences that the Magistrate of a District may "after such enquiry as he deems necessary determine the amount of the compensation which, in his opinion, should be paid in respect of any loss or damage caused." It appears to me from this that the District Magistrate has power to act in the matter just as he thinks proper. Then there is a provision as to exemption in this section, which I also propose should be omitted. No good, it appears to me, can be gained by making any exemption in the case of individuals where the section to which they belong is liable to pay the compensation. These exemptions appear to me to defeat the very object which the Government might have in view in making them. The leaders of the section which has to pay might very likely be

exempted because men of their position did not deserve to be classed amongst the guilty. Such exemption appears to me likely to take away the influence which these people may possess with the people in the community to which they belong. I think the benefit of making all in the town pay equally is much greater than what would arise from the exemption of particular individuals as proposed in the Bill. With these words I ask the Council to adopt the amendment which I have put before the Council.

The Honourable Mr. МЕНТА—Your Excellency,—I should like to say a word as to the reasons why I do not take part in the discussion on the various amendments proposed by my honourable colleagues. I presume they expect me to do so knowing the views I hold on this subject. I have refrained from joining in the discussion for two reasons. In the first place, I feel like an extinct volcano. I exhausted myself of everything I could say on the questions involved in this Bill in the Viceroy's Council in the debate on the Bill to amend the Police Act of 1861. We were successful in getting some of the most obnoxious features of that Bill removed; others remained and they now constitute Act VIII of 1895. That brings me to the second reason for my silence. I am unable to take this present debate very seriously. The sections about which my honourable colleagues are fighting are mostly all contained in the Police Amendment Act of 1895. Section 15 of that Act provides that the whole or any part of that Act may be extended to any Presidency by a Notification of the Governor-General in Council. Supposing for a moment, a most wild supposition, that my honourable colleagues succeeded in having this Bill rejected, it would be only necessary to issue a notification under the section I have mentioned, and all the provisions of the present Bill would be forthwith law and take effect in this Presidency. My honourable friend Mr. Garud has the sanguine temperament of youth; he seems to have great faith in arguments and long arguments. He will learn in time to have more faith in the potency of votes than that of arguments.

The Honourable Mr. NUGENT—I think, your Excellency, I have already met the Honourable Mr. Garud's argument that the Collector should not award compensation unless it is demanded. As the Bill now stands, as amended by the Select Committee, it is distinctly provided that the Collector shall not grant compensation except on a claim made for it, and further that he shall only grant that compensation on a claim that has been made within one month of the date of the occurrence. Then the further argument raised by Mr. Garud in support of his amendment was that he thought it was undesirable that any exemption of any kind should be made, and he said that such exemption would defeat the object of the section. As I understood him he thinks it is infinitely preferable that every single individual should bear his share of the compensation which is to be awarded for injuries suffered. That appears to me to be clearly opposed to the general tenour of the Bill, the purpose of which is to make certain sections of a population responsible for their own actions. The inclusion in such responsibility of sections of the inhabitants against whom there is no reasonable ground for suspicion that they were concerned in the misconduct would be inconsistent with the purposes of this Bill. I think the Council will agree with me that it is preferable that only the guilty should be punished, and that the innocent should not share that punishment. Therefore on behalf of Government I am unable to accept this amendment.

The amendment was then put and negatived.

The Honourable Mr. DAJI ABADI KHARE next moved that in Section 7, clause (b) of sub-section (1) of new Section 25A, line 31, the words "any persons who" be omitted;

and that in line 32 for the word "are" the word "all" be substituted. He said—The principle underlying my amendment is that Section 7 should be in accordance with Section 3. Honourable members will notice that as it was originally provided in the Bill, clause (b) of Section 3 laid it down that the cost of the police should be "specially on any of such persons or on any particular section or sections or class or classes of such persons, and the Governor in Council may direct the proportions in which such tax or rate shall be charged." The Select Committee held that it was a wrong principle to saddle the cost of additional police on any particular individuals. Therefore they took out this clause (b) and in fact the whole of the section and re-framed it. Under the section as now proposed, the cost is to be charged either generally on all persons who are inhabitants of the local area, or specially on any particular section or sections or class or classes of such persons. By this change it has been made clear that the liability rests, not upon individuals but upon the whole community or sections thereof. If honourable members will turn to the report of the Select Committee they will find that it states "we are of opinion that in the recovery of compensation individuals should be excluded." But if we turn to the proposed new Section 25A we find that although the Select Committee reported in this way, the words "any persons" are included in the list of those from whom recovery can be made. It is these words which I desire to see removed, for it seems to me that as they stand they give the Magistrate the power to levy the charge on one particular individual if he thinks proper, or from two or three individuals. It is for this reason that I move the amendment. If the words remain part of the Bill, the Bill will not be in accordance with the sentiments expressed by the Select Committee. I do not think that an amendment designed to obviate this will meet with serious opposition. The reason why the Select Committee take the view that individuals should not be charged is plain. It would amount to putting individuals as it were on trial. If there was going to be any proper procedure followed and evidence was going to be recorded in open Court the matter would be different, but no such procedure is provided for. I know that the District Magistrates are anxious to do justice, but the law does not depend for justice entirely upon this desire, and therefore rules have been laid down for the procedure to be adopted in magisterial investigations. But these rules will not have to be followed in enquiries under this Bill. Therefore I say that there cannot be any serious difference of opinion from the view I take that no power should be given to any Magistrate by this section to award damages from particular individuals. The section, if allowed to stand, would invest a Magistrate with power to decide a civil suit for damages without the rules of evidence being observed or any procedure being followed. I strongly object to compensation being awarded against individuals without a proper judicial enquiry. The proper course, in the event of damages accruing from the actions of two or three persons, is for them to be taken to court and tried under the Criminal Procedure Code, or else sued for damages in a civil court, without any recourse being had to the provisions of the Police Act. Where you cannot catch hold of the particular offenders but know that they belong to a section of the community, the provisions of this Bill could be applied. Therefore I say that the amendment I have proposed becomes necessary unless this Council says that individuals may be ordered to pay compensation without having any of the protection granted them by a proper judicial enquiry under the Civil Procedure Code. But if the Council says this, it will be acting contrary to the sentiments of the Select Committee expressly embodied in their report.

The Honourable Mr. CHANDAVARKAR said—Your Excellency,—It is my intention to

support this amendment. There was some discussion in the Select Committee as to the measure of liability of individuals, and we came to the conclusion that individuals as distinct from sections of the community should not be liable. We were most anxious to make this clear, and it seems to me that the words which the amendment proposes to remove are contrary to our express intentions.

The Honourable Sir CHARLES OLLIVANT said—I think this amendment may be accepted by Government, but I would point out that there is no particular analogy between this section and the one relating to the employment of additional police to be paid for by a community or a sub-community. You there have regard to a community and to the various sections of a community; but you get a different state of things when you come to pay compensation for loss or injury in the course of a disturbance. The damage may be occasioned by a riot, and the rioters may consist of many persons, some of whom may belong to one section of the inhabitants and some to another section. It is for that reason that in Select Committee we removed the word “all” which Mr. Khare proposes should be restored. We felt that that word might not very correctly define the persons who were responsible for the damage; but I see the difficulty which the Honourable Mr. Khare points out, that the retention of the words “any persons” might change the functions of the Magistrate into those of a civil court, which is not our intention, and a decree might be issued against one person. As it is clear that the persons who form the body of the rioters must belong either to one or the other section of the inhabitants, and as Government have the power to exempt any person from liability to pay, I do not think that it is worth while to insist on the wording “or any persons.” We have no intention of making the liability apply to individuals. I therefore accept the amendment on behalf of Government.

The amendment was accordingly adopted.

The Honourable Mr. KHARE had given notice to move the following further amendments to section 7:—

In the same section, between the words “no” and “compensation” in sub-section (3) of new Section 25A, line 62, to *insert* the words “determination or recovery shall be made and no”; and to *add* at the end of sub-section (3) the following:—

“and unless the District Magistrate is satisfied that the person claiming compensation is himself free from blame in respect of the occurrences which led to the death, grievous hurt, loss or damage as aforesaid.”

In the same section, to *add* the following sub-section to new Section 25A:—

“(5) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been granted under this section.”

The Honourable Sir CHARLES OLLIVANT said—Before the honourable member speaks in support of his further amendments to Section 7, I wish to say that Government is prepared to accept them if he is willing to omit from the words he proposes to insert in sub-section (3) of new Section 25A the words “determination or”.

The Honourable Mr. KHARE intimated that he was willing the words should be omitted.

The two amendments were then put to the vote and carried with the omission of the words “determination or” in the proposed addition to sub-section (3) of Section 25A.

Sections 8, 9, and 10 were agreed to.

The Honourable Mr. GARUD moved that Section 11 be omitted. He said—This amendment, my Lord, refers to the proposed amendment of Section 48 of the Police Act. The words, which it is proposed to include in that section and which I move should not be included, are not to be found in the corresponding section of the Government of India Act of 1895. Some time ago an application was made to the High Court by some *Gosávis*, who wanted to bathe naked in the Godávari, according to their time-honoured custom, to set aside a proclamation issued by the Police Superintendent at Násik, prohibiting them from doing so, and it was ruled that the words “conduct of assembly” meant the leading, guiding or managing of the assembly, and not the mode of action or behaviour of the assembly. It appears to me no harm was done by the ruling of the High Court, The *Gosávis* afterwards conformed to the rules prescribed by the Police Superintendent. Now a case like that is likely to happen only once in twelve years; but yet this little incident is taken advantage of to make a change in the section. It appears to me that if this Section 11 is passed, there will be a great deal of very vexatious and harassing interference by the Police with the choice of the people in wearing what costumes they please and the like. It is to avoid this that I move this amendment, submitting that the words proposed are unnecessary. No other case has been brought forward except that at Násik to show that these powers are expressly required for the good of the administration, and that being the case I submit that one single swallow should not make a summer (a laugh).

The Honourable Sir CHARLES OLLIVANT—I do not think I shall be justified in detaining the Council in making any remarks on this amendment, seeing that I dealt with it a short time ago when moving the second reading of the Bill.

The amendment was then put and negatived.

The preamble having been adopted, the further stages of the Bill were not proceeded with.

BILL NO. II OF 1898.—A BILL TO SUPPLEMENT THE PROVISIONS OF THE CITY OF BOMBAY MUNICIPAL ACT, 1888, WITH RESPECT TO THE INVESTMENT OF SINKING FUNDS AND SURPLUS MONEYS, AND TO VALIDATE CERTAIN DEBENTURES.

In moving the first reading of the Bill to supplement the provisions of the City of

The Honourable Mr. Nugent
moves the first reading of Bill
No. II of 1898.

Bombay Municipal Act with respect to the investment of sinking funds and surplus moneys, and to validate certain debentures, the Honourable Mr. NUGENT said—Your Excellency,—I think I may consider myself blessed with great good fortune in having recently had to conduct through their various stages in this Honourable Council Bills of a very small and non-contentious character, as I remarked yesterday, after the first reading of what I described as the colossal measure, which may be regarded as a patent ventilator, in charge of my honourable colleague, when I had to move the third reading of a Bill relating to village officers in Sind. Now after we have had a battle over the body of the police giant and have had the great advantage of hearing all the distinguished local legal Ruperts of debate discussing the various points, I have to propose the first reading of another little Bill, which I trust will also

sail through summer seas and will require no great skill in navigation to pass through. So far as I am aware it will not have to encounter any cyclone of opposition or any typhoon of hostile criticism. But though the Bill is small I trust it is beneficial in its object. It contains no penal clauses, it imposes no new taxation, it does no harm to any one, and I trust it will be beneficial to the Municipal Corporation. It has been brought forward by the Government at the instance of the Municipal Corporation in order to remedy some defects in the existing law. So far as I am aware it meets with the concurrence of honourable members who are alike members of this Council and also of the Municipal Corporation, and it has the entire support of the Municipal Commissioner himself. The object and reasons which have led to the introduction of this Bill are stated with more than usual fulness in the annexure to the Bill, and this statement of objects and reasons is in itself so full and so complete that it appears to be hardly necessary to trouble the Council by recapitulating them. The fact of the matter seems to be this, that the Municipal Corporation has received the sanction of Government to raise loans from time to time for various purposes, and these loans have to be raised within a specified period. It has been the custom to invest in such loans surpluses from other loans and also unexpended balances. These available cash balances have been used by the municipal administration to commence the work in respect to which the loan has to be raised. Instead of issuing the whole of the new loan they set aside a certain part, say ten lakhs out of twenty-five, and retain the scrip representing these ten lakhs as available securities in their hand and eventually issue these retained debentures, crediting the proceeds to the funds of the other loans of which in the meantime the surplus balances have been utilised to start the work for which the 25 lakhs loan was issued. In other words the unissued debentures retained by the Municipality when a loan is raised in the public market are when the need for so doing arises disposed of to the public to replace the money which has been taken from the funds of previous loans. This has been done repeatedly by the Municipality and obviously with great advantage, but the lawyers have intervened and declared this was really an invalid measure, and that the Municipality by retaining these debentures for itself has practically rendered them unnegotiable securities, which cannot be sold in the open market, but are practically paid off, and are of no value. It was to meet cases of that kind that this Bill has been introduced. The method is obviously of great benefit to the Corporation, for it saves the Corporation, and when I say that, I mean it saves the rate-payers a considerable amount of expenditure, and it is a convenient way of advancing works which might at all events in the early stages otherwise be delayed. I believe that honourable members who are members of the Corporation approve of this measure, and I do not think any member who has no direct connection with the Corporation will have anything to say against it. I beg to propose the first reading of the Bill.

Bill read a first time.

The motion was agreed to and the Bill was read a first time.

The Honourable Mr. NUGENT said—Your Excellency,—I do not propose to refer this Bill to a Select Committee, as I consider it desirable that it should be passed without the slightest delay, in order to prevent any possible difficulty in connection with debentures which are retained by the Municipality and have been practically advanced by the banks and other institutions. As the Bill is not a contentious measure, and as there is no doubt as to its provisions, I will ask your Excellency to suspend the Rules of the Council in

order that the Bill may be considered in its further stages without reference to a Select Committee.

Rules suspended. His Excellency the PRESIDENT thereupon suspended the Rules.

The Honourable Mr. NUGENT—I move that the Bill be read a second time.

Bill read a second time. The motion was carried and the Bill was read a second time.

Bill considered in detail. The Honourable Mr. NUGENT moved that the Bill be considered in detail. The Bill was then considered in detail and no amendments were made.

The Honourable Mr. NUGENT—I now move that the Bill be read a third time.

Bill read a third time and passed. The motion was agreed to and the Bill was read a third time and passed.

His Excellency the PRESIDENT then adjourned the Council *sine die*.

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

S. L. BATCHELOR,

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

Bombay, 15th February 1898.

APPENDICES

TO THE

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR OF BOMBAY,
ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND
REGULATIONS ON THE 14TH AND 15TH FEBRUARY 1898.

APPENDIX A.

Bubonic Plague—

Instructions regarding plague
administration.

General Department.
No. $\frac{54}{171 F.}$

Bombay Castle,
10th January 1898.

RESOLUTION OF GOVERNMENT.

The accompanying "Instructions regarding plague administration", with Appendix, should be forwarded to all Commissioners, Collectors, Chief Plague Authorities, Plague Committees and Political Agents for the general guidance of District and other officers.

A. WINGATE,
Secretary to Government.

To

The Commissioner in Sind,
The Commissioner, N. D.,
The Commissioner, C. D.,
The Commissioner, S. D.,
All Collectors, including the Collectors and Deputy Commissioners in Sind,
The Political Agents, Káthiáwár, Kolhápur and Southern Marátha Country,
Cutch, Mahi Kántha and Rewa Kántha,
The Political Superintendents, Pálanpur and Sávantvádi,
The Chairman, Poona City Plague Committee,
The Chairman, Karáchi Plague Committee,
The Chairman, Hyderabad Plague Committee,
The Political Department of the Secretariat,
The Revenue Department of the Secretariat,
The Judicial Department of the Secretariat,
The Public Works Department of the Secretariat,
The Public Works Department of the Secretariat (Railway),
The Private Secretary to His Excellency the Governor,
The Chief Plague Authority, Poona District,
The Chief Plague Authority, Násik District,
The Chairman, Poona Cantonment and Suburban Plague Committee,
The Chairman, Belgaum Plague Committee.

INSTRUCTIONS REGARDING PLAGUE ADMINISTRATION FOR THE GENERAL GUIDANCE OF DISTRICT AND OTHER OFFICERS.

1. Plague is a disease which is essentially associated with insanitary conditions in human habitations, the chief of which are accumulations of filth, overcrowding and the absence of light and ventilation.

2. It is, in the first instance at least, a disease of locality, and is mainly conveyed from place to place by individuals in their person, clothing and personal effects, who have resided in the infected locality.

3. The essential measures to be taken for preventing the spread of the disease are its early recognition in a locality, the removal of the inmates from the infected locality or area, which, in the first instance, may be only a room or house, their segregation for a specific period, the disinfection of their persons, clothing and personal effects, and of the houses with their contents, situated within the infected locality.

4. The first steps to be taken are in connection with the sickness and mortality. There are, at present, no methods in actual operation by which these can be accurately ascertained. Infectious diseases are not notified, and the registration of deaths is imperfect. Means must be adopted to improve the latter, and check the results by recording in towns all funerals which pass the octroi posts, noting the name of the deceased and the locality of the house in which the death occurred, and by posting trustworthy subordinates, either members of the Police force or of the Revenue Department, at all burying and burning grounds, noting similar information. These subordinates, not being connected with the Municipality, will afford valuable aid in checking the returns, and they will assist the Municipal authorities in arriving at correct results.

5. In villages, the Pátils must submit weekly returns of deaths in each village, within their respective jurisdiction, to the Mámíatdár, who will forward them to the Collector of the district, after noting on each any peculiarity in the incidence of the deaths, the mortality for the corresponding week during the past three years, and explaining, if he can, any excess. When the Mámíatdár is not satisfied as to the cause of any excessive or unusual mortality, he should cause special enquiries to be made, and, if necessary, call in the assistance of the nearest medical subordinate.

6. The Pátils should also be required to give notice at the police station of the arrival in their villages of any persons from an infected locality. The names of such persons should be entered in a register at the police station, and they should be kept outside the village under observation for ten days and on no account allowed to sleep within the village site. The cause of the death of any person who has recently been in an infected locality should be investigated. In villages remote from a police station the Police Pátíl should discharge these duties, but the Revenue Pátíl and the Kulkarni should be held equally responsible.

7. The returns referred to in paragraphs 4 and 5 will show, both in towns and villages, any unusual mortality over the average of previous years, and also the occurrence of two or more deaths in one house or localised area when immediate special enquiry is necessary.

8. For the discovery of cases of sickness it will be necessary to obtain the assistance of the more respectable residents in each quarter, street or group of houses. In any doubtful case of sickness they could obtain the services of the medical subordinate attached to the dispensary, or a hospital assistant may be specially deputed to aid the residents in the work of detection.

9. It should be made obligatory under the Epidemic Diseases Act for the occupier of each room or house in an infected town to notify all cases of sickness and death, occurring in the room or house occupied by him, and for every medical practitioner practising in such a town to report all cases of sickness and death coming to his knowledge in the practice of his profession.

10. When there is reason to believe that cases of plague are occurring in a town or are likely to occur, owing to its proximity to an infected area, the town should be divided into quarters or divisions of a size convenient for effective

supervision, and each quarter should be placed, as far as possible, under the charge of an European official, who may be a civil officer, taken from any department, a military or a medical officer, according to circumstances.

11. The quarter under each officer should be sub-divided into defined areas, which might consist of a street, a portion of one, or a group of houses, and each of these sub-divisions should be placed under the charge of a district or local subordinate, who may, for convenience, be called a supervisor. With each supervisor will be associated one or more residents of the sub-division, who will assist the supervisor in obtaining information regarding sickness and mortality in the areas respectively allotted to him. Under each supervisor will be a gang of coolies, varying in number to suit the requirements of each locality. The gangs working in the more populous towns should be divided into three sections, each with defined duties as follows :—

- (a) for the detection of cases and their removal to hospital ;
- (b) for the evacuation of houses and for the removal of the inmates to camp, and
- (c) for the disinfection of houses.

12. So long as plague exists in the Presidency, it is advisable that the above organisation should be prepared for each town and district area, native Superintendents being substituted for Europeans in the latter, and the members should be ready to act when the necessity arises. At each town exposed to danger an observation camp should be provided, where all suspicious arrivals from infected areas may be detained for ten days.

13. It is believed that under such a scheme information regarding all cases of sickness will be easily and readily obtained, but should the people be unwilling to assist the authorities, or withhold the necessary information, then it will be advisable to organise search parties under the charge of the Divisional Superintendent. Each search party should be accompanied by a Medical Officer or subordinate, and by a female, either European or Native.

14. It is absolutely essential to success that all the measures mentioned above for the suppression of the disease should be carried out promptly and effectively. To ensure this being done all the members of the staff engaged in the work should have a clear idea of their duties : the operations will then be conducted in a methodical and systematic manner.

15. The Superintendent should be provided with a suitable office situated in his own division, where he should remain the whole day, except at intervals for meals. The office will be his head-quarters, to which all communications should be sent, and at which the Supervisors will make their daily reports. He will exercise a general supervision over all the operations and will issue orders for the necessary action to be taken by each section of the gang of coolies.

16. No house vacated on account of plague may be reoccupied without his sanction, and he may cause a notice to that effect to be affixed to each vacated house. He should place a seal on boxes containing valuable property left in houses which have been evacuated on account of plague. Such property may be removed by the owner, but if he declines to do so, it will remain at his risk.

17. Property of any value belonging to the poorer classes which it may be considered necessary or advisable to destroy as being infected should be appraised by two or more respectable natives and the value paid to the owner by the Superintendent of the division. Compensation should also be given without delay to the very poor for the destruction of clothes, &c., which although they may be of no market value yet serve a useful purpose to the owners.

18. After a house has been disinfected, the door will be secured by a padlock, of which the Superintendent will retain the key or entrance may be barred by any other effectual method.

19. The stock of disinfectants, padlocks and all surplus appliances for divisional use will be kept in or near the office.

20. Each Supervisor will keep a list of all residents in each house in his sub-division. He will inspect all new arrivals, and will obtain information from them as to their previous place of residence. He will, in company with the local resident appointed to assist him, visit all the houses in his sub-division, and obtain information regarding the health of the different inmates, and will, on the conclusion of his rounds, report verbally to his Superintendent the occurrence of all cases of sickness and death and any information regarding arrivals from infected localities. Any case of plague, and all doubtful ones of sickness should be at once reported to the Superintendent at his office by day, and at his house by night.

21. The Supervisor will be provided with a sufficient supply of disinfectants ready for use, with tubs, buckets, watering pots, one or two hand-pumps, sither jet or spray, and implements required for unroofing houses and making holes in the walls. There should also be a dooly, charpoy or bamboo frame for the removal of the sick. It should be thoroughly washed or sprayed with perchloride of mercury solution, either at the hospital or sub-divisional depôt after use. This is necessary, as the same dooly may be used for carrying suspected cases to the observation ward. All the above articles should be kept in a room or yard near the centre of his sub-division or at the Superintendent's office.

22. On a report being received by a Superintendent, of the occurrence of a case of plague, he should at once proceed to the house, and when he has satisfied himself that the case is one of plague or of a suspicious nature, he will at once give orders for the removal of the patient, either to the Plague Hospital or to the observation ward, according to the opinion he has formed of the case. The other inmates of the house, with their movable property, should be taken to the segregation camp, in charge of one or more policemen or other responsible persons.

23. They will be supplied with passes by the Superintendent admitting them into hospital and camp. These passes after countersignature by the medical officer or the officer at the camp will be returned through the policemen to the Superintendent.

24. After evacuation of the house, the walls and floors of all rooms, with their contents, except articles of food which it is not intended to destroy, and of all enclosures, should be thoroughly drenched with a solution of perchloride of mercury, and in the course of two or three days coated with freshly prepared limewash. All rags and refuse found in the house or enclosure should be burned in the presence of the supervisor.

25. The roof, if not a pukka one, should be removed, and holes should be made in the walls to admit freely air and light to the smaller rooms and enclosures. On the completion of these operations, the door should be secured with a padlock.

26. The coolies engaged in the work of disinfection, &c., should be provided with boots or shoes, to protect their feet from the danger of infection through abraded surfaces.

27. It may be necessary, owing to the occurrence of several cases in the one area, to vacate a group of houses or a whole sub-division. Should any necessity exist for the adoption of such a measure, it should be carried out as soon as possible by placing a cordon of police or troops around the area and removing the whole population to the segregation camp. Disinfection and unroofing of the houses to be carried out in due course.

28. Experience has abundantly proved that the evacuation of an infected house or houses is seldom in itself sufficient to stamp out the disease. When plague manifests itself in one house, in an indigenous form, those in the

neighbourhood have, as a rule, already become infected, and it usually follows that cases subsequently appear in them. It is therefore always a wise and prudent course on the occurrence of an indigenous case, not only to evacuate the one house but also all those in the immediate neighbourhood.

29. On the evacuation of the houses in the infected area, all the other inhabitants should be encouraged to leave the town and any obstacles which may tend to delay their departure should if possible be removed. The time for prescribing the issue of passes should be carefully considered by the Collector, as if the rules prohibiting departure without passes are applied prematurely the exodus of the inhabitants generally will be retarded, more particularly of the poorer classes, who feel diffident about applying for passes or are too apathetic to do so.

30. In a large town where the disease has become of general prevalence, every quarter being affected, and the arrangements for dealing with the epidemic are incomplete and defective, measures must be taken to regulate the departure of the population and prevent them carrying infection to healthy areas. Every effort should in the meantime be made to provide sufficient accommodation in huts for a large proportion of the population.

31. In the case of villages badly infected the whole of the inhabitants should be turned out. Villagers are accustomed to erecting shelters for themselves, but, if necessary, materials for hutting should be supplied. The sick and suspected villagers should be carefully separated from the healthy and an officer should be appointed to examine the daily health of the population and prevent migration to other villages.

32. Daily inspection of villages situated in the neighbourhood of an infected locality should be instituted and maintained during the outbreak, and continued for 10 days after the occurrence of the last case, with special reference to the exclusion of refugees who should be required to camp out.

33. A site for the hospital should be selected as near as possible to the infected population, but a permanent building, suitable in all respects for a hospital, may sometimes be obtained either inside or on the outskirts of the town. It can be easily disinfected when it is no longer required for an hospital, and such a building would be more popular and convenient than huts erected at a distance from the town.

34. If a suitable building is not available it will be necessary to erect huts for plague patients, for convalescents and for the observation of doubtful cases, on the nearest site. The hospital huts intended for females should be some distance apart from those intended for males. The size of each hut will depend on the number of patients expected, but it is advisable not to place a large number of patients in one hut. A series of huts, each capable of accommodating six to twelve patients, will be the best arrangement, and it is one which will admit of the higher and lower castes securing separate accommodation. Moveable mat screens should be provided between the beds to secure as much privacy as is possible to each patient. Every patient should be supplied with a cheap substitute for a spittoon, and both it and the vessels used as bed pans, should contain a sufficient quantity of an effective disinfecting solution. The floor of the hospital huts should be freely watered daily with the perchloride of mercury solution, and vessels containing the same solution should always be available for the disinfection of the hands and feet of the native attendants.

35. One relative or friend may be permitted to attend a patient, and a stated time should be set apart for the visits of relatives and friends of the patients.

36. On the arrival of the patient at the hospital, all his clothing should be removed and burnt in the presence of the medical subordinate. Hospital clothing should then be supplied. On recovery the patient may be transferred to the convalescent ward or dismissed. In either case he should be given a warm bath

and supplied with new clothes. The hospital clothing, on the discharge or death of the patient, should be disinfected, washed and exposed to the sun for a few hours, after which it may be again taken into use.

37. The hospital and observation wards should be surrounded with a bamboo or other fence.

38. Huts for the segregation of individuals removed from infected houses, and of all suspected persons, should, if possible, be erected at a convenient distance from the hospital compound, and should be surrounded by a bamboo or other fence. Individuals brought for admission into this camp should, for purposes of cleanliness, be bathed in a solution of carbolic acid, one to a hundred parts of water, and their clothing soaked in a solution of one to twenty; if there are no children, perchloride of mercury solution may be used for the latter purpose.

39. All the inmates should be inspected daily, either by the medical officer or a medical subordinate, and any case of plague detected should be removed at once to hospital, and doubtful cases of fever to the observation ward. If no case occurs amongst them, after an interval of 15 to 30 days, they may be allowed to return to their houses, if such houses have been cleaned and disinfected and if the local authority considers that they are fit for re-occupation, or be admitted into the camp for healthy individuals, after a second disinfection of their clothing.

40. Both the hospital compound and the segregation camp should be guarded by troops or police, to prevent the egress of inmates.

41. The establishment of separate hospitals and segregation camps for the reception of members of special castes and religions should be encouraged and every assistance should be given by the local authority for their erection and supervision. The treatment of the patients admitted into these hospitals may, if desired, be placed in the hands of Vaidis and Hakims and the internal management of both hospitals and camps may be conducted by members of the caste or religion concerned, subject however to the general supervision of a European doctor where possible and control of the local authorities and to the usual arrangements as regards guards.

42. A camp for the healthy, i.e., for people removed from houses not infected, should also be arranged for. All individuals admitted into it should also be bathed and their clothes disinfected as with admissions into the segregation camp. They should be allowed to pursue their daily employments, on condition that they sleep in camp. The huts should be numbered, inmates registered and a daily inspection made of all the residents. If no case of plague has occurred in a hut for 15 to 30 days, the inmates may, after a second disinfection of clothing, be allowed to return to their houses if such houses have been cleaned and disinfected and if the local authority considers that they are fit for re-occupation.

43. Should a case of plague occur in a hut, the patient should be removed to hospital, and the other inmates to the segregation camp. The hut should be removed, the site disinfected with the perchloride of mercury solution, and the materials of the hut should be similarly disinfected and exposed to the sun for a couple of days, when they can be utilised in the erection of another hut on a new site.

44. The best arrangements should be made for a plentiful supply of water to the different camps. If the water-supply to the town is conveyed through pipes, connections should be carried into the camps. Bathing platforms at some distance apart for the two sexes should be constructed, and provided with surface drains for the removal of surplus water.

45. Separate latrines for the sexes should be erected in connection with the two camps and hospital, and they should be well lighted with ordinary post lamps.

46. Bunniahs' shops with all supplies should be provided for each of the camps.

47. Cases of plague imported into towns and villages, if they are not at once discovered and isolated, will, under existing conditions, develop new centres of the disease and thus infect fresh localities. It is a difficult matter to detect such cases in transit from an infected area.

48. Medical inspection of travellers by rail and road is useful in discovering those actually suffering from the disease or affected with the preliminary symptoms of fever, but as the period of incubation may extend to eight or nine days, it is evident that inspection is of no avail in detecting infected travellers, who are in the stage of incubation. Such travellers cannot be discriminated from the non-infected, and it is necessary for their detection that they should be kept under observation for a period not exceeding ten days.

49. Passengers or travellers who can produce satisfactory evidence that they have not been exposed to infection, may be exempted from detention, as it frequently happens that only one or a few places may be infected in the particular district. The local authorities should give certificates to all persons wishing to travel from the non-infected areas in the district, stating that the holders (giving names, &c) have not been exposed to infection.

50. The period of observation may, in the case of travellers of ascertained respectability, be converted into one of surveillance at places of destination, if they give satisfactory assurance (or furnish security) that they will report themselves daily to an authorised medical officer. Lists of such passengers should be forwarded either by wire or post to the local authority at place of destination, and any one failing to report may be prosecuted. The medical officer is not at liberty to exempt the individual from attendance without the concurrence of the local authority.

51. The inspecting officer may, however, exercise his discretion as to the necessity of detaining any particular individual.

52. In addition to medical inspection at selected stations a medical officer or subordinate should, if available, be appointed to travel by each train from or passing through an infected district for the purpose of examining passengers booking and alighting at all stations along the line.

53. The object in exercising control over the movements of travellers from an infected area is for the general welfare of the public and not to harass the individuals. It is hoped that by detaining passengers from an infected area, the healthy or non-infected will be eliminated after a few days, and allowed to proceed on their journey. If the preparatory measures as previously detailed for the suppression of the disease are carried out in an efficient manner, there is every reason to believe that restrictions on travelling will be unnecessary.

54. Any arrangement calculated to prevent the exodus of the healthy from an infected locality or area, must tend to produce a more virulent form of the disease, and its more rapid diffusion among the community.

55. Camps will be established, under the orders of Government, at selected stations suitable for detention of passengers and for the disinfection of clothing and baggage.

56. The above rules will also apply to travellers by road.

57. For preparation of the perchloride of mercury solution for disinfection, see Appendix.

APPENDIX.

The most convenient and satisfactory way of preparing the solution of perchloride of mercury, on a large scale, is that which has been recommended by Dr. Maynard, now on plague duty in Nasik.

The ingredients should be mixed in a 50-gallon cask in the following quantities: to 77 lbs. of perchloride of mercury and $38\frac{1}{2}$ lbs. of pure salt, add 15 gallons of boiling water, stir well with a wooden stick, and then fill up the cask with cold water. The solution contains one part of perchloride to $6\frac{1}{2}$ of water, and one ordinary quart bottle of it, added to 25 gallons of water—the capacity of the ordinary wooden tubs in use—will give a strength of 1 in 1,000.

The standard solution can be carried about in quart bottles placed in partitioned boxes, and is always ready for use without further weighing or measuring.

If the solution is prepared with cold water, the perchloride of mercury must be powdered and two parts of pure salt to one part of perchloride added. The whole should be well stirred until the solids are completely dissolved.

It is of advantage, for several reasons, to add one half per cent. of crude Hydrochloric acid to the solution.

Iron hoops of all casks, tubs, and buckets should be dammered. If iron receptacles are used they should be dammered inside and outside.

If metal pumps are employed for distributing the solution, they should, previous to use, be worked in vegetable oil, and after use thoroughly cleaned in water. This will tend to lessen the corrosive action of the mercury.

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 ACTS, 1861 and 1892."

The Council met at the Town Hall, Bombay, on Monday the 28th March 1898, at 11 A.M.

PRESENT :

His Excellency the Right Honourable Lord SANDHURST, G.C.I.E., Governor of Bombay, *Presiding*.
The Honourable Mr. JOHN NUGENT, C.S.I., I. C. S.
The Honourable Sir E. CHARLES K. OLLIVANT, K.C.I.E., I. C. S.
The Honourable the ADVOCATE GENERAL,
The Honourable Mr. W. H. CROWE, I. C. S.,
The Honourable Mr. J. MONTEATH, C.S.I., M.A., I. C. S.
The Honourable Mr. DAJI ABADI KHARE, B.A., LL.B.
The Honourable Mr. NARAYAN GANESH CHANDAVARKAR, B.A., LL.B.
The Honourable Mr. T. B. KIRKHAM.
The Honourable Mr. W. C. HUGHES, M.Inst.C.E.
The Honourable Mr. A. S. MORIARTY, I. C. S.
The Honourable Dr. BHALCHANDRA KRISHNA BHATAVADEKAR, LL.M.
The Honourable Mr. GOKULNAS KAHANDAS PAREKH, B.A., LL.B.
The Honourable Meherban Sardar NARAYANBAO GOVIND *alias* BABA SAHEB, Chief of Ichalkaranji.
The Honourable Mr. FAZULBHOY VISRAM, C.I.E.
The Honourable Mr. DHONDO SHAMRAO GARUD, B.A.
The Honourable Mr. P. M. MEHTA, C.I.E., M.A.
The Honourable Mr. VRLJBHUKHANDAS ATMARAM.
The Honourable Mr. A. WINGATE, I. C. S., C.I.E.
The Honourable Mr. S. B. DOIG, M.Inst.C.E.

His Excellency the PRESIDENT said—Before the business of the Council commences I wish to make a short statement upon a public matter. I do so, because I have few opportunities of speaking in public in regard to Government measures. My attention has been called to a letter signed by Mr. Roughton in a newspaper of the 25th. In regard to the complaints he makes I can assure him and others that there are no grounds whatever for them. I never said Europeans were not to be employed. Government, and, I am sure, no less are the public, are most appreciative and deeply grateful for the immense and unceasing efforts that have been made by so many private gentlemen. I am well aware that the confidence their action has given to the public has been of the greatest service. Conspicuous have been the efforts of Mr. Roughton, Mr. James Macdonald, and many others too numerous to mention. I am fully confident that those efforts will in no way be relaxed, and the time of recreation which has been so unsparingly given will continue to be given in the same ungrudging way, and kindly and sympathetically used to guide matters as they are now being arranged.

QUESTIONS AND ANSWERS.

The Honourable Dr. BHALCHANDRA KRISHNA BHATAVADEKAR then put question No. 1 standing in his name—

(a) *Will the Government be pleased to state the reasons why the total number of places for the manufacture and sale of liquor in the Town and Island of Bombay has increased during the last quinquennium from 732 to 801?*

(b) *As also how the consumption per head of population has increased in 14 out of 18 districts of the Presidency, excluding Sind and Aden, the grand total of the quantity consumed in the whole Presidency having also increased from 2,457,541 gallons in 1891-92 to 2,722,159 gallons in 1895-96.*

The Honourable Mr. NUGENT in reply said—

(a) The figure 732 given by the honourable member appears to be the number of licenses in force in Bombay during the year 1890-91, exclusive of temporary refreshment room licenses. The total of 801 cited by him for the year 1895-96 includes 71 temporary refreshment room licenses and 730 licenses of other classes. There was, therefore, a decrease, and not an increase, in the number of permanent licenses in force within the period in question.

(b) The figures of consumption during each of the six years 1890-91 to 1895-96 were as follows:—

				Gallons.
1890-91	...	...	...	2,525,749
1891-92	...	...	...	2,457,541
1892-93	...	...	...	2,576,975
1893-94	...	...	...	2,550,439
1894-95	...	...	...	2,631,633
1895-96	...	...	...	2,722,159

The sales of the year taken by the honourable member as the first year of his period were affected by an increase in the rate of duty in Surat and by a bad season in Khandesh. The sales of the revenue years 1894-95 and 1895-96 were stimulated by a great increase in the number of Hindu marriages in the months immediately preceding the Sinhast year. Both of the years specified by the honourable member were, therefore, exceptional, and there was not a permanent increase to the extent indicated by the figures quoted by him. The gradual improvement, however, in the effectiveness of measures for preventing illicit consumption and in the earnings of the liquor-consuming classes tends to cause an increase in licit consumption.

The Honourable Dr. BHALCHANDRA then put question No. 2—

Will the Government be graciously pleased to direct that future editions of the annual reports of the administration of the A'bhkari Department should contain a more explicit statement (instead of the stereotyped one hitherto adopted—vide paragraph 73 of the report for 1893-94, paragraph 66 of the report for 1894-95 and paragraph 66 of that for 1895-96), showing the number of occasions on which the wishes of the local residents in the neighbourhood of a proposed new liquor-shop had been consulted and the number of times the wishes of the people had been respected or over-ruled, and in the latter case on what grounds?

The Honourable Mr. NUGENT in reply said--

The A'bkári Administration Reports show that the local residents are now consulted in all cases, and Government have no reason to believe that in any case the opinion of the bulk of the residents is over-ruled or disregarded. There is, therefore, no need for the details suggested by the honourable member.

The Honourable Dr. BHALCHANDRA then put question No. 3--

Will the Government be pleased to consider the advisability of preventing the sale of intoxicating liquor to persons under 15 years of age, whether accompanied by their parents and guardians or not?

The Honourable Mr. NUGENT in reply said--

Great practical difficulties would be involved in enforcing a prohibition of the kind suggested by the honourable member. Shopkeepers have seldom, if ever, the means of ascertaining the exact age of purchasers, and most of the consumers of liquor in this country are probably ignorant of their own age. It would be unjustifiable to attach a penalty to acts regarding which there is no certainty whether they do or do not transgress the law or conditions of a license. Government will gladly consider any suggestion by the adoption of which the consumption of intoxicating liquor by young persons would be legitimately discouraged, but for the attainment of this result public opinion must mainly be depended on.

The Honourable Dr. BHALCHANDRA then put question No 4--

Has the attention of the Government been drawn to page 12, paragraph 40, of the report on the administration of the A'bkári Department in the Bombay Presidency for 1895-96, in which it is stated "the fact that 1895-96 was the last year of the contract may be regarded as" one of "the chief causes of the increased sales" of country spirits in Ahmednagar, Poona and Dhárwár?

With reference to the above statement will the Government be pleased to state--

(a) If the contractor was justified in pushing the sale as he seems to have done according to the terms of the contract?

(b) If he was not justified in forcing the sale, has any notice been taken of his action?

(c) If none has been taken, is it intended to warn this and other contractors with a view to the prevention of forced sales in future?

The Honourable Mr. NUGENT in reply said--

There is a statement in the A'bkári report for 1895-96 to the effect mentioned in the honourable member's question. In order to check consumption Government impose as high a duty as can be realized without stimulating illicit practices, and the contractor has to charge a price which will cover that duty and all charges and yield some profit. Provided the terms of the contract are adhered to, a contractor is justified in managing his business in the manner which, he thinks, is most advantageous to himself.

The Honourable Mr. GOKILDAS KAHANDAS PAREKH then put question No. 1 standing in his name--

(a) Are Government aware that in some districts the agriculturists find at present much difficulty in the disposal of their agricultural produce?

(b) Will Government be so pleased as to extend the time for the payment of the instalments of the Government land revenue which have become due?

The Honourable Mr. NUGENT in reply said—

(a) Government have received no reports to the effect of the statement of the honourable member, but are aware that the restrictions imposed under the Epidemic Diseases Act on free communication with various towns must to some extent interfere with the free movement and disposal of produce.

(b) In any cases in which agriculturists experience difficulty in disposing of their produce, Collectors have, subject to the sanction of the Commissioner, power to fix such dates for the payment of the instalments as they may deem expedient, and they will exercise the power, if sufficient reason exists. Special orders from Government are not needed.

The Honourable Mr. PAREKH then put Question No. 2—

(a) Are Government aware that, notwithstanding the directions in paragraph 49 of the instructions issued by them for the guidance of district and other officers in matters of plague administration travellers coming from uninfected areas with certificates from local authorities that they were during the ten preceding consecutive days continuously within uninfected areas, and who bear no suspicious symptoms, are subjected to detention and disinfection?

(b) Is this done because in the course of their travelling they come in contact with passengers from infected areas and are exposed to infection?

(c) If the answers to the preceding parts of this question be in the affirmative, will Government be pleased to direct that the Railway Administrations should provide separate carriages for passengers who are not liable to detention and disinfection from those that are occupied by passengers who are so liable?

His Excellency the PRESIDENT in reply said—

Government are not aware of any such disregard of their instructions. Government desire that it should be widely known that travellers who can satisfy the authorities that they come from uninfected areas are not liable to detention.

The Honourable Mr. PAREKH then put Question No. 3—

(a) Will Government be pleased to authorize the district plague authorities in the mofussil to issue special passes similar to those that used to be issued by the Bombay Plague Committee, and direct that the same effect be given to them?

(b) Will Government be pleased to direct special arrangements to be made at all detention camps for the custody and protection of valuable properties of travellers who are detained under the plague rules?

His Excellency the PRESIDENT in reply said—

(a) District plague authorities include Patels of villages, and Government cannot recognise their certificates as of equal value with those of the Bombay Plague Committee. Government are not aware of any case in which the pass of a Collector has been disregarded at any Government detention camp.

(b) Government have heard no complaints of loss of property, and have no reason to believe that the arrangements made by the local officers have failed to protect property.

The Honourable Mr. PAREKH then put Question No. 4—

Will Government be so pleased as to place on the Council Table the reports about the expenditure incurred on wells and tanks used for irrigational purposes and the contributions from the people to this expenditure that they might have received in reference to parts 2 and 3 of question No. 2 asked by me at the last meeting of the Council?

The Honourable Sir CHARLES OLLIVANT replied—

The reports have not yet been received.

The Honourable Mr. PAREKH then put Question No. 5—

Will Government be so pleased as to place on the Council Table any information that they might have received about the closing of the Jejuri School in consequence of the pecuniary embarrassment of the Municipality, and the steps taken to open a new school there, in reference to question No. 4 asked by me at the last meeting of the Council?*

His Excellency the PRESIDENT in reply said—

The answer to the first part of the question No. 4 referred to is in the affirmative, and to the second part in the negative. The provincial contribution of Rs. 376 hitherto granted to the school remains available whenever the Municipality are in a position to resume the duty of maintaining it.

The Honourable Mr. PAREKH then put Question No. 6—

Will Government be pleased to state whether they made any enquiries that the letter received by one of the nurses at Poona purporting to be under the signature of one of the Nátu brothers really bore his signature, and whether the Nátus were asked any question about the signature on the said letter and, if so, what replies were received from them?

His Excellency the PRESIDENT in reply said—

Enquiries of the nature indicated in the question have not been made.

The Honourable Mr. NARAYEN GANESH CHANDAVARKAR then put Question No. 1 standing in his name :—

(a) Has the attention of Government been drawn to the judgment of Her Majesty's High Court of Judicature at Bombay in the case of Imperatrix vs. Bapuji Nandlal (Criminal Application for Revision No. 19 of 1898, decided on the 17th of February 1898)?

(b) Will Government be pleased to enquire if the said Bapuji Nandlal was tried and sentenced by Mr. Becherlal Jiwantlal, First Class Magistrate, Kaira, to two months' rigorous imprisonment for the same offence for which he had been previously tried before Mr. DeSouza, First Class Magistrate, Kaira?

The Honourable Sir CHARLES OLLIVANT in reply said—

* Is it true that the Jejuri Municipality has, in consequence of its pecuniary embarrassment, been obliged to close its Vernacular School? If such is the case, have Government been pleased to take steps to open a school in the place of the one which has been closed?

The case alluded to has not previously been brought to the notice of Government, but enquiry will now be made as desired by the honourable member.

The Honourable Mr. DATT ABANJI KHARE then put Question No. 1 standing in his name—

Is it a fact that the Mamlatdār of Belgaum Tāluka has issued orders to the village officers to treat any death in the village as a plague death and to compulsorily remove and segregate out of the village inmates of the house in which any death might occur for ten days?

His Excellency the PRESIDENT in reply said—

The complaint is not quite accurate. The Collector of Belgaum on 26th January last issued an order that in villages within 15 miles of Belgaum Town, where the mortality was unusually high, deaths should be treated as plague deaths. The Assistant Collector reported that the order was leading to hardship in one village, and the Collector modified the circular so as to include only plague deaths or deaths for which no cause could be assigned and, therefore, suspected to be plague. The change was made a little more than a fortnight after the order complained of was issued.

PAPERS PRESENTED TO THE COUNCIL.

(1) Report of the Select Committee appointed to consider Bill No. I of 1898 (a Bill for the improvement of City of Bombay and to provide space for its future expansion).

(2) Statement† referred to in the reply to question No. 3 put by the Honourable Mr. Dhondo Shamrao Garud at the meeting of the Legislative Council held on the 14th February 1898.

† See Appendix A.

(3) Reply‡ to questions 1 to 8 put by the Honourable Ráo Bahádur Ranchodlal Chotalal at the meeting of the Legislative Council held on the 14th February 1898.

‡ See Appendix B.

BILL No. I OF 1898: A BILL FOR THE IMPROVEMENT OF THE CITY OF BOMBAY AND TO PROVIDE SPACE FOR ITS FUTURE EXPANSION.

His Excellency the President moves the second reading of the Bill for the Improvement of the City of Bombay and to provide space for its future expansion.

His Excellency the PRESIDENT formally moved the second reading of the Bill for the Improvement of the City of Bombay and to provide space for its future expansion.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH said—Your Excellency, I have to make a few observations at this stage of the Bill. The Bill has come considerably improved from the Select Committee. There are some parts of the Bill, in reference to which I feel strong objections, and I will take your Excellency's permission to address myself on them.

I proceed first to the power of the Board in connection with the acquisition of lands for street improvements, and for building houses for the poor. As things stand, under the Bill the Board would have power to acquire by compulsory process, not only lands required for the purposes of any improvement but those which may be affected by the execution of any scheme. There is no restriction as to the extent of the lands to be so acquired, but the Board, if it so likes, can take all the lands of a whole street. Con-

sidering the importance of the improvement schemes, I do not at all wish that the owners of property should derive any improper advantage at the expense of the Board. I do approve of the provisions contained in Section 43, Clause 6, laying down the special principles for the assessment of compensation in such cases. But the Board ought not to acquire compulsorily more lands than they absolutely require for useful objects. They should not obtain lands for the purpose of reselling to the same owners or others at considerable profit, or for the purpose of making profitable investments. I am aware of the argument, that the owners of houses in the street get the benefit of the improvements made by the Board; but my answer to that is, let there be some other way of obtaining equable contribution from persons whose properties are benefited. Under the provision as it exists, one would get all the benefit of the improvement without any loss, another with a slight loss, and the third man may suffer more loss than benefit from the carrying out of the scheme; if the Board has this power, it may be expected that there would be a good deal of underhand work to induce it not to take certain lands and to take others. The effect of this sort of underhand work would be very demoralising, and the temptations to its use should be avoided as much as possible.

In connection with the schemes, I wish that there should be greater safeguards against the Boards entering into ill-advised schemes. I may take it that ordinarily the Board will do its duties properly and there will not be any cases of ill-advised schemes sent up by the Board for sanction, and that Government will be able to discover whether a scheme is good or bad. But who can say how the Act may be worked many years afterwards? When the Corporation or more than 50 per cent. of the people representing the property, the subject of the scheme, object to it and demand an enquiry, it is but fair that there should be an enquiry, and the materials on which the sanction is to be granted should be more fully placed before Government. Under the English law the confirming authority has an enquiry made before making the provisional order, and after the provisional order, there is a further enquiry when there is opposition before a Parliamentary Committee; when there are objections from influential quarters the chances of mistakes should be minimised by having a full enquiry.

I next proceed to the provisions about the determination of compensation for lands compulsorily acquired. My first objection is about the constitution of the tribunal to determine this. This Tribunal is to consist of a judicial officer and two assessors, one appointed by Government and one by the Corporation. Now this tribunal is very properly constituted for determining matters of dispute that may arise between the Board on one hand and Government or the Corporation on the other, or between Government and the Corporation, but it will not be a proper one between the Board on one side and a private party on the other. Our experience of compensation cases shows that a Government assessor thinks it his duty to award as little as possible to the claimant; but even if you take him to be as indifferent as the judicial officer, there is the assessor of the Corporation whose interest is evidently against the claimant. So there is on the Corporation a person who has to protect the interest of the Board, while the claimant's interest is not at all represented. Such a tribunal will not be regarded as a fair one and is not likely to inspire the people with confidence. The other matter, which I disapprove, is the restriction of the right of appeal. Under the Land Acquisition Act, all orders of the original Courts are appealable, whether they relate to the amount of compensation, the right of any particular party to receive it, or the question of its apportionment between different

persons. As provided by the Bill, there would be no appeal whatever on the question of amount, however big the amount, and however great the difference between the amount claimed and the amount awarded; and in case of disputes about the right to the compensation, there is no appeal except when the amount exceeds Rs. 5,000. There is no provision for appeal even when there is a difference of opinion among the members of the tribunal. The reason for this procedure may be that there may not be any delay; but when the question of large rights is considered, expedition is not the matter for consideration. The most important thing is to provide a procedure in which there may be the least risk of mistakes, and to have tribunals in which the public would have the greatest confidence. Sometimes the circumstance that there is an appeal ensures better and a more careful trial of a cause. I should suggest that if these disputes go to the High Court, as under the Land Acquisition Act, the Judges may give them precedence as to commercial causes, and there would not likely be much risk of delay.

In the present condition of business, it is not likely that the present number of Judges could not be able to take up this work, or that it would obstruct other business; but even if the business is too large for the present number of Judges, one more Judge may be added temporarily for the trial of these cases. Then I may suggest that matters up to Rs. 5,000, may go to the Small Causes Court with the usual right of appeal, and matters involving larger sums may be sent to the High Court. My next suggestion would be to have a special Judge with two assessors, one appointed by the Board and the other by the claimants or the body of claimants affected by a particular scheme, and to make a concurrent decision final. The third alternative is of a special Judge with the usual right of appeal under the law.

Finally, I say this Act is not like one which defines an offence or lays down procedure, where the whole thing is over as soon as a good Act is passed. Here in this Act the difficulties commence on its passing. A most perfect Act on paper may be a failure if not properly worked. While notwithstanding defects in the Act, they may not be felt if it is properly carried out. The Act has an exceedingly wide scope, its working would require unbounded energy, remarkable skill in the devising of schemes, caution and calculation and the great power of keeping effective control and supervision over the subordinates. It is only then that the Act has a chance of success. If mistakes are made in the selection of men, and if there are not right men in right places, there may be a huge failure; and such a failure would be worse than no commencement, as it may launch us in heavy debts, and the failure may deter our successors in taking up any scheme of improvement.

The Honourable Mr. PHEROZESHAH MERWANJI MENTA said—Your Excellency, the Bill before the Council involves operations and transactions of such serious magnitude, and is pregnant with possibilities of such far-reaching and momentous consequences to the welfare, progress and development of the city that I do not think any apology is needed for venturing to take up the time of the Council with observations on its object and reasons, its principles and main features. My Lord, this Bill may be said to raise the curtain on the fourth Act of the drama of the local administration of the city. The first Act closed with the passing of Act II of 1865. Up till then, the management of local affairs was carried on under the direct control or supervision of Government assisted by small Boards composed mainly of Government officers, a state of things for which many people even now sigh as in all ages people have sighed for a golden age which exists only

in imaginations inflamed by prejudice and for which there is no warrant in history. The system ended in gross financial mismanagement and at the end of 1864 in disastrous failure; and so grave was the condition of the city in point of health and sanitation that Government felt the necessity of a more organized effort, and Act II of 1865 placed the municipal affairs of the city in the hands of a Government official called the Municipal Commissioner, assisted and controlled by the Bench of Justices, who were to have the power of the purse by controlling the annual Budget. Another experiment still fondly cherished by some people had thus its day. The result was that the Municipal Commissioner went his way regardless of the Bench, and six years of the Arthur Crawford *régime* ended in financial ruin, though not unrelieved by marked improvement in the sanitary conservancy of the city. I do not know if there is any honourable member at this Board who remembers the sensation that was created in this very Durbar room when Mr. Hamilton Maxwell, as Chairman of the Finance Committee, announced that the Municipality was bankrupt. The curtain then rose on the third Act of the drama, and the legislation of 1872 inaugurated the system of an elected Corporation, a Town Council and an Executive Commissioner, a system which I had some little hand in suggesting, and which exists up to the present day. The Act of 1872 was appointed so to say only on probation; it was confirmed in 1878, and was improved and enlarged on the same lines in 1888, Act III of which year is the Act which now governs the municipal administration of the city. Almost exactly ten years after the present Act in force was finally considered in this Council, the curtain now rises upon the opening of the fourth Act.

The question naturally arises why this further unfolding of the drama has become necessary. Is it because the progress of the third Act has landed us in as abortive a result or as dismal a failure as the periods before and after 1865?

For some time it has been dinned passionately in our ears that the legislation of 1888 has proved as faulty and imperfect as the corporate body, to which it entrusted large powers and resources, has been found grossly and shamefully unequal to its task. Now, my Lord, is there any truth in this indictment? The most serious fault found with the Act relates to the restriction contained in Section 348, by which certain provisions for sanitary structure were confined to sites previously unbuilt upon, and to absence of measures for preventing overcrowding. But the reasons for restricting Section 348—which was amended at the instance of one of the most thoughtful and enlightened members this Council ever had—have not been understood. To have applied the new provisions for structure in Section 348 to sites previously built upon would have prevented hundreds of house-owners from rebuilding their houses up to the very last moment, and the city would have had a far larger number of old dilapidated and patched up houses against houses improved at least to a certain extent by rebuilding, though not in the best manner possible. As to overcrowding, the Act has provided in Section 378 ample powers for dealing with buildings unfit for human habitation, and in Section 379 with the evils and dangers of overcrowded dwellings. But then it is said that if these sections were not properly worked, it only proves again the gross incompetence and apathy of the Corporation. People who talk like this show that they have never studied the legislation which they criticize. The working of Sections 378 and 379 is not vested in the Corporation but has been deliberately left to the independent responsibility of the Commissioner with the help of Courts of law. I was sorry to see that the other day a late Municipal Commissioner, in the debate on Mr. Birdwood's interesting and excellent paper on the

plague in Bombay, inveigh against the Corporation for dilatory and unenlightened action in the matter of drainage and house-connection. Now what are the facts? The Corporation yielded only too easily to the introduction of systems of drainage and house-connection, accepting the opinion of their experts against its own misgivings as to how far the systems had been made suitable to tropical conditions and the habits of the people. In the debate to which I have referred, Mr. Baldwin Latham, who was engaged to report on our system, confesses that "He knew Bombay very well, having carefully examined every portion of it, and he must say it was a misfortune that the early sanitary works there were not designed in a better way. European rules had been applied to Indian towns which, in his judgment, having regard to certain circumstances connected with the population, were not sufficient for the purpose." It is in this non-adaptability of European expert knowledge that the explanation of the much-abused action of the Corporation lies. The case of house-connections is in point. The system based on European precedents hastily introduced had to be ultimately revised, and the Corporation acted wisely, and not obstructively, in insisting upon such revision and in compelling Mr. Acworth to submit to it. In the same way, there is an outcry about neglect of subsoil drainage. It is curious that Mr. Cassels, who steered the Act of 1865 through the Council, then made the same complaint against a similar extravagant waste of Vehár water as is now made against Vehár, Tulsi and Tánsa combined, and the increase of malignant fever in the town in consequence. Well, Bombay proved a pretty healthy town for several years after the waste of Vehár water was allowed to run riot. But here again a remarkable fact is oozing out. It is said that a small sub-committee appointed recently of three of the best European and one Native expert in Bombay to investigate the subject, is finding from the experiments carried out by it that the level of subsoil water in the city is lower instead of being higher than before. I do not refer to this for the purpose of recommending or justifying any inaction in dealing with subsoil drainage.

I only want to show that the grave problems that come before the Corporation present difficulties and complications which demand careful and cautious consideration. The truth is that, as your Lordship has gracefully testified in your letter to that body, the Corporation has done useful and valuable work in a variety of directions during the twenty-five years that have elapsed since the Act of 1872 inaugurated local self-government in this city. The present Bill has become necessary, not because there has been any failure in its work or the performance of its duties, but because a time has now come in the development of this city as in the case of all other great cities which, growing up unmethodically at hazard, have suddenly found themselves outgrowing their capacities and their requirements. Though the great fire of London of 1667 gave it a splendid opportunity of getting rid of its wooden houses and its narrow alleys, even so recently as 1890, when it amended and consolidated the Acts for housing the working classes, there were 300,000 inhabitants living in slums in a condition which Professor Huxley declared to be inferior to that of West African savages, and it was generally admitted that "the dens inhabited by the poorer section of the working classes dwelling in London were a disgrace to humanity and a dishonour to that enlightened and opulent city." The condition of a great portion of Paris was not much better till half of it was rebuilt by Baron Hausmann so recently as the time of the third Napoleon. We have now to do for Bombay the work which was done in these and other great cities of civilized Europe none too early. In London the great fire, in Paris the exigencies of an Imperial régime, in Lisbon the great

earthquake supplied the propelling force. We are set in motion by the dire pestilence that is so mercilessly ravaging the city. Your Excellency's Government deserves no little credit for seizing the right psychological moment with promptitude and thoroughness by bringing in the Bill now before the Council. I have said, my Lord, that it is a measure of grave magnitude; I may add that it is not a little bold and ambitious in its procedure. I refer to this feature, not to discredit it, but to point out the necessity of safeguarding its enterprise as carefully as possible. At the first reading of the Bill I referred to the Glasgow Improvement Trust Acts, which embodied full plans and details of the improvements contemplated. But it was pointed out that the present Bill was modelled on the Statute of 1890 for the housing of the working classes, and that that Act left the areas of improvement and reconstruction to be settled afterwards. But it must be remembered that under the Statute of 1890 no improvement scheme, even after being sanctioned upon an official representation by a Secretary of State or the Local Government Board, could be carried out without a special confirming Act of Parliament, so that each scheme had to prepare its full plans and details and estimates before the Legislature allowed it to be carried out. In this Bill there is no such safeguard provided, and it is therefore most essential to see that the constitution of the new Board to be created is such as to guard against recklessness and to devise limitations of its powers and resources so as to provide against extravagant and ambitious expenditure.

I ventured to state at the first reading the view I took of the constitution of the new Trust. To my mind it approximates substantially with the Joint Committee contemplated by the Municipal Act for special work. I should have wished that in view of the fact that the Corporation will raise and supply the greater portion of the funds required, they had a larger representation on the Board. The Bill as amended in Select Committee reduces its comparative representation lower than in the original Bill, and I shall move an amendment to rectify that state of things as far as possible. The main objects of the Bill are to improve and reconstruct unhealthy areas, to open up the city by forming new streets, and to provide dwellings for the poorer classes. Reclamation, I am assured and understand, is not one of the principal objects, but it is introduced with the view of supplementing the resources for carrying them out. But the sanction for a reclamation scheme stands in an essentially different position from the sanction to an improvement scheme. With regard to the latter, Government occupies the position of a disinterested party; with regard to a reclamation scheme, it is a directly interested party. It gains by the success of a reclamation scheme: it loses nothing by its failure, and may even gain something. Under these circumstances some provision should be devised for saving Government from marring its reputation for justice and infallibility in an incautious moment. I propose to suggest an amendment for that purpose. With regard to the provisions for initiating schemes for the improvement of unhealthy areas and for the formation of new streets, they seem to me to be practically sufficient and satisfactory with the addition of the Corporation in the list of moving authorities. They are borrowed and closely adapted with necessary changes from the corresponding sections of the English Act of 1890 for the housing of the working classes. The Select Committee has amended this part of the Bill by giving the Corporation a direct opportunity of considering and criticizing every improvement and reclamation scheme. I trust that the Corporation will view this as one of their most important functions and fully utilize the opportunity of carefully studying and commenting upon every scheme, with the aid of a strong

expert committee. The inclusion of police accommodation schemes seems at first sight to be somewhat outside the main object of the Bill. But I cannot think that there is serious objection to entrusting the Board with the work of housing the police, for it cannot be denied that it would be a great advantage to the city to have the rank and file of the police located and housed in proper quarters. The money required for it could be raised by a loan which would be paid off by a rental based upon the amount of interest and sinking fund. With the addition of the clause for vesting the police buildings which might be thus constructed in the Corporation, the interests of that body are well safeguarded. It will have secured substantial buildings for the city for the small addition to the rental in the shape of sinking fund instalments for a period of 60 years.

We now come to the resources placed at the disposal of the Board. For a long time it cannot hope to meet the interest on the loans required for carrying out its work from the returns of its own operations. As Bombay is a city in which many imperial interests are centered, it is only just and right that the necessary funds to meet the deficiency should be contributed from the imperial as well as the local exchequer. This principle is recognized in the Bill; but I cannot help saying that the division of the burden is not what it ought to be. The share of Government is principally confined to the income which the Board might make from the rental of certain Government properties for 99 years after paying them interest at 3 per cent. on their values. These are principally properties which ought always to have belonged to the city as soon as local burdens were placed upon it. It is too late in the day, however, to make a claim based simply on bare equity and justice not clothed in legal garb. But with regard to two properties, I cannot help saying that the Government might have shown greater liberality: I refer to the Kennedy Sea-face and Chaupati properties, aggregating a valuation of nearly 21 lakhs. I do not know if many members of this Council are aware of the history of the acquisition of these properties by Government. Both these properties were acquired by Government from the wreckage of the famous Back Bay Reclamation Company without the expenditure of a single rupee, while they cost the unhappy shareholders of this city over eighty lakhs of rupees. The right to reclaim the foreshore was given to the company on condition of its giving Government about 400 acres out of the reclaimed land. After sinking an enormous capital, the company found it impossible to carry out their project, but there was the condition with Government, and it could only save itself by making over to Government the area reclaimed by them—now the Kennedy Sea-face—and various properties they had purchased in Chaupati and Malabár Hill for several lakhs of rupees for getting material for reclamation. Surely properties built up with the money of the city and acquired from it in such a manner might well be given back to the city on an occasion like the present. Though I feel as if I were leading a desperately forlorn hope, I would still appeal for the good offices of your Excellency's Government to get these properties as a free gift to the city to be used either as open spaces or building sites.

The second resource placed at the disposal of the Board takes the shape of a speculation in reclamation. It is in some trepidation and with some doubt that I join in consenting to its acceptance. But the calculations on which it is based appear hopeful and the reclamation, if successful, will also serve to provide healthy and valuable building sites in the expansion of the city within itself. The rest of the burden for carrying out the work of the Board is laid on the shoulders of the Corporation. As it is at present entered in the Bill, I do not know how to describe it. Besides the return from the municipal

properties devolving on the Board on the same terms as the Government properties, it is said that the Corporation will have to contribute a sum equal to a charge of two per cent. on the rateable value of all lands and buildings in the city. This will bring over 5 lakhs of rupees a year according to this year's returns: the amount will probably continue to grow in the future as it has done in the past. Whatever the increase, I am content that the city should contribute this definite two per cent. But is it really two per cent. in the Bill? Section 63 is certainly definite; it talks in a most firm and decided manner of "a lump sum not exceeding two per cent. on the rateable value of all buildings and lands in the city." Such emphatic words relieve you of all sense of uneasiness and you glow with a sense of assurance made doubly sure. But alas, you approach Section 70 and on the gate thereof is an inscription which reads, "All hope abandon, ye who enter here." The boundary line of a lump sum not exceeding two per cent. dissolves into thin air, and in the benevolent and euphemistic Tudor fashion you are let in for any per cent. not exceeding, it is true, but not exceeding "the liabilities of the Board"! I know the soothing unguents which are administered to induce you to swallow this gilded pill; it is said to be only a sop to the ignorance of the people from whom loans are to be extracted; only this and nothing more. But I must say this is not business. If you give an unlimited power, you must calculate the consequences of doing so. I confess that I cannot contemplate with any amount of equanimity the laying of an unlimited burden on the rate-payers of the city. I am strongly of opinion that the only prudent course is to fix the per cent. without any means of tampering with it, and let the Board thus clearly realize that it must cut its coat accordingly, and that it must proceed at such a rate only as the percentage given to it will enable it to do.

This is all the more essential when we remember the difference between this Bill and the English Acts on which it is otherwise based, as I have pointed out above. There is not the slightest idea given in the Bill as to the works the Board might embark on and the money that they might cost. Under the English Acts, the extent of the liability could be ascertained before Parliament is asked to confirm any scheme. It may be said that calculations have been made which show that two per cent. would suffice. But the calculations could only be necessarily based upon certain assumptions as to what should be undertaken from time to time. But neither the assumptions nor calculations would be in the least degree binding on the Board, and the Corporation could be compelled to dance to any tune the Board might call for. My Lord, I cannot but view with the greatest concern the imposition of this unlimited liability on the Corporation, and I trust the Council will take into their most serious consideration this part of the Bill. With this exception, I must confess that the Bill comes out in an improved and satisfactory condition from the hands of the Select Committee, though there are some minor points on which I have amendments to propose. I feel bound to say that this satisfactory result is in no small measure due to the chairman selected by your Excellency for the committee. Our deliberations owe much to his intimate knowledge of everything concerning the city, while his clear grasp of facts and his liberal and sympathetic attitude to all argument and contentions were eminently conducive to a satisfactory discussion and settlement of all disputed questions. But however satisfactory this Bill may be made in Council, let us all bear one thing in mind, that its successful working will mainly depend upon the watchful, reasonable and judicious co-operation of Government, the Corporation and the public. So worked, I hope and pray, that it may succeed in making the city which we love and of

which we are so proud, as healthy as it is beautiful, for the benefit of its poorest as of its richest citizens. Such a result, my Lord, would raise a perpetual monument to the anxious sympathy and farseeing solicitude for the welfare and resuscitation of this city which were so conspicuously illustrated in your Excellency's speech the other day in the Town Hall.

The Honourable Dr. BHALCHANDRA KRISHNA BHATAWADEKAR said—Your Excellency,—It is a matter for satisfaction that the important measure before the Council has undergone considerable change for the better during its progress through the Select Committee. I am particularly gratified to find that the several important points in the Bill as originally drafted, to which I ventured to draw the attention of the Council at the first reading as requiring some modifications in the directions I then indicated, have received due consideration at the hands of the Select Committee.

I do not propose to dwell on this occasion on the principle of the Bill or the work which has been performed by the Corporation. I have already alluded to it in my remarks on the first reading of the Bill. As my friend, the Honourable Mr. Mehta, has already spoken so eloquently and forcibly, I will not take the time of the Council. I will, therefore, address myself to some important points. One of the points which I mentioned at the first reading was with reference to the constitution of the new Trust. I then urged that one important interest, *viz.*, the Mill-owners' Association, for reasons I then stated, should have a direct representation on the Trust. I am glad to say that the suggestion has been favourably considered by the Select Committee. In its report, the Committee recommended "that there should be an additional elected Trustee to be returned by the Mill-owners' Association." In view of the important interests which the Mill-owners' Association will represent, I venture to hope that this recommendation of the Select Committee will meet with the approval of the Council. I still believe that the constitution of the Trust would have given more satisfaction to the Corporation if, along with this addition, the Select Committee had seen its way to recommend an additional Trustee to be elected by that body. Another point which I then raised was with regard to the fixing of the maximum and minimum salary of the Chairman and the remuneration to the Trustees. These points also have received favourable consideration. The maximum salary of the Chairman has been fixed at Rs. 3,000 per month. The point with regard to the fixing of the minimum has been left open. I hope the amendment of the Honourable Mr. Mehta, suggesting the minimum at Rs. 2,000, will be accepted. As regards remuneration to the Trustees, I may be permitted to remark that there is an entire departure from the principle embodied in the present Port Trust and Municipal Acts. It was proposed in the original Bill to give each Trustee a fee of Rs. 30 for every special meeting of the Board and Rs. 15 for each Committee meeting, on the ground that the Trustees will be all business men and will not be able to afford time to attend these meetings unless adequate remuneration was given. I do not consider this a sufficient ground, because business men offer their services and their valuable time to the city, not from any mercenary motives but purely from a sense of loyalty to citizenship and public duty. I was opposed to the retention of these provisions on the Select Committee, but as a compromise that the remuneration to a Trustee should not in any one month exceed Rs. 200 was arrived at, I acquiesced in their retention.

Considerable modifications in the Bill have been suggested by the Committee in regard to the sections bearing on the operations of the Board. The most important of

these modifications is the provision that the Corporation should be furnished with a copy of every proposal in connection with improvement, reclamation, street and police accommodation schemes. This will enable the Corporation to be in constant touch with the operations of the Board, and is calculated to establish friendly relations between the two bodies. This will also afford an opportunity to the Corporation of making any representation to Government before the latter accord final sanction. Another modification recommended is that the Commissioner is bound to take action on a Resolution of the Corporation as on a complaint from three Justices, twelve rate-payers, &c. In regard to reclamations both the public and the Corporation are very diffident as to their ultimate success. The Honourable Mr. Mehta, therefore, suggested, and I concurred in the suggestion, that in order to ensure the greatest possible caution in proceeding with those schemes, Government should not sanction any such scheme proposed by the Board but disapproved by the Corporation before it is submitted to an independent Committee of experts to be appointed half by the Government and half by the Corporation. I am sorry the majority of the Committee did not see their way to adopt this suggestion. I venture to hope it will meet with better reception in the Council.

As regards police accommodation scheme the Select Committee have simplified the wording of Section 40 and after carefully considering the equity of the measure have proposed that all police accommodation provided by the Board in the execution of a scheme shall, after the expiration of the first lease during the period of which the capital debt will be liquidated by annual payments by way of rent, vest in the Corporation to be used for the same purpose and subject only to such rent as will suffice to pay for maintenance charges and rates and taxes. In the original Bill it was proposed that after the expiration of the lease the buildings will vest in the Government. The claim of the Corporation having been fully considered, I entirely withdraw my objection on the point. The provisions in regard to the schedules of landed estates have been to a certain extent modified, and the schedules also have been amended to that extent. A provision has been added empowering the Corporation to prolong the period of exemption from interest of 3 per cent, per annum beyond the tenth year or from such subsequent period as may be approved by the Government of India. A further provision has been added that the Flats shall in no case be built upon, and no capital value shall be assessed in respect of them.

It was the financial provisions of the Bill that had excited the greatest amount of adverse comment, and it is pleasing to note that the comment has borne good fruit. The Bill has emerged from the Select Committee in quite an altered form with respect to that point. There have been many alterations and modifications. On the question of title to property and division of profits some sections have been re-drafted and others have been newly introduced. Section 63, which was very complicated, vague, and difficult to understand, has been completely re-drafted so as to make it clear that what the Corporation have to pay is 2 per cent. on the rateable value of all taxable properties in the city, the contribution being enhanced in the case of ordinary property rates derived from areas occupied by the Board by any increase which may accrue from the rateable value of the property. The section, as it is drafted, is much more intelligible and is calculated to minimize friction between the two bodies. In case of any dispute between them the deciding authority, as recommended by the Committee, will be the Tribunal and not the Government as proposed in the original Bill. There has been a difference of opinion

amongst the members of the Select Committee with regard to the retention or elimination of Sections 70, 71 and 72, which impose on the Corporation and, through that body, on the city, a contingent liability in the event of default on the part of the Board. The majority of the Committee were in favour of retention on the grounds mentioned in the report, but the minority consisting of my friend, the Honourable Mr. Mehta and myself, hold that they should be eliminated. The omission in our opinion will conduce to careful and cautious administration of the resources at the disposal of the Board. The majority, on the other hand, think that their retention is essential to the financial success of the Board's operations, and that it will serve as a guarantee to intending investors. In our judgment the annual municipal contribution ought to be a sufficient guarantee. There is no necessity for further guarantee of the nature proposed. On the contrary there will be a tendency on the part of the Board to be extravagant in view of the belief that there are special resources to fall back upon in the event of difficulties.

There are several amendments of which the Honourable Mr. Mehta has given notice. To my mind they are eminently reasonable, and I trust that they will commend themselves to the approval of the Council. The late Mr. Telang on a similar occasion said: "Like Oliver Twist we must always ask for more, and I am sure the Government will be pleased to grant more."

In conclusion, my Lord, I cannot resume my seat without giving expression to my cordial obligations to the Honourable Sir Charles Ollivant, for the invariable courtesy and kindness with which he treated us during the proceedings of the Select Committee. He showed a remarkable readiness to receive our suggestions, and was uniformly fair and impartial to all the interests concerned. I am glad I was not a false prophet when I said on the last occasion that the interests of the Corporation and the city were in safe hands, for my anticipations have been fully realized, and no member of the Select Committee has shown more anxiety to do justice to the Corporation than the Chairman of that Committee. When the Bill is passed into an Act, and when Bombay is improved under its action, healthy Bombay will be a standing monument to your Lordship's sympathy, statesmanship and resourceful anxiety for the welfare of this great city.

The Honourable Mr. T. B. KIRKHAM said—Your Excellency,—I do not propose to occupy the time of the Council more than for a few moments, but there is one thing which I think ought to be said on the second reading of this important Bill, and I desire to say it as it may otherwise remain unsaid. I cordially approve of the Bill and support it with the greatest pleasure, believing as I do that it is based on thoroughly sound lines, and that a measure of this kind is absolutely inevitable. I do not think that anything better has been proposed in any direction, and the Bill in itself appears to offer large opportunities for modification and adjustment as its working develops in order that any unforeseen circumstances may be dealt with. But the reason why I rose to speak is that I do not find in the Bill, nor in the report of the Select Committee, nor in the exhaustive speech of my friend, the Honourable Mr. Mehta, any reference to primary education or to buildings for primary schools. When the honourable member of Government in charge of the Bill spoke in the debate on the first reading he defended particular sections with the argument that if we remove large bodies of people from one portion of the city to another we must necessarily provide for police accommodation. The argument is absolutely unanswerable, and similarly in a civilized city provision ought also to be made for adequate primary school buildings. I therefore feel to a certain extent disappointed

that in the general measures laid down for the improvement of the city, nothing specific appears about primary school buildings which must be regarded as a most important want in connection with the city. I only, therefore, wish to say that I hope that the members of the Joint Schools Committee, who are charged with the administration of the school fund of the city, and the members of the Corporation upon whom rests the statutory duty to provide adequate accommodation for primary schools in the city, and the members of the new Trust itself, when it comes into existence, will not forget the claims of the people to good school buildings. I hope that as each scheme comes before these various bodies they will see that a site is set apart for a good school building as a matter of course in each particular locality as arranged for, in order that the scandal to which your Excellency's attention in the early part of your administration was directed may be avoided in the renovated city of the future. I hope that primary school buildings,—large, airy, and wholesome school buildings—in which the children of the city are to be educated will not be overlooked.

The Honourable Sir CHARLES OLLIVANT said—It must be within your experience, your Excellency, more than it is within mine, that in more important assemblies than this a measure is occasionally brought forward which commands the support of all parties and receives the benevolent approval of the leader of the opposition, and notwithstanding that, the same leader of the opposition will afterwards proceed to point out matters of detail needing correction, so that, in fact, he may convince the members of his own party and his constituents that, good as the measure is, if it had only been left in his hands it might have been made better. Another experience your Excellency must also have met with is that occasionally amendments are suggested in one place with the comfortable conviction behind them that they are sure to be rejected elsewhere, and I cannot but think that in some of the suggestions made to-day there is somewhat of the same feeling underlying them. Of course it is extremely gratifying to me that upon all sides there is the admission that the Bill is improved through the deliberations of the Select Committee, and I wish to tender my personal acknowledgments to all the speakers for the cordial way in which they have spoken of my labours on that Committee. I must, however, warn your Excellency against the danger attaching to these encomiums. The members of the Corporation are, after getting all they wanted out of the Select Committee, preparing to attack your Excellency in the hope that the President of the Council may prove as compliant as the Chairman of the Select Committee. I could not but be amused when I heard that it was too late to make a claim based upon equity and justice not clothed in legal garb. I thought the pockets of the Government had been rifled, for there was hardly anything left beyond a mere subsistence of money, and in this situation it would be useless to appeal to the Courts, for there would be little chance of obtaining a decree. Coming from general observations to particulars, I notice that Mr. Gokuldas considers that the powers of acquisition should be limited to lands, which are immediately necessary for the work of improvement or sanitation, and should not apply to the acquisition of other lands benefited by the scheme, because they merely mean profit to the Board. I thought that was an argument which was thrashed out in the Corporation of Bombay at least ten years ago. I am quite certain that neither the Corporation of Bombay nor the great body of the rate-payers would support Mr. Gokuldas in this matter, because if the profits of some of these improvements were to go into the hands of the proprietor who accidentally happened to have his house near the land im-

proved, the result would only be that the burden falling upon the rate-payers would be very much larger than under the provisions of this Bill.

There was an allusion from the same honourable member to the necessity of further safeguards being provided on the principle that is found in some corresponding English Acts. It must be remembered that here there is a special body created for carrying out these schemes, and that no single scheme can be accepted until the public have been made aware of it. The Corporation under the amendments proposed by the Select Committee will have an opportunity of discussing it, and finally the scheme in all its details with estimates attached will have to be approved by the Government. I have seen already in some quarters the fear expressed that the safeguards are even too many and are likely to clog and delay the action of the Board. I think that the safeguards provided are necessary, but I am of opinion that further safeguards in the way of appointing a Committee to report on the action of what is a Special Committee would cause delay likely to defeat the objects of this Bill. Then as regards the special tribunal and the right of appeal. These matters were discussed in the Select Committee, and I think the provisions of the measures in these respects are in some respects the most important in the whole Bill. Already we know in Bombay what a tremendous delay can attach to the acquisition of land. I need only mention one instance. When I was Municipal Commissioner a scheme was proposed for making a road from Naerojee Estate to Elphinstone Bridge, communicating with the Docks. I believe that that scheme is now very much as I left it, and nobody is to be blamed for the delay. The delay is entirely due to the difficulty in acquiring land and the lengthy procedure in the Courts. When I was Municipal Commissioner I laid before Government and the Corporation a scheme for such a tribunal. I said I thought the President should be a judicial officer, and of the assessors one should be appointed by Government and the other represent the parties whose land was being acquired. That is what Mr. Gokuldas recommends, but when you come to consider how the third member is to be selected you find yourself in difficulties, as you want a permanent board which will gain experience in this class of cases. I think the Bill as now drafted ensures to the persons, whose lands will be acquired, the certainty that their interests will not be ignored. I think we may trust—indeed it is always recognised—the Government to be fair, and I think the Council may rest assured that the Corporation will take care that a person qualified to act with a judicial temperament will be appointed on their part, and the Government will do the same. It would defeat the object of this section in avoiding delay if we were to say that there should be an appeal either to the High Court or the Small Causes Court. I was rather amused to hear that the action of the Select Committee in providing for a direct representative of the Mill-owners' Association was made an argument for increasing the number of representatives which should be returned by the Corporation. In the Select Committee it was not even suggested, I think, that another representative should be given to the Corporation simply because an addition of one was made to the number of members of the Trust on account of the Mill-owners' Association; on the contrary the feeling there was whether it was desirable that we should have a Board with so many members, and should we not omit one of the representatives provided for in the original Bill. Eventually we came to the conclusion that we could stand the number at fourteen. Now, if I understand the Honourable Mr. Mehta, it is that the total number should be increased to 15 in order that the Corporation may be secured against this formidable antagonist.

The Honourable Mr. MEHTA—That is not my proposal.

The Honourable Sir CHARLES OLLIVANT—We will consider that when we come to the amendments. I need not refer to the Honourable Mr. Kirkham's speech. The matter came before Government in the later stage, and I should strongly object to the Board diverting its funds to providing lands or houses for the poor schools. It is an object which finds no place in the Bill, and which would probably be absolutely illegal.

The Honourable Mr. KIRKHAM—I did not mean that any funds should be diverted, but that in the framing of schemes consideration should be given to the necessity for accommodation for primary schools. The arrangements for funds would be another matter, and that is provided for in the Municipal Act.

The Honourable Sir CHARLES OLLIVANT—We have already had to face, late in the day, provision for police accommodation, and in doing so we had to consider a charge which was jointly shared by the Government and the Municipality. If this suggestion had been made at an earlier stage I do not think we could possibly have advised that any further provision should be made for setting aside lands or buildings for schools. Those upon whom the responsibility rests for providing such buildings will avail themselves of the opportunities created by the development of Bombay in consequence of the labours of this Board. One of the first things we have to consider is that time is short, and I do not propose to offer any further remarks except this, that if by any reference to the Select Committee's amendments I could have given greater assistance or shown any greater courtesy to the Council, I would have made those remarks; but I am a stranger to procedure here, and I believe that it is not usual in submitting Select Committee's reports to make any remarks. I should have been very sorry to have taken away from the value of the Select Committee's report, which was signed by the whole Committee, by making observations which were only my personal remarks, and what was said in the report exactly expresses what the Select Committee has done in amending this Bill.

His Excellency the PRESIDENT then put the motion that the Bill be read a second time.

Bill read a second time. This was agreed to, and the Bill was read a second time.

Consideration in detail. The Council then proceeded to consider the Bill in detail.

The preamble was postponed.

The Honourable Mr. MORIARTY moved that for sub-section (2) of Section 1 the following be substituted :—

“(2) Nothing in this Act shall be deemed to affect the provisions of the Indian Telegraph Act, 1885, or the Indian Railways Act, 1890.”

The honourable member said—This amendment like most of the others I have given notice to propose is formal in character, and it will only be necessary in very few cases to trouble the Council with any explanation concerning them.

The amendment was agreed to.

The Honourable Mr. MORIARTY then moved that in Section 2, line 32, after “53” to insert “53A,” and in line 36 for the words “in the Land Acquisition Act, 1894,” to substitute the words “in sub-section (1) of Section 43 of this Act”.

The amendments were agreed to.

Section 3 was agreed to.

The Honourable Mr. MORIARTY then moved that in Section 4, line 10, the words "or Acting Collector" be *deleted*. He said that under the General Clauses Act the word "Collector" includes any officer acting in that capacity, and that therefore the words "or Acting Collector" were unnecessary in the Bill.

The amendment was agreed to.

The Honourable Mr. MEHTA then moved the following two amendments:—

In Section 4, lines 1 and 4, to *substitute* the word "thirteen" for "fourteen," and "six" for "seven," and in Section 5, lines 7, 8 and 9, to *omit* the words "one by the Trustees of the Port of Bombay (hereinafter called the Port Trustees)."

He said—I may state that the object of these amendments, which stand in my name, is to take away the right of representation which is given to the Port Trust. My honourable friend, Sir Charles Ollivant, is mistaken in thinking that I proposed in the Select Committee that an additional member should be given to the Corporation. What I proposed was that the original number of members should be retained, but that the appointment of one member which was given to the Port Trust should be taken away from that body and given to the Mill-owners' Association. And that is what I propose now. I can state very shortly the reasons for this proposal. I have more than once pointed out that in my opinion the representation given to the Corporation on the new Board should be as large as possible. The amendment made in the Select Committee has the contrary result. The increase of members from 13 to 14, while the number of appointments given to the Corporation remains the same, reduces its status in this respect by reducing the proportion between its nominees and those appointed by Government and other bodies. My second reason is that the Port Trust is not a body constituted in such a way as to make it eligible for a privilege like this. It is a small body composed of 13 members elected and nominated, but in which after all Government has the preponderant voice. To give one appointment to the Port Trust is therefore equivalent to giving Government another nomination. The Port Trust is representative really of Government and not of the trade and commerce of Bombay as is sometimes rather loftily said. Besides, the trade and commerce of Bombay will be amply represented by the Chamber of Commerce, the Mill-owners' Association and the Corporation. It is all very well to say that the Port Trust contributes largely to the municipal revenue, so do the other rate-payers, and still no direct representation is given to them. To my mind the Port Trust, as it is constituted, is an ineligible body for this purpose, and the real meaning of giving them an appointment is practically to place one more nomination in the hands of Government, who contribute proportionately much less as against the Corporation who really find the bulk of the funds with which the new Trust is to carry on their work. It is for these reasons I commend my amendment to the acceptance of the Council.

The Honourable Mr. W. C. HUGHES said—The Council will not be surprised to hear that I am not in favour of the Mill-owners' Association being given representation in preference to the Port Trustees. Without making invidious comparisons I may mention that the net rateable value of the Port Trust properties is Rs. 22½ lakhs, or 50 per cent. more than the total rateable value of all the mill properties taken together, which is 14½

lakhs. At 2 per cent. the mills represented by the Association will contribute Rs. 21,000 per annum to the revenues of the Trust, while the Port Trustees will at the same rate contribute over Rs. 40,000 per annum. The Port Trustees are a public body constituted under an Act. Their sole interest is the general welfare of the trade of the Port, and I venture to claim that they represent the local interests of the trade in a wider sense than even the Chamber of Commerce represents them, because they are brought into the most intimate relations with every branch of the trade—not only with that carried on by the large European firms chiefly at the docks, but, also, through the three native gentlemen who are members of the Board and through their officers, with that which is in the hands of native merchants, and is carried on at the bunders as well as at the docks. I am glad to think that not only are our relations with the native merchants most intimate, but also that we enjoy their confidence in no restricted degree. Again, the Port Trustees are large landlords. Their tenants are very numerous and embrace every class from the occupants of temporary huts on outlying properties to the owners of the substantial residential buildings at Mody Bay and on the Apollo Reclamation. I believe I am right in saying that in Calcutta it is proposed to give the Port Commissioners the right of representation on what we here call the Standing Committee. However that may be, I think that it will be a misfortune if the Chairman of the Port Trust, whoever he may be, is not a member of the new Trust. I take it for granted that the Port Trust representative will be the Chairman and I hope these amendments will meet with the same fate at the hands of this Council that they met with at the hands of the Select Committee.

The Honourable Dr. BHALCHANDRA said—My Lord, I am the guilty party who misled the Honourable Sir Charles Ollivant and not Mr. Mehta. I suggested at the Select Committee that an additional representative should be granted to the Corporation, but as I received no support I did not press it. I was for an additional representative for the Mill-owners' Association and not for substitution in place of a member of the Port Trust. I did not expect to find any support in the Council to an amendment for an additional representative by the Corporation and hence I did not propose any.

The Honourable Sir CHARLES OLLIVANT said—I agree with the Honourable Mr. Hughes that the Port Trust should be represented, because I think that the Board should be distinctly largely representative of the commerce of Bombay. I also wish to observe that as regards the question of the proportionate representation of the Corporation I do not think that the seat given to the Mill-owners' Association is in any way likely to lessen the ratio of the representation of the Corporation. I find that of the three members of this Council who represented the Corporation on the Select Committee, two were connected with the mill industry of the city. I think it is highly probable that when the Mill-owners' Association does return a direct representative to the new Board that representative may turn out to be a member of the Corporation. There is one other remark to be made and that is that when they retain in their hands the appointment of three Trustees, Government will first have to consider the interests of the city by the appointment of the necessary number of experts, and secondly, it will be their duty to redress inequalities. However good the Corporation may be, I think its most doughty champions will not be prepared to assent that it can be depended upon to return representatives of the various sections of the community, and there may be occasions on which it will be of paramount importance for Government to rectify any mistake of that

kind by nominating a member of a community that has not found representation through the Corporation. I am not attaching any blame to the Corporation for this, but I say from experience that such a thing as this has happened, and that Government have had to redress such inequalities in the case of the Standing Committee. The same thing happened at the Justices' election the other day. Therefore it must not be assumed that because there are three nominees to be appointed by Government that they will be in all cases the direct representatives of Government.

The Honourable Mr. MEHTA—My friend the Honourable Mr. Hughes has let the cat out of the bag as to what the representation of the Port Trust really means. In the first part of his speech he spoke of the value of the interest committed to the Trust and of its high rateable value, but after all it came out that the real reason for giving it a representative is that it is desirable that the Chairman of the Port Trust should be a member of the Board. Seeing that the Chairman of the Trust is appointed by Government and is a Government officer, why should he not be one of the three nominees of Government to the new Board? What Mr. Hughes has said bears out my statement that the change that has been made in the number of the members of the Trust really puts a larger number of nominations in the hands of Government than appears at first sight.

The amendments were then put to the vote and lost.

Sections 6 and 7 were agreed to.

The Honourable Mr. MORIARTY then moved that in Section 8, line 14, after the word "Corporation" to *insert* the word "or".

The amendment was agreed to.

Sections 9, 10 and 11 were agreed to.

The Honourable Mr. MORIARTY then moved that in Section 12, line 8, for the word "three" to *substitute* the word "four".

The amendment was agreed to.

The Honourable Mr. MEHTA then moved that the following be substituted for subsection (1) of Section 12 :—

"The Chairman shall be from time to time appointed by the Governor in Council for a renewable period of three years : Provided that he may be removed from office by the Governor in Council at any time, if it shall appear to the Governor in Council that he is incapable of performing the duties of his office, or he has been guilty of any misconduct or neglect which renders his removal expedient."

He said—The section as it stands provides that the Chairman shall hold office during the pleasure of Government. I quite agree that the appointment of the Chairman should be in the hands of Government. But I think that it is very important that the Act itself should show that this officer is to be a permanent officer and that he is not one who should be changed from time to time according to the exigencies of the public service. It is practically upon the experience and knowledge of the Chairman that the success of the Board's operations will depend to a large extent. He should be an officer who has an intimate knowledge of the city. It may be said, and I know it is an argument that is often used by Government officials, that no doubt Government will take care that these considerations are borne in mind when making the appointment. I am not prepared to say that Government will fail to do this under ordinary circumstances, but

I still think that the intention of the Legislature as to whether the office should be a permanent one should be set forth in the Bill itself. To do so will not unduly tie the hands of Government. There is the example of the Municipal Act which provides that the Municipal Commissioner, whose appointment is vested in Government, shall hold office for a specified period. Even then, within my own experience, I have known three Municipal Commissioners changed within a period of three months, to meet the exigencies of the public service. The result of frequent changes like this has been that the officers appointed for a short time have had no opportunity of doing really good service for the Corporation. Now I desire to have some provision in this Act whereby such a state of things may be rendered as difficult as possible, provided always that any officer appointed and found unsuitable may be removed. The provision in the Municipal Act, similar to the one I now move, has not tied the hands of the Government in any way in making the appointment. My amendment will not prevent Government from using their officers who may be appointed as Chairman for other work should the exigencies of the public service require it, but it will serve as a legislative reminder that the officer should be connected with the Board as long as possible. As to the latter part of my amendment, I have only inserted it because of the proposed fixing of the period of appointment for three years. If Government object to it, as being unnecessary when the Chairman is a Government official, I shall have no hesitation in removing it altogether, but it seems to me desirable that in an extreme case of incapacity or misconduct the Act should give the power to Government to cancel the appointment. It is with the object of securing some amount of continuity in the office that I move this amendment.

The Honourable Mr. HUGHES suggested that instead of the words "renewable period of three years" the words "for a period of not less than three years" be inserted.

The Honourable Mr. MEHTA said he saw no objection to the alteration.

The Honourable Sir CHARLES OLLIVANT—I have no objection to the amendment except this, that Government could not compel an officer to remain three years as Chairman if he did not wish so to remain. Is Government to extract from him a contract?

The Honourable Mr. MEHTA—The Chairman will not be bound to stay for three years. Sir Charles Ollivant is aware that the Municipal Commissioner can go away before his time is up.

The Honourable Sir CHARLES OLLIVANT—I know that he does go away. (A laugh.)

The Honourable Mr. MEHTA—If he does go away and is allowed by Government to do so, that shows it is not illegal.

The Honourable Mr. MORIARTY suggested the use of the word "Government" in substitution of the words "Governor in Council" where they occurred in the amendment so as to harmonize with the wording adopted throughout the Bill.

The Honourable Sir CHARLES OLLIVANT suggested the substitution of the words "has shown himself unsuited" in place of the words "is incapable of performing the duties of".

Sub-section (1) of Section 12 as finally agreed to then stood as follows :—

"The Chairman shall be from time to time appointed by Government for a period of not less than three years : provided that he may be removed from office by Government at any time, if it shall appear to Government that he has shown himself

unsuitable for the office, or that he has been guilty of any misconduct or neglect which renders his removal expedient."

The Honourable Mr. MORIARTY then moved that in Section 13, line 9, after the word "Corporation" to insert the word "or".

The amendment was agreed to.

The Honourable Mr. MORIARTY then moved that in Section 14 to delete lines 1 to 3 and in place thereof to substitute the words "a person shall be disqualified to become a Trustee who".

The amendment was agreed to, the word "be" being substituted for the word "become".

Section 15 was agreed to.

The Honourable Mr. MENA then moved the following amendment in Section 16, lines 3 and 6:—

"To add after 'Rs. 3,000' the words 'and not less than Rs. 2,000,' and after the word 'determine,' to add 'in return whereof he shall devote his whole time and attention to the duties of his office as prescribed in this Act, or in any other enactment for the time being in force.'"

He said—As the Bill originally stood, the salary of the Chairman was to be such as Government might from time to time determine. But in Select Committee a maximum of Rs. 3,000 was fixed, and a strong desire was expressed that the minimum should also be inserted. But the reason given for not doing so seemed to me at the time plausible, but on further consideration I think it ought not to prevail. The reason given was that for the first few months of the Board's existence it might not be necessary to have a full-time officer, and that it would be wasteful and extravagant to pay during that period any minimum such as it would be possible to fix in the Act, for in that case the Chairman would be paid the full salary without doing the full work. It strikes me however that there will be a great deal of work ready to the hands of the Chairman as soon as he is appointed. It is of the utmost importance that he should at the very first gain a full knowledge of the requirements of the city, to be utilised in the future work of the Board; and that knowledge can only be acquired by the first Chairman devoting himself as a full-time officer to the work of going through the city and seeing what its requirements are. Although the Board may only enter upon a single improvement scheme at a time it will be of the utmost importance for it to be in possession of facts as to the requirements of other areas and parts of the city besides those affected by the schemes first carried out. The relation between one scheme and a subsequent one, or a subsequent number of schemes, will always have to be borne in mind. It is therefore clear that many questions demanding close study will have to be gone into in the earlier stages of the Board's existence. Supposing the argument by which a fixing of the minimum salary is sought to be avoided is a good one, it will at best only be applicable for a few months, while this Act is to last not a few months only but many years—certainly 60 years, and probably 99 years; if not longer. What we have to do is to provide for the working of the provisions of the Bill for this long period. Therefore it seems to me that not only the maximum but also the minimum salary should be fixed. It is essential that the officer appointed Chairman of this Board should be an experienced and able man of some standing, and there should be no temptation in times of what are called the exigencies

of the public service to appoint an officer who could be remunerated by a comparatively small salary. It should be distinctly provided in the Bill that the Chairman should be a full-time officer; and for the reasons I have mentioned his minimum salary should be fixed.

The Honourable Sir CHARLES OLLIVANT—I think that this matter is a reasonable one for discussion, but at the same time I am not disposed to advocate or support the change. It seems to me that Government would not wish to minimise the value of their patronage by giving a smaller sum as a salary than the minimum which might be expected for an office the maximum salary of which is Rs. 3,000. Moreover, let us suppose that Mr. Mehta could be induced to accept the Chairmanship of the new Board,—we should under an amendment like this be deprived of his services in this Council, and he would cease to be a member of the Corporation where his knowledge and experience are so beneficial. Therefore I think it is highly undesirable that the Chairman of the new Board should be entirely precluded from discharging any other public duty. The question of minimum salary is a smaller matter altogether. But it seems to me that the fixing of a minimum salary would not be economical in view of the small work that could be done at first. Supposing the Bill is passed next month. We should then be on the eve of the monsoon before the Board could be brought into existence, and altogether six months would elapse before any improvement work could be taken in hand. It seems to me a great pity to tie the hands of Government, and to needlessly increase the cost of the initiation of the Trust by saying that you must appoint a man who is not to have less than Rs. 2,000 a month. Supposing we get an officer who is able for a short time to carry on the duties in addition to those of his present appointment, Government will be able to pay him so much for this duty and so much for that duty if his hands are not tied in the way proposed. It seems to me that there is no advantage to be gained by fixing the minimum. Government are well aware that a good officer must be appointed to perform the important duties of Chairman of the Board, and it is not likely that they would offer a ridiculously low salary. Perhaps, however, if the part of the amendment stating the minimum salary is allowed to stand, Mr. Mehta will not adhere to the other part of the amendment as to the Chairman devoting his whole time to the office. I think it desirable that he should be a member of the Corporation.

The Honourable Mr. MEHTA—I will point out that the difficulty to which the honourable member refers can be met by putting in the Bill a section similar to that in the Municipal Act which makes the services of the Municipal Commissioner available for certain public purposes. He can serve on the Port Trust and does as a matter of fact have a seat thereon. The meaning of the amendment is not that the Chairman should not be eligible for temporary work of public usefulness, but that he should be precluded from accepting any regular public office other than that of Chairman of the Trust. He should not be a pluralist. It is suggested by the honourable member that for some time he might carry on the duties of two different offices; but it seems to me that ought to be avoided as much as possible even though in the first two or three months there would not be much work to be done. Important work will have to be done in the very first instance in organising the lines on which the Board has to work; and it seems to me that this duty, together with the duty of enquiring into the needs of the city, will require the services of a full-time officer. With regard to the minimum I do not say that Government

would be likely to appoint a man of low standing because he would take a lower salary than a more competent officer. But one knows that sometimes in the pressure of the exigencies of the public service Government might be inclined to come down a little lower with the salary than would be compatible with the appointment of a man of some standing and experience. The officer appointed should be a man deserving of a good salary. I, therefore, think that the minimum should not be less than Rs. 2,000 and that the officer should devote his full time to the work, barring, of course, membership of public bodies such as is provided for in the case of the Municipal Commissioner in the Municipal Act.

The Honourable Sir CHARLES OLLIVANT—If the amendment is accepted it will require to be re-drafted and I would therefore suggest, your Excellency, that its consideration be postponed to a later stage.

Consideration of the amendment was accordingly postponed.

On the motion of the Honourable Mr. MORIARTY the following amendments in Sections 18 and 19 were agreed to :—

Section 18, line 20, for the word “ conditions ” to *substitute* the word “ provisions.”

Section 18, lines 21, 25, 30, 43, 49, 56 and 61, to *delete* the word “ that.”

Section 19, line 17, to *delete* the word “ by ” ; and to transpose lines 10 to 20 of Section 20 from that section so as to become sub-section (3) of Section 19.

Sections 20 and 21 were agreed to.

The Honourable Mr. MORIARTY then moved that in line 25 of Section 22, for the word “ limits ” to *substitute* the word “ limit.”

The amendment was agreed to.

Section 23 was agreed to.

The Honourable Mr. G. K. PAREKH then moved that in Section 24, line 16, to *insert* between “ within ” and “ the area ” the words “ the ward comprising.”

He said—As the section now stands it is only the Justices who are residing within the area in reference to which the complaint is to be made, that have authority to make the representation. This is hard. A Justice, who resides in the immediate neighbourhood, would have no authority to make it. If the provision remains unaltered, there would be practically no power in the Justices to make the representation, and the clause would remain inoperative. In the next clause all the ratepayers within the ward have the power and the same power should be given to the Justices residing within the whole ward. It should not be confined to those residing within the particular area. Under the corresponding section of the English Act, Justices for the district have a right to make the representation ; it is not confined to the Justices dwelling or living, or acting within the particular area complained of. A ward is the smallest part of the city which is recognised by law.

The Honourable Sir CHARLES OLLIVANT—I have no objection to offer to the amendment.

The amendment was accordingly agreed to.

The Honourable Mr. PAREKH then moved the following further amendment in Section 24, *viz.*, in line 22, to *insert* between “ within ” and “ the ward ” the words “ or holding property liable to the payment of such tax within ”.

He said—The amendment is proposed with the object that owners of rateable property in a ward, though not residing in the particular area, should have a right to complain. As the Bill stands, it is only the residents in the ward that have a right to complain. There is no reason why persons holding property in the area or its neighbourhood should be excluded from making a complaint, while a person residing in any house in the ward has that power. Owners of property have their interests affected, and it is only right that they should have a voice in moving the Board to take action.

The Honourable Sir CHARLES OLLIVANT—I am not prepared to assent to this amendment. I think that the Bill already enumerates a sufficient number of persons or bodies by whom complaint can be made. The Select Committee has given the Corporation that right in addition to the other parties mentioned in the original Bill. I do not think it desirable that people having a pecuniary interest at stake, holding property in the particular locality the value of which would be enhanced by the improvements, should have the power to move the Board. If they have cause to complain of insanitary surroundings let them come forward and complain in the way already provided by law. I do not see that they should be able to get a scheme of improvement started merely in their own pecuniary interests.

The amendment was rejected.

On the motion of the Honourable Mr. MORIARTY, the following amendments in Section 25 were agreed to :—

Line 19, to *delete* the words “the” and “of”.

Line 23, to *delete* the word “low-lying”.

The Honourable Mr. PAREKH then moved the following amendments in Section 25 :—

(i) For line 8 to *substitute* the following :

“is expedient, or such inclusion is necessary for making the scheme efficient for sanitary purposes.”

(ii) In the same section to *substitute* for clause (a) of sub-section (1) the following :

“(a) The acquisition by compulsory process of any land which will, in the opinion of the Board, be necessary for the execution of the scheme.

(aa) The acquisition otherwise than by compulsory process of any land which will, in the opinion of the Board, be necessary for, or affected by, the execution of the scheme.”

(iii) In the same section to *omit* the last eight words.

He said—My object in proposing these amendments is that where it is a question of exclusion it may be a matter of expediency; but where it becomes a question of including an area which does not ordinarily come within the scope of the Bill, it ought to be made on the ground that it is necessary for sanitary purposes. I may also draw your Excellency's attention to the fact that this is the wording of the English Act. With reference to the other amendment I need not add anything to the remarks I made on the motion for second reading.

The Honourable Sir CHARLES OLLIVANT—In opposing these amendments I will follow the example of the honourable member by referring to the remarks I made on the second reading which will enable him to understand why I cannot agree to the amendments.

The amendments were rejected.

Sections 25 and 26 of the Bill were then agreed to.

On the motion of the Honourable Mr. MORIARTY the following amendments in Section 27 were agreed to:—

* Lines 14 and 15, for the words "the period specified in the next sub-section" to substitute the words "thirty days from the date of receipt thereof"; and line 30, for the word "month" to substitute the words "thirty days".

The Honourable Mr. MEHTA then moved that in sub-section (1) of Section 27 to insert after the words "particulars of the scheme" the words—"(including full estimates of the cost)."

He said—This amendment refers to the notification which is to be issued by the Board, and published as well as sent to the Corporation, regarding improvement schemes it is proposed to undertake. I would ask your Lordship to observe that in the Select Committee a change was made whereby such estimates are required in respect to reclamation schemes, and I now propose that a like provision be inserted in regard to improvement schemes, and street-formation schemes. It was a very desirable change to make in the one case, and it should also be made in the other cases. I do not ask that the words "and anticipated profits" should be inserted in this section, as they have been inserted in the section dealing with reclamations, as such an estimate cannot very readily be formed in regard to an improvement scheme. But I do think that estimates of the cost should be given if the Corporation and the public are to judge of the financial aspects of the scheme. The Corporation cannot fully criticise a scheme if it is unacquainted with the estimated cost, and the information ought to be given.

The Honourable Mr. HUGHES—To my mind the position of the Corporation in regard to the schemes will be the same as that of the general public and the ratepayers. Reclamations stand on a different footing to street schemes and improvements, and there is no objection to making public the estimate of cost in regard to them; there is no question of grant of compensation or of purchase of property so far as they are concerned. It is otherwise in the case of improvements, and it seems to me not at all desirable to publish the estimates in regard to them. The Act provides that when a scheme goes to Government for sanction it shall be accompanied by estimates, and it seems to me that this is a sufficient check against the Board undertaking works beyond its financial powers.

The Honourable Sir CHARLES OLLIVANT—It seems to me that the success of an improvement scheme would be militated against if plans and estimates were prematurely disclosed. It would also be a means of giving persons whose property would be affected by the scheme opportunities of learning in advance the intentions of the Board. It is perfectly clear from the Bill that at the date of the notification the scheme will be incomplete. It is only after the Board have heard what various people have had to say about, after they have received the views of the Corporation, and of interested parties, that they will take up the scheme and submit it to Government with complete plans and estimates. I should be glad if I could see my way to let the Corporation have the full information desired, but I do not think this is practicable. I think the section as altered by the Select Committee should be adhered to.

The Honourable Mr. MEHTA—While I quite appreciate the strength of the arguments about not disclosing full estimates advanced by the Honourable Mr. Hughes and the honourable member in charge of the Bill, I would ask whether it can be assumed that when the estimates have been prepared by the Board they will not be known by the interested parties? Every house-owner will have a notification that his house is to be taken up, and it seems to me that he will soon learn after receiving such a notification what is the approximate value placed upon his property by the Board. I am very doubtful, speaking from a long experience, whether these things do not become known to people who want to know them. It must also be remembered that without estimates the Corporation will not be in a position to criticise the schemes the Board propose to undertake. How can the Corporation know that the carrying out of a particular scheme is compatible with the ordinary resources of the Board being sufficient, unless some particulars as to cost are furnished. They will never know whether the two per cent. limit is likely to be overstepped or not, unless some idea of the approximate cost of the schemes is forthcoming.

The Honourable Mr. HUGHES—The annual Budget will contain estimates of income and expenditure, and Government sanction will be required before any heavy liability is incurred.

The Honourable Mr. MEHTA—The Budget will not give details, and will not show the liabilities incurred by the adoption of any particular scheme. How can the Corporation criticise the scheme on the basis of a desire that the two per cent. limit should not be overstepped, unless it has some information as to its financial aspects? It seems to me that having admitted the right of the Corporation to express its opinion upon each scheme when notified, that right should not be restricted by a refusal to place before the Corporation the financial features of the scheme.

The amendment was put to the vote and lost.

On the motion of the Honourable Mr. MORIARTY the following amendments in Section 23 were agreed to:—

Line 8, for the words "referred to in" to *substitute* the words "received under";

Line 35, after the word "notification" to *insert* the words "relating to the land";

Line 38, for the word "lands" to *substitute* the word "land";

Line 39, to *delete* the words "of which the whole or any part is"; and

Line 41, to *delete* the words "the line of".

The following amendment, of which notice had been given by the Honourable Mr. PABEKU, was, with the permission of His Excellency the President, withdrawn by the honourable member:—

To *add* the following after Section 28:

"28A. Government may give or withhold its sanction to the scheme, provided, however, that Government shall, on a requisition of the Corporation or of persons whose names appear in the Commissioner's Assessment Book as primarily liable for the payment of the property-taxes leviable under the Municipal Act on lands and buildings within the area comprised in the scheme, and the aggregate amount of whose liability is not less than a moiety of the property-taxes for which the whole of

the area comprised in the scheme and the buildings thereon are liable, shall appoint a Committee, of which two members are to be appointed by Government and two by the Corporation to hold local investigation, to receive evidence and to report about the scheme; and Government shall take into consideration the Committee's report before deciding whether to give or not to give the sanction."

At this stage the Council adjourned for half an hour.

On the motion of the Honourable Mr. MORIARTY, the following amendments in Section 29 were agreed to:—

Line 30, to *delete* the words "or modify";
 Line 35, " " "or modified";
 Line 37, " " "or modified";
 Line 42, " " "or modified";
 Line 43, " " "or modified";
 Line 50, " word "or";
 Line 51, " " "modified";
 Line 52, " words "or modified".

On the motion of the Honourable Mr. MORIARTY, the following amendment in Section 30 was agreed to:—

Line 11, to *delete* the words "or re-arrange."

The following amendment, of which notice had been given by the Honourable Mr. PABEKH, was, with His Excellency's permission, withdrawn:—

"In Section 31 to make amendments corresponding with those proposed in respect of Section 25."

Sections 31, 32, and 33 were agreed to.

On the motion of the Honourable Mr. MORIARTY the following amendments in Section 34 were agreed to:—

Line 12, to *delete* the word "of";

Line 16, after the word "if" to *insert* the words "in respect of any reclamation at Colába"; and

Line 18, to *delete* the words "at Colába".

Section 35 of the Bill was agreed to.

On the motion of the Honourable Mr. MORIARTY the following amendment in Section 36 was agreed to:—

Lines 6 and 7, for the words "referred to in" to *substitute* the words "received under."

Section 35 was agreed to.

The Honourable Mr. METHA then moved that the following proviso be added at the end of Section 36, namely,—

"Provided, however, that Government shall, on a requisition of the Corporation in that behalf made any time before sanction is given, appoint a Committee, of which two members shall be nominated by Government and two by the Corporation, to report on such scheme within such time as Government may prescribe, and Govern-

ment shall take into consideration the Committee's Report before deciding whether or not to give sanction."

He said—In asking the Council to accept this amendment I would point out that Government stands in a very different position in regard to the sanction of improvement schemes to what it does in regard to sanction of reclamation schemes. It cannot be denied that Government is an interested party so far as the reclamations are concerned. Government has to be paid the capital charges thereon, and the property will be revested at the end of the period for which the Board is to enjoy the profits minus the three per cent. It loses nothing if the reclamation fails; in fact it gains something as it takes over every abandoned portion. Therefore it seems to me that Government stand in a different position in regard to the reclamations to what they do in regard to the improvements. I do not say that Government are likely to go wrong ordinarily, but it is human nature when you are interested in a scheme to take a more hopeful view as to its prosperity than you otherwise would. The Legislature ought in my opinion to provide some safeguard against this. I do not suggest that a power of veto should be given to the Corporation although it is the body which has to find the funds. I am a modest man in that respect and do not like to ask too much. Therefore I suggest that something should be done by which the judgment of Government should be vindicated before it comes to a final decision. If the Corporation is against the reclamation scheme and the Government take a different view, the Corporation should be entitled to ask this much—a deliberate consideration of the scheme at the hands of an expert Committee, to be appointed, two by Government and two by the Corporation. It should report on the scheme and Government should consider the report before coming to a final decision. The only objection I have heard to this proposal is that you are not likely to get an expert Committee of that sort in Bombay, because they would be either Government officers, or officers of the Board, or of the Port Trust. But I think we may assume, Sir, that in this matter the officers of the Port Trust might be taken as impartial, and could be appointed by the Corporation, while Government could appoint its own officers. Besides, surely, there would be no difficulty in a city like Bombay in finding independent experts. My proposal would not frustrate the reclamation schemes and would not cause unnecessary delay. It is admitted that the reclamations are not essential parts of the improvement of the city. They only find a place in the Bill for the purpose of enabling the Board to supplement its resources. Surely as this is the case, when a difference of opinion between Government and the Corporation occurs, a little delay would not be objectionable, and would not prejudice the real work for which the Board is called into existence. It seems to me that my amendment is a reasonable one and I trust it will meet with the approbation of Government themselves.

The Honourable Sir CHARLES OLLIVANT said—This amendment seems to be designed for the benevolent purpose of making sure that Government will not yield to self-interested motives when it takes the view of the Board as to the desirability of a reclamation scheme. It is to be remembered that the initiative rests not with Government but with the Board. If Government were so keenly anxious for the reclamations they would not be likely to hand over this power to the Board but would keep it in their own hands. It is quite certain that no one will more critically examine the reclamation proposals of the Board than the Government of India for one reason, and the Government of Bombay for another. It is only after this critical examination has taken place, and after the Corpora-

tion has had every opportunity to express its opinion that Government will come to a final conclusion. Mr. Mehta has referred to an objection raised to this proposal in the Select Committee, namely, that a sufficiency of expert opinion will not be available for a Committee to be formed. I may assure the honourable member that Government will give their sanction to no reclamation scheme until it has been reported upon by their chief engineering advisers. No doubt the Corporation will also desire to ascertain the opinion of its engineering advisers. Under these circumstances it cannot be said that schemes will be adopted until they have undergone the most careful scrutiny at the hand of experts. I hope my honourable friend will further remember that on the Board itself experts will find a place. Under these circumstances I must adhere to the view taken by the Select Committee.

The Honourable Mr. MEHTA—With regard to the initiation of reclamation schemes by the Board, my honourable friend seems to forget that the majority of the Board will be Government nominees, so that the Board may take a somewhat lenient view of the prospect of reclamation schemes. As to the scrutiny of the Government of India, it will not be directed to the scheme itself, but only to the question as to how far it affects the interests of the military service. All they will see is whether it is to take a particular form or another form, so that military property may not be affected in any way. It seems to me hardly any time would be lost in considering a scheme even if my proposal were adopted, because Government might specify the time in which the Committee is to make its report. The amendment does not leave matters in such a way as to entail indefinite delay. Another thing is that Government, as I have said, would be really interested in the reclamation scheme and just as the placing of the Kennedy Sea-face in the schedule of properties that are not to be built upon is a safeguard against future attempts to derive any income therefrom, it seems to me that some check is absolutely essential in the case of the reclamation schemes also. In this matter I would ask your Excellency to have a vote taken.

The Council then divided—

<i>Ayes.</i>	<i>Noes.</i>
The Honourable Meherban Narayanrao Govind, Chief of Ichalkaranji.	The Honourable Mr. Monteath.
The Honourable Mr. Garud.	The Honourable Mr. Kirkham.
The Honourable Mr. Parekh.	The Honourable Mr. Moriarty.
The Honourable Dr. Bhalchandra Krishna.	The Honourable Mr. Vrijbhukhandas Atmaram.
The Honourable Mr. Chandavarkar.	The Honourable Mr. Doig.
The Honourable Mr. Khare.	The Honourable Mr. Wingate.
The Honourable Mr. Mehta.	The Honourable Mr. Fazulbhoy Visram.
	The Honourable Mr. Hughes.
	The Honourable Mr. Crowe.
	The Honourable the Advocate General.
	The Honourable Sir Charles Ollivant.
	The Honourable Mr. Nugent.
	His Excellency the President.

The amendment was therefore lost.

On the motion of the Honourable Mr. MORIARTY, the following amendments in Section 37 were agreed to :—

Line 5, before the word "Government" to *insert* the words "either the Government of India or"; and

Line 10, to *delete* the words "by Government", and for the word "and" to *substitute* the word "or".

Sections 38 and 39 of the Bill were agreed to.

On the motion of the Honourable Mr. MORIARTY the following amendments in Section 40 were agreed to :—

Line 54, after the word "resumed" to *insert* the words "or taken possession of";

Line 55, to *delete* the word "either";

Line 57, for the figure "(2)" to *substitute* the figure "(3)"; and for the words "as the case may be" to *substitute* the word "respectively";

Lines 58 to 60, for the words "any land or buildings comprised in a Police Accommodation Scheme" to *substitute* the words "the building and the land forming the site thereof";

Line 63, for the words "such premises" to *substitute* the words "the building and the land"; and

Lines 66 and 67, for the words "such premises" to *substitute* the words "the building and the land".

On the motion of the Honourable Mr. MORIARTY, the following amendment in Section 40A was agreed to :—

Lines 14 and 15, for the words "as hereinafter provided" to *substitute* the words "to the provisions of sub-section (2) of Section 41".

The Honourable Mr. MORIARTY then moved that for Section 40B to *substitute* the following :—

"40B. The provisions of Sections 239 to 329, both inclusive, of the Municipal Act shall, so far as may be consistent with the tenour of this Act, apply to streets or parts thereof which may become vested in the Board under this Act, during such periods as the same shall respectively remain so vested, and, for the purposes of this Act, the several municipal authorities referred to in any of the said sections of the said Act shall, respectively, mean the Board who, in respect of any streets or parts of streets so vested, may alone exercise and perform all or any of the powers and functions which by any of the said sections might have been exercised or performed by any municipal authority either with or without the sanction, authority or approval of any other municipal authority. The expression "Municipal officer or servant occurring in any of the said sections of the said Act shall mean officer or servant of the Board."

The amendment was agreed to.

The Honourable Mr. MORIARTY asked permission to withdraw the amendments to Section 40C, of which he had given notice, and to substitute in their place the following amendment of Section 40C, *viz.*, for Section 40C, to *substitute* the following :—

"40C. The provisions of Section 334 of the Municipal Act shall, so far as may be consistent with the tenour of this Act, apply to any streets or parts thereof which may become vested in the Board under this Act, during such periods as the same may, respectively, remain so vested, and, for the purposes of this Act, the expression 'Commissioner' occurring in the said section of the Municipal Act shall mean the Board, who, during such periods as aforesaid, shall alone exercise and perform all or any of the powers and functions which might, under the said section of the said Act, have been exercised or performed by the Commissioner; and the expression 'Municipal fund' shall mean the funds of the Board."

The amendment was agreed to.

The Honourable Mr. MORIARTY then moved that for Section 40D to *substitute* the following :—

"40D. The provisions of Sections 3, 4, 10, 11, 12, 13, 14, 15, 27, 28 and 29 of the Bombay Tramways Act, 1874, shall, so far as may be consistent with the tenour of this Act, apply to public streets or parts thereof which may become vested in the Board under this Act, during such periods as the same shall, respectively, remain so vested, and for the purposes of this Act, the expressions 'Municipal Commissioner, 'Commissioner' and 'Corporation' occurring in any of the said sections of the said Act shall mean, respectively, the Board, and the expressions 'Executive Engineer of the said Corporation' and 'Executive Engineer' shall mean, respectively, the Engineer of the Board."

The amendment was agreed to.

On the motion of the Honourable Mr. MORIARTY the following amendments in Section 41 were agreed to :—

Lines 37 and 38, after the word "thereof" to *insert* the words "and should be provided by the Board"; and after the word "been" to *insert* the word "so" and to *delete* the words "by the Board";

Line 39, after the word "vest" to *insert* the words "or re-vest as the case may be"; and

Line 52, for the word "thereafter" to *substitute* the word "thereupon"; and to *delete* the word "said."

On the motion of the Honourable Mr. MORIARTY the following amendment in Section 42 was agreed to :—

Lines 5, 6, 11 and 12, for the word "lands" to *substitute* the word "land."

On the motion of the Honourable Mr. MORIARTY the following amendments in Section 43 were agreed to :—

Line 34, to *delete* the word "the";

Lines 45 to 47, for the words "the Board shall be deemed to be the Local Government" to *substitute* the words "the expression 'Local Government' shall be deemed to include the Board and the words 'such locality' shall be deemed to mean the locality referred to in any such resolution";

Line 70, after the word "appeal" to *insert* the words "(hereinafter called the tribunal)";

Lines 78, 92, 107, 115, 117, 131, 132, 153, to *delete* the words "of appeal".

His Excellency the President—There are two amendments on the Agenda paper to clause (c) of sub-section (5) of Section 43, viz., those of the Honourable Messrs. Moriarty and Mehta. I think that as Mr. Mehta's amendment goes further than Mr. Moriarty's, it will be better to take it first.

The Honourable Mr. MEHTA thereupon moved the following amendment to Section 43—

In sub-section 5, clause (c), lines 94—95, to omit the words “(who shall be a special judicial officer),” and to insert the following clause between clauses (c) and (d) of the said sub-section :

“(c) 1.—The President shall be selected from—

1st.—Members of the Judicial Branch of the Imperial and Provincial Civil Service of not less than ten years' standing, and who shall have served as District Judge for at least three years of that period, or who have had judicial office not inferior to that of a First Class Sub-Judge or Chief Judge of the Presidency Small Causes Court for a period of not less than three years.

2nd.—Practising Barristers, Advocates, or Pleaders of the High Court of Bombay, of not less than ten years' standing.”

He said—As your Excellency will observe my amendment goes somewhat further than that standing in the name of the Honourable Mr. Moriarty. In the Select Committee it was felt that the President of the Court should be a judicial officer of some standing. It seems to me that the place where the status of the President should be defined is the act itself. It is with this view that I have suggested the amendment which I now propose. The officer presiding over this tribunal will have to do work of an important judicial character and he should be almost equal to a Judge of the High Court.

The Honourable Sir CHARLES OLLIVANT—As Chairman of the Select Committee I do not object to the proposal, for it is in accordance with the principles we desire to lay down. The question as to which amendment should be accepted lies between the Honourable Mr. Mehta and the Honourable Mr. Moriarty.

The Honourable Mr. MORIARTY—I am willing to withdraw my amendment in favour of the one which has been proposed, but I think that the ten years' standing proposed in the case of legal practitioners is too long.

The Honourable the ADVOCATE-GENERAL—If, as Mr. Mehta suggests, the President of the Court is to have a status equal to that of a High Court Judge, he should have the salary of a High Court Judge.

The Honourable Mr. MEHTA—I think so, too.

The Honourable the ADVOCATE-GENERAL—I agree with Mr. Moriarty that ten years' standing is rather too much. A man of ten years' standing may have a large practice in Bombay as an Advocate or Pleader, and it would be difficult to get him to leave work in the High Court for one of these appointments. I would suggest eight years as the minimum.

The Honourable Mr. MEHTA—As I have told your Excellency I am always ready for a compromise. I will put the period at eight years as the Honourable Advocate-General suggests.

The Honourable Mr. MORIARTY then withdrew his amendment in favour of that of the Honourable Mr. Mehta, and the latter as altered at the instance of the Honourable the Advocate-General was carried.

The Honourable Mr. MORIARTY—It has been deemed advisable to give the President power to make rules regarding the conduct of business in his Court, and the appointment of officers and servants in the Court, and also that these officers should be under the same regulations as regards leave and allowances as the servants of the Board. I would therefore propose the following amendments to Section 43:—

At line 167, *insert* the following :

(7) Subject to the sanction of Government, the President of the Tribunal shall have power—

(i) to appoint such clerks and other officers or servants as may be necessary for carrying on the business of the Tribunal and to fix their salaries, which shall be paid accordingly by the Board ; and

(ii) to make rules for the conduct of the business of the Tribunal, provided that such rules are not repugnant to the provisions of the Code of Civil Procedure; and such rules shall come into force on receiving the sanction of Government.

He said—The regulations made by the Board under Section 81 would be deemed to apply to the officers and servants appointed by the President of the Tribunal under this clause as if they had been appointed by the Board, provided always that the power to dismiss or to grant leave should be exercised by the said President.

The Honourable Sir CHARLES OLLIVANT—I am quite sure that if the amendments now proposed had been before the Select Committee they would have been accepted. It will be very convenient, Your Excellency, for the President of the Court to have power to make rules as to the procedure of the Court, regarding the inspection of documents by parties and so on. It is also desirable that the appointment of clerks and others required for the Court establishment should rest with the President of the Tribunal, rather than with the Chairman of the Board. It is, however, only reasonable that such officers of the Court should be under the same rules as regards leave and allowances as the servants of the Board. There is only one point that I wish to mention in regard to the resolution proposed, and that is, whether there is anything in its terms which would debar the President of the Tribunal from appointing persons already in the judicial service of Government, inasmuch as such persons are subject to the rules of Government and the High Court respecting leave and allowances.

The Honourable Mr. MEHTA—I am not quite clear about the latter portion of the amendment, and do not know whether this procedure need be laid down in the Bill. I do not see why the officers and servants of the Court should be put on the same footing as the servants of the Board as to leave and allowances. The Tribunal may have no work for weeks or months together, and the appointments might be temporary, in which case they would be given too many privileges. I think that further time ought to be given for the consideration of this amendment.

The Honourable Mr. MORIARTY—It is to be assumed that the rules to be framed by the President of the Tribunal will distinguish between the temporary officers and servants of the tribunal, and the permanent officers and servants.

The Honourable Mr. MEHTA—But the Tribunal itself may not be required to sit except occasionally. I would suggest to Your Excellency that this amendment be left out for the present and considered at some future time.

The Honourable Mr. MORIARTY—I see no objection to that.

The Honourable Sir CHARLES OLLIVANT—I also think that that will be the best course. We do not know at present what work the Tribunal will have to perform. It depends upon the number of properties the Trust may take up at one time. If they are taking up only a single property, the Chief Judge of the Small Causes Court could provide a temporary staff for the Tribunal. But when they are taking up several properties at a time the Court may have to sit three days a week for a period of six months, and then some official establishment must be placed at their disposal. But in the event of the subordinate staff being obtained temporarily from the Small Causes Court or other Government office, we can make provision in the proposed new sub-sections to exclude such servants of Government from the operation of the rules that are to apply to the servants of the Tribunal. The chief purpose of the amendment is, that such servants should be appointed by the servants of the Tribunal and not by the Chairman of the Board.

Consideration of the amendment was postponed.

The Honourable Mr. MEHTA moved the following amendment in Section 43 :—

In sub-section (5), clause (k), lines 160 to 166, to *omit* all words after the words "of the tribunal."

He said—I was desirous in Select Committee to amend this section in this respect, but afterwards came to the conclusion that it might stand as it is framed. On further consideration, however, I think that it imposes an undesirable limitation on the right of appeal. Under it there is absolutely no appeal even if the sum is Rs. 5,000 or more excepting as to the right of any particular person or persons to receive compensations awarded, or the apportionment of the compensation among the persons interested. In the beginning of this work the Tribunal will lay down its own rules as to compensation, and if the clause remains as it stands, there will be no appeal to a higher authority as to the legality and justice of the principles upon which the awards are to be given. If there is an appeal, mistakes will be pointed out, and the principles upon which compensation is awarded will be fixed and sustained by the authority of the High Court, and after that the work of the Tribunal will become easy. It will know the principles laid down, and supported by the High Court, and will work smoothly. It seems to me, therefore, that the appeals ought not to be restricted in the way the Bill contemplates. Large numbers of people will have their rights of property interfered with, and it is of great importance that some confidence should be given to the public as to the principles of compensation laid down by the Tribunal by making those principles subject to the revision of the High Court. If the right of appeal is given it will inspire confidence. I am quite willing, if Government desire, that the appeal should be limited to cases in which the award is Rs. 5,000 and upwards.

The Honourable Sir CHARLES OLLIVANT—I am afraid I cannot support the amendment. We do not want a lot of litigation by permitting appeals where they are not really

called for. It seems to me that the previous amendment which we have accepted providing that the judicial officer who is to be President of the Court shall be a man of considerable standing, is a safeguard against the lack of confidence in the tribunal which Mr. Mehta fears. Government will take care on their part that the assessor they appoint shall be a man entitled to public confidence, and I am sure that the Corporation will be careful on their part in regard to the assessor they appoint. It seems to me, therefore, that we may rely upon the assessors to see that justice is done.

The Honourable Mr. MEHTA—While I quite admit that the Judge of the Tribunal will be an officer of high judicial standing, I do not see why his decision should not be subject to appeal. It is to be remembered that the decision of even a single High Court Judge is subject to appeal. I am quite prepared to accept a proposal that a minimum limit of amount should be fixed for a case to be eligible for appeal. I see that in the English Act the amount is £1,000, but the point of main importance is that there should be some higher Tribunal who would fix the principles upon which the tribunal should go in doing its work.

The Honourable Mr. HUGHES—The English Act provides for an appeal because the award is made by a single arbitrator.

The Honourable Mr. MEHTA—The Honourable Mr. Hughes at one time thought there was no appeal at all, but I am glad he now admits there is an appeal.

The Honourable Mr. PAREKH—It is only where there is an arbitration that an appeal is allowed in the English Act.

The Honourable Sir CHARLES OLLIVANT—I think we might permit of appeals, in the sense of allowing a case to be stated for a point of law. In that way fixed principles to go upon would be laid down.

The Honourable Mr. MEHTA—That had already occurred to me also. Such a provision existed in the Small Causes Court Act, before it was last amended, in cases of suits for Rs. 2,000 and upwards. But I do not think that the suggestion of the honourable member meets all the requirements of the present case.

The Honourable the ADVOCATE-GENERAL—I would suggest that the words be left out, and the amount in respect to which appeals will lie be raised to ten thousand rupees, such appeals only to be made on the leave of the President.

The Honourable Mr. MEHTA—When I speak of the leave of the Court, I mean the leave of the High Court. The parties would have to apply to the High Court before an appeal could be granted.

The Honourable the ADVOCATE-GENERAL—It always seems to me unsatisfactory for a Court which knows nothing about a case to be asked to grant leave to appeal in regard to it. At best it only hears an *ex-parte* statement.

The Honourable Mr. MEHTA—The method serves to prevent appeals unless there is a real grievance. The parties know that they must have a good case before they go to the High Court, and they are not likely to incur needless expense by making applications for leave to appeal that would not have any chance of being sustained.

The Honourable Sir CHARLES OLLIVANT—I would suggest, Your Excellency, that the discussion of this point should be postponed till to-morrow. We shall then have time to consider how far we can go in the direction of Mr. Mehta's amendment.

Consideration of the amendment was thereupon postponed.

On the motion of the Honourable Mr. MORIARTY the following amendment in clause (d) of sub-section (6) of Section 43 was agreed to :—

In line 296 after the word “ notification ” to *insert* the words “ relating to the land or building.”

The Honourable Mr. МЕНТА then moved the following further amendment in clause (d) of sub-section (6) of Section 43:—

In line 300 to *omit* all words after the words ‘ land or building ’ and to *substitute* in their place the following :

“ The Court may, if it thinks fit, take the rent of the land or building to be not greater than the rent shown in the latest return so made.”

He said—This amendment is in regard to the way in which compensation is to be determined. The section as it stands provides that when the owner of the land or building has, after the passing of this Act and within twenty-four months preceding the date of the publication of a notification under Sections 27, 32* or 39, made a return under Section 155 of the Municipal Act of the rent of the land or building, the rent of the land or building shall not in any such case be deemed to be greater than the rent shown in the latest return so made. Now it is to the last part of this sub-section that I object. It will be seen that when a man goes up for compensation he is to be bound down to the declaration he has previously made. In the discussion in the Select Committee the Chairman was disposed to be very hard, and said that when people had made a false declaration to the Municipality they must suffer the consequences of their dishonesty. That is a very intelligible position as to persons who have been fraudulent and dishonest ; but, my Lord, we know there are certain acts which are not considered by people as being so heinous as some others. Smuggling is of course illegal, but in public opinion a man has not committed any very great crime if he smuggles in some dutiable article to avoid paying duty. One argument which I will advance is, that we must not tie down a man too strictly because in a moment of weakness he has done what is wrong in a matter of this kind. But beyond this argument, based on the frailty of human nature, there is a stronger argument to which I would direct the attention of my honourable friend, and it is this that the basis of the rateable value of a property in the assessment books of the Municipality is not the declared rental, but the rental which the property is supposed to be worth. Section 154 of the Municipal Act provides that the rateable value is to be determined by the amount of the annual rent at which the property may reasonably be expected to let from year to year. The actual rent therefore does not necessarily form the basis upon which the rateable value is fixed. That must be adjusted by the Assessor who has to determine what would be a reasonable rent for any property. When a man represents the actual rent as something less than what the property might reasonably be expected to yield, his declaration as to rent does not necessarily determine the rateable value. It also frequently happens that a man wishes to let his property to a friend or relative at a lower rent than he could obtain if it was let to a person having no particular claims to his consideration. Such cases are not unfrequent, and yet under the Bill now before us no account is taken of them, and if a man has made an honest declaration of the rent he is receiving, he will only be paid compensation upon that rental and not upon the rental it is really worth. Under these circumstances the Bill ought not to say that the declared rental is in all cases to be taken as the real rental obtainable.

Of course there are other cases in which a man states the rental to be something less than he actually receives. My amendment would meet both cases, as it would leave it to the discretion of the Tribunal to say whether under all circumstances the declared rental should be the basis of compensation or no. I therefore trust that my amendment will be accepted.

The Honourable Sir CHARLES OLLIVANT—When this Bill was referred to a Select Committee, it was said that I should watch carefully the interests of the Corporation, and I desire to maintain this reputation. I am aware that the Corporation has suffered a great deal from incorrect representations as to the rental of properties. I know from my experience that when the Corporation requires a return of the rental of properties for assessment purposes they get very different figures to those which are supplied when properties are required to be taken for public purposes. Mr. Mehta raised this question in the Select Committee, and I thought we had met his views by putting in the proviso that declarations of rental are only to be taken as a guide to the Tribunal when they have been made after the passing of the Act. We therefore take no cognisance of the sins of the past, and if any property owner suffers from having made a fraudulent return it will not be without opportunities of knowing the consequences that may be involved. I quite admit that owners may sometimes let their property at rentals somewhat less than what they might reasonably be expected to fetch, and therefore I should suggest that the words to which Mr. Mehta objects be retained, but that they be qualified by the addition of the words "save for reasons to be shown to the satisfaction of the Tribunal." If this proviso is inserted, it will be for the owners who have let properties below their proper values to prove to the satisfaction of the Court that they have done so for special reasons. I do think that in the majority of cases a person ought to be bound to the rent he has himself declared he receives. The spirit of the Honourable Mr. Mehta's amendment will be met by the insertion of some such words as I have now suggested.

The Honourable Mr. MEHTA—Practically it comes round to the same thing. But I still think that the form I propose is the form which is better suited for purposes of this sort. It will be seen that my amendment leaves the question to the discretion of the Court. We are really both agreed as to the principle of the amendment, and it seems to me that the question now is what is the best form in which it should be put. Mr. Moriarty will be able to tell us whether this should be put as an exception, or as a positive direction for the Tribunal. The phrase "the Court may if it thinks fit" do such and such a thing is one with which we are familiar in Acts dealing with the procedure of the Courts.

The Honourable Sir CHARLES OLLIVANT—If we omit clause D altogether, the Court will still have the power to do what is suggested under the other provisions of the section.

The Honourable Mr. MEHTA—I am willing to meet my honourable friend. If he proposes to omit clause D, I am quite prepared to accept the suggestion.

The Honourable Sir CHARLES OLLIVANT—I am not disposed to eliminate the clause. I was simply pointing out that if Mr. Mehta's amendment is carried its practical effect would be to make the clause inoperative.

The Honourable Mr. MEHTA—It would not be so. All my amendment does is to leave the question to the discretion of the Court. If there is satisfactory evidence that the rental is higher than the declared value, and that the case is not of such fraud as to require severe treatment, my amendment would enable it to take that into account in making the award.

The Honourable the ADVOCATE-GENERAL—I understand that the idea of the Honourable Sir Charles Ollivant is that the declared rental should be taken as the basis of compensation except for causes shown. It seems to me that if Mr Mehta accepts the proposal of the honourable member in charge of the Bill, his intention in proposing the amendment will be met.

The Honourable Sir CHARLES OLLIVANT—I certainly cannot accept Mr. Mehta's amendment as it stands. The returns of rental should be the basis of compensation, but I am prepared to admit that the Tribunal should have discretion not to take it as the basis if there are reasons shown for not doing so. It is for that reason I have proposed the insertion of these words.

The Honourable Mr. MEHTA—I do not care for the wording of Sir C. Ollivant's compromise, but I have no desire to divide the Council and will therefore accept his proposal.

On the motion of the Honourable Sir CHARLES OLLIVANT the following amendment in clause (d) of sub-section (b) of Section 43 was then agreed to :—

In line 302, to *insert* after the words "such case" the words, "save as the Court may otherwise direct."

The Honourable Mr. PAREKH withdrew the following amendment to Section 43, of which he had given notice :—

For clause 5, sub-sections (a) to (h), to *substitute* the following :—

"For the purposes of this Chapter a Judge shall be specially appointed to perform the functions of the Court under the said Act; such Judge shall be appointed by Government for a term of one year and shall be eligible for re-appointment, and it shall be lawful for Government, if it think fit, to remove for inability or misbehaviour or other good or sufficient cause such Judge; and when a vacancy in the office occurs, Government shall appoint a proper person to it: Government shall fix the salary of the Judge, and this salary and the cost of any special clerical or other establishments which shall be necessary shall be paid by the Board."

On the motion of the Honourable Mr. MORIARTY the following amendments in Section 44A were agreed to :—

Line 36, for the word "when" to *substitute* the word "whenever"; and line 52 to *delete* the words "of appeal."

Section 45 of the Bill was agreed to.

On the motion of the Honourable Mr. MORIARTY the following amendment in Section 46, line 1, was agreed to :—

For the words "consent of Government" to *substitute* the words "sanction of the Government of India."

Sections 47, 48, 49, 50 and 51 of the Bill were agreed to.

The Honourable Mr. MEHTA then moved the following amendment to Section 52 :—

Line 9, to *omit* all words after "under Section 45."

He said—The words which I propose should be eliminated give to the Board power to mortgage the lands and properties of the Trust in security for temporary advances

from a Bank. Admittedly, my Lord, the advances from a Bank would be temporary in character and therefore the Bank would not be running any great risk. It sometimes happens that the conditions of the money market are not propitious for raising a loan and putting it on the market. Under this section power is given to the Board to meet such a state of affairs by obtaining temporary advances from the Bank. That is the object of the section, and I do not see why we need go beyond that by giving the Board the power of mortgage proposed in the latter part of the section. Such advances are made to the Municipality for a limited time without any security whatever. Supposing security is required in the case of the new Board, it will be supplied in the loans to be subsequently raised. The Board has the power under the present Bill to take its own debentures, and to defer issuing the loan to the public until the proper time. These debentures would form the most ample security for the Bank to hold, until the loan is placed on the public market, when moneys would be forthcoming to repay the advances. Under the section as it stands, you may for a loan which lasts for a very short time have to go to the expense of preparing, engrossing and stamping a deed of mortgage, and other necessary documents. The section puts great temptation in the way of the Board to spend beyond its means, knowing that it can mortgage its properties for accommodation to any extent. It seems to me that no power of this kind should be given. The Board will have the fullest means of obtaining credit upon the debentures it holds in its own hands, and it seems to me undesirable and unnecessary in view of that fact to give the Board power to mortgage its properties. I trust therefore that this amendment will be carried.

The Honourable Mr. VRIJBHUKHANDAS ATMARAM said—Your Excellency, it appears to me that to disallow to the Board the power to grant mortgages to the extent of any loans sanctioned by Government would not be advisable; for, I fear that if no such power is given to the Board, its operations are likely to be a great deal hampered on certain emergent occasions, as the Banks have no power to advance money beyond a limited extent on personal credit, and as, when the money market is tight, it would be scarcely prudent to float the required loan. At such times, the power contemplated by the section would help the Board to tide over the difficulty. Further, it is not easy to see why the power in question need be seriously objected to, when it is remembered that if the operations of the Board had devolved on the Corporation itself, the latter body could have, in virtue of Section 108 of the City of Bombay Municipal Act, availed itself of the facility which the present amendment proposes to deny to the Board.

Section 108 of the City of Bombay Municipal Act (Bombay Act III of 1888) reads thus:—

“(1) The Corporation may borrow or re-borrow any such sum as aforesaid from any person other than the Secretary of State for India in Council, on the security of any immoveable property belonging to them, or proposed to be acquired by them under this Act or of all the taxes, or of any tax which they are authorized to levy for the purposes of this Act or of all or any of those securities.

(2) And for the purpose of securing the repayment of any sum so borrowed, with interest thereon, they may mortgage to the person, by or on behalf of whom such sum is advanced, any such immoveable property or tax.”

If such is the power with which the Corporation itself is invested, one fails to see why the Board should be divested of it.

The Honourable Sir CHARLES OLLIVANT said—This question was raised in Select Committee. I hold in my hand letters from two Banks in Bombay, stating that they consider it essential that the Trust should have power to make mortgages as security for advances. One of the letters states that a letter under the seal of the Board stating that it will give the security of such and such property when applying for the loan would be sufficient, and that the expense of preparing a deed of mortgage need not be incurred. At the same time I do think that there should be some additional safeguard on this power of the Board, and I therefore propose that after the word “may” in line 10, the words “with the sanction of Government” be inserted. This will limit the Board’s power to grant mortgages by requiring the previous sanction of Government.

The Honourable Mr. MEHTA—That would safeguard to a certain extent the exercise of the power of mortgage. I will therefore accept the modification proposed by the honourable member.

The amendment proposed by the Honourable Sir Charles Ollivant was carried.

The Honourable Mr. MORIARTY moved the following amendment in Section 53:—

Line 12, to *substitute* a comma for the full stop and after the word “plans” to *add* the words “subject, in the case of the lands specified in Schedule C, to the right therein reserved of temporary occupation by Government of certain premises.”

The Honourable Mr. MEHTA—It seems to me that this amendment ought not to be inserted, as it curtails and modifies the vestment of the lands in the Trust.

The Honourable Mr. MORIARTY—The reservation only applies to the Government Mews. It is the Hornby Row plot described at page 75.

The Honourable Mr. MEHTA—If that is the case, why not specify the plot in the amendment.

The Honourable Mr. MORIARTY thereupon altered his amendment to read as follows:—

To *substitute* a comma for the full stop and after the word “plans” to *add* the words “subject, in the case of the lands specified as plot 12 in Schedule C, to the right therein reserved of temporary occupation by Government.”

The amendment was carried.

On the motion of the Honourable Mr. MORIARTY the following further amendments to Section 53 were agreed to:—

- Line 56, after the word “period” to *insert* the words “of thirty years”;
- Line 67, for the letter “(b) to *substitute* the letter “(c)”;
- Line 77, after the word “last” to *insert* the word “preceding”;
- Line 105, for the words “shall vest in the Board” to *substitute* the words “shall, subject to the provisions of this section, remain so vested”;
- Line 138, for the words “not being” to *substitute* the words “other than”; and
- Line 145, for the word “may” to *substitute* the word “shall”.

The Honourable Mr. MEHTA moved that in sub-section (2) of Section 53, line 15, after the words “Flats” to *add* the words “for which no capital value shall be charged.”

He said—Your Lordship will find on reference to the report of the Select Committee that it was intended that no capital value should be assessed in respect to the Flats, and my amendment is moved with a view to this being specifically mentioned in the Bill. I know that in the schedule no capital is placed against the Flats, but I think it desirable that this should be mentioned in the section itself. I trust Your Lordship will permit me to take this opportunity to express my acknowledgments of the way in which this matter has been dealt with by Government. The vexed question between Government and the Corporation has now been settled in a manner by which justice has been done to the equitable claims of the Corporation. I am very grateful to Your Lordship's Government for the settlement that has been arrived at.

The Honourable the ADVOCATE-GENERAL—I would suggest that the portion of the Flats for which no capital value is to be charged be specified.

The Honourable Mr. MEHTA—It is the whole of the Flats for which no capital charge is to be made.

The Honourable Sir CHARLES OLLIVANT—You must remember that the area of the Flats is very large. It seems to me that this is not the part of the Bill where this amendment should be inserted.

The Honourable Mr. MEHTA—I shall be quite content if these words are introduced elsewhere so long as they are inserted.

The Honourable Sir CHARLES OLLIVANT—I would ask the honourable member to refer to Section 9, which seems to me the most suitable place for inserting this provision. The Flats can there be specifically excluded from the capital debts due by the Board to the Secretary of State.

The Honourable Mr. MEHTA—Very well, I shall be content if in the schedule words are inserted opposite the entry of the Flats that no capital value is to be charged in regard to them.

Consideration of the amendment was then postponed.

The Honourable Mr. MEHTA then moved that in sub-section (2) of Section 53, lines 17 and 18, after the words "any building of a permanent character" to add the words "the intention being that the said lands shall be for ever open spaces, and shall be reserved for the recreation of the public."

He said—This amendment also refers to the Flats. There is nothing in the Bill now to show that these Flats are to remain as open spaces for the recreation of the people. The liberality of Your Excellency's Government in settling the question of the Flats has gone as far as that and it seems to me that it should find expression in the Bill itself. It is absolutely impossible to put any habitable building upon these Flats and I think the use to which they could be put for many years to come will only be that of a public park, which in years to come might be made upon some portion of them. If these words are inserted they will clearly show that Flats are made over for the perpetual benefit of the city.

The Honourable Sir CHARLES OLLIVANT—I trust the honourable member will withdraw this proposal. I assure him that for many years to come there will be no chance of the Flats being used for purposes of recreation. Although in the distant future some portion of the Flats may be appropriated for this purpose, I do not think there ought to be anything in the Act to prevent the Board letting the Flats, say for agricultural pur-

poses, which is the best way for utilising them, for at least the next thirty years. The Flats, as handed over to this Board, extend along the banks of the outfall stormwater drain as far as the Worli sluices, and part of this land is used for public purposes by the Municipality. There should be nothing in the Act to prevent the Board from obtaining revenue from the Flats.

The Honourable Mr. MEHTA—What is to become of these Flats after the Board has ceased to exist? That is the point I wish to have determined. Your Lordship will remember that in the Bill as first introduced the Flats were included in the first part of Schedule C in the list of areas which were to remain as open spaces for ever. But in the Select Committee the first and second parts of Schedule C have been put together, for certain reasons not connected with the disposal of the Flats, and the ultimate determination of the various properties is left for future determination. Therefore under the Bill as originally presented the Board would have had no power to build or in any way encroach upon these lands, the intention being that they should remain open spaces for ever, whereas under the Bill as amended there is no such restriction. All I ask is that the original intention of the Bill, which the Select Committee did not intend to alter, should be restored. The Flats should be dealt with as contemplated in the original Bill. They were intended in the Bill for the perpetual use of the public.

The Honourable Mr. HUGHES—If you refer to page 41 you will see that the original draft gave the Board power to let the Flats or any part thereof for cultivation or for the storage of goods and to permit the erection of temporary structures thereon for any purpose other than that of human habitation. Under the amendment of the honourable member this power would cease.

The Honourable Mr. MEHTA—I am quite ready that the words, "except that the Board may let them for storing goods or for purposes of cultivation" should be inserted, to restore the meaning of the Bill as originally drafted in its entirety.

The Honourable the ADVOCATE-GENERAL—But that would not be compatible with the wording of your amendment—that these lands "shall be for ever open spaces, and shall be reserved for the recreation of the public."

The Honourable Mr. MEHTA—Yes, it would be subject to the limitation that they may be used for storing goods and for agricultural purposes.

The Honourable the ADVOCATE-GENERAL—But your amendment is unnecessary, because the Bill only empowers the Board to erect temporary structures on the Flats.

The Honourable Mr. MEHTA—If my amendment is unnecessary, why was similar wording necessary in the original Bill? The point I am driving at is this: It should be clear that the Flats are given in perpetual trust for the city as was stated in the Select Committee. As the Bill stands this is not clear. I shall be quite satisfied if it is responsibly stated that the present wording effects the object I have in view in the amendment.

The Honourable Sir CHARLES OLLIVANT—It is clear that what the Honourable Mr. Mehta really has in view is the insertion of a proviso dedicating the Flats for ever to the public. He is trying by a side wind to bring in some security that the Flats shall never be other than public property. If the honourable member desires that there should be a vesting clause, he should move one, and I rather wonder that he has not given notice of

one. The section gives the Board power to let the land for temporary purposes only and every one knows that for many years to come the Flats must remain open spaces. The lands specified in Schedule C are vested in the Board for the benefit of the public, but the Bill maintains a judicious silence as to the ultimate use to which the properties are to be put. If the honourable member desires a vesting clause to be inserted he should have proposed an amendment to that effect. I am not sure that we should have any great objection to it.

The Honourable Mr. MEHTA—I was under the impression that Government were going to propose a vesting clause, otherwise I would have given notice of one.

The Honourable Sir CHARLES OLLIVANT—Leaving all questions of this kind on one side and dealing with the section as it stands, I should be the first to propose some alteration if I thought that anything was to be gained by the change. I take it that this section gives the Board a very desirable power in stating that the Flats may be used for temporary purposes, for many years to come cultivation will be the best thing that can be done with the Flats. It is the only way in which the soil can be sweetened. What we want to guard against, and what the section guards against, is the erection of permanent structures upon the Flats. Until fresh legislation may be introduced many years hence suitable to the occasion, the Flats must remain what the Honourable Mr. Mehta says they should remain, open spaces, and therefore I do not see the need for the change suggested.

The Honourable Mr. MEHTA—What I desire is, that it should be made clear that the Flats are given to the city, and it seems to me that this is the best section for the purpose of making this clear. It provides, in regard to the Kennedy Sea-face and other properties in the same category, that they shall remain open spaces when it is decided not to build upon them. I think that the same provision as that made in regard to the Kennedy Sea-face for its dedication to the public should be made respecting the Flats, which were included in the first part of Schedule C originally and were intended to be treated in the same way as the other properties in it.

The Honourable Sir CHARLES OLLIVANT—As long as the Board continues to exist this section will impose upon it the duty of keeping the Flats unbuilt upon, save for temporary purposes. I think no one would be rash to prophesy what the future of the Flats will be a hundred years hence. Until then they will remain open spaces. The case of the Kennedy Sea-face is different. It lies between the sea and the crowded parts of the city, and there can be no question as to the desirability of keeping it or some portion of it an open space for ever. Under these circumstances I prefer to leave the section as it stands.

The Honourable Mr. MEHTA—If the honourable member will accept a reversionary clause in which it will be clear that the Flats would revert to the Corporation after the Board has ceased to exist, I would not press my amendment at all. As it is, we do not know if they are finally given to the city or not. On the face of it they are so given and they were certainly intended to be so treated in the Select Committee. But I ask that the Bill should plainly show whether after ninety-nine years they will go to the city, or whether they are going to be taken over by Government. I should like to know what is the real decision of the Government on this point. If I get an assurance that the city will have the reversionary right to the Flats I will not press my amendment.

The Honourable Sir CHARLES OLLIVANT—My answer to the enquiry of the honourable member is that the question has never been considered by Government and therefore there is no decision upon it.

On the amendment being put the Council divided :—

<i>Ayes.</i>	<i>Noes.</i>
The Chief of Ichalkaranji.	The Honourable Mr. Montearth.
The Honourable Mr. Garud.	The Honourable Mr. Kirkham.
The Honourable Mr. Vrijbhukhandas.	The Honourable Mr. Moriarty.
The Honourable Mr. Parekh.	The Honourable Mr. Hughes.
The Honourable Dr. Bhalchandra.	The Honourable Mr. Crowe.
The Honourable Mr. Chandavarkar.	The Honourable Mr. Doig.
The Honourable Mr. Khare.	The Honourable the Advocate General.
The Honourable Mr. Mehta.	The Honourable Sir Charles Ollivant.
	The Honourable Mr. Nugent.
	His Excellency the President.

The amendment was therefore lost.

The Honourable Mr MEHTA then moved the following further amendment to Section 53 :—

In sub-section (3), line 65, to *add* after the words "temporary purpose," the following words:

"not injuriously affecting the dedication of the said lands for the purposes of public health and recreation."

He said—The Council will observe that this amendment has reference to the experience the city has had regarding the Kennedy Sea-face. The clause as it stands gives Government the power to occupy any part of the sea-face for any temporary purpose. In other words it will give the Government power to erect Remount stables there, and as this will injuriously affect the value of the lands for the purposes of public health and recreation I have moved this amendment. In spite of the complaints made year after year, and in spite of the promises of Government themselves these Remount stables are erected year after year. I do not wish to use strong language as to the action of Government in this matter, but I will say this that if the unfortunate Corporation had done anything of this sort, and had persisted in doing it year after year in spite of reasonable remonstrances from the public and Government, I think that both Government and the public would have cried out, and very properly too, that the Corporation was acting in a manner amounting to a public scandal. Of course the same thing cannot be said of Government, but we can say that these stables are most injurious to the health of the city, and that it is to be regretted that they are erected year by year, in spite of the admission of Government that placing them on the Kennedy Sea-face is not a proper thing to do. The Board will have to pay the capital value of the Kennedy Sea-face, and therefore the city is entitled to ask that the temporary purposes for which Government are to be allowed to use them will not be of such a character as to be injurious to the public health. The amendment I have moved would form a most wholesome proviso in view of past experience which absolutely precludes the usual plea put forward on such occasions that Government should be trusted not to do anything unreasonable.

The Honourable Sir CHARLES OLLIVANT—All I can say is that as deputies for the Government of India we humbly accept the chastisement that the honourable member has inflicted, and nevertheless oppose the amendment.

The amendment was withdrawn.

The Honourable Mr. MEHTA then proposed the following further amendments in Section 53 :—

In sub-section (6), line 107, to *add* after the words "Schedules C and D," the words "except those appropriated to the purpose mentioned in clause (a) of sub-section (3)" and to *add* after the words "the whole" in line 110, the words "except as aforesaid."

The Honourable Sir CHARLES OLLIVANT—We accept these amendments.

The amendments were carried.

The Honourable Mr. MORIARTY—In consequence of the amendments that have been carried one of my amendments that has been passed, Serial No. 43, will not be required. I beg to move that the following amendment to Section 53, line 105, may be withdrawn :—

For the words "shall vest in the Board" to *substitute* the words "shall, subject to the provisions of this section, remain so vested."

The amendment was thereupon by leave withdrawn.

On the motion of the Honourable Mr. MORIARTY the following amendment in Section 53A was agreed to :—

Line 185, for the words "not being" to *substitute* the words "other than,"

On the motion of the Honourable Mr. MORIARTY the following amendments in Section 54 were agreed to :—

Line 4, after the figures "53A. (1)" to *insert* the word "respectively".

Lines 6 and 7, for the words "this section" to *substitute* the words "the said sections".

Line 8, for the words "Schedule C and in Schedule D" to *substitute* the words "Schedules C and D".

The Honourable Mr. MEHTA then moved that in Section 54, after the words "Schedule C" wherever occurring, the words "except those mentioned in Section 53 (2) and appropriated for the purpose mentioned in the clause (a) of sub-section 3 of the same section" be *added*.

He said—My object in moving this amendment is the same as that in view in the amendment to Section 53 which I moved, and which has been accepted by Government. It is perfectly clear that this section ought not to apply to lands which are to remain as open spaces.

The Honourable Sir CHARLES OLLIVANT—We will accept this amendment also.

The amendment was carried.

Sections 55, 56 and 57 were agreed to.

On the motion of the Honourable Mr. MORIARTY the following amendment in Section 58 was agreed to :—

Lines 11 and 12, to *delete* the words in brackets; and at the end of the section to *add* a paragraph as follows :—

“An appeal shall lie from the determination of the Collector under this section to the Tribunal”.

The Honourable Mr. MORIARTY then moved the following amendments in Section 59 :—

Line 8, after “Schedule C” to *substitute* comma for semicolon, and to *add* the words “subject, however, to any reduction of capital debt made under sub-section (7) of Section 53 and Section 58.”

Lines 19 to 21, to *delete* the words in brackets; and to *add* a paragraph at the end of clause (a) as follows :—

“An appeal shall lie from the determination of the Collector under this section to the Tribunal”.

Line 26, after “Schedule D” to *substitute* comma for full stop, and to *add* the words “subject, however, to any reduction of capital debt made under sub-section (7) of Section 53 and Section 58, and exclusive of the value of any land revesting in the Corporation under sub-section (3) of Section 41”.

The Honourable Sir CHARLES OLLIVANT—I would point out to the Honourable Mr. Mehta that this is the section dealing with the liabilities of the Board for its capital debts to the Secretary of State and the Corporation. He has expressed the opinion during the debate that the safeguards in regard to the non-liability for the Flats are not sufficient, and this is the time to make remarks thereon if he considers it necessary to do so.

The Honourable Mr. MEHTA—The legal advisers of Government may place the safeguard I have proposed in any part of the Bill they think most suitable.

The Honourable Sir CHARLES OLLIVANT—Does not the section meet the case as it stands?

The Honourable Mr. MEHTA—I should like to have it a little clearer.

The Honourable the ADVOCATE GENERAL—Section 53 vests the lands in the Board specified in Schedules C and D, while Section 59 shows that the capital debts are only due as regards the amounts specified in Schedule C and Schedule D, and no amount is specified in Schedule C as to the Flats.

The Honourable Mr. MEHTA—I should have preferred something clearer in the Bill than this. When it is a matter of inference as to the interpretation of an Act, it is very often argued that if the Legislature intended a particular thing, it could have said so expressly. These matters are not always so evident to other people as they are to the framers of legislation. May I suggest that in the margin of the Schedule opposite the entry of the Flats, it should be stated that no capital value is to be charged in regard to them?

The Honourable Sir CHARLES OLLIVANT—We will consider that when we come to that part in the Bill.

The amendments on being put were carried.

The Honourable Mr. MEHTA moved the following amendments in Section 59A (1) (ii) and (2) :—

Lines 29 and 50, to omit the words "save as provided in Section 69 (3) (i) (b)."

He said—These amendments are of a technical character. Section 69 (3) (ii) (b) provides that the net credit balance, if it exceed the aggregate amount paid by the Commissioner to the Board, shall be applied "in or towards payment to the Secretary of State for India in Council of a sum which if paid annually and invested at 3 per cent. would in 60 years from the date of the first of such payments liquidate the capital debt due by the Board on account of the value as determined under Sections 59 and 59A (i) and (ii) of any land specified in Schedule C which may have been appropriated as an open space." This exception in Section 59A appears to me to be quite unnecessary, and they might mislead people into thinking there was some recovery to be made of the interest on the value of these open spaces. That is the only reason why I wish these words to be omitted from the section.

The Honourable Sir CHARLES OLLIVANT—I can assure the honourable member that these words are only there to make assurance doubly sure in the direction he intends. The capital debt in regard to the lands referred to in this part of the section is to be paid in instalments, and no interest is to run. On the contrary, as each instalment is paid towards the redemption of the capital debt, interest will accrue thereon, and such interest will go towards diminishing the total capital value. We are therefore advised that these words ought to be retained here so as to make it clear that no interest whatever is to be charged on the capital debt in respect to these lands.

The Honourable Mr. MEHTA—If that is the view of the legal advisers of Government, I will withdraw the amendment.

The amendment was by leave withdrawn.

The Honourable Mr. MEHTA next moved that in sub-section (3) of Section 59A, line 56, after the words "such date" to add the words "not less than ten years."

He said—Section 59 (3) provides that interest at the rate of 3 per cent. per annum shall be paid upon the properties specified in Section 53 (3) which have been built upon, and that the interest shall commence "from such date subsequent to the date of sanction to the appropriation as Government shall determine." Your Excellency will remember that in the case of all other properties which are vested in the Board, the payment of interest is deferred for a period of ten years, or such further time as the Government of India on the one part or the Corporation on the other part may determine. It seems to me that this should also apply to the open spaces named in Section 53. They will not yield revenue any sooner than the other properties, and the same time should be allowed before interest runs thereon. The object of my amendment is that the principle applied to the other properties in Schedule C should be applied to these.

The Honourable Mr. HUGHES—It seems to me that Government might meet the Honourable Mr. Mehta's views by providing that the interest should not accrue until ten years after the date of the notification referred to in Section 10.

The Honourable Mr. MEHTA—Ten years after the notification would not meet the case. In the case of the other properties vested in the Board, there is a period of ten years given after the notification, but the Board has power to begin leasing those properties immediately after the notification. But in regard to these properties a decision

as to their disposal may not be arrived at for twenty or thirty years after the Board has come into existence. If the question whether any part of these properties shall be built upon is not settled for twenty years or more, you give the Board no time to lease the land before interest becomes due, while in every other case ten years' time is given. My amendment only carries out the principle contained in the previous sections of the Bill.

The Honourable Sir CHARLES OLLIVANT—I see some reason in the amendment that was not present in my mind before. I would, therefore, suggest that we postpone consideration of the subject.

Consideration of the amendment was thereupon postponed.

On the motion of the Honourable Mr. MORIARTY the following amendments in Section 60 were agreed to—

Line 11, for the word “described” to *substitute* the words “in Schedule C referred to”;

Line 13, for the word “described” to *substitute* the words “in the said schedule referred to”; and

Line 14, to *delete* the words “in Schedule C.”

The Honourable Mr. MEHTA then moved that in Section 61 to *omit* the commencement up to the words “Section 10,” and to *substitute* therefor the words “For the first twenty years from the date when the reclamation of any area is completed in execution of a reclamation scheme”; and to *omit* the words at the end after “derivable from” and to *substitute* “such area.”

He said—Under the section as it stands the Board is to enjoy the rents and profits from reclaimed land for the first thirty years of its existence, but my amendment fixes twenty years from the date when the reclamation of an area is completed as the period for which the Board should receive the rents and profits. Your Excellency will remember that in the letter announcing the intention to legislate addressed to the Corporation, it was stated that the Trust should have the enjoyment of the rents for the first twenty years. As the section now stands, it will happen in most cases that very few years of the thirty would be left for the enjoyment by the Board of rents and profits. Some time will, of course, elapse before a reclamation scheme is decided upon, and, in view of the other work to be performed by the Board, some years will perhaps go by before a scheme is carried out. You are not taking up the reclamations all at one and the same time; they are to be tentative at first; so that ten, fifteen or twenty years hence some areas may be reclaimed and others not dealt with. The provision in the Bill to which I propose this amendment, therefore, means little or no time on which the Board could enjoy the profits. I submit that the way to put it is to limit the period to twenty years for the completion of any reclamation area, so that the Board may have some reasonable chance of enjoying the rents and profits which the Bill is supposed to confer. This seems to me the only fair and certain way of accomplishing the object in view.

The Honourable Sir CHARLES OLLIVANT—I should have preferred if the amendment had fixed the time at twenty years from the date of the scheme being sanctioned.

The Honourable Mr. MEHTA—That would give only a very short time.

The Honourable Sir CHARLES OLLIVANT—It would be in consonance with another section of the Bill which provides that, if a sanctioned scheme is not commenced within

twenty years, the scheme is to be deemed to have been abandoned. The Board will thus have twenty years either to carry out the scheme without paying interest, or to abandon the scheme altogether. Of course during that time one portion of an area may be reclaimed while another portion has been left. You cannot say as to any particular spot that it is certain to be reclaimed within the period. Our difficulty is to fix the date for the payment of interest in a fair and reasonable way, and it has seemed to us that thirty years after the establishment of the Board would be a reasonable period for it to hand over the enjoyment of the rents and profits. We thought it was far better to have a date definitely fixed. Twenty years from the sanction of the scheme would, I think, meet the honourable member's views.

The Honourable Mr. MEHTA—It will only give the Board the enjoyment of the rents for a very short period, and in some cases not at all.

The Honourable Sir CHARLES OLLIVANT—But it would probably on the whole be more advantageous to the Board than to make the date thirty years after the Board comes into existence.

The Honourable Mr. MEHTA—It seems to me that the Board should be assured of twenty years' enjoyment of the rents and profits after they have begun to accrue. I would suggest that the twenty years should date from the period when the property is first leased, if that will be more acceptable to the honourable member in charge of the Bill.

The Honourable Sir CHARLES OLLIVANT—Well, I think I should prefer the question to be deferred till to-morrow in order that an amendment may be drafted.

Consideration of the amendment was thereupon postponed.

On the motion of the Honourable Mr. MORIARTY the following verbal amendment in Section 61 was agreed to :—

To *omit* all words after the word "profits" in line 7, and in place thereof to *substitute* the words "derivable from such area, exclusive of rates on goods landed on or shipped from the foreshore."

His Excellency the PRESIDENT then adjourned the Council until noon the following day.

By order of His Excellency the Right Honourable the Governor,

S. L. BATCHELOR,

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

Bombay, 28th March 1898.

APPENDICES

TO THE

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR OF BOMBAY; ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS, AT BOMBAY, ON MARCH 28TH, 1898.

APPENDIX A.

(28th March 1898.)

Statement showing the Additional Police Posts which have been established or continued since the passing of Bombay Act IV of 1890 under Section 25 (1) of the Act.

Serial No	No. and date of Government Resolution,	Local area.	How the cost of the post was ordered to be defrayed.	REMARKS.
1890.				
1	5688 October 17th ...	The village of Virham, táluca Khed, Poona District.	By the villagers generally.	
2	5761 „ 20th ...	The Vanjara Tanda in the village of Malkheda, táluca Jámnar, district Khandesh.	By the Vanjaras resident in the Tanda. See also Government Resolution No. 1482, dated 11th March 1891.	
3	5895 „ 27th ...	The city of Belgaum in the district of Belgaum.	Rateably by Hindus and Muhammadans.	
4	6659 November 29th...	The village of Chanchvel, táluca Vágra, Broach District	By the Borah inhabitants of the village.	
1891.				
5	220 January 14th ..	The village of Nierais, táluca Borsad, Kaira District	Two-thirds by the Pátidár inhabitants of the village, the remaining one-third by the other inhabitants irrespective of caste	The continuance of the post for a further period of one year was sanctioned by Government Resolution No. 665, dated 4th Feb 1892.
6	506 „ 24th ...	The village of Derwada, Virangám Taluka, Ahmedabad District.	By the Girássia section of the inhabitants of the village.	
7	756 February 4th ..	The village of Uber in the Jambusar Taluka, Broach District.	The post was first established by Government Notification No. 815, dated 17th January 1888, which directed that the cost should be defrayed by the villagers. It has been continued from time to time, and the last orders sanctioning its continuance for one year from 1st February 1894 are contained in Government Resolution No. 911, dated 9th February 1894, which directed that the cost should be levied from the Koli inhabitants of the village.	The post was continued for a further period of one year by Government Resolutions Nos. 2031, dated 26th March 1895, and 5205, dated 25th July 1895, the cost being defrayed by the inhabitants generally of the village; and for a further period of two years by Government Resolutions No. 2395, dated the 31st March 1896 and No. 679, dated the 25th January 1897, the cost being defrayed as above.

Serial No.	No. and date of Government Resolution.	Local area.	How the cost of the post was ordered to be defrayed.	REMARKS.
		<i>1891—continued.</i>		
8	2312 April 25th	The village of Guledrud in the district of Bijápur.	By the Salis, Padsalgars, &c., and Musalmans.	
9	2422 May 1st 4766 September 5th.	The village of Bankápur in the district of Dhárwar.	By the Lingáyat community of the village.	
10	2555 May 8th	The villages of Pathardi and Dhamangson, Ahmednagar District.	The post was established by Government Notification No. 4677, dated 28th August 1890, which directed that the costs should be defrayed by the villagers.	The orders of 8th May sanctioned the continuance of the post. It was further continued by Government Resolution No. 2294, dated 28th April 1892, for three months.
11	3054 June 6th 3840 July 18th.	The villages of Pandoli, Ras, Dehwan and Kankapura in taluka Borsad and the village of Sinjwada in the Mátar Taluka of the Kaira District.	By the inhabitants of the village, including, in the case of the villages of Dehwan and Kankapura, the Thakor's Bháyada and the Udhaders residing in those villages.	The post was continued by Government Resolution No. 3571, dated 1st July 1892, for a further period of 3 months, and by Government Resolution No. 5523, dated 7th October 1892, for 9 months more.
12	3698 July 11th 4378 August 17th.	The village of Halligudi in the district of Dhárwar.	By the inhabitants of the village generally.	
13	4258 " 10th	The villages of Shelgaon and Sansar in the Indápur Taluka and at Sanggaon in the Baramati Taluka, district Poona.	These posts were established by Government Resolution No. 3535, dated 3rd July 1890, which directed the cost to be recovered from the inhabitants of the villages named in column 3.	Government Resolution No. 4254, dated 10th August 1891, sanctioned the continuance of these posts for one year. The posts at Shelgaon and Sansar were withdrawn, but that at Sanggaon was continued for periods of one year at a time by Government Resolutions No. 5163, dated 21st September 1892, No. 4851, dated 4th August 1893, and No. 5495, dated 7th August 1894.
14	4294 " 12th 5602 October 21st.	The villages of Phondsiras, Umbre and Eksái in the Málsiras Taluka, Sholápur District.	The post was first established by Government Resolution No. 3959, dated 23rd July 1890, which directed that the cost should be defrayed by the villagers.	The orders of 12th August 1891 sanctioned the continuance of the post for one year.
15	4794 September 8th	The village of Sagon in the Váva Taluka, Sátara District.	By the inhabitants of the village generally.	
16	4884 " 12th...	The village of Ashtagaon, taluka Kopargaon, Ahmednagar District.	Do.	
17	6256 November 25th	The village of A'mod, taluka Anklesvar, Broach District.	Do.	... The post was continued for a further period of one year by Government Resolution No. 7457, dated 29th December 1892; and for a period of three months more by Government Resolution No. 472, dated 25th January 1894.

Serial No.	No. and date of Government Resolution.	Local area.	How the cost of the post was ordered to be defrayed.	REMARKS.
1892.				
18	1950 April 8th ...	The village of Koparde, taluka Karad, Satara District.	By the villagers generally ...	The post was continued till 31st December 1893 by Government Resolution No. 4864, dated 4th August 1893, and for one year more by Government Resolution No. 103, dated 9th January 1894.
19	2526 May 13th ...	Ajang and Wadel, taluka Malegaon, Nasik District.	In the case of the village of Ajang, by all the inhabitants, and in that of the village of Wadel, by the Kunbi inhabitants only.	
20	2692 „ 20th ..	The village of Pansora, taluka Anand, district Kaira.	By the villagers generally ...	This post was continued for a further period of one year by Government Resolution No. 3516, dated 12th June 1893.
21	3618 July 4th	The village of Walan Budruk, taluka Mahad, in the Kolaba District.	By the villagers generally ..	The post was continued for a further period of one year by Government Resolution No. 3052, dated 18th May 1893; for another year by Government Resolution No. 4216, dated 18th June 1894, and for another year by Government Resolution No. 5138, dated 23rd July 1895.
22	4131 August 1st ...	The nineteen Malval or Ghat villages of the north-west portion of the Poona District.	Two-thirds by ten of the villages and one-third by the remaining nine villages.	The continuance of the post at a reduced strength was sanctioned by Government Resolution No. 5266, dated 31st August 1893.
23	5623 October 11th ..	The village of Tankaria in the Broach Taluka of the Broach District.	By the Borah community of the village.	The post was continued for a further period of one year by Government Resolution No. 7007, dated 8th November 1893; up to 31st March 1895, by Government Resolution No. 222, dated the 11th January 1895, and Government Resolution No. 1776, dated 15th March 1895, and up to 31st October 1895 by Government Resolution No. 2502, dated 17th April 1895.
1893.				
24	556 January 25th ...	The village of Karaji, taluka Karaji, Dhárwár District.	By the villagers generally.	
25	4245 July 11th ...	The village of Sandesar in the Anand Taluka of the Kaira District.	Do.	

Serial No.	No. and date of Government Resolution.	Local area.	How the cost of the post was ordered to be defrayed.	REMARKS.
		<i>1893—continued.</i>		
26	4460 July 19th ...	22 villages of the Akola Táluka, Ahmednagar District.	By the villagers generally ...	The posts were continued in 11 villages for six months from 1st January 1896, by Government Resolution No. 418, dated 18th January 1895; were continued in 2 of them, Ekdara and Bhándardara, for a further period of six months by Government Resolution No. 5523, dated the 6th August 1895. The police were discontinued at Ekdara and were wholly employed at Bhándardara by Government Resolution No. 1004, dated 6th February 1896. The post was continued in one of them (Bhándardara) till 31st December 1896 by Government Resolution No. 2362, dated the 30th March 1896; and up to the 31st December 1897 by Government Resolutions No. 28, dated the 4th January 1897, and No. 6331, dated the 30th August 1897, the cost being wholly defrayed by a rate charged on the inhabitants generally of the village, except that so much of the cost as could not be recovered from the villagers was borne by Government. The post was continued in Bhándardara for one more year by Government Resolution No. 4, dated the 3rd January 1898, the cost being defrayed by the inhabitants generally.
27	4466 „ 19th ...	The village of Lavali Otar in the Akola Táluka, Ahmednagar District.	Do. ...	
28	5236 August 19th ...	The village of Pal, Karád Táluka, Sátára District.	Do. ...	This post was continued for a period of one year by Government Resolution No. 6893, dated 12th October 1894; and for a further period of one year by Government Resolution No. 6923, dated the 30th September 1895.

Serial No.	No. and date of Government Resolution	Local area.	How the cost of the post was ordered to be defrayed.	REMARKS.
		- 1893—continued.		
29	7140 November 15th...	The village of Dehgám taluka Jambusar in the district of Broach.	By the villagers generally ...	The post was continued for a period of one year by Government Resolution No 831, dated 5th February 1895, and for a further period of six months by Government Resolution No. 8998, dated the 27th December 1895.
30	7163 November 16th...	The village of Dayadra in the Broach Taluka, Broach District.	The Borah inhabitants of the village.	
		1894.		
31	2365 April 6th ...	The Municipal District of Yeola in the Násik District.	By the section of the inhabitants of the Municipal District of Yeola liable to the payment of the house-tax.	The continuance of the post at reduced strength was sanctioned for one year by Government Resolution No. 4792, dated 11th July 1895; for a further period of six months and twenty-five days by Government Resolutions No. 2343, dated the 28th March 1896, and No. 3075, dated the 28th April 1896; and for a further period of one year and six months by Government Resolutions No. 7653, dated the 9th November 1896, and No. 8860, dated the 6th December 1897.
32	8567 December 22nd...	The town of Nandgad in the Khánápur Taluka of the Belgaum District.	By the inhabitants of the town.	The post was continued for a further period of one year by Government Resolution No. 567, dated the 22nd January 1896.
		1895.		
33	2139 March 30th ...	The village of Sisodra in the Ankleshvar Taluka of the Broach District.	One-half of the cost by a rate levied on the Bhil inhabitants and the Khátédár Edalji Limjibhai, and the other half by a rate levied on the Koli inhabitants of the village.	The post was continued for a further period of one year by Government Resolution No. 2431, dated 31st March 1896, and for one year more by Government Resolution No. 2104, dated the 13th March 1897.
34	8229 November 26th ...	20 villages of the Igatpur Taluka, Nask District.	Four-fifths by twelve of the villages according to their revenue and one-fifth by the remaining eight villages according to their revenue.	The post was continued for a further period of six months by Government Resolution No. 9132, dated the 29th December 1896.

Serial No.	No. and date of Government Resolution.	Local area.	How the cost of the post was ordered to be defrayed.	REMARKS.
		1895—continued.		
85	8231 November 26th...	The village of Harkul Khurd in the Devgad Taluka, Ratnagiri District.	By the inhabitants of the village.	The post was continued for a further period of one year by Government Resolution No. 8182, dated the 30th November 1896, and for six months more by Government Resolution No. 8723, dated the 30th November 1897.
36	8599 December 11th ...	The village of Mallapur Ron Taluka, Dhárwar District.	By the inhabitants of the village generally.	
		1896.		
37	1666 March 5th ...	10 villages of the Sátara District.	By the inhabitants of the villages.	
38	3696 May 26th ...	The village of Kamatgi in the Hungund Taluka, Bijápúr District.	By a rate levied on the Kula-char Hatgars, the Shivachar Hatgars and the Lingáyats of the village.	The post was continued for a further period of one year by Government Resolution No. 4482, dated the 15th June 1897.
39	3937 June 6th	The village of Atodra in the Olpad Taluka, Surat District.	By a rate levied on the inhabitants of the village.	The post was continued for a further period of one year by Government Resolution No. 4300, dated the 5th June 1897.
40	6160 September 8th ...	25 villages of the Belgaum District.	By Government Resolution No. 8985, dated the 23rd December 1896, three-fourths of the cost was ordered, in view of the prevalence of scarcity, to be defrayed by a rate charged on the inhabitants generally of the villages, the remaining one-fourth being borne by Government.	The post was continued for a further period of one year by Government Resolution No. 6532, dated the 21st September 1897, the cost being defrayed wholly by a rate charged on the inhabitants generally of the villages.
41	6376 September 19th...	The village of Kerur in the Badami Taluka, Bijápúr District.	By a rate charged on the Lingayat inhabitants of the village.	
42	7691 November 11th...	The village of Bhorghar in the Ambegaon Petha, Poona District.	By a rate charged on the Koli inhabitants of the village.	The post was continued for a further period of one year by Government Resolution No. 9306, dated 21st December 1897.
43	9010 December 23rd...	The Bassein and Máhim Talukas of the Thána District.	By a rate charged on the inhabitants generally of the Talukas.	
		1897.		
44	2165 March 15th ..	The town of Karád in the Sátara District.	By Government Resolution No. 6290, dated the 28th August 1897, the cost was ordered to be defrayed wholly by a rate charged on such section of the inhabitants of the Municipal District of Karád as was liable to pay Ra. 2 and upwards as Municipal house tax, in proportion to the amount of tax paid by them.	

Serial No.	No. and date of Government Resolution	Local area.	How the cost of the post was ordered to be defrayed.	REMARKS.
45	4790 June 29th ... 8498 November 22nd	The local area comprised within the limits of the Poona City Municipality.	To be paid by the City Municipality of Poona from the Municipal Fund, the rate by which the cost is to be defrayed being assessed by the Municipality conformably to the directions to be hereafter issued by Government under sub-section (2) of Section 25 of the Bombay District Police Act, 1890.	
46	7625 October 19th ...	The village of Pál in the Karád Táluka, Sátára District.	By a rate charged on the inhabitants generally of the village.	
47	8545 November 23rd .	The village of Wardhangad in the Khatáv Táluka, Sátára District. 1898.	Do.	
48	1416 February 19th ...	The local area comprised within the limits of the Municipality of Sinnar.	By a rate to be assessed by the Municipality either generally on the inhabitants of the Municipal District of Sinnar, or on a particular section of the inhabitants conformably to the directions to be hereafter issued by Government.	

APPENDIX B.

(23th March 1898).

QUESTIONS Nos. 1 TO 8 PUT BY THE HONOURABLE RA'O BAHADUR RANCHODLAL CHOTALAL AT THE MEETING OF THE LEGISLATIVE COUNCIL HELD ON THE 14TH FEBRUARY 1898.

REPLY TO QUESTIONS 1 TO 8 PUT BY THE HONOURABLE RA'O BAHADUR RANCHODLAL CHOTALAL.

- (1) Whether the Municipality of Bombay has power to prohibit people from overcrowding a house or room, and if so, what is the least cubical content of space allowed per head? If there is no such limit, is it not desirable that some limit should be legally fixed?
- (2) Whether all or any parts (wards?) of the City of Bombay which are overcrowded have been provided with an efficient drainage system for the removal of sullage water, and if so, what are those wards?
- (3) Have all the houses in the wards in which a line of drainage is laid been connected with it? If not, what is the number of the house connections and how many houses remain unconnected?
- (4) Are flushing tanks provided at the heads of these drainage lines? Are flushing blocks placed in the pipes near each manhole?
- The reports received from the Municipal Commissioner are laid on the table. The subject of question No. 1 is under further consideration.

- (5) Are these drains flushed daily so as to ensure that no silt is left at the bottom of the pipe or drain ?
- (6) What is the approximate total quantity of water supplied in Bombay daily and what is the quantity of sullage water pumped at the drainage station ?
- (7) Has the level of subsoil water risen in Bombay during the last 10 years, and if so, to what extent ?
- (8) Has the Shone system of drainage in which the sewage is ejected by compressed air been introduced in Bombay ? If so, how many ejecting stations are working now and whether there has been any difference in the public health since the introduction of this system ?

No. 39668 of 1897-98.

Bombay, 12th March 1898.

To
THE MUNICIPAL COMMISSIONER.

MEMORANDUM.

Section 379 of Act III of 1888 deals with overcrowding. There is no limit fixed per head.

(Sd.) J. LEASK,
For Health Officer.

No. D-15556 of 1897-98.

Bombay, 16th March 1898.

To
THE MUNICIPAL COMMISSIONER.

SIR,

I have the honour to submit herewith as a reply to question 2, a map of the Island of Bombay showing what parts have been provided with an efficient drainage system for the removal of sullage water. I am not in a position to define exactly the parts of the City which are overcrowded.

In answer to question 3, the houses in the wards in which a line of drainage is laid have not all been connected.

It is impossible to give the number of houses connected and of those unconnected in these wards, but taking the various districts delineated on the map abovementioned, the conditions are approximately as follows :-

	Houses connected.	Houses unconnected.
Colába	Half.	Half.
Fort	All.	None.
Queen's Road and Girgaum ...	All.	None.
1st Sewerage Section	Two-fifths.	Three-fifths.
Kámátipura	All.	None.
Umarkhádi (only recently finished)	Very few.	Nearly all.
Agripáda	All.	None.
Khambála Hill (only recently finished)	Few.	Nearly all.
Parel	Few.	Nearly all.
DeLisle Road	All.	None.

As to question 4, flushing tanks have been provided at the heads of the drainage lines of the following sewerage districts :-

- | | |
|-------------------|--------------------|
| (a) Fort. | (e) Umarkhádi. |
| (b) Colába. | (f) Khambála Hill. |
| (c) Marine Lines. | (g) DeLisle Road. |
| (d) Mázaon. | (h) Parel. |

With reference to the second portion of this question, I beg to state that most of the lines of pipe sewer are provided with flap-pipes at each manhole, which flap-pipes serve the purpose of the flushing blocks alluded to.

As to question 5, it would be impossible to flush all drains daily, but all are flushed frequently. They are inspected periodically, and when such inspection discloses that there is silt in the drains, the silt is removed by flushing or otherwise.

As to question 6, I have ascertained from the Water Engineer that the approximate quantity of water supplied in Bombay daily is 36 million gallons. The quantity of sullage water pumped at the drainage or pumping station is about 33,600,000 gallons.

Question 7 will be replied to by the Special Drainage Engineer.

As to question 8, the Shone system of drainage has been introduced in the Colába District. There are four ejector stations at work now, each station containing two ejectors. Sufficient time has not yet elapsed, and the district is too small for any conclusion to be arrived at as to the effect of the system upon the public health generally.

I have, &c.,

(Sd.) JAMES W. SMITH,

Deputy Executive Engineer (Drainage).

No. S. D. 2340 of 1897-98.

Bombay, 16th March 1898.

To

THE MUNICIPAL COMMISSIONER.

SIR,

I have the honour to reply to question No. 7 put by the Honourable Ráo Bahádúr Ranchodlál Chotalál as follows :—

The level of the subsoil water has certainly risen in Bombay during the last ten years. Mr. Baldwin Latham in February 1890 found the subsoil water in Kámátipura lower than the sills of the Love-Grove sluices, that is, lower than 73·64 Town Hall Datum, while the level of the subsoil water in February 1898 was 82·00 Town Hall Datum, showing that water had risen between 8 and 9 feet.

The general level of Kámátipura may be taken as 88 Town Hall Datum.

The Health Officer alludes prominently to the rise of subsoil water in his annual reports for 1892-93 and 1894-95.

The Tramway authorities informed you last year that in their ground opposite to Victoria Gardens they found that water had risen 7'-6" between April 1886 and March 1897.

Another evidence of the rise of subsoil water is the difficulty experienced in examining some of the water-mains without resorting to pumping, though the mains are laid only a few feet below the surface.

I have, &c.,

(Sd.) JAMES W. SMITH,

Special Drainage Engineer.

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 ACTS, 1861 and 1892."

The Council met at the Town Hall, Bombay, on Tuesday the 29th March 1898, at 12 noon.

P R E S E N T :

His Excellency the Right Honourable LORD SANDHURST, G.C.I.E., Governor of Bombay, *Presiding.*

The Honourable Mr. JOHN NUGENT, C.S.I., I.C.S.

The Honourable Sir E. CHARLES K. OLLIVANT, K.C.I.E., I.C.S.

The Honourable the ADVOCATE GENERAL,

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

The Honourable Mr. J. MONTEATH, C.S.I., M.A., I.C.S.

The Honourable Mr. DAJI ABAJI KHARE, B.A., LL.B.

The Honourable Mr. NARAYAN GANESH CHANDAVARKAR, B.A., LL.B.

The Honourable Mr. T. B. KIRKHAM.

The Honourable Mr. W. C. HUGHES, M.Inst.C.E.

The Honourable Mr. A. S. MORIARTY, I.C.S.

The Honourable Dr. BHALCHANDRA KRISHNA BHATAVADKAR, L.M.

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

The Honourable Meherban Sardar NARAYANRAO GOVIND *alias* BABA SAHEB, Chief of Ichalkaranji.

The Honourable Mr. FAZULBHOY VISRAM, C.I.E.

The Honourable Mr. DHONDO SHAMRAO GARUD, B.A.

The Honourable Mr. P. M. MEHTA, C.I.E., M.A.

The Honourable Mr. VEJJBHUKHANDAS ATMARAM.

The Honourable Mr. A. WINGATE, C.I.E., I.C.S.

The Honourable Mr. S. B. DOIG, M.Inst.C.E.

Consideration of the Bill for the improvement of the City of Bombay, and to provide space for its further expansion was resumed.

On the motion of the Honourable Mr. MORIARTY, the following amendments in Section 62 were agreed to :—

Line 17, for the figure "53" to *substitute* the figure "53A"; and line 21, to *delete* the words "of appeal."

The Honourable Mr. MEHTA then moved the following amendment to Section 63 :—

To *add* the following further clause at the end :

"For the purposes of this section the rateable value of the buildings and lands in the city vesting in the Secretary of State for India in Council and those vesting in the Trustees of the Port of Bombay shall be eight-tenths and nine-tenths respectively of the rateable value thereof as fixed under the respective provisions of Sections 144 and 145 of the City of Bombay Municipal Act, 1888."

He said—This can hardly be said to be an amendment, and I am sure that if it had come before the Select Committee it would have been accepted. As honourable members are aware, the Municipality, under the provisions of Sections 144 and 145 of the Municipal Act, gets its assessment not upon the full value of Government or Port Trust property, but a deduction is made in the rateable value of Government property of one-fifth, and of Port Trust property of one-tenth. It seems to me only fair, that so far as this Bill is concerned what the Municipality should have to pay should be 2 per cent. of the rateable value on which they get anything at all. That is the reason why I propose this amendment.

The Honourable Sir CHARLES OLLIVANT—We accept the amendment.

The amendment was accordingly carried.

On the motion of the Honourable Mr. MORIARTY, the following amendments in Section 63A were agreed to :—

Lines 53 and 54, for the words “leviable from time to time” to substitute the words “from time to time leviable;” and line 109, to delete the words “of appeal.”

The Honourable Mr. MEHTA moved the following amendment to Section 63A :—

Lines 81 to 84, to omit the following words “less any rents received by the Corporation from the Tramway Company in respect of such streets.”

He said—This amendment is for the purpose of making it clear that the deduction to which the Corporation are entitled, as regards the cost of maintaining, lighting, watering, and cleansing the streets, shall not be lessened by deducting the rents received from the Tramway Company in respect of such streets. What the Corporation is entitled to receive, and the Board ought to pay, is the actual cost of maintaining, lighting and watering the streets. The tramways are altogether outside this duty, and I do not see why the Board should receive any deduction from their liability for the actual cost of maintaining the streets.

The Honourable Mr. HUGHES—It seems to me that rents received from the use of a public street by the Tramway Company, can legitimately be deducted from the charges the Board will have to pay to the Corporation for maintaining the streets. The section provides a convenient way for arriving at the credit which the Board should receive. The Board is entitled to the money and it should be paid to them.

The Honourable Mr. MEHTA—As my honourable friend thinks the arrangement an equitable one, I will not press my amendment.

The amendment was by leave withdrawn and Section 63A agreed to.

The Honourable Mr. MEHTA next moved that Section 63B be deleted.

He said—The amendment is very simple so far as the wording is concerned, but it is of great importance. There are in the Bill guarantee clauses or bludgeon clauses to which I shall presently refer, but here we have suddenly before us a clause which is the worst bludgeon clause that can possibly be had. It is a clause which will lead people to imagine that the Corporation cannot be trusted to do anything that it ought to do; that it cannot be trusted to meet any liability which it has incurred, and cannot be trusted to make any payment the Act says it should make. Is this a right position in which to place the Corporation? The bludgeon clauses of the Municipal Act are very different to these. They are for the purpose of enabling Government to call upon the Corporation to perform certain duties which they may seem to

Government under certain circumstances to have neglected, including therein questions of opinion as to the way in which these duties should be performed. The bludgeon clauses of the Municipal Act are obnoxious but still I confess that there is a good deal to be said for them. In England the Local Government Board have power to compel local authorities to carry out their duties, and in the event of their refusing to do so the Board can step in and take their place. But I am not aware that there is anything in English legislation which enables the Local Government Board to call upon public bodies to pay monies they are bound to pay, and against the non-payment of which there is a very simple remedy. There is liability, and without the slightest difficulty the party entitled to receive the money can go to a Court of Law, and claim and obtain a decree. There is not the slightest difficulty about a legal remedy in such a case. But here we have a case of a bludgeon clause being inserted in regard to the ordinary regular payment of two per cent., enabling Government to take action under Section 99 of the Municipal Act. That section provides that in case of non-payment, the Accountant General shall, after 7 days thereof, report the circumstance to the Chief Secretary to Government, whereupon the Governor-in-Council may attach the municipal fund. This provision was specifically inserted in order to secure the repayment of the Vehar Water-works debt, and it does not relate to ordinary liabilities. It stands on a very different footing to the present section, which deals not with a loan re-payable to the Secretary of State but with ordinary liabilities. It seeks to enact that the moment the money becomes payable to the Board and the Commissioner fails to pay it, Government can attach the municipal funds. Even a private party is entitled to some notice before such a step is taken, but this clause says "No." There is no precedent in regard to any moneys not belonging to Government, or any debt except one in which Government alone is interested, for placing a body like the Corporation in the position in which this section will place it, if it remains part of the Bill. In the case of the Commissioner not finding the monies, Government interposes, attaches the municipal fund and pays the Board therefrom. I submit that there is absolutely nothing whatever to justify such a procedure against a body constituted like the Corporation. It is a body 32 of whose members are chosen by the rate-payers, 16 by the Justices (themselves appointed by Government), 16 nominated by Government and a few members elected under a fancy franchise by the University and the Chamber of Commerce. A body thus constituted can be fully trusted to fulfil a duty of so simple a character as that required under Sections 63 and 63A, of paying a certain fixed amount to the Board. If the Corporation does not do so, there is a simple legal remedy. It may be said that a great deal of delay would be caused by having to go to the Courts, but to my mind it is absolutely impossible to conceive that the Corporation would not pay the money. But supposing we contemplate such a remote contingency the remedy is simple, and can be applied without any serious delay. I appeal to the honourable member in charge of the Bill to seriously consider whether this clause should be maintained, seeing that it casts, without adequate necessity, a reflection and a slur on the Corporation that it does not deserve. I earnestly ask the Council to delete this clause altogether.

The Honourable Sir CHARLES OLLIVANT said—It will save time if I postpone any remarks I may have to make on the principle of these clauses until we come to Section 71. I can go with the Honourable Mr. Mehta as far as this, that the section can be deleted, if at the same time it is made clear, that so far as I am concerned the subject-matter of it

will find a place in Section 71. We have to deal in exactly the same manner with them both, and it seems to me useless to discuss the principle involved twice. If this provision is to find a place anywhere, it should be in Section 71, and on the understanding that the question is left open we will agree to delete the clause.

The section was accordingly *deleted*.

On the motion of the Honourable Mr. MORIARTY the following amendments in Sections 64, 65 and 66 were agreed to:—

Section 64, line 8, after the word "specified" to *insert* the words "or referred to".

Section 65, line 12, for "(6)" to *substitute* "(5)".

Section 66, line 4, for the word and figure "Section 63" to *substitute* the words and figures "Sections 63, 63 A and 64".

Sections 67 and 68 of the Bill were agreed to.

On the motion of the Honourable Mr. MORIARTY the following amendment in Section 69 was agreed to:—

Line 113, for the words and figures "Sections 59 and 59 A (i) and (ii)" to *substitute* the words and figures "Section 59 and provisos (i) and (ii) to sub-section (i) of Section 59 A".

The Honourable Mr. MEHTA then moved the following amendment in Section 69 (3):—

Line 118, to *substitute* for "equally" the words "in the proportion of one to three".

He said—The amendment of which I have given notice, relates to the disposal of the balances to the credit of the Board. It seemed to me that under this section Government were going to receive a larger share of the balances than the Corporation, but on further examination I find that the clauses work in a somewhat different way to what seemed to be the case at first sight. The surplus profits are divided equally between Government and the Corporation, and at the utmost Government can only receive one-half of the money which may be derived from the net profits accruing from the rents and other revenues of the Board arising from Government property vested in it. It does not seem inequitable that if the Corporation draws the moneys which have been contributed by it, that Government should come in and say, "give us back a portion of the money we have given to help you". I do not think that the section as it stands will work injuriously and therefore I will ask permission to withdraw the amendment.

The amendment was accordingly by leave withdrawn.

The Honourable Mr. MEHTA moved the following amendment in Section 69 (3):—

Line 130, to *add* after the words "Schedule E" the words "minus the interest at 3 per cent. paid that year to Government on the capital debts in respect of the said lands and reclamation".

He said—At page 63 Section 69 provides that "the sum payable to Government shall not exceed half the total net profits from the rents realised by the Board", but under other sections Government is entitled to receive three per cent. interest on certain of the capital debts. My amendment is moved with the object of deducting from the Government share of net profits the three per cent. interest so paid. No doubt this is the intention of the Bill, but it is not specifically provided for. I do not think therefore there will be any objection to this amendment.

The Honourable Mr. HUGHES—Of course in arriving at the net profits, the Board would have to deduct all charges in respect to capital liabilities. The three per cent. would already be paid to Government, and only out of the net receipts after payment of all charges on revenue would the division of profits take place.

The Honourable Mr. MEHTA—But I do not suppose there is any objection to this point being made clear. It seems to me that we should state in the section that the net profits can only be arrived at by excluding the three per cent. interest paid to Government from the Government share of the profits.

The Honourable Sir CHARLES OLLIVANT—Your Excellency, owing to the difficulty of hearing in this room I am not quite certain whether I clearly follow the meaning of the honourable member. Of course the regular expenses of the Board must include the interest on the capital debts of the Board to Government in the Corporation. There is no difference between the debts owing to the Secretary of State, and those owing to the Corporation in this effect. It is only after you have paid all expenses that you come to the question of disposing of the surplus. You cannot divide the net profits. I am not quite sure however that this section is sufficiently clear. I will read out this part of the section as I think it should be. At line 117 the words "the remainder (if any) of such balance shall be divided equally", should be omitted, and this should be the third of the purposes to which balances can be applied when they exceed the aggregate amount paid to the Commissioner of the Board. From line 117 the clause should read as follows:—

"Thirdly, as profits between Government and the Corporation in equal shares: Provided however that the sum payable to Government under this sub-clause shall not, in any case, exceed half the total net profits from rents realised by the Board during that year in respect of the lands vested in the Board and specified in Schedule C and the reclamation of any areas situate within the limits specified in Schedule E, and where Government are under this proviso to receive less than half the amount of the said profits, the whole of the balance of such profits shall be paid to the Corporation".

This makes it clear that while the Corporation may receive more than half the net profits, Government can in no case receive more than half. I do not know whether the honourable member will think that this makes the meaning quite clear.

The Honourable Mr. MEHTA—It must be remembered that the payments are, in regard to the rents and profits of lands made over by the Municipality as well as by Government; if any balance remains over ordinary expenditure, it goes first to the Corporation in repayment of the two per cent. and then to the Secretary of State in payment of capital charges for the lands vested in the Board, while payment is not made for the Corporation lands vested in the Board. Neither is any payment made to the Corporation in respect to the large sums contributed by the Corporation in years in which there were no profits. It is clear that the contribution of the Corporation towards the earning of these net profits will be a larger amount than the contribution of Government. Provision is made that Government shall not have more than half the profits, but if you do not exclude the three per cent. interest paid to the Secretary of State from their share, Government will carry away a much larger sum than what is really due to them. I say that from the net profits the three per cent. ought to be deducted. My honourable friend Mr. Hughes says that it will follow that this will be done from the use of the words in the section "net profits". If this is so, why not accept the amendment? From what

Sir Charles Ollivant has said it would appear that the interest charges will be deducted before a division is made. If the net profits are to be subject to these deductions, then I submit that the amendment which makes this clear should be accepted.

The Honourable Sir Charles OLLIVANT—I would again point out that it is not until the interest and other charges have been paid, that the question of division of profits arises. The surplus is to go first to repayment to the Corporation of the aggregate amount paid during the year under Sections 63 and 63 A ; secondly to the Secretary of State in payment of the capital debt of the Board ; and thirdly the surplus after making these payments is to be divided between Government and the Corporation, provided always that Government can never receive at the most more than half the net profits from their own lands. What the honourable Mr. Hughes and I say is the same : so far as the three per cent. interest on the capital debt is concerned, that comes into the working charges of the Board before there is any division of profits at all.

The Council divided—

Ayes.

The Chief of Ichalkaranji.
The Honourable Mr. Garud.
The Honourable Mr. Parekh.
The Honourable Dr. Bhalchandra Krishna.
The Honourable Mr. Chandavarkar.
The Honourable Mr. Khare.
The Honourable Mr. Mehta.

Noes.

The Honourable Mr. Monteath.
The Honourable Mr. Kirkham.
The Honourable Mr. Moriarty.
The Honourable Mr. Vrijbhukandas.
The Honourable Mr. Wingate.
The Honourable Mr. Hughes.
The Honourable Mr. Crowe.
The Honourable Mr. Doig.
The Honourable the Advocate General.
The Honourable Sir C. Ollivant.
The Honourable Mr. Nugent.
His Excellency the President.

The Honourable Mr. Fazulbhoy Visram did not vote.

The Honourable Mr. Mehta's amendment was therefore lost.

The Honourable Sir CHARLES OLLIVANT—Before we pass on to the next section, I desire to move that the verbal alterations to Section 69 which I read just now be made. I beg leave to move that from line 117 the section be amended to read as follows :—

(iii) thirdly, as profits to Government and the Corporation in equal shares :
Provided, however, that the sum payable to Government under this sub-clause shall not, in any case, exceed half the total net profits from rents realised by the Board during that year in respect of the lands vested in the Board and specified in Schedule C and the reclamation of any areas situate within the limits specified in Schedule E, and where Government are under this proviso to receive less than half the amount of the said profits the whole of the balance of such profits shall be paid to the Corporation.”

The amendment was carried.

On the motion of the Honourable Mr. MORIARTY the following amendment in Section 70 was agreed to :—

Line 6, for the word and figures “ 46 and 47 ” to substitute the word and figures “ 45 and 47.”

The Honourable Sir CHARLES OLLIVANT—Before the Honourable Mr. Mehta speaks to the amendment standing in his name for the deletion of Sections 70, 71 and 72 of the Bill I wish to refer to the question raised in the amendment in which Mr. Mehta proposed to delete Section 63 B. I then agreed that the section should be deleted on the understanding that when we came to Section 71 I should move an amendment with the same object in view as that of the abandoned section. This can be done by referring in this section to Section 63 A. I will therefore ask leave to move to insert after the word "Section" in line 4 the words and figures "or Section 63 A." I will also in order to make this provision more acceptable to its critics propose that at the end of the section the following words be added: "Any moneys paid by the Commissioner under the last preceding section, or payable under such section and levied under this section, and any moneys paid by the Commissioner under the last preceding section payable under the said section and levied under this section shall constitute a charge upon the property of the Board prior to any division of profits."

It is manifestly fair that if the Corporation has to pay as a temporary measure any sums over and beyond their ordinary liability, they should have a guarantee that the repayment to them is a first charge on the surplus of the Board before any profits are declared.

The Honourable Mr. MEHTA—This amendment may come in the way of the one of which I have given notice if it is carried at this stage.

The Honourable Sir CHARLES OLLIVANT—Yes, I am aware of that and my object in mentioning the amendment I desire to propose is that the honourable member may know what our intentions are. My amendment can best be taken after the amendment for the deletion of the clauses has been considered, that is, in the event of its being rejected.

The Honourable Mr. MEHTA—Your Excellency, I beg leave to propose that Sections 70, 71 and 72 of the Bill be deleted. I think that my honourable friend in charge of the Bill somewhat realises that the position of the Corporation in regard to these clauses is not a very desirable one. In the debate on the second reading of the Bill I adverted to some valid objections to these clauses. Section 70 defines the procedure in the event of default being made by the Board in payment of interest or investment of sinking fund charges due to the Secretary of State or to the Corporation. The Accountant General is empowered to make the payment and to demand repayment forthwith from the Commissioner. Section 71 lays down the procedure in the event of the Commissioner failing to make this payment. Section 72, Your Excellency will observe, stands in a different position to the two preceding ones, as it gives Government power to attach the revenues of the Board itself in the event of default in the payment of liabilities. Therefore Sections 70 and 71 stand on one basis, while Section 72 stands on another basis altogether. Taking Sections 70 and 71 together, the principle is that in case of any liability in regard to loans or sinking funds, or of the payment of interest to Government, or to the Corporation, in all these three cases the Bill provides that Government shall come down for payment of the liability on the Corporation. Now does not this really do away with the limit of two per cent. provided for in a previous part of the Bill? The Bill says that the liability of the Corporation shall be two per cent., but here in these clauses it is provided that if any further payment is required it shall be made by the Corporation. I ask honourable members to say whether this does not do away with the limit altogether. Two per cent. is simply to be paid in the first instance, and you can add any further

amount which may be required for loans, sinking fund, or the payment of interest to Government. If the Council remembers this, it will be in a better position to consider the argument in favour of this provision, that this is nothing more than a guarantee clause to give investors confidence in the operations of the Board, and that it will act as a guarantee clause to those people who invest their moneys in the loan of the Board. But in doing that, you are indirectly but effectively taking away the limit of two per cent. The question is, which is the desirable course to follow—to retain the limit of two per cent. and incur such risks which may result; or to give such a guarantee? It is said that the loans will be raised at a somewhat cheaper rate than if there was no guarantee; sometimes it is said that the rate would be a quarter per cent. less, and at other times that it would be a half per cent. less. I am not at all sure that this will be the case, but even if in the first instance a little higher rate of interest has to be paid, we have to remember that the loans are not to be raised entirely at first, and that the Board will exist, not for five or ten years but for sixty or ninety-nine years, or even longer. This being so, the investing public will soon come to know the position in which the Board stands, and its credit will be good if it carries on its work in a right manner. The investing public, who are not so ignorant as seems to be supposed, will come to know that there is absolutely no risk in advancing loans to this Board, and whether there is a guarantee or not they will be ready to take up the Board's securities. For the sake of a little advantage which the Board may get in the reduction of rate of interest in the first few years, is it right or advisable to do away with the limit of two per cent. which the Bill lays on the contribution of the Corporation? It seems to me right and proper that the operations of a Board of this kind should be confined within a certain limit, and that the Board should clearly understand that it must keep within that limit and not incur any outlay beyond it. The second consideration against the clauses arises from what is due to the Board itself, which ought to have no temptation to be less cautious and less circumspect in their transactions than they would be by the insertion of these clauses. If the Board knows that it cannot possibly go beyond the two per cent. limit laid down in this Bill, it will afford a safeguard against speculative management of the large concerns entrusted to the Board. I do feel most strongly that we ought to provide checks against incautious and extravagant management in carrying out the transactions of the Board. It is therefore for the Council to seriously consider whether these clauses should be retained or not. I ask the Council to say whether it is prepared to place an unlimited burden on the rate-payers of the city for the purpose of carrying out this improvement scheme. You have to consider whether you prefer to have the loans for the first two or three years raised at a cheaper rate, or to have the work cautiously and carefully managed by the fixing of a limit beyond which the Board cannot go? The amendment suggested by Sir Charles Ollivant, by which the moneys paid under these sections should be a charge on the surplus before there is a division of profits, does go a little way, but only a very little way, in saving the position of the Corporation. They will not recover the payments in this way for a long period of time, if they do so at all, for no date can be given as to when the Board will begin to make profits. I do not think that even the Honourable Mr. Hughes will be able to tell us that. I have given notice of several amendments to be moved in the event of these sections being retained, and they are designed to make the burden of this charge on the Corporation less objectionable. It will then be the time to speak more at length on the amendment the Honourable Sir Charles Ollivant proposes to move. All I need now say is that the mere fact of the moneys received under these sections being a charge on the

surplus before a division of profits is made, would not alter the strength of the arguments which I place before you in asking that these sections may be removed altogether. I may say, however, that if the Council will agree to delete Sections 70 and 71 then my objections to 72 would be removed considerably. I would in that case make a present of that section to my honourable friend Mr. Hughes.

The Honourable Sir CHARLES OLLIVANT—I have been waiting before rising to reply in the hope that some honourable members who are more at home with the sentiments of the Corporation and the honourable member than I am, would get up and explain to him with greater financial knowledge than I possess how important it is in the financial interests of the city that these sections should remain as they are. I am convinced that there are members of the Corporation who, while feeling the force of many of the arguments we have just heard, would admit that for the financial success of the operations contemplated by the Bill it is absolutely necessary that these guarantee clauses should stand. I am not able to say much about the matter myself, as I cannot pose as a financial authority. But we are not altogether free agents in the matter and we are practically pledged to retain these clauses. I have already said that I do not believe they will entail any liability whatever upon the Corporation. I was glad to hear even the honourable member admit that the elimination of these clauses might, at least in the early years of the Board's existence, injuriously affect the rate of interest at which it could borrow. I would willingly agree with my honourable friend if I could, but I feel bound to protest against any amendment that vitally changes the character of these sections 70 and 71.

The Honourable Mr. MEHTA—Sir Charles Ollivant says that members of the Corporation and others feel that the financial success of the Board depends upon these guarantee clauses. Now, what is the meaning of these words? They are very large words, and they seem to mean a great deal more than really underlies that statement. The fact simply is that it is possible the Board may have to raise a loan at a somewhat higher rate than would be the case if the clauses were retained. Can it be said that merely because of this, the financial success of the Board will be hazarded? The only thing on which the financial success of the Board depends is the confidence inspired by the operations of the Board, and if these clauses really stood between the Board and failure, there would be very little chance of ultimate success.

The Council divided :—

Ayes.

The Chief of Ichalkaranji.
The Honourable Mr. Garud.
The Honourable Mr. Parekh.
The Honourable Dr. Bhalchandra
Krishna.
The Honourable Mr. Chandavarkar.
The Honourable Mr. Khare.
The Honourable Mr. Mehta.

Noes.

The Honourable Mr. Monteath.
The Honourable Mr. Kirkham.
The Honourable Mr. Moriarty.
The Honourable Mr. Vrijbhukhandas.
The Honourable Mr. Wingate.
The Honourable Mr. Fazulbhoj Visram.
The Honourable Mr. Hughes.
The Honourable Mr. Crowe.
The Honourable Mr. Doig.
The Honourable the Advocate General.
The Honourable Sir Charles Ollivant.
The Honourable Mr. Nugent.
His Excellency the President.

*The amendment was therefore lost.

The Honourable Mr. MEHTA—I will withdraw the next amendment of which I have given notice, namely, in line 6 of Section 70 to delete “46 and.” The amendment is a merely verbal one, and it is covered by the amendment proposed by the Legal Remembrancer and carried.

The Honourable Mr. MEHTA then moved the following amendment to Section 70 :—

To *omit* the words “or in any payment due by the Board under Section 59 to the Secretary of State for India in Council or to the Corporation respectively.”

He said—I think Sir Charles Ollivant must admit that this stands on a very different footing to the previous amendment, and I trust that he will not take up the same position in regard to it as he did to the motion to delete the clause altogether. Great importance has been attached to duly establishing the credit of the Board in public estimation, and it is said that for this purpose it is absolutely necessary that the guarantee clauses should remain. But what is to be urged with regard to the credit of the Board, so far as relates to the payment to Government on the interest upon the valuation of this property? How can that question be affected by this guarantee? It seems to me that if this clause is justified only on the ground that it is absolutely necessary for the financial success of the Board, it is not required as a guarantee of the payment of the interest on Government properties at least. If the Board are in default in regard to this interest, to whom is it largely due? In the first place it is due to the Board, and in the second place due to Government, and surely Government cannot go to the Corporation for what it is itself responsible for. When I say that Government is responsible, the Council will have to remember that it is Government to whom the responsibility for sanction of every improvement and reclamation after full consideration of ways and means attaches. They do not leave any power in this respect to the Corporation. Government may exercise this power in absolute opposition to the views of the Corporation, and yet the money which is required to be paid in case of default, is recoverable from the Corporation by means of the bludgeon. It seems to me that it is not possible to justify the inclusion of this part of the section in this clause. Government come down on the Corporation by this provision for the consequences resulting from its own misjudgment, recklessness, or laches in sanctioning schemes beyond the means of the Board. Is that fair and just?

The Honourable Sir CHARLES OLLIVANT—Your Excellency, if it had been possible I should have liked to have given way as regards this amendment, but I do not think I am permitted to do so. It would be a great pity to insist on the principle of giving a dog a bad name and hanging him. Directly you begin to talk about the bludgeon clauses you hear people say “get rid of them.” But if we look at these clauses as a matter of business we shall see that they only resolve themselves into the question of providing security. I cannot believe that the Corporation has any want of confidence in the Standing Committee, and yet they take receipts from the Standing Committee. In the same way it is provided in this Bill that the means of payment should be assured. So far from Government taking any particular advantage, you will see that the same principles apply in the case of the Corporation. It may be inconvenient to the Corporation to have their finances disorganised by having to make payment, but my honourable friend knows that the Corporation have the power to recoup themselves by a special tax without any serious

disorganisation to their finances. It might be a more gracious act to give the Government lands to the city for nothing at all, but these are not the terms upon which Government are prepared to grant the transfer. To make any material alteration in this section would mean a deviation from the terms of the contract on consideration of which the Government of India agree to make over these lands to the Board. With much regret, therefore, I have to announce that I am unable to assent to this amendment.

The Honourable Mr. MEHTA—My honourable friend Sir Charles Ollivant with the spirit of fairness which is strong in him admits that my proposal is a fair one, and the arguments he brought forward really go to meet quite another point which I have not raised in this connection. My objection to this part does not relate to the bludgeon, my argument was that it is here sought to recover from the Corporation moneys over and above the 2 per cent. it has already contributed, owing to the default of Government itself. That is an argument my honourable friend does not meet. I take it that the honourable member has no arguments against the amendment, but that he is in a position in which he cannot accept it. Well in that case it is futile to say anything more.

The Honourable Sir CHARLES OLLIVANT—The honourable member was too engrossed in the attractive conversation of his neighbour to hear what I did say against the proposal. (Laughter.)

The Honourable Mr. MEHTA—What I understood was that no arguments were of any use.

The Council divided :—

Ayes.

The Chief of Ichalkaranji.
The Honourable Mr. Garud.
The Honourable Mr. Vrijbhukandas.
The Honourable Mr. Fazulbhoy Visram.
The Honourable Mr. Parekh.
The Honourable Dr. Bhalchandra.
The Honourable Mr. Khare.
The Honourable Mr. Mehta.

Noes.

The Honourable Mr. Manteath.
The Honourable Mr. Kirkham.
The Honourable Mr. Moriarty.
The Honourable Mr. Wingate.
The Honourable Mr. Hughes.
The Honourable Mr. Chandavarkar.
The Honourable Mr. Crowe.
The Honourable Mr. Doig.
The Honourable the Advocate General.
The Honourable Sir Charles Ollivant.
The Honourable Mr. Nugent.
His Excellency the President.

The amendment was therefore lost.

The Honourable Mr. MEHTA moved the following further amendment in Section 70 :—

Line 21, to *substitute* for the word "Commissioner" the word "Corporation"; to *omit* the word "forthwith" and to *substitute* in its place the words "within a month from the date of any requisition by Government in that behalf".

He said—We now come to the question of what is to be done under these circumstances established by the rejection of my previous amendments. In the bludgeon clauses of the Municipal Act, it is provided that some little time should be given to the Corporation for meeting calls made upon them; but here in this section it is provided that the Accountant General may forthwith without any notice attach the amount required, and make the Municipality refund it forthwith. The Corporation will be bound to pay, whether

it has notice or not, the amount of the payments in defaults. I think the honourable member in charge of the Bill will find it hard to defend this proposal. Then the question arises, why is the Commissioner to be called upon to pay the money? It seems to me that it is the Corporation on whom the call should be made. I trust that the Council will delete the word "forthwith", and will give the Corporation some reasonable time as in the bludgeon clauses of the Municipal Act. I cannot conceive of anything more reasonable than the amendment I now suggest.

The Honourable Sir CHARLES OLLIVANT—The Corporation is to be congratulated upon having such a doughty champion as the honourable member. This is one of the amendments of which I spoke yesterday, when I said that some amendments are put forward with the comfortable conviction that they will not be carried. We have heard of the poor Corporation, but it seems to me that everybody referred to in this section must be described as poor. It will be the poor Accountant General, or the poor Provincial Government that has to pay the funds in the first instance, then the poor Commissioner, and the poor Corporation in the second place, until it comes down in the third place to the poor tax-payer, who will by a special tax really pay the money, that is to say, if it is ever required. As I said on the first reading of the Bill, I say again, that I do not believe a single extra penny of taxation will be laid on the tax-payer in connection with these guarantee clauses. But if the purport of the clause is to be maintained at all, it is absolutely necessary that the investor should know that no time will elapse in the fulfilment of the obligation secured by this clause. Therefore it is that we employ the terms "Accountant General", and "Commissioner" "forthwith", so that there will be no chance whatever of the shutters being up for a single day, but all will know that they are perfectly certain of getting the money repaid which they have lent. For these reasons, Sir, I am unable to agree to the amendment.

The Honourable Mr. MEHTA—In reply to that I should like to ask, how is the investor to know or care whether the Municipality pays forthwith, or after a month's notice, seeing that he has already been paid the money by the Accountant General? I must say I am rather surprised that my honourable friend is not prepared to modify the word "forthwith". It is not right that the demand on the Corporation should be made without notice. I am sorry that the high sense of fairness which the honourable gentleman possesses does not prompt him to say that it is inequitable to call upon the Corporation to pay without any notice being given.

The Council divided :—

Ayes.

The Chief of Ichalkaranji.
The Honourable Mr. Garud.
The Honourable Mr. Vrijbhukhandas.
The Honourable Mr. Fazulbhoj Visram.
The Honourable Mr. Parekh.
The Honourable Dr. Bhalchandra
Krishna.
The Honourable Mr. Chandavarkar.
The Honourable Mr. Khare.
The Honourable Mr. Mehta.

Noes.

The Honourable Mr. Monteath.
The Honourable Mr. Kirkham.
The Honourable Mr. Moriarty.
The Honourable Mr. Wingate.
The Honourable Mr. Hughes.
The Honourable Mr. Crowe.
The Honourable Mr. Doig.
The Honourable the Advocate General.
The Honourable Sir Charles Ollivant.
The Honourable Mr. Nugent.
His Excellency the President.

The amendment was therefore lost.

The Honourable Mr. MEHTA—I now beg to propose that in Section 71, line 1, the word “Corporation” be *substituted* for the word “Commissioner.” I have already given my reasons for wishing this change to be made and need not trouble the Council with any further remarks.

The amendment was lost.

The Honourable Mr. MEHTA then moved the following amendment to Section 71 :—

Lines 12—15, to *omit* the words : “and Government may further require the Corporation to levy a special tax as provided in the last preceding section.”

He said—I do not see why these words should be inserted. Supposing the Corporation do not levy the special tax as provided in the last section, what is to be done? There is no provision in regard to that. It seems to me to be a section without anything to back it up, judging from the remarks of the honourable member in charge of the Bill. There is a provision for levying a special tax if the Corporation thinks it necessary, and if the Corporation can pay from ordinary revenues, they ought to be allowed to do so. It may often be possible to pay the special levy in this way. All the power necessary will be conferred by this and the preceding section if this portion of the clause is omitted. There is no necessity to force the Corporation to make this levy and if they feel qualified to provide the necessary funds out of ordinary revenue they should be allowed to do so.

The Honourable Sir CHARLES OLLIVANT—This seems to me to fall within the same series of amendments as the previous ones to which I have objected in connection with these guarantee clauses. I am not however surprised at the records we are getting on the voting papers, when I remember how smoothly these clauses passed through Select Committee. There were of course differences of opinion. But they did not lead to any material changes. If you accept the principle that there should be such a guarantee and honourable members are aware of what I said at the first meeting that there can be no other guarantee under the particular circumstances—it seems to me that if the principle of them is accepted all the rest of this procedure must follow as a matter of course. I do not wish to put myself in the unpleasant position of supposing for one moment that the Corporation would make it convenient to utilise its cash balances for this purpose, and then recoup themselves by declining to prosecute very necessary works. But it seems to me—and I am sure the Government of India will take the same view—that if the balances are undesirably depleted it should be in the power of the Local Government to demand that a special tax should be levied, and I hope the Local Government will choose a special tax which will press as lightly as possible. In the Select Committee I indicated what such a special tax should be. I mentioned for instance a tax on kerosine oil. Such a tax has been imposed already, and I do not think any one was the worse for it. It seems to me that in the very unlikely event of the Corporation being called upon temporarily to meet these liabilities, it is very desirable that Government should have the power of sanctioning such a special tax, and if necessary it should be levied. This is one of the conditions of the contract and we cannot recede from it.

The Honourable Mr. MEHTA—The principles of a guarantee having been adopted by the Council, I accept them, but I do not see how this provision necessarily follows from such acceptance. The question is whether the Corporation should be forced to levy this tax when it can meet the demand from its own resources. I see that what was in the mind of the honourable member in charge of the Bill was that the Corporation might

provide the money out of current revenue by postponing the execution of necessary works. But if the Corporation fails to carry out duties obligatory upon it, Government can have recourse to the bludgeon clauses of the Municipal Act and compel the Corporation to carry out those duties. This has nothing to do with the principle of the guarantee.

The Honourable Sir CHARLES OLLIVANT—So far as the wording is concerned it was settled in Select Committee and taken out of Section 70 to be inserted in Section 71.

The Honourable Mr. MEHTA—But that does not affect the reasons why I oppose the insertion of these words.

The Honourable Sir CHARLES OLLIVANT—No, but I am explaining the reasons why the words do not appear where they did in the original Bill.

The amendment on being put was lost.

The Honourable Mr. MEHTA—Before I move a further amendment I believe that Sir Charles Ollivant intends to move a further addition to the clause, to take the place of the deleted Section 63B. If so I am going to oppose it.

The Honourable Sir CHARLES OLLIVANT—When I agreed to the deletion of Section 63B my reason was that the insertion of a similar provision could be made in this clause, so that there should be only one clause in the subject. I propose that in the third line of Section 71 after the word "in" the words and figures "Section 63, 63A or" be inserted.

The Honourable Mr. MEHTA—It seems to me that Government are driving a rather hard bargain with the Municipality and the city. Not only are these bludgeon and guarantee clauses to come into force as between Government, the investing public, and the Corporation, but as I pointed out on the last occasion, if the Board fails to meet its liabilities it is the Corporation which the clause says is to be called to account. I think we may safely trust the Corporation to pay the liabilities the Bill imposes without inserting any provision of this sort. I ask the Council whether they think the Corporation is a body which they think cannot be entrusted to fulfil the obligations placed upon it to pay certain moneys to the Board, and whether it is necessary to enforce such payment at the point of the bludgeon, instead of leaving the Board to recover the moneys from the Corporation in the usual way? It is utterly out of the question to suppose that the Corporation would refuse, and the amendment the honourable member has proposed seems to me a reflection quite undeserved by a body like the Corporation.

The Council divided :—

Ayes.

The Honourable Mr. Montearth.
The Honourable Mr. Kirkham.
The Honourable Mr. Moriarty.
The Honourable Mr. Wingate.
The Honourable Mr. Fazulbhoy Visram.
The Honourable Mr. Hughes.
The Honourable Mr. Doig.
The Honourable Mr. Crowe.
The Honourable the Advocate General.
The Honourable Sir Charles Ollivant.
The Honourable Mr. Nugent.
His Excellency the President.

Noes.

The Chief of Ichalkaranji.
The Honourable Mr. Garud.
The Honourable Mr. Vrijbhukhandas.
The Honourable Mr. Mehta.
The Honourable Mr. Parekh.
The Honourable Dr. Bhalchandra Krishna.
The Honourable Mr. Chandavarkar.
The Honourable Mr. Khare.

The amendment was therefore carried.

The Honourable Mr. MEHTA moved the following further amendment in Section 71 :—

To *add* at the end “the moneys levied from the Corporation under Sections 70 and 71 shall constitute a charge on the revenue and property of the Board prior to the charge for interest payable to the Secretary of State for India and to the Corporation under Section 59.”

He said—I have already to a great extent stated the grounds upon which I move the amendment. As I have said Government are responsible for granting any sanction to the schemes prepared by the Board. If there is any loss or liability the Board cannot fulfil in consequence of carrying out these schemes, surely the first parties who ought to be responsible should be Government and the Board. If in the interest of investors the Corporation has to pay these liabilities, then it should be recouped, by making such repayments a prior charge on the revenues before interest is paid to the Secretary of State and the Corporation. The Corporation should surely have a prior charge against the parties in consequence of whose action the liabilities have arisen.

The Honourable Sir CHARLES OLLIVANT—The honourable member is doing his best to take away the compliment he himself paid me when he spoke of me as the friend of the Corporation. But loyalty and consistency to the Select Committee compel me to say that I cannot accept this amendment. The Government of India have consented to vest valuable lands in this Trust on certain conditions, and we cannot deflect from those conditions without practically committing a breach of promise. For that reason I dissent from this proposal.

The Council divided :—

Ayes.

The Honourable Mr. Mehta.
The Honourable Mr. Garud.
The Honourable Mr. Vrijbhukhandas.
The Honourable Mr. Fazulbhoy Visram.
The Honourable Mr. Parekh.
The Honourable Dr. Bhalchandra Krishna.
The Honourable Mr. Chandavarkar.
The Honourable Mr. Khare.

Noes.

The Honourable Mr. Monteath.
The Honourable Mr. Kirkham.
The Honourable Mr. Moriarty.
The Chief of Ichalkaranji.
The Honourable Mr. Wingate.
The Honourable Mr. Hughes.
The Honourable Mr. Doig.
The Honourable Mr. Crowe.
The Honourable the Advocate General.
The Honourable Sir Charles Ollivant.
The Honourable Mr. Nugent.
His Excellency the President.

The amendment was therefore lost.

The Honourable Sir CHARLES OLLIVANT—I am glad to think that after so many divisions we are approaching unanimity again. The amendment I now beg to propose is practically the same as that proposed by the honourable member except as regards the last words. I beg to propose that the following words be *added* to Section 71 :—

“Any moneys paid by the Commissioner under the last preceding section or payable under the said section and levied under this section shall constitute a charge upon the property of the Board prior to any division of profits.”

The Honourable Mr. MEHTA—I accept the amendment, remembering that we must be thankful even for small mercies.

The amendment was carried.

The Honourable Mr. MĒHTA withdrew the following amendment to Section 72 standing in his name :—

To *omit* the words "as contemplated in Section 70" and to *substitute* in their place "as required under Sections 47 and 48".

Sections 72, 73, 74, 75, 76 and 77 of the Bill were agreed to.

At this stage the Council adjourned for half an hour.

The Honourable Mr. MORIARTY moved that in Section 78, line 15, after the word "Bombay" to *add* the words "or an award of the Tribunal."

The amendment was agreed to.

The Honourable Mr. MĒHTA moved that in Section 79 to *omit* the words "such auditors as shall from time to time be appointed by Government" and to *substitute* in their place the following :—

"Two auditors who shall from time to time be appointed, one by Government and one by the Corporation."

He said—My proposal that one auditor should be appointed by Government and one by the Corporation, is a very reasonable one. My reason for suggesting this change is that the burden in every case falls upon the Corporation, and if they appoint one auditor they will have the satisfaction of knowing that the accounts presented have been audited by an auditor representing them, as well as by an auditor representing Government. The Corporation will be very much interested in knowing the real state of the finances of the Board.

The Honourable Sir CHARLES OLLIVANT—Without suggesting for a moment that the Corporation are not interested in the finance of the Board, I believe that the course which will be most satisfactory for all parties will be the employment of the thoroughly trained agency of a public official, like the Accountant-General, who has no remorse in the way he deals with items he does not regard as legal, and who is supposed to be devoid of human weaknesses if not of human sympathies. This matter did not come up in Select Committee. It seems to me that the mixed agency of the Accountant General and the Corporation would not be a satisfactory agency for auditing the accounts, while that of the Accountant-General's office would be thoroughly satisfactory.

The Honourable Mr. MĒHTA accordingly withdrew his amendment and Sections 79 and 80 of the Bill were agreed to.

On the motion of the Honourable Mr. MORIARTY the following amendment in Section 81 was agreed to :—

Line 35, to *delete* the word 'pensions'.

Sections 82, 83 and 84 of the Bill were agreed to.

The Honourable Mr. MORIARTY withdrew the following amendment to Section 85 standing in his name :—

Line 18, for the words "this and of the last two preceding sections" to *substitute* the words "Sections 81, 83, 84 and of this section."

Sections 85 to 93 of the Bill were agreed to.

The Honourable Mr. MĒHTA moved to *delete* the last paragraph of Section 94.

He said—My amendment is to omit the last portion of the last section. This is an

absolutely new provision in law except in the case of the Port Trust Act. It is absolutely against all law on the subject, as the House of Lords, the highest judicial authority, has laid it down again and again that bodies appointed for the purpose of carrying out public objects are in some measure responsible for the acts of their servants. The provision to which I object takes away privileges of the public that have been established for centuries by law. It must have got into the Port Trust Act by some inadvertence. Now I have called attention to it I am perfectly sure the paragraph will not be allowed to remain.

The Honourable Sir CHARLES OLLIVANT—I accept the amendment and must congratulate the honourable member on being left in possession of the field with all the honours of war connected with the Bill to-day.

The amendment was agreed to.

His Excellency the PRESIDENT—Having gone through the amendments on the paper, we will now consider the amendments which were held over for further discussion. The first is that on Section 16, standing in the name of the Honourable Mr. Mehta.

The Honourable Mr. MEHTA said—Before I move this amendment I desire to propose that in Section 14, line 19, after the word “person” the words “other than the Chairman” be inserted. It seems to me that the interest which other Trustees are allowed to have in newspapers or Joint-stock Companies should not apply to the Chairman.

The amendment was agreed to.

The Honourable Mr. MEHTA—The drafting of the amendment to Section 16 which I proposed yesterday has been duly considered by Sir Charles Ollivant and the Legal Remembrancer, and I now have the pleasure to move that the first paragraph of the section be amended to read as follows :—

“The Chairman shall receive such monthly salary as Government shall from time to time determine: provided that such salary shall not exceed Rs. 3,000, and save during the twelve months next succeeding the date which shall be notified under Section 10, shall not be less than Rs. 2,000. He shall, except within the period aforesaid, hold no other salaried office, and, save in so far as he may be otherwise permitted by Government, shall devote his whole time and attention to his duties under this Act.”

The amendment was carried.

The Honourable Sir CHARLES OLLIVANT—In regard to Section 43 at page 33, I feel bound to support the sub-clause (k) as it stands, unless the Honourable Mr. Mehta will agree that this sufficiently meets his views, *viz.*, that we leave out the last part of the sub-clause which limits the right of appeal to questions as to the person or persons who are entitled to receive the compensation, and the apportionment of the compensation amongst them. We will also leave out the reference at the commencement of the sub-clause to the amount in respect to which an appeal can be filed. I propose that the sub-clause be amended to read as follows :—

“(k) In any case in which the President may grant a certificate that the case is a fit one for appeal, there shall be an appeal to the High Court from the award or any part of the award of the Tribunal.”

The Honourable Mr. MEHTA—We accept the lesser of two evils.

The amendment was agreed to.

The Honourable Mr. MORIARTY—In reference to the conversation which arose yesterday regarding the power of the President to make by-laws and appoint officers, the form in which it is proposed to give effect to the wishes of the Council is as follows :—

To *add* the following sub-clause to Section 43 at line 167 :—

“(1) Subject to the sanction of Government, the President of the Tribunal shall have power—

(i) to appoint such clerks and other officers or servants as may be necessary for carrying on the business of the Tribunal and to fix their salaries, which shall be paid accordingly by the Board; and

(ii) to make rules for the conduct of the business of the Tribunal provided that such rules are not repugnant to the provisions of the Code of Civil Procedure; and such rules shall come into force on receiving the sanction of Government.”

The amendment was agreed to.

The Honourable Sir CHARLES OLLIVANT—I wish to explain that in reference to Section 53 there are two points to be considered—one regarding the Flats will be dealt with when we come to consider the schedules; the other will be dealt with at the third reading.

The Honourable Mr. DOIG—On this Section 53 I have to move an amendment as follows :—

After the word “plans” in line 12 to *add* the following words :—

“subject, in the case of the lands specified as plot 12 in Schedule C, to the right therein reserved of temporary occupation by Government and to the right of Government to remove the materials of certain buildings therein specified”.

The area in question is the Government Mews, in the Hornby Road plot.

The amendment was carried.

On the motion of the Honourable Mr. MORIARTY the following further amendment in Section 53 was agreed to :—

Line 105, instead of “vest in the Board” to *insert* the words “remain so vested.”

On the motion of the Honourable Mr. MORIARTY the following further amendment in Section 59A was agreed to :—

Line 56, after the word “date” to *add* the words “not being less than ten years.”

The Honourable Mr. MEHTA—I have now to propose the amendment to Section 61, the consideration of which was held over yesterday. I now beg to move that the first paragraph of Section 61 be read as follows :—

“For twenty years from the date of the first lease of any portion of the area comprised in any reclamation scheme, the Board shall have the free enjoyment of all rents and profits derivable from such area, exclusive of rates on goods landed on or shipped from the foreshore.”

The amendment was carried.

The Honourable Mr. MEHTA—I would ask Sir Charles Ollivant whether he will not consent to put in a reversionary clause. I understood in Select Committee that Government would consider the form such a clause should take; therefore I did not send in any

notice of an amendment for the insertion of such a clause. It seems to me that as the Corporation has to finance the Board, the reversion of the property should go to the Corporation. I therefore move an amendment for a clause to this effect—

“When the Board is wound up or ceases to exist, the property remaining vested in the Board at that time shall become the property of the Corporation.”

I am not particular as to the words, because when the time comes to wind up the affairs of the Board the Legislature will, no doubt, put a right construction on the section.

The Honourable Sir CHARLES OLLIVANT—It is quite correct that this question was referred to in the Select Committee, but I certainly was not aware there was any understanding, unless the particular context was the clause relating to Police accommodation. It was considered not right to have those provisions unless there was some security that the Police buildings should be vested in the Corporation. Now, as regards a general vesting clause I have only got this to say: I do not see any practical advantage in leaving the thing so, and dealing with events necessary in the far future. Although, as far as I can judge, the reversion will be to the Corporation, still, inasmuch as this was not presented at an earlier stage, either to our minds, or to the minds of the Government of India, I feel great reluctance in assenting to anything of the kind now proposed. I am afraid to consent to it, although I should like to round off the whole thing in some such provision. Therefore, I must ask the honourable member not to propose the amendment or if he does so, to do it with the knowledge that I am constrained to oppose it.

The Honourable Mr. MEHTA—The attitude of the honourable member in charge of the Bill makes me sigh for the days when in this very Durbar Room one of the most respected Commanders-in-Chief opposed Government tooth and nail on certain public questions. I refer to Sir William Mansfield. But those far off days are gone. I do not want to pin down Government in any way to a particular clause, but I think we ought to have something in the Bill when the time comes for winding up the Board, as to what was the intention of the promoters of this Bill respecting the property of the Board. I think that ninety-nine years hence or so, when the question of dissolving the Board is brought forward, the Government, who have to deal with it, should have some indication as to what was passing in the minds of this Council and in the minds of your Excellency's Government. If it is thought desirable, the question might remain over until we take the third reading, which will give Government an opportunity of considering it before then.

The Honourable Sir CHARLES OLLIVANT—It will be more relevant and more convenient to allow these things to take their natural course.

The Council then proceeded to the consideration of the Schedules.

Schedules A and B were passed.

The Honourable Sir CHARLES OLLIVANT moved that in Schedule C, plot number 1, the Flats, in column 7 the following words be *inserted*: “no charge against the capital debt of the Board is to be made in respect of this plot.”

The amendment was agreed to.

The Honourable Mr. MEHTA—I see that the area of the Kennedy Sea-face is not given in the Bill, although it was in the original Bill. I should like to know why this has been done and whether it is intentional.

The Honourable Mr. HUGHES—It has not been intentionally done, but the reason the figures are not given is that the boundaries in the original Bill did not include the whole of the Kennedy Sea-face, but the boundaries now given do so.

The Honourable Mr. MEHTA—I think the Council ought to have some idea of the area so that we may know what liability is incurred.

The Honourable Mr. HUGHES—I am not aware that there is any objection to giving the area.

The Honourable Mr. MEHTA—Can it be inserted before the third reading?

The Honourable Mr. HUGHES—Yes, I think we can undertake to insert the figures before the third reading.

The Honourable Sir CHARLES OLLIVANT—My present impression is that there was some reason for not inserting the area in the Schedule, and I am, therefore, rather loath to give any undertaking of this kind.

The Honourable Sir CHARLES OLLIVANT moved to *add* to the last entry in Schedule C, No. 18, in column 4, the following words :—

“ Subject to the right of Government to remove the materials of the buildings forming the Body Guard Lines and the Bandmen’s Quarters, provided such right is exercised within 12 months from the date which shall be notified under Section 10.”

The amendment was carried.

Schedules D and E were agreed to.

The Honourable Mr. DORG moved that Schedule F be amended to read as follows :—

SCHEDULE F.

(SEE SECTION 64.)

Showing Lands included in Schedule C leased by Government between 1st September 1897 and the date which shall be notified under Section 10.

Locality.	Description of Plot.	Area.	Terms of Lease.
		Sq. yds.	
The Hornby Road Plot.	Bounded on the <i>North</i> by the John Connon High School; on the <i>South</i> and <i>East</i> by the Connon Road, and on the <i>West</i> by the Esplanade Road.	3,268.33	Ninety-nine years at a ground-rent of one anna per square yard per annum renewable for a further term of 99 years.
And such other lands	as may be leased prior to the date notified under		Section 10.

The amended Schedule F was agreed to.

On the motion of the Honourable Mr. MORIARTY the following amendment in the Preamble was agreed to :—

Line 22, after the word “and” to *insert* the word “whereas.”

**BILL No. III OF 1897: A BILL TO AMEND THE BOMBAY DISTRICT
POLICE ACT, 1890.**

The Honourable Sir Charles Ollivant moves the Third Reading of Bill No. III of 1897.

The Honourable Sir Charles OLLIVANT—Your Excellency, I beg leave to propose the third reading of Bill No. III of 1897: A Bill to amend the Bombay District Police Act, 1890.

Bill No. III of 1897 read a third time and passed.

The motion was agreed to and the Bill was read a third time and passed.

**BILL No. IV OF 1897: A BILL FURTHER TO AMEND THE BOMBAY
PORT TRUST ACT, 1879.**

In moving the first reading of Bill No. IV of 1897: a Bill further to amend the

The Honourable Mr. Hughes moves first reading of Bill No. IV of 1897.

Bombay Port Trust Act, 1879, the Honourable Mr. HUGHES said—Your Excellency, The Bill further to amend the Bombay Port Trust Act, 1879, was published under your Excellency's order in the *Bombay Government Gazette* on the 3rd December last. The amendments proposed are all of a very simple character and are such as the experience of the last 20 years has shown to be desirable. They involve no change in the administration of the affairs of the Trust; no increase in the fees leviable on the trade and shipping; but merely legalise the performance of certain duties that are commonly imposed on the Trustees of a large port—improve their position in regard to the recovery of the charges already authorised; empower them to grant compensation for injuries sustained by workmen in the execution of their duty; and make some small alterations in the rules regarding the grant of leave to Trustees, the appointments of acting Trustees, the fees for special meetings, and the disqualification of Trustees. The alterations lastly referred to are dealt with in Sections 1 to 4. The Board of Trustees will be seen on reference to the present Act to consist of a Chairman and twelve Trustees, and for the convenient transaction of business Standing Committees are annually appointed out of this number to consider and report to the Board on the various questions that come up from time to time in the several departments into which the affairs of the Trust may be divided, such as (1) Land and Railways; (2) Finance and establishment; (3) Dock; (4) Bunder; and (5) Harbour and Pilotage. The gentlemen chosen to serve on the Committees are those specially qualified from their experience to advise on the subjects submitted for their consideration. When the number is so small the absence of one or two has been found to be inconvenient. The absence of the Director of the Royal Indian Marine would, for example, be inconvenient when nautical affairs were under consideration; of the Collector and Secretary, Railway Department, when the questions related to land and railways; and representatives of special branches of trade or shipping in the case of questions affecting the commerce of the Port. As the Port Trust Act at present stands an acting appointment can only be made when the term of absence exceeds three months. As the result of experience it is desirable that there should be power to appoint acting Trustees, if necessary, for even shorter periods, and Section 1 provides for this being done. No explanations appear to be called for in respect of Sections 2 and 3, which deal with the disqualifications for the office of Trustees.

To the explanation given in the statement of objects and measures regarding Section 4, I would add that the experience which has been gained of the working of the Trust,

shows that an ordinary meeting of the Board is necessary once a week, and in the interval the attention of the Trustees is engaged in considering and minuting on papers circulated to them as members of Committees. Meetings of Committees may also in addition be held previous to such papers being submitted to the full Board. For these special Committee meetings no fee is now payable, and having regard to the demand thus made on the Trustees' time, which is often very considerable, it seems right that a fee should be paid as provided in this section for any special meetings that may be called. In the case of the Calcutta Port Trust fees are paid for Committee meetings, and there is every reason for adopting the same practice here. The question of compensation for accidents is of general interest, and it will not surprise those having a knowledge of the operations of the Trust, to find the Trustees asking in Sections 5 and 6 for power to frame regulations determining the conditions under which such compensation may be granted. There are few active occupations in life where workmen are not exposed to risk of injury, and in the bustle and energy with which work is usually carried on at the docks, wharves, warehouses, and workshops, amidst machinery and in cramped spaces, such risks are unavoidable. Accidents, therefore, every now and then occur to servants of the Board. The injured persons and their families have a claim to generous treatment, and it is desirable that the Board should be placed in a position to give such relief as each case may deserve, and to this end rules embodying the general principles on which compensation will be granted will on the amendment passing into law be submitted for the approval of Government. Section 8 requires that Port Trust roads before they are taken over by the Municipality shall, in addition to the other requirements mentioned in Section 37 of the present Act, be drained and provided with the apparatus for lighting. Section 37, as it stands, follows the wording of the old Municipal Act. As now proposed to be amended, it will be brought into line with the Bombay Municipal Act, 1888. The general principle is that the roads shall be complete in every respect when transferred to the Municipality for maintenance. It may not be out of place for me to mention that while the Municipality has thus to maintain the roads, the full benefit of the enhanced assessment which results from the opening out of new districts in the city, accrues to that body, and it can be proved from what has already been done on the properties of the Trust, that the increased receipts amount to a very considerable sum.

A dry dock, tugs, fire-engines and water boats have been provided for the benefit of the trade and shipping. These are necessary to the equipment of a large port, but they are not specifically mentioned in the present Act, and it is sought by the amendments contained in Section 10 to make good the omission, and to furnish the Trustees with full authority to maintain and charge for the use of these and other similar facilities. At the request of the late Municipal Commissioner, a proviso has been added which reserves to the Municipality the right of taking over at any time the special equipment maintained at the docks for extinguishing fires, and for similarly taking over the duty of supplying water to vessels in the harbour. The chances of the Municipality taking advantage of these reservations are, however, very remote. The Trustees pay the full tax for fire brigade purposes on the assessed value of their properties and in addition maintain at their own expense powerful land and floating fire-engines for the protection of the shipping, dock properties and goods in their charge. There is no reason why the Municipality should ever seek to take over these special appliances. As regards water-supply the Municipality are paid in full for the value of the water drawn from their mains, and the Trustees

recover from the shipping at payment a rate which is supposed to cover the total cost, and no more. As a matter of fact there is a small loss on the business notwithstanding the facilities the Trustees possess as compared with the Municipality for work afloat. It seems a pity, therefore, that the Bill should be encumbered with clauses that are unlikely ever to be brought into force, and it is for the consideration of the Select Committee whether the lengthy proviso which will be found on page 7 of the Bill should in these circumstances be retained. The remaining sections of the Bill do not require special notice. I should like, in conclusion, to remark that since the Act of 1879 was passed, improvements of great magnitude have been carried out. The work of the Trust in the receipt, handling, and storage of goods has increased enormously, the revenue has risen from 17 to 49 lakhs, while the charges on trade have been considerably reduced. It is most satisfactory that in these circumstances the Act under which the Trust is administered should be found to require so little alteration. I beg to move that the Bill be read a first time.

The Honourable Dr. BHALCHANDRA said — Your Excellency, as I am not opposed to the principle of the Bill, I do not intend to vote against the first reading of the Bill, but I may be permitted, My Lord, to express my disapproval of the proposed amendment of Section 15 of the Port Trust Act contained in Section 4 of the Bill under consideration. I consider this amendment as a departure from a principle once laid down by the Legislature. The same principle is affirmed in Section 50 of the Bombay Municipal Act, III of 1888, with regard to the meetings of the Standing Committee. I believe that those gentlemen who offer their services for the public weal are not induced to do so from any mercenary motives. I am fully prepared to admit the Trustees are all business men or officials with heavy demands on their time, but I consider it a reflection on them to say that it would be unreasonable to expect them to attend special meetings which may be from time to time urgently required without remuneration of any kind. I believe they must be all public-spirited and large-minded gentlemen ready to sacrifice their time for public business. It is generally assumed that one meeting a week is ample for the conduct of business, Special meetings taking place in case the whole of the business is not transacted at one meeting. As a rule only one meeting of the Standing Committee is held every week as prescribed by the Municipal Act, and whenever it is absolutely necessary a special meeting is held, but no extra fees are allowed for the special meetings. An amendment of Section 15 of the Port Trust Act will, I fear, sooner or later induce the Municipal Corporation to approach the Government with a view to amend Section 50 of the Municipal Act, III of 1888. To my mind, My Lord, this amendment appears inconsistent with the proposed amendments of Sections 14 and 37 of the Bombay Port Trust Act with a view to bring them into accord with Section 35 and Section 306 of the Bombay Municipal Act, III of 1886. While in one case there is an attempt to work these sections on a uniform principle, in the section under discussion a departure is sought to be made from that principle. But no clear necessity has to my mind been made out for such a departure. In my judgment loyalty to citizenship, and a sense of public duty should be better trusted to serve as stimulants to honest work than any mercenary motive. Perhaps, My Lord, a comparison on this subject may be arrived at on the same basis as in the case of the City Improvement Bill in regard to fees payable to the Trustees, *viz.*, the fees payable to each Trustee should not be more than Rs. 200 per mensem.

The Bill was then read a first time, and on the motion of the Honourable Mr. HUGHES was referred to a Select Committee consisting of the mover, the Honourable the Advocate-General, the Honourable Mr. Mehta, the Honourable Mr. Vrijbhukandas Atmaram, the Honourable Dr. Bhalchandra and the Honourable Mr. Macaulay, with instructions to report by July 1st next.

His Excellency the PRESIDENT—The Council will meet again on Saturday to take the third reading of The Improvement Bill. The meeting can be held at the hour most convenient to the members of the Council. I do not anticipate that the proceedings will be at all protracted.

His Excellency the PRESIDENT then adjourned the Council till noon on Saturday the 2nd April.

By order of His Excellency the Right Honourable the Governor,

S. L. BATCHELOR,

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

Bombay, 29th March 1898.

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 ACTS, 1861 AND 1892."

The Council met at the Town Hall, Bombay, on Saturday, the 2nd April 1898, at noon.

P R E S E N T:

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

The Honourable Mr. JOHN NUGENT, C.S.I., I. C. S.

The Honourable Sir E. CHARLES K. OLLIVANT, K.C.I.E., I. C. S.

The Honourable the ADVOCATE GENERAL.

The Honourable Mr. J. MONTEATH, C.S.I., M.A., I. C. S.

The Honourable Mr. DAJI ABAJI KHARE, B.A., LL.B.

The Honourable Mr. NARAYEN GANESH CHANDAVARKAR, B.A., LL.B.

The Honourable Mr. W. C. HUGHES, M. Inst.C.E.

The Honourable Mr. A. S. MORIARTY, I. C. S.

The Honourable Dr. BHALCHANDRA KRISHNA BHATVADEKAR, LL.M.

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

The Honourable Meherban Sardar NARAYANRAO GOVIND *alias* BABA SAHEB, Chief of Ichalkaranji.

The Honourable Mr. FAZULBHOY VISRAM, C.I.E.

The Honourable Mr. DHONDO SHAMRAO GARUD, B.A.

The Honourable Mr. P. M. MEHTA, C.I.E., M.A.

The Honourable Mr. VRIJBHUKHANDAS ATMARAM.

The Honourable Mr. A WINGATE, C.I.E.

The Honourable Mr. S. B. DOIG, M.Inst.C.E.

The Honourable Mr. E. GILES, M.A.

BILLS AND ORDERS OF THE DAY.

BILL NO. 1 OF 1898, A BILL FOR THE IMPROVEMENT OF THE CITY OF BOMBAY, AND TO PROVIDE SPACE FOR ITS FUTURE EXPANSION.—THIRD READING.

The Honourable Sir CHARLES OLLIVANT said—By some subtle process which I have been unable to fathom, I find that I am still in charge of this measure. I understood that my functions were to end with the chairmanship of the Select Committee, and the rough and tumble debate on the consideration of the Bill in detail. I have always looked upon the measure as your Excellency's own and did not expect to have to speak upon it on this occasion. But I am very proud to be associated with your Excellency in a measure I have so much at heart. Before the third reading of this Bill is finally

moved I shall propose a few verbal amendments which it is beyond the power of the Secretary to insert. Under the rules he is able to number the sections, but there are one or two printers' errors, and so on, which it will require the sanction of the Council to rectify.

The Honourable Mr. MEHTA said—I shall be glad if your Excellency will allow me to say one word before the verbal amendments are considered as to the question of the Flats. I find now from Section 54 as amended by the Council that my fears in regard to the Flats have been met and that the section as it stands will prevent them from being re-vested in Government after the period of 99 years.

The Honourable Sir CHARLES OLLIVANT said—Your Excellency, the first of the verbal amendments I desire to propose is that in line 1 of Section 32, the word "formation" be *deleted*.

The amendment was carried.

The Honourable Sir CHARLES OLLIVANT—I now beg leave to propose an amendment to Section 43. The section is at present a very long one extending from the bottom of page 23 to the middle of page 28. I beg to propose that it be divided into three sections, the first ending with Sub-section 4 at the bottom of page 24; the second comprising Sub-section (5); and the third comprising Sub-section (6). That is to say that the first new section will begin at the top of page 25, and the second new section at the bottom of page 26.

The amendment was carried.

On the motion of Sir CHARLES OLLIVANT the following verbal amendments were agreed to:—

Page 25, line 109, to *omit* the word "and" before the word "who".

Page 27, line 226, to *substitute* the word "section" for the word "sub-section".

Section 53, line 15, after the word "and" to *add* the words "in the case of lands specified as plot 18 in the said schedule", and line 17, to *delete* the words "therein specified".

The Honourable Sir CHARLES OLLIVANT—My next amendments are in Sub-section (6) of Section 53, and are intended to make clearer a somewhat complicated provision. I propose that in line 116, after the words "Sub-section (3)" to *add* the words "shall be let on a building lease by the Board", and in line 118 for the words "let on a building lease by the Board" to substitute the words "so let".

The amendments were carried.

On the motion of the Honourable Sir CHARLES OLLIVANT the following amendments were agreed to:—

Section 60, line 14, after the words "Cotton-green" to *insert* the word "plot."

Section 63 A, line 101, for the letter (c) to *substitute* the figure (3); in line 102, after the word "debts" to *insert* the words "shown in the statement referred to in the last preceding sub-section."

The Honourable Sir CHARLES OLLIVANT—During the discussion on the second reading of the Bill the Honourable Mr. Mehta expressed a desire that the amended area of

the Kennedy Sea-face should be given, and it was understood that they were to be inserted in time for the third reading. When we were obtaining these figures, it was pointed out to us that some other figures in Schedule C had been erroneously given. I accordingly propose that Schedule C be amended by the insertion of the area of the two plots of the Kennedy Sea-face as well as by the correction of certain items which have been erroneously given in the Bill. As it is very difficult to explain figures and measurements, I thought it better to have a printed statement of the amendment laid on the table so that each member may know exactly what it is I am proposing.

The Honourable Mr. MEHTA—I see that as regards the Kennedy Sea-face the figures now entered are, 3,35,212 and 83,821 square yards. This is a considerably larger area than what was given in the Bill as first introduced. It was there put down as 2,24,735 and 66,627 square yards. I do not know whether there is any explanation of this great difference to the effect that a further area has been taken into account, or whether it is due to some mis-calculation. Perhaps the honourable member in charge of the Public Works Department may be able to inform us.

The Honourable Mr. DOIG—I have no explanation to give beyond this, that the areas have been carefully ascertained by the Collector and by the Superintending Engineer of the Northern Division. How the difference is caused I do not know.

The Honourable Mr. HUGHES—The original schedule did not bring the area further south than the Church Gate Street Station. The side north of the Marine Lines Hospital was excluded, the intention being not to include any part of the ride. But the boundaries now given comprise the whole of the Sea-face up to the Warehouse Bridge. This accounts for the large difference in the areas.

The Honourable Mr. MEHTA—If that is so, we shall have to pay for plots which are already occupied for public purposes.

The Honourable Mr. HUGHES—No, they will not be charged for in any way.

The Honourable Mr. MEHTA—But the schedule says that the average value for purposes of Section 59 will be Rs. 5 per square yard in the event of appropriation as open spaces, and Rs. 10 in the event of appropriation to building purposes. We shall have to pay for a large area which was not to be chargeable under the original Bill. If that is so, I think we ought to keep to the original provisions of the Bill. It will make a difference of 5 lakhs at the least, and this new burden ought not to be imposed upon the Board.

The Honourable Sir CHARLES OLLIVANT—I do not think that is quite so, though I may say that up to this time I was not aware that this area did include anything below the Marine Lines Station. But so far as to this imposing any new liability on the Board, that would not necessarily be the case. If the Board up to the first thirty years decide to permanently dedicate the area as an open space, its capital value would have to be paid free of interest, or if any part of it is let for building purposes the capital value will have to be paid with interest. But it is entirely optional with the Board, and if they do neither one thing or the other they will not be liable to pay the capital charge. That is clearly set forth in Section 53, so that there will be absolutely no liability whatever if the Board in the exercise of their discretion do not utilise the area. It will go back to Government, and there will be no liability.

The Honourable Mr. MEHTA—The area is already appropriated to public purposes and I do not see why the Board should not be made to pay even the lower rate of Rs. 5

per square yard for space which is already open without any charge being payable in respect of it and which in the original Bill was to remain so without any payment, indeed for which no payment could be demanded as already dedicated to the public or appropriated for a specific purpose. It is entirely a surprise to find that by quietly including additional space in the area without any further note, a new burden is imposed on the Board.

The Honourable Mr. HUGHES—I would point out that there can be no liability for it while it continues an open space, for it comes within the scope of Section 58, which provides that any part of the land vested in the Trust that forms a street is not to be chargeable to capital.

The Honourable Sir CHARLES OLLIVANT—I would point out to the Honourable Mr. Mehta that in the event of the Board deciding not to use the land, either for a building site, or for an open space, it will revert to Government at the end of thirty years, and there will be no question of any capital value being charged.

The Honourable Mr. MEHTA—But supposing they do want it for either purpose, the charge will be at the rate of Rs. 5 or Rs. 10 per square yard, respectively. What I do submit is that the portion of the Kennedy Sea-face already dedicated to the public should not be imposed on the Board as a possible burden. As the schedule stands there is a certain liability that may be incurred in regard to this land which has already been dedicated to the public. It seems to me that this ride ought to stand entirely apart in any new arrangement, and I think that the ride should be left out altogether, its inclusion may mean a charge of five lakhs of rupees upon the rate-payer. The third reading is hardly the time to propose an addition of so large a character.

The Honourable Sir CHARLES OLLIVANT—The honourable member ought not to overlook the point raised by the Honourable Mr. Hughes as to the exemption of the ride and footpath from liability under Section 58, which provides that where any part of the land specified in Schedule C and Schedule D is appropriated in forming a street, the capital debt shall be reduced by an amount equivalent to the value of such street. Now we have to go back to the meaning of the word "street" in this Bill, and we find from Section 2 that the definition of the word here is the same as in the Municipal Act but with the objectionable portion omitted. The definition of "street" under this Act will therefore be as follows:—"Street" includes any highway and any causeway, bridge, viaduct, arch, road, lane, footway, square, court, alley or passage over which the public have a right of passage or access or have passed and had access uninterruptedly for a period of twenty years, and, when there is a footway as well as a carriage-way in any street, the said term includes both." If we insert in the schedule words showing specifically that this applies to the ride on the Kennedy Sea-face that will meet the whole thing, but even if we do not, *ipso facto* there can be no charge.

The Honourable Mr. MEHTA—I am fully aware that there is no charge for a street, but the Board will have the power to make a portion of it either an open space or a building site, and it ought not to be a cost to the Board to make an open space of a space which is already open. It is now a street, but once it is dealt with by the Board it ceases to be a street and will have to be paid for. It has already been dedicated to the public and should not be interfered with by the Board.

The Honourable Sir CHARLES OLLIVANT—No one can be more sorry than I am that

this thing has occurred at the last moment, and we must take care not to put the Board in a false position. It seems to me that if, as is clear, the word "street" covers this ride, there will be no liability whatever unless and until the Board chose to turn any part of it into anything else. I cannot see why they should be bound over absolutely not to do so.

The Honourable Mr. MEHTA—I do not see the force of that argument, for if the Board and the city require more land at any time they can apply for it.

The Honourable Sir CHARLES OLLIVANT—These Government lands cannot be utilised by the Board for open spaces unless they declare them as open spaces within a given period. It is entirely within their discretion whether they do so, and as the declaration is subject to the sanction of Government, it is not altogether in their own option whether they incur this liability or not. I doubt whether it is to the interest of the Board that we should exclude these areas from the schedule.

The Honourable Dr. BHALCHANDRA—I must say that I quite agree with Mr. Mehta. The increase of the area by the inclusion of the ride and footpath may impose a new burden on the Board and the city which it should not be called upon to pay.

The Honourable Mr. MEHTA—I should very much prefer to see the ride and footpath excluded from the area.

The Honourable Sir CHARLES OLLIVANT—The honourable member asked for the figures on Tuesday and what we have done to-day is to supply those figures.

The Honourable Mr. MEHTA—Yes, but it was not understood, except perhaps by two or three members of the Council, that the figures were to be so changed as to include the area of the ride. The boundaries are not the same as in the original Bill; they have been suddenly changed without our having the slightest idea that this was intended, nor was there anything said to lead us to believe that the area had been changed.

The Honourable Sir CHARLES OLLIVANT—It is our own fault that we did not carefully read the schedule, as it was before us at the second reading. We pass it and suddenly at the third reading we find that the schedule is not the same as it was in the Select Committee. If members of the Council had carefully read the schedule they would have seen that the boundaries of the Kennedy Sea-face plot had been changed.

The Honourable Mr. MEHTA—My honourable friend admits that the schedules were changed; but nothing was said to lead us to believe that this had been done. We were taking the plots to be the same as in the original Bill, so that cannot be regarded as consent on our part. There was nothing to show that there had been a departure from the original purpose.

The Honourable Sir CHARLES OLLIVANT—Well I must formally move my amendment.

The Honourable Mr. MEHTA—I put it whether such an addition ought to be made to the scheduled areas at the third reading.

The Honourable Sir CHARLES OLLIVANT—All I propose is that the figures asked for by the honourable member on Tuesday should be inserted.

The Honourable Mr. MEHTA—It is perfectly true that I did ask for the figures, but I did so under the apprehension that the area was unchanged, and there could be a question of correcting any errors in the measurement. I was not even then told that the area had been materially altered. The report of the Select Committee made no mention of such

alteration, and we fully believed that we were dealing with the Kennedy Sea-face as described in the original Bill. It is not as if this amendment was of a merely technical character. I submit that from the facts that have come out this change ought not to be made as a mere technical amendment.

The Honourable the ADVOCATE GENERAL—It cannot be said that any material alteration is being made. The boundaries are fixed by the schedule which was passed at the second reading, and all that is now done is to insert the measurements within the area so bounded. The insertion of these figures does not alter the Bill in the slightest degree, seeing that the boundaries were given at the second reading. The area was there by implication.

The Honourable Mr. MEHTA—There was nothing before us then to direct our attention to this implication.

The Honourable Sir CHARLES OLLIVANT—I do not see how the matter can be adjusted otherwise than in the way I have proposed. All my amendment does is to propose that the figures of the areas of the Kennedy Sea-face be inserted. The only effect of rejecting this amendment will be that the column will remain blank as it now is, which I hope will satisfy the honourable member.

The Honourable Mr. MEHTA—Shall I be allowed to move an amendment to this? The rules of debate lay down that a Bill may be amended at the second or the third reading. There is no differentiation in the rules as between a technical or a substantial amendment in this respect. I will therefore move as an amendment that the boundaries in the original Bill be substituted for the boundaries which have since been entered. I think there are circumstances on this occasion which should be considered sufficient to permit me to move it without previous notice.

His Excellency the PRESIDENT—As this is not an amendment affecting the principles of the Bill, I see no objection.

The Honourable Mr. MEHTA—I will therefore move that the boundaries of the Kennedy Sea-face entered in Schedule 6 of the original Bill be substituted for the boundaries which have since been entered.

The Honourable Sir CHARLES OLLIVANT—That amendment will have to be taken before mine, as the latter will only apply to the boundaries as they stand at present. All the honourable member wishes is that the area which is the ride and footpath should be excluded from the rest of the area that is to be vested in the Board. Assuming that the ride comes under the definition of a street applied to this Act as it does, there can be no capital debt in respect thereto, unless the Board, contrary to its own interests and the interests of everyone else, turns it into something else. That is the exact position, and there is practically no risk of incurring a capital debt in respect to the ride.

The Honourable Mr. MEHTA—The Legislature should put it out of the power of the Board to do anything that is against its own interests and the public interests. What is the use of giving the Board such power?

The Honourable the ADVOCATE GENERAL—At some future time a part of the Back Bay might be reclaimed, and then the position of the ride might be accordingly changed.

The Honourable Mr. MEHTA—Such a contingency could be dealt with by fresh legislation or by agreement between Government and the Board. I am quite willing to accept

any arrangement that the honourable member in charge of the Bill may suggest for excluding the ride. I do not think it ought to be put in.

The Honourable Sir CHARLES OLLIVANT—We are very anxious to meet the honourable member, but so long as the ride remains a ride, it will be exempt from capital chargeability under Section 58. That is patent.

The Honourable Mr. MEHTA—I think my object would be gained if the ride was excluded specifically in the schedule from capital liability:

The Honourable Sir CHARLES OLLIVANT—I take it that it would sufficiently meet the honourable member's views if in the "Remarks" column of Schedule C against plot 2 the following words were added after the words "average value for purposes of Section 59"—"save in respect of any portion of this area now used as a ride and footpath, and so long as it continues to be so used."

The Honourable Mr. MEHTA—I was going to move that the ride be excluded from the total area for the purposes of valuation.

The Honourable the ADVOCATE GENERAL—But the suggestion of Sir Charles Ollivant has the advantage that it will not exclude the area from being made over to the Board.

The Honourable Sir CHARLES OLLIVANT—I beg to move, your Excellency, that in column 7, opposite plot 2, after the words "average value for purposes of Section 59" the following words be added:—"save in respect of any portion of this area now used as a ride and footpath, and so long as it continues to be so used."

The Honourable Mr. MEHTA—I think my object would be gained if the last few words qualifying the exception were omitted—"so long as it continues to be so used." Otherwise the ride can be declared not a ride to-morrow.

The Honourable Sir CHARLES OLLIVANT—I did not think that the honourable member would still object, after I had met his wishes to this extent.

The Honourable Mr. MEHTA—I only want an assurance to be given in the Act that the ride will not have to be paid for.

The Honourable Sir CHARLES OLLIVANT—I fully appreciate the difficulties of the situation and have gone as far as I possibly can in meeting the views of the honourable member. I am therefore unable to concur to the change in the amendment he proposes.

The Honourable Mr. MEHTA—Very well.

His Excellency the PRESIDENT—This is a most irregular discussion, but I have not stopped it as I am desirous that there should be no feeling against the way in which the Bill has been passed. In putting this amendment it will be necessary to suspend the Standing Orders.

His Excellency the PRESIDENT thereupon suspended the Standing Order and the amendment was then put and agreed to.

On the motion of the Honourable Sir CHARLES OLLIVANT the following amendments in Schedule C were agreed to:—

In column 5 the following figures to be entered:

Opposite Plot 2 (a)	3,35,212
" " 2 (b)	83,821

and in Opposite—	Column 5.		Column 6.	
	<i>For</i> Sq. yds.	<i>Read</i> Sq. yds.	<i>For</i> Rs.	<i>Read</i> Rs.
Plot 6	32,217	42,394	3,22,170	4,23,940
„ 7	53,732	55,625	5,37,320	5,56,250
„ 11	2,048	2,166	61,440	64,980
„ 12	67,783	71,051	13,55,660	14,21,020
„ 16 (a)	55,367	52,675	...	...
„ 16 (b)	80,978	82,473	8,09,780	8,24,730
Total amount ... ..	...	...	70,56,442	72,60,992

His Excellency the PRESIDENT—I desire to say a word or two before the final stage of this Bill, so far as this Council is concerned, is completed. As I remarked just now we have had a somewhat irregular discussion, seeing that we were not considering the Bill in detail, and it occurred to me that I ought to have somewhat shortened it. But at the same time in a Bill of such importance as the present one, and seeing the tone and style in which the discussion was conducted, I was most loth to interfere in any way because I was anxious that we should have a proper understanding as to the particular question laid before us. But the fact that I have allowed on this occasion a somewhat discursive debate must not be taken as a precedent in future. On the first reading of this Bill many kindly words were said by honourable members, not only those belonging to Bombay, but also others living outside its limits, as to my particular action in having brought forward this Bill. Now, whilst I have recognised the spirit in which these sentences are framed, I cannot dissociate myself from the action of Government as a whole, and any credit that honourable members, or the public outside, may have been so good as to attach to me is as fully deserved by my honourable colleagues on my right and my left, as myself. Indeed the burden and heat of the day for the conduct of this Bill has fallen upon the shoulders of my honourable colleague, Sir Charles Ollivant. The method in which he conducted the Bill in Select Committee has won the approbation of all those by whom he was surrounded. (Hear, Hear.) In the lightness and directness of the sparring which took place between him and the Honourable Mr. Mehta, I think that the minds of both gentlemen must have travelled back to other scenes in a building not far from here, and I think they must both have regretted that the years have sped so quickly. As to my other honourable colleague, ever since this Bill was first contemplated I have been supported by the vigorous enthusiasm of Mr. Nugent, so that I used no idle words just now when I said that the credit, whatever there be, is due to Government as a whole. But there is an honourable member of this Board who is outside the Executive Council whose assistance has been of very great value to Government in preparing the scheme. I refer to the honourable Chairman of the Port Trust. (Hear, Hear.) His capacity for travelling and for climbing the dizzy heights of Simla, or for rushing with the greatest celerity to Calcutta, and his powers of lucid explanation and extreme persuasiveness in interviewing members of the Government of India and explaining the Bill to them have indeed facilitated its passage and progression. This also ought not to be forgotten, that we owe a great deal to one official whose courtesy we all acknowledge, and that is the Secretary of Council. (Hear, Hear.) I have seldom seen a more difficult place to hear in than this room, but the sharpness of Mr. Batchelor's

ears has ensured accuracy in dealing with and reporting the innumerable amendments put forward by the Legal Remembrancer and other speakers. I observed in my morning paper at the breakfast table this morning, a letter from a correspondent signing himself "D," in which he said that upon this day when there would be a great deal of mutual admiration, the one person, who really was the founder of this scheme for the improvement of Bombay, Lord Reay, should not be forgotten. Lord Reay has been a very old political and social friend of mine for many years, and he has taken great interest in this scheme, and any credit which some say attaches to me, so far as I am concerned, I will give to him with both hands. I was careful to inform the Council when I introduced this Bill that the first report I referred to on this subject, was that of the City of Bombay Extension Committee. I think that the Council may congratulate itself upon the practical unanimity of opinion with which the general principle of this Bill has been received. Criticisms have been passed. I was going to say opposition, but I will not use that word, and my honourable colleague Mr. Mehta is a doughty champion of the critics, and I have no doubt improvements have been effected in the Bill, but the tone which has prevailed throughout our discussions and the conciliatory spirit and the business-like directness which has dominated them would have done credit to any Legislative assembly in the world. It has been remarked with great truth that a more considerable instigator than the Governor in Council in regard to this Bill has been plague. People came to see something must be done. Government have tried to frame and this Council will shortly pass a measure which I hope in the future will give great opportunities for the extension and the improvement of the city. But whilst we are endeavouring to provide for the growth and the extension of the city, and to bring about a permanent improvement in the health of the city, it cannot be doubted that such structural improvements in the city must be aided by a vigorous executive in all its branches, and a well-organised Health Department under the control of the Municipality of Bombay. I think it is but fair to say, that there are indications at any rate, that the cloud is at last being lifted from Bombay. We have had day by day for the past fortnight improvements in our returns. I observe some young men sitting at the table, and it is not too much to hope that within their life-time they will see great improvements in the City of Bombay, improvements which must tend to the better health of the city, the growth of commerce, and a greater happiness amongst a large mass of the population of this city than it has been possible to attain in the past. Now I formally move that this Bill be read a third time.

The motion was agreed to *nem. con.* and the Bill was then read a third time and passed.

His Excellency the PRESIDENT then adjourned the Council *sine die*.

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

S. L. BATCHELOR,

Secretary to the Council of the Governor of

Bombay, 2nd April 1898.

Bombay for making Laws and Regulations.

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 ACTS, 1861 and 1892."

The Council met at Poona on Friday the 19th day of August 1898, at 12 noon.

PRESENT.

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

The Honourable Sir E. CHARLES K. OLLIVANT, K.C.I.E., I. C. S.

The Honourable Mr. H. E. M. JAMES, C.S.I., I. C. S.

The Honourable Mr. DAJI ABAJI KHARE, B.A., LL.B.

The Honourable Mr. NARAYAN GANESH CHANDAVARKAR, B.A., LL.B.

The Honourable Mr. A. S. MORIARTY, I. C. S.

The Honourable Mr. BHALCHANDRA KRISHNA BHATAVADEKAR, L.M.

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

The Honourable Meherban Sardar NARAYANBAO GOVIND *alias* BABA SAHEB, Chief of Ichalkaranji.

The Honourable Mr. DHONDO SHAMRAO GARUD, B.A.

The Honourable Mr. P. M. MEHTA, C.I.E., M.A.

The Honourable Mr. VIJBHUKHANDAS ATMARAM.

The Honourable Mr. B. H. MACAULAY.

The Honourable Mr. E. GILES, M.A.

The Honourable Mr. J. K. SPENCE, C.S.I., I. C. S.

The Honourable Mr. H. M. THOMPSON, B.A., M.Inst.C.E.

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

The Honourable Ráo Bahádur CHUNILAL VENILAL, C.I.E.

The Honourable Mr. C. T. BURKE, M.Inst.C.E.

QUESTIONS AND ANSWERS.

The Honourable Mr. PHEROZESHAH M. MEHTA put question No. 1 standing in his name—

Will Government be pleased to lay on the Council Table the reports and letters of the Superintendent of Mátherán and other correspondence between that officer and the Collector of Kolába on the subject of a license recently issued for the retail sale of country liquor at Mátherán?

The Honourable Mr. H. E. M. JAMES in reply said—

The facts regarding the opening of this liquor shop are stated in paragraph 5 of letter from the Revenue Department of this Government, No. 4350, dated 4th July last, to the address of the President and Secretaries of the Bombay Temperance Council. This letter was laid upon the Editors' Table and published in some of the local papers. Under these circumstances Government do not propose to call for the correspondence asked for by the honourable member.

The Honourable Mr. MEHTA then put question No. 2—

Will Government be pleased to state when they are likely to come to a settlement regarding the final adjustment of accounts between themselves and the Municipal Corporation of Bombay in respect of the City Police charges, in reference to points raised in letters from the President of the Corporation, No. 974 of 30th April 1896 and No. 9786 of 14th December 1896?

The Honourable Sir CHARLES OLLIVANT in reply said—

Except as to the question of rent for buildings occupied by the Police, whether such buildings belong to the Municipality or Government, the final decision of Government in the matters referred to was communicated to the President of the Municipal Corporation in Government letter No. 678, dated 26th January 1898.

The Honourable Mr. MEHTA then put question No. 3—

Will Government be pleased to state if they will appoint a committee for the discussion and submission of proposals for transfer of Police charges to Government in consideration of the assignment of an equivalent amount of Municipal revenue as suggested in letter No. 9786 of 1896-97 of 14th December 1896 from the President of the Corporation to Government in reply to Government letter No. 7871 of 1896-97, dated 18th November 1896?

The Honourable Sir CHARLES OLLIVANT in reply said—

Pending a termination of the correspondence regarding details of account adjustment the suggestion as to the appointment of a mixed committee has not been disposed of. Government consider that the appointment of such a committee at the present stage would not serve any useful purpose, for whilst they are ready to entertain any carefully weighed proposals, subject to certain elementary conditions prescribed by the Government of India, for the assignment of certain permanent items of Municipal revenue in redemption of all liability for Police charges, the initiative in making such proposals must, as already intimated, rest exclusively with the Corporation.

The Honourable Mr. MEHTA then put question No. 4—

As the Bombay Municipal Corporation are now advised, in reference to the land occupied by the Municipal Workshops and Health Department stables, that with regard to the greater portion of the land in question they are entitled to refuse to pay rent to Government at any higher rent than one pie per square yard per annum, will Government be pleased to reconsider their decision about referring the matter in dispute to arbitration?

His Excellency the PRESIDENT in reply said—

I refer the honourable member to the answer to question No. 6 at the meeting of the Council held at Poona on 17th August 1896. Since that reply was given no further evidence has been brought to the notice of Government by the Municipality and there is nothing officially before Government, to induce a reconsideration of their decision.

The Honourable Mr. MEHTA then put question No. 5—

Are Government aware that in the various High Schools in the Presidency no instruction in the vernacular languages is given to students taking up one of the classical languages as their second language? Will Government be pleased to introduce measures calculated to give such instructions in all classes up to the Matriculation standard?

His Excellency the PRESIDENT in reply said—

The reply to the first part of the question is in the affirmative, but translation from the vernacular into English is taught to boys who take up a classical language and so far instruction in vernacular is given. As regards the second part of the question, Government, as at present advised, do not contemplate taking any further steps in the matter.

The Honourable Mr. MEHTA then put question No. 6—

Will Government be pleased to consider the advisability of removing the divergence and conflict between the rules adopted at various places in the Presidency as regards detention, disinfection and observation, &c., and laying down an uniform set of rules for the guidance of the officers in charge of plague measures, as prayed for in the representation of the Council of the Bombay Presidency Association, dated 6th December 1897?

His Excellency the PRESIDENT in reply said—

Government have under consideration the matter referred to in the honourable member's question.

The Honourable Mr. MEHTA then put question No. 7—

Will Government be pleased to state whether they are now ready to introduce the long-promised legislation for removing the grievances of Devgad Khots, as contemplated in Government Resolution in the Revenue Department, No. 34 of 4th January 1895?

The Honourable Mr. JAMES in reply said—

The Bill for the amendment of the Khoti Settlement Act referred to in the honourable member's question is ready for transmission to the Secretary of State and the Government of India in accordance with standing orders.

The Honourable Mr. MEHTA then put question No. 8—

Will Government be pleased to state what directions they have issued regarding the particular section of the inhabitants in the local area of the City Municipality of Poona to be assessed to the rate for defraying the cost of the additional Police imposed by Government Notification in the Judicial Department, dated 29th June 1897 (No. 4790 A)?

The Honourable Sir CHARLES OLLIVANT in reply said—

No directions have been issued.

The Honourable Mr. MEHTA then put question No. 9—

Has the attention of Government been drawn to the speech of the Honourable Mr. Crowe at the Birthday Darbar at Poona on the 24th of May last, in which he said that as the Judge who tried Damodar Chapekar, he found no indication of any conspiracy or design on the part of any section of the Poona community which could have prompted the crime?

The Honourable Sir CHARLES OLLIVANT in reply said—

Government are pleased to answer this question in the affirmative.

The Honourable Mr. MEHTA then put question No. 10—

Will Government be pleased to consider the justice and desirability of cancelling the notification in the Judicial Department of 29th June 1897 by which they imposed additional Police in the local area of the Poona City Municipality on the ground that they considered the conduct of the inhabitants of the City of Poona rendered it expedient to do so?

The Honourable Sir CHARLES OLLIVANT in reply said—

Having regard to the heavy additional burdens thrown on the financial resources of the City of Poona through the measures undertaken to combat the plague epidemic, to the recent sufferings of the inhabitants, and to the patience, fortitude and good order displayed by them under these sufferings, Government have been pleased to hold in abeyance the second paragraph of the notification to which the honourable member refers, and they are considering the propriety of altogether relieving the Municipality of the liability so imposed upon it.

The Honourable Mr. MEHTA then put question No. 11—

Will Government be pleased to state if there is now anything and, if there is, what, in the conduct of the inhabitants of the City of Poona which renders it expedient to continue the imposition of additional Police for the purposes of either protection or for any other purpose?

The Honourable Sir CHARLES OLLIVANT in reply said—

In view of the answers already given to two previous questions Government consider it sufficient to say that careful enquiries have been instituted as to the strength of the Police force required both temporarily and permanently for effectively maintaining order in the Poona City and suburbs, and that various proposals on the subject are engaging the attention of Government.

The Honourable Mr. MEHTA then put question No. 12—

Will Government be pleased to give a list of officers in charge of the different Collectorates in the Presidency since 1st January 1898, giving their length of service?

The Honourable Mr. JAMES in reply said—

The information desired by the honourable member can be obtained from the *Government Gazettes* and *Quarterly Civil Lists*.

The Honourable Mr. MEHTA then put question No. 13—

Will Government be pleased to give a list of District and Sessions Judges and Joint Judges in charge of District and Session Courts since 1st January 1898, giving their length of service?

The Honourable Sir CHARLES OLLIVANT in reply said—

No list exhibiting the precise information desired by the honourable member is available, but he will have no difficulty in obtaining it from the published *Quarterly Civil Lists* and the *Government Gazette* notifications.

The Honourable Mr. MEHTA then put question No. 14—

Will Government be pleased to state what measures they have decided to adopt to remedy the state of things brought about by the serious undermanning of the higher Judicial service of the Presidency? (Vide answer to No. 4 at the meeting of 17th July (August?) 1896.)

The Honourable Sir CHARLES OLLIVANT in reply said—

The requirements for famine and plague work have unfortunately prevented the transfer of the customary number of Covenanted Civilians to judicial duty, but it must be remembered that the same special causes have operated to diminish very considerably for the time being the volume of civil appellate work. Government are, however, prepared

to consider the desirability of deputing senior Subordinate Judges to aid in disposing of arrears of civil appeals when the necessity of so doing is established, and an addition to the normal recruitment for the Indian Civil Service has been recommended.

The Honourable Mr. MEHTA then put question No. 15—

Will Government be pleased to reconsider the question of the advisability of appointing a representative committee for the revision of the Gujarati, Maráthi and Kánarese Reading Series? (Vide question No. 3 at the meeting of 17th July (August?) 1896.)

His Excellency the PRESIDENT in reply said—

I refer the honourable member to paragraph 11 of the Director of Public Instruction's letter No. 5594, dated 8th December 1896, and Government Resolution No. 1307, dated 1st September 1897, which were placed on the Editors' table and published as Appendix K to the Director of Public Instruction's Annual Report for 1896-97. Government have already accepted a proposal for the appointment of committees for each Division with a view to expurgate objectionable lessons, if any, from vernacular reading books and to submit general recommendations.

The Honourable Mr. MEHTA then put question No. 16—

Will Government be pleased to state what conclusion they have arrived at as to the advisability of resorting to legislation for bringing the Mámlatdárs' Courts in Sind under superintending and revisional Jurisdiction?

The Honourable Sir CHARLES OLLIVANT in reply said—

The question is still under consideration, as also is the question of amending the Mámlatdárs' Courts Act. Government propose to deal with both subjects together, though not necessarily in one legislative enactment.

The Honourable Mr. DAJI ABAJI KHARE then put question No. 1 standing in his name—

Will Government be pleased to place on the table the report of the Committee appointed to inquire into the working of the Government Law School?

His Excellency the PRESIDENT in reply said—

The report will be made public with the orders of Government thereon.

The Honourable Mr. KHARE then put question No. 2—

Have the Bombay Government received any reply from the Government of India to their communication about the Clerk of the Insolvency Court, and if so, what?

The Honourable Sir CHARLES OLLIVANT in reply said—

Final orders have not yet been received.

The Honourable Mr. KHARE then put question No. 3—

Will Government be pleased to take steps to give effect to the recommendation of the Finance Committee to put the Clerk of the Insolvency Court on a salary of Rs. 500 or 600 and credit all the fees to Government?

The Honourable Sir CHARLES OLLIVANT in reply said—

In answer to a previous question the honourable member has been informed that the matter is under reference to the Government of India.

The Honourable Mr. KHARE then put question No. 4—

Will Government be pleased to give information in the following tabular form about

the number of passengers detained up to the 1st of July 1898 at the detention camp at Anand Railway Station :—

First and Second Class.		Third Class.	
Indian	European and Eurasian.	Indian.	European and Eurasian.

His Excellency the PRESIDENT in reply said—

The information desired by the honourable member is not in the possession of Government, nor, it is believed, can it be obtained in the precise form in which it is asked for.

The Honourable Mr. KHARE then put question No. 5—

Is it true that at Ahmedabad Station all Indian passengers travelling first, second or third class coming from Bombay are taken through one gate and kept together in an enclosure for inspection, and that all European and Eurasian passengers travelling by whatever class are not taken to the said enclosure, but are allowed to go away freely through another gate which, before the plague operations began, was intended for the exit of all first and second class passengers?

His Excellency the PRESIDENT in reply said—

Enquiry is being made.

The Honourable Mr. KHARE then put question No. 6—

Is it true that at Ahmedabad, Surat, Broach and other places where passengers arriving by railway are either detained under observation or allowed to go into the town under a system of medical surveillance, such detention or surveillance is resorted to only in the case of Indian passengers?

His Excellency the PRESIDENT in reply said—

The orders of Government are that the systems of detention or surveillance should be applicable to all suspicious persons without regard to nationality. Enquiries are being instituted whether these orders are being strictly carried out in practice.

The Honourable Mr. KHARE then put question No. 7—

Will Government be pleased to place on the table information in the following tabular form about plague expenditure in Municipal Towns of the Presidency affected by the plague, showing the shares in which that expenditure has been shared between the several Municipalities and Government, the period during which it has been incurred in each town, and the average annual ordinary revenue and expenditure of the Municipalities in those towns :—

Name of the Municipal Town.	Ordinary income	Ordinary expenditure.	Duration of time of plague expenditure.	Total, plague expenditure.	Share of expenditure borne by Government.	Share of expenditure borne by Municipality.

His Excellency the PRESIDENT in reply said—

The honourable member will perhaps for the present be satisfied with the following information :—

Where the Municipal revenues have been inadequate for the plague expenditure, Government have advanced the necessary funds. The final apportionment of such expenditure between the Municipalities and Government is still under consideration. The information asked for about the average annual revenue and expenditure of Municipalities can be obtained from the published Annual Reports on Municipalities.

The Honourable Mr. KHARE then put question No. 8—

Will Government be pleased to issue explicit directions that no race distinctions be observed in enforcing plague measures ?

His Excellency the PRESIDENT in reply said—

The honourable member is referred to the answer to question No. 1 put by the Honourable Mr. D. S. Garud at the Council Meeting of February 14th, 1898, and to the reply then given. The question and reply were forwarded to the officers concerned for information and guidance, with a request that the notifications of regulations in force in their camps should be remodelled on the lines laid down in that reply. It does not appear that more explicit directions are required. I may repeat it is not the policy of Government that there should be race distinctions.

The Honourable Mr. KHARE then put question No. 9—

Will Government be pleased to state what compensation, if any, has been paid to Dr. Gwyther for the loss of furniture, &c., he suffered in the late Sinnar riots ?

When was such compensation paid ?

His Excellency the PRESIDENT in reply said—

Compensation amounting to Rs. 1,895-6-0 was paid in June last to Surgeon-Captain Gwyther for the loss of his furniture, kit, clothing, currency notes, &c., which were burnt during the riot at Sinnar in January last.

The Honourable Mr. KHARE then put question No. 10.

Will Government be pleased to state what compensation, if any, has been paid to the families of the late Mr. Baje, Pleader of Sinnar, and the Hospital Assistant who were killed in that riot ?

If no such compensation has been paid, will Government be pleased to state what steps they contemplate taking in that connection ?

His Excellency the PRESIDENT in reply said—

A pensionary allowance has been recommended for the widow of the late Hospital Assistant and its grant awaits the orders of the Government of India. As regards the late Pleader, Government were unable to recognize that the family have a claim on the public revenues as the deceased was not a Government servant.

The Honourable Mr. KHARE then put question No. 11—

In how many places have press committees been appointed, and what is their constitution and function ?

Are the appointments of members of these committees publicly notified ?

If not, will Government be pleased to do so ?

The Honourable Sir CHARLES OLLIVANT in reply said—

Government have not yet received any information as to the number of places in which District officers may have thought fit to ask gentlemen to serve on committees for the purpose of assisting them to make themselves more promptly and accurately acquainted with the publications of the local Press. Any such committees must be purely of an informal and unofficial character, and if appointed are appointed entirely at the discretion of the Collector. Any notification of appointment is therefore out of the question, and Government at present see no reason to fetter the discretion of the local officers in the matter. It is the wish of Government that facilities should be afforded to the Press for obtaining correct information in regard to such matters connected with the administration as are not of a confidential character, that occasions for the direct intervention of Government should be avoided, and that responsible officers should be encouraged to devise some reliable means of keeping touch with local opinion, and of ascertaining the truth of complaints regarding alleged grievances.

The Honourable Mr. KHARE then put question No. 12—

- (a) *Is it a fact that since the passing of the Khoti Act, the previous practice of taking kabuláyats every year from the managing khots has been discontinued?*
- (b) *Is it a fact that since about 1895 every managing khot in the Ratnágiri District is obliged to pass every year to Government a security bond or an agreement to the effect that he will pay the annual assessment of his village at the proper time?*
- (c) *If so, will Government be pleased to state the rule or authority under which such bond or agreement is taken?*
- (d) *Have Government received from the Khoti Association a petition dated the 6th of June 1896, complaining, inter alia, about this matter?*
- (e) *If so, how has that petition been disposed of?*

The Honourable Mr. JAMES in reply said—

- (a) There is no information on the records of Government to justify the supposition that kabuláyats are anywhere being taken from khots in contravention of the law.
- (b) & (c) Government have no information of the existence of the practice described in this question.
- (d) A printed petition purporting to proceed from the Ratnágiri Khots' Association and bearing the signature in print of an individual styling himself General Secretary of that Association, and dated the 8th and not 6th June 1896, has been received by Government.
- (e) It was returned to the writer because it was not authenticated by his signature in manuscript and was not in conformity with No. X of the Petition Rules; it has not again been submitted to Government.

The Honourable Mr. KHARE then put question No. 13—

Will Government be pleased to state what arrangements they propose to make with respect to the Kadva River Works and the Lákh Canal, having regard to the opinion of the Government of India that it is unlikely that these irrigation works will ever give a return sufficient to cover the annual interest charges, and they are still less likely ever to extinguish their debt? (Gazette of India for 1898, Part I, page 809.)

His Excellency the PRESIDENT in reply said—

Future arrangements with respect to the Kádva River Works and the Lákh Canal will depend on the decision arrived at regarding certain projects for the completion and improvement of those works, which are now under the consideration of Government.

The Honourable Mr. KHARE then put question No. 14—

Is Government aware of the statement made by the Secretary of State for India in the House of Commons on the 18th of February 1898 in connection with the Poona plague operations of 1897, to the following effect :—

“ There was a great difficulty in getting the nurses, but at last the Government secured a sufficient number. One of these nurses made a deposition that she had received a letter purporting to be signed by one of the brothers Natu, stating that it would be greatly to her detriment if she worked with the search party. Since receiving this letter, she persisted in working in the search operations, and she had not had a midwifery case in the city in consequence, although previously she frequently was called in.”

Is the name of this nurse Mrs. Goodall (formerly Mrs. Mehta) ?

If that be not the name of the nurse referred to, will Government be pleased to say what is her name ?

His Excellency the PRESIDENT in reply said—

Government are aware of the statement referred to.

They do not consider any good purpose would be served by giving the name of the individual in question.

The Honourable Dr. BHALCHANDRA KRISHNA BHATAVADEKAR then put question No. 1 standing in his name—

With reference to the contemplated legislative action which the Government of India desire to take for the relief of agricultural indebtedness in the different provinces of India, will the Government be pleased to state the direction of the proposed remedial measures in this Presidency over and above the judicial relief afforded by the working of the Deccan Agriculturists' Relief Act ?

The Honourable Sir CHARLES OLLIVANT in reply said—

The general question is understood to be under the consideration of the Government of India, and Government are not in a position to make any statement on the subject.

The Honourable Dr. BHALCHANDRA then put question No. 2—

Will the Government be pleased to state if they are prepared to take into consideration the scheme for a model agricultural bank on the lines which had secured the approval of the Local Government as well as the Government of India twelve years ago ?

The Honourable Mr. JAMES in reply said—

The scheme in question was ultimately dropped after full discussion and consideration of the objections raised to it by Her Majesty's Secretary of State. Under these

circumstances, Government are not prepared at the present time to take that scheme into consideration.

The Honourable Dr. BHALCHANDRA then put question No. 3—

Has the attention of Government been drawn to statements made in the Poona newspapers about some changes contemplated in the constitution of the Poona Municipality? And will the Government be pleased to state whether it is under contemplation to alter the relative proportion of elected to nominated members in the Municipality?

The Honourable Mr. JAMES in reply said—

It is true that the matter is under the consideration of Government.

The Honourable Dr. BHALCHANDRA then put question No. 4.—

Will the Government be pleased to state how far "the Bill for the Improvement of the City of Bombay and to provide space for its future expansion," which was passed in the local Council in April last, has or has not secured the approval and sanction of His Excellency the Viceroy in Council? Will they be pleased to state the reasons for the delay that has occurred in this connection?

His Excellency the PRESIDENT in reply said—

His Excellency the Viceroy has assented to the Bill.

Any delay that occurs after a Bill has been transmitted to the Government of India for the purpose of obtaining the assent of His Excellency the Viceroy is a matter not under the control of this Government, and consequently one about which no question should be asked in this Council.

The Honourable Dr. BHALCHANDRA then put question No. 5—

Are Government aware that the Reay Industrial Museum Committee of Poona has paid the full sum of Rs. 17,000 into the Government Treasury as required of it, and that the construction of the building for the Museum has been postponed for the past two years and more, because of the non-payment of the sum of Rs. 17,000 which Government undertook to contribute towards the cost of the building? Will the Government be pleased to state when they will be able to fulfil the undertaking?

His Excellency the PRESIDENT in reply said—

Government are aware that the Reay Industrial Museum Committee has paid its share of Rs. 17,000 into the Government Treasury. The question of the construction of the Museum building, however, awaits the receipt from the Museum Committee of a scheme regarding the means of maintenance and rules of management of the institution, title to the site on which the building is to be erected and the constitution of the Trust, which was called for from the Committee in March 1896.

The Honourable Dr. BHALCHANDRA then put question No. 6—

With regard to the notification recently published by the Government relating to the recognition of certain colleges and institutions under section 12 of the Act of Incorporation of the University of Bombay, will Government be pleased to state how this power of recognition has been made to include not only colleges teaching the whole course of studies qualifying for degrees in the various faculties but also those institutions which teach only up to the Intermediate or Previous Examinations?

His Excellency the PRESIDENT in reply said—

Government are advised that under section 12 of the Act of Incorporation every college or institution whether teaching the whole course or only a portion of the course requires the same kind of authorization.

The Honourable Dr. BHALCHANDRA then put question No. 7—

Will Government be pleased to state if the question of the improvement of the status and prospects of the Assistant Chemical Analysts to Government will receive their favourable consideration along with the question of the improvement of the status and prospects of the Civil Assistant Surgeons?

The Honourable Sir CHARLES OLLIVANT in reply said—

The claims of the present Assistant Chemical Analysts to Government to an improved status will not be overlooked when the other subject to which the honourable member refers and which is still under consideration is disposed of.

The Honourable Dr. BHALCHANDRA then put question No. 8—

Will Government be pleased to lay on the table a copy (revised up to date) of the rules and notifications having the force of law under the Bombay A'bkári Act, and of the Rules issued under the authority of Government Resolution No. 6664 of the 17th August 1885 for the guidance of Revenue and Police Officers in the examination of liquor shops, together with copies of license forms connected with the central distillery and still-head duty system?

The Honourable Mr. JAMES in reply said—

No. 2963, dated 20th April 1895.	the 1st April 1895 are already published in pamphlet form, as well as in the <i>Government Gazette</i> .
„ 4926 „ 1st July 1895.	Subsequent notifications have been published in the <i>Government Gazette</i> . Their numbers and dates are given in the margin. The rules of the 17th August 1885 are not rules having the force of law but are executive instructions given by Government to their officers. It is not customary to publish instructions of this character, and Government are not aware of any good reason for departing from custom in this particular instance. The licenses are granted for the management of Government factories, vary in every instance, and are very bulky. If in respect of them there is any point on which the honourable member desires information, Government will be glad to supply it.
„ 3220 „ 17th April 1896.	
„ 8888 „ 10th November 1896.	
„ 10754 „ 30th December 1896.	
„ 611 „ 25th January 1897.	
„ 2237 „ 23rd March 1897.	
„ 8557 „ 24th November 1897.	
„ 2363 „ 4th April 1898.	
„ 4062 „ 20th June 1898	

The Honourable Mr. DHONDO SHAMRAO GARUD then put question No. 1 standing in his name—

Has the attention of Government been drawn to the speech of the Honourable Mr. Crowe to the Sardárs and Chiefs of the Deccan reported in the "Times of India" of the 25th May 1898, in which, referring to the trial of Damodar Chapekar for the Poona murders, he is reported to have said as follows:—

"As the Judge who tried the case he watched carefully during the proceedings of the trial for any evidence to show that the perpetrator of those crimes was

a tool in the hands of some other disloyal or more influential persons, and he was in a position to say he found no indication of any conspiracy or design on the part of any section of the Poona community which could have prompted the crime."*

* S. O.

(a) *In the light of the above finding will Government be pleased to say when the additional Police force posted at Poona will be withdrawn?*

(b) *Having regard to the above facts and also to the embarrassed position of the Poona Municipality owing to the cost of famine and plague, will Government be pleased to direct that the cost of this additional Police force should be paid out of the general revenues?*

The Honourable Sir CHARLES OLLIVANT in reply said—

I may refer the honourable member to the replies already given in answer to the Honourable Mr. Mehta on the same subject.

The Honourable Mr. GARUD then put question No. 2—

Is it a fact that, as stated in the "Poona Dnyán Prakásh" of 4th August 1898, Mr. Sohoni, Assistant Master in the Sátára High School, has been directed by his official superiors not to take any legal proceedings against Lieutenant Rowcroft for his unprovoked assault, as the matter is under the consideration of Government?

Will Government be pleased to state what action they propose to take in the matter?

His Excellency the PRESIDENT in reply said—

So far as Government are aware no direction to abstain from legal proceedings has been given to Mr. Sohoni. Government do not propose taking any further action in the matter.

The Honourable Mr. GARUD then put question No. 3.—

(a) *Has the attention of Government been drawn to the letter from Mr. Lamb, Collector of Poona, published in the "Dnyán Chakshu" of the 15th of June 1898?*

(b) *Had Mr. Lamb any authority for stating that it was not likely that Mr. Deshmukh will again be appointed a Collector?*

(c) *As the letter has attracted public attention, will Government be pleased to place the papers about Mr. Deshmukh's transfer from Sholápur on the Council Table?*

The Honourable Mr. JAMES in reply said—

(a) Government have perused the letter in question.

(b) The statement made by Mr. Lamb was made upon his own authority.

(c) The papers in question cannot be laid upon the table.

The Honourable Mr. GARUD then put question No. 4—

(a) *Whether it is a fact that by the new rules on the subject of grazing fees, a grazing fee of rupee one per head is charged indiscriminately for cattle, buffaloes or sheep?*

(b) *Will Government be pleased to rectify this hardship?*

(c) *Will Government be pleased to place the old and new rules on the subject of grazing fees on the Council Table?*

The Honourable Mr. JAMES in reply said—

(a) The fees taken are 2 annas a head for all animals of agriculturists of forest-villages, 4 annas a head for all animals of agriculturists of non-forest villages, and rupee 1 per head of all cattle of professional graziers.

(b) No answer is required.

(c) Copies of the rules in question will be placed on the table.

The Honourable Mr. GARUD then put question No. 5—

Will Government be pleased to state the maximum and minimum annual allowance given to a revenue patel, a police-patel and a kulkarni in the Central Division in cash and the assessment of alienated land?

The Honourable Mr. JAMES in reply said—

Full information on the subject of the allowances of patels and kulkarnis is contained in Part IV of the Survey Manual, which is published at the Government Central Press and is obtainable by purchase. When the police and revenue patelship are held by different persons the allowance granted under the rules is divided between them.

The Honourable Mr. NARAYAN GANESH CHANDAVARKAR then put question No. 1 standing in his name—

(a) *Is it true that since June last there has been no Assistant Judge at Bijápur to dispose of civil appeals and other civil work?*

(b) *If so, will Government be pleased to state when the said vacancy will be filled up?*

His Excellency the PRESIDENT in reply said—

(a) Yes. The office has been in the hands of the District Judge, Sholápur-Bijápur.

(b) Government will fill up the vacancy as soon as they are in a position to do so. The attention of the honourable member is invited to the answer given to question No. 14 put by the Honourable Mr. Mehta.

The Honourable Mr. CHANDAVARKAR then put question No. 2—

(a) *Is it true that Government have been trying to realise the land revenue for both the last and the present year together in the Mulsi petha of the Haveli Táluka of the Poona District?*

(b) *If so, will Government be pleased to state the amount of land revenue realised from the suwkars of the ryots, and also the amount of land revenue realised by a compulsory sale of the moveable property of the ryots, for the two years in the said petha?*

The Honourable Mr. JAMES in reply said—

(a) When payment of the land revenue of the previous year has been deferred, it is customary to collect it in the current year together with the revenue of that year, unless the circumstances of the occupants show this course to be undesirable or impossible. Government have no reason to suppose that the customary procedure is being departed from in the case of the Mulsi petha.

(b) In the year 1896-97 the number of cases in which moveable property was subjected to distraint and sale was one, and the amount realized Rs. 188-8-0. As regards 1897-98 the information is not yet before Government.

The meaning of the first part of this question is not clear. The persons responsible to Government for the revenue are the registered occupants of the land, from whom or from their inferior holders the revenue is realised.

The Honourable Mr. CHANDAVARKAR then put question No. 3—

(a) *Has the question of concentrating the administration of criminal justice in the hands of purely judicial officers now come up for the consideration of Government, as stated in the answer to question No. 12 put by Mr. C. H. Setalvad at the meeting of the 12th of October 1896?*

(b) *If so, what decision have Government come to in the matter?*

The Honourable Sir CHARLES OLLIVANT in reply said—

Government have considered the proposed change of system and regard it as impracticable.

The Honourable Mr. CHANDAVARKAR then put question No. 4—

(a) *From what date is the Clerk of the Insolvency Court to be put on a salary and the fees to be credited to Government?*

(b) *Has the post of the Clerk of the Insolvency Court been pensionable?*

(c) *Is it true that the present incumbent of the post is to be given a pension when he retires?*

(d) *If so, will Government be pleased to state the reasons for giving him a pension when he retires?*

The Honourable Sir CHARLES OLLIVANT in reply said—

The subject is still under reference to higher authority, and Government are not in a position to answer the honourable member's questions.

The Honourable Mr. CHANDAVARKAR then put question No. 5—

(a) *Will Government be pleased to state whether any examination for the Provincial Service was held this year?*

(b) *If no examination was held, will Government be pleased to state the reasons for not holding it?*

The Honourable Mr. JAMES in reply said—

(a) The answer is in the negative.

(b) The reason for not holding the examination is that Government determined to fill the three vacancies which were available by providing under rule III (c) of the Rules for admission to the Bombay Provincial Service, *viz.*, by promotion of selected officers who are already in the subordinate service.

The Honourable Mr. CHANDAVARKAR then put question No. 6—

Is it true that the gentlemen appointed under the Statutory Civil Service Rules, who are now holding the posts of District Judge and District Collector, are not holding their appointments as members of the Provincial Service?

His Excellency the PRESIDENT in reply said—

It is true. I invite the honourable member's attention to the answer to be given to his next question.

The Honourable Mr. CHANDAVARKAR then put question No. 7—

Will Government be pleased to state when they propose to fill up the two District Judgeships and the two District Collectorships that are allotted to the Provincial Service?

His Excellency the PRÉSIDENT in reply said—

The question appears to be based on a misapprehension of the orders governing the constitution of the Provincial Service. Two District Judgeships and two Collectorships are not available for the Provincial Service so long as two appointments of each kind are held by Statutory Civilians.

The Honourable Mr. CHANDAVARKAR then put question No. 8—

(a) Is it true that all restrictions on travelling by way of detention, disinfection, surveillance, &c., are still enforced at the various places in the Presidency in the case of Natives alone and not in the case of Europeans, Eurasians and their servants?

(b) If so, will Government be pleased to issue directions to secure an equality of treatment to all races in the matter?

His Excellency the PRÉSIDENT in reply said—

As regards (a) the attention of the honourable member is invited to the reply to question No. 6 put by the Honourable Mr. Khare, and with reference to (b) the honourable member is referred to the answer given to the Honourable Mr. Khare's question No. 8.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH then put question No. 1 standing in his name—

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

- (a) Whether the specifications of the pipes required for the Surat Water Works had been fixed by competent experts and whether Government had approved of these specifications?*
- (b) Whether Government had made an agreement with the Surat Municipality to procure from Europe pipes according to specifications so fixed and approved and to lay them down?*
- (c) Whether some of the pipes so procured were of greater thickness and therefore more costly than those provided for by the agreement?*
- (d) What is the difference between the value of the pipes which Government had agreed to procure and of those that were actually obtained?*
- (e) Do Government propose to recover the said difference from the Surat Municipality?*

His Excellency the PRÉSIDENT in reply said—

(a) Yes.

(b) No agreement of the nature indicated was made. The Surat Water Works were undertaken by the Public Works Department under the rules applicable to "Contribution Works" as laid down in paragraph 82, Chapter IX, Public Works Department Code.

(c), (d) and *(e)* Some of the pipes procured from Europe were of greater thickness than specified in the indents. The matter is under consideration and no definite reply can at present be given.

The Honourable Mr. PAREKH then put question No. 2—

(a) *Are Government aware that on the 8th of July 1897 the Municipality of Surat passed a resolution requesting their President to memorialise Government to allow the market rate of exchange in respect of the remittances made for the materials of the Surat Water Works ordered through them?*

(b) *Has any memorial in pursuance of such resolution been submitted to Government?*

(c) *If so, what orders have Government passed in reference to it?*

His Excellency the PRESIDENT in reply said—

No memorial on the subject of these questions has been received; but an application made to the Executive Engineer by the Collector on behalf of the Municipality for information regarding amount of remittances and rate of exchange was forwarded for orders. The Executive Engineer was directed to give all information available.

The Honourable Mr. PAREKH then put question No. 3—

(a) *Will Government be pleased to enquire whether the Surat Municipality has consulted any sanitary experts on the question as to whether, under the present conditions of the city, house connections for water-supply are or are not likely to prove injurious to its health, in the absence of a proper drainage system?*

(b) *If the Municipality has not done so, will Government be pleased to require the Municipality to obtain such opinion before the connections are made?*

The Honourable Mr. JAMES in reply said—

This is a matter which is within the province of the Municipality, and Government would not interfere, unless the necessity for so doing were clearly shown.

The Honourable Mr. PAREKH then put question No. 4—

(a) *In the event of any recrudescence* of the plague, do Government intend to start camps for the detention of passengers travelling by rail as on the occasion of the last outbreak?*

* S. C.

(b) *And if any such camps are to be started, do they contemplate making modifications in the rules to lessen the hardships of the people?*

His Excellency the PRESIDENT in reply said—

The question of the extent to which Railway detention camps should be started in the event of a recrudescence of plague is at present under the consideration of Government, as is the nature of the rules it may be necessary to impose. At the same time I may assure the honourable member that it is the earnest desire of Government to make plague restrictions bear as lightly on the individual as the safety of the general public will admit of and to contrive that commerce shall be as little inconvenienced as possible.

The Honourable Mr. PAREKH then put question No. 5—

(a) *Are Government aware that property of the value of over Rs. 40,000 was stolen from one Bhutta Lahu while undergoing detention at the Anand camp?*

(b) *Will they be pleased to make special arrangements for the custody and protection of valuable property belonging to persons kept under detention?*

His Excellency the PRESIDENT in reply said—

Government are aware that the theft, from a man detained under observation in the Anand camp, of property alleged to be of the value of over Rs. 40,000 was reported to

the Police. The man in question had retained the property in his own possession instead of handing it over duly locked and sealed to the main guard of police at the entrance as all persons arriving with valuables were advised to do. Special arrangements for the custody and protection of valuable property belonging to detained persons did exist.

The Honourable Mr. PAREKH then put question No. 6—

(a) *Are Government aware that the plague authorities of Surat require arrivals from Bombay and other places which they regard as infected to have inhabitants of Surat possessing certain qualifications to stand security for their daily appearance for medical examination, and that they decline to accept deposit of money or Government paper from persons who are unable to get such qualified persons to stand security on their behalf?*

(b) *Will Government be pleased to direct a modification of the rules in this matter?*

His Excellency the PRESIDENT in reply said—

The alleged action of the Surat plague authorities is in accordance with the orders of the Plague Commissioner directing the discontinuance, wherever it existed, of the practice of taking deposits in cash. Such a practice might lead to grave abuses: and Government, as at present advised, are unwilling to sanction its revival.

The Honourable Mr. PAREKH then put question No. 7—

Will Government be pleased to say whether the Jejuri school has been re-opened and, if so, when?

His Excellency the PRESIDENT in reply said—

The school has not yet been re-opened.

The Honourable Meherbán Sardár NARAYENRAO GOVIND *alias* BABA SAHEB Chief of Ichalkaranji, then put question No. 1 standing in his name—

Will Government be pleased to state why in some districts the religious and charitable allowances and other allowances due from an inám village are paid by Government direct without the intervention of the inámdár?

The Honourable Mr. JAMES in reply said—

The orders adverted to in the question apply not only to some districts but to all districts of the Presidency proper. Prior to the issue of the orders in 1897 the practice varied. In some cases the kadim ináms were paid by the holder of the alienated village; in others they were paid by the village officers. Government have now directed that in all alienated villages the kadim ináms of every description should be paid from the Government Treasury to the kadim inámdárs direct with the exception of charitable and religious allowances of less than Rs. 5 in value which are to be disbursed by the village officers to the kadim inámdár. The reasons for these orders are that in several alienated villages in which the ináms were paid by the holder of the village, the kadim inámdárs had been found to have received short payments, and that it was desired to prevent a repetition of this abuse and to introduce uniformity of practice.

The Honourable the CHIEF OF ICHALKARANJI then put question No. 2—

If the change in some districts has been due to defaults of certain individual inámdárs, will Government be pleased to restrict the change to the defaulting inámdárs only?

The Honourable Mr. JAMES in reply said—

Government are unable to accept the suggestion contained in this question.

The Honourable the CHIEF OF ICHALKARANJI then put question No. 3—

Is Government aware of the hardships caused to indárárs by the revenue of the indám villages falling into arrears, in spite of the provisions in the Land Revenue Code, on account of the village officers not being held responsible for it as in Government villages? If so, will Government be pleased to take steps to make the same provisions for the collection of revenue in indám villages which are in force in the Government villages?

The Honourable Mr. JAMES in reply said—

Government are not aware of the existence of hardship due to the cause stated in the question, or that the provisions for the collection of revenue in indám villages differ in any essential particular from those provisions which are in force in Government villages.

The Honourable the CHIEF OF ICHALKARANJI then put question No. 4—

Will Government be pleased to place on the table of the Council a statement showing the arrears due from each village in Wáá Táluka in the Sátára District for the years 1895-96 and 1896-97 and 1897-98 according to the following tabular form?

Name of Village.	Alienated or unalienated.	Amount of arrears.	Reasons, if any, for the non-recovery of arrears.

The Honourable Mr. JAMES in reply said—

The information has been called for and will be furnished as soon as possible.

The Honourable the CHIEF OF ICHALKARANJI then put question No. 5—

Will Government be pleased to supply the following information with regard to the Haveli Táluka in the Poona District for the years 1895-96, 1896-97 and 1897-98: The number of applications for assistance in recovery of dues, the number of applications granted, and the number of applications in which execution proceedings were completed?

The Honourable Mr. JAMES in reply said—

The information required by the honourable member is being obtained from the Collector of Poona.

PAPERS PRESENTED TO THE COUNCIL.

1. Letter from the Secretary to the Government of India, Legislative Department, No. 741, dated the 5th May 1898—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law to supplement the provisions of the City of Bombay Municipal Act, 1888, with respect to the Investment of Sinking Funds and Surplus Moneys and to validate certain Debentures.

2. Letter from the Secretary to the Government of India, Legislative Department, No. 743, dated the 5th May 1898—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law to amend the Sind Village Officers Act, 1881, as amended by Bombay Act II of 1888.

3. Letter from the Secretary to the Government of India, Legislative Department, No. 1000, dated the 15th July 1898—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law to amend the Bombay District Police Act, 1890.

4. Reply* to question No. 4 put by the Honourable Mr. Gokuldas Kahandas

* See Appendix A. Parekh at the Meeting of the Council of His Excellency the Governor of Bombay for making Laws and Regulations held on the 28th March 1898.

5. Report of the Select Committee appointed to consider Bill No. IV of 1897 (a Bill further to amend the Bombay Port Trust Act, 1879).

EXPLANATION OF THE FINANCIAL STATEMENT OF THE GOVERNMENT OF BOMBAY FOR THE YEAR 1898-99.

In presenting the Financial Statement of the Government of Bombay for the year 1898-99, the Honourable Mr. JAMES said :—I propose to read shortly the principal extracts from the following Financial Statement prepared by the Honourable Mr. Nugent, and after listening to the remarks of honourable members I will make such replies as may be necessary. The statement is as follows:—

“As honourable members are no doubt aware, the leading feature of the existing financial system is the division of revenue and expenditure between the Imperial and Provincial accounts in certain fixed proportions. The two sides of the Provincial account are balanced by a further allotment from the Imperial share of the Land Revenue, and the settlement of this allotment is the most important part of the arrangement which is commonly called the Provincial Contract.

“2. The present statement deals with the final accounts of the year 1896-97, with the revised estimates of 1897-98, and with the budget estimates of 1898-99. The figures throughout represent thousands of rupees.

“3. The year 1896-97 opened with a balance of 40,08 and closed with a balance of 17,97. At the time the budget was framed there was every prospect of a prosperous year, and owing chiefly to the increase of grants for education, public works and village water-supply, expenditure to the extent of 11,16 in excess of the year's revenue was contemplated. The occurrence of famine throughout the Deccan and the outbreak of plague, however, compelled the diversion of large sums to measures of famine relief and public health, and a contraction of revenue to the amount of 12,05 also followed from the calamities of the year. The principal heads under which the realisations fell short of the estimated receipts in the original budget, and the deficiencies under those heads were as follows:—

Land Revenue ... ..	...	...	...	...	...	5,66
Stamps ... ..	...	...	...	...	...	3,01
Excise ... ..	...	...	...	...	...	1,51
Forest ... ..	...	...	...	...	...	2,58

On the other hand there were some increases under other heads, but they were comparatively trifling in amount.

“The Government of India undertook to bear such share of the famine charges as would leave this Government a working balance of 10,00 at the start of the new year.

The share they paid was 30,02, while this Government paid 2,40 only. Subsequently the final settlement of the accounts resulted in the improvement of the closing balance by 7,97.

" 4. The year 1897-98 was the first year of the new Contract term, which is to expire on the 31st March 1902. The opening balance in the revised estimates was 17,97; owing to the cessation of the famine and the improvement in the agricultural situation revenue suspended in the previous year was collected, and the Provincial share of the Land Revenue rose from 86,91 in the accounts of 1896-97 to 96,62 in the revised estimate of 1897-98. Though famine establishments were gradually reduced from October, and by December had practically ceased to exist, the heavy scale of expenditure of 1896-97 due to the conditions of a time of scarcity unavoidably continued in all branches, and was augmented by the cost of the vigorous measures set on foot for the prevention and suppression of the plague. Under the head of Medical 24, the expenditure increased from 16,81 to 35,50, whilst that under the head 'Police' rose from 59,77 to 63,84. Dietary charges in jails and grain compensation to establishments also contributed to swell the outlay. The final result was a deficit of 27,88 in the income of the year which swallowed up the credit balance of 17,97 and was only made good by a special contribution of 9,91 from the Imperial Government.

" 5. For the first time since the famine of 1877 the year opens with a balance of *nil*. Negotiations have been in progress with the Imperial Government regarding the final assessment of plague and famine charges; and the present position is that the Imperial Government have undertaken the whole cost of the famine operations, which by the latest revised estimates amounts to 96,40 in 1897-98; and have granted this Government special contributions of 9,91 in 1897-98, and 7,00 in the current year, in recognition of the plague expenditure; they have refused to place at the credit of this Government any sum for the reconstitution of the Provincial balance, and have directed that with the assistance of such recoveries as are due from Local Funds on account of famine charges borne by General Revenues, this Government must build up its balance to the prescribed minimum of twenty lakhs by savings from current income—a laborious and thankless task not easy of accomplishment. As regards the determination of this income, it was explained in paragraph 6 of last year's Financial Statement that certain heads of account were temporarily excluded from settlement. The Government of India have now decided to continue the Contract on the lines of the 1892—1897 Contract, curtailing the fixed assignment however by 94 on account of special reductions in Provincial Services. The allotment will therefore be fixed at 76,20,

The process of exacting recoveries from Local Funds is likely to be slow, and in the current year the sum expected to be derived from such recoveries amounts to 79 only. It has been necessary to enforce economy upon all departments with what cannot fail to be regarded as ruthless severity, and in particular to reduce the grant for Civil Works to a point which forbids the entertainment of new projects that involve any appreciable expenditure, and barely suffices for the prosecution of works in hand. It is obvious that the budget herewith presented to the Legislative Council can only be an object of melancholy contemplation.

The Local Government is financially, to use a nautical phrase, on its beam ends. Its own resources are exhausted and it has to subsist for the present on the charity of the Government of India. The outlook is unpromising and it is to be feared that for years to

come attempts to improve the administration, to provide the additional staff and establishments so urgently needed in more Departments than one, and to promote the progress, material, educational and other, of this Presidency will be most seriously crippled, if not rendered impossible, by the lack of the requisite funds.

SECTION I.

Accounts of 1896-97.

“6. The actuals of 1896-97 have been compared in detail with those of the preceding year in the Report of the Administration of the Bombay Presidency for 1896-97, pages 179—181. The original and revised estimates and the actuals of the year are given below :—

	Original.	Revised.	Actuals.
Revenue	4,17,33	4,02,94	4,05,34
Expenditure	4,28,55	4,33,02	4,27,45

The year opened with a balance of 40,08, which was expected to be reduced by 11,16 when the original estimate was prepared, and by 30,08 when the revised estimate was framed, but the actual results showed an improvement over the latter estimate, and the year closed with a balance of 17,97. The important variations between the original and revised estimates on both sides of the account have been already explained in Section II of last year's Financial Statement.

“7. On the revenue side, the total realisations showed a net decrease of 12,05 compared with the Budget in spite of increases of—

(a) 18 under III Salt, due chiefly to the transfer of recoveries on account of bagging and sewing charges from Imperial to Provincial Account ;

(b) 73 under XVII Police, due to larger recoveries on account of additional police entertained in the Mofussil and private watchmen employed in Bombay City owing to the absence of a large number of the inhabitants on account of the plague ;

(c) 26 under XXV Miscellaneous, in consequence mainly of special receipts on account of lapsed deposits of Revenue and Civil Courts ;

(d) 44 under XXVI State Railways, being the result of improved traffic on the Hyderabad-Umarkot Railway ; and

(e) 42 under Contributions from Local to Provincial, attributable principally to the recovery of a debt due by the Government Central Book Depôt to Government.

The important decreases under the various heads are noticed below :—

I—Land Revenue.—5,66, or an improvement of 3,47 over the Revised, as the effects on the land revenue collections of the famine in the Presidency proper and of an unfavourable inundation in Sind were over-estimated in the Revised. The decrease of 5,66 would have appeared still greater but for a nominal increased adjustment of 2,37 under assessment of alienated lands less quit-rent ;

IV—Stamps.—3,01, of which 2,55 was anticipated in the Revised, the falling off being due to the prevalence of famine and plague ;

V—Excise.—1,51, which was anticipated in the Revised ;

VIII—Assessed Taxes.—19, the estimate in the Revised of a falling off of 50 being not realised owing to improved collections in Bombay City ;

IX—Forest.—258, of which 1,74 was anticipated in the Revised, the decline being due mainly to the depression in trade caused by the famine and plague;

XII—Interest.—25, or a small improvement of 5 over the Revised;

XVIA—Law and Justice, Courts of Law.—27, the decline being attributable to the stagnation of business in the Law Courts owing to the prevalence of famine and plague;

XIX—Education.—17. The decrease was not anticipated in the Revised owing to no allowance having been made for the falling off in school-fee receipts in districts affected by the plague,

XXXII—Civil Works.—47, the revenue from road-tolls being low on account of the famine and plague.

“8. On the expenditure side, the actuals turned out to be less than the original and revised estimates by 1,10 and 5,57 respectively. The actuals exceeded the Budget under the following heads:—

1—Refunds—33, due mainly to refunds of excess stamp duty levied on probates in two cases, and of excise revenue;

2—Assignments and Compensations—2,04, which is accounted for by the nominal increase of 2,40 under assessments on alienated lands counterbalanced by a saving of 36 in the payment of cash allowances;

13—Interest on ordinary debt—49, or 19 worse than the Revised, in which the re-payment of advances was over-estimated;

18—General Administration—42, or 25 worse than the Revised, due mainly to unusually heavy expenditure on telegrams in connexion with the famine and plague and to the payment of leave allowances to certain officers;

20—Police—1,69, due principally to grain compensation and additional police, of which 1,26 was anticipated in the Revised, which however proved too low chiefly on account of increased charges for clothing the District Police and for additional police;

24—Medical and 29 Superannuation—36 each, which was almost anticipated in the Revised;

30—Stationery and Printing—21, but 18 better than the Revised, the expenditure on account of stationery supplied to Government offices, and of European stores for the Press of the Commissioner in Sind having been over-estimated in the Revised;

33—Famine Relief—There was no provision under this head in the original Budget, but 6,11 was entered in the Revised in order that the Provincial Budget should open with a credit balance of 10,00 on April 1st, 1897. Finally however the whole cost except 2,40 was undertaken by the Imperial Government.

On the other hand, savings on the Budget grants occurred chiefly under the following heads:—

3—Land Revenue.—1,29, which practically agrees with the Revised, in which the larger expenditure on account of Circle Inspector establishments and allowances of village officers under ‘Land Records and Agriculture’ is counterbalanced by savings under other heads;

11—Forest.—21 better than the Original though 22 worse than the Revised, in which sufficient allowance was not made on account of timber operations in the Southern Circle and special famine grass operations;

19A—Law and Justice, Courts of Law.—1,04, in large measure due to the improvement of exchange, or 6 better than the Revised;

22—*Education*.—1,96, as compared with 2,40 anticipated in the Revised, the difference between these two figures being due to larger expenditure under 'Grants-in-aid by results' and 'Building grants';

26—*Scientific and other Minor Departments*.—30 better than the Original though 22 worse than the Revised, which proved an under-estimate chiefly under the heads 'Experimental cultivation' and 'Veterinary and Stallion charges';

45—*Civil Works*.—4,36, as compared with 1,39 entered in the Revised, the saving being the result of short outlay on works and establishments and of transfers between this and other account heads;

Contributions from Provincial to Local.—36, or 40 better than the Revised, the saving upon which is attributable to smaller expenditure on grants-in-aid of educational buildings and village sanitation.

SECTION II.

Revised Estimates for 1897-98.

"9. The Budget and Revised Estimates for 1897-98 are shown below :—

RECAPIT.				No	Heads	No.	EXPENDITURE.				
Budget.	Revised.	Better.	Worse				Budget.	Revised.	Better.	Worse.	
...	...	...	...	...	Refunds ...	1	1,81	1,68	...	7
...	...	...	...	...	Assignments and Com- pensation. { Cash ... } { Alienations. }	2	15,37 85,15	15,66 84,84	...	29
95,28	96,62	1,34	} 22	I	Land Revenue— { Provincial Share ... } { Alienations ... } { Fixed Allotment, &c. ... }	...	...	...	...	...
97,91	97,69
77,75	89,99	12,24		
...	...	...	...	...	{ Cash ... } { Alienations. }	3	56,14 7,77	53,19 7,61	...	2,05 4
67	54	...	13	III	Salt ...	5	...	...	...	...
45,90	43,35	...	2,55	IV	Stamps ...	6	2,21	2,00	...	21	
27,60	27,66	...	6	V	Excise ...	7	91	90	...	1	
96	86	...	10	VII	Customs ...	9	...	...	...	...
17,29	18,83	1,54	...	VIII	Assessed Taxes ...	10	27	27	...	...
16,43	14,75	...	1,68	IX	Forest ...	11	11,16	10,60	...	56	
3,25	3,10	...	15	X	Registration ...	12	1,50	1,46	...	4	
3,38	3,66	...	28	XII	Interest ...	13	3,13	3,71	...	53	
...	...	...	...	XIII	Post Office ...	16	1,09	1,10	...	1
4,19	3,95	...	24	XVIA	General Administration ...	18	14,53	14,59	...	6	
1,73	1,40	...	33	XVIB	Law and Justice—Courts of Law ...	19A	4,531	45,87	...	44	
4,41	4,82	41	...	XVIB	Law and Justice—Jails ...	19B	7,89	8,60	...	1,21	
64	60	...	4	XVII	Police { Cash ... } { Alienations. }	20	56,00 4,99	58,80 5,04	...	3,80 5	
3,18	2,61	...	67	XVIII	Marine ...	21	41	37	...	4	
1,38	1,33	...	...	XIX	Education ...	22	17,56	17,51	...	5
...	...	...	...	XX	Medical ...	24	15,63	35,50	...	19,87
...	...	...	...	XXI	Political ...	25	3,74	3,65	...	10
26	32	...	6	XXI	Scientific and other Minor Depart- ments ...	26	2,37	2,00	...	17	
2,86	2,40	...	4	XXII	Superaunuation Allowances, &c. ...	29	19,04	18,81	...	23	
70	66	...	4	XXIII	Stationery and Printing ...	30	8,20	8,20	...	...
64	80	...	16	XXV	Miscellaneous ...	33	1,96	1,85	...	11	
...	...	...	...	XXVI	State Railways { Construction. } { Working Ex- penses ... }	37	8	8	...	...
1,80	1,80	...	...	XXVI	Miscellaneous Railway Expenditure ...	38	1,28	1,29	...	1
...	...	...	...	XXX	Irrigation ...	43	11	11	...	...
24	30	...	6	XXXII	Civil Works ...	45	30,27	26,60	...	3,67	
3,00	6,94	...	1,06	XXXII	Contributions ...	...	7,45	7,65	...	20
1,83	2,02	...	19	...	...	...	...	...	...	...
4,17 68	4,26,90	16,38	7,11	...	Total ...	...	4,22,68	4,44,87	6,08	28,22
10,00	17,97	7,97	...	Opening	Balance ...	Closing	4,95	...	...	4,95

The foregoing statement shows that the Revised revenue and expenditure exceed the Budget figures by 9,27 and 22,19 respectively, and that while the year was originally estimated to close with a modest balance of 4,95, this sum disappears entirely in the Revised which results in a heavy deficit. Compared with the results of the preceding year, the revenue

of the year 1897-98 is expected to show an improvement under most of the important heads, while the continued effects of the famine and plague account for the increased outlay on additional establishments in various Departments, on grain compensation, and on measures taken under the Epidemic Diseases Act. On the total transactions of the year a deficit of 27,88 is anticipated, part of which is to be met from the credit balance of 17,97, with which the Provincial Account actually opened on 1st April 1897, and part from a special contribution of 9,91 from Imperial Funds in aid of the Provincial balance.

"10. The revenue promises to turn out better chiefly under the following heads :—

I—Land Revenue	...	...	...	13,36
VIII—Assessed Taxes	...	...	...	1,54
XII—Interest	...	...	...	28
XVII—Police	...	...	...	41
XXV—Miscellaneous	...	...	...	16
Contributions from Local to Provincial	...	...	...	19

The increase under Land Revenue is made up of increases of (a) 1,34 in the Provincial share of the divisible revenue and (b) 12,24 in the adjustments between Imperial and Provincial, partly counterbalanced by a decrease of (c) 22 in the assessment of alienated lands less quit-rent. The recovery of the revenue due in 1896-97 and a favourable inundation in Sind are chiefly responsible for the increase under (a). Item (b) is the net result of the ordinary and special adjustments between Imperial and Provincial Funds, and includes (1) the contribution of 9,91 referred to above; (2) an allotment of 2,48, made in consequence of the agreement explained in paragraph 6 of last year's Financial Statement whereby the Government of India guaranteed the estimates framed under the heads of Receipts—I Land Revenue, IV Stamps, V Excise, IX Forest, and of Expenditure 1 Refunds under these heads and 11 Forest; (3) a contribution of 24 as compensation for the introduction of a maundage rate (a wholly Imperial asset) on sales of salt, owing to the discontinuance by this change of system of the assessment of ground-rent on salt-producing lands (which under the head of land revenue was shared between Imperial and Provincial) and of the recovery of establishment charges from proprietors of salt works which were previously wholly credited to Provincial under III Salt. The decrease under (c), which is attributable to the postponement of revised settlements in Sind, is a nominal book adjustment, there being a corresponding decrease on the expenditure side. The improvement under Assessed Taxes is attributable to high profits of joint stock companies and to an over-estimate of the effects of famine and plague. The increase under Interest is due mainly to large recoveries of interest from cultivators and to loans granted to several Municipalities for plague expenditure; that under Police to the employment of a larger number of private watchmen in the Presidency Town, Karachi, and other places; and that under Miscellaneous to larger receipts of unclaimed deposits with the Administrator General, and of sale-proceeds of Darbár presents, partly counterbalanced by an apparent decrease of 5 on account of receipts from Travellers' Bungalows, the credit for which is now transferred to the head XXXII—Civil Works in charge of Civil Officers. The Revised for Contributions includes 1,09 for Local Boards' contributions towards famine relief expenditure incurred by Government and excludes the Boards' contributions for Local Fund establishments employed in certain Government offices, which contributions are now deducted from the expenditure on account of these establishments debited under 18 General Administration.

The chief decreases of revenue occur under the following heads, which were adversely affected by the severe trial through which the Presidency has passed :—

IV—Stamps ...	...	...	...	2,55
IX—Forest ...	...	...	...	1,68
XVI A—Law and Justice, Courts of Law	...	...	...	24
XVI B— Do. Jails	...	...	...	33
XIX—Education	...	...	...	57
XXXII—Civil Works in charge of Public Works	...	...	...
Officers	...	...	...	1,11

The falling off under Stamps is mainly under "General Stamps" and under "Duty on impressing Documents" owing to the temporary dislocation of trade and business in the Presidency. Famine and plague also account for the large decline under Forest, which occurred chiefly in the Northern and Southern Circles and would have appeared still greater but for recoveries on account of special famine grass operations. The reduction under Courts of Law is principally under Magisterial fines in spite of a small windfall in the form of Sheriff's fees which are for the first time credited to Government. Jail receipts show a falling off partly because remunerative employment could not be found for the Deccan Gang, the work upon which it had been engaged having been converted into a famine work, and partly because of a falling off in the sales of jail manufactures following the general decline in business. The decrease under Education is due to low receipts of fees in secondary schools owing to the prevalence of plague. The causes which affected the realizations from road-tolls in 1896-97 continued to operate in 1897-98, and still more adverse results are therefore anticipated in the Revised under XXXII—Civil Works.

"11. On the expenditure side, the Revised shows increases chiefly under the following heads :—

3—Land Revenue	...	...	...	2,09
13—Interest	...	...	...	53
19B—Law and Justice, Jails	...	...	...	1,21
20—Police	...	...	...	3,85
24—Medical	...	...	...	19,87
Contributions from Provincial to Local	...	...	...	20

Heavy expenditure on account of the employment of additional officers and establishments on famine and plague duty and the grant of grain compensation throughout the year instead of for a part, for which only provision had been made in the Budget account for the excess under Land Revenue. Large grants of tagái and other loans involving a heavier payment of interest from the Provincial to the Imperial Exchequer explain the augmented expenditure under Interest. As a result of the increase in crime, which swelled the jail population and owing to high prices of food the jail charges have risen. The increase of 45 under a new sub-head "Charges for Police custody" under Jails is only apparent, as these charges were formerly distributed among several other heads and have now been combined under the new head; there is a further minor adjustment under this head in the transfer from "Jail Manufactures" to "Jails" of the value of materials supplied for manufactures used in jails. The causes which affected the head Land Revenue also materially influence the expenditure on Police, while the provision for additional police was found to be inadequate for the requirements of the year, chiefly in Poona City, which could not at the time be fully foreseen. Subject to adjustment on

receipt of the final reply of the Corporation of Bombay regarding the outstanding claim of Government for arrears of City Police charges, the amount (59) has been shown as recovered from the Corporation, the Government share of the plague charges incurred on account of the city by the late Bombay City Plague Committee being reduced *pro tanto*. The abnormal excess under Medical is wholly due to the two severe calamities of the year and includes the expenditure of 59 above referred to and a further contribution of 50 to the above Committee in part payment of the Government liability. A considerable portion of the excess expenditure is recoverable from local bodies in the Mofussil, as Government have advanced large sums of money to these bodies and also incurred expenditure on their account in order to enable them to meet the demands of the crisis for which the funds at their command were inadequate. Measures are in progress for the repayment of this expenditure to Government. The excess under Contributions from Provincial to Local is on account of a grant for local roads in Bijápúr, half of which was an overpayment since recovered.

On the other hand, savings are expected to accrue under the following heads :—

6—Stamps	...	...	...	...	...	21
11—Forest	...	...	...	...	...	56
19A—Law and Justice, Courts of Law	...	...	...	...	...	44
25—Political	...	...	...	...	...	19
26—Scientific and other Minor Departments	...	...	...	...	...	17
29—Superannuation Allowances	...	...	...	...	...	23
45—Civil Works	...	...	...	...	...	3,67

The saving under Stamps follows the decline in receipts, the cost of stamp paper supplied from the Central Stores being less than was originally estimated. The curtailment of forest operations accounts for the decrease of expenditure under Forest, but the consequences of this diminished activity are partly counterbalanced by increased expenditure on account of special famine grass operations, while the special provisions for planting operations in Kolába and for the construction of forest boundary marks by famine labour were not fully utilised. The decrease expected under Courts of Law is attributable to the absence of officers on long leave and to savings under exchange compensation allowances due partly to the same cause and partly to an improvement in the rate of exchange. The saving under Political is on account of the recovery of arrears of contribution for 1896-97 from the Pálanpur Darbár which is credited by deduction from the charges, and of the provision for the salaries of Probationers not being utilised. Savings on the grants for agricultural experiments, for the purchase of stallions and for the Provincial Service Examination charges—no examination was held during the year—largely account for the decrease under Scientific and other Minor Departments, although it was to some extent counterbalanced by an increase of charges for the registration of railway traffic which again is met by a *per contra* contribution from Imperial Funds credited under I—Land Revenue. The decrease under Superannuation Allowances is attributable to an unusual mortality among pensioners. The reduction by 2,80 of the original grant under Civil Works as stated in paragraph 7 of last year's Financial Statement, and further transfers to other heads, added to curtailed outlay on works and establishments explain the decrease under Civil Works. This decrease would have appeared still greater but for additional expenditure on special works, such as plague hospitals and sheds, charges for which are in some cases recoverable from local bodies, and for a small transfer of charges for Travellers' Bungalows from the head 32—Miscellaneous to the head 45—Civil Works in charge of Civil Officers.

12. The head 41—Miscellaneous Railway Expenditure shows charges for the survey of the Bārsi-Pandharpur and Pandharpur-Sāngola Railway. The fluctuations under the other major heads do not appear to be large, but there have been considerable differences in detail which are noticed below. Under 2—Assignments and Compensations cash payments of arrears of previous years are counterbalanced by the postponement of the payment of allowances to certain Hakdārs in Kolāba and by a smaller book adjustment on account of assessment of alienated lands. Under 18—General Administration heavy expenditure has been incurred through the appointment of the Plague Commissioner and the strengthening of the Civil Secretariat staff and establishments to cope with plague and famine work and on account of telegram charges, while on the other hand the expenditure on account of Local Fund establishments in the offices of the Commissioners, Collectors and Accountant General shown as 78 in the Budget is converted into a *minus* charge of 16 owing to the change in account procedure referred to in paragraph 10. Under 22—Education the lump deduction of 75 made under Grants-in-aid at the time of framing the Budget has been found to be excessive, but ample savings have accrued under other minor heads, notably in the charges for the College of Science, Poona, and the original grant for the major head has been practically maintained in the Revised.

SECTION III.

Budget Estimates of 1898-99.

“ 13. Compared with the Budget and Revised Estimates of 1897-98 the Provincial revenue in 1898-99 under most of the important heads is expected to display some improvement in sympathy with the amelioration of agricultural prospects, while the estimated expenditure is kept within the most moderate dimensions possible. The special features of the budget on the expenditure side are (a) a smaller allotment for plague charges than was estimated in the Revised, (b) the reductions of grants under various heads, notably for Public Works, necessitated by the orders of the Government of India enjoining the restriction of outlay to a sum which can be met from the sum provided to meet the estimated revenue, (c) the absence of provision for grain compensation and for other indirect charges in connection with the famine, and (d) a decrease of exchange compensation in consequence of the adoption of a higher rate of exchange ($15\frac{1}{2}d.$ against $14\frac{3}{4}d.$ per rupee as fixed in last year's budget). The current year opens with a *nil* balance and is estimated to close with a small surplus of 79 which has been taken to be the contribution of Local Boards towards the expenditure on famine relief incurred by Government and is together with all subsequent recoveries from Local Boards on this account to be reserved for the purpose of building up the Provincial balance as explained in paragraph 5 above. The general result is shown below :—

	1897-98.		1898-99.	More than 1897-98.		Less than 1897-98.	
	Budget.	Revised	Budget	Budget.	Revised.	Budget.	Revised.
Opening Balance	10,00	17,97	...	...	...	10,00	17,97
Revenue	4,17,63	4,20,90	4,29,98	12,35	3,08	...	...
Expenditure	4,22,68	4,44,87	4,23,19	6,51	...	...	15,68
Surplus ... ..	...	...	79	79	79	...	...
Deficit... ..	5,05	17,97	...	...	...	5,05	17,97
Closing Balance	4,95	...	79	...	79	4,16	...

Refunds—1.

"14. This is a head of expenditure only, and is divided between Provincial and Imperial in the same proportions as the receipts under the Revenue heads concerned, as exhibited in Appendix B, the most important being Land Revenue, Stamps and Excise. The figures are given below :—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
Refunds	2,03	1,78	2,16	1,81	1,88	1,87

The Budget provides for the normal requirements based on the Revised Estimate for 1897-98.

Assignments and Compensations—2.

"15. This also is a head of expenditure only. The figures are :—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
<i>Assignments</i>						
Cash ...	10,64	12,42	11,21	11,72	11,84	11,73
Alienations ...	83,44	84,33	85,32	85,15	84,84	85,54
<i>Compensations.</i>						
Cash ...	3,70	3,65	3,79	3,65	3,62	3,63
Total ...	97,78	1,00,40	1,00,32	1,00,52	1,00,50	1,00,90

Under Assignments the Provincial expenditure consists of cash allowances to Inámdárs, district and village servants and officers, charitable and religious allowances and assessment of alienated lands.

As most of the cash payments are fixed payments, there is little variation between the current and last year's budgets, the payment of fluctuating allowances to certain Hakdárs postponed in 1897-98 being repeated in the new budget. The increase under Alienations occurs in Sind, and is due to the introduction of revised settlements and the increase of revenue consequent on a favourable inundation.

Under Compensations the Provincial expenditure consists of Salt, Opium, and a share of Excise Compensations, and other miscellaneous items which recur annually.

I.—Land Revenue.—3.

“16. The figures under this head are :—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
<i>Revenue.</i>						
Provincial $\frac{1}{4}$ share ...	89,45	99,24	86,91	95,28	96,62	99,00
Alienated ...	96,13	97,02	98,14	97,91 $\frac{1}{2}$	97,69	98,42
Fixed assignment and adjustments ...	71,34	82,37	76,45	77,75	89,99	83,71
Total ...	2,56,92	2,78,63	2,61,50	2,70,94	2,84,30	2,81,13
<i>Expenditure.</i>						
Charges of District Administration ...	28,84	28,75	28,49	28,83	29,90	28,35
Survey and Settlement ...	5,26	4,77	4,36	4,31	4,30	3,96
Land Records and Agriculture .	17,12	16,62	17,33	17,30	18,50	17,39
Allowances to District and Village Officers ...	13,47	13,22	13,46	13,47	13,30	13,64
Total ...	64,69	63,36	63,64	63,91	66,00	63,34

The revenue is made up of three items : (1) the Provincial $\frac{1}{4}$ share of the divisible receipts ; (2) Alienations, which are credited under this head, and are debited partly under this head and partly under Assignments and Police ; (3) the fixed assignment under the Provincial Settlement as modified by special adjustments between Imperial and Provincial Revenues. The estimate of ordinary land revenue includes 1,25 on account of arrears of previous years due to famine, while the revenue from canals in Sind is also expected to improve owing to a favourable inundation. The increase under Alienated revenue has been explained in the preceding paragraph. To the fixed assignment of 76,20 under the settlement, after a deduction of 19 on account of the transfer of the Horse-breeding Establishment in Sind from Provincial to Imperial control (9) and the interest due (10) on the value of the rails of the Hyderabad-Umarkot line, the following special contributions have been added :—

30 being a repetition of the provision made last year, but not utilised, for the construction of school buildings for the sons of ex-Amirs in Sind ;

36 on account of the introduction of the maundage rate on sales of salt referred to in paragraph 10 ;

7,00 on account of plague expenditure ;

4 on account of the registration of railway traffic charged to Provincial as stated in paragraph 11.

“17. The expenditure under this head includes the cost of the District staff employed on the collection of the Land Revenue.

The Budget provides for a small increase for the assessment of alienated lands and for the temporary employment of additional Deputy Collectors in Sind, where the Reve-

nue establishments urgently need to be strengthened, but does not provide, as it did last year, for indirect charges in connexion with famine. There is also a comparatively smaller provision made for professional survey parties as the operations of the Survey Department are being gradually brought to an end.

III.—Salt.

“18. The Provincial interest in this head is limited to the receipt of fines, forfeitures and miscellaneous items (establishment contributions and storage charges), the rest of the revenue and the whole of the expenditure being Imperial. The figures are :—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
	Fines and Forfeitures	1	1	2	1	6	1
Miscellaneous	56	66	70	66	48	38
Total	57	67	72	67	54	39

The falling off in the Budget is due to the bulk of the contributions from salt farmers for establishment charges being now merged into the Imperial maundage rate on sales of salt as explained in paragraph 10.

IV.—Stamps—6.

“19. Revenue and expenditure under this head are shared between Provincial and Imperial in the proportion of 3 to 1. The Provincial figures are :—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
	Revenue	43,57	45,88	42,89	45,90	43,35	43,45
Expenditure	1,97	2,20	1,97	2,21	2,00	2,07

The Provincial receipts from the sale of Court-fee stamps are shown below :—

1894-95	...	...	...	} Actuals ...	24,38
1895-96	...	...	...		25,60
1896-97	...	...	...		23,36
1897-98	...	...	...	Budget ...	25,72
1897-98	...	...	...	Revised ...	25,50
1898-99	...	...	...	Budget ...	24,60

The Budget closely follows the Revised, but it is to be hoped that in view of the present favourable prospects the revenue will improve more rapidly than it has been deemed absolutely safe to reckon upon.

V.—Excise—7.

“20. Revenue and expenditure under this head are divided between Provincial and Imperial in the proportion of 1 to 3. The Provincial figures are :—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
	Revenue	27,52	29,10	27,49	27,50	27,56	28,00
Expenditure	86	89	91	91	90	91

The revenue under this head includes fees and duties on foreign and country liquor toddy and drugs, transit duty, license fees and other receipts on account of opium consumed within the Presidency, and fines, confiscations and other miscellaneous items. Receipts on account of opium exported to China are credited to the Imperial head "II. Opium." The Revenue Budget shows a moderate advance over last year's anticipations.

VII.—Customs.

"21. This, like Salt, is almost entirely an Imperial head, the Provincial share including only the receipts on account of warehouse and wharf rents and other petty items such as transhipment fees, fines, &c. The Provincial figures are :—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
	Warehouse and wharf rents	2	3	4	3	5	5
Miscellaneous	77	93	91	93	81	90
Total	79	96	95	96	86	95

VIII.—Assessed Taxes—10.

"22. Excluding receipts from income-tax on the surplus profits of Railway Companies which are wholly Imperial, both revenue and expenditure under this head are divided equally between Imperial and Provincial. The Provincial figures are :—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
	REVENUE.					
Salaries and Pensions	3,99	4,12	4,04	4,21	4,07.5	4,07.5
Profits of Companies	1,31	1,56	1,95	1,50	2,05	1,93
Interest on Securities	1,21	1,06	1,00	1,07	1,21.5	1,16
Other sources of Income	11,46	11,64	11,43	10,51	11,49	11,51.5
Total	17,97	18,38	18,42	17,29	18,83	18,68
Expenditure	27	27	27	27	27	26

The Budget follows last year's Revised Estimate in the main.

IX.—*Forest*—11.

"23. Under this head revenue and expenditure are shared equally between Imperial and Provincial. The Provincial figures are:—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
	Revenue	18,75	17,68	15,16	16,43	14,75	16,32
Expenditure	10,84	9,79	9,85	11,16	10,60	10,63

Though the revenue from grazing fees and fodder grass is expected to improve in consequence of the stoppage of free grazing in the forests which was permitted last year on account of the famine, and the timber trade and supply of sleepers to railways may produce a fair revenue, it is not thought safe to pitch the revenue estimate so high as last year. The expenditure shows a decrease as last year's budget included special provisions in consequence of the famine.

X.—*Registration*—12.

"24. Under this head also revenue and expenditure are equally shared. The Provincial figures are:—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
	Revenue	3,16	3,28	3,33	3,25	3,10	3,32
Expenditure	1,44	1,45	1,49	1,50	1,46	1,49

The revenue does not differ much from last year's budget and should not prove too high considering that it is within the figure realized in 1896-97.

XII.—*Interest*—13.

"25. The receipts under this head consist of (a) payments made by individuals or public bodies to whom money is advanced under the Land Improvement Loans Act, Tálukdárs Act, Local Authorities Loans Act and other special Acts, and (b) interest on Government securities held by the Local Government. The expenditure consists of interest paid at the rate of $3\frac{1}{2}$ per cent. to the Government of India on funds provided by it for the purposes of the above-mentioned Acts. The figures are:—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
	Revenue	2,93	3,03	2,99	3,38	3,66	4,70
Expenditure	2,23	2,42	3,14	3,18	3,71	4,05

The total sum available for distribution in 1898-99 under the Provincial Advance and Loan Account is 15,45, which, it is expected, will be met from repayments of advances made in previous years which are estimated at 19,33. The allotments are as follows:—

Loans to cultivators	...	...	10,00
Loans to the Tálukdár Settlement Officer and the Manager, Sind			
Encumbered Estates	...	...	45
Loans to local bodies for plague purposes...		...	5,00
		Total ...	15,45

The bulk of the loans to cultivators will be distributed in the Central and Southern Divisions chiefly for the provision of employment to persons in need of relief. The Government of India were not able to allot more for these loans, and an additional 1,50 has been asked for.

Post Office—15.

“26. This head concerns provincial finance as one of expenditure only, the items included being the cost of postal work in certain places to which the imperial system has not yet been extended, and the subsidy paid for the conveyance of the mails by sea from Bombay to the Southern Konkan ports. The figures are:—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget
District Post Charges	1,03	1,01	1,02	1,09	1,10	1,03

The Budget shows a decrease owing to the absence of the provision for grain compensation.

General Administration—18.

“27. This head of expenditure includes as provincial charges the salary and establishment of His Excellency the Governor, the Members of Council, Commissioners, Inspector-General of Jails, Registration and Stamps, the Civil Secretariat offices, and Local Fund Establishments in the offices of the Commissioners, the Collectors, and the Accountant General. The figures are:—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
Expenditure	14,59	14,43	15,10	14,53	14,59	13,06

Though the Budget provides for the temporary appointment of the Plague Commissioner and his establishment and for increased charges in the Civil Secretariat in

connexion with the plague, it is lower than last year's budget on account of the change of account system under which contributions for Local Fund establishments are now deducted from the expenditure side instead of being credited under Contributions from Local to Provincial.

XVI A.—*Law and Justice, Courts of Law*—19 A.

"28. This is a wholly provincial head, including under receipts the realisations from escheated property, court fees paid in cash, miscellaneous fees, and general fees, fines and forfeitures. Under expenditure appears the whole cost of the Judicial system of the Presidency from the High Court downwards, including a half share of the salaries and exchange compensation allowances of officers who exercise both revenue and magisterial powers. The figures are :—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
	Revenue	4,11	4,30	3,92	4,19	3,95	4,55
Expenditure	46,02	46,70	45,64	46,31	45,87	45,92

The Budget shows an increase of revenue mainly on account of the credit to Government of Sheriff's fees and of the proposal to credit similarly the fees earned by the Clerk of the Insolvent Debtors' Court and to make his appointment a salaried one for which provision has also been made on the expenditure side. In other respects the expenditure budget does not call for comment except that the provision for grain compensation is omitted altogether and that for exchange compensation is reduced.

XVI B.—*Law and Justice, Jails*—19 B.

"29. This again is a wholly provincial head. The figures are :—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
	Revenue	1,74	1,77	1,76	1,73	1,40	1,61
Expenditure	6,60	6,53	6,88	7,39	8,60	7,39

The Budget shows some improvement over last year's Revised Estimate on account of the sale-proceeds of jail manufactures on the revenue side and by reason of the absence of the causes which entailed heavy charges in 1897-98 on the expenditure side, the variations in the two minor heads under which are due to causes stated in paragraph 11.

XVII.—Police—20.

“30. This head is also wholly provincial. The figures are :—

	Actuals			1897-98.		1898-99.
	1894-95	1895-96.	1896-97.	Budget.	Revised.	Budget.
Revenue	4,27	4,61	4,92	4,41	4,82	6,32
Expenditure—						
Cash	51,09	52,26	54,72	55,00	58,30	55,48
Alienations	4,06	4,97	5,05	4,99	5,04	5,04
Total	56,05	57,23	59,77	59,99	63,84	60,52

The revenue under this head consists chiefly of sums recovered from local bodies and persons for police supplied to them, and includes the Port Trust contribution towards the cost of the Docks and Harbour Police, but not payments made by the Bombay Municipality, which are deducted from the cost of the Presidency Police shown on the expenditure side. The increase of the revenue is principally on account of the recovery as estimated at the time the Budget was framed of charges for the additional police posted in Poona City from July 1897. The increase of expenditure is chiefly due to a smaller recovery from the Presidency Corporation for city police charges, the arrears of previous years having been adjusted as stated in paragraph 11, to the provision for the additional police in Poona, and to the absence of the lump deduction of 1,50 made in last year's budget. On the other hand, this year's budget does not repeat the provision for grain compensation and includes 50 for plague police in lieu of 80 for extra police for the famine-stricken districts provided for in last year's budget.

XVIII.—Marine—21.

“31. A wholly provincial head. The figures are :—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
Revenue	63	64	65	64	60	65
Expenditure	60	42	39	41	37	41

XIX.—Education—22.

“32. Also a wholly provincial head. The figures are :—

	Actuals			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
Revenue	3,12	3,18	2,98	3,18	2,61	3,12
Expenditure	16,72	17,60	18,13	17,56	17,51	17,78

The revenue consists chiefly of school and college fees and also to a small extent of contributions paid by Municipalities and others, of sale-proceeds of books, and of other miscellaneous items.

The expenditure includes the whole cost of the teaching and inspecting staff for the various Government colleges and schools (other than Medical) and grants-in-aid to private institutions, but not grants-in-aid to Local Fund Schools, which appear under Contributions, nor charges for the construction and maintenance of school buildings which are debited to Civil Works.

The revenue is estimated on the assumption of a return to normal conditions. The estimated expenditure of 17,78 shown above is in addition to 5,01 and 43 which have been provided under Contributions and Civil Works respectively, and to the sums specified in the margin which are provided under other heads for purposes more or less directly connected with education, so that the total estimated expenditure on educational objects for 1898-99 will amount to 25,40.

XX.—*Medical*—24.

“33. A wholly provincial head. The figures are :—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
Revenue	1,35	1,18	1,33	1,33	1,33	1,36
Expenditure	15,48	15,48	16,81	15,63	35,50	22,81

The receipts consist chiefly of Medical College fees, Hospital and Lunatic Asylum receipts, and Contributions.

The permanent charges include those for the Civil Medical Establishment, the maintenance of Government Hospitals and Lunatic Asylums, and grants-in-aid to Municipal dispensaries; for the Sanitary and Vaccination Department, including the Port Health Officers of Bombay and Aden and grants-in-aid to Village Sanitation Committees; for the maintenance of the Grant Medical College and of Medical Schools at Poona, Ahmedabad and Hyderabad; and for the office of the Chemical Examiner to Government. The Budget adds to the normal expenditure a special provision of 6,96 to meet charges incurred in connection with operations against plague after allowing for recoveries from local bodies estimated at 5,00.

Political—25.

“34. This is a head of expenditure only. The provincial figures are :—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
Expenditure	3,48	3,70	3,62	3,74	3,55	3,73

The provincial charges relate to the Káthiáwár, Mahi Kántha, Pálanbur, Cutch, Southern Marátha Country and a few minor Agencies.

XXI.—Scientific and other Minor Departments—26.

“ 35. Except charges for the preservation and translation of ancient manuscripts, for the establishment of the Civil Veterinary Department and for Census operations, all receipts and expenditure under this head are provincial. The provincial figures are :—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
Revenue	24	43	29	26	32	32
Expenditure	1,80	1,73	2,02	2,17	2,00	2,22

The variations between the expenditure estimates are due chiefly to the provision of a grant for the Reay Industrial Museum partly counterbalanced by the reduction of the provision for horse-breeding operations in Sind transferred to Imperial control.

XXII.—Superannuation—29.

“ 36. The receipts under this head include subscriptions to the various pension funds the pension contributions of officers lent to foreign service, and miscellaneous items. Of these heads the last two only are provincial. The provincial expenditure includes superannuation and retired allowances, compassionate allowances, gratuities and refunds. The provincial figures are :—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
Revenue	-2,31	2,35	2,39	2,36	2,40	2,34
Expenditure	17,35	17,79	18,60	19,04	18,81	19,42

The progressive character of the expenditure accounts for the increased provision.

XXIII.—Stationery and Printing—30.

“ 37. The provincial receipts consist of sale-proceeds of Gazettes and other publications, and payments for certain works done for local bodies, &c. The expenditure represents the cost of the Stationery Office and the Government Presses, and of Stationery purchased locally or issued from Central Stores. The figures are :—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
Revenue	66	70	68	70	66	70
Expenditure	7,73	7,73	8,01	8,20	8,20	8,41

The provision for the establishment and contingent charges of some of the Government Presses has been increased in view of the growing demands for printing work.

XXV.—Miscellaneous—32.

"38. This head is partly Provincial and partly Imperial. The provincial figures are:—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
Revenue	1,30	58	82	64	80	50
Expenditure	2,10	1,92	1,95	1,96	1,85	1,93

Part of the decrease of revenue is nominal, the receipts for hire of accommodation in Travellers' Bungalows being now transferred as already explained, and part is due to the reduced estimate of recovery of unclaimed deposits from the Administrator General.

Famine Relief—33.

"39. This is properly speaking a Provincial head of expenditure. When the Budget was framed, it was anticipated that all measures of relief would be stopped by the end of 1897-98; but they continue on a small scale in a few districts, and a grant from the Imperial Exchequer will be obtained for the purpose.

Construction of Railways—37.

"40. This is an expenditure head opened in 1891-92 in connection with the construction of the Hyderabad-Umarkot Railway. The figures are:—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
Expenditure	59	13	51	6	6	...

No provision is made for capital expenditure in view of the probable conversion of the line to metre gauge.

XXVI.—State Railways—38.

"41. The receipts and working expenses of the railway above-mentioned are entered under this head. The figures are:—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
Revenue	1,46	1,75	1,84	1,80	1,80	2,00
Expenditure	1,07	1,27	1,25	1,28	1,29	1,37

The increased provision is due to the development of traffic on the Railway.

XXX.—Irrigation—43.

"42. The receipts and charges on account of the Gokák Canal, 1st, section, and Storage Works are the only provincial items under this head. The figures are :—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
	Revenue	17	23	22	24	30	27
Expenditure	9	22	50	11	11	59

On the expenditure side provision has been made for arrear payments of land compensation charges.

XXXII.—Civil Works—45.

"43. The provincial accounts under this head include receipts and expenditure by the Public Works Department and by Civil Officers in connection with provincial works of public improvement and communications, and departmental buildings. The figures are :—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
	<i>By the Public Works Department.</i>					
Revenue	8,85	8,70	7,87	7,97	6,86	7,50
Expenditure	33,23	33,91	31,67	30,18	26,45	23,87
<i>By the Civil Department.</i>						
Revenue	3	3	2	3	8	8
Expenditure	6	9	8	9	15	15

The revenue is chiefly derived from road-tolls, rents and sale-proceeds of buildings, produce of trees, old materials, tools and plant, and collections under the Bombay Highway Act. The decrease of revenue from road-tolls is chiefly responsible for the low Budget revenue estimate.

The allotment for expenditure has been fixed in view of the available resources and is distributed as follows :—

<i>Original Works.</i>					
Civil Buildings ..	...	...	...	...	4,03
Communications ...	...	...	...	...	76
Miscellaneous Public Improvements	...	...	...	...	28
Reserve ... ..	...	...	...	...	2,35
				Total ...	<u>7,42</u>

Repairs.

Civil Buildings ...	...	...	...	...	...	...
Communications ...	...	...	...	...	...	7,60
Miscellaneous Public Improvements ...	...	...	...	...	...	32
				Total ...	...	12,00
Establishment ...	...	...	...	...	...	9,01
Tools and Plant ...	...	...	...	...	...	44
				Grand Total ...	...	28,87

The provision for original works includes 3,93 for works already in progress and 3,49 for new original works. The works in progress include 5 Mamlatdars' Kacheris, 7 Sub-Judges' Courts, police lines in 8 towns, improvements at the Kotri Distillery, the Dharyar Training College and the Elphinstone College; the completion of the disinfecting shed at Mody Bay in Bombay; and the Narotamdas Madhavdas Lunatic Asylum and certain roads. The provision for new works includes 1,00 for minor works and 36 for police lines and the distribution of the remainder is under consideration. The establishment charges (9,01) include 20 for exchange compensation.

The increased provision under the Civil head is due to transfers from other heads already explained in paragraphs 10 and 11.

Contributions.

"44. The figures are—

	Actuals.			1897-98.		1898-99.
	1894-95.	1895-96.	1896-97.	Budget.	Revised.	Budget.
Revenue ...	1,80	1,83	2,21	1,83	2,02	1,72
Expenditure ...	8,27	9,38	9,33	7,45	7,65	7,16

The receipts consist of contributions made by Local Boards, provision being made chiefly for the recovery of the cost of famine relief incurred by Government and of vaccination establishments. As the contributions on account of Local Fund establishments employed in certain Government offices have been transferred to the head 18 General Administration, no provision relating to them is entered under this head.

The expenditure includes the following main items:—

Grants in lieu of one-anna cess on excise ...	...	...	...	1,55
Grants to mofussil schools ...	...	...	...	5,01
Grants to dispensaries ...	...	...	...	40
Grants for Public Works ...	...	...	...	15

No provision has been made for village water-supply in view of financial exigencies and the recent expenditure on this object in the form of famine relief.

SECTION IV.

Incorporated Local Funds.

"45. The following table shows the receipts and expenditure of the three Incorporated Local Funds which are under the control of Government, viz., the Steam Boiler Inspec-

tion Fund, the Government Central Book Depôt Fund, and the Sind Village Officers' Cess Fund:—

	Actuals.			1897-98.		1898-99.
	1891-95.	1895-98.	1896-97.	Budget	Revised.	Budget.
	Steam Boiler Inspection Fund. { Revenue ...	48	48	48	50	49
{ Expenditure ...	25	33	39	40	38	40
Government Central Book Depôt Fund. { Revenue ...	1,23	1,25	1,17	1,24	1,05	1,16
{ Expenditure ...	1,55	1,15	1,21	1,20	98	1,15
Sind Village Officers' Cess Fund. { Revenue ...	3,88	4,43	3,76	4,20	4,20	4,44
{ Expenditure ...	2,98	3,36	4,37	4,74	4,50	4,71

The estimates call for no remarks except that the Revised for the Book Depôt is low owing to smaller sales of books and smaller expenditure on the purchase and publication of books in consequence of the famine and plague, and that for the Sind village officers has been reduced in consequence of the postponement of the entertainment of the larger establishment sanctioned, which it is expected will be effected in the current year.

"46. The only other Incorporated Local Funds are those administered by the District and Táluka Local Boards constituted under Act I of 1884. An Administration Report giving full details of their working, revenue and expenditure is published annually, and as their financial operations are not controlled directly by Government and do not fall within the scope of provincial finance, comment is not necessary. The figures of revenue and expenditure (including the cost of collection of the revenues assigned under Section 44 of Act I of 1884) will be found in Appendix D.

"47. For several years past it has been necessary to postpone for want of funds improvements the importance of which has been amply recognised, but the financial crisis and the annihilation of the Presidency balance which have befallen us in the present year have postponed to what seems an indefinite period the prospect of being able to provide for these desirable and much needed improvements. Since the last Financial Statement a second and more widespread epidemic of plague has prevailed, and scarcity has continued in some of the districts which were last year visited by famine. In the outlook there are some hopeful indications, though they are mingled with the gravest apprehensions. The horrors of famine are, it may be trusted, past and gone, and it is impossible to deny the capacity of resistance that has been developed in the country; in spite of great losses of cattle, land has not gone out of cultivation, and it is permissible to hope that the agricultural classes will display their customary elastic powers of recuperation and ere long with good seasons and favourable harvests be restored to their former condition of at least comparative prosperity. The plague has happily practically become almost extinct in Bombay, Surat and many other towns and districts where recently it raged, but in view of the experience of last autumn the greatest caution must be exercised to guard, if possible, against a fresh recrudescence. The course of exchange is so far favourable, though a fractional fall has lately occurred, and if it maintains its present comparatively high level, if the pestilence should finally disappear, and if the monsoon should prove favourable, the attempt will have to be made to achieve the difficult duty the Imperial Government

has laid upon us, to restrict our expenditure within our income so as to restore our depleted balances and at the same time to meet the administrative demands the development of this Presidency imposes. But as already observed the task is of a Herculean nature. To accomplish it at all will be the work of years and it requires a sanguine temperament to believe that it can in any circumstances be satisfactorily effected within a reasonable period of time. We have to maintain our schools, our colleges, our roads, our establishments, our administration, revenue, judicial, public works and other, and to bear all the other burdens which devolve on an Indian Provincial Government; we have had to contend against the plague and battle with famine, and cannot foretell how many campaigns against the pestilence may yet have to be fought with terrible loss of life and of money; in not a few respects our administrative establishments are sadly in need of enlargement and improvement—measures which whilst they involve enhanced outlay also produce increased revenue; but not only are we so stinted in funds that we can barely hope to be able to carry on the administration, but we are further required to put by from our exiguous resources a saving of 20 lakhs to constitute a normal balance.”

The Honourable Mr. DAJI ABAJI KHARE said :—Your Excellency—As the honourable framer of this Budget has said, it does truly appear to be a Budget which excites nothing but melancholy contemplation. It is not an adversity budget that we are met here to discuss. It is a bankruptey budget. We open with zero as our balance and all the efforts and ingenuity of Government can at best leave at the end of the year a balance of about Rs. 79,000 only. With such a budget before us, we can have no heart left to criticise its appropriations, nor to ask money for this or that object. The Government as the statement says are on their beam-ends and all desire for criticism must vanish in the contemplation of this awful position.

Our sufferings in the past have been indeed severe. There was the famine and the plague and several other calamities not necessary to mention here. As regards plague I will not say much. The Government have been hard put to it to see measures for its suppression carried out. The expense undergone has been on a vast scale. The people have also been exposed to very great sufferings. I would rather not say anything except what occurs to me in connection with the employment of soldiers in house-to-house visitation. That was done first in Poona. I have no doubt the men employed on that work tried to do their work in the best manner they could; but at the same time the employment of soldiers caused great irritation and a huge cry was raised against it. But it went unheeded, and your Excellency last year in a full and elaborate speech endeavoured to show that that cry was unreal. It was said in various quarters that that cry was got up for the occasion; but unfortunately the same thing was tried in Bombay this year. And as soon as the soldiers began to be employed on house-to-house visitation in that city, irritation began to grow. The Honourable Mr. Mehta and several other members of this Council represented to your Excellency that there was serious dissatisfaction felt by the populace on account of the soldiers being appointed to visit houses. The warning was not given too early. A serious riot came on immediately on the wake of that warning. That riot has been admitted by the authorities to be not a premeditated one and it was not indeed due to any concerted plan; but it was solely due to the widespread feeling of dissatisfaction and irritation. The riot was no unreal thing, and it demonstrated most clearly that the previous outcry in Poona too was not an unreal or got up outcry. I shall not pursue the matter further, but only express a hope that henceforward soldiers will not be employed on the duty of house-to-house visitation and that the plague administration will

be carried on with as little irritation to the people as possible. Then as regards expense, I will only mention one thing, and that is the importation of doctors for plague work from England. That importation has caused a lot of money which I think could have been saved if the local medical men were availed of for plague work. There was a wide field here to choose from and I cannot understand why local talent was not availed of.

Passing from plague to famine there does appear to be great reason for congratulation. The poor people in this Presidency have indeed great reason to feel thankful to your Excellency for the famine administration. It was your Excellency who very sympathetically scouted the idea that none but those who had any other recourse left should be received on relief works. The report on the administration of the last famine gives us good grounds to hold that that administration was on the whole most successful. It gives several indications and compares them with those to be found in the administration of the famine of 1876-1877 and the comparison appears to be entirely in favour of the administration of the famine of 1896-1897. During the latter famine no lands were relinquished by the rayat, the death-rate was much lower, the mortality of cattle was also not large and the loans to agriculturists were given on a large scale. All these items are very satisfactory indeed; but there are one or two points that are either not easy to understand or seem to point to a conclusion at variance with that drawn by the writer of the report. In 1896-1897 the remissions of revenue were only .09 per cent., while in 1876-77 they were 2.23 per cent. and the suspensions were only 4.52 per cent. as compared with 20.45 per cent. in 1876-77, and this is accounted for by saying that there was no trouble in collecting the revenue. The rayats paid the dues willingly. No coercion was exercised. This is all a good story; but when in the same report at page 3, we find that the crop outturn in 1876-77 was far in excess of that in 1896-97 it is really difficult to believe in this account of easy revenue collections. One would imagine that with a much smaller outturn there arose the necessity of larger remissions and suspensions. The story is too good to be believed without much stronger evidence than what appears in the report. And especially it is so when I find instances in which much coercion had to be exercised before the revenue could be recovered. I will not multiply instances but refer to the case of one village called Avas in Alibag Taluka in the Kolaba District. I hold a statement in my hand which is a copy of one submitted to the Collector of that district on the 20th of May 1897 which shows that in that one small village about 25 holders were treated very harshly in the matter of revenue collection. The yield of their holdings was very small indeed, and yet all of them were compelled to pay their dues either by selling their pots and pans or agricultural cattle or by borrowing money on the security of their lands. With instances like these to the contrary, I submit it is difficult to place implicit reliance on the statements made in the report about the revenue having been collected without any trouble. At all events one would like to have much better evidence than that which is embodied in the report.

There is one other element mentioned in that report and that is the sale of ornaments. The report says that in 1896-97 there was no large sale of ornaments such as attracted attention in 1876-77, and accounts for it by stating that probably the rayats now-a-days do not invest their savings in gold or silver ornaments because of their increased appreciation of utilizing their money in more profitable directions. However that may be, there appears only four or five lines afterwards a statement that there is no evidence that the rayats possess fewer ornaments than formerly. Now this is rather inconsistent with the

previous statement that the rayats now-a-days appreciate the advantage of utilizing the savings in directions more profitable than investing them in ornaments. This inconsistency brings to my mind one amusing statement in that report. In dealing with the rations allowed on relief works the report says that there is indeed no doubt that the rations are less than the people are accustomed to; but in order to show that this was not a defect, it adds that people ordinarily eat more than they need for the preservation of health. Now this explanation is very strange indeed. It is difficult to accept it seriously. It cannot be believed that ordinarily people eat more food than what is required to preserve health. No doubt they eat ordinarily more than necessary to keep body and soul together but that sort of existence is far from healthy.

Passing now to the heads of Budget proper, as I have said, there is no inducement this year to criticise it in detail. There are a few things, however, which I shall briefly allude to. Under the head of Law and Justice we find Rs. 1,000 per month put down as pay against the Clerk of the Insolvency Court. A reply given this morning showed that this Government was in correspondence with the Government of India about the pay and fees of that officer and that nothing has yet been finally decided. If it be so, then it is difficult to understand how Rs. 1,000 is put down as his pay. The matter has either been decided or not decided. If it be not decided then the entry in the Budget is unintelligible. If it is decided then I submit the decision is not proper, as the Finance Committee's report recommended that that officer's pay should not be more than five or six hundred rupees.

Passing from this point to the Law School, Government have appointed a committee to enquire and report upon its wants and diffusion, and your Excellency assured us that the report will be published shortly with the orders of Government. There is no doubt that that school does require amendment. The profits from fees are larger than the expenditure, and there is some money in hand to enter upon some reforms. That school has been mostly manned by professors who are not natives of the country. Why it should be so it is difficult to understand. There are many gentlemen to be found amongst the natives of this country who are as competent to teach law as those who have been appointed as professors from time to time. I submit that in future your Excellency's Government will in making these appointments avail themselves of the services of the natives of the soil on a larger scale than has hitherto been done.

The Honourable Mr. NARAYEN GANESH CHANDAVARKAR said:—Your Excellency,—We seem to stand on this occasion in a pitiable plight. In describing the nature of a Provincial Budget such as this Government has to prepare, a former Financial Member of the Government rightly remarked five years ago at a meeting of this Council that it was not to be regarded from the point of view which would be appropriate in criticising the finance of an independent administration, but was "more nearly equivalent to a detailed statement of the distribution of an Imperial Budget." It is, properly speaking, the creature of a policy over which this Government has no control, and it is difficult to criticise it to any substantial purpose without criticising that policy, the discussion of which, so far as this Council is concerned, is absolutely forbidden ground. Limited as is the scope, under ordinary circumstances, of the discussion of a Provincial Budget, it is rendered even more limited when the financial member comes before us, steeped, as it were, in insolvency, and makes us a present of what is really a *Bankruptcy Budget*. The Financial Statement speaks of the situation as "an object of melancholy contemplation," and when

it proceeds to tell us that "for the first time since the famine of 1877 the Budget year opens with a balance of nil" and that "the Government of India have refused to place at the credit of this Government any sum for the reconstitution of the provincial balance, and have directed that with the assistance of such recoveries as are due from Local Funds on account of famine charges borne by General Revenues this Government must build up its balance to the prescribed minimum of twenty lakhs by savings from current income,—a laborious and thankless task not easy of accomplishment," all criticism is in a way disarmed, and one feels as if one were invited here not to criticise but to condole.

I heard only recently the head of a Government educational institution complain that he could not get its building whitewashed, because Government had no money to spare for that. And the tale went round the High Court the other day that while a few thousand rupees had been sanctioned only in April last for making certain changes in that portion of the High Court building where the criminal sessions are held so as to give it more light the sanction was withdrawn, because Government had no money to spare! It is said his Lordship the Chief Justice went to England in April on privilege leave, well assured that he would on his return find the Criminal Sessions Court better lighted; but when on return he found that darkness still prevailed, he grew indignant; but what can even the Chief Justice do when higher authorities have ordained that the Presidency and your Excellency's Government should do as best you can without adequate funds to meet the just requirements of the administration! It is impossible not to sympathise with the Government when circumstances beyond its control have so seriously crippled its finances. In spite of all the adverse circumstances, your Excellency's Government have, it must be admitted, speaking generally, tried to make the best of a bad situation, for I notice that an honest attempt is made in the Budget to economise expenditure while estimating the revenue on the lines of moderation and caution by the light of the realisation of the past two years.

Last year, my Lord, the non-official members of this Council had occasion to congratulate your Excellency's Government on the wise and liberal policy pursued in dealing with the famine, and the figures which are given both in the Budget and the Financial Statements show that the congratulation was well deserved. The revised estimates for 1897-98, as given in the Budget, show an expenditure of Rs. 23,40,000; but the Financial Statement tells us that the whole cost of the famine operations, according to the latest revised estimates, amounts to Rs. 96,40,000 in 1897-98. It is also satisfactory to note that though the famine, so far as one can judge from the present, is past and gone, yet your Excellency's Government have not stopped all measures of relief, but that they are continued on a small scale in a few districts and a grant will be obtained for the purpose from the Imperial Exchequer. In this connection there is one point in the Financial Statement to which attention may be called. Under the head of "Interest" on page 16, we find an allotment of 10 lakhs as loans to cultivators, which, the Statement goes on to say, "will be distributed in the Central and Southern Divisions chiefly for the provision of employment to persons in need of relief." I should be the last to quarrel with any provision made by the Government for persons in need of relief, but seeing that the "Takávi" advances, as they are called, are specially intended to help the rayats who are in need of help for agricultural purposes, it is not easy to understand the propriety of appropriating them for the more general purpose of providing employment to persons in need of relief, instead of restricting them to the purpose for which they are meant. I take it that the sum

will be employed as a loan to those in need of employment; but if for all practical purposes it is used as famine relief, as is intended to be done, I cannot see how the Government would be justified in demanding its repayment. Last year both in the matter of famine relief and in making *Takávi* advances, the Government did their duty manfully, and one wishes most earnestly that one could expect similar liberality this year on the part of the Government in the matter of the collection of the arrears of the land revenue suspended during the last year, as also the land revenue of this year, and of the amount advanced as loans to cultivators. The perilous straits to which the financial situation of the Government is reduced no doubt makes it necessary to enforce these payments from the rayats, but I think it is my duty to bring to the notice of Government the hardship caused by the policy of collecting the arrears of land revenue and the dues of the present year together in addition to *Takávi* loans. I would not ask your Excellency's Government to believe that this hardship exists on my testimony alone. A distinguished friend of mine, who has retired from Government service after an honourable and faithful service, who has been coming in business contact with rayats, and who does not carp at Government measures for carping's sake, but understands the difficulties of administration, has been assuring me that acute distress is caused by the policy I refer to. To enforce these payments at a time when the rayats have but just emerged from a dire calamity and before they have been able to retrieve their lost situation seems very oppressive indeed. One hears constant complaints of the rigour with which the land revenue and the *Takávi* loans are being collected and the rayat cannot understand why the Government which gave with one hand so liberally is taking away with the other and driving him into the arms of the money-lender. It would be better and inspire confidence among the rayats if the repayment of the arrears were distributed over five years. The dacoities of which we heard recently from the *Násik* and *Thána* Districts are, judging from what one hears, said to be directed against money-lenders in particular, and if that is true, the question may pertinently be asked if the time has not come for Government seriously to consider whether the *Deccan Relief Act* should not be applied to those districts where it has hitherto not been in force.

The question of the land revenue and of agricultural indebtedness necessarily brings us to the question which has often been asked: When are the operations of the Survey Department to end, and when will that department cease to exist? It is now ten years since this Government, in reply to a reference made by the Government of India, observed that the operations of the department would be brought to an end by the year 1892; but during the Budget discussions in this Council in 1893 the then Revenue Member of this Government said, in very cautious language no doubt, that the department was being gradually reduced, as its work drew to a close and that it was expected that it would cease to exist at the end of 1897. But 1897 has come and gone and the department nevertheless holds on. It is true that in the present Budget what is called "a comparatively smaller provision" is made for "professional survey parties" than was made for previous years. The figures show a reduction of a little more than half a lakh in the amount expended on the department in 1896-97. But one cannot be too sure that the reduced Budget Estimate will not be exceeded by the Revised Estimate, and then by the Accounts. This is what happened in the previous years. The Revised Estimate of the cost of the department for 1896-97 was Rs. 3,42,000, but the Accounts for 1896-97 brought up that figure to Rs. 3,47,833. Similarly, the Budget Estimate of the cost of the department for 1897-98 was Rs. 3,23,276; but the Revised Estimate brought it up to Rs. 3,49,000.

Upon these figures it is permissible to observe that though an attempt is made in the Budget to reduce the cost of the department, yet the cost as a matter of fact exceeds that estimate and the department manages to hold its own so far. On the other hand, the Department of Land Records and Agriculture is showing a steady tendency towards increased expenditure. The Budget of 1897-98 estimated its cost at Rs. 21,41,000, but the Revised Estimate brought up the figure to Rs. 22,46,000; and the Budget Estimate for 1897-98 is Rs. 21,47,000. I do not in the least desire to underrate the value, such as it is, of the department which is expected not only to compile statistical information regarding the agriculture of this Presidency, but, what is even more important, to lead the way in acquainting the rayat with improved methods of agriculture. It is extremely doubtful if it has to any extent served the latter purpose and brought any benefit to the rayat in proportion to its annual cost. The idea which conceived the creation of such a department was indeed excellent and it can be made a really useful department. But so far it serves no purpose beyond recording statistics and making certain experiments of no practical value to the rayat.

The next point in the Financial Statement to which I shall crave leave to call attention is one that relates to local bodies in the mofussil. Recoveries to the extent of five lakhs are to be made from these bodies on account of plague charges. One cannot help feeling the deepest concern for the future of these bodies, seeing that even before the plague broke out, their balances were being swallowed up. In most of the places where these bodies are situate the plague broke out after 1896-97. Now a glance at the income and expenditure in 1896-97 of those municipalities which had to cope with the plague after 1896-97 shows that at the end of that year, which was not a plague year, properly speaking, their financial position was by no means good. The figures collected from the reports of the district municipalities for 1896-97 are as follows:—

Municipalities.	Income during 1896-97.	Expenditure during 1896-97.
1. Poona...	3,29,201	3,33,046
2. Belgaum ...	53,790	54,112
3. Sholapur ...	1,29,790	1,62,366
4. Hubli... ..	1,08,025	7,06,611
5. Surat... ..	8,36,703	8,48,681
6. Alibág	8,749	8,910
7. Sátára	54,320	60,966
8. Thána	33,826	86,015

Turning now to the item of Forest Administration it is satisfactory to note that the revenues estimated are not pitched so high as last year. But when the Financial Statement goes on to say that "the revenue from grazing fees and fodder grass is expected to improve in consequence of the stoppage of free grazing in the forests which was permitted last year on account of the famine," one may well express a fear that an attempt may be made by the department to make up for the deficient revenue of last year and exceed the Budget Estimate of this year on the revenue side. There is a feeling abroad that the department subordinates the needs of agriculturists to its commercial transactions, though in a Resolution issued in 1894, the Government of India has distinctly laid down that considerations of forest income are to be subordinated to "the full and easy satisfaction of the needs of communities dwelling on the margin of forest tracts." That feeling may be exaggerated, but there is this to be said for it that it is shared not merely by the agri-

culturists or those who profess to criticise the acts and measures of Government on the agriculturists' behalf. Ten years ago a talented member of the Bombay Civil Service, who served both in the revenue and judicial line, but has now retired, published a pamphlet in which he acknowledged the unpopularity of the Forest Department and attributed that unpopularity to the fact that it aimed at increasing the forest revenue without due regard to the interests and needs of the agriculturists. I found another member of the Civil Service express a similar opinion about the department only recently. I know that it is unfair to make general charges against any department, but a case which I came across a few months ago in the course of my practice has led me strongly to suspect that the commercial and litigious idea dominates the politics, if I may say so, of the Forest Department. That was a case in which a man purchased at an auction sale the right to collect and remove *hirda* nuts from Government forests in the Kcliba District during the season beginning from 1st October 1892 to 31st May 1893 and paid to the proper officer one-fourth of the stipulated price. Though his right was to collect the *hirda* nuts from the 1st October 1892 and though on the 14th October 1892 he signed a written agreement drawn up by the department, embodying the conditions which he had accepted and on which he was to exercise that right, yet he could not exercise that right from that date in all the forests to which it extended, because there was delay on the part of the Forest Department to supply him with permits. After he had been made to wait for three months on one ground or another, he found to his surprise that he was required to sign a new agreement with altered conditions. Naturally, the man resented this unjust and illegal action of the Forest Department and not only refused to sign the new agreement which had been drawn up without his consent but he put an end to the contract, because the department had allowed three months to pass without fully enabling him to exercise the right he had acquired under his purchase and had placed one difficulty or another in his way. The Forest Department, however, turned round and threatened to declare the money he had deposited forfeited and to recover from him the balance of the contract price. It was the department which had driven him into a repudiation of the contract by its delay and vacillation, and yet it sought to punish him because, it said, he had broken the contract. The poor man was driven into a litigation which lasted for five years, because the Forest Department tried to defend itself by raising technical pleas. He twice failed in the District Court, where he claimed relief, but he succeeded at last in getting it in the High Court. The judgment of the High Court shows how absolute was the disregard shown by the department for the rights which the man had purchased and for the terms of the contract made with him. It is a case which ought never to have been allowed to go to a Court of law; and the conduct of the Forest Department in setting up technical pleas to defeat his claim, and refusing to produce relevant documents in their possession to substantiate their allegations on the ground that they were State papers can hardly be described as fair or creditable; it shows how the department works without regard to justice and equity and promotes litigation. Such vagaries of the department are not calculated to inspire confidence in its working.

I must, my Lord, repeat what I said last year about the Judicial Service. I do not desire to discuss the case of Bijapur, where the Assistant Judge's Court has been without a Judge since last June. But I cannot help saying that it gives some point to the view entertained in several quarters that the Government do not seem to attach much importance to the exigencies of the judicial administration, because it is not one of the earning

departments. The transfer of able and competent officers from the judicial service to the revenue line or the Secretariat is another circumstance which lends support to that view. It is not necessary that I should dwell at any length on this subject, but I cannot help calling attention to it again.

It was not my intention, my Lord, to make any observations on the plague, but after what my friend sitting on my right has said on it, I deem it desirable to say that whatever happened in the past—whether the measures adopted last year to combat the plague were wise or not—the time has come when, forgetting and forgiving the past, both the Government and the people should present an united effort to fight a calamity of such an unprecedented character as the plague, which threatens to sit like a nightmare on nearly the whole of India. Mistakes have been committed and some of them serious in carrying out measures to put down the plague. But there is the experience now before us of two years and if by the light of that both officials and non-officials strive to fight the situation, something may be done to minimise its evils and ultimately stamp it out. There are places, as for instance Hubli, where in spite of the best and conciliatory efforts of the officers appointed to prevent the plague assuming an epidemic form, it has raged most furiously. The future is as gloomy as it can be and it serves no purpose to make it more gloomy by complaining of the past. The past is best remedied by both Government and the people joining hands and utilising the experience of the past to reduce, as far as possible, the misery and distress consequent on the plague.

The Honourable Mr. BHALCHANDRA KRISHNA BHATAVADEKAR said:—Your Excellency,—The Financial Statement for 1898-99 placed before the Council is a tale of woe and “an object of melancholy contemplation.” We are told that owing to the prevalence of famine and plague there is a financial crisis in this presidency. The provincial finances are disorganized. This Government is at its beam ends. Its own resources are exhausted. The Presidency balance is totally annihilated, “and it has to subsist for the present on the charity of the Government of India.” The outlook is considered to be very gloomy and unpromising, and fears are expressed that for years to come the material and educational improvements in every direction in the presidency will be seriously crippled or even stopped. It is sad to contemplate that the Local Government should be left to its fate, and bid to build up the opening balance, the prescribed minimum of which is 20 lakhs, from recoveries due from Local Funds on account of famine charges borne by general revenues. The Government of India, moreover, have now decided to continue the Provincial contract on the lines of the 1892-97 contract, but have curtailed the fixed assignments by Rs. 94,000 on account of special reductions in Provincial Services, fixing the allotment at Rs. 76,20,000. Last year the famine charges were not included in the terms of the first year of the Provincial Contract, but were held over. Since last April they have been included in the terms of such arrangements which will guide the financial relations between the Local and Supreme Governments until the close of 1901 and 1902. No doubt the limited resources of the Local Government made it impossible for them to meet any but a very small portion of the famine charges. They have only been able to pay about 2½ lakhs out of a total expenditure on this head of more than 1¼ crores of rupees. But other Provincial Governments have also been in the same predicament, and had to depend upon the charity of the Supreme Government. I think, however, the Bombay Government require more exceptional and specially liberal treatment than the other Provincial Governments, because Bombay has been worse off than other Provinces owing

to two severe epidemics of plague. Their Stamp and other revenues on account of the temporary dislocation of trade and industry in large centres fell very short of the estimates, while they had to incur a heavy expenditure on plague measures. The Medical charges amounted to about 19 lakhs last year and they are estimated at 7 lakhs in the current year. Towards this expenditure of 26 lakhs the Government of India have contributed only 16 lakhs, leaving 10 lakhs to be provided for from Provincial Funds. No doubt, the Government of India have contributed 140 lakhs to the expenditure incurred in this presidency in connection with plague and famine. But they were given in accordance with the declared financial policy of the country, which imposes upon the Government of India the obligation to bear such portion of the expenditure of the Local Governments on famine relief and other extraordinary and unavoidable charges which the latter are unable to bear. Moreover, they have not kept the undertaking, according to the terms of the Provincial Contracts, that they would pay such share of the special expenditure as would leave the Local Government a minimum balance of 10 lakhs. The Bombay Government had a balance of 40 lakhs two years ago, but that is all swept away, and they had only 5 lakhs last year as opening balance and that also has been swept away. The revised estimates for the last year show that for the first time during the last 20 years there has been no balance at all in the Provincial Treasury, and the Local Government have been asked to build up the minimum balance of 20 lakhs by recoveries from Local Funds of the amount due from them on account of famine charges and by the rigid enforcement of economy. The Local Funds, however, are in a very unsatisfactory condition owing to plague and famine and will not be able to recover more than Rs. 75,000. The Government of India have also laid down that Provincial expenditure should not exceed the ordinary revenues. In spite of the gloomy future as regards the recrudescence of plague, it grieves me much, my Lord, to contemplate such a state of things, and I sincerely sympathise with your Lordship's Government in this financial crisis and in this budget of adversity. And I beg leave to express a fervent, but I am afraid a forlorn, hope that the Government of India will see their way to treat your Lordship's Government more liberally, being fully aware that the present crisis has been brought about by causes and misfortunes over which your Lordship's Government had no control, and which human forethought and foresight could not in all probability have averted. This presidency has always contributed handsomely to the imperial needs, and it is but fair that in its time of difficulty and need some consideration should be shown to its wants and material progress.

Since this starvation policy has been imposed upon your Lordship's Government, it will be futile to plead for any additional grants for any good purpose. I would therefore address myself to a few of the important heads in the Budget Statement, and lay before your Lordship some points which strike me as requiring the attention of Government. Passing on to Land Revenue, I find it stated in paragraph 4 of the Financial Statement that "owing to the cessation of the famine and the improvement in the agricultural situation revenue suspended in the previous year was collected." In this connection I beg to observe that this collection of suspended revenue has in some districts caused considerable hardship amongst the poor rayats. I have made inquiries of several people, and I am informed that owing to the famine some of the poorest agricultural classes, possessing no reserve of any kind, had not even food for the subsistence of themselves and their family. Under these circumstances they had neither money nor cattle to till their

lands, and the Government were pleased to suspend collection for that year. But as soon as the famine abated, and the agricultural prospects slightly improved, stringent orders were issued for the collection of the amounts due for the famine year, as well as for the subsequent year, so that what relief the Government were pleased to grant to these people with one hand was taken away by the other. It is easy to imagine how harshly such orders must have operated on the poor people. The harvests of the last year were not so plentiful as to enable the poor cultivating classes to meet this double demand. Many of them were driven to seek the assistance of sowcars and Marwari money-lenders to meet this exorbitant demand, because they were threatened with forfeiture of their lands in default of payment. They mortgaged their lands and contracted debts at exorbitant rates of interest. I venture to remark, my Lord, that the condition of some of the poorer agricultural classes is very deplorable and pitiable and deserves our sympathy. They are generally in a state of chronic indebtedness. The lands of about 75 per cent. of them are eternally mortgaged to sowcars at usurious rates of interest, and every year their condition is growing helpless. The problem of how to afford relief to these people has no doubt engaged the attention of the Local and Supreme Governments for several years past, and it is reported that the Government of India are contemplating legislation on the subject. It is believed, however, that the tendency of such legislation has been always to attempt to ameliorate their condition by the abolition of the middlemen and bringing their relations closer to the Sirkár. In this connection I may be permitted to say that this tendency has not yet produced any tangible results. On the contrary it has produced more indebtedness, because so long as the Government do not see their way to deal kindly with them by making their annual recoveries at a time more convenient to the rayats, and by adopting an attitude of forbearance and sympathy in the event of failure of crops, the tendency is invariably to drive the rayats into the arms of the sowcars and to sink them deeper and deeper into the mire. I for my part think that, in the absence of any permanent settlement which would be a consummation devoutly to be wished, there should at least be less frequent disturbance of the land settlements and the tendency of Government measures should be to strengthen the position of the rayats by improving their credit, inducing habits of thrift and self-reliance, and affording means of independence and competence. One of such measures is the suggested experiment of agricultural banks which, I submit, should be given a fair trial in some districts at least.

Under the head of Forests, I ventured last year to make a suggestion that the aboriginal tribes in the Thána District be allowed the privilege of collecting dried twigs and pieces of wood in the jungles, because they as a rule subsist on the sale-proceeds of the bundles of such twigs which they collect from the jungles. I was assured on that occasion by the Honourable Mr. Nugent, whom we all miss to-day, that permanent orders were issued by the Government according this privilege to the tribes. I would now appeal to your Lordship on behalf of the poorest tribes on the ghauts and other districts, that the privilege of collecting such dried twigs in the forests be extended to them. I am informed that, excepting in the Moolshi Petha of the Haveli Taluka where the privilege has been granted, the poor tribes are prosecuted by the Forest Department for collecting such twigs. In this same Petha again the poor people during the famine generally used, in their utter destitution and want of food, the soft portion of the stem of the tad tree dried and powdered for making bread. The forest officers, I am credibly informed, levied a fee of annas four for each tree during the last famine. The result was that the poor

people who could not afford even a single pie could not avail themselves of this last resource of subsistence and had to suffer the pangs of hunger and starvation. Under section 25 (b) of the Forest Act, it is enacted that if the rayats do not extinguish wild fires in their vicinity their right for rāb (manure, twigs of trees) is lost, and if their rāb is within 200 yards of the place where such wild fires occur, they are held responsible for their occurrence and are liable to prosecution. This, I venture to submit, is very hard. It is not considered a compoundable offence. It would, I think, afford some relief to these poor people if some steps are taken to mitigate the harshness of this measure. Again in section 67 of the same Act under compoundable offences, the decision of the Punch is directed to be acted upon. But the Rangers as a rule double the fine inflicted by the Punch, and the forest officers in their turn double that recommended by the Rangers. The subject was brought to the notice of the Government some years ago, who in a Resolution issued in 1890 ordered that the decision of the Punch should be considered final. But in spite of these orders the old practice has, I am informed, been reverted to.

Another point of interest in connection with forests is that Government have graciously allowed free grants of timber to villagers for building huts, &c., on application. These orders, I am informed, are practically a dead letter, because in the majority of cases the forest officers allot such plots in the forest as are far away from the village whence the application is made, in some cases from 40 to 50 miles. The villagers naturally do not avail themselves of this grant, because the conveyance charges in such cases amount to double or treble the actual cost of the timber. I beg to suggest that the Government will be pleased to direct that the distance in any case should not be more than 20 miles, and the limits for sanctioning the application should not be more than three months, because in some cases sometimes even 12 months elapse and the applicants are compelled to withdraw their applications.

I take this opportunity to congratulate your Excellency's Government on the adoption of a liberal policy in connection with forests which was enunciated in their Resolution No. 1668, dated the 8th March 1898, with regard to the transfer of fodder and pasture lands from the Forest to the Revenue Department. The constant irritation and discontent which were caused by impounding cattle, and the frequent prosecutions consequent thereon are, as contemplated by Government, likely to be minimised by the adoption of this policy if fully and faithfully carried out. But I submit, my Lord, that the good which is intended to be done to the agricultural classes is likely to be neutralised by the high scale of fees to be levied from the villagers and the lump sum which is to be made obligatory on each village, whether there be pasture lands or not adjoining the village. I beg to submit that this is likely to be a fruitful source of irritation, and may defeat the very laudable object the Government have in view.

Under the head of Police, reference is made to the Police charges recoverable from the Bombay Municipal Corporation. Rs. 59,000 which are believed to be due from them, are shown as having been recovered from that body in part payment of Plague charges which the Government have to pay to the Corporation. Last year I made an earnest appeal to your Lordship for the final settlement of this vexed question. There are certain points of Police charges about which there is yet a dispute, and which the Corporation have shown in their representation submitted to Government as not being an equitable charge on them. This matter has not been finally settled yet. I beg to renew the appeal this year and hope that your Lordship's Government will be pleased to arrive at an equitable and

satisfactory settlement of this question at an early date. I may be permitted to remark that the Corporation will thankfully welcome such a settlement.

In connection with the subject of Police, I venture to touch a sore point, *viz.*, the additional Police quartered at Poona, Yeola and Sinnar. I believe the object of placing such additional Police at these towns has been served. The people of Poona especially have suffered heavily during the last two epidemics of Plague, and the Municipality is almost on the verge of bankruptcy. I beg to appeal to your Lordship that out of compassion for them your Lordship's Government will be pleased to reconsider the decision in regard to this matter.

While on this subject, I beg to draw the attention of the Government to the many dacoities which have been occurring in the Násik and Ahmednagar Districts since the last three months. It is believed that two or three bands of dacoits have been frequenting some villages of these districts, have committed about 37 dacoities, and have struck terror among their inhabitants. Some 10 villages in the Ahmednagar District and about 7 in the Násik District have been very mercilessly handled by these bands. I am informed that the dacoits actually send intimation to the well-to-do inhabitants of a village, especially Márwáris, and commit dacoities even during day time, carrying away a large amount of money, jewellery and other valuables, and cutting the noses and ears of the principal inhabitants of such a village. The number of such injured people is said to be large. Many of them are reported to be receiving treatment at the Nasik Civil Hospital. The public have heard with a sense of relief and satisfaction that a detachment of Infantry has already been despatched to these districts to capture the dacoits. It is generally believed, however, that if the step had been taken earlier, very probably the whole trouble might have been nipped in the bud, and the people of those districts would have been saved the loss of property and molestation they have been subjected to for the last three months. I hope the military will be able to effectually quell the disturbance, and restore order and tranquility in those parts of the Presidency. I would here beg to make one observation that if the sore be probed to the bottom, it will be found that the real cause of the whole mischief lies in agricultural indebtedness and distress. The dacoits are Kolis and Bhils, and the victims generally are the Márwáris. They have been driven to such a course of lawlessness, in all likelihood through this cause. That is an additional reason why the problem calls for the earnest attention of Government.

Passing on to the head Medical, I beg to take this opportunity to tender my best thanks to your Lordship for the assurance given in December last in reply to a question put by me, that your Excellency has every desire to adhere as far as possible to the principle laid down in Government Resolution No. 1979, dated the 9th November 1898. With this assurance before the public, I do not believe there is any doubt as to the future of medical education in this Presidency. I am prepared to admit that owing to the prevalence of plague and famine in this Presidency the exigencies of the public service and the public interest necessitated a deviation from this principle and I believe to this is attributable the delegation of the Professor of Physiology to plague duty for many months during the last year, as also to a certain extent the change in the chair of Midwifery and Diseases of Women and Children. But I have heard with some surprise and concern that it is intended to permanently transfer the present Professor of Physiology to another chair, or another sphere of activity. It is needless for me to remark that the appointment of the Professor to the chair of Physiology was the corner stone of the policy enunciated in the

Government Resolution to which I have alluded. Reform in Medical education in this Presidency was begun with this appointment in the Grant Medical College. One of the best men of the service was selected for the post, and it is gratifying to find that the results have thoroughly justified the selection. He has now been occupying the chair for the last 9 years and has, I am informed, by his praiseworthy zeal, industry, and capacity given satisfaction to all concerned. It will be a great pity to transfer him and to throw away the useful work and experience gained to the utter disadvantage of the students. The change in the chair of Midwifery is believed to be of a temporary nature. But even this, I have reason to believe, is causing a great deal of inconvenience and loss to the students. I would humbly suggest that if a system of appointing capable assistants to act for the Professors in the College be adopted in future, it will, in my humble judgment, very greatly obviate the difficulty which is frequently experienced in efficiently filling up temporary vacancies in cases of emergency. However able the Professors may be, it will be admitted that they cannot be expected to be proficient in every subject, and it stands to reason that a Professor of Materia Medica, for instance, is not likely all at once to fill a chair of Midwifery with equal efficiency and advantage to the students. I referred to this subject last year and need not make any further allusion to it now.

I also referred in the last Budget debate to the grievances, status, pay and allowances of the class of Civil Assistant Surgeons and Hospital Assistants. I must not omit to mention on this occasion that my best thanks are due to the Honourable Sir Charles Ollivant for giving an assurance in reply to a question from me in December last that the question of improving the prospects and position of the Civil Assistant Surgeons is under the consideration of the Government. May I be permitted, however, to mention certain grievances of this very useful, but, I am sorry to remark, much neglected class of public servants. There is great inequality in the status and prospects of the medical graduates as compared with those in the sister Faculties of Arts, Law and Engineering employed in the Revenue, Judicial, and Public Works Departments, which I placed before the Council last year. A Civil Assistant Surgeon commences with a pay of Rs. 100 on general duty, and with an allowance of Rs. 100 according to the old scale, and Rs. 25 to Rs. 50 under the new scale if placed in independent charge, rising after two septennial examinations to Rs. 250 to the highest grade, and with a magnificent pension of Rs. 100, whereas their compeers in the Revenue, Judicial, and Public Works Departments commence sometimes low, but rise to Rs. 800 or even Rs. 1,200. This statement is generally met by the argument that the comparatively lower scale of pay of the Civil Assistant Surgeons is compensated for by their private practice. There is a great deal of fallacy in this argument, for, in actual practice, it is very often noticed that the income from private practice in mofussil towns scarcely amounts to more than a trifle, and this trifle, again, it is not the good fortune of every member of the class to get. There may be very few exceptions who may be stationed in large cities earning a handsome sum every month by private practice. The scope for private practice in the mofussil is very limited, for people are not accustomed to pay adequately for medical advice and treatment. Then for a few years, in the early part of their service, they scarcely get a chance of staying at a place for 3 or 4 years, being placed on general duty, and if stationed at the Presidency towns are not allowed the trifling allowance which they get when in independent charge. Again the rules in force in the grant-in-aid and other dispensaries in the mofussil regarding hospital stoppages hardly leave room for private practice, for according to these rules well-to-do

persons in a town are entitled to receive advice and medicine at a hospital or dispensary no payment of a nominal fee, which is claimed by Government, wholly or partially, according as the institution is maintained entirely at Government expense or by a grant-in-aid from Government. Many of the well-to-do people in a town take full advantage of this system, finding it profitable to consult the doctor in the dispensary instead of paying for his visits. The argument of private practice has equal force in the case of the Military Assistant Surgeons. But in spite of this and their inferior education, their status and prospects are much better than those of their namesakes in the civil line.

These Military Assistant Surgeons, whose old designation was apothecaries, are admitted to the Medical College without any University test, and have only to go through a course of three years, at the end of which they are examined by the college authorities and granted certificates which entitle them to the rank of Assistant Surgeons. After a few years they are promoted to the senior ranks of the service, are allowed honorary ranks in the Indian Medical Service up to Surgeon-Majors, and are appointed to the permanent charge of civil stations, which privilege is denied to the Civil Assistant Surgeons, although they are men of superior training and qualifications. The latter are, no doubt, appointed temporarily to act for Civil Surgeons, but are not allowed the pay of those appointments. They are simply given an allowance of Rs. 100 or Rs. 150 according to their grade, which under the old scale they were entitled to when in independent charge of dispensaries. Thus, when an Assistant Surgeon under the old rule is deputed to act for a Civil Surgeon, he is actually a loser, because he has free quarters in the dispensary, which is generally not the case when he is transferred to act for a Civil Surgeon. It is rather strange that such a state of things should exist only in some Presidencies and not in others. Thus in the Madras Presidency, which is in many respects highly enlightened rather than benighted, as it is inaptly termed, the state of things is more encouraging. Some minor Civil Surgeoncies are reserved for senior Assistant Surgeons of proved merit. No such arrangement exists in this Presidency.

It is a matter for surprise that up to this time after nearly half a century of the spread of medical education in this Presidency, not a single Civil Assistant Surgeon has yet been found worthy of being appointed to a permanent charge of a Civil Surgeoncy. I am sure, my Lord, at least one or two may be found deserving of this confidence, and of filling these posts with credit and distinction. I venture to name one who has very recently gained distinction in England—I mean Assistant Surgeon Byramji Hormusji Nanavati, who is teacher of Surgery in the Ahmedabad Medical School. He is a gentleman of marked abilities, and is the first native of India and the first Assistant Surgeon, at least in this Presidency, who has taken the high degree of F.R.C.S. of Edinburgh. If such men are encouraged and promoted to the rank of Civil Surgeons, it will be an incentive to other Civil Assistant Surgeons to emulate their example and to acquire high medical distinctions and attainments. Then, again, the difference in the treatment accorded to Civil and Military Assistant Surgeons while on duty on plague and famine is still more striking; whereas the Military Assistant Surgeons drawing Rs. 150 are allowed an allowance of Rs. 3 per diem when on plague and famine duty, the Civil Assistant Surgeons drawing Rs. 200 or more are allowed only Rs. 2 for similar duty. Then, again, a Civil Assistant Surgeon, while doing plague work alone, gets his salary and plague allowance, while one attached to a dispensary and doing plague work in addition is not granted any allowance.

The Military Assistant Surgeons and Military Hospital Assistants are exempted from the operation of the Arms Act, but the Civil Assistant Surgeons are denied that privilege. Before leaving the subject I would take this opportunity to allude to the grievances of a deserving and very useful class of public servants—I mean the class of Assistant Chemical Analysers to Government. I was disappointed to find no mention made of this class in the Resolution of the Government of India regarding the improvement of the status of Chemical Analysers to Government. I hope Government will be pleased to consider their grievances along with those of the Civil Assistant Surgeons. They are doing very good work and deserve encouragement and improvement of their prospects.

Under the head of Plague a special provision is made in the Budget to meet charges in connection with operations against Plague, after allowing for recoveries from local bodies estimated at 5 lakhs. No doubt according to law whatever subventions on account of plague have been made by Government to the local bodies, that is, the Municipalities and the Local Boards have to be recovered, and these bodies will be bound to repay them. But the question arises as to when and how they are to pay. They have suffered from the effects of the plague. Their financial condition at present is probably worse than that of the Government. Under such circumstances they will be unable to repay these subventions immediately on demand. The Poona Municipality, for instance, is almost verging on bankruptcy. Still a very large demand, I am informed, of not less than 2 lakhs of rupees was made on it in June last. It will be almost impossible to meet such a demand immediately. Probably some of the other Municipalities are in a similar plight wherever plague prevailed epidemically during the last two years. I would venture to suggest that the Government will be pleased to grant some concessions to these bodies as regards the repayment in moderate instalments which will enable them to devote their resources to urgent local wants and to sanitation generally, otherwise their sanitation will suffer. The Bombay Municipal Corporation have suffered most of all, and their financial condition at present cannot be considered to be so satisfactory as it was two years ago, when there was a surplus cash balance of Rs. 20,00,000 in the Municipal Exchequer. The two severe epidemics of plague together have cost that body Rs. 31,59,000, and it is estimated that till the end of September next the expenditure on plague will amount to about 33 lakhs. Thus it will be seen that not only is the surplus balance of 20 lakhs swept away, but it has been found necessary to raise loans to meet this enormous expenditure. So long as the Corporation had the management and the control of the plague measures in their hands, the Corporation had given permission to the Commissioner to spend as much as would be absolutely necessary to fight the enemy. But the Municipal Commissioner was very careful and the total expenditure on plague from September 1896 to February 1897 was Rs. 4,37,000.

	Municipality.	Plague Committee.
	Rs.	Rs.
From March 1897 to July 1897	3,11,000	3,58,000
August 1897 to the dissolution of the Plague Committee...	7,15,000	13,36,000
Total	10,26,000	16,96,000

From the Municipal expenditure the following items should be deducted as they either represent outlay on permanent works, or are recoverable from private parties.

		Outlay on Permanent Works.	
		Rs.	
1. Carrying out researches at the Sewri Lazaretto	... ..	51,000	
2. Purchases of Steam Engines for gully flushing and construction of manholes on Port Trust Estate	... ..	36,100	
		87,100	
3. Recoverable from private parties	... ..	35,700	
		1,22,800	

A further sum of Rs. 25,000 should also be deducted from the Municipal expenditure on account of expenses incurred in connection with observation camps, which are payable by Government. The net expenditure incurred by the Municipality on plague operations during the period of 20 months from October 1896 to May 1898 amounts to Rs. 13,15,200. The average expenditure incurred by the Municipality during the 20 months amounts to Rs. 65,760 per month. The total expenditure incurred by the Plague Committee from March 1897 to May 1898 is Rs. 16,93,000, or an average monthly expenditure of Rs. 1,13,000. No outlay on permanent works was incurred by the Plague Committee, but a portion of the expenditure amounting to about Rs. 3,75,000 incurred by them on rail, road, and sea inspection, and observation camps is held to be recoverable from Government. The net expenditure incurred by the Plague Committee in combating the disease in the city proper amounts to Rs. 13,26,000 which gives an average of Rs. 90,000 per mensem. During the last 7 months the Plague Committee expended very large sums on establishment and these charges continued steadily to increase very considerably from February last, and no attempt appears to have been made to reduce the establishment even when the plague began to subside. Although in May 1898 the total mortality decreased considerably the cost of the establishment was nearly four times that employed in December 1897, and nearly three times that employed in January 1898, and higher even than that employed in March 1898, when the epidemic was more severe. This will be borne out by the figures I place before the Council:— November 1897 Rs. 18,606, December 1897 Rs. 21,684, January 1898 Rs. 31,149, February 1898 Rs. 48,200, March 1898 Rs. 76,132, April 1898 Rs. 88,016, May 1898 Rs. 85,901. The construction of segregation camps in places where their semi-permanence was an impossibility and in spite of the declining condition of the epidemic added in no small measure to the cost of operations as carried out by the Plague Committee. It was the dual organization that led to this heavy expenditure.

The Plague Committee's operations from its appointment to its abolition were entirely uncontrolled, and owing to the complete absence of any sense of responsibility as regards funds or any economic conscience led to reckless expenditure in spite of the repeated and emphatic protests of Mr. Snow, the Municipal Commissioner. As soon as the new organization commenced its work the unwieldy establishment was cut down, and now the expenditure is not more than the average that was incurred by the Municipality during the time the Plague Committee was working, and practically the whole of the Plague Committee's expenses are being saved. This extraordinary expenditure on plague has completely dislocated and disorganized the finances of the Municipality, and it will be years before they are restored to a state of equilibrium. To meet this heavy expenditure it was found necessary to raise a loan of 20 lakhs for plague purposes, and the interest and

sinking fund charges on account of this loan will be so heavy that an annual deficit of more than two lakhs will have to be faced by the Municipality. This grave aspect of the financial position of the Municipality is rendered more serious, because its borrowing powers for some years to come will be seriously crippled or even become non-existent. This may necessitate further taxation, a measure which will press heavily upon the already burdened ratepayer of Bombay, especially as the majority of them have suffered during the last two years on account of the dislocation and temporary paralysis of trade. Many houseowners have suffered on account of a great many people having temporarily left Bombay. In accordance with the principles laid down by the Government of India on which the plague expenditure is to be proportionately defrayed, the Corporation will have to bear all the charges excepting those of a minor character to be borne by the Government. While I am prepared to admit the applicability of these principles in most cases of epidemic diseases, I would submit that there are cogent reasons why an exception should be made as regards the plague. Epidemics like cholera and small-pox are localised and short-lived and their effects are only locally felt, whereas the effects of plague are far-reaching and its suppression was declared by your Lordship's Government to be an Imperial necessity.

Bombay is the gate and emporium of trade of this Presidency and I may say of India. It was absolutely necessary in the Imperial interests that its trade should be encouraged to flourish without any hindrance. No doubt its trade and industry were temporarily dislocated and paralysed, but the disastrous effects of this temporary cessation of trade were mitigated to a considerable extent on account of the ungrudging and ready manner in which the Corporation supplied funds for the purpose of conserving such trade. As a matter of fact, the money was collected from local ratepayers, and for local benefits, but was diverted and used partially for the benefit of Government at large for the up-keep of trade, both internal and external, and for the benefit of the general taxpayer as distinct from the local ratepayer. Up to this time the Government and the general taxpayer have contributed only 12 per cent. of the total expenditure, whereas the local taxpayer has contributed 88 per cent., and certainly, I submit, this is not an equitable share of the Government and the general taxpayer. The Corporation have already submitted a respectful representation on the subject, and I hope the Government will be pleased to take all the circumstances into consideration when arriving at a decision in connection with the same. The Port Trust is a body whose interests are very closely bound up in the prosperity of the trade of Bombay. Its wharfage fees, its dock dues, its wharfage shed and godown rents, which form the bulk of its income, all depend upon the trade of Bombay. The large sums of money expended by the Corporation for conserving the trade of Bombay have conferred direct benefits on its citizens, and all these have directly benefited the Port Trust. It is but fair and reasonable on these grounds to claim a contribution from that body. The share which that body contributes to the Municipal Exchequer is in return for the services done to its estates. But when in addition to these ordinary services extraordinary efforts are put forth for its benefit, then, I venture to submit, a commensurate contribution should be demanded from that body, which is the recipient of such extraordinary benefits. In the representation submitted by the Corporation the relative income of the Port Trust and Municipality were taken as the basis of the ratio of contribution from each. The total income of the Port Trust may be roughly estimated at 45 lakhs, and that of the Municipality

75 lakhs, *i.e.*, 3 to 5. But as the Port Trust already contributes to the revenues of the Municipality, the ratio is reduced to 2 to 5. I have heard that the majority of the Port Trustees have minuted against the payment of this contribution. I trust, however, Government will be pleased to see the justice of the demand, and ask that body to pay the contribution. As regards the Government contribution the same basis of calculation will not be reasonable. But it is admitted on all hands that the prosperity of the commercial, manufacturing and agricultural classes, which has been maintained by the unremitting efforts of the Municipality at an enormous expenditure, has considerably tended to sustain the revenues of Government. I trust the Government will be pleased to contribute liberally. The Corporation in their representation have pointed out that the share of Government should be 30 per cent., that of the Port Trust 20 per cent. and of the Municipality 50 per cent. of the total expenditure on plague. It is hoped this will enable the Corporation to tide over the present difficulty, and enable them to carry out the more important sanitary works in connection with the more effectual drainage and sewerage of the city and also contribute to the Improvement Scheme. It may perhaps obviate the necessity of fresh taxation for the present.

In this connection I must not omit to mention that the best thanks of the Corporation are due to your Excellency's Government for representing to the Government of India on their behalf the necessity of extending the term of ten years to twenty years for the repayment of the plague loan of 20 lakhs. This will cause a saving of one lakh on the annual interest and sinking fund charges, and will enable the Corporation to secure a better rate in floating the loan. I may here mention that the Municipal Commissioner requested the Government to pay to the Corporation at least two lakhs out of a total of Rs. 2,61,000 which is due from them on account of plague measures, but I am sorry to remark that the Government have resolved to pay Rs. 40,000 only, retaining the remaining Rs. 2,21,000, on the ground that the plague accounts were not in a satisfactory condition and were not audited. It is needless for me to state that the Municipality will have to sustain some loss in respect of interest charges for no fault on its part. I beg therefore that the Government will be pleased to reconsider their decision and sanction the payment of the amount.

As regards the plague measures I have only to say one word. I am aware that owing to several causes probably beyond the control of Government, there was absence of uniformity in the measures in the different districts, and people were put to very great inconvenience and annoyance. There was also apparent want of sympathy in the enforcement of these measures in the majority of the cases. The result was a great deal of suffering, bickering, and discontent amongst all classes. I must admit, however, there were noble exceptions such for instance as General Gatacre and Colonel Creigh who performed their task with great sympathy and discretion and gave satisfaction to all, thus gaining the respect, confidence and gratitude of the people. I hope the Government will be pleased to direct in future that there will be uniformity in the plague measures, and that they will be carried out with sympathy and discretion. I may be permitted here to give an expression to the thanks of the public of Bombay to your Lordship for the inauguration of a liberal and sympathetic policy in regard to plague measures in Bombay. The declaration of that policy gave immense satisfaction to the various communities and removed from their mind a burden which was hanging heavily on them. Many lives which might otherwise have succumbed were saved. For I honestly believe that before

the adoption of the new policy some people did die of actual fright. Many scientists have found that the plague bacillus works injuriously on the walls of the heart, and renders the organ liable to easy collapse. Hence fright in such cases acted very injuriously. Some people doubted the wisdom of the new policy and even cavilled at it. I remember having been one of a Hindu deputation which waited on the Plague Committee a day after that now memorable speech of your Lordship. Some members of the Committee actually went so far as to declare their belief that as a result of the relaxation of the old measures the daily total mortality would rise to 400 or even 500. My friend the Honourable Mr. Vijbhukhandas Atmaram, who was present on the occasion, will bear me out in this. Thank God their worst forebodings have not been realised. The mortality began to decline almost from the next day, due probably to a favourable combination of several circumstances. People now know their own responsibility and will, I hope, justify the confidence placed in them by the Government.

It was generally expected that the same liberal policy would be adopted towards the Municipal Corporation as regards the control of plague measures. From the commencement of the epidemic the Corporation were fully alive to the gravity of the situation and their duty in connection therewith. They therefore empowered the Municipal Commissioner to spend any amount which he may deem necessary to adopt measures to check the spread of the epidemic, which took its usual course and was on the decline towards the middle of February 1897. But as is usual on such occasions, the interested clamour from certain parties whom I need not specify, for a change in the machinery became very strong, and the hands of Government were forced to create a new organization—the Plague Committee. This change of policy for the time quieted the excited public mind both here and in England. The Plague Committee superseded the Municipality when the plague was steadily declining as a result of the measures adopted by the Municipality, and naturally gained credit which properly belonged to the latter body. But the course of events has proved beyond the shadow of a doubt that the Plague Committee failed entirely to grasp the situation, and the current of public opinion completely turned in favour of the Corporation. It was at this juncture the Corporation, taking advantage of such a favourable opportunity, sought to regain its former position, and therefore submitted a representation to Government, praying them for the transfer of the control of plague measures, believing that their request would be favourably considered. But it is a matter of much regret that although the Government have thought it fit to create a new organization making the Municipal Commissioner the principal responsible authority for all plague measures, they have kept the control in their own hands through the Plague Commissioner, completely ignoring the Corporation, and thus casting an unmerited slur on that body as a reward for being keenly alive to their duty and for the ungrudging manner in which they have supplied funds for the last twenty months. I may be permitted to remark, my Lord, that the Corporation have every reason to complain and to be disappointed with the decision of the Government.

After a brief adjournment, the Honourable Mr. GOKULDAS KAHANDAS PAREKH said—Your Excellency's Government deserves the greatest sympathy in the financial difficulties in which it finds itself placed. After having passed one year of great embarrassment, it is very unpleasant to have to face another, in which the financial strain would be greater than that of its predecessor. It is most distressing to find that the financial effects of our past misfortunes will not end with the present year, but that they

are likely to extend over a considerable period, and that they will disable Government from attempting to make much needed reforms in the administration and to promote the educational and material progress in this Presidency.

Our pecuniary difficulties are principally caused by the outbreak of plague, the hardness of the Provincial Contract and the manner in which it is interpreted. It will not be denied that it is the duty of Government to use every reasonable effort to fight out the plague, quite irrespective of any consideration of the expenses. Any economy in that direction would be most undesirable. In fixing the different allotments to the Provincial Governments, I do not think any margin was left for the liability of the Local Governments to meet extraordinary charges of this kind. The object of the Provincial Contracts was that the Local Governments might practise all reasonable economy in their expenses. So far as facts go we have felt that your Excellency's Government has practised even greater economy than what it ought to have done and that it has not been able to spend enough to keep pace with the educational, sanitary and material wants of the people. This Government having practised economy in every reasonable direction, it is not fair to it that the Government of India should not come to its help when it becomes embarrassed by reason of heavy expenses incurred in meeting an enemy whose existence even could not have been contemplated when the terms of the last Provincial Contract were settled.

The Provincial Contract has been so arranged that in normal times the assignments of revenue to the Provincial Government do not leave any surplus, after providing for the expenditure which it has to bear. The Government of India assign certain revenues and expenditure as Provincial items, and the cash grant is limited to the amount by which the expenditure exceeds the assigned revenues. On the other hand the balance of the entire revenue goes to the Supreme Government and it only spends a part of this balance in connection with this Presidency. In the current year the total revenue produced in this Presidency amounts to Rs. 14,36,39,000, of which Rs. 10,08,13,000 are handed to the Imperial Government and Rs. 4,28,26,000 are retained by the Provincial. The whole of the latter amount is to be applied to the budgetted expenses; and in order to leave a balance for the next year the Provincial Government has to obtain a contribution of Rs. 79,000 from the Local Funds. On the other hand the Imperial Government spends only Rs. 4,99,57,000 out of Rs. 10,08,13,000 and retains Rs. 5,08,56,000 for expenses outside the Presidency. I do not deny the right of the Imperial Government to a proper share from the revenue realized in this Presidency to meet its military, naval and home charges and other items of Imperial expenditure; but I submit that when very heavy expenditure has to be incurred in connection with an unforeseen calamity the Imperial Government ought not to leave them, or the larger portion of them, to be borne by the Provincial Government. Such charges in the first instance ought to come out of the surplus in the hands of the Government of India.

On previous occasions non-official members have put before this Council reasons to show that the terms of the Provincial Contract are too hard on this Presidency. I do not propose to take up your Excellency's time by repeating arguments which have been urged before in this hall. But I submit that our claim to more liberal treatment than what we have been receiving at the hands of the Government of India stands on very good grounds. Since the contract of 1892 several important changes have taken place both in reference to revenue and expenditure, and as a result of these changes I expected that the new contract would be on terms more advantageous to this Presidency. The

excise duty on cotton manufacture was introduced in 1895-96. It is expected to yield a revenue of Rs 9,50,000 during the current year. In 1894 the new Tariff Act was passed, and under its operations the Customs revenue of this Presidency which yielded Rs. 35 lakhs in 1892-93, rose to 140 lakhs in 1894-95 and 166 lakhs in 1895-96. For the current year the Sea Import Customs revenue has been estimated at Rs. 1,67,89,000. Both these items of revenue are exclusively Imperial and no share out of them is given to the Provincial Government. In this manner there has been an increase of about 140 lakhs of rupees in the amount of Imperial revenue received from this Presidency, but the Provincial Government gets no share in the increase. Then again, since the last contract the Government of India has ordered that its European officers should be given exchange compensation. This meant a heavy new burden on the finances of the Presidency. This expenditure during the currency of the last contract reduced our balances by over 25 lakhs. When this matter was last mentioned here, the then Financial Member gave us to understand that though the Provincial revenues would not be compensated for anything paid during the term of the contract existing at the time when the new charge was introduced, requisite provision had been made for meeting this loss in the new contract. This led me to think that in the new contract the cash grant would be larger than the grant under the previous one by about 4½ lakhs, the amount of the exchange compensation paid during the last year; but on opening the Budget I found that the cash grant had received no increase, but has on the contrary been decreased. It was Rs. 77,14,000 under the old contract, but it is only Rs. 76,20,000 under the new contract. Allowances should be made for certain transfers between the two Governments but even after that, the amount of the cash grant under the new contract falls short of that under the old. This surprised me and I asked the honourable member in charge of the finances, whether in settling the amount of the cash grant, any additional sum had been given to the Provincial revenues for meeting their liability for exchange compensation charges. From the information the honourable member has been kind enough to furnish me, I gather that the amount of the grant was arrived at by deducting the amount of the ordinary Provincial revenues from the amount of the Provincial expenditure for the year 1897-98. The effect of this arrangement is only this, that for the purpose of meeting a new charge as well as those on account of famine and plague, this Presidency has to make curtailments in its ordinary expenditure and then the Imperial Government makes a corresponding curtailment in its cash grant. Under the circumstances it could not be said that the Imperial Government has made to the Provincial Government any additional grant to meet the new charge imposed by it; but the resources of the Provincial Government have only been curtailed on that account. I respectfully submit that the arrangement under which economy on the part of the Provincial Government is to be followed by a curtailment of the cash grant is likely to offer an additional impediment to the improvement of our financial condition.

The hardship of the Provincial Contract and the unwillingness of the Imperial Government to contribute more than seven lakhs towards the plague expenses have, I think, compelled this Government to assume towards the local bodies an attitude which I believe they never would have taken if their financial condition had not been so embarrassed. As the Imperial Government can dictate its own terms to the Provincial Government, and the Provincial Government has no choice but to accept them, so as between the Provincial Government and the Local Boards and the Municipalities,

Government can dictate its own terms, and the local bodies have no choice but to accept them. In reference to loans to the Municipalities and other local bodies and the transfer of the plague charges to them, I feel that Government has not acted with proper fairness towards them. The revenues of the Municipalities generally, and particularly those of the cities which became infected with the plague have suffered heavily. I do not say that these losses should be made up by Government; but some of these have got so embarrassed that they are unable to carry on their ordinary work, to conduct their schools and to look after their sanitary conservancy. In such cases, Government are bound to come to their help, to advance them monies necessary for these purposes, or to take up into its own hands the schools, sanitary conservancy and other establishments working for the benefit of the community at large. They ought not to stand by and quietly allow the schools to be closed and the conservancy to be neglected. When a public body embarrassed in its finances is obliged to go to Government for a loan to enable it to carry on its public duties, Government ought not to make a money-lender's calculations and decline to advance monies because the body does not appear to it solvent from a money-lender's point of view. Government do not get absolved from their liability to provide for the educational and the sanitary wants of a town by establishing a Municipality; it is at best merely suspended and reverts back to Government on the Municipality being found unable to discharge its public duties. In most places again, Government on the outbreak of the plague took the operations into its own hands instead of leaving them to the local bodies, incurred very heavy expenses and have either got the local bodies to pay them, or having once paid them out of its own pocket, now requires them to repay them. I am glad to learn that Government are considering the extent to which they should call upon the Municipalities to contribute, and I hope they will decide not to throw these charges on them. Government displace the local bodies and take the operations into their own hands, not so much for the protection of the particular town or village, as for the purpose of preventing the plague from spreading elsewhere. In incurring the expenses the local bodies are not consulted, and no effort is made to keep down the charges to the capacity of the local bodies. I submit that under the circumstances, it would not be fair to require the local bodies to meet the whole or the larger proportion of the charges. It seems to me as unfair as to require the owner of a house which is on fire or of the few houses that surround it to pay for all the expenses of the fire service. There is a campaign against a common enemy, and it is the whole country that ought to pay the costs; if any harbour defences are to be set up on a coast village or town, it would not be proper to make the people of that locality liable for them, on the ground that their town or village would be the first to suffer, if the enemy made an inroad, against which the defences were made to offer protection. If I have a peon who has been taken seriously ill and I prevent him from taking his treatment from his Vaidya and force him to accept the services of the Civil Surgeon whom I call, and to swallow costly medicines that I purchase, would I be right in requiring him to pay for the doctor's attendance and the medicines? In the case of most of the Municipalities, their revenues are much crippled. They are young growths. They require much time to get properly developed. Most of them have some pressing sanitary work or works to take up. They are not in a condition to bear any financial strain. Unless Government comes to the help of the Municipalities and takes over on its own shoulders the whole, or the greater portion of the plague charges, they will become hopelessly insolvent, and they will for many years not only be

unable to make any reforms and meet the growing educational and sanitary wants, but will be unable even to maintain their existing schools and dispensaries and to carry on the ordinary works of sanitation. If Government throw public duties on the Municipalities, they are bound to see that they have left with them means sufficient for the thorough discharge of such duties. I submit it is neither fair nor politic to throw on the Municipalities burdens which must necessarily cause them very serious financial embarrassment and from which there may be no reasonable prospect to be relieved for a considerable period.

If Government however are not inclined to help the Municipalities in this manner, I should request them to make the plague expenses payable by several annual instalments and meanwhile not to charge interest on them. If they are not able to see their way even to go so far, I pray that they will advance them money on the ordinary conditions of loans to public bodies. At a time when the money market has become so tight, it would not be proper to drive them to the open market where more than average interest is likely to be demanded from them.

While on the question of plague expenses, I shall not allow this opportunity to pass without saying a few words in connection with the plague administration. My object in referring to this matter is not to find fault with the actions of Government, but to point out certain defects in order that they may not appear in future administration. Your Excellency's kindly sympathies for the sufferings of the masses, your untiring industry, and your self-sacrifice will long be gratefully remembered by the people. As regards the officers actually guiding the plague operations in the districts, no one complains that they are wanting in energy, industry or earnestness. But these qualities cannot earn good results unless they are accompanied by tact, a sympathetic mind and an efficient control over the actions of the lower subordinates. It is generally the lower grades of officers who actually come in contact with the people, and it is necessary to keep a strict supervision over them to prevent them from levying blackmail and exercising acts of oppression. All officers are not equally gifted with tact, sympathetic turn of mind and the power of supervising the acts of subordinates, and I think that if Government, in the event of plague appearing in a serious form in any district or city, were able to depute some officer more gifted than others with these qualities to take charge of the operations, they are likely to prove more successful and less annoying to the people. Some officers try to lay down hard and fast rules and to carry them out most strictly. But in practical working over-strictness in any matter would defeat the object of the most salutary rules. Thus it is no doubt very desirable that the authorities should have correct information of the number of plague attacks and plague deaths; but a hard and fast rule to drag to a criminal court every person who has failed to give information about the death of his son, parent, wife, brother or sister and to sentence him to a term of imprisonment will not produce the desired result. The man whose near relative is just dead or attacked with plague would become an object of sympathy, and relations and neighbours would be averse to give information which might expose him to harsh treatment. Thus strictness in the matter comes in the way of the authorities receiving information in the ordinary course and there is further a fear of the gaols becoming infected by many persons from infected houses being sent to imprisonment. Disinfection of houses within particular limits may be a very good measure, but if books of accounts and valuable clothes are burnt and if costly furniture is disfigured, you set a premium to people not giving correctly the

places of death or to the payment of bribes for the purpose of avoiding disinfection; and thus places which really require disinfection may not be disinfected at all. If an attempt is made to segregate whole families, the very persons who are in attendance on a plague patient may escape, and may in other places, become the centre of infection. If restrictions are placed against inhabitants of plague places going to other localities, they would go clandestinely and they would escape the necessary medical inspection at the place of arrival. Thus there is a great danger in working most of the measures with over-strictness. Now as we have the practical experience of the working of the plague operations for about two years, I think it would be desirable that there should be a conference of some of the best officers, who might have worked with success, to frame a set of rules for the guidance of plague operations. We have got the Famine Code, and we have seen how useful it has proved in regulating the famine operations. A similar code of rules in connection with the plague measures is likely to be most useful, would render their working uniform, and would save people from suffering from the freaks, caprices and hobbies of individual officers.

I now proceed to some of the items of revenue and expenditure under the head of Land Revenue. In reference to the question of the rates of fines and additional assessments on agricultural lands appropriated for building purposes, I respectfully submit that there should be some change in the policy of Government. I take the case of the city of Ahmedabad. It possesses a very nice climate and has very healthy surroundings, and yet the normal death-rate is very high. I attribute this high rate to the circumstance that the city site is very over-crowded. It has a population of over a lakh of people in the city proper crowded within an area of about $\frac{1}{4}$ ths of a mile. The circumstance that no appreciable quantity of agricultural lands in the neighbourhood is taken up for building purposes indicates that the people find the present rates prohibitive. I think something ought to be done to relieve the city of the high death-rate, and it seems to me that the best way of doing it is to extend the residential area. Let the conditions be made sufficiently liberal to encourage people to build on agricultural lands and the city will get fast relieved of its congestion. It is quite true that if Government are pleased to modify the conditions it would be the better class of the people that would avail themselves of the benefit of the modification. One cannot expect poor people to build. But whoever builds, the benefit to the health of the city will be all the same, and the city will become less over-crowded and more healthy. I submit that the circumstance that the comparatively wealthier people may take up the lands for building is not a proper reason for not making a modification in the present conditions.

In reference to another item of expenditure under this head, I beg to point out that the Kanungo district establishment is a new one, and that it costs Rs. 2,25,000 to Government. The work that is now done by it used to be performed by the ordinary Revenue Department. In making developments in this department, I trust that corresponding decrease is made in the Revenue Department.

I next beg to refer to the allotment in respect of cost of maintaining professional survey parties; it is estimated at Rs. 2,90,000. The Council has several times been informed by the members of Government that the Survey Department would shortly be abolished. The finance member in his speech in 1895, stated that it would cease to exist from the 1st January 1897, and that from that day the Survey Commissioner and Director

of Land Records and Agriculture, the Superintendent, Deputy and Assistant Superintendents, Settlement Officers and Divisional Inspectors and their establishments which constituted the Survey Department would be replaced by the Director and four Divisional Inspectors of Land Records and Agriculture. Now the Director of Land Records is not designated the Survey Commissioner in the Budget, but so long as no saving is made in the expenditure, it does not matter to the tax-payer whether the officer is styled Commissioner or not. As regards the subordinate establishment, though we have now 14 District Inspectors and as many Assistant Inspectors in addition, the Survey Department has not yet ceased to exist. One fails to understand how the calculations of careful officers, who have full materials before them to enable them to arrive at correct conclusions, are not realized, and how the Survey Department manages to keep its work unfinished so long beyond the time when it was expected to be closed.

There is another point to which I beg to draw your Excellency's attention. In those cases where Government were pleased to allow suspensions in the payment of revenue last year, Government officials now press for the payment of revenue, both of the last year and the current year; and in those instances in which the rayats have taken the Takávi advances, they are pressed also to pay the proper instalments. The rayats are just emerging out of the distress caused by the famine, and the plague has affected them badly. Government officers are no doubt bound to do their best to recover the dues of Government. But the result of the pressure would be to drive many of them into the hands of the money-lenders, and the benefit that Government intended to confer on them would be completely neutralised. I trust that Government will be pleased to show due leniency in this matter.

In connection with the question of General Administration, I have to offer a suggestion as to appeals that come to Government from native territories, and I trust that your Excellency will not consider me out of order in doing so.

His Excellency the PRESIDENT—The honourable member is not entitled under the rules of debate to allude to that question.

The Honourable Mr. PABEKH—I looked upon the question as a financial one, but if your Excellency thinks it will be out of order, I will not press the point. I beg to address the Council on another point in connection with the head of General Administration. On reference to page 78 of the Budget, it will be noted that the Collector's Local Fund Establishment costs Rs. 67,176 and Government require the Local Funds to contribute Rs. 70,000 for it; in the Commissioner's offices the cost of Local Fund Establishment is Rs. 2,636 and the contribution is Rs. 3,325; and in the Sind Commissioner's office the cost is Rs. 1,475 and the contribution is Rs. 1,675; it thus appears that Government make a profit of about Rs. 4,000 from the administration of the Local Funds. This is no doubt a very small sum. But I submit as a question of principle, that as the Local Funds are poor and they exist to supply local wants which they are able to meet only imperfectly, Government should levy from the funds only as much as is necessary to meet the charges incurred on their behalf; Government ought not to make any profits from their management of these funds.

Proceeding then to the head of Police, I find (page 107) the large sum of Rs. 4,09,266 budgetted for the cost of Police in the territories under the Káthiáwár, Mahi Kántha, Pálanpur and Rewa Kántha Agencies. Against this a contribution of Rs. 28,600 is received

from the Káthiáwár and of Rs. 100 each from three other Political Agencies, namely, Mahi Kántha, Pálanpur and Rewa Kántha (page 20). An additional sum of Rs. 30,900 is also received from Káthiáwár, but that need not be taken into account as the figure of Rs. 4,09,289 is derived after deducting it. Thus the Provincial Revenues have to pay about Rs. 3,80,000 net for police services performed within Native States.

The Honourable Sir CHARLES OLLIVANT—I am sorry to interrupt the honourable member, but I rise now, while the point is being mentioned, to correct a misapprehension into which the honourable member has fallen. As a matter of fact no portion of the cost of the Police of Native States falls upon the Bombay tax-payer. Such of the cost as is not met from requisitions of the States concerned is paid out of an amount allowed by the Government of India to this Government in lieu of the subventions it formerly received.

The Honourable Mr. PAREKH—Yes, but my argument is that, if any contribution to the extent of the services performed by the Police was received from the Native States, either by your Excellency's Government or by the Government of India, the Provincial Government would have been benefited by that amount. Therefore I submit it would be proper for the Native States to pay the full amount of the cost of the police services rendered to them. It does not appear right to me that the tax-payers in British territories should pay for the expenses of the police service outside them.

The Honourable Sir CHARLES OLLIVANT—May I explain to the honourable member that some years ago the Gáckwár of Baroda was granted the assistance of British Police. The Government of India obtains for the assistance thus rendered a fixed sum in cash and this is made over to the Bombay Government and out of it the British Police serving in Baroda are paid. Not a single farthing of the cost falls on the tax-payer of this Presidency, and if the Police were not kept up, the benefit, or rather the financial saving, would accrue, not to the Provincial Government but to the Gáckwár.

The Honourable Mr. PAREKH—After that explanation, my Lord, I will not take up the time of the Council by any further allusion to this subject. But there are one or two other matters connected with the estimates in respect to the police service that I desire to speak on.

The next item to which I shall refer under this head is that of the Punitive Police. The assignment under this head is of Rs. 1,10,000; considering the Budget grant of the last year was Rs. 26,000, it appears that this large increase is in consequence of the stationing of the Punitive Police at Poona. I am glad to find from the answer given to one of the questions to-day that the town of Poona has not to repay the cost of this measure. Since the stationing of the Punitive Police, facts have transpired which show that the diabolical murders at Poona were the outcome of the wickedness of two individuals and that other people were not connected with them. However execrable the deeds might be, there was nothing in them to justify the punishment of the whole city; Poona again has suffered very severely from the plague and it has some urgent sanitary wants which must remain unattended to for want of funds. I trust that your Excellency will see your way to free the city from the unnecessary burden and to order the removal of the Punitive Police as early as possible. Your Excellency will next notice that the revenue derived from the placing of Punitive Police is Rs. 2,14,000 (page 19), while the cost of such Police is Rs. 1,10,000 (page 102). The great difference between the receipts

and expenditure is perhaps owing to the intention of Government to recover during the current year the contribution on account of the Punitive Police both for the current year and the last. Considering some of the urgent needs of the city and the inability of the people to meet any additional taxation, I submit it would be a fitting act of grace on the part of Government to forego these charges altogether.

The next item in respect of which I should like to say a word is of Rs. 57,000 on account of Pajis or village trackers. It is charged to the Local Funds. The Paji service is a branch of the Police and I do not think this service has any connection with the object for which the Local Funds were created. The Pajis is an old service, considerably older than the Local Funds, and ought to be paid out of the Provincial Revenues. It is not fair to the Local Funds that they should be made to bear the charge of this Paji service.

I now proceed to the head of Education. I respectfully submit that Government do not spend as much as they ought to do in the interest of education. I am prepared for the answer from the financial member, "I should be very glad to give more funds, but I have none to give." So far as the people are concerned they have a grievance in the matter. It does not concern them whether the blame in the matter rests on the shoulders of the Government of India or the Local Government; if we go to the Supreme Government they will probably tell us, "We have nothing to do with in the matter, we have left it to be provided for by the Local Government and you should therefore go to them and not come to us." When we come to your Excellency's Government, your Excellency will say, "What can we do? After providing for the necessary expenses of the other departments we have nothing left to us to add to what you receive." A perusal of the last report of the Director of Public Instruction shows that the rate of progress is considerably checked by enough not being spent, and that insufficiency of funds prevents the natural growth of education. Káthiáwár was at one time regarded as one of the backward provinces in the matter of education. But in the five years' period from 1892-93 to 1896-97 Káthiáwár has made greater progress than any division of the Presidency Proper. I do not here wish to institute any comparison with the Central and the Southern Divisions, because it may be said that the attendance in these divisions was injuriously affected by special causes; but there would be nothing wrong to compare the progress of Káthiáwár with that of the Northern Division. In 1892-93 the children under instruction in Káthiáwár and the Northern Division were 17·08 and 16·18 per cent., respectively. In 1896-97 they were 20·44 and 18·34 per cent., respectively. Thus, while the Northern Division made an advance of only 13 per cent., Káthiáwár made an advance of 20 per cent. The percentage of the pupils receiving secondary instruction in 1892-93 was 1·75 and 1·32 in Káthiáwár and the Northern Division, respectively; in 1896-97 it was 2·79 and 1·67, respectively. In this way, in secondary instruction, while the Northern Division made an advance of 25 per cent., Káthiáwár made an advance of 60 per cent. The percentages of boys under primary instruction in 1892-93 were 24·12 and 22·75 in Káthiáwár and the Northern Division, respectively. In 1896-97 they were 27·78 and 25·55, respectively. Thus, while the Northern Division made an advance of 12 per cent., Káthiáwár made an advance of 15 per cent. The percentage of girls under instruction in 1892-93 in Káthiáwár and the Northern Division were 2·95 and 3·66 respectively. In 1896-97 they were 3·83 and 4·57 respectively. In the number of girls under instruction the Northern Division made an advance of 25 per cent., while Káthiáwár made an advance of 30 per cent. In this way Káthiáwár is not only

ahead of the Northern Division in the percentage of boys under primary and secondary instruction, but it also makes a rapid progress. Among girls under instruction, though the existing percentage of pupils is greater in the Northern Division than in Káthiáwár, the progress in Káthiáwár is superior. If sufficient money were allowed there should be no reason why the Northern Division should not advance as fast if not faster than the Káthiáwár States. It is the British Government that has introduced State education in the country. The British Territories had first the benefit of it. We were considerably in advance of the Native States; and it is a matter for regret to the subjects of the British Government, that our Government is unable to spend on education enough to keep pace with the Native States in spite of the help of the local bodies. In the Budget of the present year there is a decrease of more than 300 in the number of teachers in primary schools.

Government have been requested on many occasions to reform the construction of the Law School. The report of the Committee appointed by Government has been long before Government, and I hope steps will soon be taken to put the school on a satisfactory basis. The school yields a revenue of Rs. 23,000 and the present expenses amount only to Rs. 13,500. Government will not think of making revenue from an educational institution of this kind.

Government has before it an application for the sanction of another Law School in Bombay. The names of the persons under whose auspices it is being started is a sufficient guarantee for its efficiency and tone. I agree with my honourable friend, Mr. Khare, in asking that the sanction should be given. It cannot be said that another school is not wanted: the number in the present school is too large for its teaching staff. Monopoly can do no good. A healthy rivalry is likely to act favourably on the tone and efficiency of both the institutions. I trust Government will give an early sanction to the recognition of the new school.

Under the branch of Scientific and other Minor Departments, I am very glad to find that Government has at last been able to pay the promised grant of Rs. 17,000 to the Reay Industrial Museum. There was a sort of contract arrangement for this payment. It is very satisfactory that Government has now been able to redeem its promise in the matter.

I shall say a few words in reference to the assignments of the Provincial Government to the Local Funds. The first of these is about the contribution in lieu of one anna cess of the excise revenue. The excise revenue of this Presidency amounts to Rs. 1,12,00,000, and one anna of this ought to be Rs. 7,00,000. I had read the previous discussions in the matter, and I enquired of the honourable member in charge of the Finances when the question about the inadequacy of this contribution was last considered. I have been informed that the question was fully considered by the Supreme Government in 1884, who definitely refused to allow any increase to be made in the grant on the ground that excise was not *Sayar* revenue and was not liable under Act VI of 1869 to the one anna contribution. Now with every respect to the Government of India, I submit that a contribution had never been claimed out of the excise revenue on the ground that it was *Sayar* revenue. There can be no doubt that at the time the Local Funds Act was passed the term *Sayar* included that branch of revenue which is now known as *A'bkári*, and therefore under a proper construction of the Local Funds Act, the Local Funds are entitled to a one-sixteenth share out of the excise collections; we have respectfully to bow to the decision of the Government of India, but we cannot help feeling a doubt about its correctness.

Under the head of Grants to Schools, the actuals of 1897-98 came to Rs. 5,32,000 and the Budget and the Revised estimates of 1896-97 were Rs. 5,34,000, but the grant for the current year has been brought down to Rs. 4,95,000. I respectfully submit that, even though Government may not be able to make increases, it would not be proper to reduce existing grants. Local bodies are on the whole even without the reduction in great financial distress and the grants made to them for carrying out their educational and sanitary works ought not to be the subject of reduction. The grant for village and water-supply, which was Rs. 2,18,000 in the Budget of 1896-97, was reduced to Rs. 30,000 in the last year and in this year's budget this grant disappears altogether. The improvement of the water-supply for drinking purposes is much needed in the country. The rural population in many cases does not always get good potable water, and works for supplying water deserve great encouragement; no curtailment ought to be made in the grant under this head.

The Honourable Mr. PHEROZESHAH MERWANJI MEHTA said—Your Excellency, I confess that I am inclined very much to envy the courage of my honourable colleagues, who have spoken before me, in grappling so undauntedly with the numerous subjects which they have unhesitatingly placed before the Council for its consideration at such length. They do not seem to be at all dismayed, if not with the usual academic character of our Financial debates, even with the hopelessly futile character of the discussion in this particular year when we are landed in a situation of a most unprecedented character. It cannot but be depressing to make useful suggestions with the consciousness that they are doomed to immediate extinction. However, my Lord, one has to justify one's existence at times, and I hope the Council will bear with me while I offer a few remarks on the Budget placed before us. I quite join with my colleagues in feeling that the meeting at which we are gathered together here to-day is a meeting of condolence and in offering to your Lordship and the members of your Government our deep and most lugubrious sympathies. The Honourable Mr. Nugent, who prepared the Budget, has truly told us, in the humorous way in which he has always brightened up the debates in this Council, that the result of his efforts this year is only "an object of melancholy contemplation." The sum total of the Budget is that the Presidency and your Excellency's Government are bankrupt, and have to subsist upon the charity of the Imperial Government. My Lord, this Presidency has never before been reduced to such straits ever since the introduction of the system of what are called Provincial Contracts. As the Council are aware, the system of Provincial Contracts was instituted by the Government of Lord Mayo in 1870. The arrangement then made was a tentative one and limited in its scope; but it met with such a hopeful measure of success, that in 1877 the present system of quinquennial contracts was adopted, and the scope of the arrangement was expanded and enlarged. It so happened, however, that the commencement of the second Provincial Contract (1877-1882) was contemporaneous with the great famine of 1877, which exhausted the resources of the Provincial Government at the very outset so completely as to compel the Government of India not only to bear the greater part of the burden of relief, but even to find money for the Provincial Government to go on with,—a situation not unlike what we have had recently to pass through. I would ask the attention of the Council to the way in which it was thought right, under such circumstances, to deal with the Presidency when the time came in 1882 to make a fresh contract. Though by that time the Provincial Exchequer had recovered itself to a considerable extent, the Imperial Government thought that it was a proper and fitting occasion, not to let the Presidency

stew in its insolvency, but to grant it more than usually favourable terms, so that when the third Provincial Contract closed in 1887, it closed with a balance of 52 lakhs, including the uptill now considered irreducible minimum of 20 lakhs. The Fourth Provincial Contract (1887—1892) showed equally favourable results; after comparatively heavy expenditure on public works, and after helping the Imperial Exchequer with a contribution of 17½ lakhs of rupees, it was able to announce a surplus of nearly 41 lakhs. The Fifth Provincial Contract, which closed in 1897, promised well, though useful expenditure was with dubious propriety largely curtailed; but the prevalence of famine disturbed the finances, directly and indirectly. With a contribution of 30 lakhs from the Government of India on account of famine charges, the fifth contract showed a closing balance of 17 lakhs in its revised estimates,— a balance in its nature factitious. Last year was nominally the first year of the new contract, but it can hardly be called a contract year at all, for several important heads were excluded from settlement till the following year. This year is really the first of the new contract and for the first time since the famine of 1877 the year opens with a balance of *nil*; and it is without a balance at all that this Presidency for which the irreducible minimum of surplus was fixed at 20 lakhs, is asked to carry on its financial administration for the next four years. It seems to me, my Lord, that this Presidency has good reason to complain, and complain bitterly, of the treatment it is receiving at the hands of the Government of India. It is true that the Government of India has borne, as it was bound to do, the greater portion of the famine charges. But it has undertaken to bear only a very small share of the expenditure on account of plague, its contributions being about 10 lakhs last, and 7 lakhs this year. I venture to submit that this Presidency has a right to far more liberal treatment than this. The principles upon which these Provincial Contracts are regulated were carefully considered and laid down by the Government of India in its Resolution of 1881 on the subject. That Resolution is well known to us as the Local Self-Government Resolution of Lord Ripon. As enunciated in that Resolution, Provincial Governments were not only entitled, in times of extraordinary calamities, to draw on the Government of India for unforeseen, unprovided and exceptional expenditure, but they were further entitled to expect that such an adjustment would be made as would enable them to start with a working balance of what has always been considered to be the irreducible minimum of 20 lakhs for a Presidency like that of Bombay.

The gloom, I deliberately use that word, and the surprise with which the whole country learned of the refusal of the Government of India to accept any assistance from the British Exchequer toward meeting the cost of the frontier wars was great, but it was felt that the refusal could only have been made in consequence of the knowledge that the country was regaining its prosperity, and that with that regained prosperity the Provincial Governments had received liberal treatment. But, to our sore disappointment, we find that the Government of India have been able to show a surplus by starving, whether other Presidencies I do not know, but certainly this Presidency. We know that the Civil Works Budget used to be prepared on the understanding that the expenditure ought never to go below 38 lakhs, but it has been brought down this year to 28 lakhs. How is that done?—Why, my Lord, as my honourable friend Mr. Chandavarkar has pointed out, by refusing even to incur the cost of whitewashing the Elphinstone College,—whitewashing that was absolutely necessary after the plague period through which we had passed. If a private individual had refused to whitewash his house under such circum-

stances, I do not know what criminal consequences he might not have incurred ; but here we have the Government of India placing this Presidency in such a predicament that your Excellency's Government are obliged to tell the Principal of the College that plague or no plague " You cannot have whitewash." This may be a somewhat extreme illustration, but it shows the manner in which this Presidency is being starved during the tenure of the present contract. It seems to me that the Government of India can only justify its present action upon one principle. Providence has dealt severely with this Presidency during the last two years ; famine, plague and other calamities have come upon us in rapid succession. Possibly the Government of India thinks it would be thwarting and hindering the intentions of Providence if it did not leave us to be chastened and disciplined by the visitations which Providence has been pleased to inflict upon us. That would seem to be the only justification for the treatment that the Government of India has accorded to this Presidency.

I will not say any more upon the general question of the Budget except to remark that while we all welcome Mr. James, we regret very much the absence of Mr. Nugent, who irradiated the most melancholy position with his humour. When he tells us that the Presidency is on its beam ends and the outlook for the future is black, the position must be very gloomy and very melancholy indeed.

I shall confine myself to a very few subjects in my detailed observations on the Budget and I shall first refer to matters affecting the Bombay Municipality. The first point to which I wish to ask the attention of your Excellency is regarding the apportionment of the City Police charges. My honourable friend, Dr. Bhalchandra, spoke as if some items in connection with the police expenditure have not been settled ; but we have thankfully acknowledged the great service done by your Excellency in bringing to a termination the long-standing dispute in regard to the annual expenses of the City Police. Only two points remain now to be settled. After the decision of the Government of India and the Local Government was arrived at about the apportionment of charges, the Bombay Government presented their account for the three years 1892-93, 1893-94 and 1894-95. The Committee of the Corporation, which was appointed for the purpose of taking cognisance of this question, pointed out that Government had proceeded on an entirely wrong principle in arriving at the amount of arrears due, which, on the basis of the decision arrived at by Government, was Rs. 50,000 and not over a lakh of rupees as set forth in the account. Certain items were included, the decision in regard to which was not made until 1895, but for which we were charged in the accounts for the three previous years. I think honourable members of the Council will agree with me that these new items should have been charged from the date that it was decided they should be levied from the Corporation, and that if anything was to have retrospective effect it should be the payment of the one-fourth share by Government which was decided as far back as 1891. The Committee of the Corporation showed that Government had overcharged us to the extent of over Rs. 50,000. The Corporation have repeatedly addressed Government on this subject, but up to the present moment we have absolutely received no reply whatever. But while Government have not replied, they have taken the money from us all the same by including it in the expenditure on plague account, which was due from Government to the Corporation. This is one of the two points upon which we ask Government to come to a final determination.

The second point which remains to be settled regarding the City Police charges is one which has long been under the consideration of Government and the Corporation. It has long been thought that the best way of putting an end to the disputes which have arisen in connexion with the police charges would be for Government to take them over on receiving from the Corporation equivalent sources of revenue. Government have asked the Corporation to communicate to them their proposals in this behalf in writing; but the Corporation have learnt by experience, into which I will not now go, that this is a one-sided and impracticable mode of procedure. It is impossible to come to a settlement by the Corporation going on suggesting one source of revenue after another and Government carping at and rejecting them for one reason or another. The only fair and practical course is to appoint a small Committee of the nominees of Government and the Corporation to discuss and settle the matter. If Government are really inclined to bring about an equivalent transfer of the Police charges, I trust Government will accede to the proposal of a Committee which the Corporation has made to them and thus remove finally this long-standing source of irritation which has now and then marred the harmony of the relations between them.

I will next venture to draw the attention of your Excellency and the Council to the dispute which is pending between Government and the Corporation regarding the tenure of the land on which the Municipal Workshops and the Health Department Stables are situated. After this land had been enjoyed free by the Municipality ever since they received it in exchange for the old Municipal Market in Mr. Arthur Crawford's time, Government have suddenly started a claim under which they seek to oust the Municipality or to demand Rs. 24,000 a year as rent. I ventured to ask your Excellency's Government on a former occasion to refer the matter to arbitration, but it was declined on the ground that the Municipality did not appear to have any legal title. Since then, however, a diligent search has brought to light many important documents; and a case having been submitted to the eminent barrister who is standing Counsel for the Corporation, we have been advised that the Corporation have a good title to the greater portion of the land. The Corporation are most reluctant to place themselves in any position of seeming hostility or defiance to Government; but I am sure the Council will feel that with Counsel's opinion before them, they would be betraying the trust reposed in them if they did not by all legitimate means protect the rights and interests of the City placed by the Legislature in their charge. The only way by which the Corporation can escape going to a court of law in the inevitable discharge of their duty, is by a reference to arbitration. The Corporation have respectfully begged Government not to drive them to the disagreeable necessity of fighting with them in a Court of law, and I trust that your Excellency's Government will receive their proposal for reference to arbitration in the amicable spirit in which it is made, and thus avoid the lamentable spectacle of Government and the Corporation warring in a Court of law.

I will next draw the attention of the Council to the question of the financial responsibility for plague operations. I venture to think that the only practicable and reasonable solution of this question is that the cost of plague operations in the City of Bombay, as well as in the rest of the Presidency, should be defrayed by the Imperial exchequer. Not only Bombay, but a large number of the mofussil towns have been infected with plague. It is impossible to expect them to pay for plague measures forced upon them in the interests of the whole country out of their extremely limited resources. As a matter of

fact they are totally unable to do so. It would be to ruin all prospects of necessary future improvement to recover the expenditure from them in course of time as the Government of India gravely asks us to do. Surely plague time is one of those occasions on which the burden of the tentative and extraordinary measures carried on by Government should be borne by the Imperial Government. I have no doubt that your Excellency and the members of your Government will strive their utmost to induce the Government of India to take this, the only just and reasonable, view of the matter; but if it is not to be so, the Bombay Corporation has a grievous complaint to make. If the City has to bear the greater portion of its plague expenditure, it has a right to expect that measures should not be taken by which its money should be needlessly squandered. That its money has been squandered, I was almost going to say criminally squandered, as indicated by my honourable friend, Dr. Bhalchandra, is now too patent to require me to go into details. I am quite prepared to admit that on occasions of emergency it is not possible to avoid a great deal of what may afterwards seem to be waste; but after such investigation as we have been able to make in the accounts of the Plague Committee, what we have to complain of, and bitterly complain of, is something over and beyond this justifiable amount of blundering waste. And how has this unjustifiable and extravagant waste taken place? I venture to say that the reason is not far to seek. Nothing else could have been expected when the money was to be found by one body and was to be spent without control by another. I make bold to say that if the Plague Committee had known that the money to spend was Government money, then I feel certain that we would never have heard of the necessity of being wasteful on the plea of emergency; and a good many of the items which now disfigure the plague accounts, would never have been there. With the lessons taught by this experience, the Corporation had a right to expect that they should not be displaced in favour of a system which had so completely broken down. When plague first invaded the City, I have always admitted that the suddenness, mysteriousness and swift and appalling severity of the visitation demanded a sort of dictatorial *regime*, and the Corporation loyally co-operated, without caring for constitutional questions about their rights and privileges, in enabling Government to assume authority centralized in their own hands. The Corporation readily made way for the Committee appointed by Government. But when the suddenness of the invasion passed away, when there was time and opportunity to concert measures in the light of past experience, the need for a dictatorship passed away, and the Corporation, with its executive functions vested in a Government officer selected by Government themselves and assisted by experts of experience and ability, might well have been entrusted with the task of coping with the pestilence in the City, helped and guided by advice from Government. Government, however, reappointed the Plague Committee. With what result? The Committee had the interval of the rains to make preparations for the next campaign; and still I venture to say that this Committee proved—I was going to say in every thing, but I will confine myself to saying—a disastrous financial failure. The Corporation has pointed out, in its representation to Government on the subject, how wastefully and unprofitably their money was squandered by the Committee; and if I may venture to say so, it cannot be gainsaid that the ultimate, if indirect, responsibility of this failure must rest with Government, because, after all, the Committee were under the direct orders and supervision of Government, and derived all its authority from them. Surely it is neither fair, reasonable, nor judicious to persist in setting aside the Corporation in favour of a system which has been tried and so signally found wanting. But this is what has again been done

by their recent orders, against which the Corporation have felt it their duty gravely to protest. I feel sure that nothing is further from your Excellency's intention than to cast any reflection upon the capacity of the Corporation to carry out its duties, and I still trust that your Excellency's Government will reconsider a policy which is neither informed by experience, nor consistent with fair play and justice.

Several of the speakers have referred to the serious dacoities, accounts of which have recently appeared in the public papers. It is not, however, this re-occurrence of big dacoities which now and then attract public attention, serious as they are, which is the most serious part of the affair. What I should like to draw the attention, and the careful attention of Government to, is the ordinary prevalence of small dacoities throughout the greater portion of several of the districts in this Presidency. With the district police, as it is at present organized, there is not a village which is not open to attacks of dacoits; and it is enough for half a dozen or a dozen men banded together to raid any village they like with more or less impunity. There is absolutely nothing like adequate or efficient protection for any village against such attacks; and those who are familiar with the criminal records of the Presidency know that every well-to-do villager is exposed to the danger of being pounced upon and plundered and maltreated by small bands of dacoits. The recent re-organization of the district police is utterly insufficient to cope with this serious evil. It is the village police which urgently requires to be considerably strengthened and more efficiently organized than at present. Under the practical working of the Arms Act the villagers have no means to protect themselves, as only one individual here and there can obtain, and that with considerable trouble and difficulty, a license to carry a weapon. The illicit acquisition of arms is not nearly so difficult; and swords and guns are not unfrequently employed by dacoits. I venture to submit to Government that the strengthening and re-organization of the village police is urgently needed.

In referring to the head of Police, I had intended to say a few words about the Punitive Police. But, if I may venture to use such a word, I am so elated with joy at the answer which your Excellency's Government have given to my question regarding the imposition of the Poona Punitive Police, that I have forgotten all that I had got to say, and I only wish to tender my hearty thanks to your Excellency and your colleagues for the sympathetic manner in which they have dealt with the matter. One observation, however, I am tempted to make. There are honourable members of this Council and your Lordship's colleagues who have strenuously objected to the use of the term "Punitive Police," and they have earnestly assured us that by virtue of the protective policy on which it is grounded, the proper and only term should be "Protective Police." But the irony of fate spares neither high nor low. It is not a little surprising to find that so formal and public a document as the Budget of your Excellency's Government uses the word "Punitive Police." The non-official members of this Council who were upbraided for their perverseness in contending that "Punitive" was the right designation, thus find themselves justified even of their opponents. I may add that the experience which we have gained of the working of the imposition of Punitive Police in this Presidency has entirely borne out the opposition which I have consistently offered to the policy on which it is based. That experience proves that the imposition can result only in taxing the innocent for the sins of the guilty. The authors of crime and disorder and disturbance of the public peace, if not discovered and punished criminally, are never discovered for pecuniary liability and taxation. Probably they have nothing that is tax-

able; and the burden ultimately devolves upon the innocent and honest portion of the population of the area or locality.

I wish to say one or two words only upon the subject of Education. My colleagues have referred to the question of the reform of legal education. Government have from time to time recognised that the Law School required reforming, and they were prepared to carry the reform out—at one time it was only the sanction of the Government of India which prevented the Local Government from transforming it into a permanent Law College. We were fed upon hopes, but that hope has now passed away until some remote future, when Government might be able to devote a few thousand rupees for the purpose of turning the school into an efficient institution. I cannot understand the policy of Government in delaying for a single moment the establishment of another institution to take the place of a much-needed Law College. It would be futile to hope in the existing state of the finances of the Presidency that the money will be forthcoming to carry out the reforms needed in the Government Law School. I believe that a Commission, presided over by my honourable friend, Mr. Giles, has reported to your Excellency that reforms are needed—reforms that will cost money; but we know that no money can be allotted for the purpose at present. If an institution under proper supervision and guidance offers to do what Government are absolutely unable to carry out in the near future, it seems to me that Government should give the question most sympathetic and careful consideration. The institution for which sanction is required has all the guarantees of proper supervision; it will have for its President Mr. Justice Budrudin Tyabjee, and my honourable friend Mr. Chandavakar and other equally well-known and distinguished gentlemen are associated with the movement. I trust your Lordship will consider the application they have made and give to it a sympathetic reply. Your Excellency will remember that the University of Bombay used to receive from Government a grant of Rs. 5,000 a year, which was withdrawn at a time when it did not matter the least bit to the Provincial finances whether it was paid or not. In those days it was said that the calls upon the Government were so great that unless the Rs. 5,000, which remained out of the original grant of Rs. 15,000, were withdrawn, the administration of education in the province could not be carried on. The stoppage of the grant has been followed by a most remarkable circumstance. When Government contributed to the funds of the University, they interfered as little as possible with the constitution of the University; but now the grant is withdrawn—I hope it is not in pursuance of any retrograde policy—Government seem disposed to interfere more with the University and its academic administration than it ever was wont to do. Formal decisions arrived at by the Senate are not treated with the consideration they used to receive in days gone by; and knowing that your Excellency's sympathy with education is great, I hope the constitution of the University will remain unimpaired by your Excellency's Government as it was throughout the administrations of your Excellency's predecessors.

In conclusion, I desire to call attention to one little point in connection with Excise, a department which seems to follow the example of the preacher who said that though he was bound to preach good principles he was by no means bound to practise them. The Excise Department always says that it does not exist for the purpose of raising revenue, but for other beneficial purposes; in practice, however, this principle is not maintained. A case in point has come under my personal observation at Matherán, which has existed for forty-five years without the need of a liquor shop having been

discovered. Suddenly the rains before last, when nobody was on the hill, it was decided that a liquor shop should be started. I know that the department is always supposed to give notice. We are told that notices were given in this case, but then they must have been affixed to the trunks of trees, but without people to read them as the population all go down to the plains in the rains. When the time came for the people to go up to the hill they found this abomination flourishing vigorously, and they also found that there was an increase of crime and disorder, and a representation was made to the Superintendent. The reason I have asked for the correspondence is that I believe it contains a report from the Superintendent that in consequence of the opening of the liquor-shop there has been an increase of crime and disorder upon the hill. If that is part of the report I can bear it out from my own observation. The opposition to this liquor-shop came from no fictitious parties, but from the most respectable visitors on the hill and those who occupy their houses permanently, and no greater mistake could have been allowed than to permit this establishment to be started. I know we must bow to the decrees of Providence, that is to say we must bow to the resolutions of Government, which are something like the laws of the Medes and Persians; but I must say that the establishment of a liquor-shop in a place like Matherán does not speak well for the *bond fides* of the spirit in which A'bkári administration is carried on in this Presidency. In itself, a very small case, but it illustrates the arbitrary and selfish way in which revenue is attempted to be made out of the drunkenness of the people.

The Honourable Rao Bahadur CHUNILAL VENILAL said—My Lord,—I do not wish to be so cruel as to criticise the Budget, which opens with a *nil* balance, and closes with a balance of Rs. 79,000 only, instead of twenty lakhs of rupees. The gloomy aspect of the Budget is not due to any fault of Government or their officers, but to adverse circumstances over which human beings had no control. The coat must be cut according to the cloth, and I am glad to find that has been done; but I earnestly trust that your Excellency's Government will be able to move the Government of India to afford more substantial help than has yet been promised, so as to improve the finances of this Presidency and enable needed works to be carried out.

The Honourable Mr. VIJBHUKHANDAS ATMARAM said—Your Excellency,—In commenting upon this year's Financial Statement, one can scarcely help giving expression at the outset to the feeling of disappointment and dissatisfaction at the treatment which the Supreme Government have thought fit to mete out to this Government so far as the arrangements under the new contract were concerned. Overtaxed as our resources have been during the past two years by famine and plague, the latter of which is still with us, one expected the Supreme Government to come to our rescue and treat us more liberally than they have chosen to do. No doubt they contributed Rs. 30,01,528 towards famine relief in 1896-97 and have undertaken to defray the whole cost of the famine operations in 1897-98, which has been estimated at Rs. 96,40,000, and have granted special contributions of Rs. 9,91,000 for the past year and Rs. 7,00,000 for the current year in recognition of plague expenditure. But the Provincial balance has disappeared, and a mandate has been issued to the local Government to begin *de novo* and build up its minimum balance of 20 lakhs by saving from current income and recovering such moneys as are due from the Local Funds on account of famine charges,—a mandate, I was going to say, which amounts practically to a direction to build up a huge superstructure without bricks and to make bricks without straw. Our Provincial Contracts have of late been so framed

that this Government has to thank its stars when there is a windfall which enables it somehow to make the two ends meet. Nearly the whole of the surplus revenue which remains after providing for Imperial and Provincial items on the expenditure side is diverted to the Imperial Treasury. I have prepared a tabular statement—I will presently place before the Council printed slips of it—which completely bears out this view. I take the actuals for 1896-97, the revised estimates for 1897-98, and the Budget figures for 1898-99. I choose these three years of set purpose. They cover a period during which the Provincial Government has received extra contributions from the Imperial treasury on account of famine relief and plague expenditure amounting in the aggregate to Rs. 1,43,32,528, and are, therefore, if anything, best fitted to show the Imperial Government to advantage so far as its net demands upon our revenue, in times of exceptional difficulty for our Presidency, are concerned.

The honourable member then handed round the table the subjoined tabular statement *vis.* :—

Receipts.

Year.	Imperial.	Provincial.	Total.
Actuals, 1896-97...	9,83,52,067	4,05,33,701	13,88,85,768
Revised, 1897-98...	9,86,43,000	4,26,90,000	14,13,33,000
Budget, 1898-99 ...	10,08,13,000	4,29,98,000	14,38,11,000
Total...	29,78,08,067	12,62,21,701	42,40,29,768

Expenditure.

Year.	Imperial.	Provincial.	Total.
Actuals, 1896-97...	5,47,88,873	4,27,44,886	9,75,33,759
Revised, 1897-98...	6,28,65,000	4,44,87,000	10,73,52,000
Budget, 1898-99 ...	4,99,57,000	4,29,19,000	9,28,76,000
Total...	16,76,10,873	13,01,50,886	29,77,61,759
Surplus	13,01,97,194		12,62,68,009:
Deficit		39,29,185	

- (a) Imp. Share of Rev. : Gross Receipts : : 29 : 42
i.e., Imp. Share of Rev. = 69·047 p. c. of Gross Receipts.
- (b) Imp. Share of Exp. : Total Expenditure : : 16 : 29
i.e., Imp Share of Exp. = 55·17 p. c. of Total Expenditure.
- (c) Net Imp. Rev. : Gross Receipts : : 13 : 42
i.e., Net Imp. Rev. or Surplus = 30·95 p. c. of Gross Receipts.
- (d) Net Imp. Rev. or Surplus appropriated by the Imp. Exchequer
 = Net Total Revenue + 39 lakhs and odd thousand.

The honourable member continued :—It will be seen from the figures I have just placed in the hands of honourable members, that a little less than one-third of the gross receipts, and not only the whole of the net revenue but some 39 lakhs over and above it, constitutes the surplus, which will be swept off into the Imperial treasury during the three years under notice, whereas the Provincial Government is left in possession of a

little over 12½ crores of revenue and has to meet expenditure amounting to more than 13 crores. The result is a deficit of 39 lakhs and 29 thousand rupees, which, when deducted from the balance of 40 lakhs and 8 thousand with which the year 1896-97 opened, leaves this Government the small surplus of 79,000 rupees;—and this, after taking into account the subvention to it from the Imperial Government to the tune of a crore and 43 lakhs on account of plague and famine expenses. Such, then, is the apportionment of net revenue between this Government and the Imperial Exchequer. I am not unmindful, my Lord, of the exigencies of the Supreme Government. The demands upon their purse are many sided and heavy and are steadily increasing year by year. And I recognise the fact that, consistently with the maintenance of its administrative efficiency, the Provincial Government is bound to loyally co-operate with the Imperial authorities in enabling them to tide over their financial difficulties. So far as the discharge of that duty is concerned, it could not be denied that Bombay has all along contributed its share and more than its share towards Imperial requirements. On this occasion it has been deprived only of its promised working balance of ten lakhs, but on a former occasion it had to part with its hard-earned savings to the extent of no less than 17½ lakhs of rupees; and so far as the framing of the contract or the apportionment of revenue and expenditure between the two governments is concerned, I have already shown to what parlous plight we have been reduced. Why, my Lord, it comes practically to this that the minimum estimate of expenditure is fixed for this Presidency and all surplus revenue over and above that amount is appropriated by the Government of India, so that the local Government is reduced virtually to a mere collecting and executive body. I ask, could anything be further from the intentions of those who initiated the Provincial Contract system? Is this what is called financial federation and financial decentralisation of the Provinces, or may it not be more appropriately described as financial centralisation in perhaps its most objectionable form? But I need not pursue the subject longer. I think I have said enough to show that the local Government deserves all the help and support and sympathy which could be extended to it in the present state of financial embarrassment, in which the Supreme Government have chosen to land it.

While on this subject, I can scarcely refrain from remarking that it would be to the advantage of the local Government, if the additional members of this Council, instead of being asked to amuse themselves with a *post mortem* examination of a dead Budget, were called upon to diagnose and interest themselves in a Budget which is still in existence in its real sense,—at least once in five years, to begin with, when the terms of a new Contract are to be settled. Such a privilege secured to the non-official element in this Council, far from being a source of weakness and discomfort to the local Government, would materially help it and strengthen it in its efforts to secure a fairer bargain from the Supreme Government. And whatever the result, the situation could not at any rate be more cheerless than the present state of things, when the local Government has to work *in camera*, and fight single-handed and announce the upshot of the whole thing to the outside public, which finds itself in the unenviable position of having to make a futile outcry after the steed has been removed from the stable.

From these general considerations, my Lord, I pass on now to some of the details of this year's Budget. The remark in the Financial Statement that the Budget presented on this occasion could only be "an object of melancholy contemplation" is amply borne out, on a mere cursory survey of it. The Provincial Government finds itself resourceless

and left to the tender mercies of the Government of India. The outlook is dismal for the local Government, but, I fear, it is more so for the agricultural classes in this Presidency. They are just emerging from the devastating effects of a visitation which has been pronounced on all hands to be the severest that the country has had to suffer from during the past hundred years. Myriads of cattle have died and thousands of agricultural families have been ruined, possibly for life. And yet we see the revenue suspended on account of famine collected with all possible speed, so as scarcely to leave any breathing time to the gasping rural population. To take only the one-fourth provincial share of land revenue, one sees it mounting up from Rs. 86,91,000 in the accounts of 1896-97 to Rs. 96,62,000 in the revised estimate of 1897-98 and rising still further and reaching the figure of 99 lakhs in the Budget estimate for the current year. No doubt large grants of tagái advances have been made to cultivators during the past two years and this year an allotment of ten lakhs has been made for the same purpose and an addition of a lakh and fifty thousand asked for from the Government of India. But no provision has been made during the current year for village water-supply; free grazing in the forests which was allowed last year on account of famine is stopped, and a larger revenue has been estimated in the current year's Budget from grazing fees and fodder grass; and the grant for Civil Works is reduced to a point which forbids the entertainment of projects of immediate usefulness to the agricultural population. I am aware, my Lord, of the difficulties of the local Government, but, while fully sympathising with it, I would earnestly urge that in its anxiety to carry out the mandate of the Supreme Government, it ought not to ignore its primary duty of helping those who depend on agriculture for their livelihood by allowing them to breathe a little more freely before exacting from them the assessment,—especially the enhanced revised assessment—to its full extent. From such personal observation as I have been able to make of the agricultural classes in this Presidency in the course of my commercial pursuits extending, I may be permitted to say, over a pretty long period now, I must observe, with all respect for the able writer of the Financial Statement, that as to their "capacity of resistance" and their "customary elastic powers of recuperation," the less said the better. The agricultural classes, my Lord, deserve from Government the utmost practical sympathy that could be shown to them and the utmost relief and help that could be extended to them for at least a couple of years after the devastations of a famine.

In paragraph 11 of the Financial Statement, I see a reference to increase in crime and the consequent swelling of the jail population and of jail expenditure during the past year. It is not disputed that this period of abnormal increase in crime synchronises always with the period of scarcity and famine. Am I wrong, my Lord, when I observe that the disease suggests its own remedy! Namely, provision of more land for extension of cultivation, less fettered use of the forests and of the forest-produce, and loans free of interest to the lower agricultural tribes. During Lord Reay's *regime*, no less than 37,000 rupees were advanced to the Bhils in Khándesh free of interest. Ten years ago 133 acres of reserved forest were disforested and about 20,000 acres, which had been included in the demarcation scheme for the Junnar taluka, were abandoned as a remedy against the criminal activity of the Kolis in that taluka. I should like to be enlightened and I dare say some of the other honourable members would also be interested in the inquiry, as to whether this wise policy of your Excellency's far-sighted predecessor in office has been continued, and if so, to what extent.

In the expenditure under Land Revenue, I see Rs. 3,96,000 budgetted as the cost of Survey and Settlement operations for the current year. I hope, my Lord, every effort will be made to bring these operations to a close at an early date. It had been announced, if I mistake not, that the Department would be abolished on the 1st of April 1897. But it seems that it is to continue for another year yet, if not longer. The sooner this saving is effected the better, especially in our present state when we are hard up for funds. Before leaving this subject, I cannot but thank your Excellency's Government for its Resolution on the Revision Survey Settlement of the Olpád Táluka in the Surat Collectorate, by which there will be a reduction of the total assessments some 2 or 3 per cent., the decrease in some villages ranging from 40 to 50 per cent. It affords, my Lord, a much needed relief to the landholders in that táluka, who have been all these years admittedly over-assessed. In this connection, I may be permitted to remark that the papers relating to the revision settlement of that táluka afford ample testimony in favour of the contention that the so-called tests of material prosperity on which optimists base their conclusions of rural progress in this country, not only afford no safe guidance but are, in some cases, positively deceptive, and have, therefore, to be taken for what they are worth and no more, as has been done by Government in the present case and will, I hope, be done in such revision operations as have not yet been completed.

Turning to the provincial receipts under Salt, I find, my Lord, that the amount of fines and forfeitures, which was only 1,000 rupees in 1894-95 as also in 1895-96 and rupees 2,000 in 1896-97 leaps up suddenly to 6,000 rupees in the revised estimates for the past year. The rise, I fear, is too high and too sudden to be a matter for congratulation. It means an abnormal increase in the number of cases under the Salt Act, prosecutions under which, though they may be necessary and just in some cases, are too often calculated to create a widespread feeling of dissatisfaction and unrest among the mass of the population.

The Provincial figures under Excise revenue for the current year show only a moderate advance over last year's calculations. But judging from the high prices realised at the recent auction sale of liquor and toddy licenses in the City of Bombay, the revised figures are likely to be much higher than those anticipated. I do not propose, my Lord, to go into the merits of the Abkári policy of this Government, which has been much canvassed on either side and which, if the report be true, is now engaging the attention of the Government of India. I will only remark that there is a general feeling that the methods and working of the Abkári Department betray a keener desire to push up the revenue than to guard the interests of the consumer. In connection with the recent sales of Abkári licenses in Bombay, for instance, it is feared that the inevitable result of the abnormally high figure attained at the auction would be to intensify the evil of short measure and adulteration. Unlimited competition in a matter of this kind seems to be an evil. I submit, Government ought, in this connection, to be careful to see that the sums realised by the Department are reasonably below what might fairly be assumed as the net profits which an honest liquor licensee is likely to make on possible maximum consumption in normal times.

I proceed next, my Lord, to a subject which deserves a more generous and sympathetic consideration at the hands of Government than it has, I fear, been hitherto thought fit to give to it. I refer to the desirability of appointing capable Indians, at the earliest opportunity that presents itself in each case, to all those higher posts which have

been thrown open to them under the Provincial Service scheme. In pressing this matter upon your Lordship's attention, I look at it not only from the point of view of political justice or of administrative economy, but also from the broader and higher stand-point of political expediency. It is often urged, my Lord, that Indian criticism of the motives and actions of Government shows very often utter disregard of the manifold difficulties which the administration has to contend with in striving honestly to do its duty by the millions committed to its care. It seems to me that a larger and freer introduction of the native element into the higher administrative sphere would have a salutary influence on the tone and temper of public criticism in this country. The anxieties and responsibilities of good government would percolate downwards from cultured Indians in high office; a better and truer appreciation of the motives and difficulties of Government would permeate native society; and gradually through the force which enlightened self-interest generates, the various duties of good citizenship would be more widely acknowledged and more readily discharged.

Before resuming my seat, I should like to say a few words about the distribution of plague expenditure between the local bodies and the State. I see under the head "Medical" on the expenditure side that from the total estimated expenditure in connection with Bubonic Plague during the current year, a sum of five lakhs of rupees has been deducted as being the amount which will be recovered from Municipalities and Local Boards. I think, my Lord, that the suppression and prevention of plague is a public or national duty as opposed to a local or parochial one, and that the entire cost in connection therewith ought to be borne by the tax-paying body as a whole, that is to say, by the central Government. The principles upon which famine relief is held to be an item of imperial expenditure apply with greater force in the case of plague relief measures. Operations, which, besides being too extensive or expensive for the resources of a district, are designed to meet abnormal calamities and confer benefit upon the whole community, must in justice be paid for by the central administration. The principle that a person is bound to insure the safety of his neighbour at any cost, or that he must at his peril confine the dirt to his own property and see that his neighbour's premises are not invaded by it, cannot be said to have any application in the case of what are called "acts of God." To apply these or analogous principles in the present case and on the strength of them to saddle the municipal taxpayer with what in common fairness ought to be borne by the general taxpayer is, I venture to think, to take a narrow and one-sided view of the situation. The burden imposed would be too heavy for the already crippled resources of some of the district Municipalities and Local Boards; and so far as the people of Poona are concerned, it would have been a hardship of no small magnitude if they had to bear the heavy cost of the punitive police imposed in that city,—a measure in regard to which those in authority, who are directly or indirectly responsible for it, need not be surprised if some very unpleasant things are said of them by critics who are at all times anxious to judge of them and their doings in a spirit of fairness.

His Excellency the PRESIDENT then adjourned the Council until 12 o'clock noon the following day.

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

C. G. H. FAWCETT,

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

Poona, 19th August 1898.

Abstract of the Proceedings of an adjourned meeting of the Council of the Governor of Bombay, assembled for the purpose of making Laws and Regulations, under the provisions of "THE INDIAN COUNCILS ACTS, 1861 and 1892."

The Council met at Poona on Saturday the 20th August 1898, at noon.

P R E S E N T :

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

The Honourable Sir E. CHARLES K. OLLIVANT, K.C.I.E., I.C.S.

The Honourable Mr. H. E. M. JAMES, C.S.I., I.C.S.

The Honourable the ADVOCATE GENERAL.

The Honourable Mr. DAJI ABAJI KHARE, B.A., LL.B.

The Honourable Mr. NARAYAN GANESH CHANDAVARKAR, B.A., LL.B.

The Honourable Mr. A. S. MORIARTY, I.C.S.

The Honourable Mr. BHALCHANDRA KRISHNA BHATAVADEKAR, L.M.

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

The Honourable Meherban Sardar NARAYANRAO GOVIND *alias* BABA SAHEB, Chief of Ichalkaranji.

The Honourable Mr. DHONDO SHAMBAO GARUD, B.A.

The Honourable Mr. P. M. MEHTA, C.I.E., M.A.

The Honourable Mr. VIJBHUKHANDAS ATMARAM.

The Honourable Mr. R. H. MACAULAY.

The Honourable Mr. E. GILES, M.A.

The Honourable Mr. J. K. SPENCE, C.S.I., I.C.S.

The Honourable Mr. H. M. THOMPSON, B.A., M.Inst.C.E.

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

The Honourable RAO BAHADUR CHUNILAL VENILAL, C.I.E.

The Honourable Mr. C. T. BURKE, M.Inst.C.E.

In resuming the debate upon the Financial Statement the Honourable Mr. DHONDO SHAMBAO GARUD said—Your Excellency,—The Budget year 1898-99, though it has commenced under comparatively favourable auspices, is unfortunately very heavily handicapped by the legacy of deficit which it has inherited from the past year. The rainfall has been generally seasonable for the crops; and the agricultural prospects show signs of improvement. The spectre of famine has disappeared from the land. The rate of exchange is higher and the estimates of the exchange compensation allowance for this year are better than the revised estimates for 1897-98 by Rs. 47,506. But we have no opening balance; and have had imposed upon us by the Imperial Government the impossible task of building up this balance to the prescribed minimum of Rs. 20,00,000 by savings from the current income; and by such recoveries as are due, from Local Boards, of famine charges borne from the general revenues. It is therefore with a melancholy interest that one reads the remark of the honourable the Finance Minister that "for several years past it has been necessary to postpone for want of funds improvements, the importance of which has been amply recognised, but the financial crisis and the annihilation of the Presidency balance which has befallen us in the present year have postponed, to what seems an indefinite

period, the prospect of being able to provide for these desirable and much-needed improvements." It is a question for the consideration of the Imperial Government how long this stagnation in the Provincial administration is to be allowed to continue. Unless the Imperial Government comes to our help the chances of our regaining our financial equilibrium appear very remote. Plague and famine are alike exceptional visitations from heaven. The object of Government in battling against both is the same, *viz.*, the saving of human life, which is an object of Imperial concern. It is therefore to be hoped that the same considerations which induce the Imperial Government to bear all the famine charges will also lead them to bear all the plague charges as well.

The demand made upon the Local Boards of famine expenses incurred by Government will have the effect of postponing all new works within their sphere. The Local Boards have already spent very largely out of their balances on works of famine relief and the payment of this additional contribution to the Provincial Government would be to them a task of extreme difficulty.

As regards the plague charges demanded from Municipalities, the expenditure was incurred by Government without allowing the Municipalities any voice in the matter; and the bills now presented to the Municipalities are altogether beyond their means. It is highly essential that the Imperial Government should bear a portion of this cost. A line may be drawn, for example, at the sum which it would be in the power of the Municipality to pay within one or two years; and all excess of expenditure over it might be paid by the Imperial Government. The Government of Bombay have undoubtedly used their best endeavours to obtain as high a contribution from the Imperial Government as they could; but the circumstances will justify a further effort in the same direction.

Referring to the Budget estimates, I beg to draw the attention of Government to the very low allowances given to patels and kulkarnis. Their powers and responsibilities are wide and various. During the last plague epidemic they were plague officers from whom certificates were required for passengers going to and from a village, yet the remuneration of these officers is in some cases not more than annas 12 per annum. It is of the utmost importance for the public interests, and also for the purity of the administration that the allowances of these officers should be so revised as to minimise the chances of an abuse of power.

In the Department of Law and Justice—Civil and Sessions Courts (p. 85)—it is remarkable that there is a great paucity of officers. The post of the Assistant Judge at Bijápur is vacant. In the Khándesh District, though the criminal work has been so great as to occupy the full time of the District Judge and the Joint Subordinate Judge (attached to the first Class Subordinate Judge's Court), there is no Assistant Judge as yet appointed. If no civilians are available to take up these posts of Assistant Judges, it would, at least, be equitable to give some allowance to the Subordinate Judges for the performance of these extra duties. It is much to be regretted that the Judicial Service does not now-a-days offer the same attractions to the members of the Civil Service that it did in the past. It is also possible that the liberality of the furlough rules has much to answer for the undermanning of the Judicial Service. Turning over the Civil List we find out of 147 Civil Servants, 35 are absent on leave or furlough; that is to say, about 25 per cent. are drawing their allowances without doing any work for the administration. With a little more strictness in granting furloughs, it is possible that the paucity of applicants for the Judicial Service will at least be partially removed.

It is to be regretted that no examination for the Provincial Service was held last year. The posts thrown open to the Statutory Civil Service have been cut down by the Provincial Service rules to two; and if no examination is held, the little opening that is left for the best of our educated young men is closed. It is to be hoped that Government will be pleased to hold the examination every year and carry out the promises which Government have graciously given under the Provincial Service rules.

At page 102 of the Budget, under the heading 20 B—Police, there is a sum of Rs. 800 put down for Hill Journey allowance to the Inspector-General of Police, in addition to the fixed travelling allowance of Rs. 2,400 and tentage Rs. 360. It does not appear why this allowance is given to the Inspector-General when none such is given to the Commissioners.

Under the heading 20 C (page 103) the District Executive Police force is shown to consist of 21 Superintendents, 14 Assistants, 4 Probationers, 56 Inspectors and two Sub-Inspectors, which makes a total of 97 officers for the work of supervision, and 269 Chief Constables who have to perform the original work of protection and detection. The Inspectors have to work under the Assistant Superintendents, there is no division of work between them, and there is nothing to show how much of the work of the Assistant Superintendent is done by the Inspector. When an Assistant Superintendent proceeds to investigate a crime the Inspector has to accompany him, so that at the place of inquiry there are three officers—the Assistant Superintendent, the Inspector and Chief Constable—which often has the result of the proverbial case of too many cooks. Again, though the Inspector and Assistant Superintendent may interfere with an inquiry, the responsibility of failure is all on the Chief Constable, and the Inspector has only to say ditto to what the Assistant Superintendent says. It would be well if it is ruled that where an Assistant Superintendent or Inspector interferes with the work of the Chief Constable he should carry the inquiry through, and take the whole responsibility of failure or success on himself. It would also be for the benefit of the public service, if instead of employing the Inspector, as the fifth wheel of the coach, the district is divided between the Assistants and Inspectors, and each is placed in independent charge as is done in the case of Assistant and Deputy Collectors in a district. It would be an incentive to thoroughness of work; and by reducing the extent of their respective charges lead to closer and more efficient supervision of the work of Chief Constables in the prevention and detection of crime.

Dacoities and robberies accompanied with violence have of late shown marked increase in the Násik, Thána, Khándesh and Ahmednagar Districts. The sum total of all the other crimes dwindles into insignificance before them. It is of importance to investigate their cause, and to ascertain whether the Police force is adequate for the duties devolving upon it. The imposition of punitive police is now a days very frequently resorted to. But it would appear to be justified only in cases of mob-riots or organised conspiracies. Where crime is due to other causes, the remedy must be sought elsewhere than in the imposition of the punitive police.

It is worthy of consideration in this connection whether, in the case of the Bhils and other aboriginal tribes, the policy of repression has not been carried too far; whether it has not defeated its own object, and instead of turning them to peaceful ways, hardened them to commit crimes. Every Bhil, by virtue of his birth, is treated as a criminal. He

has to attend every evening at the village *chāvdi* to answer the Patel's roll-call. He cannot go from one village to another without a pass from the Police Patel. He has to perform various duties at the bidding of the Police without murmur, and often without remuneration as he is entirely at their mercy. The Vagrancy Act is very freely applied to him. If a Bhil cannot be proved to be a thief, it is easy to prove that he is a vagrant and punish him. The chief source of a Bhil's subsistence is the produce of the jungle; but the stringency of the Forest rules has very greatly circumscribed the liberties he enjoyed in this respect. Drink is as necessary for a Bhil as his daily food, but the *śhkari* laws have taken away all facilities he had of satisfying that want. He is thus hedged in by restrictions of all kinds. Is it then to be wondered at that through sheer despair he should take to crime regardless of the consequences? The jail population has nearly doubled during the last year; and the Bhils make up the greater part of it.

It is worth while in the case of these tribes to return to the old policy of conciliation and try to improve them by generous treatment. Government would do well to spend more largely on their education and put them in the way of earning an honest living. They might be more largely employed in the Police, for whose duties they are eminently fitted; and the restrictions about roll-call and pass might, under certain limitations, be slackened.

The Mevās Police in Khándesh have been recently reduced and replaced by men from the District Police force. They had no objection to enlist themselves in the Police force, but were unwilling to be transferred from the place to which they belonged. Their knowledge of the country was of great use in the detection of crime which cannot as efficiently be done by strangers new to the place where they are called upon to serve.

It is now an undisputed fact that the mofussil Police is deficient in detective ability. It would be well if a separate detective branch is formed out of the general Police force, and in the admission to it preference is given to local men who are acquainted with the ways and habits of the people with whom they are called upon to deal.

In the Department of Education, the necessity of residential quarters in connection with some of our high schools, is not only keenly felt by parents and guardians, but is also recognised by the Educational Department. In one case known to the Honourable Mr. Giles it was possible to obtain a sum of Ra. 10,000 by popular contributions if it could be supplemented by a Building grant of an equal amount from Government, but financial considerations have unfortunately stood in the way of this much-needed reform. It appears from the Financial Statement that the distribution of the major part of the Budget grant for Original Civil Works is still under consideration. If in making the allotment preference is likely to be given to works which it would be possible to complete within the Budget grant, then there is still room to hope that Educational buildings, for which the Government grant will be doubled by popular contribution, have still a chance of being accomplished.

The Honourable MEHERBAN SARDAR NARAYANRAO GOVIND *alias* BABA SAHEB, CHIEF OF ICHALKARANJI, said:—My Lord,—I have not much to say in connection with the Budget submitted to the Council. It is an adversity Budget, and in my opinion does not call for any lengthy remarks. Famine and plague, the calamities through which this Presidency has passed, have taxed the energies and the resources of Government to the utmost, and I sincerely congratulate the Government on the manner in which the difficulties of the situation have been met and sought to be overcome.

I have already said that the present Budget calls for no lengthy remarks, but I may venture, with your Excellency's permission, to address a few observations to the honourable Council.

The question of the apportionment of the plague charges between the Government and the local bodies has engaged the attention of Government and the public for some time past. I beg to support the remarks made by other honourable members regarding the apportionment of plague expenses. The limited resources of these bodies and the claims of their proper functions will, of course, be taken into consideration in determining the share to be charged to their account. The calamity is a national one and the whole country is interested in the battle waged with it. The operations, moreover, were directed by Government officers under the direct orders of Government, and the local bodies practically had no voice in determining the nature and the amount of the expenditure. This course may have been found necessary in the interest of strict execution of plague measures, but it is a circumstance which must be taken into account in dealing with the question of apportionment. The usual resources of these bodies have also suffered during these dark days to a serious extent. There is no knowing how long it would take to eradicate this fell disease, and to do this the general sanitary condition of the country must be improved, which is a measure of very great expense. All these circumstances constitute, in my opinion, a strong claim on the generosity of Government towards the local bodies.

The next point to which I would refer is the question of the grants-in-aid to aided schools this year. These schools in plague-stricken areas have had their resources crippled during the year. While teachers in Government schools were drawing their full pay as in ordinary times, the managers of aided schools have experienced great difficulty in meeting even their necessary expenditure owing to the long months during which their schools were closed. Even with the full amount of Government grants these schools will, I am afraid, be unable to make the two ends meet. I therefore hope that no reduction in the amounts of these grants will be made under technical rules, and that the provision made in the Budget for these grants will be utilised to the full amount.

The next point to which I would draw your Excellency's serious and sympathetic attention is about the great desirability of assisting some old aristocratic families in the Deccan, whose estates are encumbered, in freeing their estates from the liabilities which weigh them down so heavily. The principle of the suggestion has been already acted upon in the case of Sind Zamindárs, for whose benefit a special measure of legislation has been already passed, and if my information is correct, similar assistance has been rendered by Government in the past to a few families in the Deccan. The Government have often admitted the desirability of securing these old families in the continual enjoyment of their ancestral estates, and if an annual provision is made by Government to advance loans on easy terms to the holders of encumbered estates, it will thereby assist these families in overcoming the difficulties of their present position, and they will be enabled to preserve their hereditary dignity. If such a provision is made, a great boon will be conferred on a class which has deserved well of the Government and the people, and whose well-being is intimately bound up with the welfare of the general community.

I would draw your Lordship's serious attention to the hardship caused to many Sardárs and Inámdárs by their not being able to realise the revenue of their ináms. Many cases of such hardship have been brought to my notice, and I can say from personal ex-

perience that the village and táluka officers are totally indifferent in the matter of the realisation of the Inámdár's dues. If this is the case of persons who are in touch with district officers, one can very well imagine what is likely to happen with the lesser Sardárs and Inámdárs. It must be a very great hardship to men who have to entirely depend on the revenue of their ináms, to have the realisation of it so very uncertain and to have to depend upon the good graces of the village officers, who are in fact their servants but over whom they have not the least control. While dealing with this question, I may allude to the information which my predecessor asked for, and which the Honourable Mr. Nugent promised to give, but which I am sorry has not yet been supplied. I mean the statement showing the number of holders of alienated villages invested with powers under section 88 of the Land Revenue Code. If I had the information before me, I would have been able to show that there are very few Inámdárs to whom Government has been pleased to give these powers. Even if Government does not think fit to make any alterations in the existing rules, I hope they will be pleased to be more liberal in the matter of giving the powers under section 88 of the Land Revenue Code to the holders of alienated villages. The only course open to the Inámdárs, if their revenue is not realised by the village officers, is to seek redress by applying for assistance for recovery of dues, a rather circuitous and tardy procedure. But if my information is correct, this work has recently increased very much and the táluka officers are not very particular in the speedy despatch of this sort of work. Even after getting a decree they have again to go for their execution to the very village officers who were, in a large number of cases, primarily responsible for the delay. Whether what I have heard in this matter is correct will be clearly seen when the information asked by me is available. I would suggest that the village officers should be held responsible in the same manner and to the same extent as is done in the case of the recovery of the Government revenue in Khalsa villages. Again, application for assistance for recovery of dues must be speedily disposed of and a stricter supervision over the execution of the decrees in these cases must be enforced. I know the rules framed by Government try to help the Inámdárs to some extent, but in the execution of these rules Government are not directly interested and hence the delinquencies of the village officers are not brought to the notice of Government and properly dealt with. If the higher officers were to show more concern and strictness of supervision in this matter, much of the hardship, which I assure your Lordship is not imaginary, will be mitigated.

One more suggestion I would ask your Lordship's permission to make. It is about establishing a high class educational institution for the proper education of the sons of the aristocracy and the gentry of the Deccan, somewhat after the model of the great public schools in England. In these days, when so many levelling influences are at work on all sides, the careers open to young men, to whatever class of society they may belong, depend in a great measure on the character of the education which they have received. In my opinion the instruction imparted in the public high schools and colleges is not exactly the kind of education which should properly be given to the sons of the nobility. The aristocracy of the Deccan were at one time the recognised leaders of the people, and if they are to retain their prominence with the necessary modifications required to suit altered circumstances, they can hope to do so only by availing themselves of the most efficient type of instruction within the reach of their means. I think if a school, after the model of a similar institution at Lahore, were opened in some quiet and healthy place in the Deccan with a tolerably high rate of fees, and with compulsory residence, the upper classes of our society, who are both able and willing to pay for a much higher type of education

than that imparted in our ordinary schools and colleges will, I hope, gratefully avail themselves of the offered facilities, and the result is bound to be in many respects beneficial not only to the upper classes but indirectly to all classes of the Deccan, and I even make bold to say that if Government would take up such a project their appeal to the liberality and patriotism of the Princes, Chiefs and Sardárs of the Deccan for substantial assistance in the matter would not be made in vain. It may be said that the Rajkumár College of Rájkot is an institution somewhat on the lines I have indicated. But in the first place it is so far away from the Deccan and secondly the scale of expenditure required there is too high for many members of the Deccan aristocracy. There is also a Sardár class attached to the Rájáram College, Kolhápúr, but somehow or other it is not being largely availed of. No more forcible illustration of this circumstance is needed than the fact that there is only one student in that class. I know the project is attended by many difficulties, but if the Government would seriously take it up, these difficulties will not be insurmountable to them. I trust that your Excellency, whose interest in the welfare of the old aristocracy of this land is so well known, will be able to do something to bestow facilities for proper education on this class before you lay down the reins of your high office. I thank your Excellency for your kind indulgence to me on this occasion.

The Honourable Sir CHARLES OLLIVANT said.—Your Excellency, The Honourable Dr. Bhalchandra with true professional acumen has so accurately diagnosed our present unfortunate condition that he will not expect me to give him any explanation as to grievances of the medical establishment, in which he is interested, or to hold out any hopes of improvements. Nor will other honourable members be more sanguine in regard to the Judicial or other Departments. Indeed, I should be tempted to say that I may be excused from offering any observations at all, but for respect to the several speakers who have preceded me, and whose remarks I have followed with close attention. My difficulty is that the course of the discussion exposes me to the danger of involuntarily trespassing on topics which more appropriately appertain to and will be more adequately dealt with by your Excellency and the Honourable Mr. James. But no subject that affects the maintenance of public order or the relations between Government, the Municipalities and the Taluka Boards can be entirely alien to the member of Government who represents the Bombay Government Home Office and Local Government Board (save in so far as I have very recently been relieved of the latter by the Honourable Mr. James). First, then, I may allude to the Honourable Mr. Chandavarkar's description of the attitude of the Forest Department as affecting public contentment, and the two illustrations which he and another gave of inconsiderate or oppressive treatment. It seemed to me that one of these cases, if true, involved very serious hardship, and I have no doubt that it will receive my honourable colleague's attention; as to the other, I was looking forward with interest to hear the sequel to ascertain whether the honourable member's advocacy had resulted in the re-establishment of British justice and in his client being properly compensated for the injury which he had suffered from the breach of contract which the honourable member described. With regard to these two illustrations I venture to offer the observation that a concrete case offers an admirable opportunity for a question which will enable Government to institute inquiries and inform the Council of the result of them. Secondly, I hope honourable members will not think that the maxim *Ex uno disce omnes* applies, or that if they do they will give me the benefit of it when I come to allude to the police presently. My honourable colleague

will defend the Forest Department if he thinks that they need defence. As for Government, their liberal policy in regard to Forest administration—a liberality that will not compare unfavourably with that of any previous Government—has been sufficiently exemplified by a recent Resolution with which I presume honourable members are acquainted. Next I come to the reference to the Bombay riots. I was glad to hear the Honourable Mr. Khare say that it was entirely unpremeditated, but nevertheless, unpremeditated as it was, he proceeded to ascribe it to the employment of soldiers, and from that argued that some of the stories circulated about the misdeeds of soldiers last year in Poona must be true. Now I am not concerned to assert that there were no misdeeds. There must be black sheep in every community. And further, I have no doubt that offence was occasionally given quite unintentionally through sheer ignorance of usages to which great sanctity is attached. But I maintain that this certainly cannot be proved from the “unpremeditated” riot in a quarter of Bombay, in which, as far as I am aware, no military assistance had ever been employed. So far as the conduct of the soldiers as a body is concerned, chivalry and justice alike require me to declare that it was excellent. I have been assured of this by Indian gentlemen whose independence and veracity is beyond question. And I do not know what country could have produced troops of whom in similar circumstances the same could be said, or in what other way such a valuable organization could be obtained. Nevertheless, I am entirely opposed to the employment of troops on plague duty—that is, in inspecting and cleansing houses—except where this is unavoidable, for, however good their conduct may be, there can be no doubt that the employment of them in Bombay did cause alarm. To this I can testify myself, and it matters little whether the alarm was unreasonable. Again, the duty to be performed is an odious duty, and I do not like to see my countrymen being put in a position where, without any fault of their own, they are so likely to incur the odium of the people of this country.

From the Bombay riots I pass to the subject of the police and the dacoities which have continued for some time past. I shall be glad to consider whether any practical effect can be given to the Honourable Mr. Mehta's suggestion about so improving the constitution of the village police in the affected areas that they may be able to resist the inroads of bands of marauders; but it will probably be found that in most of these villages the village police and the villagers themselves, excepting the money-lenders and the shopkeepers, are more or less kith and kin with the dacoits. Then as regards the more extensive grant of arms licenses, it must be remembered that the people who for the most part obtain such licenses are not of the class who would make the best use of their weapons in repelling an armed attack. Not only this, but the very possession of arms may mark them out as a prey to the dacoits who desire to provide themselves with arms which they, better than the lawful possessors of them, know how to turn to practical use. I am grateful to the honourable member for having given me the opportunity of alluding to these dacoities, for I see it constantly asserted in the native press, which appears to be singularly misinformed on such matters, both in Sind and elsewhere, that Government or the local authorities are listless in preserving the peace of the country, or indifferent to the interests of those affected by the disturbances. This view is absolutely untrue. Measures may be concerted, but success cannot be achieved in a day. For months past additions have been made to the police force of the locality affected, not at the cost of the inhabitants but from other districts, and the officers concerned have been

most indefatigable in their exertions to suppress the several gangs. I am happy to say that those exertions have been successful, for though Government have considered it advisable, in order to remove any feeling of insecurity, to call in military assistance, before that assistance has arrived on the spot, the Násik Police have succeeded in encountering and destroying one of the three gangs which have given so much trouble. Quoting from a report from Mr. Davies, the Superintendent of Police, Násik, which I will now lay on the table, I may say that under the leadership of Inspector Yeshvant Mahadeo, who was struck by three bullets in the encounter, eleven police attacked a body of fifteen dacoits who had taken up their position in a hut and had sentries on the look-out for this party, and—though with a loss, I am sorry to say, of two sepoy killed—they killed, wounded, or captured 12, and the rest of the party, including Chimnya, the leader, have since been accounted for. That the dacoits were well armed is sufficiently established from the fact that 11 guns and 14 swords were seized. I am glad to have an opportunity of publicly expressing the appreciation of Government of such good work and I think honourable members will allow that very great credit is due to the police concerned. Other incidents of similar good conduct have already been noticed in the public press, and if the maxim to which I have earlier alluded is to be adopted, I hope that honourable members will be prepared henceforth to look upon the police of this Presidency as an immaculate body deserving of all praise.

Turning now to the subject of Plague, I think I may say that the two main interests or factors that have prompted and governed our plague policy have been humanity and commerce. And the same factors may equitably determine the dividing line between expenditure which should be met locally, and expenditure which should be met by the State, though, as I shall presently show, any dividing line of the kind is, in my opinion, a matter of purely academic interest. No civilized Government can dissociate itself from the responsibility of alleviating suffering and reducing mortality. With no previous experience of the best means of combating the epidemic, the only course was to rely on the experience of others gained elsewhere, and to trust to the advice of experts. And where local circumstances permitted measures of evacuation and segregation to be carried out with the necessary degree of completeness, and where there has been an agency available and adequate for carrying out these measures, it cannot be doubted that these measures have (in the opinion of those best able to judge) been distinctly successful. Experience, however, has shown that in other places, especially in large cities in India where the epidemic has once gained a hold, local conditions require that the scheme of operations must be very considerably modified, and that there may be evils more than counterbalancing the advantages to be derived from drastic measures. I for one agree with what fell from a previous speaker, namely, that in Bombay alarm tended to increase the mortality and also tended to increase the concealment of cases, and the reluctance which always exists more or less in this country to call in medical advice. A very probable consequence of such concealment and reluctance is an increase in the virulence of the disease. What precise modifications should be introduced for the next campaign if, unfortunately, there should be another campaign, is a matter now engaging your Excellency's earnest attention.

Then as regards commerce, the ideas which first prevailed have undergone no little modification, for undoubtedly the great, I may say the sole, apprehension was that foreign continental ports might, unless certain measures were strictly enforced, be closed

to Bombay trade, and Bombay trade, which is the trade not of Bombay only but of India, is an Imperial question. But events have taught us that there will be little benefit to the trade of Bombay in keeping open the door of foreign ports, if, on the other hand, our anti-plague measures are driving away from Bombay the capitalists, agent, and middlemen, without whom business cannot be carried on, and who to carry on that business must not be fettered in going to and fro between Bombay and their up-country constituents. No relaxation, however, can be permitted in regard to the measures for safeguarding ocean-going ships from infection—measures which have been most strict and successful, thanks to the admirable way in which they have been carried out by Doctors Macartie, Crimmin, and others. I have said that in my opinion the question of the distribution of the incidence of expenditure between the local body and the State is little better than an academic one, and I must explain my meaning. The experts who have advised certain measures of what I may call an ephemeral character for combating plague have insisted even more strenuously on the necessity of permanent sanitary improvement if plague is not continually to recur. There is so much expenditure to be incurred, that honourable members who have pressed us to urge Imperial responsibility will be the first to see that whatever burdens the State may undertake, local resources must be strained to the utmost, and will, I doubt not, be the first to use their influence in fully developing these resources. Given, then, the hypothesis that these resources will be strained to their utmost capacity, and that permanent sanitary improvements are of no less importance than mere ephemeral measures of protection, and that the total expenditure on both combined cannot be met without Imperial assistance, the true measure of that assistance must be determined not by this or that head of charge, but by the difference between local needs and local resources when both have been carefully scrutinized. No Government would desire to impose entire responsibility for expenditure on measures of a temporary character, if in so doing it precluded all possibility of undertaking sanitary improvements of a permanent character which it recognized as absolutely necessary.

I now have to say a word or two on the allusions to the management of plague measures in the City of Bombay in particular. Exception was taken to the phrase of "dual control," and "dual agency" more correctly represents what I have no doubt was the honourable member's meaning. Dual agency, however unavoidable to begin with, certainly occasioned friction, and I cannot but regard its abolition as an improvement. The executive control now rests with the Municipal Commissioner, who is practically in the same position as he would be in the exercise of special powers under Section 434 of the Municipal Act, the purpose of which is to constitute a kind of dictatorship when the city is threatened with a serious epidemic. Setting financial considerations aside—I quite admit that it is an important "aside," but I have already touched on financial responsibility—I cannot see what restriction has been placed on the exercise by the Corporation of its constitutional powers and privileges; certainly it was not the intention of Government to make any reflection or to cast any slur on that body, which has met every demand made upon it. As to the work of the Plague Committee, I think I heard an honourable member use the words "reckless if not criminal." That is strong language, but I think I may say that if in carrying out the measures which Government considered necessary any of their agents incurred unjustifiable expenditure which it is reasonable to suppose that Municipal agents would not have incurred if they had been

charged with the execution of the same measures, I say that if this can be established, and I have advisedly used precise terms, Government will not expect such unwarranted expenditure to be ultimately defrayed by the local body. But it must be remembered that sudden demands on a large scale make high prices, as probably honourable members' friends in Bombay, who have benefited by commissariat contracts entered into during the emergency of the preparations for a campaign, may be able to tell them. If when we talk of financial responsibilities it is just to put the campaign against plague on the same footing as a military campaign, then the simile must be applied throughout, and the standard of costs for commodities supplied or service rendered must be that not of peace time, but of war time. The members of the Committee or their servants cannot, it is needless to say, be held responsible for measures which they may have carried out by direction of Government. I know that an honourable member has warned your Excellency that on the subject of plague administration in Bombay City you will be condemned by the verdict of the future. It does not lie with mortals to say what the future may bring forth, but if prediction be permissible, I venture to predict that the verdict of the future will be that in the face of unprecedented calamities—and those most intimately associated with you can best appreciate the difficulties with which you were confronted—your Excellency acted with a courage, energy and self-abnegation unsurpassed by any of your predecessors.

The Honourable Mr. JAMES said:—Before I join in this debate I should like, with the permission of your Excellency, to take this opportunity of supplementing the answer I gave yesterday to the Honourable Dr. Bhalchandra about the constitution of the Poona Municipality. Government have determined to increase the number of nominated members by 8. They have been in consultation with the President and the local officers as to the state of the finances, and other facts connected with the Municipality, and they feel that the Municipality, with heavy charges hanging over its head for plague, and with further heavy charges likely to be incurred for drainage and water-supply schemes in the near future, should receive all the expert assistance that it is in the power of Government to give, not only to aid them in maintaining the sanitation of Poona, at the comparatively good state to which the Plague Committee has brought it, but to further improve it in the future. Government are as anxious as the Municipality is for reforms in this respect, and they are aware of the difficulties in the way of improving the sanitation of an old oriental town. They hope the assistance they are now giving, though it adds to the labours of overworked officers, will give material assistance to the Municipality in bringing the affairs (financial, sanitary and other) of this great city, in the prosperity of which the Government take especial interest, into order. I believe the Municipal elections were finished yesterday, and it will rest with the Corporation to elect their own President as before. If I am not out of order, I should like to say that it will be very gratifying to Government should they re-elect the gentleman who has for some years past been so honourably connected with the presidency of the Municipality.

The Honourable Mr. JAMES then said:—My Lord, I trust I shall have the indulgence of the Council in this, my first essay, to further explain our annual accounts, and reply to honourable members' criticisms and queries. Fate has, of late years, assigned to the Honourable Mr. Mehta and myself seats in another august assembly, where members do not rise to speak, but mostly read essays one and a half hour long each, like a series of Scotch sermons. Thus *extempore* speaking in that other place is comparatively rare. I

trust, therefore, that the Council will excuse my having armed myself with copious notes as it is difficult to keep all the figures in one's head. When the Government of a large province, whose finances but two or three years ago were in so flourishing a condition that it had an annual balance of 40 lakhs, have suddenly fallen so low that last year they depended on a dole from the Government of India to prevent their putting up the shutters and going into the Insolvency Court, and when their power of usefulness or of forwarding the moral and material progress of the Presidency are (even if temporarily) absolutely crippled for want of funds, a short retrospect is desirable with a view to see the causes that have led to this state of affairs, and whether there be any remedy. I have, therefore, carefully examined the accounts since 1888-89, and the Council will, I dare say, be interested to hear results.

It must first be remembered that Bombay is considered one of those advanced and wealthy provinces on which the Government of India depend for contributions to increasing Imperial necessities at every return of the Provincial Settlement. The year 1888-89 was the second year of the Fourth Provincial Settlement, and in the previous year the Government of India had out from the Bombay Government's assignment a sum of 22 lakhs a year, *viz.*, one-third of the entire grant resumed from India altogether, so we contributed 110 lakhs during the contract. This was followed up in 1890-91 by the levy of a special benevolence on Bombay of 17½ lakhs; but for that, had the money remained in the till, Bombay would have had a balance of 63½ lakhs in that year. Again in 1892 the contract was revised again, and Bombay yielded on this occasion 13 lakhs a year out of 47 lakhs resumed from all provinces, or nearly one-third of all India's contributions for the second time. This meant 65 lakhs during the contract. The last contract has been continued during the present term, without any deduction being made up to the present, though I think I am not revealing official secrets in saying that the Government of India would have liked to take in the same way, as on previous occasions, a further annual contribution of 10 lakhs. From 1888-89 to 1896-97 this Government's forecasts of revenue and expenditure were excellent. The surpluses for which they budgetted were all a great deal more than realised, being generally better than was expected by from 15 to 20 lakhs. The minimum fixed balance is 20 lakhs, and thus the Government had in hand for unforeseen emergencies a sum of 20 lakhs besides. The revenue was carefully supervised and collected, and rose from 388 lakhs in 1888-89 to (roughly) 424 lakhs in 1895-96, an increase of 36 lakhs, while the growth of our expenditure was restricted to 33½ lakhs during the same period. The improvement in revenue enabled the Government to construct a Provincial railway at a cost of 18 lakhs, and a canal at a cost of 6 lakhs. The Government have also met (without assistance) increases in various items of expenditure which are entirely beyond their control, and for which no specific grant has been allowed. For instance, pensions, which depend absolutely on the Civil Service Regulations, rose from 14½ lakhs to 17½ lakhs, and Courts of Law (mainly owing to exchange compensation) from 43½ to 46½ lakhs. Other items on which our increased revenues were spent, were Forest Department reorganisation, 1½ lakhs; Interest, 1 lakh; General Administration (improvement of Secretariats and the like), 1 lakh. (The main cause of this last increase is the transfer of certain establishments from the Local to the Provincial Head of Account for which a corresponding allowance is made on the receipt side.) Improved and extended Jail establishments, 1 lakh; Police, 6 lakhs; Medical (new hospitals and dispensaries), 2½

lakhs; Stationery and Printing, 2 lakhs (which gives a clue to the growth of official work); Railway maintenance, $1\frac{1}{2}$ lakh; Contributions (education, village water-supply, &c.) 3 lakhs. We have also had to pay something like 21 or 22 lakhs altogether for exchange compensation.

I have heard unfavourable comments made on the constant difference between our budgetted and our realised surplus. It would take far too long to dissect the figures of each year, and show how adjustments here, and delayed expenditure there, and unexpected windfalls in another place, have affected the revenue favourably. But I would remind the Council that under the Budget system revenues accruing during the year cannot be spent. Though the Bombay Government have ever been anxious not to retain needlessly large balances which might tempt the Government of India to reserve large sums at the periodical revisions of the Provincial Settlements or other emergencies, the drain on the balances estimated in the Budgets has, it must be admitted, not been fully availed of owing to one cause or another, except during years of agricultural distress and plague. Land revenue estimates fluctuated owing to the vicissitudes of the season in the Presidency proper, and to the inundations of the River Indus in Sind, and to early or late crops making the cultivator pay the revenue instalments at dates not anticipated in the Budget or Revised Estimates. Enhanced revenue under Revision Settlements, on the other hand, has not always been realised as estimated, owing to unavoidable delay in introducing the Settlements. Contract sales in the Abkari and Forest Departments have yielded an unexpectedly large revenue in the course of the year, while activity in trade and business, following a favourable rate of exchange, have increased the stamp or income-tax revenue, and windfalls of probate duty on the estates of deceased millionaires also suddenly add to the stamp revenue. The introduction of reorganisation schemes provided for in the Budget has been delayed pending mature deliberation and sanction by higher authorities. Orders enjoining strict economy in emergencies have checked the expenditure suddenly in the course of a year.

And if the Bombay Government have realised larger surpluses than they expected (a consummation which I believe every financier devoutly desires), I find that other Local Governments have found the same difficulty as ourselves in working up to the Budget. A year or two ago an adjoining Presidency expected a balance of 22, and obtained one of 43 lakhs; a Presidency on the other side of India looked for 32 and obtained 58; and, indeed, it is not only the Provincial Governments that sin,—if it be a sin to be careful and prudent,—in under-estimating their surpluses. Some of us here are old enough to remember the Government of India finding it necessary to double the income-tax in the middle of the year, while expenditure was rigidly contracted, but, owing to favourable opium sales which could not be foreseen, it was found that those emergent measures were premature. What opium is to India, Sind is to this Presidency in a small way. In 1895, when my honourable colleague, Sir Charles Ollivant, was in Sind, the low river made a drop of 20 lakhs of revenue in one revenue year (which forms part of two financial years), the worst year for nearly a decade, and the revenue in the revenue year now current will be 30 lakhs higher. These fluctuations cannot be foreseen, as they depend on the weather. I have been long enough in the service to remember at least three financial crises, when the Government of India stopped public works and pensioned off a large number of their engineers, and then had to send for a number more from home in the course of a year or two. The fact that our revenue improved so satis-

factorily, and with it, of course, the revenue of the Government of India, is (I think I can fairly claim) due in a great measure to the excellent administration of the land, and also to the exertions of men like Sir Charles Pritchard, whose admirable Salt and Excise arrangements have added so greatly to the resources of this province. The Government of India take all the profits we make for them out of Salt, and give us only a quarter of the Excise profits. Where the growth of the revenue is small or very precarious, say, Forests, for instance, the Government of India are (perhaps it is only human nature) much more liberal in the share they give.

Well, as new revenue grew we spent it, and how did we spend it? As I have already shown you, on the moral and material progress of the Presidency, and for the direction which moral and material progress should take, we are not dependent on our own volition so much as on the instructions of the Secretary of State, the Viceroy, and the various departments of the Government of India. Each Secretary of State, each Viceroy, and each head of a department, has his own views from time to time as to the direction in which expenditure is most necessary. For instance, the late Viceroy desired to see the status and pay, and consequently the efficiency, of the native police improved. The Bombay Government fully concurred in this and has raised its expenditure by between 6 and 7 lakhs a year on improved pay and reorganisation, and even that is not enough in my opinion. Then the Public Works Department of the Government of India expressed its amazement at so energetic a Government as ours not spending money on Provincial railways, and we took away our reproach by constructing the Hyderabad-Shadipalli line, costing 18 lakhs of rupees. Then excellent ladies like Miss Florence Nightingale, and the Army Sanitary Commission, and the India Office, are extremely anxious about sanitation. Miss Nightingale—and I mention her name with the greatest respect—once proposed that local funds should be spent on the conservancy of villages rather than on roads and bridges and wells. So we passed a Village Sanitation Act, and that it might not be an absolute dead letter, we gave a little dole of Rs. 30,000 a year in tiny grants-in-aid (which were supplemented in years of full harvests by grants-in-aid of a lakh for village water-supply), spread over the whole Presidency, the grants-in-aid being limited to one-third of the cost of a well, or one-sixth of the cost of sanitary measures, the object being to stop cholera and fever. Then the Government of Bombay themselves, in the interests of the rayats who pay the land revenue, started grants for veterinary dispensaries to help the rayat to save his cattle, often the greater part of his wealth, from rinderpest and other diseases, and we spend the enormous sum of Rs. 10,000 a year upon them in the shape of grants-in-aid. We are training up veterinary hospital assistants also, and one of these days we may see a subordinate veterinary service throughout India as the result. The Bombay Government also paid attention to public works, constructed roads in out-of-the-way places, often to bring forest produce to the market and also to feed the railways, and substituted substantial buildings for the old mud katcherries which had lasted since the Peishwa's time and were declared beyond repair. And of course, they paid attention to education. You well remember the great stimulus given to that kind of expenditure by Lord Ripon's Education Commission about fifteen years ago, the conclusions of which were thoroughly overhauled by the Government of India and the Secretary of State, and orders passed upon them. Sir James Fergusson's Government first laid down that the Government, which had been accustomed to make grants-

in-aid previous to his time, should work up to paying one-third of the cost of municipal and local schools, and this was no doubt a most desirable end. Then came Lord Reay, an expert educationalist, and chosen, I believe, partly on that account, who at a very slight expense to the State induced the founding of a number of colleges and madrasas and technical schools, mainly by stimulating the liberality and public spirit of local bodies and private individuals. Lord Harris' and your Excellency's Government again have been warm friends of primary schools. Then Sir William Lee-Warner, who was one of the most able members of the Education Commission, was himself Secretary in the Educational Department here for some years, and he took care that the educational policy of the Local Government followed the sanctioned lines.

We had one small warning in 1892-93 that the Government of India in the Financial Department would not help with money for primary schools. In 1887-88 our contract allowance for contributions was Rs. 3,07,000 (not including a fixed contribution of $1\frac{1}{2}$ lakhs for excise revenue which we cannot alter), but at the end of the contract we were spending more. Nevertheless, the Financial Department said that these contributions were optional and refused to increase our allowance, which was then 6 lakhs, under this entire head, all included, though we were then spending 8 lakhs. Although, therefore, the Government have been very careful in watching the expenditure, the sanctioned educational policy has led them in the last ten years to enhance the charge on account of their annual contributions by (allowing for a transfer made to another head) some two lakhs of rupees for which they had no adequate assignment. For the Educational Department proper our assignment in 1887-88 was Rs. $15\frac{1}{2}$ lakhs, more than half a lakh over our expenditure. In 1892-93 it was raised to $16\frac{1}{2}$ lakhs, the amount which we were then spending. But the expenditure has risen to a normal figure of 17 lakhs irrespective of some special building grants in two of the later years, and for this again the Government of India allow us nothing. *Per contra*, we can show savings effected under Education, which I need not enter into, though it is a proof of our determination to be careful and at the same time fearless and just, that we docked even that august body, the University of Bombay, of its annual grant, when we thought they could get on without it. I have heard it said that our educational expenditure has been too high, but can an increased recurring expenditure of about two and a-half lakhs on Education in nine or ten years be called extravagant? When we had funds we also aided local bodies in the construction of educational buildings. We spent four and a-half lakhs on this account in the five years ending 1896-97, and a quarter of a lakh a year in maintaining others, but the Government expenditure on the construction of educational buildings has dwindled down now to half a lakh in 1897-98, and a quarter of a lakh in 1898-99. Government also owes three lakhs or more of money promised as contributions to buildings, in some cases half, in others a quarter, or even less. My honourable friend, Mr. Giles, will correct me, but I think I know a case where Government contributed only one-eighth of the cost of an important building. Indeed, I know of one case, in the city of Poona, about which a question was asked yesterday. Fortunately we were able to explain that various things for which we are not responsible, protect us from a charge of actual malversation, but as a matter of fact we provided for the expenditure of a contribution that has been paid to us in the Budget this year, and have since reappropriated it. I am not sure that my honourable friend, Mr. Moriarty, would not hold that we have really laid ourselves open to the criminal misappropriation clauses of the Indian Penal Code. It is a

fact that a subscription of Rs. 17,000, which Government promised to double, has been credited in our revenues and swallowed up, and if we were asked to produce it, much less the corresponding grant promised, we could not do so, at any rate, at the present moment. And the way in which important educational institutions are hampered for want of the promised building grants-in-aid is very serious, as I know to my own cost, being President of the Sind Arts College Board.

I will now (at some risk of repeating some of what I said yesterday) tell you shortly in less technical language than the Budget (which, I confess, what with adjustments, book entries, &c., is simply Greek to any one who is not shown his way through it, and even the Budget statement requires to be perused with careful attention)—I will tell you the immediate causes that have led the Government of Bombay in the last two years into their present desperate straits, to all the departments being cut down, I may say to the bone, and to the Public Works allotment, almost the only head from which reductions can be made being diminished from an average of 36 lakhs from 1888-89 to 1895-96 to less than 27 lakhs (actuals) in 1896-97 and to 29 in the Budget (which last figure is shortly, I fear, to be still further reduced), and consequently to our engineers and their permanent subordinates eating their heads off, so to speak, and to the civil establishments of the Government itself being now in some places so short-handed and so overworked (owing to our inability to give them the assistance which they need) that they cannot even collect the Government of India's own revenue properly. It is, indeed, sad to confess that the administration in parts of the Presidency is distinctly deteriorating, with the result that crime tends to increase and the revenue to suffer. It is popularly supposed that our financial straits are due to the famine, but this is not so, except indirectly. For the famine affected the labouring classes mostly, hitting only a very few of our sturdy rayats whose power of resistance to famine has, I maintain, in spite of the opinion held by some honourable members, grown enormously since the last of 1876-77, as I can vouch from my personal observations in both famines. In other words, in spite of famine, we collected most of our land revenue, thanks to our excellent settlement system, while a large proportion of our poorer farmers were set on their legs by liberal grants of takávi, and by grants of seed and cattle from the Indian Famine Charitable Relief Fund. On the other hand, the Government of India were so good as to pay the whole of the direct famine charges, amounting to one crore and 26 lakhs. We have only had to spend Rs. 6,000 on a small local famine in 1891-93 (of course there was expenditure under other heads on that account, *i.e.*, under Public Works Department) and 2½ lakhs directly on the great famine of 1897, through the extra police engaged, heavy grain compensation (amounting to 6½ lakhs in 1896-97 and 1897-98), medical aid and other famine items were debited to us. These charges, however, we might easily have recovered from. They merely pulled down our surplus to its minimum. Our present straits are really due to the plague. In 1897-98 we opened the year with a balance in round figures of 18 lakhs, and as we were then in the midst of the famine, which entailed, as I have said, a considerable indirect outlay, we expected a closing balance of 5 lakhs, *i.e.*, 15 lakhs less than our minimum reserve. The Budget Statement only gives the revised figures, that is to say, those made up after eleven months of the year have passed, I shall quote to you the approximate actuals which have recently been obtained. Under some heads of revenue we made in 1897-98 3 lakhs more than we anticipated, but Forests, Stamps, Public Works, Tolls, and other heads gave us a loss of 11 lakhs, ending in a net

revenue of 8 lakhs less than anticipated. This was just counterbalanced, by our expenditure under some heads being less than that budgetted for by 8 lakhs, as we stopped $3\frac{1}{2}$ lakhs alone under the head of Civil Public Works, and made other economies. Our balance, however, was entirely swallowed up by increased expenditure under other heads, amounting to 25 lakhs in all, Medical alone contributing to this 18 lakhs on account of plague. Police cost $3\frac{1}{2}$ lakhs more; Jails $1\frac{1}{2}$ lakh. There were other minor increases in expenditure besides. We thus were 25 lakhs short on the whole account. All our balance of 18 lakhs vanished, and if the Government of India had not given us some six or seven lakhs (the exact figure has yet to be determined), we should have been bankrupt on 31st March last.

Thus plague has been the real, or at any rate the final, cause of our ruin so far. The Government of India kindly promised Rs. 9,91,000 to save us from a deficit, and it will be a small satisfaction to them to think that this grant will probably be reduced to less than six lakhs. In addition the Government of India gave us (see page 176 of Budget) a "provisional special adjustment" for 1897-98 of Rs. 2,48,000, because our share of certain heads of revenue was not likely to come up to the contract amount reckoned upon. In the final accounts, this adjustment may be increased, and the money towards the deficit still further diminished. The adjustment referred to is in addition, I should say, to the $77\frac{1}{2}$ lakhs which the Government of India give us (debited in the accounts to their share of land revenue) to supplement our shares of divisible revenues.

We now come to the present year's Budget. It has been framed for the barest necessities, and having hunted diligently through it the other day to try and find out some cuttings in order to make a certain reappropriation that is needed, I must say I was absolutely aghast at the way in which the shears had been applied. (The Government of India themselves, it must be remembered, pass the final estimates and they instructed us to cut down our budgetted expenditure in 1897-98 by 5 lakhs and also in 1898-99 by $2\frac{1}{2}$ lakhs, so that we have had to screw everything down literally to starvation point.) On the other hand we have been a little liberal, if anything, in the estimates of our revenue. For instance, we have raised the Collectors' estimates of land revenue by 4 lakhs, and as the gross land revenue was $9\frac{1}{2}$ lakhs short in 1897-98 (actuals as compared with revised), we may get our share of the arrears, say, $2\frac{1}{2}$ lakhs, this year as well. In our other estimates we take Stamps and Assessed Taxes at the same figures as realised in 1897-98. We hope (though later developments of plague make the hope somewhat more illusory than it was six months ago) to regain our lost 3 lakhs under Forest. In Interest we hope for one lakh, and under Registration a quarter of a lakh more. Under Courts of Law receipts we estimate one-half a lakh, as we hope for more fines from criminals, but Rs. 30,000 for Insolvency fees depends on an arrangement not yet sanctioned, and as already more than four months of the year have gone they cannot all be realised. We shall get more employment, we hope, for our convicts than in a famine year, so our Jail receipts are put higher. The receipts under Police, however, include Rs. 2,16,000 expected from Poona, which, you have just heard, is to be held in abeyance for the present, and we shall have to still further cut down the expenditure side to meet the deficit so caused, bringing up our total cuttings, after we prepared the original Budget, to $4\frac{1}{2}$ lakhs. We hope for $\frac{2}{3}$ lakh more toll receipts (under Civil Works), and that by boys going back to school we shall have half a lakh more fees. The Council will see that we are thankful for the smallest mercies, even to the little boys for their school-pence. In addition, we have, this year again, a special contribution

from the Government of India of seven lakhs to help us through with the plague. On recoveries from Local Boards we depend for Rs. 79,000 only, on account of famine expenditure, which item forms our closing balance. We also hope to recover five lakhs from local bodies for plague. Whether the amounts actually recovered will be more or less than this, it is difficult now to make any forecast. The Municipalities and Local Boards, who are by law required to make adequate provision for the public health, owe a great deal for money advanced by the Government, and though in some cases the attempt to recover all the amount legally due would be equivalent to extracting blood out of a stone, still a good deal is already being done by the local bodies towards taking up loans to repay these advances. As the accounts are made up of what is due by each, the necessary steps to raise loans are being enforced.

And here I may say I have not been able in the least to ascertain as yet what the actual expenditure on plague has been. For, owing to our system of accounts (very excellent, but very unintelligible to the man in the street), this expenditure is debited not only under 24, Medical, but a separate account is kept of advances (to which most of the recoveries from local bodies will be credited). Additional Police for cordons, etc., come under the head Police. Assistant Collectors and Mamlatdárs on special plague duty are put down to the Land Revenue head, while the cost of constructing plague camps by the Public Works Department are put down to that department. The Plague Commissioner and Under Secretary are put down to General Administration, and so are the very largely increased charges for telegrams to the Secretary of State, Government of India, and to and between local officers. It would take a very great deal of time and expenditure to pick out of these various heads the different items due to plague. The advances were given and spent in different ways, sometimes to a Municipality which met the Plague Committee bills, at others they were spent by a Collector or Government officer on behalf of the local body. Nothing like plague had ever been known before, or at any rate, nothing like the vigorous measures taken to stop it. The checking of the spread of the disease was all important, and I fear the sorting out of the different items, the debiting them to the right heads, and the debiting of the cost correctly to the local bodies, will tax the Accountant-General's utmost ability and energy. This much at any rate we know. In 1896-97 and 1897-98, 18½ lakhs were spent from Provincial, as direct plague charges. Besides, more than 7½ lakhs were advanced to Plague Committees and other local bodies, out of which about 3 lakhs have been recovered up to date. During the first quarter of this year nearly 4½ lakhs were spent as direct plague charges, in addition to advances made to local bodies to the amount of about 2 lakhs, and further expenditure is being incurred and advances made at the rate of, say, 2 lakhs a month. I got a telegram on returning home last night, from Karáchi, for an additional advance of half a lakh and I fear we shall have to go to the Government of India immediately for a further grant for the Presidency at large.

But to return to this year's Budget. Our total estimated receipts are put down at Rs. 4,29,98,000 as against Rs. 4,22,10,000, our actual revenue (approximate) for 1897-93, i.e., at practically the same figures as in that year, plus a special grant of 7 lakhs this year for plague. Our estimated expenditure is melancholy. Under some heads we provide for an increase of 6½ lakhs representing mere ordinary fluctuations. We ventured to put down 2 lakhs more for Public Works, but I fear that the increase has been more than re-appro-

riated already. We have shown 3 lakhs less under Police. There will be half a lakh saved, I hope, under Poona Additional Police, and nearly $1\frac{1}{2}$ lakh less under Jails. We also provided $10\frac{3}{4}$ lakhs less under Medical, as compared with last year. The last is a low figure, which, as already explained, it is hopeless to work down to, as it only takes into account an expenditure equivalent to our special grant of 7 lakhs. Shortly put, deducting special plague expenditure for both years, our total expenditure this year is estimated to be just the same figure as last year. The exact figure is Rs. 4,29,19,000. The actuals for 1897-98 were Rs. 4,40,07,000. Deducting 18 lakhs from one and 7 from the other (extra special expenditure under 24, Medical), the totals come to the same. Our balance at the end of this year will be *nil*, except what we can recover from local bodies, and even the bulk of this has not been definitely promised to us. We ought to have a minimum balance of 20 lakhs, but the Government of India decline sturdily to give one, saying we must collect our arrears first from local bodies, and save as well. Apparently it will depend on the state of the plague advance accounts a good deal, and on the course of the plague itself, what will come to us eventually as the foundation of a renewed Provincial balance.

I do not know whether the Council have been able to follow me through this *resumé* of our ten years' financial history. Dealing with such a mass of figures and adjustments makes it difficult to see the wood for the trees. But, to put it very shortly, the general result seems to me this. For eight years out of the ten, that is, till the year before last we were very flourishing. Owing to the care we have bestowed in collecting our revenue and the economy we displayed in spending it, we were able to spare for the Government of India successive tributes amounting to 35 lakhs a year, being about one-third of the total Provincial contribution throughout India; also to pay up a special contribution of $17\frac{1}{2}$ lakhs, to meet heavy unforeseen charges like exchange compensation and the rise in pensions, as well as the cost of educational and other measures which were more or less forced upon us, and which were extremely useful, and even to build a railway, without grumbling and without going, like *Oliver Twist*, to the Government of India for more, and always keeping a substantial sum in reserve. At the seventh year we commenced unloading ourselves of part of our balance to redeem various promises. It is not prudent to appear before the Government of India with our pockets too full, as we all know what the result of that is, *viz.*, a demand for a further contribution to Imperial funds, not of course that I would admit that that influenced the Government in any way. Then came a concatenation of misfortunes, famine and plague. These have pulled down our ordinary revenue for two years by eight lakhs of rupees a year, while the famine (though the main cost of it fell on the Government of India) raised our expenditure heavily in indirect ways, in grain compensation, and the like, so the expenditure had to be cut down to correspond under other heads; and finally the plague measures swept away the last remnant of our surplus.

These misfortunes are of course temporary—the heavy special indirect charges caused by famine will not last, and when the country recovers from famine and plague, our revenues will revive, and we should be able to go on spending as before. But we have had a great disappointment, a grievous cause for sadness. We hoped that at the end of the last contract the Government of India would, in consideration of the progress we had made, help us to continue it, by, for once, giving us a little larger share of the joint revenues we had hoarded up so carefully, and for this reason. We have in our prosperous

seasons made engagements, which it would be, I will not say dishonest, but the worst policy not to fulfil; not only in the direction of building grants, of which over three lakhs are owing, but in the maintenance of rural schools, so that our whole educational policy runs a risk of being dislocated, and general and widespread disappointment will prevail. We also find unfortunately at this particular time, that considerable extra expenditure is needed to bring up our district establishments to a standard that will enable them to cope with their present work. Prosperity brings more litigation, the extension of the Deccan Agriculturists' Relief Act means larger judicial establishments to go into the rayats' accounts properly, and if we do not have more judges, we shall, indeed we are open, to the charge at the present moment, of violating Magna Charta, by delaying and denying to the people justice. The executive departments, which collect the revenue, the Government of India's revenues as well as our own, mind you, and also repress crime, the growth of which in some parts gives food for the most serious contemplation, are undermanned, our officers do their best but succumb from over-work and from all sides there are minor demands for assistance, like those for a Government Law School for instance, to which several honourable members have alluded and it is now urgently necessary to bring our administration up to a level of bare efficiency. We therefore asked—I do not think I am revealing any state secret,—the Government of India to increase our allotment out of the increased revenues which we have made for them of 13 lakhs a year. The Government of India have refused to give one penny. They wanted, on the contrary, as I have told you, a new annual contribution of 10 lakhs from us themselves which of course they are now good enough to recognise that we cannot now provide.

The Financial Department of the Government of India are, I am bound to say, with all due respect to the authority that rules us, somewhat hard. Of course we cannot feel some sympathy for that department ourselves. For, to compare small things with great, just as we have had plague sprung upon us, so they have had wars and famine, and their financial temperament has been soured for a long series of years, soon I hope to be happily at an end, by the everlasting fall in the rupee. Then they have had the disagreeable duty of reimposing customs duties and putting an excise on locally manufactured yarns and cloths. And, just as the ordinary Collector and Municipality thinks the Provincial Government's pockets are bottomless, so our Provincial Governments are apt to think the Government of India possess infinite resources, although, as the Financial Minister ruefully said in Council not so long ago, he is not a machine to grind out rupees automatically as required. As I have said, he always did expect to make a profit of 10 lakhs a year out of us at the recent Provincial Contract, and in this hope, as you know, he was sadly disappointed. When you expect to get from a gentleman a five-pound note which you consider he owes you and instead he asks for another fiver, it is rather vexing, and this, I imagine, the Financial Department feels. Moreover it does not know yet what the plague is going to cost. So I dare say it does not like committing itself to promises till it knows how much that will be, and how much we can recover from local bodies, and that of course takes time.

Still, when I travel through India and see the works which other Provinces are, by the bounty of the Government of India, able to carry out—in one, the wealthiest province, a special grant over and above the Provincial allotment has been made of 10 lakhs from Imperial revenues with which to build a local hospital, a palatial building is under construction in another province, though exhausted by two years of famine, while your

Excellency is hard put to it to build a stable—when I look at our attenuated grant for Public Works, and when I know from practical experience how the country and the revenue are alike suffering from want of sufficient Revenue officers and Judges, when I think of our promises unfulfilled and progress stopped, and when I reflect what a trifle 20 or 30 lakhs is after all to the Financial Department, I cannot help thinking of the saying, “It’s a far cry to Loch Awe” and hazarding the surmise in my inmost heart that if Bombay were situated nearer to the seat of the Imperial Government, we should experience more liberality. We might at least be given money to pay our debts and get the needful establishments we want, and not be told to wait till plague goes and our revenue revives. The Financial Department does not seem, I fear, to realise how studiously economical this Government really have always been. Instead of recognising our very proper reluctance to increase the recurring cost of our own administrative establishments, till we were absolutely driven to do so it thinks (and it is always so easy to be wise after the event) that we ought to have done this sooner—and like the virtuous ant in Æsop’s Fables, regardless of the consequences to the local administration and to the needs and content of the people of this Presidency, practically it says to this poor grasshopper of a province, “You sung while it was summer, you shall starve now that it is winter.” “You have got the plague, it is true. Money for that you must have, on the principle of *nostra res agitur paries quum proximus ardet*, but for the rest of your wants you must get money out of the local bodies, and make up your balances as best you can till your revenues revive. Go on for the rest of the five years with your old contract”. We have made another appeal for an additional assignment, and there the matter stands for the present. Even now the Government of India will, I hope, recognise the manner in which we have helped them in days gone by, and see their way to helping us out of our present dilemma, more generously than the Budget figures and statements seem to warrant. Some honourable members have urged the plague expenditure to be rendered “Imperial.” Practically, as I have explained already, it is so at present, as we depend on the Government of India for funds to meet it, and as I have said before, further demands on their pockets will shortly have to be made. Plague expenditure is, properly speaking, provincial, but I am not sure that the Government of India mean to make us pay for all of it, in addition to our 18 lakhs of last year. The Government of India have shown no signs of severity such as that word means, and are, I think, merely holding their hand to see how matters turn out and how much money we can collect.

It is not, I daresay, for a temporary Member of Council to draw a moral from the review of our finances which I have attempted to make, but if I may expand a hint which the Hon’ble Mr. Nugent gave me when he was going away, I may just say one word more. The Government and the heads of Departments should in future set their faces absolutely against any increase in what I may call fancy expenditure, no matter from what quarter the suggestion comes, and how useful the expenditure may be. Every day most desirable things are pressed upon us, but we must recognise even more than we have ever recognised before, that India cannot pay for everything that is desirable. It is quite possible that we may be asked to provide all convicts with wire mattresses, just as we have been pressed to give each prisoner a separate bed-room. Some eminent educationist will beg us to institute and pay for a set of University extension lectures, or some lover of material development may ask us to construct a railway, say from Kúrwar to Londa. I repeat that no matter how high the quarter from which the suggestion may

come, the Government should look at the Provincial assignment under the head to which the proposed expenditure would be charged, and not go an inch beyond, but after intimating acquiescence on the merits of the scheme, ask if the Financial Department of the Government of India will give an extra grant. We should now steadily set our face against any extension of education, or dispensaries, or anything of that kind, most valuable though they be, till we have got our civil establishments in order. I understand that orders to this effect have already been given as regards education, and as honourable members can see for themselves, we have this year had to cut out all assistance for village water-supply. Regrettable as this policy may be from some points of view, it seems the only one practicable, either at present, or, indeed at any future time.

If ever our finances recover and we have a surplus after putting the Government's own house in order, the Government can then proceed cautiously to a further distribution of money to meet secondary wants, or even luxuries. Eventually, but on no account till plague is over and we can breathe freely and look round once more, we might sell the Hyderabad-Shadipalli Railway. If the Government of India bought it we should have 18 lakhs at once. If they declined, perhaps the Honourable Board would send some one home on special duty to promote a company to buy it, duly furnishing him with the sums that seem required now-a-days to procure good names for the front page of the prospectus. Another way would be to borrow or institute local taxation. But the Government of India, very rightly I think, do not allow local Governments to borrow. The pledging of the revenues of India must always be a prerogative of the Imperial Government, which is responsible for Provincial as well as for Imperial solvency, and one local Government might fatally cripple its successor if it could borrow for whatever took its fancy at the time. Sir Seymour Fitzgerald started Provincial services in 1871 with two Acts for local taxation, one to compel Municipalities to pay for police, and a second imposing a small duty on the heads of non-agricultural families, and these Acts gave him a nice reserve to begin with. Many here will remember that at that time the Government proposed taxing marriages and feasts. Just as the Government of India had to go back to Customs duties, so we may conceivably have to go back to something of the kind though personally I would be most strongly opposed to local taxation, merely because we have had two bad years, and I doubt if the Government of India would approve of it.

No doubt the whole of the Provincial Service system requires recasting. As was pointed out in a debate 18 months ago on the Imperial Budget, it indirectly tends to make Local Governments anxious to get rid of balances, and so to waste the money, lest the Government of India should appropriate them. Still the friction that ensues every five years is to be deplored. The Honourable Sir James Westland recently announced that a project for revising the system had been sent to the Secretary of State, and if that only leads to putting our Provincial finances now and hereafter on a better footing, the Government and all classes in this Presidency will indeed be very thankful. My only apprehension is that as the Government of India is in duty bound to provide against all accidents to the Imperial revenues, the terms we may get under a new system may not be so good as under the old. However, we shall see all in good time, and it is useless speculating now.

I now turn to the criticisms of the honourable members on the Budget statement and on various details of the Budget. The Government must acknowledge the tone with which all the speakers have approached the situation and recognised that our distress is

not the fault of the Bombay Government. At the same time several speakers have been unable to refrain from making suggestions calculated either to reduce revenue or to increase expenditure, which under present circumstances seem to me a little misplaced. The Honourable the Chief of Ichalkaranji has, for instance, proposed to advance money to the respectable but encumbered Deccan families. This is a matter which I thoroughly sympathise with, but Government have no money to advance. In Sind all the money for working the Encumbered Estates Act is borrowed in the open market. The same remark applies to the proposal for a school for the sons of Sardárs and gentlemen in the Deccan. I would suggest that, as in the Punjab, the Deccan Chiefs and Sardárs should raise the funds themselves.

Some honourable gentlemen have referred to the delay in winding up the Revenue Survey, while one of those who made a point of economy in this direction, at the same time acknowledged cordially the work the Survey itself had recently done in slightly reducing the assessments of the Olpád Táluka. I do not quite see myself how errors in classification or assessment like those in Olpád are to be corrected without survey establishments. It is, however, the expectation of Government that the survey establishments will be abolished altogether in about three years from now. In a large Presidency like this, however, out-of-the-way corners are found where the work done by the original survey was not quite satisfactory, or perhaps not done at all. Therefore, both in the interests of the occupants themselves and of the Government it has been found necessary to retain a small staff for the correction of these errors. As a revenue officer, I myself look forward with considerable apprehension to the time when our present survey officers disappear, and with them the knowledge and experience of the values of land, accumulated during more than half a century. *Per contra*, fault has been found with the growth of the Land Record Establishments. These, as a matter of fact, comprehend a good many of the employés of the Revenue Survey, as well as some of the old Bhág or general duty kárkuns, entertained for the purpose of examining the crops and recording agricultural statistics and proprietary and other rights, both of them duties of extreme importance in a Presidency where the Government is, so to speak, a landlord on an enormous scale. On the Land Record Establishments, for instance, we depend for the earliest intimation of coming famine. I would refer those honourable members who have alluded to this department, to the Honourable Mr. Nugent's speech on the Budget in August 1896, in which the honourable member showed that the combined cost of the new department and the existing survey, cost less a good deal than the old survey by itself.

The Honourable Mr. Chandavarkar found fault with the Department of Land Records and Agriculture for not teaching rayats better modes of cultivation. We are trying model farming and agricultural experiments of many kinds, but I am afraid that many years will pass before a Government department is able to teach the rayats more about their trade than they know themselves. Government entertained for some 25 years in Sind a Scotch specialist, whose sole duties were to endeavour to teach the zamindárs in Sind to grow better cotton, but after trying everything, exotic seed as well as indigenous, he was at last obliged to report that all his attempts at improvement were a failure. I would refer the honourable gentleman to Sir Alfred Lyall's well-known poem, "The Old Pindari" :—

" Here comes the Settlement Saheb, to teach us to sow and weed.
I sowed the cotton he gave me, but first I boiled the seed.
He likes us humble farmers, and talks so gently and wise,
As he asks our manners and customs, I tell him a parcel of lies."

Under Excise again, comments have been made. One honourable gentleman complains of the selection of the excise farmers in the mofussil, while another objects to the sale of farms or shops by auction in the island of Bombay. I must leave my two honourable colleagues to settle between themselves which is the preferable system. Government have not adopted the system of tender in the mofussil, because they can see that this might lead to their obtaining undesirable contractors who would stimulate the sales of liquor and manage its retail distribution in undesirable ways. The sale of individual shops in Bombay stands on quite a different footing.

There has been some reference to the Government Law School, expenditure upon which may be very desirable, but at the present time there are no funds that I know of for the purpose.

The Honourable Mr. MEHTA—We don't ask for funds, we want only permission to start one.

The Honourable Mr. JAMES—Well, that is not a financial question and I need not go into it.

The Honourable Mr. Khare asked why a salary of Rs. 1,000 had been entered for the Clerk of the Insolvency Court when the post itself had not been sanctioned. I must point out it is necessary, especially when funds are short, to budget for every expenditure that Government considers likely to be incurred during the year; but I have no doubt my honourable friend, Sir Charles Ollivant, whose province it is to deal with appointments of this kind, would have been glad to consider the honourable member's suggestion that the pay should be only Rs. 500 a month, and not Rs. 1,000. The Financial Department would certainly welcome such a reduction. I fear, however, the proposal comes a little too late.

Several honourable members have referred to the collection of land revenue with speed, and they think apparently that the Government may have been harsh. As a matter of fact, the Government have every reason to believe that these revenues have been collected not only with speed, but without any severity whatever. It is perfectly true that a lamentably large proportion of the rayats are in debt to Márwáris and other sávkárs, and I was glad to hear a suggestion from one quarter that the Deccan Agriculturists Relief Act should be extended. This, however, opens up a large question which the discussion of the financial statement is hardly a suitable occasion for speaking upon. It is sufficient to say that Government have no reason to doubt that wherever the Collector considered that leniency was profitable to the rayats postponement was given.

The administration of the Forests, again, is scarcely a matter to be discussed on this occasion, though I perceive the Budget is made a stalking-horse for the exhibition of some honourable members' views on every problem of the Administration. I can only assure honourable members that the policy of the Government, enunciated in the most distinct terms since the year 1890, and even previous to that by the Government of His Excellency Lord Harris, and recently by that of His Excellency Lord Sandhurst, has been directed to preventing hardships to the aboriginal tribes who inhabit the forests, or to the rayats whose lands adjoin the forests, so far as may be consistent with the interests of the forests themselves. In these words, "so far as may be," lies the crux; but this

I can say, that the Government would distinctly object to any unnecessary bullying of the people in forest villages, and if their orders are evaded in the way at which one honourable member hinted, though, I imagine, he cannot be fully aware of the circumstances, Government would, on the facts being brought before them, take severe notice. As long ago as the 20th January 1891, the Government laid down their forest policy in the following distinct terms, and the Government do not swerve from them one inch. . . . "In its management of forests the ease and the contentment of the people is an object of greater solicitude to Government than the realisation of revenue, and while no relaxation of precautions necessary for the conservation and reproduction of the timber and firewood supplies can be permitted, and the Forest officers must be vigorously supported in resisting unauthorised encroachments, Government have no desire to increase their forest revenue by the curtailment of conceded privileges, or of local supply, or by the levy of excessive charges for grass and other minor forest produce. The benefit of any revenue so obtained would be altogether insufficient to countervail the hardship and irritation that would be caused were the rayats unduly pressed in the matter of obtaining rāb and firewood, grazing for their cattle, or grass for thatching and other household purposes. In this connection the attention of all officers is called to the orders passed in Government Resolutions No. 7467 of 15th September 1885, and No. 7022 of 4th October 1886." Government intend, I repeat, to adhere to and enforce this still. I may state also in reference to what fell from the Honourable Mr. Garud about our old friends, the Bhils of Khāndesh, that the Government are determined not to allow their forest privileges to be curtailed. I am sorry to hear that the honourable member thinks that the Bhils are harshly treated. In reference to the "Hirda" nuts case, alluded to by the Honourable Mr. Chandavarkar, in which he was personally engaged, Government cannot, of course, offer any opinion in the absence of the papers, but they will be called for. Meantime, I will only say that I presume that the Forest officers, in their conduct of the case, were guided by the advice of the Government pleader. The statement that when the people were starving and reduced to eating the pith of a tree a heavy price was placed upon each tree is more serious, and if the honourable member will give me particulars, Government will have it enquired into.

Mr. Chandavarkar raised a comparison between the Revenue and Judicial Departments of Government into which I will not follow him, except to say that in these days of law I personally consider it is even of greater importance to have a strong, capable Judicial Department than any other in the State.

A great many honourable members have spoken of the difficulty of recovering charges from local bodies on account of the plague. All questions of plague I must leave to His Excellency the Governor to deal with, for, as the Council knows, His Excellency has taken the initiative, and directed untiringly all the measures for its suppression. But as Financial Member I may express my sympathy with those who hope that local bodies will not be absolutely ruined by the Government's demands. I do not believe, moreover, any more than my honourable colleague, Sir Charles Ollivant, that the Government of India themselves intend anything of the kind. The Bombay Government owe it, as a matter of business, to the general tax-payer to recover from these local bodies, both for famine and plague, such sums as represent the cost of the adequate measures which under the law they were bound to make. Beyond that I do not suppose either this Government or the Government of India would wish recoveries to be made, but within the limits of reason

Government have determined to make the local bodies pay up and pay quickly. But I will say again that I cannot suppose the Government of India will be illiberal to us on this account when the local bodies have all paid and the accounts are made up.

The Honourable Dr. Bhalchandra has said a great deal about the Bombay plague charges into which it would be premature for me to attempt to follow him. If the Municipality can obtain contributions from other bodies so as to reduce the Government's and the Municipality's share of expenditure, I for one shall be extremely pleased; but I am afraid the "if" is a large one. I quite perceive, in considering the extent of the local bodies' obligations, two factors should be borne in mind. First, sometimes the money was not spent by the local bodies at all, but by Government officers or by plague committees on their behalf, and, therefore, the expenditure may have been on a more liberal scale than if the Government or plague committees concerned had been dealing with their own money; and, secondly, the fact that in some cases the measures were taken not only for the suppression of the epidemic in the local bodies' own area, but for the protection of important places or tracts beyond. But, of course, as the Government of India have pointed out, it is the duty of every place to protect itself internally and prevent the epidemic escaping externally as well. I followed my friend the Honourable Mr. Parekh with much interest. As he points out, the Provincial Service assignment was not calculated to meet such extraordinary charges as those for the suppression of plague have been. The Honourable Mr. Mehta has also pointed out that Provincial Governments are assumed to receive assistance towards meeting extraordinary expenditure, and are also to be left with a working margin. But, as I have already said, the Government of India know this. It is quite true that we have paid large sums for exchange compensation, and allowances for grain compensation, out of revenue; but when our revenues were flourishing we did so without much difficulty, and I hardly think it would have been good policy to ask the Government of India for these items when their own resources were being strained by the enormous cost of the famine, and a war following close on its heels.

I may notice here an error, a very natural one, which the Honourable Mr. Parekh made when he pointed out the apparent reduction in "Contribution to Education" in the Budget. As a matter of fact, the reduced grant is due merely to a transfer of Rs. 40,000 formerly debited as "Contribution," to another head of the Budget, and it appears on page 125. There has been no real reduction.

The Honourable Mr. Parekh is anxious that the rules under which agricultural land may be used for building should be modified. I did not gather precisely in what respect they are defective, but I know Ahmedabad very well, and even ten or eleven years ago mills were being constructed on agricultural land, and only the other day the Government assented to some well-considered proposals by the Collector calculated to facilitate the extension of the town of Ahmedabad into the fields. I hope the arrangements which the Collector proposed will meet with the honourable member's approval. He seemed to think that the Government levied from the Local Funds for the account and other establishments entertained in Government offices a contribution in excess of the actual amount required. I think I can assure him that he is under an entire misapprehension, and in proving to him the scrupulous honesty of the Government, he will perceive on page 178 of the Budget an item of Rs. 3, being a refund of a contribution towards the Collector's Local Fund establishment, an entry all to itself. The contribution, I may remark,

includes a percentage for the leave allowances and pensions of the Local Fund establishments which are borne by Government.

The Honourable Mr Mehta pounced on an item on page 107 of the Budget, *viz.*, cost of Village Pagis in Sind.

The Honourable Mr. Mehta (interrupting)—No, that was Mr. Parekh.

The Honourable Mr JAMES continuing—I beg the honourable member's pardon. I would point out to Mr. Parekh that these useful persons are paid not from Local Funds as he understands them, but from a separate fund raised in Sind, called the Village Cess Fund, such as exists in many other Provinces in India for the employment and appointment of village accountants and village police. The item is properly debitable to that Village Cess Fund.

The Honourable Mr. Mehta's very clear summary of the history of our Provincial grants shows the care with which he has followed the fortunes of our Provincial finances and his jealousy for their welfare, which will be useful to me. But as we are dealing with the present, I think it is hardly necessary to go back beyond the period of 10 years which I have already dealt with. Nor will I follow him into certain questions connected with the Municipality of Bombay on this occasion, in the first place because I am ignorant of their merits and my honourable friend Sir Charles Ollivant has said everything that is needed.

The Honourable Mr Mehta and another honourable member both referred to the inability of the Public Works Department to whitewash a college for want of means, and drew attention to the inconvenience caused to the Judges of the High Court for want of funds to make some new windows. I feel quite sure, however, that their lordships would be willing to put up a little longer with the inconvenience which their predecessors have for years been able to endure, when they know how straitened our finances are; and as for the whitewash, I feel inclined to think that there must be some mistake, and at any rate my honourable friend Mr. Thompson will, I have no doubt, be able to provide the same.

The Honourable Mr. Mehta is also a little exercised about a grog shop at Mátherán. I venture to think it is a little selfish on the part of the well-to-do visitors to the sanitarium to deprive the poor forest people and other natives who are unable to send to their wine merchants for spirits the chance of getting liquor in a climate so feverish as the forests around Mátherán are at some seasons of the year. I venture to submit to the honourable members that a local matter of this kind is hardly worth discussion in this Council, and that the local officers, who know thoroughly what the policy of the Government is in regard to liquor, must be trusted to exercise a wise discretion in the matter. The visitors to Mátherán are not the only people who have to be considered. I feel certain at the same time that any inconvenience that may be caused to visitors by the appearance of tipsy men on the lonely roads, or any increase of crime, will be dealt with most firmly by the Superintendent and the District Magistrate, and that those officers would gladly listen to any complaints or suggestions.

I notice with great pleasure the favourable criticisms passed on the famine policy of His Excellency and my predecessor. I need not say anything further here except that I fully agree with them from the observation I made myself in another capacity. Suggest-

tions have been made about rations and other famine matters. I would point out to the Honourable Mr. Khare that a Famine Commission has recently been sitting to enquire whether any improvements in the Famine Code are desirable, and I have no doubt that the point about rations, which has been the subject of great debates in the past, will have very full attention. I would point out also to the Honourable Mr. Chandavarkar that liberal advances of takāvi are of the greatest use in famine, as they mean that individuals with money are able to carry out many useful agricultural works such as bunds or wells, which afford employment to the starving people of their villages, many of whom (as I have noticed myself in parts of India) prefer to remain at home in a semi-starved condition rather than go to a relief work at a distance. Thus, while the work is profitable to the person who undertakes it, the starved people obtain employment, and after the famine the tax-payer gets his money back.

The only other point I need notice in the honourable members' speeches, I think, is a suggestion from the Honourable Mr. Parekh that the Government of India should again be addressed with a view to allowing an anna on the rupee to be levied on excise revenue for the benefit of local bodies. There is, however, not the slightest hope of the Government of India agreeing to such a suggestion, and I hardly think it worth while raising the matter. Even if we got half the Imperial Revenues raised in the Presidency, as suggested by the same gentleman, it would do us very little good, because the Government of India look at the total grant which they give for Provincial Services, no matter from what source it is derived, and a share of a new source of revenue would only mean reduction in the share of an old one. That is all I have to say. I fear I have wearied your Lordship and the Council with these lengthy remarks. But if I have succeeded in making our financial position clearer, I trust that may be accepted as an excuse.

* His Excellency the PRESIDENT said : Gentlemen—There is a rule which says that the President of this assembly shall conclude the Budget discussion, if he has any remarks to make. I can frankly say that I should best consult your convenience and my own, and leave nothing unsaid were I to sit perfectly silent upon the present occasion. It is not too much to say that the ground, and all the various points have, so far as in them lies, been perfectly covered and answered by my two honourable colleagues. We have a change in the Financial Member of this Government, and whilst we regret the absence of Mr. Nugent—who, I hope, will return in increased vigour and strength—we welcome Mr. James. Mr. James was once described by a high official of the Indian Government as one who came from “the deserts of Sind.” Whether Sind is a perpetual desert or not others know better than I, but at any rate in the terrible troubles that have encompassed parts of Sind during the past two years, that country has shown itself singularly fertile in the fortitude and patience of its population. My honourable colleague has at length, but with not one excessive sentence, dealt with the Budget. A gloomy task, we are told, it has been, but gloomy as that task has been, he has been able to invest his statement in reply with a great deal of interest, and I cannot but think that as a record that statement will be of great use in future. I noticed one remark in the speech of the Honourable Mr. Mehta, who said that in regard to this Budget it was little use to weary the Council with lengthy and futile speeches. Well, I have listened to speeches now upon four such occasions, and I cannot say that I have ever been wearied with them, or that upon the present occasion I have found them futile in their character. It is true that I, like other people, in listening to speeches, prefer a speech of twenty minutes to one of an

hour. In my own case I prefer to speak for ten minutes or less; but I can truly say that I have never gone away from this Council Chamber after our annual meeting without having picked up something from the members that may be of use in the future.

One or two members referred to the educational question. I think it was the Honourable Mr. Parekh who drew a comparison between the education in the Northern Division and in the States of Káthiáwár. I have made such inquiries as I was able since we separated yesterday, and I will read you a memorandum in reply. I understood the Honourable Mr. Gokuldas Parekh to say that whereas in 1892-93 and previous years the progress of education in British districts of the Northern Division was equal to or more rapid than the progress of education in Káthiáwár, the reverse was the fact in 1896-97. I have made enquiries and find that in 1896-97, in the British districts of the Northern Division, 24·18 per cent. of the population of school-going age were at school, while for Káthiáwár the figures were 20·44 per cent. The British districts are therefore still much ahead of Káthiáwár in this respect. The percentage of progress in 1896-97 was 5·4 for British districts and 5·8 for Káthiáwár. A fractional superiority lies with Káthiáwár. The honourable member's criticism is so far correct, and the explanation of the more rapid progress of Káthiáwár in late years may be—(1). That in Káthiáwár development has been later, and is still proceeding, while in British districts we have reached, practically, the limits imposed by our finances. (2). That the allotments of Native States to education increase with the development of public spirit in the States, and that the funds available are not finite, as the cess receipts of a district are. (3). That as pointed out in paragraph 48 (page 28) of the Quinquennial Review for 1896-97, the increase of salaries given to assistant teachers in British districts of late years, with an irreducible minimum of Rs. 7 per mensem, has resulted in the closing of many small schools. The cry of "starvation salaries" was raised in 1893-94 by Mr. Chimanlal Setalvad, and Government in Government Resolution No. 130 of June 5th, 1894, ruled that Rs. 7 should be regarded as an approved minimum salary for an assistant teacher in a primary school. The question how best to utilise our exiguous resources in the districts will form one of the subjects of consideration at the conference of Inspectors to be held in September. The Department has been forced to close schools in many places to provide for the increased expenditure necessitated by this ruling. In Káthiáwár the example of generosity set by Government in the British districts has not been followed, and assistant masters are to be found there on very small salaries. To prevent unnecessary alarm, I may add that such teachers are usually young lads who have passed through the primary course, and who, while waiting for employment, and living in their own homes, are content to add something to the family income. Such lads also frequently earn a rupee or two more by helping the sons of well-to-do persons in their studies.

The honourable member also complained of the reduction of the Provincial allotment to grants-in-aid in the Budget. This is due to the curtailment of the Building and Apparatus grants, usually Rs. 1,50,000. The annual grants for education have been fully maintained to schools already on the lists. The Chief of Ichalkaranji referred to another question. Inspectors have been instructed to treat all aided schools affected by plague with the utmost liberality, and to pass full grants where it is obvious that the managers of schools have done their best under adverse circumstances, and have maintained their expenditure on the schools.

In regard to education the Honourable Mr. Mehta expressed a hope that there would be nothing of a reactionary character in the policy of the Government towards the University of Bombay. I have but to say that the Government would be the last to interfere unconstitutionally with the privileges or the prestige of the University, or to underrate or minimise its dignity or its usefulness. But under statute Government have certain duties of determining in any particular case, whether approval should or should not be accorded, and Government cannot divest themselves of this responsibility, nor can they be content to merely register decrees as to which considerable differences of opinion may exist.

Last year I had to deal at some considerable length with the question of plague, but happily such a state of circumstances does not exist this year. Grave charges had then been brought forward. My lips for a long time had been obliged to remain closed; and it was the first opportunity I had of replying to the charges made as to the soldiers and their doings. I do not propose to say anything more about this occurrence, although some passing allusion has been made to it. I have nothing to add to, or retract from, the statement I made upon that occasion. My honourable friend, Mr. Chandavarkar, has adopted a phrase in regard to those unhappy proceedings and the mistakes that have been made, the sense of which was let the dead bury their dead, and let us look forward every one with courage to the future. At this time last year our ubiquitous enemy had already invested Kirkee and it soon made its way back to Poona. Upon that occasion the disease was combated with great determination, but it was a long and weary battle, during which, as Government have already explained in reply to a question on the Poona Police, the patience and behaviour of the people of Poona was—it is not too strong a word to use—exemplary. We must not forget however the two officers who had principal charge of the operations, Colonel O. Moore Creagh, V.C., and Surgeon-Major Reada. There can be no question that the thoroughness and efficiency of the arrangements made by them, and the unfailing energy and patience with which they were carried out, combined with the fortitude and patience of the population, conduced to the very happy result that when Colonel Creagh went away it was with the gratitude and amidst the plaudits of all.

In regard to this plague question, at the commencement of his speech, the Honourable Mr. Parekh made a very sapient remark which came to this, that whilst he congratulated us upon the results of our famine policy, he said that it was very true we had Famine Codes, and experiences of famine spread, unhappily, over a series of years, which had enabled us to improve our system until at any rate we knew what to do. But such is not the case in regard to plague. We have had to get our experience as we went along, and I know that some experts have on certain points changed their views. More than that we have had to buy our experience at immense cost, and I hope other parts of India will profit by it, if unhappily they come to be attacked.

With regard to Bombay, I would say that there can be no doubt—I have said it over and over again in reply to addresses when I have been visiting towns and affected localities—that the thing we must continue to do in regard to plague is to endeavour to enlist the people on our side. I have recently come across some lines which I think will be familiar to almost all the Council, and which describe the feeling I have always tried to inculcate upon all officers concerned with plague operations. These words are put into the mouth of the Saviour by Milton :—

Yet hold it more humane, more heavenly, first
 By winning words to conquer willing hearts,
 And make persuasion do the work of fear ;
 At least to try, and teach the erring soul,
 Not wilfully misdoing, but unaware
 Mised ; the stubborn only to subdue.

No doubt I shall be told that in regard to plague hearts are not willing and that winning words are not effective measures for getting rid of the disease ; but my experience has led me to this conclusion, as I have no doubt it has many others, that men are to be found with such power over others from the force of persuasion and from the manifestation of sympathy with them, that they can persuade people to move out of their houses and to conform to regulations, where others without persuasion and by the resort to more stringent measures only may fail.

But it unhappily is a fact that one is not always provided with men possessing these invaluable and rare qualifications. The strain on every department has been so great, and I was rather surprised to hear the Honourable Mr. Garud comment grudgingly upon the fact that a certain number of officers are upon furlough and upon leave. I do not think it is an exaggeration to say that for the past two years, but for a month or two, all leave has been closed except to those with a medical certificate, and the consequence of it has been that many officers have suffered severely in health. I cannot help regretting that the Government of India have taken the view that Secretariat officers should not be entitled to the special leave concession. Only those, I think, who have had to sit side by side with Secretariat officers during the prevalence of famine and plague can judge of the amount of work that has been done, of the anxious moments and lengthy hours spent in the execution of their duties. And, mind, I do not limit my remarks to what I may term the higher officers. On subordinate officers the strain has also been very great, *e.g.*, in the Public Works Department during the famine I know that working hours extended up to 9 and 10 o'clock at night upon occasions ; indeed the zeal and spirit of all departments could not have been exceeded. The order to which I alluded is not mine, and I am not sanguine that any suggestion I can make would obtain the reversal of it.

I should like to refer to the case of one Municipality because it stands out as the result of measures of a particular character—I refer to Hubli. Honourable members are aware that at this moment plague is turning its attention to the Southern Division, Hubli and Belgaum ; the Belgaum District has never been entirely free. Plague at Hubli appeared first of all in what honourable members who know the place will recognise as the railway chawls. An energetic Collector, Mr. Cappel, and a no less energetic medical officer, Surgeon-Major Meyer, and Assistant Surgeon Cardoz were on the spot, and they took immediate precautions for isolating the whole of the population of the chawls. A cordon was drawn round the infected locality and the greatest watchfulness exercised, and by this means plague was kept out of Hubli for four or five months. In this instance the cordon was successful for four or five months. I do not suppose that any one was sanguine enough to suppose that plague would be perpetually kept out of Hubli town, but these five months afforded time to prepare the minds of the people for what would happen, for inculcating lessons of extreme importance as regards the necessity of isolation, and for the preparation of hospitals and camps—which the Municipality did with the greatest promptitude—and other measures which, in the hopes

of checking the spread of the disease, were ultimately carried out. Unfortunately a time came, as was the case elsewhere—and although one does not like to look into the future, it is extremely likely will be the case in the future—when in spite of all the ability and energy with which the measures were characterised, the town was infested with the disease.

Then turning to Bombay, my honourable colleague, Sir Charles Ollivant, has, if I may say so, so well put the case as regards the expenditure, that I need add very little to what he has said. Comments have been made upon what was termed the extravagance of the Committee, and it is said that their accounts have not been kept as they ought to have been kept. I might allude to the remarks of the honourable member who represents the Corporation, but I do not think that comment will give any better solution of the difficulty, so I will make no rejoinder to what I consider somewhat sharp and unmerited criticism. We are all entitled to our opinion, and I need scarcely say that I do not agree with the honourable member. When the Committee was appointed we were advised by our experts that the essence of the value of all measures was the promptitude with which you could carry them out. No doubt very great expense was occasioned by the construction of segregation camps, some of which did not find any occupants. But you will remember that at that time it was suggested that the safety of the rest of the Presidency, and indeed the rest of India, demanded that we should take extreme precautions that people travelling from the infected city of Bombay should not be free to go wherever they listed. To prevent that we had camps here, there, and elsewhere, and restrictions as everybody knows prevailed. But what Government foresaw was this, that probably the time would come when people would say "it is true you will not let us go out, you impose restrictions, and we are put to great trouble, and, therefore, you ought to furnish us with some place to go to." My only regret about those camps is that they were not able to build them as early as the month of November.

Well, now a word as to Sir James Campbell. Sir James, as everyone knows, has gone away on long furlough, and it is more than probable that he may not return to this country. Many honourable gentlemen at this table have had a life-long acquaintance with Sir James Campbell, and you do not need to be told that he is perhaps one of the most modest of public officials that it has ever been my lot to meet. If Sir James Campbell has a fault—and who has not—it is, that he never would let his left hand know what his right hand was doing. But since his retirement I have ferreted out by degrees information as to the long hours that he worked, and as to the charity and kindness that he showed in carrying out his duties as Chairman of the Plague Committee. For example, late at night, on receiving information that some students had been put by mistake into some segregation camp, he was promptly there to liberate them. He assisted a large number of people with gifts of small sums of money to return to their homes and for other charitable purposes. It was a perfect marvel to me who watched him day by day that his strength carried him through the herculean task imposed upon him. I think it is not too much to say that nothing but his indomitable courage and energy enabled him to get through what seemed the impossible amount of work he performed.

Well, returning to the remarks of the Honourable Mr. Mehta, he made the sweeping assertion that the Plague Committee had been a failure. The sad acknowledgment has to be made that the measures for stamping out the plague have been failures. But there is one thing upon which I do not think sufficient stress has been laid, and that is while

the Bombay Plague Committee did not succeed in stamping out the plague—and I do not suppose that any reasonable man ever thought they would do so after once it had gained a hold—it is my humble opinion that the Committee did manage to control the plague, when we remember the circumstances of the population. Our figures are not very exact, but it is estimated that the population, after the exodus from Bombay had taken place early last year, was $4\frac{1}{2}$ lakhs. I am told that adopting the same basis of calculation the population of Bombay after the first epidemic had gone down, and while the Plague Committee was in charge, was $7\frac{1}{2}$ lakhs. And yet, owing to the exertions of the Committee, the total mortality during the last epidemic hardly exceeded that of the previous year, when there were three lakhs fewer people in the city.

As I have said we were advised that promptness was a very necessary precaution in carrying on this war in the face of the enemy, and if there was a body of men in office who fought the enemy with promptness, it was the Plague Committee. No doubt the interests of economical administration and rules which ought to be and must be observed in every day life, have to be set aside, and camps and anything else that was recommended, had to be very promptly supplied. Everyone will remember that both then and at the first outbreak of plague there were a large number of advisers with remedies of their own. I remember that one gentleman was loud in his protestations that one determined man with a couple of thousand European soldiers would soon drive the plague from Bombay. That gentleman did not possess perspicacity, for I know perfectly well what would have been the result of such a measure as that. I have mentioned one or two officers by name in connection with certain localities, but again this year I must not fail to recognize the zeal and self-denial of all officers concerned in this second year of the visitation. No sacrifice by them has been too great. Their only idea has been public duty.

I do not take the same gloomy view of what the future has in store as has been taken by some honourable members here. It is perfectly true that the tale which my honourable colleague had to unfold is not one that we can congratulate him on. But I have great faith in the justice, nay, I will say, the generosity of the Government of India, and I do look forward to a recognition that a large part of the expenditure that has been incurred must be of an Imperial character. I have been reminded that when the Plague Committee was appointed last year I spoke of the question of suppression of the disease as one of Imperial concern. The reminder was given by the honourable member who desires that the plague arrangements should be left uncontrolled in the hands of the Municipality. Well, I contend that if this question was an Imperial matter in February 1897, it is more so to-day. So Imperial a matter is it considered by the Secretary of State that he desired that our organisation and arrangements should be submitted to him before we promulgated any orders. There is a political side to the question, and there is a commercial side to the question, and in these respects as well as in others it is a matter of Imperial importance. At the same time the administration of plague measures touches every individual officer in the service of Government. Our duty is clear. We must be careful in our dealings with the people of all sorts and conditions. If we have to cause inconvenience, it must be, as I have said on several occasions—during the last two years, with the utmost sympathy and the utmost consideration, and it is the duty of every plague officer of every grade as much as is possible to “let persuasion do the work of fear.”

BILLS AND ORDERS OF THE DAY.

BILL NO. IV OF 1897 : A BILL FURTHER TO AMEND THE BOMBAY
PORT TRUST ACT, 1879.

In moving the second reading of Bill No. IV of 1897, a Bill further to amend the Bombay Port Trust Act, 1879, the Honourable Mr. BURKE said :—Your Excellency, I beg leave to propose the second reading of Bill No. IV of 1897, a Bill designed further to amend the Bombay Port Trust Act, of 1879.

The Honourable Mr. Burke moves the second reading of the Bill further to amend the Bombay Port Trust Act, 1879.

This Bill was introduced at the Council Meeting held on the 29th March last, was then read for the first time, and referred to a Select Committee, which Committee fully considered the Bill, with some additional amendments, and submitted their report on the 22nd April. The report and the Bill as amended were published in the *Bombay Government Gazette* of the 16th May 1898, and copies were duly distributed to all the members of Council.

The changes made in the Bill were unanimously approved by the members of the Select Committee; they are very few and simple, and like all the amendments included in the Bill are of an absolutely non-contentious character. Three additional amendments which had not been included in the Bill as originally referred, were submitted for the consideration of the Select Committee. The three amendments referred to are :—

I. The amendment of section 3, clause 12, of the Act, defining "Public Securities."

II. The addition of two new sections to follow section 42 of the Act, namely, 42 A, designed to protect the "Right of Joint Payees of Securities," and 42 B to afford power to *one* of two or more joint holders to grant receipts.

III. The addition of a new section to follow section 51 of the Act which is designed to afford the Board power to invest in their own securities.

As regards the first of these amendments the Committee were of opinion that clause 12 of section 3 of the Act should be a little more comprehensive, and with the object of making it so, have, taking section 20 of the Indian Trusts Act of 1882 as a general guide, substituted a new section by which "public securities" are defined to include—

(a) Promissory notes, debentures, stock or other securities of the Government of India ;

(b) debentures or other securities for money issued by or on behalf of—

(i) any municipal body or any Port Trust under the authority of any Act of a legislature established in British India ;

(ii) the City of Bombay Improvement Trust under the authority of the Act of 1898.

The second amendment is intended to meet a difficulty experienced in dealing with securities payable to two or more persons jointly. As matters now stand in a case when one of two or more holders dies great trouble is caused in investigating the claims of his representatives, including the examination of wills, trust deeds, &c., and sometimes the execution by the claimants of indemnity bonds is required when the title is not absolutely clear. In the case of Government Securities the security is payable to the survivor or survivors under section 5 of the Indian Securities Act of 1886, and sub-sections (1), (2)

and (3) of the new section 42A follow the wording of sub-sections (1), (2) and (3) of section 5 of that Act. The new section 42B, which enables one of two or more joint holders to give an effectual receipt for any interest payable in respect of such debentures, follows sub-section (4) of section 4 of 52 Victoria, Chapter 6, National Debt Act of 1889.

The proposed section 51A comprises provisions similar to those of the Act recently passed by the Council amending the Municipal Act with respect to the investment of sinking funds and surplus moneys. Besides these new amendments several alterations have been made in the various sections of the Bill, some of a trivial and merely verbal character, while others are of more importance: thus, section 5 of the amended Bill is entirely a re-draft; the proviso which was contained in section 17 has been omitted; and in section 20 the wording of the latter part of the original section of the Act has been modified to meet the present altered conditions, the appointment of Master Attendant having ceased to exist.

With these remarks, your Excellency, I beg to move that Bill No. IV of 1897, as amended by the Select Committee, be read a second time.

Bill read a second time.

The motion was agreed to *nem con* and the Bill was read a second time. The Bill was then considered in detail.

Bill considered in detail.

Sections 1 to 14 were agreed to.

The Honourable the ADVOCATE GENERAL moved that in the marginal note to section 15 after "in" the word "their" should be substituted for "its", so that the marginal note should read "Board may invest in their own debentures and securities."

The motion was agreed to, and the remaining sections of the Bill together with the schedule and preamble were agreed to.

BILL No. III OF 1898: A BILL TO MAKE BETTER PROVISION IN THE CITY OF BOMBAY AND ELSEWHERE FOR PREVENTING THE ADULTERATION OF GHEE AND OTHER ARTICLES OF HUMAN FOOD.

In moving the first reading of Bill No. III of 1898: A Bill to make better provision

The Honourable Mr. Moriarty moves first reading of the Bill to make better provision in the City of Bombay and elsewhere for preventing the adulteration of ghee and other articles of human food.

in the City of Bombay and elsewhere for preventing the adulteration of ghee and other articles of human food, the Honourable Mr. MORIARTY said:—Your

Excellency, I beg leave to move the first reading of a Bill which is short, but of some importance, *viz.*, a Bill to make better provision in the City of Bombay and elsewhere for preventing the adulteration of ghee and other articles of human food. The proposal for an Act on this subject is by no means a new one, and it will, I think, be of some advantage if I briefly describe the various steps which have been taken in past years to bring the proposal to its present shape. A brief history of this measure will show with what care and deliberation Government have considered the various proposals made on this subject.

So far back as the year 1886 the Government of India sought the opinion of this Government on the desirability of legislating with a view to more effectively checking the sale

of adulterated articles of food in the Bombay Presidency, with reference to the proposals then made for the City of Calcutta. As a result of enquiries made on the subject a Bill was drawn up in 1889, as a separate enactment and on lines suggested by the Corporation of Bombay. The measure, however, had subsequently to be abandoned owing to legal objections raised by the Government of India. In 1892 the subject was raised again by the Corporation of Bombay and in 1894 a Bill was prepared in which it was proposed to amend the Bombay City Municipal Act, 1883, so as to secure the required object. After further correspondence and consideration it was in the year 1897 finally deemed advisable once more to change the form of the measure, and instead of amending the Bombay City and District Municipal Acts, to have a separate enactment framed on the lines of the Bombay Municipal Servants Act V of 1890. Since the necessity for this legislation is more particularly felt at present in the City of Bombay, the Bill provides that it shall come into force at once in the City of Bombay. At the same time it has been provided that, when deemed necessary, the special provisions of the measure can be extended without difficulty by the Governor in Council to any municipal district in the Bombay Presidency.

This, therefore, your Excellency, is the form in which the measure is now placed before this Council. For an explanation of the details of the Bill I beg to draw attention to the statement of objects and reasons placed on this Council Table. As for the principles of the measure it seems only necessary at present to point out that the main idea is to provide that the wilful mixing of any foreign substance with ghee or any other article of food, should render the seller of the adulterated article liable to punishment, whether the ingredients used for adulteration are of a dangerous character or not. The sale of articles which have been rendered *noxious* for food or drink is already provided against by the Indian Penal Code. Certain legal difficulties have been met with in the matter of providing penalties under this measure, and it is hoped that it will be found that these difficulties have been successfully solved. In this connection I would at present only draw attention to sub-section (4) of section 3 of the Bill which provides that it should be no defence in a prosecution under the section for the vendor to allege innocence as to the nature, quality or substance of the article sold by him. At the same time a proviso has been added declaring under what circumstances a retail trader may protect himself when, in good faith, he sells an article in exactly the same state in which he purchased it.

In conclusion it should be pointed out that the special object of the Bill is to prevent the adulteration of ghee, and that in fact, so far as the City of Bombay is concerned, the prevention of such adulteration has been the main reason for which the Corporation of that important city has for so many years pressed the subject on the attention of Government. It has been found that the adulteration of ghee by the admixture of animal fat has been largely on the increase and that the trade in adulterated ghee has, in the absence of effective legislative provision, continued to flourish and expand. It is scarcely necessary to point out that a check to the adulteration of ghee is of special interest to Hindus, and is of importance, much more from a religious than from a commercial point of view. This measure appeals with special force to the sympathies of the great Hindu population of this Presidency, and therefore of honourable members of this Council who are Hindus. Moreover it is to be hoped that this measure will have the effect, when passed, not only of checking adulteration of human food generally, but that it will in particular encourage and protect what I may perhaps be allowed to style the "unctuous rectitude" of the

ghee-sellers of Bombay. With these remarks, your Excellency, I ask leave to move the first reading of this Bill.

The Honourable Mr. VIJBHUKHANDAS ATMARAM said :—Your Excellency—It is perhaps not necessary at this stage of the Bill to go very minutely into its provisions. I propose, however, to dwell at some length on them, as I am afraid the Bill requires modification in some important particulars before it is finally passed. I may state at the outset, though, that I am generally in favour of the principle which underlies the proposed enactment and am thoroughly in sympathy with the motive which has prompted it. The main objections against legislation of this nature may be said to resolve themselves into this that it constitutes an unnecessary departure from the *laissez-faire* theory of Government as also from the principle of *caveat emptor*. On behalf of that section of the trading class which comes within the purview of the present Bill, it might be urged that they only supply what there is a demand for ; that pure and unadulterated food or drink is not what the general public—more especially the poorer portion of it—cares to have or can afford to buy ; and that, therefore, legislation which interferes, or may have the tendency to interfere, with the freedom of purchase of the poorer population will only result in adding to their difficulties for they will have either to buy some of the necessaries of life at dearer prices or do without them as being beyond their means. To this the reply is that freedom of purchase can hardly be said to exist in the case of the poorer or labouring classes, who are forced, through want of leisure and resources, to buy their daily supply of food of the cheapest sort in their own neighbourhood, and who, even if they were in a position to know that they had not got their money's worth or had not been given what they had asked for, have perforce to put up with the stuff the shopkeeper gives them. In such a state of inequality, where the trader or shopkeeper has it all his own way and enriches himself on the ignorance or helplessness of the consumer, the State is bound to interfere on behalf of the latter. This obligation becomes the more imperative, when an article of food daily required by the mass of the population here like ghee is largely sold in such a state of adulteration as to make the sale thereof little short of a downright fraud upon the general body of consumers. The Penal Code is powerless to protect the people against the prevailing practice of adulterating ghee by an admixture of animal fat, as it can hardly be said that the adulterated article is thereby rendered noxious as food or altogether unfit for human consumption. I hold, therefore, my Lord, that the principle underlying the proposed legislation is on the whole sound ; but I wish to make a few observations on the Bill as at present drafted, and I trust they will receive the attention of the Select Committee which will, in due course, be asked to report upon its provisions. Unless I am mistaken, the Bill is not free from inconsistent provisions. For instance, if we take section 3, sub-sections (1) and (2), the result is that if on a demand for ghee, a person sold an article which contained any substance not exclusively derived from milk, it would be an offence on his part, unless he told the purchaser before selling the article to him that it contained such substance. That means, then, in plain terms, that a man is free to sell adulterated ghee ; only he must tell the purchaser that it is adulterated. Now, take the additions to the City of Bombay Municipal Act, which are proposed to be made to it by section 4, sub-section (1) and section 5, sub-section (1) of the present Bill. The result of those additions would evidently be to authorize the Municipal Commissioner to haul up before a Presidency Magistrate any person who exposes or offers for sale as ghee an article which contains any substance not exclusively

derived from milk. That is to say, if a person exposes for sale adulterated ghee, even though he has labelled it so, or honestly intends informing the purchaser of its real nature and quality, he shall be punishable; but according to the provisions of section 3 I have already referred to, he could not be said to have committed an offence if he actually succeeded in selling it, after apprising the purchaser of its real nature. In plain terms, again, the law would say to the vendor—"If you expose or deposit or offer for sale adulterated ghee, you shall be punished; but there will be nothing the matter with you if you actually sell the same stuff, telling the purchaser before he buys what kind of stuff it is. The sale is permissible, but the offer thereof is punishable." I have no doubt the Select Committee will look into this closely and remove this discrepancy in the provisions. Another point to which I would draw the attention of the Council is that the punishment of imprisonment, which section 3 lays down for a second or any subsequent offence under it, seems too stringent a provision. I am inclined to think that, whatever may be the conditions in England, it will be going beyond the necessities of the case here to punish the offender under section 3, even though it be his second or third offence, with imprisonment of any description. A reference to the provisions of Bengal Act III of 1864 and Bengal Act II of 1888 shows that the legislature there has eschewed that kind of punishment and provided only heavy fines for the offence, which, together with seizure and destruction of the entire stock of the adulterated article, would seem to be sufficient for all practical purposes. Of course, the provision is inserted in order that it may act as a deterrent; but I am afraid in the present case it would be availed of largely as a means to levy black-mail. Already the proposed enactment is open to the objection that it would furnish a fresh field—and a very wide and convenient one too—for unscrupulous exactions. I leave it to my honourable friends who are learned in the law to decide if it is not advisable to insert a special provision guaranteeing substantial compensation for a groundless or frivolous prosecution under the Act. However, my main point is that, all things considered, it would be better if offences of the nature contemplated by the present Bill were made punishable with heavy fines only. Another point, my Lord, which strikes me is that unless the Act comes into force simultaneously in the City of Bombay and those municipal districts in the Presidency which supply ghee to Bombay in large quantities, it would have a somewhat halting operation. Let us suppose, for instance, that a wholesale ghee merchant of Bombay orders a consignment of pure ghee from the mofussil, with a written warranty to that effect from his vendor, but finds on arrival of the goods that the consignment, or a part of it, is of adulterated ghee. Now, so long as the Act is not extended to the municipal district from which the consignment is sent, the remedy of the wholesale Bombay merchant will, I understand, be only a civil suit for damages—a remedy which, it will be seen, will not be effective enough to prevent the in-flow of adulterated ghee into Bombay; and so long as there is that in-flow, there will be inducement to resort to various devices to palm it off on the public. With these remarks, my Lord, I support the first reading of the Bill.

The Honourable Mr. MEHTA said—Your Excellency, after the lucid explanation given by the honourable mover of the Bill of the objects in view in introducing it, and of the attitude taken up by the Corporation, I do not think it is necessary to put forward any observations on the Bill, except to say that the Corporation will welcome its introduction with very great satisfaction. It is upon lines which have been recommended by the Corporation after very long and careful consideration.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH said—Your Excellency, I accept the principle of the Bill so far as it provides a check to the adulteration of ghee. As ghee is an essential article of food of a considerable portion of the community, it is desirable that some measure should be taken to prevent its adulteration; but I believe that the Bill has gone further than is necessary. It might have been confined to ghee; but the Bill as it now stands applies to all articles of food, and its scope is so wide that if a person demands Sholápur jowari and is given Hubli jowari, the seller would be punished as an offender. Such a measure is calculated to lead to harassment and to interfere with the freedom of trade. I think it is not desirable that legislation should go so far. As regards the various details of the Bill I do not think it necessary to offer any remarks at this stage.

The Honourable Mr. BHALCHANDRA KRISHNA BHATAVADEKAR said—Your Excellency, I rise to give my hearty support to the Bill now before the Council. Probably very few members here are aware of its chequered history. The names of four well known citizens of Bombay—Messrs. Javerilal Umayashanker Yajnik, Raghunath Narayan Khote, Damodar Thakersi Mulji and Abdulla Meherally Dharamsi—are inseparably connected with it; two of these were members of the Council, Messrs. Javerilal and Dharamsi, but not one of the four has lived to see the fruit of their labours: such is the protracted course of legislation. It was Mr. Javerilal who first drew the attention of the Municipal Commissioner in October 1886, to the practice then prevailing of adulterating ghee with animal fat. It so happened that the Calcutta Corporation also moved in the matter, as the practice of adulteration of ghee was causing quite a sensation among the people there. The Calcutta Bill was passed into an Act very soon. The Bill which was prepared by the Legal Remembrancer with the Government of Bombay, and approved by the Corporation, was forwarded to the Government of India, but did not find acceptance in the first instance on the grounds already referred to by the honourable mover.

The Government of Bombay thereupon decided not to proceed with the measure, being of opinion that the modifications proposed by the Government of India would emasculate the Bill. After this, for about two years the subject was dropped. In 1892 again Mr. Javerilal, as President of the Corporation, addressed a letter to the Government of Bombay, applying for legislative provision adequate to prevent in an effective manner the adulteration of ghee, giving very cogent reasons in support of his request. This was strongly supported by a memorial which was adopted at a public meeting held at the house of the late Mr. Damodar Thakersi Mulji, who took a very keen interest in the subject, and which was influentially signed and submitted to the Government of Lord Harris. In that petition it was pointed out that the practices of the ghee sellers were repugnant not only to the Hindus but to all classes—Parsees, Mahomedans, Hindus, also Europeans in whose homes ghee is used for cooking purposes. This has been the position of advocates of penal legislation on the subject all through, and therefore I cannot agree with the honourable mover that the Bill is principally needed because the practices it penalises are obnoxious to Hindus on religious grounds. I say that the need for it on sanitary grounds affecting all classes is still greater. Well, when the memorial had been presented, Government took two years to consider the matter, and in August 1894 forwarded to the Corporation two draft Bills on the subject of adulteration of ghee. One of these was framed on the lines of the English Margarine Act, and purported rather to legalize the adulteration of ghee provided certain conditions were complied with than to

make adulteration penal. The other was to amend the Bombay Municipal Act, III of 1888, and followed the Calcutta and Bengal Municipal Acts, and gave (to use the words of the Government letter) as complete effect to the wishes of the Corporation as expressed in the President's letter as is consistent with the views expressed by the Government of India. The Government desired to know which one of the two proposed measures the Corporation were disposed to prefer. The Corporation rejected the first Bill, and approved the second with certain modifications, pressing for early legislation, and advanced some further arguments in favour of the expediency of such a measure. The Bill was forwarded to the Government of India, who on this occasion appear to have received the measure with favor, but pointed out certain defects and made some suggestions. With their remarks the Bill was sent by the Bombay Government to the Corporation, and the Bill now before the Council is the one which has been finally approved by the Government of India.

If there was any necessity for a measure of the nature now before the Council in 1886, there is a greater necessity now, as the fraudulent trade of selling and exporting adulterated ghee has become more extensive than ever. Numerous samples have been submitted to the Chemical Analyser and it has been found in some cases that the ghee is simply animal fat and a preparation of curds and flour mixed up in certain proportions which is extensively sold instead of ghee. Not only this, but fat from carcasses and diseased animals is taken out and mixed in this manner. The fat of the cow, the ox and the pig is used for such a purpose. This is very repugnant to the feelings of all communities. Thus, both on religious and sanitary grounds, it is of the utmost importance to have a law to prevent such fraudulent practices, and therefore I heartily accord my support to the measure.

The Honourable Mr. NARAYEN GANESH CHANDAVARKAR said—Your Excellency, as a rule, I am opposed on principle to legislation of this kind. It is conceded that under the existing law articles that are injurious to health are seizable, but the present Bill is said to be a concession to religious prejudice. For my part I do not know if it is desirable to pass a law in the interests of religious prejudice, when it is acknowledged that the existing law sufficiently meets the cases of articles injurious to health. The honourable mover says this law is to make ghee-sellers more moral, but I believe most people are inclined in this age to take the late Lord Beaconsfield's view that you cannot make people moral by penal statutes. I am afraid that in spite of a law of the kind now proposed, adulteration will go on as before. Instead of effectually preventing ghee adulteration, the proposed law may only add to corruption and forgery. The former is already far too prevalent among petty officials, and this Bill, if it passes into law, will only add to that evil; and the latter will be stimulated by the provision that if a "written warranty" of the purity of the article is obtained by the vendor from the wholesale dealer, he will be exempt from punishment. I fear that such warranties, whether genuine or not, will always be forthcoming in the event of seizures and then the Court will have to go into the question whether the warranty was really written by the person whose signature it bears.

However, the Hindoo, Parsee and Mahomedan communities have asked for a law so far as the adulteration of ghee is concerned and may have it; but why go further and extend this law to all articles of human food, when, so far as I am aware, no class of people has asked for such a sweeping measure as the one now proposed, applying not only to

ghee but all articles of human food indiscriminately. The words selling "to the prejudice of a purchaser" are ambiguous and it is difficult to say what exactly they mean. The Bill from these points of view seems to me to be objectionable and will require very careful consideration if it is not to be a source of greater harm than good.

The Honourable Mr. JAMES said:—Your Excellency, I did not intend to intervene in this debate, but I should like to make some remarks on what has fallen from the last speaker. I think that in taking upon himself the part of *Advocatus Diaboli* he has done himself injustice. I cannot believe he means us to take his remarks seriously, when he tells us that such loathsome and disgusting practices as the Honourable Dr. Bhalchandra has referred to should not be stopped by law. As the honourable member is aware, the question whether the Bill provides the best way of preventing will be carefully considered in the Select Committee. He used what is a stock argument with the critics of penal legislation in India, that the passing of this Bill will throw a great deal of power into the hands of underlings and other officials. However that may be, I venture to remind the honourable member that the Chemical Analyser to Government is not a corrupt official. When an Inspector of the Municipality of Bombay buys a specimen of ghee, as he is empowered to do by this Bill, he has to submit it to the Chemical Analyser, and I have no doubt that the Chief Presidency Magistrate will accept the verdict of the Chemical Analyser.

One view taken by the honourable member, if I understand him rightly, is that it is a mistake in these advanced days to pay too much respect to religious prejudices. Well, I admit that it is possible to go too far in that direction; but I have been a somewhat close student of Indian history. I have studied Kaye's History of the Sepoy War, and I have read Lord Robert's recent book, and there I find that one of the main causes that led to the terrible events of 1857 was the belief that the Government was tolerating the mixture with certain substances of cow's fat and pig's fat with which to grease cartridges, a mixture which was a defilement to every Hindu or Mahomedan who had any respect for his religion. There are many in these days, at the end of the nineteenth century, who will conform to the outer requirements of their religion but do not carry out its inner principles and neglect many of its ancient precepts; but India is an extremely conservative country, and I believe that both amongst Hindus and Mahomedans the number of intelligent gentlemen who from conscience sake have abandoned the tenets of their own religion is infinitesimal. I do not think it should go forth from this Council that the Government of Bombay in Legislative Council assembled pays no heed to the religious prejudices of the masses. Partly on sanitary grounds, partly to protect the people from ghee made in a disgusting way, and also because I think it would be a very impolitic thing for the masses to feel that Government pay no heed to their religious feelings, I hope the Council will proceed with this Bill.

Bill read a first time.

The Bill was then read a first time.

On the motion of the Honourable Mr. MORIARTY the Bill was referred to a Select Committee consisting of the Honourable Mr. Vijbhukhandas Atmaram, the Honourable Mr. Chunilal Venilal, the Honourable Mr. Burke, the Honourable Mr. Bhalchandra, and the mover with instructions to report within one month.

Bill referred to a Select Committee.

NOTICES OF MOTION.

In accordance with notice given, the Honourable Mr. DAJI ABAJI KHARE moved for leave to introduce a Bill to amend the Khoti Settlement Act, 1880. Leave was granted accordingly.

His Excellency the PRESIDENT then adjourned the Council *sine die*.

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

C. G. H. FAWCETT,

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

Poona, 20th August 1898.

APPENDICES

TO THE
PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR OF BOMBAY
ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS
ON THE 19TH AUGUST 1898.

APPENDIX A.

(LAID ON THE COUNCIL TABLE)

(19th August 1898.)

QUESTION No. 4 PUT BY THE HONOURABLE MR. GOKULDAS KAHANDAS PAREKH AT THE MEETING OF THE LEGISLATIVE COUNCIL HELD ON THE 28TH MARCH 1898.*

REPLY TO QUESTION No. 4 PUT BY THE HONOURABLE MR. GOKULDAS KAHANDAS PAREKH.

Will Government be so pleased as to place on the Council Table the reports about the expenditure incurred on wells and tanks used for irrigational purposes and the contributions from the people to this expenditure, that they might have received in reference to parts 2 and 3 of question No. 2 asked by me at the last meeting of the Council?

The reports received from the Commissioners of Divisions and the Commissioner, in Sind are laid on the table.

No. 1336 of 1898.

From F. S. P. LELY, Esq., I. C. S.,
Commissioner, N. D.;

To THE SECRETARY TO GOVERNMENT,
General Department.

Camp Talhal, 20th April 1898.

Sir,

With reference to your memorandum No. 863 of 11th February last, I have the honour to furnish below the information asked for in question No. 2 put by the Honourable Mr. Gokuldas Kahandas Parekh:—

(1) The figures given in Appendix III G (2) of the Administration Report for 1896-97 represent all the expenditure incurred in the several districts of this Division on new tanks and wells and the repair of tanks and wells already in existence.

(2) With the exception of a sum of Rs. 1,254 in the Ahmedabad District, no portion of this expenditure was incurred on tanks and wells used or intended to be used for irrigational purposes nor is it usual to incur such expenditure from Local Funds, but it sometimes happens that a source of water-supply which is mainly used for drinking and other domestic purposes is also used for irrigation.

(3) Out of the amounts expended, the following sums were received in each district as contributions from the people:—

	Rs.	s.	p.
Ahmedabad	4,021	0	0
Kaira	4,541	14	5
Panch Mahals	1,343	15	9
Broach	1,825	0	0
Surat	5,089	15	3
Thana	344	0	0

I have the honour to be,

Sir,

Your most obedient Servant,

F. S. P. LELY,
Commissioner, N. D.

* The following *ad interim* answer was given by the Honourable Sir Charles Ollivant at the Council Meeting of the 28th March 1898:—

"The reports have not yet been received."

GENERAL DEPARTMENT.

Poona, 14th June 1898.

From
J. K. SPENCE, Esq., C.S.I.,
Commissioner, C. D.;

To
THE SECRETARY TO GOVERNMENT,
Bombay.

SIR,

In reply to your memorandum No. 863, dated the 11th February last, I have the honour to state that so far as this Division is concerned no portion of the expenditure shown in Appendix III G (2) of the General Administration Report for the year 1896-97 was incurred on tanks or wells used or intended to be used for irrigation.

2. Of the total expenditure referred to, a sum of Rs. 4,558-6-11 was recovered from the people in the shape of local contributions. The amount subscribed in each district was as follows :—

	Rs.	s.	p.
Ahmednagar	484	0	0
Khandesh	1,235	0	0
Nasik	535	0	0
Poona	682	7	11
Sátara	481	15	0
Sholapur	1,050	0	0
	4,558	6	11

I have the honour to be,
Sir,
Your most obedient Servant,
J. K. SPENCE,
Commissioner, C. D.

No. 1745 of 1898.

Belgaum, 10th May 1898.

From
C. B. WINCHESTER, Esq., I. C. S.,
Acting Commissioner, S. D.;

To
THE SECRETARY TO GOVERNMENT,
General Department.

SIR,

With reference to Government memorandum No. 863, dated the 11th February last, I have the honour to report that no portion of the expenditure shown in Appendix III G (2) to the Administration Report of the Bombay Presidency for 1896-97 relates to tanks and wells used or intended to be used for irrigational purposes, and that Rs. 18,327-8-11 out of the total expenditure were contributed by the people, as shown in the annexed memorandum.

I have the honour to be,
Sir,
Your most obedient Servant,
C. B. WINCHESTER,
Acting Commissioner, S. D.

Memorandum showing the amounts received from the people during 1896-97, for expenditure on new tanks, wells and the repairs of tanks and wells already in existence used for purposes other than irrigational.

District.	Amount.		
	Rs.	a.	p.
Belgaum	6,806	0	0
Bijapur	990	9	2
Bhārwār	4,977	7	0
Kārnār	307	0	0
Kolāba	1,257	12	0
Ratnāgiri	4,488	12	9
Total...	18,827	8	11

C. B. WINCHESTER,
Acting Commissioner, S. D.

No. 1881 of 1898.

GENERAL DEPARTMENT.

Commissioner's Office,
Karācha, 3rd May 1898.

MEMORANDUM.

The Commissioner in Sind presents compliments and with reference to Government memorandum No. 863, dated the 11th February 1898, has the honour to submit the information asked for in parts 2 and 3 of question 2 put by the Honourable Mr. Gokuldas Kahandas Parekh.

2. In the Karāchi District a sum of Rs. 97 only was spent on the repairs of two wells (one at Sakro and the other at Mateju) which are used for watering Local Fund gardens.

In Hyderabad Rs. 533-10-2 were spent on the well on Gitlu Bandar. The well is used for garden purposes.

In the Shikarpur District Rs. 234-11-0 were spent on new wells and Rs. 53-2-0 on repairs to an existing well used for irrigational purposes, and Rs. 501-11-2 on a new well used partly for irrigational and partly for drinking purposes.

No portion of the expenditure incurred in the Thar and Pārkar and Upper Sind Frontier Districts relates to tanks or wells used or intended to be used for irrigational purposes.

3. Of the expenditure on wells and tanks in 1896-97 the following sums were contributed by the people:—

	Rs.	a.	p.
Karāchi District	1,800	0	0
Hyderabad District	2,752	0	0
Shikarpur District	276	3	4
Thar and Pārkar District	147	0	0
Upper Sind Frontier District	Nil.		

H. E. M. JAMES,
Commissioner in Sind.

To

The Secretary to Government, General Department, Bombay.

* Does not include Rs. 198-3-6 on account of works commenced in 1895-96 but completed in 1896-97, which sum is included in the accounts for 1895-96.

APPENDIX B.

REVENUE.			EXPENDITURE.		
1	2	3	4	5	6
Major Head.	Minor Heads.	Provincial Share.	Major Head.	Minor Heads.	Provincial Share.
I.—Land Revenue.	"Assessment of alienated lands less quit-rent," All other minor heads	The whole. One-fourth.*	1.—Refunds ...	The heads of which the corresponding receipts are wholly or partially Provincial.	The same share as in the case of the corresponding heads of receipt.
III.—Salt	"Rents of Warehouses," "Fines and forfeitures," "Miscellaneous" ...	The whole.	2.—Assignments and Compensations.	"Excise Compensations" All other heads except— "Goa Subsidy," "Salt Pans in Portuguese India," and "Customs Tariff Compensation."	One-fourth. The whole.
IV.—Stamps	All ...	Three-fourths.	3.—Land Revenue	All ...	The whole
V.—Excise	All ...	One-fourth.	6.—Stamps	All ...	Three-fourths.
VII.—Customs	"Warehouse and Wharf rents," "Miscellaneous"	The whole. Items classified as Provincial in 1891-92.	7.—Excise	All ...	One-fourth.
VIII.—Assessed Taxes.	All, except "Tax on surplus profits of Railway Companies."	One-half	10.—Assessed Taxes	All ...	One-half.
IX.—Forest	All ...	One-half.	11.—Forest	All ...	One-half.
X.—Registration.	All ...	One-half.	12.—Registration	All ...	One-half.
XIII.—Interest	"Interest on loans to Municipalities and other public bodies (excluding Presidency Corporations)," "Interest on loans to land-holders and other notabilities," "Interest on advances to cultivators," "Interest on advances under Special Laws" "Interest on Government Securities."	The whole.	13.—Interest	"Interest on Provincial Advance and Loan Accounts," "District Post Collections" "Subsidies" "Refunds"	The whole.
XIII.—Post Office	"District Post Collections."	The whole.	15.—Post Office	"Civil Offices of Account and Audit," All other minor heads except— "Currency Department," "Reserve Treasury," and "Allowance to Presidency Banks."	Local Fund Establishment. The whole.
XVIIA.—Law and Justice Courts of Law.	All ...	The whole.	18.—General Administration.	All ...	The whole.
XVIB.—Law and Justice Jails	All ...	The whole.	19A.—Law and Justice—Courts of Law.	All ...	The whole.
XVII.—Police	All ...	The whole.	19B.—Law and Justice—Jails.	All ...	The whole.
XVIII.—Marine	All ...	The whole.	20.—Police	All ...	The whole.
XIX.—Education	All ...	The whole.	21.—Marine	All ...	The whole.
XX.—Medical	All ...	The whole.	22.—Education	All ...	The whole.
XXI.—Scientific and other Minor Departments.	All ...	The whole.	24.—Medical	All ...	The whole.
XXII.—Receipts in aid of superannuation, retired and compassionate allowances.	"Contributions for pensions and gratuities," "Miscellaneous" ...	The whole.	25.—Political	All, except— "Refugees and State Prisoners" and the heads under which are recorded the expenditure at— Aden, Harolds, the Persian Gulf, and Berbera, Bgihar and Zails. "Veterinary Charges"	The whole, except the charges for the Bacteriological Laboratory, Pooma, and the salaries and allowances of officers on the cadre of the Civil Veterinary Department.
			26.—Scientific and other Minor Departments.	All other minor heads, except— "Census" and "Preservation and translation of ancient manuscripts"	The whole.

* The Provincial share is calculated on the gross collection, including the portion due to Irrigation.

APPENDIX B—continued.

REVENUE.			EXPENDITURE.		
1	2	3	4	5	6
Major Head.	Minor Heads.	Provincial Share.	Major Head.	Minor Heads.	Provincial Share.
XXIII.—Stationery and Printing.	All	The whole, except receipts for the value of supplies from Central Stores to Bulwags and to the Bazar Administration, Local Funds, Municipalities, and other independent bodies.	29.—Superannuation Allowances and Pensions.	"Superannuation and Retired Allowances," "Compensated Civil Service Pensions," "Compassionate Allowances," "Gratuities," "Refunds."	The whole.
	"Extraordinary items"	Items not in excess of Rs 10,000.	30.—Stationery and Printing.	All, except "Stationery purchased for Central Stores." "Extraordinary items"	The whole.
	"Fees for Government Audits."	Items classified as Provincial in 1891-92	32.—Miscellaneous ...	All other minor heads except— "Charges for Remittance of Treasure," "Discount on Bills," and "Loss by Exchange."	Items not in excess of Rs. 10,000.
	All other minor heads except— "Gain by Exchange," "Premium on Bills," "Unclaimed Bills of Exchange," "Recovery of Insurance and other charges on English Stores," "Revenue of Berbers and Bulhar," and "Revenue of Vaid."	The whole.	33.—Famine Relief ...	"Famine Relief Charges" ...	The whole.
XXIV.—Miscellaneous.			38.—State Railways Working Expenses.	Hyderabad-Umarkot Railway	The whole.
			37.—Construction of Railways	All	The whole, except in cases in which the outlay is specially incurred from Imperial funds. But Provincial expenditure under these heads is permitted only under special orders of the Government of India in regard to cash Railway.
XXVI.—State Railways.	Hyderabad-Umarkot Railway.	The whole.	40.—Subsidized Companies.	"Laud"	The whole.
XXX.—Minor Works and Navigation.	Gokak Canal, 1st Section including Storage Works.	The whole.	41.—Miscellaneous Railway Expenditure.	"Surveys"	The whole.
XXXII.—Civil Works Contributions ...	All Contributions from Local	The whole.	43.—Minor Works and Navigation.	Gokak Canal, 1st Section, including Storage Works	The whole.
			45.—Civil Works Contributions	All except Opium, Salt, Mint Currency, Post Office, Telegraph, and Baroda Residency buildings and Works on Somali Coast.	The whole.

Note.—In this Schedule the only heads considered are Imperial and Provincial heads, the Local Revenue and Expenditure are not affected by it.

APPENDIX C.

Provincial Revenue and Expenditure by Major Heads for the years 1896-97, 1897-98 and 1898-99.

[In thousands of rupees.]

Number of Account Head.	Major Heads of Revenue.	Accounts, 1896-97.	Budget, 1897-98.	Revised, 1897-98.	Budget, 1898-99.	Number of Account Head.	Major Heads of Expenditure.	Accounts, 1896-97.	Budget, 1897-98.	Revised, 1897-98.	Budget, 1898-99.
I	Land Revenue	86,91	95,28	96,63	99,00	1	Refunds ...	2 18	1 81	1 88	1 87
	{ Provincial share.	98,14	97,91	97,69	98,42	2	Assignments and	15,00	15,37	15,96	15,96
	{ Alienated	76,45	77,75	78,99	88,71	3	Compensations. { Cash ...	85,32	85,15	84,84	85,54
	{ Fixed allotment					4	{ Cash ...	55,87	56,14	58,19	65,50
	{ and adjustments.					5	{ Alienations ...	7,77	7,77	7,81	7,84
						6	Land Revenue ...	1,97	2,21	2,00	2,07
						7	Stamps ...	91	91	90	91
III	Salt ...	72	67	54	89	10	Excise Taxes ...	27	27	27	26
IV	Stamps ...	42,89	45,99	43,85	43 45	11	Assessed Taxes ...	9,85	11,16	10,60	10,63
V	Excise ...	27,49	27,50	27,56	28,00	12	Forest ...	1,49	1,49	1,46	1,49
VII	Customs ...	95	96	86	95	13	Registration ...	3,14	5,18	8,71	4,06
VIII	Assessed Taxes ...	18,42	17,29	18,88	18,68	16	Interest on ordinary debt ...	1,02	1,09	1,10	1,03
IX	Forest ...	15,16	16,43	14,75	16,32	18	Post Office ...	15,10	14,53	14,59	13,96
X	Registration ...	3,93	3,25	3,10	3,32	19A	General Administration ...	45,64	46,31	45,87	45,92
XI	Interest ...	2,99	3,38	3,66	4,70	19B	Law and Justice—Courts of Law ...	8,88	7,89	8,60	7,89
XVI-A	Law and Justice—Courts of Law ...	1,76	1,40	1,61	2,0	20	Do. Jails ...	54,72	55,00	58,90	55,48
XVI-B	Do. Jails ...	4,92	4,41	4,82	6,32	21	Police ... { Cash ...	5,05	4,99	5,04	5,04
XVII	Police ...	65	64	60	65	22	{ Alienations ...	89	41	37	41
XVIII	Marine ...	2,98	3,18	2,61	3,12	24	Marine ...	19,13	17,58	17,51	17,78
XIX	Education ...	1,33	1,38	1,33	1,36	25	Education ...	16,81	15,63	15,60	22 81
XX	Medical ...	2,29	2,36	2,40	2,34	26	Medical ...	3,62	3,74	3,65	3,73
XXI	Scientific and other Minor Departments ...	8,01	8,20	8,20	8,20	29	Political ...	2,02	2,17	2,00	3,22
XXII	Receipts in aid of superannuation, &c.	66	70	70	70	30	Scientific and other Minor Departments ...	18,60	19,04	18,81	19,42
XXIII	Stationery and Printing ...	89	84	80	80	32	Superannuation Allowances and Pensions ...	8,01	8,20	8,20	8,41
XXV	Miscellaneous ...	1,84	1,80	1,80	2,00	33	Stationery and Printing ...	1,96	1,96	1,85	1,93
XXVI	State Railways ...	23	24	27	27	37	Miscellaneous ...	2,40	...	...	...
XXX	Irrigation ...	7,90	8,00	6,94	7,58	38	Famine Relief ...	51	8	8	...
XXXII	Civil Works ...	2,21	1,83	2,02	1,72	41	Construction of Railways ...	1,22	1,28	1,29	1,37
	Contributions from Local to Provincial ...					43	State Railways (Working Expenses) ...	2	...	3	...
						45	Miscellaneous Railway expenditure ...	50	11	11	59
							Irrigation ...	31,75	30,27	26,50	2,902
							Civil Works ...	9,38	7,45	7,66	7,16
							Contributions from Provincial to Local ...				
	Total ...	4,05,34	4,17,68	4,26,90	4,29,98		Total ...	4,27,45	4,22,68	4,44,87	4,29,19
	Opening Balance ...	40,08	10,00	17,97	...		Closing Balance ...	17,97	4,96	...	79
	Grand Total ...	4,45,42	4,27,68	4,44,87	4,29,98		Grand Total ...	4,45,42	4,27,68	4,44,87	4,29,98

APPENDIX D.

Statement showing the Local Revenue and Expenditure under Bombay Act I of 1884 (including the cost of collection of the Revenues assigned under Section 44 of the Act) for the years 1896-97, 1897-98 and 1898-99.

[In thousands of rupees]

Major heads of Revenue	Actuals, 1896-97.	Budget Estimate, 1897-98.	Revised Estimate, 1897-98.	Budget Estimate, 1898-99.	Major heads of Expenditure.	Actuals, 1896-97.	Budget Estimate, 1897-98.	Revised Estimate, 1897-98.	Budget Estimate, 1898-99.
I.—Land Revenue	1,61	1,54	1,68	1,70	1 Refunds and Drawbacks	6	9	8	9
VI.—Provincial Rates	26,18	28,44	27,40	27,80	3 Land Revenue	2	1	...	...
XII.—Interest *	7	7	7	7	8 Provincial Rates	62	61	58	61
XVII.—Police	3,12	2,54	2,77	3,28	14 Interest	7	8	8	7
XIX.—Education	1,50	1,62	1,51	1,62	18 General Administration	48	51	1,42	1,41
XX.—Medical	1,17	17	19	19	20 Police	1,37	1,53	1,28	1,51
XXI.—Scientific and other Minor Departments.	25	17	13	17	22 Education	15,75	16,12	15,41	15,72
XXV.—Miscellaneous	16	17	12	12	24 Medical	2,05	2,00	3,00	2,47
XXXII.—Civil Works	6,19	6,53	5,02	6,45	26 Scientific and other Minor Departments ...	76	80	77	79
Contributions	12,20	10,46	10,32	10,19	29 Superannuation	2	3	3	3
					30 Stationery and Printing	9	7	7	8
					32 Miscellaneous	91	57	47	46
					33 Famine Relief	15	10,00	15	...
					45 Civil Works in charge of Civil Officers ..	14,38	16,13	13,35	14,51
					Do. do. do. Public Works Officers ..	14,69	10,00	11,59	10,20
					Contributions	4,80	4,84	4,69	4,75
Total ...	52,55	52,51	49,21	51,59	Total ..	56,22	63,39	52,97	52,70
Debt, Deposit and Advances	1,08	...	...	...	Debt, Deposit and Advances	1,65	...	...	...
Opening Balance ...	25,44	19,78	21,20	17,44	Closing Balance ...	21,20	8,90	17,44	16,33
Grand Total ..	79,07	72,29	70,41	69,03	Grand Total ...	79,07	72,29	70,41	69,03