

PROCEEDINGS
OF THE
COUNCIL OF THE GOVERNOR OF BOMBAY
ASSEMBLED FOR THE PURPOSE OF
MAKING LAWS AND REGULATIONS,
1894.
VOLUME XXXII.

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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 12th March 1894, at 3-30 P.M.

PRESENT:

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

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

The Honourable Mr. A. C. TREVOR, I. C. S.

The Honourable the ADVOCATE GENERAL.

The Honourable Ráo Bahádúr RANCHODLÁL CHOTA'LÁL, C.I.E.

The Honourable Khán Bahádúr DORABJI PADAMJI.

The Honourable Mr. P. M. MEHTA, M.A., C.I.E.

The Honourable Mr. W. R. MACDONELL.

The Honourable Mr. HERBERT BATTY, I. C. S., M.A.

The Honourable Mr. R. G. OXENHAM, M.A.

The Honourable Mr. A. T. SHUTTLEWORTH.

The Honourable Mr. GANPATRAO DÁMODAR PÁNSE.

The Honourable Mr. VISHNU RAGHUNÁTH NÁTU, B.A., LL.B.

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

The Honourable Mr. CHIMANLÁL HARILÁL SETÁLVAD, B.A., LL.B.

The Honourable Khán Bahádúr A. D. HASAN ALI BEY EFFENDI.

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

The Honourable Mr. JAVERILÁL UMIÁSHANKAR YÁJNIK.

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

The Honourable Mr. RAHIMTULA MUHAMMAD SAYÁNI, M.A., LL.B.

His Excellency the PRESIDENT said:—Gentlemen, the first business on the paper is that of the interpellations. As I have now the opportunity, I will take it, of saying that I hope this horse-shoe form of table will prove acceptable to honourable members. I can assure them that this separation is not with any idea of putting myself and my two colleagues above the other members, but so as to enable the Secretary to get conveniently in the centre to assist honourable members with papers or anything of that kind. It is an additional advantage too in a conservative country that the form of table is that used in the India Council in London.

The Honourable Mr. GANPATRAO DÁMODAR PÁNSE then put question No. 1 standing in his name—

For whom have the reserved places of the Provincial Service been kept open? If only for the Natives of India, is it intended to include Eurasians and Europeans in that expression? What are the orders on the subject from Her Majesty's Secretary of State for India?

The Honourable Mr. TREVOR in reply said:—The appointments reserved for the Provincial Service will continue to be open, as at present, to all subjects of Her Majesty. It is proposed that they should also be open to subjects of Native States in alliance with Her Majesty who have resided in British India for three years immediately preceding their appointment. The service will, however, continue to be, as at present, primarily a native one; and the Secretary of State has directed that no European who is not a Statutory Native shall be appointed to it without the previous sanction of the Government of India. The term Statutory Native includes Eurasians and Europeans born and domiciled in India of parents habitually resident in India.

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

Government, no doubt, will consider favourably the representations in favour of the inclusion of the Mámlatdárs in the said service; but in case they are excluded, can they claim Deputy Collectorships as of right as hitherto?

The Honourable Mr. TREVOR in reply said:—It has been decided by the Government of India that Mámlatdárships and the appointments corresponding to them in other parts of India should everywhere be excluded from the Provincial Service, the reason being that the Provincial Service will ultimately be recruited largely by competition and direct selection, whereas the duties of a Mámlatdárship are such as cannot be efficiently performed without long experience in the subordinate grades, and the appointment is of a kind better suited to be the prize of proved efficiency and integrity in those grades than the first step in the Provincial Service. The rules for admission to the Provincial Service will, however, provide for such promotion from the Subordinate to the Provincial Service as is practicable and necessary, whether for the encouragement of exceptional merit, or to prevent, as far as possible, disappointment of the legitimate expectations of officers who have entered the Subordinate Service under the existing rules.

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

Government in their Resolutions Nos. 4165 and 5522 of 1875 printed at page 515 of Nairne's Hand Book, ruled that Inámdárs should be invited to be present at the time of making appointments of their village officers. If any Inámdár objects to the appointment of a particular person, is it not proper to entertain the objection and appoint another to whose appointment he has no objection? What is the course now followed, and whether the wishes of Government conveyed in that Resolution are attended to by the Revenue authorities?

The Honourable Mr. TREVOR in reply said:—As the honourable member is no doubt aware, appointments of village officers, whether in Inám villages or elsewhere, are now so strictly governed by the provisions of the Watan Acts and of the Registers framed under them that the Collector has seldom much option as to the appointment to be made; nor can he refuse to accept the nomination of the Watandár or Watandárs legally entitled to nominate, whether it is agreeable to the Inámdár or not, except on the ground of absolute

disqualification. Government has no information to show that the wishes of the Inámdárs do not receive such consideration as is possible.

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

Is the change from Black to Red Ink in describing Sardárs in the Sardárs' List in conformity with the Proclamation of 1858?

Under what authority and for what reasons was the change made?

Was the change made simply for the convenience of certain judicial officers?

His Excellency the PRESIDENT in reply said:—Her Gracious Majesty's Proclamation of 1858 to which the honourable member appears to refer makes no special mention of Sardárs. It declares that all treaties and engagements with the Native Princes of India will be scrupulously maintained, and that the same obligations of duty which bind Her Majesty to her other subjects will be faithfully and conscientiously fulfilled in respect of the natives of India. As Sardárs for rank and precedence only have no treaty engagements with the British Government it is only the second of the above declarations that can in any way apply to them. It is perfectly true that the number of Sardárs whose names are printed in Black Ink in the list is gradually diminishing. But if the nature of the case and the origin of the classification be considered, it will be seen that that must be so. The special privilege of those Sardárs whose names are printed in Black is exemption from the jurisdiction of the ordinary Civil Courts; and the motive of the grant of such a privilege was the consideration that these persons were individuals of high distinction and influence under the Peshwa's Government from whom their creditors in the time of that Government would have found it difficult to exact payment of their debts. When the Deccan Districts were brought under the operation of the Regulations in 1827 it was thought that it would be a hard measure to suddenly make such persons subject to the jurisdiction of the ordinary courts; and therefore a special court was created which might in dealing with suits against them give special consideration to the peculiar circumstances of their position.

The authority under which this Government by degrees reduced the list of the most privileged persons, and eventually made the change from Black to Red Ink Sardárs was the Court of Directors, whose orders were that every fair opportunity of reducing the list of persons exempt from the ordinary course of justice, should be taken; and the reasons were that it was thought desirable to make the law uniform by degrees in its operations.

The answer to the honourable member's last question therefore is in the negative.

The Honourable Mr. JAVERILÁL UMIÁSHANKAR YAJNIK then put question No. 1 standing in his name—

Will Government be pleased to furnish information as to (1) talukas or group of villages, (2) individual villages, and (3) individual holdings in which enhancements in revision settlements have exceeded the limits laid down by the Secretary of State, namely, 33, 66, and 100 per cent., respectively, under (1), (2), and (3), together with a brief explanation in each case as to the necessity for departing from the sanctioned limits?

The Honourable Mr. TREVOR in reply said:—For information as to heads 1 and 2 of the honourable member's first question, I would refer him to the published settlement reports, in which all cases in which the normal limit of enhancement for (1) talukas or

groups of villages, (2) individual villages, has been exceeded, are noticed and explained. With regard to the third head, it is obviously impossible to give details of enhancements on individual holdings. I may, however, explain that the limit of 100 per cent. has never been laid down absolutely. The correspondence on the subject is very intricate, and the orders given at different times are a little confusing, but their general purport is that the increases due to encroachments and, in the case of the earlier original settlements, to cultivation of Pot kharáb are practically excluded. The principle is laid down that the correct standard of valuations is not to be abandoned to prevent excessive individual enhancements, though it is open to Government to remit wholly or in part, or for particular periods such proportion of the excess over 100 per cent. as may be necessary. Certain rules are laid down and directions are given that cases of excess remaining after these rules have been observed are to be reported for orders. This has since been done, specifically in some cases and in general terms in others, the form of relief most commonly afforded in recent settlements being what is called the Igatpuri concession, under which temporary remissions are granted for shorter or longer periods when the enhancement exceeds 25, 50 or 75 per cent.

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

Will Government be pleased to give a statement showing the result of the imposition of subsoil water-rates under the revision settlements lately introduced into the talukas of the Ahmedabad District in some such form as under :—

Taluka.	Nature of Land.	OCCUPIED AREA SHOWING		ASSESSMENT OF OCCUPIED AREA.			Amount of well-assessments given up in lieu of sub-soil rates.	Difference between assessments on account of sub-soil rates and well-assessments given up.	Maximum sub-soil rates.	Average sub-soil rates per acre.
		Area assessed under sub-soil.	Area not assessed under sub-soil.	Under sub-soil.		Not under sub-soil.				
				Assessment due to soil rates.	Assessment due to sub-soil rates.					
1	2	3	4	5	6	7	8	9	10	11
Parantij .	(1) Garden .									
	(2) Rice ...									
	(3) Dry-crop.									

The Honourable Mr. TREVOR in reply said :—I am unable to give the information asked for in the honourable member's second question, for the reason that in the greater part of the district the share of the assessment due to the sub-soil water annas has not been separately calculated, and to work it out from the field books would entail the employment of special establishment at a cost of some Rs. 3,000.

The Survey Commissioner has, however, promised some information about Daškroi, Dholka, and Dhandhuka, which will be laid on the table when it is received.

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

How much land in each of the above-mentioned talukas of Ahmedabad has been relinquished and how much land taken up after the introduction of revision settlement into them?

The Honourable Mr. TREVOR in reply said :—I have not as yet been able to obtain precise figures.

But it will perhaps answer the purpose of the honourable member's question to say that, according to the information received from the Revenue Commissioner, N. D., the cultivated area has increased as compared with that shown before the revision settlements in all talukas except Daskroi and Dholka.

In Daskroi, an area of 99,583 acres was shown as cultivated out of a total cultivable area of 1,09,645 acres in 1888-89, the last year before the revision, as compared with an area of 97,708 out of 1,08,709 acres in 1892-93.

In Dholka the corresponding figures are 88,330 out of 1,04,579 acres in 1887-88, as compared with 86,238 out of 1,02,359 in 1892-93.

It will be observed that according to these figures there is a decrease in the total cultivable as well as in the actually cultivated area after, as compared with before, the revision—and I am not at present able to say to what extent the decrease in the cultivated area is real or only apparent. Assuming it to be entirely real, the decline is not serious, nor is there any reason to suppose it will be permanent.

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

How many petitions were received from rayats complaining of excessive enhancements in the above talukas, and in what instances was redress given by Government or the Survey Department to such complaints?

The Honourable Mr. TREVOR in reply said :—A certain number of petitions protesting against general enhancements, proposed, or apprehended, are received and considered with every settlement report. But owing partly to the procedure followed it has not hitherto been found that such petitions are of much assistance to materially affect the conclusions arrived at. As the honourable member is aware, the possibility of remedying this state of things is already under the consideration of Government, though it is not a very easy matter. As regards petitions relating to individual enhancements, which may have been made to the District and Survey authorities in connection with the Ahmedabad settlements, information has been called for, but it is doubtful whether it can be collected now without an amount of labour incommensurate with the value of any conclusions that could be drawn from it. I am obliged, however, to the honourable member for drawing my attention to the subject, and have given orders that a separate register of such petitions should be kept in carrying out future settlements, and that their number and the manner in which they were disposed of should be noticed in reporting on the first year's working.

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

Will Government furnish a statement showing the acreage of land in each of the talukas of the Ahmedabad District in which the classification scale was raised on account of the conversion of jirāt lands into rice or garden lands?

The Honourable Mr. TREVOR in reply said :—As the honourable member will see from the published settlement reports, such changes in classification as have been made in connection with revision surveys in Ahmedabad have been made for the most part either in correction of errors or on the general principle of classifying for natural advantages, whether actually utilized or not, which applies equally to all land, converted or unconverted. The only case in which the application of the principle has had a direct effect

Daskroi	5,038	in the classification of converted land is that of a small addition, limited to four annas at the utmost, made in the classification of new rice in respect of any special natural facilities for conversion which may have distinguished it from neighbouring jirát. The total area of converted rice land in Ahmedabad as given in the settlement reports is 14,580 acres, but I am unable to say in how much of this any addition to the classification has actually resulted from the working of the rule in question and it would probably be impossible to ascertain without reference to the field books.
Paragraph 17 of report.		
Dholka	2,783	
Paragraph 22.		
Viramgám	2,096	
Paragraph 17.		
Parántij	1,226	
Paragraph 48.		
Sánand	3,437	
Paragraph 14.		
Total	<u>14,580</u>	

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

Whether Government are aware of a petition by the Poona Sárvajanik Sabha to the Government of India anent certain draft rules said to have been framed by the Local Government to regulate first admissions to the new Provincial Service of this Presidency; whether the summary of the proposals of the Local Government given in the Sabha's petition, based as it evidently is on information appearing in the Times of India and other papers, is fairly correct, especially in regard to the following points:—

- (1) *the exclusion of the Mámlatdárs from the Provincial Service;*
- (2) *the recruitment of the service, partly by open competition, partly by nomination, and in very exceptional cases by promotion from the subordinate service;*
- (3) *the notifying of the proportions of the various castes, creeds and races of the Presidency who are to enter by the competition door and the inclusion of Europeans among such classes;*
- (4) *the subjects proposed for the competitive examination; and*
- (5) *the absence of an educational test in the case of persons entering the service by Government nomination;*

and whether Government will be pleased to direct a copy of the proposed rules to be placed on the table of the Council?

The Honourable Mr. TREVOR, in reply, said:—The information asked for by the honourable member is in part supplied by the answers to the Honourable Mr. G. D. Pánse's questions Nos. 1 and 2.

Government are unable, as the rules are still under consideration, to give more definite information on the subject.

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

Have Government had before them a petition by dealers in country tobacco in Bombay complaining—

- (a) *of the want of any recognised system of regulating the grant of licenses for the retail sale of country tobacco in the city, of licenses having "frequently been refused to respectable applicants" and "granted to persons of the very lowest class and character;"*

- (b) *of harassing restrictions placed on license-holders, such as prohibiting them from going out of Bombay without the written permission of the Assistant Collector of Customs ;*
- (c) *of unfair distinctions drawn between dealers in foreign and country tobacco ;*
- (d) *of licensees not being supplied, even on payment of fees, with the rules and regulations of the Tobacco Department ?*

and praying that the offenders under the Act of 1857, or the rules and regulations of the Department made thereunder, be tried not by the officers of the Department but by the Presidency Magistrates ? Has any inquiry been made into the justice or otherwise of these allegations, and, in the event of any such allegations being known to be well founded, have any steps been taken to give redress to the petitioners whose first memorial on the subject dates as far back as 1871 ?

The Honourable Mr. TREVOR in reply said :—A petition of the character described by the honourable member is now before Government and is being considered by the light of previous similar petitions and the orders passed on them. The grievances alleged appear to be more theoretical than actual and substantial, but such consideration will be given to them as is consistent with the maintenance of the necessary departmental control.

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

Have the Divisional Commissioners, who were lately requested to consider and suggest what steps might be taken to facilitate intelligent criticism by rayats of proposals for the introduction of revised settlements of their lands, submitted their report ; and if so, what measures have been adopted to carry out the object of Government ?

The Honourable Mr. TREVOR in reply said :—Reports have been received from the Divisional Commissioners, and the suggestions therein made have necessitated further correspondence on the subject. Government are unable to state at present the measures which may be finally adopted to carry out the object in view, but the matter is one which will receive the fullest consideration.

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

Whether Government are aware of the Municipality of A'mod [a town in the district of Bombay (? Broach) with a population of about 5,000 souls] having decided to levy for the year 1893-94 a house-tax, based not on the rental of houses, but on their assessed cost value at 8 annas per cent. of that value ? Whether any notice of the imposition of such tax was given to the rate-payers in terms of Section 21, Clause 1, of the Bombay District Municipal Act of 1873, defining the class of persons or property to be made liable thereto and the amount to be imposed ? Whether the levy of such house-tax estimated to yield nearly Rs. 5,000 a year has received the sanction of Government ? And whether it is a fact that this mode of imposing the house-tax has resulted in placing unduly heavy burdens on individual house-owners, one house-owner, for instance, having had to pay no less than Rs. 558-8-0 in respect of two of his house properties in the town ?

The Honourable Mr. BIRDWOOD in reply said :—In January 1893, Government sanctioned the proposals of the A'mod Municipality to levy house-tax at a uniform rate of 8 annas per cent. on the assessed value of each house and shop-tax at the rate of Re. 1

per shop. A notice under Section 21 of Bombay Act VI of 1873 in respect of the taxes was given by the Municipality. The income from the taxes was estimated at Rs. 4,000. Government have no information on the point mentioned in the concluding portion of the honourable member's question, but the system of house-tax adopted by the Municipality ensures that the wealthier inhabitants shall contribute to municipal revenue in proportion to their wealth.

The Honourable Mr. RAHIMTULA MAHAMMAD SAYANI then put questions 1 and 2 standing in his name—

1. *What will be the probable annual saving when the present Survey and Settlement Department proper ceases to exist as a separate establishment?*

2. *Will such annual saving be permanent or will it be absorbed either wholly or partially, and if partially, to what extent, by the Department of Land Records and Agriculture?*

The Honourable Mr. TREVOR in reply said :—According to the most recent forecast, the necessity for a separate survey and settlement establishment will have disappeared and the Department of Land Records and Agriculture will be fully developed by the end of 1896-97. The probable cost of the latter Department alone from that year onwards is estimated at about 2½ lakhs as compared with an expenditure on Survey and Settlement and Land Record and Agricultural establishments combined, estimated for the current year at about 6½ lakhs. It is hoped that there will thus be an ultimate permanent saving of about 3½ lakhs as compared with the present scale of expenditure. The reduction will, however, be gradual, and it is of course impossible to say that circumstances may not arise which will affect the accuracy of the forecast.

These remarks apply to the Presidency proper. In Sind the Survey and Settlement Department has already been replaced by a permanent Land Record establishment with effect from 1st November 1893 at a cost of Rs. 28,500 for the latter as compared with Rs. 73,320 for the former according to the reduced scale in force during the last year of its existence.

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

3. *Does Government contemplate taking any action on the lines of the Government in the North-Western Provinces with a view to the formation of Conciliation Committees for allaying friction and settling disputes between Hindus and Muhammadans?*

The Honourable Mr. BIRDWOOD in reply said :—Government have received no official information as to the action taken by the Government of the North-Western Provinces, but would regard favourably any movement in the direction indicated. It appears to Government that it is for the Hindu and Muhammadan communities themselves to take the initiative as regards the formation of Conciliation Committees in any town in which disputes exist. The officers of Government will, however, be always ready to render their good offices to promote the objects in view whenever they may be applied to for assistance. So far as recent experience goes, Government are of opinion that Government officials have taken the initiatory steps to encourage reconciliation.

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

Has Government any objection to re-enact, in some form or another, the provisions of the Kdzi Act?

The Honourable Mr. BIRDWOOD in reply said :—The Kázis' Act of 1880 is still in force and may, from time to time, be extended by notification in the *Official Gazette* to the whole or any part of the territories under the administration of the Bombay Government. It has already been so extended to some parganas in the Sholápur district and to a few places in the Ahmednagar, Sátára and Poona districts, and to Sind. The question of its further extension from time to time appears to depend, in the initial stages, rather on the wishes of the Muhammadan community than on Government.

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

Is it a fact that appeals to Government in certain matters were in the years 1885 and 1886 heard by the Judicial Member of Council at the Secretariat, and the parties were allowed to appear at such hearing? Will Government state why such practice has been discontinued, and whether Government has any objection to revert to that practice?

His Excellency the PRESIDENT in reply said :—It is a fact that a particular member of Government during a space of seven months in 1886 and 1887 (August 1886—February 1887) heard a certain class of appeals in the presence of the parties; and another member of Government heard a single appeal of the same class in the same way in 1890; but I am not prepared to admit that these instances are sufficient to establish what the honourable member has termed a “practice.” The class of appeals above mentioned are those from decisions of the Agent for Sardárs in the Deccan, and being under Regulations go in appeal to the Privy Council, not to the Secretary of State. It is always open to Government to consider in each instance whether there is sufficient reason for hearing the appeal in the presence of the parties, but I see no necessity for laying down a rule on the subject. No other class of appeal has ever been so heard by Government.

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

Will Government state which of the recommendations of the Bombay Extension Committee, approved of by Government, have been or are being carried out?

His Excellency the PRESIDENT in reply said :—The recommendations of the Extension Committee, so far as regards matters under the control of Government which have been or are being carried out, are as follows :—

Vacant Spaces—Government Lands. Recommendation 14.

The greater portion of the Kennedy Sea Face has been allotted for recreation grounds as proposed by the Committee.

Recommendations 15 and 16.

A project has been prepared for utilizing the Government Chaupáti Estate, for building purposes, and it is hoped that this will be sanctioned by the Government of India.

Terms and Conditions.

Revised terms have been adopted for leases, and some modifications have been made in the building conditions. Tenders for certain plots have been called for, and a few sales have taken place on the Esplanade Estate.

Removal of Buildings. Recommendations 1, 2 and 3.

A project for the removal of the Lunatic Asylum is ready; and plans and estimates have been sanctioned for a new Jail, and land for its site has been purchased.

Recommendation 5.

The Elphinstone College has been removed to the Cawasji Jehangir Building and the old Elphinstone College has been allotted for the Technical Institute.

Recommendation 18.

The Cathedral High School has been purchased by the Oriental Government Security Life Assurance Company, and a site for the Boys' High School has been allotted near the Executive Engineer's Store.

Reclamations.

The question of reclamation has been considered, but the objections to building within the area bounded by the line of fire of the Batteries will much restrict the space available, and, until the demand for existing sites is greater than at present, it is not considered desirable to push on with the reclaiming of land from the sea.

Railway Lines.

A new Railway Station on the Great Indian Peninsula Railway at Hancock Bridge is in course of construction and will be ready shortly.

Of the Suburban Stations on the Great Indian Peninsula Railway that at Byculla has been entirely rebuilt; and new Stations at Chinchpokli and Curry Road are in progress.

A new Trial Station on the Great Indian Peninsula Railway has been open at Matunga.

Level Crossings, Overbridges.

It has been decided to make a permanent bridge at the Chaupati Level Crossing, and the designs are being prepared.

The Falkland Road Overbridge has been arranged for and is being vigorously proceeded with.

Foot Bridges.

Government have approved foot bridges over the Bombay, Baroda and Central India Railway—

1. At a point just south of the Charni Road Station.
2. Opposite the Hindu Burning-ground.
3. South of Marine Lines Station.
4. Over the Great Indian Peninsula Railway near Chinchpokli Station.

The foregoing items are for matters under the control of Government, and, in regard to items under municipal control, information is not available, but the honourable member can doubtless obtain any details he requires from the Municipal Commissioner.

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

Will Government state what is the present stage of the project of the proposed Tapi Valley Railway from Surat to Nandurbár?

The Honourable Mr. TREVOR in reply said :—Surveys for a broad-gauge line connecting the Bombay, Baroda and Central India Railway at Surat with the Great Indian

Peninsula Railway at Manmád and Jalgaon have been made : by the Bombay, Baroda and Central India Railway Company between Surat and Amalner *viâ* Nandurbár, and by the Great Indian Peninsula Railway Company from Manmád *viâ* Amalner to Jalgaon. The Great Indian Peninsula Railway Company's surveys, which have only recently been completed, are under reference to the Commissioner, Northern Division. On receipt of his report, the whole project will be submitted to the Government of India. No proposals for the actual construction or financing of the line have, as yet, come under consideration.

The Honourable Mr. CHIMANLÁL HARILÁL SETÁLVAD then put question No. 1 standing in his name—

Are Government aware that while the Government Pleader, as a rule, appears for the Crown in criminal cases, however complicated and important, coming from the Mofussil to the Appellate Side of the High Court, the Advocate General or some other Counsel instructed by the Public Prosecutor appears for the Crown in criminal cases coming to the same side from the Town and Island of Bombay? Will Government, with a view to retrenchment, entrust the criminal work of the Town and Island of Bombay coming to the Appellate Side also to the Government Pleader?

The Honourable Mr. BIRDWOOD in reply said :—Government are aware that the Advocate General instructed by the Public Prosecutor appears for the Crown in criminal cases coming to the Appellate Side of the High Court from the Town and Island of Bombay, when required to do so by Government on the motion of the Government Solicitor as Public Prosecutor. No other Counsel ordinarily so appears or has so appeared for some time past. Government are also aware that cases coming from the Mofussil are ordinarily conducted by the Government Pleader. If such cases are so complicated or so important as to seem to require the engagement of special Counsel, Government, or, if there is no time to refer to Government, the Remembrancer of Legal Affairs, has power to authorise the engagement of special Counsel. To the second part of the honourable member's question the answer is that the Government Pleader receives a fee of Rs. 30 for every criminal case in which he actually appears on behalf of Government. Neither the Advocate General nor the Public Prosecutor receives any fee in the cases referred to. It would, therefore, instead of being an economy, be a cause of additional expenditure to Government if the honourable member's suggestion were adopted.

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

What were the average total monthly emoluments during the three years ending December 1893 of (1) the Clerk to the Insolvency Court, and (2) the Official Assignee?

The Honourable Mr. BIRDWOOD in reply said :—The average monthly emoluments of the two officials mentioned in the honourable member's question amounted, respectively, for the last three years to Rs. 3,817 and Rs. 3,031. In the case of the Official Assignee, the three years ending the 31st January, 1894, have been exceptional, as during their course commission on two very large estates was received. The total average monthly emoluments for twelve years and three months before the 31st January, 1891, amounted in his case to Rs. 1,525.

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

(a) *What are the reasons for inserting a provision in the proposed "rules regulating the extent of the independent authority of Municipalities in respect of*

public education" published at page 1030 of the Bombay Government Gazette, Part I (1893), requiring Municipalities to submit the educational section of their budget to the Educational Inspector when the rest of the budget involving much larger expenditure is not required to be submitted to the Commissioner?

- (b) *Why is it proposed by these rules to lay down restrictions regarding the award of free studentships and scholarships in primary schools and other institutions aided by Municipalities? Does the Grant-in-aid Code of Government provide similar restrictions regarding free studentships and scholarships not paid from public funds in the case of institutions aided from Provincial Funds?*
- (c) *Were the requirements of Government Resolution No. 31, Educational Department, dated 8th January 1892, about holding Divisional Conferences of the representatives of leading Municipalities in each Division in addition to inviting their written suggestions complied with before framing these rules? If not, for what reasons? How many Municipalities sent written suggestions and how many were in favour of the changes referred to in (a) and (b)?*

His Excellency the PRESIDENT in reply said :—(a) The object of the rule to which the honourable member draws attention, is to secure that the criticism of the Educational Inspector on that portion of the budget with which he is concerned and towards which Government contributions are made may reach the controlling authorities with as little delay as possible.

(b) The answer to the first part of this question is that the rule dealing with this matter was framed in order to secure adherence to the policy laid down by the Education Commission. I may refer the honourable member to paragraphs 217 and 654 of that Commission's report. The proposals in those paragraphs were accepted by the Government of India. The second part of this question is not quite understood. Free studentships not paid from public funds are under no restrictions under the Grant-in-aid Code. They are usually, it is believed, given on defined conditions, which are of course adhered to.

(c) Government have no information whether the Educational Inspectors held Divisional Conferences in the sense of general meetings of representatives of various Municipalities assembled in one place. Most probably they did not, and for obvious reasons—but Government have no reason to suppose that they disregarded the instruction "to confer with the representatives of their leading Boards." The Director's final report deals chiefly with objections raised. He reports that all Municipalities were consulted, and it appears from the report that 17 Municipalities offered one or more suggestions regarding the rules. These suggestions do not touch the particular points raised by the earlier portion of the honourable member's question, though six Municipalities criticised the earlier portion of Rule 10 dealing with the regulation of fees. The inference is that those rules to which the honourable member has directed attention, were accepted generally.

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

Have Government made any enquiry with a view to ascertain how far the principles laid down by His Excellency Lord Lansdowne in his speech at Agra in November last were

given effect to in dealing with the customs and rights of the inhabitants of Yeola, and if so, what is the result of that enquiry? If no enquiry has been made, do Government contemplate making any such enquiry?

The Honourable Mr. BIRDWOOD in reply said:—The honourable member's question is somewhat vague and hypothetical, and appears to be based on a misapprehension of the character of the speech referred to, which was not an official direction laying down any new principle for future official guidance in dealing with disputes between the Hindu and Musalman communities, but simply a personal warning that Government would not be induced by lawless and aggressive conduct on the part of either community to depart from its established policy, coupled with an appeal to the public press to abstain from inflammatory topics and use its influence on the side of conciliation and good feeling and to the people of either community to refrain from class antagonism and attempts to irritate, annoy or coerce each other, and to avoid occasions of offence by treating each other with mutual respect and forbearance. Government have no reason whatever to suppose that the customs and rights of the people of Yeola have been treated in a manner in any way conflicting with the views Lord Lansdowne is reported to have expressed. So far as the people and the local press of Yeola are concerned, the appeal seems unfortunately to have been entirely disregarded, and the responsibility for the consequences rests on those who disregarded it.

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

Is it true that four telegrams, dated the 23rd of September 1893, 6th October 1893, 10th January 1894 and 11th January 1894, respectively, addressed to Mr. Winter, Collector of Násik, informing him of the serious state of affairs at Yeola and seeking assistance, were returned by that officer for want of Court-fee stamps? Are there any rules issued by Government prohibiting officers from taking cognizance of such urgent telegrams unless they are stamped?

The Honourable Mr. BIRDWOOD in reply said:—It is true that four telegrams addressed to Mr. Winter, Collector of Násik, were returned by him for want of a Court-fee stamp. There is no rule requiring an application by telegraph to be stamped, but there is an order of the Government of India requiring the written communication of the contents of the telegram to be stamped. There are no rules either forbidding or requiring an officer to take cognizance of telegrams. The question whether an officer receiving a telegram should take action on it must, in the absence of authentic information as to the person by whom the message was delivered for transmission, depend generally on such estimate as the officer is able to form as to the urgency of the occasion and the correctness of the information the telegram purports to convey. In cases of public urgency, such as are referred to in the honourable member's question, the necessity for special action on private telegrams would generally be obviated by the possession of official information, and it may be assumed that Mr. Winter took no action on the telegrams in question because he was already in possession of official information as to occurrences at Yeola.

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

At whose instance and for what reasons was the number of nominated Commissioners of the Ahmedabad Municipality raised in the year 1892 from 14 to 17, while the number of elected Commissioners was kept the same as before?

The Honourable Mr. BIRDWOOD in reply said :—Government on their own responsibility increased the number of nominated Commissioners to the limit permitted by law. When the number had been so increased, there were 16 elective Commissioners and 16 nominated Commissioners, exclusive of the President, who was a nominated member. The increase in the number of the Municipality to its full strength was necessary to ensure efficient municipal administration, and was made in the interests of the people of Ahmedabad, and on the responsibility of Government.

The Honourable Mr. SETA'LVAD then put question No. 7—

- (a) *When was the Uncovenanted Medical Service established and how many appointments have been made in this Presidency to this service since its establishment (1) from the open profession of medicine, (2) from the ranks of the Assistant Surgeons, and (3) from the Apothecary Class?*
- (b) *What is the system followed in making appointments to this service? Are the appointments advertised, and applications for the same invited, and, if so, in what manner?*
- (c) *How many Assistant Surgeons have from time to time applied for appointments in this service, and how have their applications been disposed of?*

The Honourable Mr. BIRDWOOD in reply said :—The honourable member's question No. 7 cannot be answered at present, as old records have to be examined and references made.

The Honourable Mr. SETA'LVAD then put question No. 8—

Are Government now in a position to give definite answers to questions Nos. 4, 5 and 6 put by me at the meeting of the Council on the 27th of July 1893 respecting the grievances of the Khots in the Devgad Taluka of the Ratnagiri District, and, if so, will Government be pleased to do so?

The Honourable Mr. TREVOR in reply said :—The matter referred to by the honourable member, which is a very intricate one and full of complicated issues, is still under the consideration of Government.

The Honourable Mr. SETA'LVAD then put question No. 9—

- (a) *Is it a fact that during the years 1890, 1891 and 1892 there were only 18 cases in which the Chemical Analyser had to give evidence in person, while nearly a thousand medico-legal cases were examined and reported on and reports admitted as evidence? How many of these examinations were actually conducted by the officer over whose signature the results of the examinations were certified? If any reports were signed by the Chemical Analyser, while the examinations were really conducted by the Assistant Chemical Analyser, why were not such reports sent under the hand of the Assistant as provided for by Section 510 of the Criminal Procedure Code?*
- (b) *Out of the total number of 1,792, 1,619, 1,755, 2,320 and 1,893 analyses conducted by the Chemical Analyser's Department during the years 1888, 1889, 1890, 1891, and 1892, respectively (vide Chemical Analyser's Report for 1892) how many in each year were actually performed by (1) the Chemical Analyser, (2) the Acting Chemical Analyser during the periods that the permanent incumbent was on leave, and (3) the Assistant Chemical Analyser?*

- (c) *Is there any truth in the allegation publicly made by the late Assistant Chemical Analyser that the Chemical Analyser during the years 1890, 1891, and 1892 was in the habit of spending days at hill sanatoria and signing the reports of analyses done in the laboratory at Bombay and sent up to him for signature? If the allegation is true, how many days in all during those years was he so absent, and by whom was such absence authorized and under what rules?*
- (d) *Will Government be pleased, in view of the serious allegations publicly made about the working of the Chemical Analyser's Department, to lay the report of the Chemical Analyser (vide answer to my question No. 3 put at the meeting of the Council on the 31st of August 1893 on the table?)*

The Honourable Mr. BIRDWOOD in reply said:—Question 9 (a)—It appears, after enquiry, that during the years 1890, 1891 and 1892, 994 medico-legal cases were examined; that there is no record of the precise number of cases in which evidence was personally given in Court by the Chemical Analyser to Government, but that such cases are few in number—signed reports being admissible as evidence under Section 510 of the Code of Criminal Procedure and being generally sufficient in the great majority of cases, though it may occasionally be necessary that the Examiner should himself be cross-examined as to the contents of the report; and that it is practically impossible to trace and shew separately the cases analysed during these years by the Chemical Analyser and his Assistants. It is true that reports of examination made by the Assistant Chemical Analyser are signed and certified by the Chemical Analyser. Government are advised that such a course is in conformity with the law in all cases in which the Assistant Chemical Analyser makes the examination under the supervision of the Chemical Analyser, and the latter signs the report because he is personally satisfied of the correctness of its contents.

Question 9 (b) cannot be answered, as the Chemical Analyser's Department is fully occupied with its legitimate work, and it is not in the interest of the public that that work should be interrupted for the purpose of examining the records to the extent necessitated by the honourable member's question.

Question 9 (c) and (d). Government have already enquired into the allegations made by Dr. M. G. Deshmukh as to the working of the Chemical Analyser's Department, including the allegation as to visits to hill sanatoria, and, as already stated in reply to the honourable member's question No. 3 at the Meeting of the Council on 31st August last, Government have accepted the explanation given by the Chemical Analyser as being satisfactory, and, entertaining that opinion, Government see no advantage in publishing that officer's report.

The Honourable Mr. VISHNU RAGHUNATH NÁTU then put question No. 1 standing in his name—

In the case of Imperatrix v. Mukund Baba Veté and others decided by the High Court of Bombay, it was brought to light that an illegal practice prevailed in Belgaum where Police officers lend their help, without orders from British Magistrates, in the execution of warrants of arrest of British subjects issued by the Sângli authorities for offences alleged to have been committed within the territory of that State. Whether Government is aware of such a practice in Belgaum or in any other place, and, if so, whether Government will be pleased to issue orders to put a stop to the same?

The Honourable Mr. BIRDWOOD in reply said :—Government are not aware of the existence of such a practice as the honourable member describes, but will obtain a copy of the judgment of the High Court in the case referred to and consider whether any action on the part of Government is called for.

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

What final decision Government has passed on the petition of certain Khots in the Devgad Táluka against the inequalities produced by the survey settlement recently introduced there?

The Honourable Mr. TREVOR in reply said :—No final decision has yet been passed by Government on this subject, which is still under consideration.

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

Is Government aware of the complaints made by the rayats of Panvel Táluka against the enhanced survey rates introduced there, and whether Government has recommended any reasonable reductions in the same or not?

The Honourable Mr. TREVOR in reply said :—Two petitions were received from certain landholders of the Panvel Táluka of the Kolába District in which they stated that a memorial protesting against the enhanced rates generally would be submitted to Government and prayed that the rates should not be levied during the current year pending disposal of that memorial. Government have declined to comply with their request as regards the levy of the rates during the current year; the memorial promised by them has not yet been received by Government.

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

What orders Government has passed with regard to a large sum (about Rs. 21,000) advanced by the District Local Board of Belgaum for the hutting and other charges incurred for the people working on relief works opened by that Board during the last scarcity and which charges should have properly been paid from the Provincial Fund, as the District Local Board had only sanctioned the works on the suggestion of Government?

The Honourable Mr. TREVOR in reply said :—The question is at present under the consideration of Government and has not yet been finally decided.

PAPERS PRESENTED TO THE COUNCIL.

(1) Letter from the Deputy Secretary to the Government of India, Legislative Department, No. 125, dated the 15th January 1894—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the law to further amend the law relating to the municipal government of the City of Bombay; forwarded with this Government letter No. 392, dated the 8th December 1893.

BILLS AND ORDER OF THE DAY.

BILL No. I OF 1894.

The Honourable Mr. BIRDWOOD, in moving the first reading of the Bill to amend the law in the Peint territory, said :—Your Excellency,—The Bill

The Honourable Mr. Birdwood moves the first reading of Bill No. 1 of 1894. to amend the law in force in the Peint territory in the Bombay Presidency has already been published in the *Government Gazette* on the 2nd instant in pursuance of an order made by

Your Excellency, under Rule 15 of the rules for the conduct of business at meetings of this Honourable Council. Such publication is deemed under the rules to be the introduction of the Bill, and the motion which I will presently ask the Council to adopt will, therefore, be for the first reading of the Bill. The Statement of Objects and Reasons, which has also been published, shows succinctly the necessity for the proposed legislation, and it will be necessary for me, at the present stage of the Bill, to supplement that statement with only a very short explanation on some matters of detail. The Peint State lapsed to the British Government in 1878, on the death of the last Begum without heirs, and was for some years administered by the Collector of Násik, under the immediate orders of the Government of Bombay, as non-regulation territory. In May, 1885, the Government of India issued a proclamation under the Statute 28 and 29 Victoria, Chapter 17, Section 4, which had the effect of annexing the territory to the Presidency of Bombay. On the 10th July, 1885, the provisions of the Statute 33 Victoria, Chapter 3, Section 1, were declared to be applicable to the Peint territory from that date. The declaration was made by the Secretary of State for India and was notified by the Government of India, with the result that, thenceforward, Peint became a "scheduled district" within the meaning of the Scheduled Districts Act of 1874. A further development of the legal history of Peint took place in March, 1887, when certain notifications were issued under Section 3 of that Act and also under the Opium Act of 1878, which contained declarations as to the laws in force in Peint. It would only weary honourable members if I were to attempt any enumeration of these laws. It will be sufficient, I think, to say that, since the issue of those notifications, it has not, in practice, been always an easy matter, even for authorities well versed in the law, and much less so for the local officers who are called upon to administer civil and criminal justice, to determine whether any particular law in force in other parts of the Presidency is in force or not in Peint. When I say that a difficulty has been felt, and different opinions expressed, on apparently so simple a question as whether the Indian Penal Code, which was passed in 1860, became *proprio vigore* in force in Peint in 1878 or has subsequently been in force there, then I think I have said enough to justify the desire of this Government to remove all doubt on such important matters by a short Act such as that now proposed. At one time, local officers were, no doubt, opposed to such legislation, the necessity for which was not very apparent in the case of a people who in one remarkable respect differed from their neighbours. In the happy valleys which lie between the rugged mountain ridges by which Peint is intersected, there is little known crime and, what is stranger still, there is little desire for litigation in the Civil Courts. I leave it to honourable members to say whether such a state of society is really in advance of or behind that of more civilized tracts. But however that may be, there is no opposition now to the proposal to bring the Peint territory into line with the other Regulation Districts of the Presidency. The measure now before the Council is approved of both by the Commissioner of the Division and the Collector of the District. Peint is already administered as a sub-division of the Násik District; and no inconvenience will be caused to the people by placing it on the same legal footing as other parts of that district. If the Bill becomes law, there will be uniformity of law and administration throughout the Collectorate. I have only to add that the Bill has been drafted generally on the lines of the similar Act of 1885, which applies to the Panch Maháls, which were before that year a scheduled district. As the effect of Section 2 of the Bill is to amend Act XIV of 1874 so far as it affects the Peint territory, and as that Act was passed subsequently to the first Indian Councils Act of

1861, it has been necessary to ask His Excellency the Governor General to sanction the proposed legislation under Section 5 of the Councils Act of 1892, and this sanction has been obtained. I now move the first reading of the Bill.

The motion for the first reading having been passed without discussion, the Honourable Mr. Birdwood moved that the Bill be referred to a Select Committee, consisting of the mover, and the Honourable Messrs. Trevor, Batty, Pánse, and Sayáni, with instructions to report on Friday next, and with the further instruction that it would be unnecessary to publish the report in the *Government Gazette* in Maráthi.

The motion was carried.

His Excellency the PRESIDENT then adjourned the Meeting to Friday the 16th March, 1894, at 3-30 P.M.

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

C. H. A. HILL,

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

Bombay, 12th March 1894.

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 Friday the 16th March 1894, at 3-30 P.M.

PRESENT:

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

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

The Honourable Mr. A. C. TREVOR, I. C. S.

The Honourable the ADVOCATE GENERAL.

The Honourable Khán Bahádúr DORABJI PADAMJI.

The Honourable Mr. W. R. MACDONELL.

The Honourable Mr. HERBERT BATTY, I. C. S., M.A.

The Honourable Mr. R. G. OXENHAM, M.A.

The Honourable Mr. GANPATRÁO DÁMODAR PÁNSE.

The Honourable Mr. VISHNU RAGHUNATH NA'TU, B.A., LL.B.

The Honourable Mr. CHIMANLÁL HARILÁL SETA'LVAD, B.A., LL.B.

The Honourable Khán Bahádúr A. D. HASSAN ALI BEY EFFENDI.

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

The Honourable Mr. JAVERILÁL UMIA'SHANKAR YA'JNIK.

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

The Honourable Mr. RAHIMTULA MUHAMMAD SAYA'NI, M.A., LL.B.

PAPERS PRESENTED TO THE COUNCIL.

Report of the Select Committee appointed to consider Bill No. 1 of 1894, "a Bill to amend the law in force in the Peint Territory in the Bombay Presidency."

BILLS AND ORDERS OF THE DAY.

A Bill to amend the law in force in the Peint Territory in the Bombay Presidency.

His Excellency the PRESIDENT said :—At our last meeting we directed a Select Committee consisting of the honourable member in charge of the Bill and the Honourable Messrs. Trevor, Batty, Pánse, and Sayáni to report and present their views on the Peint Bill to-day. The business therefore before the meeting is to consider the Bill. In order to enable the Council to do so, it is necessary for me under Rule 42 to suspend so much of the Rule 26 as prevents the consideration of the Bill until seven days after the report has been received and distributed to the members. This Bill has received unanimous approval on its first reading. The Report of the Select Committee shows that the alterations are of no moment, and under those circumstances I am, I think, justified in suspending the standing orders and proceeding with the consideration of the Bill.

The motion of His Excellency the PRESIDENT was put to the Council and adopted:

The Honourable Mr. BIRDWOOD, in moving the adoption of the report of the Select Committee on the Peint Bill, said :—In now moving that the report of the Select Committee be adopted, it will, I think, be unnecessary for me to state again the circumstances which I referred to on Monday last as explaining the necessity for the proposed legislation. As His Excellency has just observed, the principle of the Bill is approved by the Select

Committee, as is also the form of the Bill, which, I have already stated to the Council, follows generally the lines of the similar Act of 1885, relating to the Panch Maháls. The Committee assume that the Bill will become law during the course of the present year and they recommend that it should come into operation from the 1st January, 1895. They have accordingly proposed the requisite amendments of Section 1 of the Bill, to give effect to this recommendation. I now propose that the Bill as amended by the Select Committee be adopted.

The adoption of the Bill as amended by the Select Committee was carried *nem. con.*

The Honourable Mr. Birdwood
moves the second reading of Bill
No. 1 of 1894.

The Honourable Mr. BIRDWOOD then moved the second
reading of the Bill.

His Excellency the PRESIDENT, in supporting the second reading of the Bill, said:—It will perhaps be convenient for me to explain at this stage that, as the Bill is not to become law until the commencement of next year, it is obviously a very proper proposal of the Select Committee, as we are changing the legal status of the inhabitants of a portion of the district, that a reasonable time should elapse before that change takes place. I propose after the second reading has been carried not to proceed further with the stages of the Bill at this season of the year. It will be convenient to have the Bill in hand to enable the Council to assemble for the purpose of discussing the Budget and for the convenience of honourable members as regards asking questions during the rains. Honourable members agree that they will prefer to discuss the Budget when they get the figures in detail; that will probably be about the same time in the rains as last year. By having a stage or two of this Bill to deal with I shall certainly be able to assemble the Council. It is very likely there may be other Bills—Port Trust Bills—which will enable me to summon the Council, but I would rather have the certainty of this Bill being on hand to enable me to call you together and give honourable members an opportunity of putting those questions they may desire to ask.

With regard to the subject of questions it will be of very great convenience to the departments of the Secretariat and to my honourable colleagues and myself if honourable members who have made up their minds to ask questions would kindly send them in at once and not wait until the notice of a meeting of Council has been given. We had some ten days or a fortnight this year in which to prepare answers to questions, and I can assure honourable members that with every desire to give all information, we think we may legitimately say it does lay considerable extra stress on the departments to have to work answers up in a very short time. It would therefore be far more convenient if we had the questions sent in to us earlier. My honourable colleague in charge of the Bill has moved the second reading of the Bill and unless any honourable member wishes to speak I will put the motion at once to the Council, that the Bill be read a second time.

Bill read a second time.

The Bill was then read a second time and His Excellency the PRESIDENT adjourned the meeting *sine die*.

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

C. H. A. HILL,

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

Bombay, 16th March 1894.

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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 Tuesday the 14th August 1894, at 3 P.M.

PRESENT.

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

His Excellency Lieutenant-General the Honourable CHARLES EDWARD NAIRNE,
C.B., R. A.

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

The Honourable Mr. A. C. TREVOR, I. C. S., C.S.I.

The Honourable the ADVOCATE GENERAL.

The Honourable Mr. JOHN NUGENT, I. C. S.

The Honourable Mr. P. M. MEHTA, M.A., C.I.E.

The Honourable Mr. W. R. MACDONELL.

The Honourable Mr. HERBERT BATTY, I. C. S., M.A.

The Honourable Mr. A. T. SHUTTLEWORTH.

The Honourable Mr. GANPATRAO DAMODAR PANSE.

The Honourable Mr. VISHNU RAGHUNATH NATU, B.A., LL.B.

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

The Honourable Mr. CHIMANLAL HARILAL SETALVAD, B.A., LL.B.

The Honourable Khán Bahádur A. D. HASAN ALI BEY EFFENDI.

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

The Honourable Mr. JAVERILAL UMIASHANKAR YAJNIK.

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

The Honourable Mr. RAHIMTULA MUHAMMAD SAYANI, M.A., LL.B.

The Honourable Mr. LAKHAM GAUDA BASAPRABHU.

The Honourable Mr. G. W. VIDAL, I. C. S.

The Honourable Ráo Bahádur RANCHODIAL CHOTALAL, C.I.E.

His Excellency the PRESIDENT said :—Gentlemen, we will at once proceed with the questions on the paper.

The Honourable Mr. LAKHAM GAUDA BASAPRABHU then put question No. 1 standing in his name :—

May I ask if Government have made any provisions for Sardárs in the new Provincial Service? If not, do they intend to do so?

The Honourable Mr. TREVOR in reply said :—No special provision has been made in the rules for the appointment of Sardárs or of any other particular order of Her Majesty's subjects, other than specially deserving persons who are already in the service of Government, to the Bombay Provincial Civil Service, nor is it intended to make any. To meet exceptional cases, however, Government will reserve to itself the power to appoint by nomination, pure and simple, any person deemed to be specially qualified for the service.

The Honourable Mr. BASAPRABHU then put question No. 2 :—

- (a) *Are Government aware that the Mámlatdárs' Courts Act III of 1876 owing to the absence of a privilege to appeal against a decision in a possessory suit, on the score of misapprehension and misappreciation of evidence, necessitates the institution of a civil suit, which is infinitely more expensive, lengthy and cumbrous, and thus works harshly on the ryots?*
- (b) *Do Government know that parties to suits under the Act are in most cases ignorant peasants, who know but seldom how to invoke the intervention of the High Court even in cases in which such interference would be legal and justifiable under its extraordinary jurisdiction; and whether the Honourable the High Court can disturb a finding on facts as the law at present stands?*

The Honourable Mr. TREVOR in reply said :—

(a) The honourable member's question relates to a subject of considerable importance and some difficulty. Government are aware that a person aggrieved by the decision of a Mámlatdár's Court under Act III of 1876 has no redress except by application to the High Court to intervene in the exercise of its extraordinary jurisdiction or by regular suit in a Civil Court, and that hardship necessarily results when the decision of the Mámlatdár's Court is wrong. It is not clear, however, that the provision of an appeal on the score of misapprehension and misappreciation of evidence would either remedy the evil or be advisable on other grounds. This question, among others connected with the working of the Mámlatdárs' Courts Act, was carefully considered by Government in 1889 on a representation from the Pleaders' Association. The view then accepted was that the result of allowing appeals from orders which do not establish any title, would be to delay decisions in cases where, for the sake of the public peace, a prompt decision is essential, and lead to an increase in litigation and expense in contesting the right to possession, without giving any greater degree of finality to the decision or preventing the whole case from being re-opened after all in the Civil Courts. Nothing has since come to the notice of Government which lessens the force of this objection. It may be added that a Court of appeal would not ordinarily be in a better position to appreciate the evidence, or correctly apprehend the facts, than the Court of first instance.

(b) Government are also aware that in a large proportion of the suits brought under the Act the parties are ignorant peasants, who may well be unaware how to invoke the extraordinary jurisdiction of the High Court. Litigants of that class, however, must unfortunately always be at a disadvantage, and there seems no reason to suppose that they are at a greater disadvantage in suits of the kind now in question than in others. So far as it is possible to draw any inference from the results of the exercise by the High Court of its extraordinary jurisdiction the work of the Mámlatdárs' Courts would appear to be well done, only 595 applications altogether having been made for interference by the High Court since the Act was passed, in 65 only of which was the decision of the Mámlatdárs' Court set aside. Government cannot, however, undertake to define the limits within which the powers of the Honourable the High Court to disturb decisions under the Act have been or may be exercised.

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

Does Government know that the Resolution No. 419 of 17th January 1887, under Sections 40 and 41 of the Land Revenue Code, acts hardly upon Watandárs; and would

Government allow the privilege of cutting trees for agricultural or other private use to Watandár Pátils and Kulkarnis, &c., from their Service Watan lands, excepting those trees that are exempted, as they have done in case of Khátedár rayats?

The Honourable Mr. TREVOR in reply said:—The Resolution quoted by the honourable member lays down the principle that *prima facie* lands held for service are not held under a proprietary tenure, and that the holders are consequently not entitled to the timber on such lands or to forest rights.

Government have, however, as an act of grace, approved of the following rules in a later Resolution:—

- (a) Occupants of service holdings may, with the previous permission of the Collector, cut any trees standing in their holdings.
- (b) The Collector shall not, except for express reasons to be recorded in writing, refuse permission unless the trees be reserved at the survey or form portion of sacred groves or are roadside or other trees useful to the community and whose destruction would be a public loss.
- (c) In the case of an application to cut isolated teak or other reserved trees, the Collector may grant the requisite permission on payment of their estimated value. Where permission to cut several of such trees is applied for, the application should be disposed of by the Conservator.

Government also approved of the course proposed by the Commissioner, N. D., that, where the custom was for the land to pass from an occupant to his natural heirs independently of the Watandár who actually performed service, permission to cut down trees should be given by the Collector, but that, where the land passed with the office and the holder enjoyed only a temporary usufruct, permission should only be given for good reasons, such as that the trees were ready to fell, caused damage to the crops, or the like. Government at the same time directed that the occupants of service lands concerned should be warned that the concession was granted as an act of grace and not as an admission of any right and that it was revocable at the pleasure of Government.

The Honourable Mr. CHIMANLAL HARILAL SETALVAD then put question No. 1 standing in his name—

(a) *When was the Uncovenanted Medical Service established and how many appointments have been made in this Presidency to this service since its establishment (1) from the open profession of medicine, (2) from the ranks of the Assistant Surgeons, and (3) from the Apothecary Class?*

(b) *What is the system followed in making appointments to this service? Are the appointments advertised, and applications for the same invited, and, if so, in what manner?*

(c) *How many Assistant Surgeons have from time to time applied for appointments in this service, and how have their applications been disposed of?* (Question No. 7 put at the meeting of 12th March 1894.)

The Honourable Mr. BIRDWOOD in reply said:—

(a) The Uncovenanted Medical Service, as at present constituted, was organized in 1867. In this Presidency two appointments have been held in the service since that year, viz., by Dr. Mancharji Behramji Kola, late Deputy Sanitary Commissioner, Gujarat Registration District, who was appointed from the open profession of medicine and who

retired in 1892, and Dr. D. G. Dalgado, Civil Surgeon, Sávantvádi, who was selected from the rank of Assistant Surgeon. No such appointment has been made from the Apothecary Class.

(b) The Government of India have ruled that five Civil Surgeoncies and one Deputy Sanitary Commissionership in this Presidency may be held by Uncovenanted Medical Officers when no Commissioned Medical Officers are available, but they have also decided that while utilising those Uncovenanted Medical Officers already in the service of Government to the best advantage, no permanent additions which are not clearly necessary should be made to this branch of the Medical Service. The rules for admission to the Uncovenanted Medical Service have been prescribed by the Government of India. The appointments are not advertised, but it is laid down in the rules that candidates, who desire to enter the service, should apply to have their names recorded in the office of the Surgeon-General with the Government of Bombay where a register for the purpose is kept.

(c) Only two Assistant Surgeons have applied to be appointed Uncovenanted Medical Officers. One of them applied for a post in Bengal and was informed that his name had been registered. The other was informed that there was no vacancy for an Uncovenanted Medical Officer in this Presidency.

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

(a) *Is it true that in the Khoti villages of Sangve, Hurkul Khird, Sawdu and Wararde, of the Devgad Táluka in the Ratnágiri District, the Khots have, under the last Revenue Settlement, to pay to Government annually as assessment Rs. 2,509-12-10, Rs. 4,155-5-6, Rs. 1,694-3-0 and Rs. 2,309-6-0, respectively, for those villages, while they can, under the Khoti Settlement, recover from their tenants only about Rs. 881-12-8, Rs. 1,457-11-8, Rs. 1,004-8-10, and Rs. 1,540-8-0, respectively; and has such a fixing of the Government assessment at an amount in excess of what the Khot can recover from his tenants taken place with regard to most of the villages of that táluka under the last Revenue Settlement? (Question No. 4 put at the meeting of the 27th July 1893.)*

(b) *Is it a fact that in the village of Lore in the Devgad Táluka of the Ratnágiri District tenants holding Khatas Nos. 143, 99, 123 and 174 in the Surrey Botkhat, are entitled, under the Khoti Settlement, to pay to the Khots nothing more than Rs. 5-4-0, Re. 1-0-0, Rs. 14-0-0, and Rs. 12-8-0, respectively, for their holdings; while the Khot of the village has, under the last Revenue Settlement, to pay to Government Rs. 29-14-6, Rs. 9-10-0, Rs. 76-4-6, and Rs. 55-8-0, respectively, for the same holdings; and is such a difference between what the Khot is entitled to receive from his tenants and what he is bound to pay to Government common to the holdings in most of the Khoti villages of that táluka under the new settlement? (Question No. 5 put at the meeting of the 27th July 1893.)*

(c) *What remedy have Government adopted to redress the grievances set forth above? (Question No. 6 put at the meeting of the 27th July 1893.)*

(d) *Is it true that, owing to such a fixing of the Government assessment at an amount in excess of what the Khots can recover from their tenants, many Khots in the said táluka have failed to pass the usual kabuldyats and their Khotis have accordingly been attached? If so, how many properties have been thus attached? In the case of properties thus placed under Government attachment, who at present makes up the difference between the amount*

of Government assessment and the amount recoverable under the Khoti Settlement from the tenants?

The Honourable Mr. TREVOR in reply said :—(a) and (b). Government see no reason to question the substantial accuracy of the figures quoted by the honourable member in clauses (a) and (b) of the question, and similar cases are no doubt numerous.

(c) The question is of great difficulty and complication and is still under consideration.

(d) Thirty Khoti and two Khoti Kichadi villages are at present under attachment. But under the operation of the orders given in sanctioning the revised assessment to the effect that enhancements of over 25 per cent, should be remitted for the first two years, over 50 per cent, for the next two, and so on, it has not been necessary so far to recover anything more than the rents payable to the Khots except in two villages in which the recoveries have been slightly in excess. It is understood that the principle followed in managing attached villages is to regulate recoveries, subject to the ultimate liability of all Government land for the full assessment fixed on it, as far as possible, in accordance with the Bhokhats, as if the Khot was managing the village himself. Holders of lands for which rents have been recorded by the Settlement Officer are not called upon to pay anything more than the rents so fixed except in the last resort.

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

Will Government be pleased to help and co-operate with Temperance Societies by conceding the privilege of local option in such form as may be considered conducive to the promotion of the cause of temperance and purity in the civil and military population of the Presidency?

The Honourable Mr. TREVOR in reply said :—It is the policy and practice of Government to ascertain the wishes of the local residents and to give full consideration to any genuine expression of public opinion in deciding whether liquor shops shall be opened or not and in determining the location of shops. Under the system now in force due precautions are taken to ascertain the necessity for the opening of a new shop or for the transfer of an existing one, with reference to the proximity of other shops in the district, and the chances of illicit distillation resulting from a refusal of the local demand. Local feelings and prejudices are not lightly disregarded, and shops are not established in places where they are likely to prove a source of annoyances to the residents generally, or in such numbers as to unduly facilitate drinking. The representations of any responsible Temperance Society will receive due attention.

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

What is the scheme that Government have matured about the improvement of the present condition of the Government Law School at Bombay (vide the Chancellor's Speech, 24th March 1892); and when is that long-promised reform likely to be carried out?

His Excellency the PRESIDENT in reply said :—The honourable member refers to my speech as his authority for the phrases "matured scheme" and "long-promised reform." The precise words I used were "there is nothing now to prevent that improvement in legal tuition which you have always advocated, except the sanction of higher authority." Certain proposals were considered by this Government, which, however, involved an additional expenditure of Rs. 6,000 a year. An alternative proposal involving less expenso

was also considered. But meanwhile the fee receipts fell off, and since the Government of India and Her Majesty's Government held the opinion that a closer equilibrium between the income and expenditure of the Law School must be established, it was impossible to proceed with either scheme. The difficulty has increased and its effect was brought to public notice in paragraph 6 of the Review upon the Report of the Education Department published on December 12th last in these terms: "The serious decrease in the amount received from fees has materially interfered with the project Government had in hand for the improvement of this institution." I fear that in the present financial circumstances we are not likely to be able to undertake any large reform, unless it can be shown that the fee receipts will meet the enhanced cost.

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

What were the circumstances under which a remission of 1½ lakhs rupees was granted to the country spirit farmer of the Khândesh District in the year 1892-93 (vide paragraph 23 of the Administration Report of the Abkâri Department for 1892-93)?

The Honourable Mr. TREVOR in reply said:—It has more than once been found necessary to grant remissions to farmers under the guaranteed minimum vend system when the circumstances were exceptional. In the case referred to, the farmer had not tendered for the contract, but had undertaken it by special request, as the person best fitted by experience and other qualifications to carry through the introduction of the Central Distillery still-head duty and minimum guaranteed vend system into the district of Khândesh, a task of admittedly exceptional difficulty. The farm was given for three, afterwards extended to four, years and seven months, from the 1st January 1888 to 31st July 1892, and in the absence of any reliable data as to the legitimate consumption of the district under the old system, the guarantee was fixed very much in the dark. The result was that by the end of the contract, in spite of an interim reduction in the amount of the guarantee, the farmer had had to make good upwards of 4 lakhs of deficiency duty, and the remission referred to was granted, as a matter of common justice, under the circumstances, to save him from suffering serious loss by his compliance.

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

Have the reforms promised in the following passages in paragraph 12 of letter No. 4959 of 1886, Judicial Department, dated 26th August 1886, addressed by Government to the Secretary to the Chamber of Commerce, Bombay, been carried out? If not, for what reasons, and when will they be carried out?

"The subject of the present very high cost of litigation has been very earnestly pressed by His Excellency in Council on the consideration of the High Court, and he is happy to say that the Honourable the Chief Justice and Judges have stated, in reply, that they are of opinion that the time has come when the scale of charges allowed on taxation, both as regards fees to counsel and solicitors' costs, should be revised, more particularly with the view to the adoption of different scale of cost varying with the amount and importance of the suits; and their Lordships have assured Government that they will direct their attention without delay to the subject.

"The Bar have also now passed a resolution that, as they desire to do all that is in their power to meet the views of the Chief Justice and Judges on the point, they would be willing to take into their consideration the modification of the rule requiring the employment of two counsel in long causes so as to make it tally with any rule which may be passed by the Bench as to taxation of counsel's fees in such causes; e.g., that in cases where less than a certain minimum amount is at stake the fees of only one counsel should be allowed on taxation, unless the Judge by whom the case is tried should certify that, in his opinion, the case was one in which it was proper that two counsel should be employed."

The Honourable Mr. BIRDWOOD in reply said :—Government are unable with the short notice given by the honourable member to reply to his question. The High Court has been addressed on the subject and a further communication will be made hereafter to the Council.

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

(a) *Is it a fact that parties getting leases or renewals of leases or conveyances of Government lands in Bombay are obliged to get them prepared by the Government Solicitor, and that he gets fees from those parties for drawing those instruments over and above his fixed monthly remuneration of Rs. 2,500? If so, what were the total fees thus earned by him during the last three years ending December 1893?*

(b) *Is it true that the Government Solicitor is paid fees besides his fixed salary in civil cases in which Government win and not when they lose? What is the total of fees earned by him in the former case during the three years ending December 1893?*

(c) *Is it a fact that the Advocate General is allowed fees in all civil litigation in which Government win, and not when they lose, in addition to his fixed monthly salary of Rs. 2,000; and also in suits in which he is party ex-officio? What were the total fees thus earned by him during the three years ending December 1893?*

The Honourable Mr. BIRDWOOD in reply said :—Enquiries are being made, and, in the absence of any valid reason to the contrary, the information when received will be laid on the table.

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

Is it a fact that from the establishment of the Bandra Municipality in 1876 up to last year it had non-official Presidents? Was the Presidentship offered to a non-official Native gentleman this year who intimated his willingness to accept it in response to that offer? If so, what were the reasons that led Government to appoint an official to that office?

The Honourable Mr. BIRDWOOD in reply said :—The answer to the first question is in the negative. There have been non-official Presidents since 1884, not 1876. To the second question the answer is in the affirmative: several Commissioners were asked by the local authorities if they were willing to serve if nominated by Government, and a Native non-official gentleman did express willingness to serve if nominated.

To the last question the answer is that Government considered the arrangements it made the best under the circumstances.

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

When Government issued Notification No. 2684, published in the Bombay Government Gazette, Part I, of 26th April 1894, appointing the District Magistrate, Kolaba, to be a Joint Sessions Judge in the Thana Sessions Division, and directing him to try cases committed by the Magistrates in the Kolaba District, &c., did Government consider the advisability of sending a qualified Judge from Thana for the trial of such cases whenever necessary?

The Honourable Mr. BIRDWOOD in reply said :—The reply* to be given to question No. 5, put by the Honourable Mr. Javerilal, will doubtless satisfy the honourable mem-

* Vide page 30.

ber that the arrangements referred to, which have been in force in the Kolába District during the past fifteen years, were made with due regard to, and after careful consideration of, all the circumstances peculiar to the district.

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

Have Government considered the advisability of requiring the Railway Administrations in this Presidency to provide and maintain in proper order, in trains carrying passengers, efficient means of communications between passengers and railway servants in charge of such trains, especially in view of the recent alleged murderous attack on a Parsi gentleman in a passenger train between Thána and Poona, by themselves exercising (if such powers have been delegated to them), or moving the Governor General in Council to exercise the powers under Section 62 of Act IX of 1890? If not, will they be pleased to do so?

The Honourable Mr. TREVOR in reply said:—This Government has no power under Section 62 of the Indian Railways Act. The advisability of addressing the Government of India on the subject will be considered. But the question is complicated by the necessity for maintaining interchangeability of the stock belonging to different administrations on lines of through communication, and the Government of India have only recently intimated that they are not prepared to move in the matter at present.

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

Has the attention of Government been directed to the mismanagement of Hindu temple endowments and the neglect of religious services resulting from the quarrels and misconduct of temple managers and servants in certain shrines, such as Dakor, Chinchvad, Narsingpur, Yellamma and Pandharpur, and have they found that the costly and dilatory remedy of civil suits has not only failed to correct the evil but has in some cases intensified it? Are Government prepared to support protective legislation with a view to giving relief and ensuring the application of temple funds to the proper performance of intended religious services and charities?

The Honourable Mr. TREVOR in reply said:—There is no information at present before Government to indicate the necessity for special legislation with the object stated in the honourable member's question. Whether Government would be prepared to approve of such legislation would depend on the strength of any case which might be made out by those who consider legislation necessary. It appears to Government, as at present advised, that the provisions of Section 539 of the Civil Procedure Code should be sufficient.

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

Whether Government are aware of the complaints made in all districts of this Presidency about the harassments caused to the village Banias and rayats by the efforts made by the Police and Revenue subordinates to secure supplies of grain and forage and other provisions near the camps of the District officers and their establishment whilst on tour? Are Government aware that in many cases, such enforced attendance at distant camps and sales of provisions at low rates impose heavy losses on the Banias and the people, and which losses have often to be distributed by the shop-keepers and village officers rateably among themselves? If so, what steps have been taken by Government to remove all cause of complaint in this matter?

The Honourable Mr. TREVOR in reply said :—Government are aware that complaints of the character indicated are sometimes made, but not that they are so universal and so well-founded, or so exclusively dependent on causes which it is in the power of Government to remedy as the language of the honourable member's question would appear to imply. The orders of Government on the subject are strict, and are, in effect, that all carriage and supplies, required by District and other officers travelling on duty, should be paid for at just and liberal rates, and should be obtained, except of course when they are procured from dealers or by private purchase or hire, through the village officers, who are in the best position to arrange for their supply with due regard to the custom of the village and with as little hardship and inconvenience to individuals as possible. All officers are further enjoined to use the utmost care and vigilance to ensure that payment shall reach those to whom it is due, and to prevent cheating, extortion or oppression of any kind. These orders, if loyally carried out by all parties, should suffice to prevent annoyance and loss of the kind indicated, so far as it is possible, in the nature of things, to prevent them. When nevertheless any person is not paid, or insufficiently paid, or unnecessarily harassed, and fails on application to the officers concerned to obtain redress, a specific and duly substantiated complaint to the proper authority will always receive careful attention.

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

With reference to the reply given to my question No. 8 in course of the sitting of the Council on the 12th March last, are Government in a position now to state—

- (a) *How far the suggestions made by the Divisional Commissioners in their reports on the practice of inviting petitions of objections to revised survey rates favour the proposal to modify the present orders on the subject so as to furnish in anticipation full details of the proposed enhancements on individual holdings in revision to the rayats concerned? and*
- (b) *What final orders, if any, have Government been pleased to pass in the matter?*

The Honourable Mr. TREVOR in reply said :—The honourable member's question purports to ask for information as to the course of a discussion between Government and their officers, which it would not be proper to supply. I may state, however, that Government have no intention of modifying the orders to which the honourable member refers in the direction suggested. The only questions are whether they can be so modified as to make them more effective for the object with which they were passed, that is, to elicit criticism likely to be of use in dealing with the general factors of rates, grouping, &c., on which revision settlements have to be worked out, and, if so, what form the modifications should take. Regarding those questions there is considerable difference of opinion. All I can say at present is that if it should ultimately be decided to make any change, the decision will be made public in due course.

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

Has the attention of Government been drawn to the published report of the proceedings of the Industrial Conference held in Poona in September 1893, relative to the subject of the unnecessary restrictions placed by the Abkari Department on the use of the waste bye-products needed for the successful development of the sugar refinery industry in this Presidency; and are there any valid reasons why this enterprise of a native capitalist does not secure in this Presidency the same favourable concessions from Gov-

ernment which, it is alleged, the Governments of the North-Western Provinces and Madras have shown to similar factories started in those provinces?

The Honourable Mr. TREVOR in reply said:—The attention of Government has been drawn to the proceedings referred to. The resolution of the Industrial Conference appears to be founded on imperfect information. It is not the case either that any special restrictions are placed on spirit distilled from the bye-product of sugar refineries in this Presidency, or that any special concessions are made in favour of such spirit elsewhere. Here, as elsewhere, facilities for disposing of the bye-product necessarily depend almost entirely on local conditions and on the character of the ábkári system in force. Government are willing to give such opportunities for disposing, on its merits, of spirit made of the bye-product as are consistent with the maintenance of its general ábkári policy. A refinery established in a locality where the raw material is cheap, and molasses spirit is the description of country liquor in demand, may succeed. Where those conditions are reversed, no encouragement that Government can legitimately give is likely to prevent it from failing.

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

Are there any special circumstances which have led Government to appoint the District Magistrate of Kolába to act as Joint Sessions Judge there during the rains, thereby uniting in the same officer the inconsistent functions of Chief Collector, District Magistrate and Joint Sessions Judge, and why could not the Acting Judge of Thána be deputed to perform this duty in Kolába?

The Honourable Mr. BIRDWOOD in reply said:—The arrangement referred to by the honourable member was introduced in consultation with, and with the approval of, the High Court in 1879 and was made with a view to save witnesses and others in the Kolába District from the hardship of leaving their district during a most inclement but, at the same time, very busy agricultural season of the year. The deputation of the Sessions Judge of Thána to Alibág during the monsoon would throw his work at Thána out of order and involve the risk of unforeseen delay on his return to Thána; and as it would be scarcely practicable for him to hold monthly Sessions both at Alibág and Thána during the monsoon, the criminal work of the Kolába District would necessarily, for several months in the year, be greatly delayed to the great inconvenience of all parties concerned if such an arrangement as that referred were not adopted. Government have received no complaints during the last fifteen years of the working of the system now in force.

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

Whether it has been brought to the notice of Government that dissatisfaction prevails in the higher ranks of the Revenue Branch of the Uncovenanted Service by reason of officers over the age of 55 years being allowed promotions as well as extensions to their periods of service to a much larger extent than is permitted in any other Department of that service, and whether Government consider it fair in the interest of that service generally that whereas Civilians of over 35 years' service in India are made to retire compulsorily, the higher grade revenue service should be the only branch in which an abnormal number of officers over 55 years of age should be allowed to enjoy extensions from year to year to the detriment of the efficiency of the service? Such extensions of old officers being virtually dependent on the good opinion of the Collectors under whom they are serving, do not Government think that the practice tends to weaken the independ-

ent judgment and sense of responsibility of these officers, while it takes away the stimulus to good work from their juniors?

The Honourable Mr. TREVOR in reply said:—Government have received no reports or complaints from which the existence of any general dissatisfaction in the higher ranks of the Revenue Branch of the Uncovenanted Service on the grounds mentioned by the honourable member could be predicated. The question of superannuation is governed by the orders of the Government of India embodied in Article 503 of the Civil Service Regulations, which are strictly observed, and to which I beg to refer the honourable member. Government have no information to show that they have produced any such unfortunate results as are suggested in the honourable member's question, nor do they consider that they have any necessary tendency to produce such results.

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

Do Government receive annual statements showing the indebtedness of their gazetted officers, European and Native, to satisfy themselves in regard to the ruling of the Government of India that no Government servants should borrow money from persons residing within their jurisdiction? If it is not the practice to furnish such statements, do Government think it desirable to call for the same?

The Honourable Mr. BIRDWOOD in reply said:—Annual statements of the kind referred to by the honourable member are not received by Government. The orders of the Government of India referred to by him have been communicated to the officers concerned and are well understood, and as transgressions of the rule are duly reported as occasion arises, it is not considered necessary to call for annual statements.

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

With reference to the recent Resolution of Government, No. 5530, dated 29th June 1894 (placed on the Editors' Table), in connection with the grievances of dealers in country tobacco, remarking in paragraph 2 that "In regard to the grant of new licenses a list of applicants is kept, and when an opportunity occurs of giving one, the choice is made, not by the Assistant Collector as alleged by the petitioners, but by the Collector himself, with regard to the character, capacity and means of the applicant, no one being considered eligible who cannot read and write, is not respectable, and does not possess some small independent capital," will Government state when this system was established for the first time?

(a) *If a deceased tobacco dealer leaves no direct heir, but a relation who was dependent upon him for support and has worked in his shop, does the Tobacco Department transfer the license to him?*

(b) *Has any limit been fixed to the number of licenses issued for the sale of country or foreign tobacco? If not, on what principle is the number regulated? Will Government be pleased to give the number of licenses issued during each of the last five years to dealers in country and foreign tobacco, respectively?*

(c) *What was the quantity of smuggled country and foreign tobacco, respectively, during the last five years, and what was the total quantity of each of the two classes of tobacco consumed in Bombay during the same period?*

(d) *Are Trichinopoly cheroots liable to the same restrictions to which country tobacco is subjected? How much of the total annual trade therein is rail-borne?*

(e) *Up to what hours are dealers in foreign tobacco generally allowed to bring the day's issues of tobacco for weighment, and what time is left to dealers in country tobacco for a similar purpose?*

(f) *How many persons were charged during the last ten years with offences under the Tobacco Acts, and how many of them were punished? How many appeals were preferred to the Collector, or applications addressed to Government, invoking their revisional authority during the same period, and in how many of them were the decisions of the Assistant Collector reversed or otherwise modified?*

(g) *Has the attention of Government been drawn to the following paragraph in letter No. 2695, dated 11th August 1893, from Jehangir Dosabhai Framji, Esq., First (? Assistant) Collector of Customs, in charge Tobacco Department, to T. A. Bland, Esq., Solicitor, High Court:—*

"It is not our rule to allow solicitors to appear during the investigation of cases by officers of the Customs Department. If your client is dissatisfied with the orders passed by me, he can appeal to the Collector against my decision."

Has this rule about the exclusion of solicitors received the sanction of Government?

(h) *If under the Tobacco Act the Presidency Magistrates as well as the officers of the Customs Department have a concurrent jurisdiction, what objections have Government to permit a resort to independent Magisterial Courts?*

(i) *Whether Government have made inquiries into the allegations contained in the Resolutions passed by tobacco dealers at a meeting held on the 16th May 1894 on the subject of their complaints against the Tobacco Department and forwarded to Government by telegram of the same date from Mr. Ahmed Mahomed, Chairman of the meeting, and which telegram is acknowledged in the preamble of the said Resolution of 29th June 1894?*

The Honourable Mr. TREVOR in reply said:—I am unable to answer sub-heads (b), (c), (d) and (f) of the honourable member's question without reference to the Departmental authorities.

The answer to the main question is, that the system appears to have grown up gradually.

(a) The Tobacco Department transfers the license to the relation of the deceased tobacco dealer, not as of right, but frequently in practice. The matter depends on the discretion of the licensing officer and the circumstances of the particular case.

(e) The honourable member has apparently misread paragraph 6 of the published Resolution No. 5530, dated 29th June 1894. Dealers in foreign tobacco are attended to when weighments of country tobacco are over. The hours allowed for weighing country tobacco on ordinary days are given in paragraph 7 of the petition of the tobacco dealers, dated 30th November 1893. For days on which the work is exceptionally heavy, special arrangements are made.

(g) Yes. The practice referred to is of old standing, and Government sees no objection to it.

(h) Where there are concurrent jurisdictions, it rests with the prosecution to choose between them, and the reasons given in the published Resolution for not interfering with the existing practice are, in the opinion of Government, sufficient.

(i) The allegations in question have been incidentally noticed and refuted in the reports on the petition, but no special inquiry was made in connection with them. They seem to have arisen out of the inquiry made at the request of Government with the object of ascertaining how many of the persons, whose names are appended to the petition, were licensees, or unsuccessful applicants for, or persons who have been deprived of, their licenses, and how many unconnected with the trade, and are sufficiently answered by the fact that both in the departmental reports and in the orders of Government the petition has been allowed all the weight due to it on the assumption that the signatures are authentic.

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

In reference to the Honourable Mr. Trevor's reply to question No. 3 put by the Honourable Mr. Vishnu Raghunath Natu about the Panvel Settlement, will Government be pleased to state, now that the memorial of the landholders of Panvel is before them and contains allegations of errors and departures from the accepted rules of the Department, whether any inquiry has been made as prayed for by them; and if no inquiry has been made, what steps Government contemplate taking with a view to give relief?

The Honourable Mr. TREVOR in reply said :—The allegations contained in the memorial are being inquired into. The reports of the local officers in the matter have not yet been received. After their receipt, Government will be in a position to determine whether any relief is really needed.

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

Whether Government are aware of the compilation of papers entitled "Correspondence on the subject of the high prices ruling in the Bombay Presidency" (1864), giving at pages 58 and 59, over the signature of the Deputy Auditor and Accountant General, a General Return of the Revenue and Civil charges of the Bombay Presidency from 1830-31 to 1862-63, and will they direct the information contained in the Return to be brought up to date so as to show the progress of revenue and administrative charges during the last thirty years, with brief explanatory notes in the column of remarks accounting for increase or decrease in the years in which the difference is unusually large? If this is not possible, will Government supply information for the decade ending the year 1893-94, with remarks on increase or decrease, if any?

The Honourable Mr. TREVOR in reply said :—A statement embodying the information asked for is in course of preparation and will be laid on the table when it is ready.

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

Whether Government have noticed that the Local Fund receipts for the district of Broach amount to about Rs. 2,38,000 and the fixed charges to Rs. 1,30,000 a year, leaving a sum of Rs. 1,08,000 or thereabouts annually available for repairs of tanks, wells roads, &c.? Under these circumstances, is it a fact that the District Local Board of Broach has recently decided that in future no original work on, or repairs to, village tanks or wells (except for Dheds) shall be undertaken in this district from Local Funds until the villagers have subscribed a sum in cash not less than half the estimated cost of the work, provided (1) that in the case of the poorer coast villages only the District Local Board will take into consideration representations made by the Taluka Local Boards in exceptional cases to increase their proportionate subscription; and (2) that in lieu of a portion of the cash payments, the villagers may in the poorer villages be permitted to do

an equivalent amount of labour, but in such cases no Local Fund money shall be spent until the said labour is completed? Does not this decision of the District Local Funds Board of Broach run, in the opinion of Government, counter to the principle laid down by Government in paragraph 12 of the Resolution in the Public Works Department, No. 125-W.I.—1473, dated the 15th September 1892 (vide "Times of India" of the 17th September 1892), to the effect that the class of tanks used for village water-supply "must be maintained at the cost of Local Funds with such voluntary contributions or other assistance as can be obtained from the villagers"; and does not Government consider it fair that the limit of villagers' contributions for such works should be the same as that laid down in the case of irrigation tanks by the Public Works Department, namely, 10 per cent. of the estimated cost of such works in money or labour or both, preference in the order of execution being given to those cases in which the people concerned are willing to pay down their contribution in cash or bind themselves by agreement to contribute the necessary labour?

The Honourable Mr. BIRDWOOD in reply said :—The question put by the honourable gentleman cannot be answered at present, as a reference to the Commissioner, Northern Division, has been found necessary.

I may observe, however, that there is, *prima facie*, no reason why Local Fund Boards should be bound, in making arrangements, as directed in the Resolution referred to, for the maintenance, with such assistance as can be obtained from the villagers, of tanks used for village water-supply, by the principles laid down by Government for the guidance of the Public Works Department in regard to the maintenance of tanks which are used also for irrigation and which produce a certain amount of revenue.

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

Is Government willing to give its reasons for granting the remissions of 1½ lakhs to the country spirit farmer of Khándesh, referred to by the Commissioner of Customs, Salt Opium and Abkari in his report for the year 1892-93, paragraph 23?

The Honourable Mr. TREVOR in reply said :—The information asked for by the honourable member is supplied by the answer* to question No. 5 put by the Honourable Mr. Chimanlal Harilal Setalvad.

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

Whether Government are aware that under the rules for the maintenance of field boundary marks such boundary marks may consist either of stones or mounds of earth of required sizes? Is there, then, any reason why in Alibág and other talukas of the Konkan districts the introduction of mounds of earth should be insisted upon by the survey authorities when the stone system has been found from experience to work satisfactorily from the hardness, stability and cheapness of stones compared to mounds of earth which are sandy, loose, and liable to be washed away at any moment during the rainy season, while at the same time taking up larger space and thereby interfering with the cultivation of small rice or garden fields?

(a) *Has the attention of Government been drawn to the fact that the agriculturists and land-holders of Avás, Koparoli, Dhokawade, Milkatkhar, Mandwa, Kolgam, Sásawané, Virit Sárál, Akshi, Tudal, and other villages of the Alibág Taluka, petitioned the*

* Vide page 26.

Collector of Kolába informing him of the non-receipt by them of the first notification usually issued under Government Resolution No. 7447, dated 21st October 1886, intimating that the classification of their lands was about to be carried out and bringing to his notice the fact that in the absence of such notification they had no opportunity allowed them of bringing to the notice of the Superintendent of Survey in charge of the party of classifiers such improvements or other circumstances bearing on the value of their lands which they consider should be taken into account in fixing the value of their fields and of being otherwise heard on the subject?

(b) Is it a fact that in the revision settlement of the 196 villages of the Alibág Táluka the following, among numerous other survey numbers, have been assessed beyond the limits of 100 per cent. on individual holdings laid down in Government Resolution No. 5739, dated 29th October 1874, and Government Resolution No. 2619, dated 26th March 1884:—

Name of Village.	Old Survey Number.	New Survey Number.	Name of the Owner.	Former Assessment.	New Assessment.	Increase of Assessment.
				Rs. a. p.	Rs. a. p.	
(1) Kavir ...	86	146	Narayan Laxman Khanekar ...	0 6 6	6 0 0	1,376·9 per cent.
(2) Dhokawade ...	174	...	Gangadhar Bachaji Pathak ...	0 4 6	4 0 0	1,331·4 "
(3) Do. ...	186	...	Do. do. ...	1 7 6	9 8 0	546·8 "
(4) Avás ...	294	...	Antaji Sadashiv Patankar ...	4 12 6	34 0 0	505·3 "
(5) Do. ...	295	...	Do. do. ...	8 4 0	54 0 0	631·4 "
(6) Do. ...	336	...	Ramji Laxman Gharut ...	0 7 3	3 2 6	596·5 "
(7) Do. ...	254	...	Bhalchandra Vithal Ghaisas ...	4 10 0	16 0 0	245·9 "
(8) Do. ...	174	...	Babaji Gopal ...	23 10 0	74 8 0	215·3 "
(9) Do. ...	175	...	Do. ...	4 11 6	15 0 0	217·8 "
(10) Nágav ...	22	17	Damodar Sadashiv ...	0 7 0	1 8 0	255·5 "

(c) In fixing the maximum rate for regulating the assessment on these numbers, what is the exact nature of the calculation made in regard to profits of agriculture due to natural advantages and what to the labour and capital spent by the rayats in utilizing them; and what exemptions from assessments are made in the case of all conversions of land from warkas into new rice or rabi or garden land due to the labour and capital of the rayats?

The Honourable Mr. TREVOR in reply said:—Under Section 122 of the Land Revenue Code, it rests with the Superintendent of Survey to determine the size, description and material of the boundary marks to be employed according to the requirements of soil and climate. Where it may have been decided by that officer that earthen mounds should be substituted for stones, it is presumably because the stone system has not been found from experience to work satisfactorily. Against the advantages of cheapness and economy of space claimed for that system by the honourable member, must be set the greater liability of stones to be shifted, displaced and lost, particularly in muddy ground.

(a) The attention of Government has not been drawn to the matter referred to, with which it is understood from the honourable member's question that the Collector is dealing.

(b) Government have no information as to details of cases in which the revised rates and classification have worked out to an increase of over 100 per cent., but have no doubt that such cases exist. Except in so far as there may be reason to suppose that the enhancements are wholly or partly due to error in measurement, classification or calculation, in which case the assessments are of course open to correction, they must be accepted in accordance with the principles laid down in the Resolutions quoted by the honourable

member, subject to the general orders as to the entire or partial remission of the excess which have been passed in sanctioning the settlement. These orders are to the effect that the enhancement on revision in any pot number or phálni-tukra if in excess of 25 per cent., shall be leviable up to 25 per cent. in the first two years of the new lease, up to 50 per cent. in the two years following, and so on without limit till it becomes leviable in full.

(c) Converted lands are assessed at the same maximum rates as if they had not been converted.

The Honourable Mr. YAJNIK then put question No. 14—

Whether Government are aware that 56 khárápát villages of the Alibág Táluka of the Kolába Collectorate were measured, classified, grouped and settled for the second time in the year 1872-73, and is it a fact that these same villages were measured, classified, grouped and their rates enhanced for the third time in course of revision survey operations completed in 1889-90, contrary to the express provisions of Section 106 of the Bombay Land Revenue Code?

The Honourable Mr. TREVOR in reply said :—The settlement in force in the 56 khárápát villages of Alibág previously to 1872-73 was one based on a rough classification of entire khárs or khotas according to the description of rice grown in them and the prevailing character of the soil, carried out by the Collector, with the aid of committees of Kárkúns and village officers, checked by the Mámlatdár and Daftardár. The villages in question were classified for the first time in detail according to survey methods and principles in 1872-73, and no further general classification, such as is contemplated in Section 106 of the Land Revenue Code, has taken place since.

The Honourable Mr. VISHNU RAGHUNATH NATU then put question No. 1 standing in his name—

(a) *Will Government be pleased to lay on the table of the Council the report made by Government to the Secretary of State for India recommending enhancement of assessment beyond the prescribed limits in respect of Panvel and other tálukas in the Kolába District?*

(b) *What steps have been taken by Government to relieve the rayats of Panvel against the enhanced assessment fixed at the last survey settlement of that táluka?*

The Honourable Mr. TREVOR in reply said :—

(a) Government must decline on general grounds to lay on the table correspondence connected with survey settlements, which has not been included in the published selections.

I may explain, however, that the reference to the Secretary of State, which is mentioned in paragraph 17 of the Government Resolution on the Panvel Revision Settlement, and to which the honourable member's question presumably refers, was made in compliance with general instructions that, in view of the difficulty of objecting to settlements which have already been sanctioned and introduced, he should be consulted beforehand in cases in which enhancements in excess of the ordinarily accepted limit were contemplated. It merely forwarded copies of the settlement reports, drew attention to the fact that the increase proposed would be far in excess of the ordinary maximum, chiefly in consequence of the assessment for the first time of warkas land at its true agricultural value, and submitted the question for his consideration with an expression of the opinion of this

Government that the increases proposed were amply justified under the circumstances described in the papers.

(b) The information asked for by the honourable member is supplied by the answer* to question No. 9 put by the Honourable Mr. Javerilál Umiashankar Yajnik.

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

(a) *How many khoti villages in Dergad Taluka have been attached by Government on account of the inability of khots to pay the revision survey assessment?*

(b) *In the case of such attached khoti villages is it not a fact that Government has actually collected the enhanced assessment which the khots could not do under the khoti settlement?*

(c) *What steps, if any, have been taken to relieve the khots against these inequalities produced by the Revision Settlement rates?*

The Honourable Mr. TREVOR in reply said:—The honourable member is requested to refer to the reply † given to the Honourable Mr. Chimanlal Harilal Setalvad's question No. 2 (a) (b) (c) (d).

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

Is Government aware of the fact that the Forest authorities in Ratnágiri had prosecuted certain khots for cutting jungle standing on their private property? Will Government be pleased to issue clear rules regarding the rights of the khots in respect of jungles in their villages so as to avoid such prosecutions in the future?

The Honourable Mr. TREVOR in reply said:—The honourable member probably refers to proceedings which have from time to time been taken against certain persons in Ratnágiri for cutting reserved trees in khoti lands which have hitherto been regarded as the property of the State or for obstructing the Forest Department in cutting them. He begs the question, however, in assuming that the lands in which the trees were cut were the private property of the persons prosecuted, and till that question has been definitely and finally settled, Government are obviously not in a position to frame any such rules as he suggests.

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

What is proposed to be done—

(a) *With the Petit Research Institute, which the donor built and equipped mainly for the purpose of making investigations into the virtues and uses of Indian drugs, now that the official experts and advisers of Government think that pharmacological work to be of any use is not possible in the hot climate of Bombay, and the proposed Chair of Pharmacology has been in consequence abandoned?*

(b) *Is it true that although the Chair of Pharmacology was created in November 1889, the Professor of Pharmacology was not supplied with the necessary apparatus and was consequently not placed in a position to begin his research work till August 1892, a few weeks before the probation period of three years expired, and that the Chair was, however, condemned to be a failure at about the same time?*

His Excellency the PRESIDENT in reply said :—(a) If the honourable member will refer to the Resolution No. 610, dated March 27th, 1889, which was, by order of His Excellency in Council, placed on the Editors' Table, he will observe that the purpose of the liberal contribution made by Mr. Framji Dinshah Petit was stated to be the creation and fitting of a laboratory for scientific medical research, and that the title of the institution expressed that object. The Resolution proceeded to thank the donor for supplying a want "which has long been felt by those most interested in promoting the cause of higher medical education in this Presidency." The building is still being applied to the objects then laid down.

(b) The Professor of Pharmacology did, indeed, submit certain requisitions for apparatus which, in the opinion of the medical advisers of Government, were too expensive and elaborate. It is the case that there was delay in responding to the indents for the apparatus which was approved; and the date mentioned by the honourable member is approximately correct as regards final completion. Directions were, however, issued to place meantime a part of the College (Chemical) Laboratory at the Professor's disposal; and these resources were larger than those enjoyed by Dr. H. V. Carter and Brigade-Surgeons Dymock and Lyon. The Professor's complaints were fully considered by Government, and his difficulties were explained by him at length in a letter, dated June 24th, 1892, to the Director of Public Instruction; but Government were of opinion that the Professor might well have made original investigations into the properties of Indian drugs pending the arrival of apparatus which he had asked for. To that extent Government held that the experience of the three years had been disappointing, but they are not aware that the Chair was condemned by them as a failure as in the terms employed in the question put.

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

Is it a fact that during the last scarcity in the Famine Districts of the Southern Division, Government issued Resolutions calling upon the District Boards to open Famine Relief Works before the same were sanctioned by the Boards? Is it not a fact that the opening of such works is left by law entirely to the option of the Boards?

The Honourable Mr. TREVOR in reply said :—In Government Resolution No. 1163. of 16th February 1892 Government expressed an opinion that where Local Fund balances were in excess of the first requirements of the year, it would be advisable to expend them on well deepening, tank clearances, and similar measures of relief rather than on repairs to roads and buildings which could be postponed till the collections for the year began to come in. Government also approved of the breaking and carrying of road metal for certain Local Fund roads in Belgaum, if required for relief purposes, under the orders of the Collector in anticipation of the preparation of plans and estimate—and in one case expressed a hope that the Local Board would be able to find funds for the project on its being submitted to them. If there are any Resolutions more closely corresponding to the description given in the honourable member's question than the above I have not succeeded in tracing them. Local Boards are authorized by Section 30 (i) of the Bombay Local Boards Act of 1884 to provide at their discretion out of the Local Fund at their disposal for the establishment and maintenance of relief works in times of famine or scarcity.

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

Is it a fact that Revision Survey rates were declared in Alibág even before the petitions of the rayats to the Collector, presented within the time allowed by a notification by the Superintendent of Survey, were considered and disposed of?

The Honourable Mr. TREVOR in reply said :—No. The petitions of objection submitted by the rayats of the Alibág Taluka in accordance with the notification referred to by the honourable member were received and considered as usual by Government in passing the orders in accordance with which the revision settlement rates were declared. Government do not undertake to dispose in any other way of such petitions.

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

Will Government be pleased to give information regarding my Question (No. 4) asked at the last meeting of the Council on the 12th of March 1894?*

The Honourable Mr. TREVOR in reply said :—Government have passed orders declining to accept the expenditure in question as a charge on Provincial Revenues, as the District Local Board of Belgaum can well afford to pay for the infructuous portion of the works, and there is no objection, in principle, to the relief of local distress from Local Funds as far as they will go.

The Honourable Khán Bahádúr A. D. HASAN ALI BEY EFFENDI then put question No. 1 standing in his name—

Is His Excellency in Council aware—

- (1) *That in 1887 two private steam launches commenced to ply on the Fuleli Canal in the Hyderabad District (Sind) between Hyderabad and Tando Bago (a distance of from 60 to 70 miles) at the suggestion and with the approval of the local authorities, thus not only rendering the navigation of the Canal safe but making the journey between Tando Bago and Hyderabad (which had to be undertaken on camel or horse-back before the introduction of steam launches and used to occupy 3 or 4 days) and between intermediate stations, shorter, easy and comfortable in the trying hot season of the year?*
- (2) *That the said launches continued to ply without any objection up to 1892 paying only the fee charged under the Registry Act?*
- (3) *That in 1893 the owners of the launches were called upon by the Collector of Hyderabad to take out a license and pay a fee of Rs. 500 for each launch but that, on their representation to the Commissioner in Sind, the fee was reduced to Rs. 50 for each launch?*
- (4) *That in 1894 they were again called upon to pay a fee of Rs. 500 for each launch, and also not to go beyond Talhar, two stations nearer than Tando Bago?*
- (5) *That they have in consequence stopped running the launches, thus causing great inconvenience to persons residing in talukas Hyderabad, Tando Mahomed Khán,*

*[What orders Government has passed with regard to a large sum (about Rs. 21,000) advanced by the District Local Board of Belgaum for the hutting and other charges incurred for the people working on relief works opened by that Board during the last scarcity and which charges should have properly been paid from the Provincial Fund, as the District Local Board had only sanctioned the works on the suggestion of Government?]

Dero Mohbat, Badin, Bago Tando and in the lower portion of the Thar and Párkar District?

- (6) *That a petition has been addressed by the owners, objecting to the payment of the license fee of Rs. 500 and disputing the legality of the demand in view of the Registry Act and the Public Ferries Act?*
- (7) *That petitions have been addressed to the Commissioner in Sind by the residents of Hyderabad and other places, pointing out the inconvenience and hardships suffered or to be suffered on account of the stoppage of the launches?*
- (8) *That quite recently a boat carrying passengers capsized in the Fuleli Canal near Hoosri (a station between Hyderabad and Tando Bago) endangering the lives of the passengers?*

Have any orders been passed on the petitions referred to above? Do the Government recognise the importance of encouraging private enterprise in a matter of this kind, and will any steps be taken to have the steam communication restored on the Fuleli Canal?

His Excellency the PRESIDENT in reply said:—

(1) The steam launches referred to commenced to ply on the Fuleli Canal in 1886-87 with the approval of the local authorities and have proved useful to the locality concerned.

(2) Yes. The registry fee referred to was for the river Indus.

(3) It having been found that the steam launches damaged the banks of the canal, a fee was levied and was fixed at Rs. 500 for each launch, but for the first year, and as an act of grace, this fee was reduced to Rs. 50.

(4) In 1894 the full fee was claimed. The canal was lately closed to the launches beyond Talhar, because this was considered necessary by the Engineering authorities. The primary duty and purpose of the canal is to supply water for irrigation, and the irrigation interests so largely preponderate that all other claims must give way to them. It may be necessary to prohibit launches altogether on the Fuleli Canal in the near future, though it is hoped that this necessity may be avoided.

(5) The stoppage of the launches undoubtedly caused inconvenience to the inhabitants of the locality served by them.

(6) The petition has been received. The petitioner formerly petitioned that Government would prohibit other steam launches from plying on the canal and applied for a monopoly as regards steam communication on the Fuleli.

(7) Petitions have been received by the Sind authorities from Hyderabad and two other places.

(8) This may very likely be correct, though Government have no information as to the capsizing of the boat referred to. The accident does not appear to have been attended with any loss of life.

No orders have yet been passed on the petition addressed to Government, which is still under consideration.

Government do recognize the importance of encouraging private enterprise on reasonable terms. They also recognize the right of charging special traffic for the special repairs, and they consider that the general tax-payers entitled to a reasonable rent for

the use of public property, and this applies to the use of a canal. Whether steam communication will be restored or not on the Fuleli, will for the present depend on whether launch-owners are willing to pay reasonable fees for the privileges they enjoy out of the profits which they earn. In the future, however, the irrigation interests may make it necessary to close the canal altogether to steam launches. The rate per passenger is about one anna and for the same distance on a made road the toll charge for passengers travelling in carts would probably be considerably in excess of that made for the use of the waterway of the Fuleli Canal.

The Honourable Mr. PHEROZESHAH M. MEHTA then put question No. 1 standing in his name—

Will Government be pleased to consider the question of appointing a Joint Committee for the purpose of suggesting and devising equitable terms on which the liability of the Bombay Municipal Corporation to pay a proportion of the cost of the City Police may be taken over by Government in consideration of receiving a transfer of equivalent revenue?

The Honourable Mr. BIRDWOOD in reply said:—Government will be happy to consider any proposals the Corporation may desire to make on the subject.

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

Are Government aware of the open and public attacks made by their Executive Officers on some of the highest Judicial Officers of the Presidency? If they are, do they intend to take any remedial or preventive measures?

His Excellency the PRESIDENT in reply said:—The attention of Government has been drawn by means of certain questions put by the Honourable Mr. Setalvad as regards specific instances of what he appears to regard as undue and injurious criticism of judicial tribunals by Government officials. Some of these instances occur in official reports others are in communications to the press.

I am unable to see that any public advantage would be gained by the Honourable Mr. Setalvad's questions, which are of a personal nature, being published through the medium of this Council; and I hope that he will accept the reply I am now making as covering his own as well as the Honourable Mr. Mehta's question.

The attention of Government having been drawn to the matter, they will give due consideration to the remarks complained of: and will take such steps, if any, as may be necessary for dealing adequately with the particular matter.

Orders have been issued by the Government of India directing that administrative officers should refrain, in official reports available for issue to the public, from reflections upon the decisions of officers acting in a judicial capacity.

It will obviously remain to be proved by experience what is to be regarded as an objectionable reflection and what is not. But I have no doubt that by careful editing of such reports by Government, and by care on the part of reporting officers, causes of offence will be reduced to a minimum.

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

Are Government aware that the Gujarāt College is "fast going down-hill"? Will they be pleased to inquire into the circumstances attending the appointment of the present

Principal, who is alleged to have graduated at Oxford in 1891 or 1892 not taking a high degree and the grant to him of leave on full pay soon after his appointment?

His Excellency the PRESIDENT in reply said :—The honourable member's descriptive expression of the state of the college is possibly taken from the Principal's report of May 1893. I see from the Resolution of the Board of Management that, in the opinion of that body, the undesirable decrease in the number of students during 1892-93 was principally, due to the fact that "the college virtually remained without a Principal in the interval between Mr. Waddington's going and Mr. William's coming." Nevertheless the Board considered that, taking it as a test, the result of the examinations was satisfactory, and it is hopeful that when the college is housed in its own building, which has been or will be, I believe, commenced this year, the numbers will increase.

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

Will they be pleased to consider the advisability of changing the Gujarāt College from an aided into a full Government college like the Elphinstone College in Bombay and the Descan College in Poona as soon as the state of the Provincial Revenues may permit?

His Excellency the PRESIDENT in reply said :—I see no reason to make the inquiry suggested by the honourable member, nor can I see that any cause is yet shown for reconsidering the decision arrived at by the Government of His Excellency Lord Reay in September 1886, to make the Gujarāt College an aided institution, as proposed by the Educational Commission which visited Ahmedabad, and recommended by the Government of India. The progress of the college has on the whole justified the confidence felt by this Government in 1886, that the enterprising and educated community of Ahmedabad would be competent to manage an educational institution of the collegiate class with the assistance given by Government and the funds collected by public subscription.

The Honourable Mr. MEHTA then put questions Nos. 5, 6 and 7—

Will Government be pleased to say whether, when the Collector of a District is the President of one of its Municipalities, he is or is not amenable to the guidance and direction of Government in regard to his duties as President? And whether, in reference to the correspondence published in the Bombay newspapers, between the Honourable Mr. C. H. Setalvad and the Presidents of some of the Mofussil Municipalities, Mr. Kennedy, the President of the Broach Municipality, was justified in asking Mr. Setalvad "to apply to Government, who will issue such orders to me as they may deem proper"?

Is it or is it not the duty of all Presidents of Mofussil Municipalities, official or non-official, to submit, for disposal according to law, to the bodies over which they preside, all letters addressed to them as Presidents for the purpose of being laid before these bodies?

Is it or is it not the function of the Municipality, and not of the President alone, to decide whether such an application, as made by Mr. Setalvad, should be complied with or not?

The Honourable Mr. BIRDWOOD in reply said :—With reference to question No. 5, a Collector of a District in his capacity as President of a Municipality is not amenable to the guidance and direction of Government in matters relating exclusively to the duties legally imposed upon him in that capacity. The correspondence to which the honourable member refers raised the issue whether certain documents, of which copies were

asked for, were or were not public documents within the meaning of the Evidence Act, which the applicant, as a member of the public, was entitled to inspect. This was an issue for the President and not Government to decide.

In answer to questions 6 and 7 the honourable member is referred to extract paragraph 3 of the letter to the honourable member, Mr. Setalvad, No. 164, dated 21st ultimo (Legislative Department), which is laid on the Table.*

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

Will Government be pleased to lay before the Council the papers connected with the alleged resignation of the Vice-President of the Yeola Municipality, and to state the facts regarding it?

The Honourable Mr. BIRDWOOD in reply said:—Inquiries are being made and the information when received, if there be no reason to the contrary, will be laid on the Table

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

Have Government noticed a letter from a correspondent, in the "Mahratta" of the 1st July 1894, regarding the refusal of the District Magistrate of Belgaum to renew the license of one Sadashiv Nilkanth Wagle to carry arms, and will they be pleased to ascertain and state what are the true facts of the case?

The Honourable Mr. BIRDWOOD in reply said:—Government have noticed the letter referred to. The license in question was not renewed in 1893, because the gun was kept for mere display and the licensee had no need of it. The licensee has not as yet applied again to have it renewed.

The Honourable Mr. GANPATRAO DAMODAR PANSE then put question No. 1 standing in his name:—

Government in their Resolution No. 9586 of 1884, published at page 171 of the annotated Edition of the Land Revenue Code, seems to have made it discretionary with the Collector to award interest to the inámdárs from the defaulters of their inám villages. If Section 148 of the said Code is applicable to all holdings, i.e., alienated or unalienated, why then such a distinction has been made between the said two holdings? Is not the inámdár loser if his dues are not paid in time? If this will not be considered a sufficient ground for him to claim interest, under what other grounds he can claim it?

The Honourable Mr. TREVOR in reply said:—The Resolution referred to does not make any distinction, as supposed by the honourable member, between alienated and unalienated holdings. It directs, in effect, that where assistance is given by Revenue officers for the recovery of revenue due to holders of alienated villages or other superior

* Extract paragraph 3 of a letter No. 164, dated the 21st July 1894, from the Secretary to Government, Legislative Department, to the Honourable Mr. C. H. Setalvad.

Turning then to the particular issue which you now raise, I am in the first place to remark that Government are not aware that there is any distinction, as your question would seem to imply, between the duties and obligations of official and non-official Presidents of Municipalities. When a President, official or non-official, is asked to lay a communication before the Corporation, his compliance or non-compliance with the request must depend on the nature of the communication in question. Whether a President is bound to lay an application for copies of municipal records, or for information before the Corporation, when asked to do so by one of the general public, is a legal question which cannot well be answered without particular advertence to the circumstances of the particular case, and it is contrary to the practice of Government to lay down any rule on the construction of legal obligations.

holders, the penalty, if any, levied under Section 148, Land Revenue Code, should be paid to the superior holder.

The Honourable Mr. PANSE then put question No. 2 :—

Under Section 85 of the Land Revenue Code, an inámdár has no power to collect his dues direct from the inferior holders, while under Section 153 of the said Code he has been made liable to forfeit his holdings if the annual nazarána is not paid in time. Are not these two sections practically inconsistent with each other, and, if so, can they not be amended?

The Honourable Mr. TREVOR in reply said :—I do not think the provisions quoted by the honourable member are inconsistent with each other. The liability of an inámdár to pay his nazarána is essentially independent of his claims against his tenants, and I am not aware that in practice the working of Section 85 has ever resulted in the forfeiture of an alienated holding under Section 153.

The Honourable Mr. PANSE then put question No. 3 :—

Has Government promised at the time of the introduction of the first Revenue survey that the right of inámdárs will not be interfered with if they accept the survey rates? Is not Section 76 of the Land Revenue Code an interference? If inámdárs can give out unoccupied lands and accept relinquishment of the same (Government Resolution No. 5730 of 1891 (? 1881), R. H., p. 148), why they have been debarred from accepting rázinámas and kabuláyats from other registered occupants?

Why distinction has been made between inámdárs who have accepted the survey rates and those who have not accepted them (vide Government Resolution No. 959 of 1892 (? 1882), R. H., p. 169)? Is this not anomalous and against policy? If so, could it not be remedied?

The Honourable Mr. TREVOR in reply said :—Government are not aware of any special promise having been made to the inámdárs in the sense suggested, and the consent of the inámdár to the application of a survey settlement to an alienated village necessarily implies his consent to such changes in his relations with the occupants of land in his village as follow from that application under the terms of Section 217. Section 76 merely purports to extend to holders of alienated land, so far as they may be applicable and with certain special reservations affecting land held under special tenures, the privileges and restrictions applicable to occupants of Government land in regard to relinquishment or transfer of lands in their occupation. The distinction between occupants of land given out for cultivation by the inámdár and other registered occupants implied by Government Resolution No. 5730 of 1881 arises out of the fact that the former are the tenants of the inámdár who derive their right from him, and between whom and their landlord it is unnecessary for Government to intervene, whereas the latter may have rights independent of the inámdár, to the reversion of which Government and not the inámdár may be entitled. The reason why inámdárs of unsurveyed villages are allowed to accept rázinámas and kabuláyats, while inámdárs of surveyed villages can only do so when they hold a commission under Section 88, is that, according to the view of the law taken in the Resolution quoted by the honourable member, the section requiring that notice should be given to the Mámlatdár or Mahálkari applies only in surveyed villages. But the intention of the orders of Government was that the provisions of Section 88 should be used so as to obviate the distinction as much as possible in practice.

The Honourable Mr. PANSE then put question No. 4:—

When and under what considerations the present office establishments of the several departments, such as Revenue, Educational and Judicial, &c., were sanctioned? Were these establishments fixed at their present strength after taking into account the considerable growth of business during the last twenty years in some of the departments, such as the Revenue and the Inspectorial branch of the Educational Department? Has Government made any inquiry whether the establishments are or are not now extremely overburdened with work? If not, will they be pleased to institute it now and give proper relief in the matter?

The Honourable Mr. TREVOR in reply said:—The establishments referred to were revised generally in 1868 with regard to the conditions then existing. Since then additions have been made to the establishments as the need for them has been shown by the responsible heads of offices to the satisfaction of Government. Government do not consider it necessary to make such an inquiry as the honourable member suggests. It is better that the officers concerned should be left to submit proposals for revision of establishment when urgent need is felt.

The Honourable Mr. W. R. MACDONELL then put question No. 1 standing in his name:—

Has the attention of Government been drawn to a letter in the Bombay Guardian of August 4th, signed "M. S. L.," and purporting to be written by one of the persons convicted of defamation in a recent case prosecuted by the Bombay Opium Farmer, containing the statement, "the verdict of the Magistrate was just what I had expected ever since I was informed that he had taken the papers in the case and gone to Mahábaleshvar to consult Lord Harris"; and whether there is any foundation for the statement?

His Excellency the PRESIDENT in reply said:—I really do not know whether the Magistrate alluded to came to Mahábaleshvar or not when I was there, but if he did he most certainly did not consult me or any other member of Government. He is quite incapable of such an impropriety. I may take this opportunity of adding, with reference to somewhat similar and equally erroneous statements that have been made in England as well as in India, that no member of Government has had anything whatever to do, either privately, demi-officially, or officially, with these defamation cases, either as regards their initiation or any of the subsequent proceedings.

PAPERS PRESENTED TO THE COUNCIL.

(1) Abstract of returns furnished by Departments in the Bombay Presidency to the Government of India showing value and cost of stores of Indian manufacture substituted for similar articles of European manufacture obtained on indent through the Secretary of State. (Placed on the table with reference to a question put by the Honourable Mr. Justice Mahadev Govind Ranade on the 31st August 1893).*

* The question was as follows:—

"What progress, if any, has been made during the last ten years in the way of giving fuller effect to the policy of Government to encourage, as far as possible, the purchase of articles of local manufactures in substitution of those imported from England, not only in the Stationery, but also in the Public Works, Police, Medical and other Departments, and what has been the extent, if any, of the economies thereby ensured from year to year since 1884?"

(2) Extract paragraph 3 of a letter from the Secretary to Government, Legislative Department, to the Honourable Mr. Chimanlal Harilal Setalvad, No. 164, dated the 21st July 1894.

**EXPLANATION OF THE FINANCIAL STATEMENT OF THE
GOVERNMENT OF BOMBAY FOR THE YEAR 1894-95.**

In presenting the Financial Statement for the year 1894-95 the Honourable Mr. TREVOR said :—As required by the rules under the Indian Councils Act of 1892 the Financial Statement for the year now current has been printed and placed in the hands of honourable members. The few remarks which I am now about to make in formally submitting it for discussion have also been printed, for their greater convenience, as Part I of the compilation of which the Financial Statement proper forms Part II.

It is unnecessary, perhaps, on the present occasion to repeat the description of the principles and gradual development of the contract system on which Provincial finance is based and the summary of the more important conditions of the current contract with which last year's Financial Statement was introduced. In other respects, the form and arrangement then adopted will be preserved as far as possible, including the retention, for facility of reference, of such of the general explanations then given in the sections corresponding with Part II of the present statement as are needed to make them readily intelligible. But as the financial outlook has been considerably modified by the course of events since last year's statement was presented, it will be useful to prefix a brief outline of the existing position to the more detailed examination of the budget figures in the sections which follow. It will be remembered that, except where the sign Rupees is prefixed, the figures used represent thousands of rupees.

2. The year now current is the third of the present contract, which opened in 1892-93 with a balance of 40,70 and a fixed assignment adjusted under the Land Revenue head of 77,14, including which the Provincial Revenue for the year was estimated at 3,92,24. As was explained in last year's statement, the obligatory balance is 20,00, and it is not the policy of Government to keep more than is necessary locked up in balances so long as there are objects on which it can be spent to the financial or administrative advantage of the Presidency. In pursuance of that policy, provision was made in the estimates for an expenditure of 4,10,91, the utilization of which in full would have reduced the balance to something approaching the minimum. The revenue, however, as explained more fully in Part II, Section I, ultimately worked out to some 14 lákhs more, including a large book adjustment of some 7 lákhs on account of Alienated Land Revenue, made after the original estimates were framed, and the expenditure, after allowing for corresponding debits, to about $2\frac{1}{2}$ lákhs less, than the estimate, and the second year of the contract accordingly opened with a balance of 38,31 still in hand.

3. The original estimates for that year were : Revenue, Rs. 4,00,77 and Expenditure, Rs. 4,13,62, exclusive of the book adjustment above referred to, but the revised figures, including the adjustment, again promise, as shown below (Part II, Section II,) to prove better than the estimate, and it is anticipated that in spite of a serious unforeseen demand on account of exchange compensation, which was sanctioned after the budget was prepared, and which in the case of Provincial establishments is a charge against Provincial Revenues, the year will end with a small surplus, and the balance will work out to 38,51. This result, however, is due less to any special elasticity in the revenue or actual economy

in the expenditure than to the facts that the greater part of the provision made in the original estimate for police re-organization, and the whole of those connected with the proposed organization of a new Collectorate in Sind have been struck out of the revised, and that a good many smaller public works, the commencement of which had been delayed pending sanction to plans and estimates, were altogether suspended towards the end of the year in view of anticipations of financial pressure, which there is too much reason to fear will be realized.

4. The approximate equilibrium between Revenue and Expenditure secured as above shown for 1893-94 is not likely to prove attainable during the year now current. The estimated receipts, as the budget was originally framed, worked out to a total of about 4,13,00, including the book adjustment already referred to, and apart from disturbing elements the estimates for expenditure following pretty closely as usual the lines of the original estimate for the previous year, but including the book adjustment and such modifications and expansion as the growing needs of the administration ordinarily dictate, would have stood at about 4,20,00 and might have been accepted without anxiety and with every prospect that the normal growth of the revenue would have overtaken the expenditure before the surplus balance was exhausted. Unfortunately, however, two disturbing elements of very dominant importance have been introduced. On the one hand, Imperial exigencies have necessitated a demand on Provincial Revenues for a contribution which has been fixed, with reference to the somewhat slender resources available, at 5,60, and has been recovered by a corresponding reduction in the amount of the fixed assignment for the year. On the other, the orders as to exchange compensation already referred to have, not only imposed on Provincial Finance a direct burden heavy in proportion to the large share of the total cost of the establishments employed in the Presidency which is borne by Provincial Revenues, but have robbed it of that immunity from the embarrassment arising from a falling exchange to which congratulatory reference was made last year. Under orders from the Government of India the rate has been taken, for the purposes of the estimates, at 1s. 2d. per rupee, and at that rate it has been necessary to increase the ordinary provisions for establishment charges as compared with last year's budget by sums aggregating some 6,20.

5. It is only by considerable curtailment of proposed expenditure, more especially under Public Works, that it has been possible under these circumstances to avoid trenching at once on the minimum balance. Though savings may be anticipated, they will be considerably smaller than heretofore, mainly for the reasons that of the two large schemes above referred to, the provisions made for which have, for some years past, been shown as savings, that for the re-organization of the police, sanctioned towards the end of last year, is now being brought into operation as rapidly as financial consideration will permit, and that relating to the new Collectorate in Sind has been postponed indefinitely under the orders of the Secretary of State, and the provisions for it have not been repeated. On the other hand, it is to be feared that, if exchange does not recover, the provisions for exchange compensation will prove insufficient, and the extra charges on that account will go to reduce still further the prospect of any actual saving. No premature recourse will be had to reductions which might retard progress or cause hardship. But, unless the financial position should improve, the possibility that considerable curtailment of expenditure may become necessary must be faced.

The Honourable Mr. JAVERILAL UMIASHANKAR YAJNIK said :—Your Excellency : This is the second financial statement presented to the Council under the new constitution. It strikes me that it would be a desirable thing if the statement were brought forward for the consideration of the Council at a much earlier period. Last year the Council met in July for the budget discussions. This year we meet in the middle of August, that is to say, when more than one-third of the budget year has passed away. Two months hence heads of departments in this Presidency will be occupied in framing their budget proposals for the next year. In urging an earlier meeting I do not forget the fact that your Excellency had inquired of honourable members in February last if they would not like to defer the budget meeting to July when they might be put in possession of complete sanctioned details, and I was one of those who consented to the postponement in deference to your Excellency's wishes. At the same time I expressed an opinion that this discussion, to be of any practical advantage, should take place earlier, but I was told that there were difficulties in the way of the adoption of this course. That there may be difficulties I do not deny, but I cannot think that they are serious or insurmountable. We know that the Bengal Council met in March and April last for the budget discussion. So also did the Madras Council meet on the 9th April for a similar purpose. I believe that the actuals for eleven months are available and published in February in the *Government Gazette* of each Presidency, and on or about the 10th of March final revised estimates for the expiring year, together with a final forecast of the year beginning on the 1st April, are laid before the Government of India for approval and incorporation in the great Imperial Budget for the whole of India. If such details as are put before the Government of India are the basis on which the Bengal and Madras Councils proceed to the consideration of their budgets, this Council might with advantage adopt a similar course.

Coming now to the Financial Statement before us, I think, honourable members must have seen that the Financial Member takes a less cheerful view of our finances than he did last year; nay, the tone of the statement is distinctly one of anxiety and watchfulness. Last year the honourable member said that the preparation of the Provincial Budget does not, as a rule, present any special features of difficulties, for this reason that the income is not affected by exchange and other difficulties which embarrass Imperial Finance. These hopeful anticipations have not been realized, and the adjustment of the normal expenditure to the normal revenue for the revised as well as the budget year has not been found possible without a reduction of the Public Works allotment, and without bringing down the provincial balance to the irreducible minimum. The closed accounts for 1892-93 show that Government has been able to secure an adjustment of expenditure to income with the help of the elasticity of revenue and by drawing upon a large provincial balance. As anticipated by the Honourable Mr. Nugent last year, the temptation of large unspent balances has led the Assyrian from Calcutta to come down on our fold and sweep away a large portion of our balance. Thus the results of years of thrift and economy have been carried away. But for this pressure from outside, we should have pulled through the revised and budget estimates unscathed. There is one feature in the revised estimates for 1893-94 which is deserving of notice. It is the approximate equilibrium between the year's income and the year's expenditure. Such equilibrium is a novel feature, so far as I am able to see, in the financial history of this Presidency. For the first time, I believe, the normal expenditure has been able to overtake the normal revenue. The

result seems to be due to two circumstances: first, to the firm grip which, it appears, the Financial Member and the Government had over the expenditure, and secondly the care and watchfulness exercised in not launching into new expenditure in connection with the re-organization of the police and the scheme for a new Collectorate in Sind.

The new pressure, wholly outside the Provincial Budget, which has come down upon us, is in the shape of two measures. One is the exchange compensation allowance. It caused a hole in the revised estimates for 1893-94 to the extent of Rs. 3,36,000, and is expected to swell up in the budget year to at least Rs. 6,26,000. I know that this is a matter over which your Excellency's Government has no control, but I cannot help observing that the time chosen by the Government of India to launch into this experiment was peculiarly unfortunate. It was with no little satisfaction, therefore, that I read in the newspapers that His Excellency the Viceroy had proposed that officers hereafter appointed to the services in India would not be admitted to the benefit of this exchange compensation allowance. I hope that, sooner or later, and sooner than later, the Government of India will see their way to correct their mistake, and restrict the grant to such of their officers who, having families or sons and daughters receiving education in England, have to make *actual* remittances there.

His Excellency the PRESIDENT here rose and said:—"Order, order. I think that the honourable member is going outside the present discussion. I have waited for some time to hear what he wanted to say about exchange compensation allowance, and it seems to me that he is going perilously close to the border land which separates Imperial from Provincial finance, for I think it is clearly understood that the Government of India, when giving permission for the discussion of Provincial Budgets, did not intend that their Imperial policy should be criticised by the Provincial Councils. Neither I nor my colleagues have any knowledge or license that would allow us to reply to the honourable member upon the question of the policy of a particular measure. Rule No. 5 of this Council, which was approved by the Viceroy in Council, was intended to exclude the discussion of the financial policy of the Government of India. It says: "The discussion will be limited to those branches of Revenue and Expenditure which are under the control of the local Government; and it would not be permissible to enter upon a criticism of Imperial Finance." I understand that the honourable member is alluding to some report in the newspapers as to what the Viceroy is going to do in future as regards exchange compensation. But that clearly is a question which relates to Imperial as distinct from Provincial policy, and I venture to suggest that it would be preferable if the honourable member confined the discussion to provincial questions.

The Honourable Mr. YAJNIK said:—I am bound to accept your ruling, my Lord, and will say no more as regards exchange compensation. I now come to the second external burden thrown on the provincial revenues by the Government of India, namely that of the special grant of Rs. 5,60,000. As the honourable member says, both these charges "have robbed this Presidency of the immunity from the embarrassment" which it had hitherto enjoyed. Now it seems to me that this fixed contract for five years has no meaning if, during the currency of the term, it becomes suddenly liable to be altered at the pleasure of the Supreme Government. The finances of the Presidency have, on this account, become suddenly crippled for the remainder of the term. In the last paragraph of the statement it is said: "The Government of India have promised to return the money

taken away should their financial position improve during the currency of the present contract." We must thank the Government of India for this promise, but what chance, I ask, is there of the Government of India redeeming the promise if the report be true that they will have a deficit of some five or six crores to make up at the end of the year?

In common with other additional members, I had my full share of the difficulties we experience in grasping the proper significance of the figures in the budget from want of fuller explanations accounting for increases or decreases on the revenue and expenditure sides. In the case of new items of expenditure, explanations are absolutely necessary. For instance, there is, under the head of 'Civil Secretariats,' on the expenditure side, at page 75 of the budget, an item of Rs. 10,200 on account of a police attaché. This is a provision made in the budget for the first time, but nothing is said in the Financial Statement as to what is the object of this new appointment. Similarly, I should like to know whether it is not permissible to the honourable member in charge of the budget to give in the body of the Financial Statement fuller information on points of interest. Lastly, at page 28 of the budget, I notice, under the sub-head of Dakshina grant, an item of Rs. 15,840 for allowances to Dakshina Fellows to all colleges in the Presidency except the Fergusson College. While congratulating your Excellency for a grant of Rs. 3,000 made to this college under another head, I ask if your Excellency will not complete this grace by granting an allowance for Fellowships to this college and thereby placing it on a par with other colleges in the matter of Dakshina Fellowships, seeing that the college being located in Poona, would appear to have a prior claim in respect of allowances representing a grant in lieu of resumed lands. I find, in paragraph 12, page 8, of the statement, under Section II, Revised Estimates, 1893-94, the honourable member refers to the increase of 8.30 lakhs under Land Revenue, and states that of this increase 1.54 lakhs is in connection with the divisible land revenue. But what is of more importance for us in this Presidency to know is, how much of such increase is due to (1) extension of cultivation, and how much to (2) revised rates? Again, under the head of XII. Interest 13, paragraph 29, page 17, no information is given as to the sum advanced as tagái or takávi to rayats during the last year, and proposed to be given during the current or budget year. This is an item which largely interests the people in the districts. Next, under the head of XXXII. Civil Works, 45, paragraph 46, page 25, I find the amount of expenditure steadily decreasing from year to year since 1889-90, in which year it was 40.17 lakhs. The budget for 1894-95 makes a provision for 33.30 lakhs, which is 7 lakhs less than in 1891-92, 1½ lakhs less than in 1892-93, and 3 lakhs less than the budget for 1893-94. But what is strange is that whereas the allotment for civil works is steadily declining from year to year, no corresponding decrease appears to be taking place in the charges for establishment. This certainly looks unfair on the face of it and demands explanation. It looks like a case of "no work and pay" or, if the exchange compensation for hands that are idle is included, it becomes a case of "no work and more pay." In paragraph 21, page 330 of the statement, it is remarked as follows :—"Under (a) are included large special charges for potpaháni work in the Konkan." Here the item (a) represents charges of District Administration (Land Revenue Department), and (b) Survey and Settlement. The question that naturally suggests itself is whether the large special charges for potpahani work must not go under the head of (b) Survey and Settlement, instead of, as at present, under (a) charges of District Administration? And now, turning to page 27 of the budget under the head of

assignment and compensations, I notice a sub-head, named excess compensations, and an item called ábkári farmers of Khándesh District. The sum stated in the accounts, 1892-93, is Rs. 1,767. But I was curious to know under what head of accounts the sum of Rs. 1,50,000, sanctioned under the authority of the Government Resolution of September 1892, to be granted to the country spirit farmer of the Khándesh Districts, had taken refuge. But I will not worry the Council with more details. The Government are the depositories of information on all points of financial, fiscal and administrative details, and the non-official members can only derive their knowledge from such information as is vouchsafed to them in the published reports and other papers accessible to them. I trust, therefore, that fuller explanations will be furnished on these and other points in future Financial Statements.

Turning to the receipt side I would call attention to the first item, namely, land revenue. It is made up, as remarked in the Financial Statement, of three items, namely, the Provincial share of the divisible receipts, *plus* alienations, *plus* the contract assignment which is adjusted under this head by reduction from the Provincial share of the divisible revenue. Land revenue, therefore, constitutes the backbone of Indian finance. It is the contribution of the agricultural classes to the National Exchequer. In this Presidency the yearly increase under this head for the past few years is from 8 to 10 lákhs. One-fourth of this sum, that is, from 2 to 2½ lákhs, falls to the share of the Provincial Revenue. All other sources of revenue, such as salt, opium, ábkári, stamps, forests, assessed taxes, look small by the side of this single item. It is not only the largest source of income but a steadily growing one. This growth is brought about partly by extension of cultivation, but largely by revision survey settlements. The importance of these revision settlements, therefore, cannot be overrated, whether we regard them from the point of view of public finances or from the interests involved therein of the bulk of the people who depend upon agriculture, and whose humble toil supplies the staples of our commerce. No review of a year's finances, therefore, can, I humbly submit, be complete which does not refer, however briefly, to the thoughts and feelings of the people about the policy of Government in regard to these settlements. The contentment and confidence of these classes cannot, I imagine, be a matter of indifference to Government. The desire of Government to know what effect their measures to relieve the growing agricultural indebtedness is evidenced in the item of Rs. 25,000, which figures under paragraph 8, page 4, of the Financial Statement before us, in the accounts of 1892-93, in connection with the services of the Deccan Agriculturists' Relief Act Commission. It is generally felt that while further legislative reforms to relieve indebtedness have been introduced in the Supreme Council, the recommendations of the Commission with regard to executive reforms have not received the attention they merit. Certain it is that the problem of the rayats' indebtedness is the most pressing problem of the day and is admitted to be so by officials and non-officials equally. The official view, briefly, is that the error in land legislation which gives power to the rayat of alienating his incorporeal rights in land to the money-lender—a power which he is unfit to exercise—is responsible for his indebtedness. And the remedy lies in restricting this right of land transfer. On the other hand, the general belief among the agriculturists themselves and the non-official community is that the root of the evil of agricultural indebtedness is to be sought for largely, if not entirely, in the policy which regulates revision settlements of land in this Presidency. Under this policy, it is believed that the whole of the profits of agricultural labour are absorbed by the enhanced rates charged on lands, and that the result of such

absorption of profits is to frustrate the great object of the "Wingate Survey," which was to leave with the proprietor or holder a portion of the rent and a benefit of all improvements made at the cost of his labour and capital. The complaints against recent settlements may be summed up under three heads:—

- (1). That agriculturists are not allowed reasonable opportunities of being heard in regard to the enhancements of rates on their lands before they are sanctioned.
- (2). That these enhancements involve taxation of improvements.
- (3). That this taxation of improvements is brought about by a new valuation of soils in re-classification work on account of the advantage of a "general position class," and by a new method of grouping on the plea of uniformity and other general considerations.

In proof of the first complaint, I will read only a sentence or two from the petition now before Government of the Panvel land-owners. They remark that "the only notice which your petitioners had from the Survey Department as to their operations was a list of maxima rates proposed to be levied on the various descriptions of land in the *táluka*. Your memorialists were not informed as to how the lands were to be classified, nor the way in which individual *khátas* were to be treated, so as to enable them to make any specific objections." The people of Avás and other villages in the Alibág *Táluka* have made similar complaints. I hold in my hand a survey notification, in original, notifying maximum rates to these villagers. The objections they have to such a notification are that it is defective in (1) that it notifies groups of, and maximum rates on, villages only and is wholly silent as to details of rates on *individual* holdings and invites objections within a short space of two months through the revenue Patels; (2) that it does not specify the old order of grouping, and that so far it is vague and unintelligible; (3) that in column 8 it gives incorrect information as to the old maximum rate on warkas lands which was four annas only all over the *táluka*, and not one rupee, as notified; (4) that in column 12, *nowkird*, *kharif*, *rabi*, and *warkas*, and all kinds and descriptions of lands excepting *bágáyat*, are jumbled up together for which the maximum rates are Rs. 3, Rs. 2½, and Rs. 2, but what rates for what lands is not shown, while in columns 4 and 5 the heading of *kharif* is divided into two portions, sweet and salt lands. Hitherto these petitions have generally received the reply that they contain nothing specific in the way of objections to the settlement. But I am glad to note that the subject has been receiving attention from Government, that the matter was referred to the Divisional Commissioners, but that final orders have not been passed.

As regards the second and third complaints, reference in support of them must needs be made to the most recent revision settlements in connection with the rice-producing lands of *tálukas* in the Konkan Districts. The cultivators of the 56 *khárápát* villages of the Alibág *Táluka* allege that their lands were measured, classified, and settled three times, *contrary* to the provisions of the Bombay Land Revenue Code, first in 1852-53, then in 1872-73, and for the third time during the recent revision; that in their petitions to Major Godfrey they enquired if their lands having been already classified for the second time were to be classified again for the third time. They received a very cautious reply to the effect that no classification was intended except such as would be needed to rectify errors, and yet when the final results were notified in the notification,—a copy of which I hold in my hand,—they found that these 52 "*khárs*" had come in for new grouping and enhanced

maximum rates!! Moreover, the fact that they were compelled to pay the cost of such work showed that it was not mere rectification work that the survey had done, but the work of entire classification.

His Excellency the PRESIDENT here interposed and said:—Order, order. It seems to me that the honourable member is making a speech on the land-revenue system. I cannot see what that general question has to do with a particular budget. I do not think it was the intention of the Government of India when they admitted discussion of the budget that the whole system of administration should be discussed. This Government has not the power off hand to alter the system of which the honourable member speaks, and I doubt very much whether it is not stretching the privileges of discussion of the budget to make a speech like that of the honourable member. A passing reference to the land revenue system would be admissible, but to make a long speech on the question is out of place.

The Honourable Mr. YAJNIK:—My Lord,—The whole of the revenue survey work is done by officers in the Bombay Presidency, and this Government receives one-fourth of the assets. Therefore every increase that results from enhancements of revenue affects the Provincial budget.

His Excellency the PRESIDENT:—The honourable member can exercise his privilege of discussion as he thinks fit, but it remains for Government to answer his remarks or not, as they think best.

The Honourable Mr. YAJNIK continuing his speech said:—I think I am justified in calling the attention of the Imperial and Provincial Governments to this matter, as it concerns the largest number of people in this Presidency, and is intimately bound up with their daily life. In valuing the new rice lands, increases beyond the full value of 16 annas have been charged for “advantages or natural facilities.” This method of assessing advantages has been elaborated into large measures of extensive application, such as “sub-soil water advantage,” so well-known in Gujarāt, and the “general position class,” elsewhere. The method is applied in two ways:—(1) In the re-classification of soils by the increase of anna valuations; and (2) in the grouping of villages under uniform rice maxima. How far these processes of re-classifying and re-grouping involve taxation of improvements may be seen from the following extract from the report of the late Survey Commissioner on the revision settlement of the 116 villages of the old Kolhāpur Petha of the Karjat Taluka, now of the Kolaba Collectorate.

His Excellency the PRESIDENT:—What is the date of that report?

The Honourable Mr. YAJNIK:—January 1st, 1888.

His Excellency the PRESIDENT:—If that is so, I would point out that it has nothing whatever to do with the financial statement of this year.

The Honourable Mr. YAJNIK:—The Resolution of Government upon the report is dated 30th August, 1888.

His Excellency the PRESIDENT:—As it has nothing to do with the financial statement, I must rule it out of order.

The Honourable Mr. YAJNIK:—It relates, my Lord, to a principle that is being carried out at the present time on the basis laid down in that Resolution.

The Honourable Mr. TREVOR:—I do not see that there is any connection between the classification rules and the budget.

The Honourable Mr. YAJNIK:—The connection is this—that the work of land assessment is carried on by officers whose salaries are provided for in this budget. If your Excellency does not wish that I should proceed further, I content myself by a reference to this Resolution, which embodies the principle of enhancements in support of what I say.

The honourable member then resumed his seat.

The Honourable Mr. GANPATRAO DAMODAR PANSE said:—My Lord,—I have to say only a few words in connection with the budget now under consideration of the Council. It must be thankfully admitted that my honourable colleague, Mr. Trevor, has spared no pains to make the budget as full and clear as it is feasible to do under the circumstances. I only crave the attention of the Council to a few points which by their importance naturally attract prominent attention, and cannot, therefore, be passed over.

The first point to which I beg to refer, is the remuneration to village officers in parts where they have no hereditary vatan lands. In these districts there are stipendiary Pátils whose salaries amount in several cases to even less than Rs. 5 per annum. One is thus hardly tempted to seek for the post, and the Mámlatdár is compelled to induce some beggarly person to accept it. The nominee hardly feels his responsibility, and experience shows that the work is done so carelessly that it would not be difficult to imagine how important public interests might seriously suffer. In these circumstances I beg to submit that the salaries of these officers, who are in fact guardians of the public peace and heads of the village, may be raised so as to create an inducement for persons of higher circle and position to compete for them.

The second subject to which I, as a representative of the Sardárs in the Deccan, beg to call the attention of this honourable Council is the remuneration to village officers by the inámdárs in inám villages for collecting Local Fund Cess. In khálsa or Government villages the remuneration is paid from the cess collected in inám villages; however, the inámdár is not allowed to pay it out of the collections made on account of this cess; he is required to pay it from his own pocket. This distinction seems to be invidious, quite unaccountable and unfair. It is hardly consistent with the principles that underlie the system. The inámdár is undoubtedly primarily responsible for the cess, but looking to the spirit of the law, it seems never to have been contemplated that he should pay the cess and also the charge for collecting it. The inámdár is, in fact, an alienee of the lands or revenue due to the State, and whilst thus placed there seems to be no justification in subjecting him to an item of expenditure which ought to be a charge on the cess itself. I, therefore, propose that provision should be made in the budget for remuneration for collecting the cess in inám villages, or a necessary deduction should be made to that extent from the estimated revenue from this source. If, however, this cannot be done without the law on the subject being modified, I beg to submit that an early opportunity may be taken for the amendment of the law.

The third point to which I would now turn is the expenditure incurred in the maintenance of the Forest Establishment. This expenditure contrasts very unfavourably with that of the Land Revenue Establishment, the proportion being one-fourth and one-tenth respectively. The difference is remarkable and would seem to call for a change in the system.

The fourth item which should attract your Lordship's serious attention is a series of abuses which the working of the Registration Act in the sort of men in the department is reported to give rise to. It is generally complained that documents requiring registration

do not, as a rule, escape the levy of a black mail. The levy is reported to be very general and exacting. I am ready to admit, my Lord, that there may be a little exaggeration in the reports we hear. But I cannot say they are quite groundless. It may again be contended that the people concerned should come forward and make complaints. Most of us know how ignorant the villagers generally are. They are, besides, so much habituated to put up with the nuisance that they hardly make any distinction between this imposition and the payment of the legal fees. At a time, therefore, when all departments are being steadily and speedily cleared of their impurities, the abuse in question is becoming too glaring to be borne with patience any longer. Under this head the estimated receipts (*vide* budget page 14) for 1894-5 amounted to Rs. 6,28,000, while the expenditure is estimated to come up to Rs. 2,95,000 (*vide* page 66); this leaves a balance of Rs. 3,23,000, which seems to suffice for any additional expenditure which it would be necessary to incur in effecting a change, on the lines adopted by the Madras Government, by introducing into the ranks men of higher education and moral calibre.

It is very gratifying to find that some provision has been made in the budget for a grant to the Fergusson College. Looking to the grants made to several other institutions of a similar nature, the provision of Rs. 3,000 for the college seems to be disproportionately small. It is a unique institution of its kind in this Presidency, and the praiseworthy energy with which it has been started and maintained deserves adequate encouragement at the hands of the State, such as would create a stimulus to found others for affording the benefit of higher education to the people and for relieving the State of a part of its burden to be utilized in the cause of primary education. It may be hoped that the grant will be increased next year.

Under the head "Medical" I find Rs. 1,175 for country medicines and Rs. 28,040 for medicines and instruments, total Rs. 29,215, in addition to the provision of a lakh of rupees made for the aided institutions. But I submit that this sum is utterly insufficient to supply the needs of the Mofussil hospitals and dispensaries. At present there is a good deal of complaint that the supply of medicines and instruments is not sufficient and the medicines sent from the stores are not according to the indents. If these indents are according to the requirements, I do not, my Lord, clearly understand why the medicines should not be sent accordingly. It is also found that the supply of medicines to different hospitals and dispensaries is not according to the number of patients. This looks strange and would require an explanation. I quote the following statement from the last Report of Government hospitals and dispensaries which shows the inequalities in the distribution of medicines:—

Hospitals and Dispensaries.	Bazar Medicines.			European Medicines.			Total.			Attendance.
	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	
Thána Civil Hospital ...	53	0	0	516	12	6	569	12	6	4,355
Bassein ...	34	4	0	642	0	0	676	4	0	17,289
Bhiwandi ...	5	10	0	278	0	0	283	10	0	10,496
Kalyán ...	21	1	0	679	4	11	700	5	11	6,626
Sirsi ...	39	15	10	424	10	7	464	10	5	10,507
Sasvad ...	49	11	2	806	7	4	856	2	6	1,318
Poona Dispensary ...	5	0	0	528	6	10	533	6	10	19,502
Wái ...	9	14	0	177	13	8	187	11	8	12,535
Bulsar ...	53	0	10	741	0	0	794	0	10	16,824
Sholapur ...	35	5	0	1,337	7	1	1,372	12	1	15,945

These figures clearly show that there is a great disproportion in providing medicines to these and other similar institutions. If medicines are not sufficiently supplied, the object of these institutions cannot be achieved. There is another fact in this connection, which cannot be forgotten, that at present all well-to-do people are, under the stoppage rules, required to pay for the medicine which they take from Government hospitals and dispensaries. I believe when a man has to pay for what he takes he is entitled to have good medicine, and the plea that costly medicines are not supplied to Mofussil dispensaries cannot be justly put forth. This grievance, which appears to be a general and extensive one, should be removed; the grant for the supply of the medicines should be increased, and the supply to different hospitals and dispensaries should be proportionate to the number of patients.

I cannot conclude, however, without reminding, as I had done last year, and I regret to say without effect, the Council of the inconvenience felt by the inhabitants of the Ratnagiri District as regards the postal arrangements therein. The arrangements made during the rainy season are so unsatisfactory, and the complaints so many, that a radical change seems necessary. I consider it by personal experience to be such a great inconvenience that I cannot now pass it over. I admit that the matter is one requiring consideration of the Government of India, but there is no doubt that it will receive due consideration if a strong recommendation were to be made by your Lordship's Government.

In conclusion I beg to express my thanks to your Excellency and to my honourable colleagues for their kindness in giving me a patient hearing.

The Honourable Khan Bahadur HASAN ALI BEY EFFENDI said:—I have only a few observations to make. Taking matters affecting Sind as they occur in the Financial Statement, I will refer first to the survey of the River Indus. I congratulate your Excellency's Government that this has been undertaken by the Imperial Government. The damage done to the trade of Karachi this year by breaches on the railway owing to the vagaries of the river and the widespread ruin of crops owing to floods show the necessity that existed for taking in hand the measures for the control of the river. Along with this subject I may refer to the provision made for the repairs to the river boat *Jhelum*. I am glad that this vessel is going to be repaired. It is absolutely necessary that there should be means for utilising the great highway of the Indus, and the Commissioner in Sind has had several times this year to hire a steamer to enable the officers of the Irrigation Department to visit the breaches in embankments and mouths of canals which were otherwise inaccessible.

As to the new collectorate in Sind, it was necessitated by the unwieldy size of the Shikarpur District, the revenue of which has doubled in twenty years. The new collectorate will enable greater attention to be paid to the wants of the enlightened and hard-working zamindars in that part of Sind. As to the Takavi, this has been very useful in Sind, and has saved from ruin the zamindars and cultivators in the frontier district and in the Delta where floods, locusts, and other calamities had reduced the people to the lowest ebb. It also tends to curb the rapacity of the money-lenders: and I hope it may be extended liberally.

As regards the general administration, I think that one feels disappointed to see under this head that the increase of the salary of the Commissioner in Sind proposed in last

year's budget has been omitted from the budget for this year. Although I use the word "increase" it cannot be so described, as it was only a measure to restore his pay to the original amount, which was cut down unnecessarily by the Finance Commission. The Commissioner in Sind is in many respects a local Governor. His administration on one hand extends to the border of Beluchistán and the Punjab, and on the other to the borders of Jessalmir. He looks after the Port Trust, Customs, Excise, Irrigation, the Conservancy, the Municipalities, and Village Cess Fund, &c. Thus, his position is of a unique character. To reduce his pay, therefore, is to reduce the importance of the Province unnecessarily and to detract from its value. I am glad to see that the police is after all about to be re-organized, and I earnestly hope that it will come into force very soon. The growth of the population and the occasional outbreaks of dacoity show that the time has come for this reform.

The appointment of the Chemical Analyser at Karáchi has removed at last the grievance of the Karáchi merchants, who were compelled to send specimens of explosive articles, petroleum and the like, to Bombay for examination before being allowed to import them into Karáchi. The merchants often felt a difficulty in getting the samples transported to Bombay. The measure is also calculated to prevent delay in criminal trials where matter and material affecting such trials require examination by the Chemical Analyser.

As regards the medical school and hospital at Hyderabad (Sind), the Government have done well in replacing the old and dilapidated mud building by a suitable structure. I may remind your Excellency that for many years past the public at Karáchi has been suffering great inconvenience in consequence of the Collector's kacheri being so far from the business quarters. This grievance should be redressed as soon as possible. As to the village cess fund, I might say that the pay of many Tappadárs is only Rs. 15. Their duties, owing to severe climate and distance, necessitate their keeping a horse, so that they must receive assistance from the people. The increase of their pay should not be delayed.

The Hyderabad-Umarkot Railway should be extended. I regret to learn that no provision has been made for its extension, at least as far as Nára. If the railway line were brought into contact with the boat traffic on the Nára, the traffic would be considerably increased. As the provincial Government spends very little on the improvements of roads in Sind, the extension of the railway seems desirable, and Government might consider whether other provincial branch lines could not be undertaken such as from Lárkhána to Kambar and from Jungsbahi to Tatta.

Under the head of fees and penalties, I am reminded of the zamindárs' grievances in case of default. By the rules now in vogue, if a cultivator fails to pay his assessment on due date he is served with a notice the fees of which he must pay, and then as regards the penalty it depends very much upon the subordinate officers how the picture is painted. The penalty can be enforced up to one-fourth of the full assessment due. Now although the rules admit of the non-enforcement of the full penalty, still in point of practice it is often enforced. Will it not be better if the Government were pleased to charge in such cases interest at the mercantile rate, say from six to nine or even from nine to twelve per cent. per annum? Government should be merciful to these classes of people, who may be prevented from paying the assessment through various reasons, such as illness, ignorance, absence, indebtedness, and like causes. As to the receipts for

the sale of lands or the right of occupancy, we may hope that the same liberal policy will be continued as prevails now under Mr. James, than whom a more liberal, just and impartial administrator it would be difficult to find.

The Honourable Mr. RANCHODLAL CHOTALAL said :—My Lord,—It is a matter for congratulation that in this year of financial pressure our local Government have been able to frame the budget of the current year without having recourse to any new taxation, or without seriously retrenching the usual expenditure. Although Government had to provide between eleven and twelve lakhs of rupees for the two new items, *viz.*, exchange compensation and the contributions to the Imperial Government, they have been able to meet the demand from an increase in the revenue side. The greater part of the increased receipts is from the land revenue. This is quite satisfactory.

The next big item of increase is in the *abkari* revenue. If this increase could be shown to have been obtained without any increase in the consumption of intoxicating drink or drugs, it would be equally satisfactory, but I am afraid there has been a considerable increase in the consumption of spirituous liquor, and this must be considered as a matter of much regret, because any increase of revenue obtained from the extension of the evil habit of drinking among its people is a positive loss to the country eventually. As it is admitted by all the well-wishers of this country that it is desirable that further extension of the use of intoxicating drink should be restricted by all lawful means, I hope this Council will think of some effective measure by which the people of this country may be protected from this evil. A proposal on the subject should be brought forward for the consideration of Government and this Council.

The Honourable Mr. CHIMANLAL HARILAL SETALVAD said :—Your Excellency, I cannot help regretting that this Council has to discuss the budget so late in the year, over four months after the date on which it came into operation. Last year, we had to discuss the budget in the end of July, and your Excellency then assured us that in future endeavours would be made to bring on the discussion as early in the year as possible. The other local Governments—Bengal and Madras—have discussed their budgets long ago in their Councils, and I do not see why the Bombay budget should not also be discussed early. I am not forgetting the fact that in January last your Excellency consulted us about the best time for discussing the budget. But then we were given a choice only between discussion without the detailed estimates in January or February, and discussion with the detailed estimates in June or July. Under the circumstances there was no help but to prefer the latter alternative. But I think, as I said then, in my answer to your Excellency's enquiry, that the detailed estimates should, if possible, be made available for discussion in January or February. And I do not understand what difficulty there can be in doing so. The detailed budget estimate has to be sent to the Government of India, and so it must be ready with the Bombay Government in January or February, and copies, I think, can be made available to members. It is, I feel, extremely desirable that the sanction of the Government of India should be given in the light of the discussion of the budget in this Council.

Since we met last year two extra and unforeseen burdens have been cast upon the Provincial Budget. I will not dwell here upon the merits of the exchange compensation which was generally condemned—and, I think, very rightly—as an act of unjustifiable extravagance and favouritism in the present state of the finances of India, as this Gov-

ernment was not responsible for the measure. The exchange compensation has, however, unfortunately introduced an element of uncertainty in our budget from which it was up to now free. The total expenditure on this head is estimated to be Rs. 6,26,000, but it would be more, as it is calculated on the basis of 1s. 2d. exchange. One cannot help regretting that such a large sum should be thus wasted instead of being available for educational and other useful needs. Last year, when the Honourable Mr. Ranade deprecated the drawing upon the balances, the Honourable Mr. Nugent remarked that the danger of accumulating large balances was that the Government of India had the temptation in times of financial difficulty to sweep away those balances. None of us, I suppose, then dreamt how soon these prophetic words were going to have their justification. The Government of India have actually withdrawn Rs. 5,60,000 from these balances. I have no doubt every member on this board, official as well as non-official, will strongly disapprove of this act of spoliation, as it takes away, to a considerable degree, the incentive from the local Government to effect savings. The Government of India have promised to return the balance, but this promise is accompanied by an almost impossible condition, *viz.*, if their financial position improves, of which, I think, very few people have any doubts that there is no chance for a long time to come. This withdrawal is all the more regrettable when it could have been avoided if the Government of India and the Secretary of State had not sacrificed India to Manchester on the question of the import duties.

I hope this exchange compensation charge will, however, induce Government to hasten the organization of the long-promised Provincial Service, for they will be able to save exchange compensation on some of the appointments on which they have to pay it at present. The matter has been too long delayed, and, I trust, will not be delayed any longer. The Bengal and Madras Governments have long organized that Service, and I think it is Bombay alone that has lagged behind.

Coming to the head of Law and Justice, I venture to think, my Lord, that the present system of administration of justice in Bombay requires to be modified, both in the interests of the public revenue and the people who have occasion to go to court for obtaining justice. That the costs of litigation on the Original Side are very heavy, is notorious, and this heavy cost is one of the chief reasons that have induced Government to refrain from levying *ad valorem* court fees on the value of the subject-matter of suits filed on the Original Side of the High Court, as is done in the mofussil and on the Appellate Side. To what an extent the revenue side of the budget will gain if it could be made possible to levy these court fees can well be imagined from the fact that the total value of the subject-matter of the suits filed on the Original Side was Rs. 80,19,866 in the year 1891, and Rs. 66,29,369 in the year 1892 (*vide* page 21 of the Report on the Administration of Justice for the year 1892), and that the usual rate of court fees is about 7½ per cent. I venture to suggest two methods by which the cost of litigation in Bombay could be considerably reduced, and the levying of court fees could be made possible. At present, barristers, instructed by attorneys, have the monopoly of audience on the Original Side. If that monopoly is done away with, and pleaders as well as attorneys are also given audience, the costs of litigation will be at once reduced. And I for one do not see any rational argument on which the present monopoly can be defended. A large majority of the suits instituted on the Original Side, in no way differ in their nature or difficulty from the suits in the mofussil and on the Appellate Side of the High

Court. It cannot, for a moment, be pretended that barristers go through examination tests that are in any way higher than the tests laid down for attorneys and pleaders. I venture rather to say that the barristers' examination can bear no comparison whatever with the law examinations that are held in India. This coupled with the fact that pleaders are considered competent to deal with the complicated questions of law that arise every day in the appeals argued on the Appellate Side, and that the Legislature has considered them qualified to be High Court Judges, makes the present monopoly in favour of barristers altogether anomalous. When the Chamber of Commerce raised this question in the year 1886, it was urged that under the present system "suitors in important cases are able to obtain the highest professional assistance." (*Vide* page 93, Report of the Chamber, 1886.) I at once concede that there are, undoubtedly, a few eminent practitioners on the Original Side, and for whom I have very great respect. But I emphatically deny that they are the products of this monopoly. They will remain at the top and maintain their ground in any competition. They are even now in request on the Appellate Side where they have no monopoly. A monopoly is never favourable to produce the best talent, and must have a demoralising effect, as persons protected from the effect of healthy competition from outside have little incentive to work and improve. The present monopoly has the only effect of forcing suitors to often accept people whom they would not accept if their choice had not been circumscribed. I am quite aware, my Lord, that Government can themselves do nothing in the matter, the matter resting entirely with the High Court, but if as I have submitted above, the monopoly has benefited nobody, but the class in whose favour it is created and comes in the way of a substantial addition to the public revenue, I venture to think your Lordship's Government will be justified in suggesting to the High Court to consider the advisability of breaking it up. The Madras High Court has, for the last several years, allowed pleaders and attorneys to plead on the Original Side, and from the inquiries that I have made I understand that the change has been satisfactory to all parties. There is also an amalgamation of the profession in Canada and other British Colonies.

His Excellency the PRESIDENT here rose and said:—I am sorry I have to interrupt the honourable member. But I think he is speaking on a topic foreign to the subject. He must confine his criticisms to the Provincial Budget and not discuss what is done in Canada and other places in the world. It is laid down in the rule that the discussion should be confined to the subject before us and therefore the honourable member should not travel from the budget.

The Honourable Mr. SETALVAD:—I am only giving an illustration, my Lord. I am not going to discuss the system which prevails in Canada and other British territories. I only refer to it simply as an illustration of my remarks. But the method that appears to me more logical and beneficial to the public revenue is another. Out of a total number of 715 suits (excluding insolvency suits), instituted in the High Court during the year 1892, no less than 376 were simple suits for money or moveable property, and could well be disposed of by a cheaper, though by no means a less efficient tribunal. Of the remaining 336 also a large majority appear to be of the same nature as that of suits that are every day disposed of by Subordinate Judges whose salaries range from Rs. 150 to Rs. 800 per mensem. Moreover, it must be remembered that of the suits disposed of on the Original Side, only a very small minority is contested.

It appears that out of 1,296 and 1,829 suits, disposed of during the years 1891 and 1892, respectively, on the Original Side, only 196 and 250 were contested. Again, in the insolvency jurisdiction, I have often seen the spectacle, week after week, of numbers of insolvents in rapid succession automatically getting into the witness-box, swearing to the correctness of their schedules and the clerk announcing their discharges, there being no opposition, the Judge sitting all the while in solemn silence. If then all these uncontested suits as well as a majority of the contested ones, that are of a simple nature or of comparatively small value, were transferred to a new less costly, but by no means less efficient, court created for the purpose, where audience would be given to barristers, attorneys, and pleaders, it would, I venture to think, be possible to reduce the number of High Court Judges by two, only one Judge on the Original Side being sufficient to cope with such original jurisdiction as may be considered desirable to keep with the High Court. No doubt, some additional work would be entailed on the Appellate Side in the nature of appeals from this new court, but that would not be heavy, looking to the small number of contested suits, and it is to be remembered that there would be a corresponding reduction in the work of appeals that have at present to be heard from decrees on the Original Side. Besides the immense saving that this change will bring about, Government will be justified in levying court-fees in the new court owing to the necessary reduction of legal costs in that court. Moreover, it may become possible in that court to do away, to a certain extent, with the present cumbrous system of interpretation, so that suitors will get not only more cheap but also more speedy justice. The present Chief Justice, Sir Charles Sargent, in his evidence before the Public Service Commission, expressed himself somewhat in favour of such a change. I am perfectly conscious, my Lord, that these are changes that cannot be lightly taken into hand, and will require very careful and anxious consideration. I am only throwing out suggestions which, I think, ought to be considered by the responsible authorities. I, however, do think that the time has come when, in the interests of the public revenue, the matter ought to occupy the serious consideration of Government and the High Court.

His Excellency the PRESIDENT here rose to order and said :—I cannot see what the question of court-fees has to do with the present discussion of the budget.

The Honourable Mr. SETALVAD.⁶⁶—I am seeking to show, my Lord, that if the changes I advocate, are made, the revenue side of the budget will benefit.

The Clerk to the Insolvency Court is paid by means of fees, and the average monthly fees received by him come to very nearly four thousand rupees,—a remuneration extravagantly out of proportion to the almost nominal work that that officer has to do, and more than the salary of a High Court Judge. As I pointed out last year, there is no excuse whatsoever why that officer should be allowed to draw these heavy emoluments, when it is a fact recorded in the report of the Finance Committee that the present incumbent accepted office on the express condition that he would abide by any changes that might be made in the emoluments of the office. I think, therefore, there is no reason whatever why the clerk should not be put on a salary, say, of Rs. 500 or 600 per mensem—that was the salary recommended by the Finance Committee,—and the fees credited to Government. But I was told last year by the Advocate-General that, although the arrangement that I had proposed was eminently desirable, it would not be legal to carry it out, as the clerk was entitled to the fees under the Insolvency Act, which was an Act of Parliament. I

have carefully read through the Act, and I have failed to find a single word in it about the clerk of the Insolvency Court. The Act does not recognise the clerk of the court at all. He and the fees he receives are the creation of certain rules framed by the High Court under the Act, and it is open to the High Court to modify them in such manner as they may deem proper, and such modification can, under Section 91, at once come into effect. Section 4 of the Act clearly gives the High Court power to reduce the emoluments of, or even to annul, any office. I, therefore, strongly urge that this reform should no longer be delayed, and the present unjustifiable waste of public revenue should be at once put a stop to. However, it is generally believed that the scale of fees laid down by the High Court is not always strictly adhered to. It is very broadly said, that during the time that the present permanent incumbent was on leave from April to November, 1893, the officer who acted for him thought that the practice prevailing in the office about these fees was not quite in accordance with the Act and the rules, that he accordingly began to charge fees according to what he thought was the real scale of fees, and that, as a consequence, the fees per month fell to less than half of the fees that were previously earned. Since the return of the permanent incumbent, however, it is said that he has again reverted to the old practice, and the fees have again swelled to the old average of four thousand rupees per month. It is, I think, eminently desirable that this matter should be thoroughly enquired into. But besides this question of fees, there is another question that requires to be cleared up in the interest of the public revenue and the suitors. It is the practice, in the office of the clerk of the Insolvency Court, to take advances from parties to insolvency proceedings in order to meet court charges. It is difficult to understand the system on which these advances are determined. But be that as it may, there is, it is said, no system for acquainting parties appearing in person, as to the balances that may remain to their credit out of the advances taken from them, after meeting the actual court charges, or in cases where matters are after a certain stage compromised, and thus enabling them to claim them. As a consequence very few people claim their balances. But what becomes of these balances? It is said that they go to the clerk, who thinks that because he is solely entitled to the fees, the balances of advances on account of such fees ought also to go to him. In fact, I am informed there is no account at any of the banks in the name of the clerk of the insolvency court as such clerk, as there is in the case of the Official Assignee. I venture to say, if this is so, the clerk is mistaken as to his rights. Such balances as are not claimed by the persons entitled to them ought to lapse to Government, and must swell the revenue side of the budget. These balances may by this time have accumulated to a very large sum, and I do not see why that sum should be lost to Government. I think it is eminently desirable that the whole matter should be thoroughly inquired into once for all, and some provision ought to be made to have the accounts of this office regularly audited as is the case with that of the Official Assignee.

The Official Assignee is also paid by fees, and his emoluments have, during the last three years, come to over three thousand rupees per mensem. I think, in the present state of the finances, it is desirable to put that officer also on a modest salary commensurate with the work, by resorting to legislation if need be, and credit the fees to Government. Section 19 of the Act distinctly gives complete power to the High Court to fix the remuneration of the Assignee, whether in the shape of commission or otherwise. Moreover, besides the fees that this officer gets in insolvency matters he is often appointed a receiver in suits coming to the Original Side, and the fees that he must be getting on that account

must also be coming to a very large figure. I would suggest that an official receiver paid by a salary ought to be created, and the fees ought to be credited to Government.

The Government Solicitor, your Excellency, gets a fixed salary of Rs. 2,500 per mensem. But I understand that parties getting leases or renewals of leases or conveyances of Government lands or buildings in Bombay are obliged to get these documents prepared by the Government Solicitor, who gets fees for doing so, and that such fees come to a very large amount. I think it is hard upon the people to insist that they should have these documents prepared by the Government Solicitor at a heavy cost. They should, I think, be allowed to get them prepared by their own lawyers, and Government can get them approved by their solicitor. I am informed that this question was once very strongly urged on the attention of Government by Mr. Grant, when he was Collector of Bombay, but I do not know how the matter ended. But whatever the merits of that question may be, the question with which we are immediately concerned to-day is, why should the Government Solicitor get these fees over and above his fixed salary? These are fees that he earns in his capacity of Government Solicitor, and I strongly feel the fees ought to go to Government.

I find at page 86 no item put down for exchange compensation in the budget estimates for 1894-95 for the salaries of the Advocate-General and the Government Solicitor, while in the revised estimates for 1893-94, Rs. 4,000 has been debited on that account. I presume, therefore, that Government have ruled that these officers are not entitled to exchange compensation. If so, is the Rs. 4,000 already paid out, but under a mistake, to be received back? On the same page, immediately below the salaries of the Advocate-General and Government Solicitor, I find Rs. 5,500 put down for law charges against Rs. 11,150 in the revised estimates for 1893-94. There is another entry of Rs. 1,850 of a similar nature on page 87. I would like to know what these law charges are. Again, I do not understand why, on page 87, two entries apparently of the same nature are put down separately, one for charge for special counsel in mofussil cases Rs. 1,300, and again Rs. 2,000 for fees for special counsel under the heading of mofussil establishment.

Under the heading of Civil and Sessions Courts I do not find any provision for an allowance to the Judge or Assistant Judge of Thana for going to hold the Sessions for the Kolaba District, unless, of course, it is included in the item of Rs. 4,000 for travelling allowances at page 96. Most probably it does not, for only recently Government had appointed the District Magistrate of Kolaba to try Sessions cases for that district. It was said that the arrangement was sanctioned after consulting the High Court. But I would earnestly press upon Government the desirability of sending some Judge from Thana to hold the Sessions, even though it may entail some additional cost to Government and little inconvenience to one officer, instead of making the District Magistrate a Joint Sessions Judge. For however capable and experienced an executive officer may be, he does not make a good judge, and his notions of law are sometimes fanciful. I came across a very remarkable instance of this nature only a few days ago. I was reading the Hon'ble Mr. Lee-Warner's interesting book on Protected Princes of India, and I was much amused to find him laying down the law to the effect that there can be *res judicata* even by analogy. I have no doubt the Hon'ble Mr. Birdwood and the legal members in this Council will be surprised at this new exposition of the law of *res judicata*, and yet it cannot, for a moment, be denied that the Hon'ble Mr. Lee-Warner is a very capable and versatile officer.

A salary of Rs. 1,000 per mensem is allowed to the Reporter, Indian Law Reports for Bombay, including the salary of his assistants. I think the item is capable of considerable reduction. The Reporter has two assistants whom he pays Rs. 125 each, and he may be spending about Rs. 50 per month on a clerk and peon, so that he gets for himself about Rs. 700 per month. Now I find from the last volume of the Indian Law Reports, Bombay Series, that out of the cases reported in that volume, 28 were from the Original Side against 88 from the Appellate Side. Now the reporting work of the Appellate Side is wholly done by the two assistants, and although the Head Reporter is, no doubt, responsible for the whole work, looking to the fact that he has always been able to secure able and experienced assistants, very little work, indeed, by way of revising or correcting the work of his assistants must be falling upon him. So that practically the Head Reporter gets Rs. 700 for doing work not at all comparatively difficult and in quantity nearly a quarter of the work that his two assistants put together do for only Rs. 250. His remuneration appears to be in inverse ratio to his work.

In the head of general administration, at page 71, a sum of Rs. 91,000 is put down for "Expenditure from Contract Allowance." No details about this item of expenditure are given, and it is difficult to understand how and for what purpose this sum is expended. In the details of the expenditure on the staff and household of the Governor there are two items that have attracted my attention. A sum of Rs. 8,000 is put down for water-supply—rather a large sum to spend for that purpose. The other is Rs. 3,000 for presents, put down at page 25. I do not know the nature of these presents, for Darbār presents, &c., are provided for elsewhere.

I find certain items for newspapers, periodicals, and books in many departments, especially those of the Secretariat. I find Rs. 500 for books and periodicals for the Governor. At page 77 I find an item of no less than Rs. 2,100 put down for newspapers for a department of the Secretariat; again Rs. 100 for newspapers at page 76; and other big items, Rs. 900 and Rs. 1,000, and so on, for books. The total of all the items on these heads scattered over the budget comes to Rs. 8,528. I would like to have some explanation about these items. What are the newspapers and books that the different departments of the Secretariat require and for what purposes? If they want some books cannot they be ordered out generally for the Secretariat and kept in a general library instead of each department spending separately for it? Moreover, in spite of this total expenditure of Rs. 8,528, I further find under the head Miscellaneous, at page 182, a sum of Rs. 14,000 put down for subscription to periodicals, and Rs. 7,000 for books and publications. When the expenditure over newspapers and books is separately budgetted for in the case of each department, I would like to know to what those further items of Rs. 14,000 and Rs. 7,000 are to be applied.

The total net expenditure on education provided for in the budget is Rs. 24,20,000, while £ 8,213,816 are expended in England and Wales on primary education alone. This on the total revenue of the Presidency comes to about 1·7 per cent. It may be said, if you look to the Provincial share of the revenue, the percentage would be higher. But it is immaterial to the tax-payer what share the Indian Government take of the revenue. He only sees that for every hundred rupees that go out of his pocket he gets only a little over 1 rupee in the shape of expenditure on education of all heads put together. The total expenditure on primary education as shown in the budget is Rs. 15,26,000, out of which Rs. 13,34,000 are local, against which there is a revenue from fees of Rs. 1,35,200.

Under the Education Act of 1891 primary education in England is now free, wholly free, without any charge of books, slates, or other materials, and given altogether unconditionally and not simply on the ground of poverty. But here the number of free studentships and scholarships is fixed, and that number cannot be exceeded. The number of free studentships cannot exceed 15 per cent. of the total number of students in any school, and out of these again one-third must be reserved for Mahomedans, one-third for the backward classes, and one-third for the rest. Moreover, these restrictions are imposed on primary schools maintained by municipalities. I do not see why, if a municipality is willing to entertain more free students, it should be prevented from doing so. The reserving of two-thirds of the free studentships for the Mahomedans and the backward classes, in the case of schools where there are no Mahomedan or backward class students, has the effect of refusing education to really deserving poor students of other classes. But it is proposed to take these restrictions further, and to lay down that municipalities shall not give grants to schools maintained by private people who do not conform to these restrictions when grants irrespective of such restrictions are given by Government themselves. When I drew attention to this matter at the last meeting of this Council I was told that the municipalities concerned had generally approved the changes I objected to, because when their opinions were invited they kept silent about the matter, and that the policy involved in these changes was accepted by the Education Commission. I confess I felt for the moment confounded at this answer. But in a moment the feeling came upon me that it could not be so. On inquiries I found that the changes to which I referred were never placed before the municipalities when their suggestions were invited, and that it would, therefore, be a mockery to construe their silence about the matter into approval. The Education Commission recommended special facilities to be provided for Mahomedans and other backward classes, but it has nowhere laid down that education shall be given free only to so many poor people and to no more.

In the heading of grants-in-aid to colleges a sum of Rs. 10,000 is, as usual, put down for the Gujarát College. I venture to think, my Lord, that Government ought to do more than this for the higher education of Gujarát. The total income of the Gujarát College, including the Government grant, is not sufficient to maintain a fully equipped and efficient college, and multifarious duties have to be entrusted to each professor. The Professor of English Literature is also the Professor of Moral Philosophy and the Sanskrit Professor has to teach Logic. The lecturer in Chemistry has been crying for a laboratory assistant, but that cannot be given him for want of funds. The college is fast going down, and the attendance has fallen to about forty. And it is a significant fact that the decrease is greatest in the case of students from Ahmedabad itself, as shown by the last report. It shows how confidence in that college is being shaken. Government are maintaining a fully equipped College in the Deccan at a considerable expenditure. I do not, for a moment, grudge to my Deccan friends the money that Government are spending on their higher education. I think they are entitled to it, and that the money is well spent. But what I do most earnestly press is that Gujarát is certainly entitled to equal consideration, and that it is the duty of Government to spend much more than what they are at present doing on the higher education of that important division.

Under the head of primary schools, local; at page 129, a sum of Rs. 11,85,000 is entered in the budget estimate for this year, as against Rs. 11,16,060 of the revised estimate

and Rs. 11,54,000 of the budget estimate for 1893-94. I hope a portion of this additional grant will be used to do away with the starvation salaries of primary school teachers, and raise them to the minimum of seven rupees per mensem, that Government have expressed their desire in a recent Resolution to raise them to.

The present budget gives no hope about the long promised reorganization of the Bombay Law Class. When the University, some five years ago, made it compulsory for law students to fill up four terms at the Law School after graduation, the Bombay Graduates' Association memorialised Government to withhold its sanction from that rule, chiefly on the ground that it would work hardly against poor students coming from the mofussil, who will have to prolong their stay in Bombay for two years without deriving any countervailing advantage from it in the present state of instruction at the law class. Mr. Secretary Monteath, on behalf of Government, then informed the Association that when that bye-law came up for sanction, the re-organization of the Law School would be taken in hand by Government. But the promised reform has not yet been carried out. It is said that because fee receipts had fallen off, the reform could not be carried out. But the budget figures show that the receipts of the law class by way of fees, &c., very nearly meet the expenditure, and Government have to spend nothing out of their pocket on it. Moreover, there is no reason to suppose that if the law class is put on a proper basis it will not attract more students and fee receipts will not swell. But even if a few thousands more had to be spent, I do not see why Government should not spend them to carry out the necessary reform.

At page 145, Rs. 18,000 are put down for contribution to the Bombay Municipality for the Leper Home. I think this is rather inaccurate. The Leper Asylum is not a municipal department, and is not under the management of the Municipality. The Municipality, like Government, contributes towards its funds. It is merely an accident that the present Municipal Commissioner, in his personal capacity, happens to be connected with it. It should, therefore, be described as a contribution to the Leper Asylum and not to the Municipality. At page 143, I find Rs. 840 and Rs. 720 put down for the medical officers of the Byculla School and the Roman Catholic Orphanage Schools respectively. I think these are aided institutions and receive grants from Government. I do not see, therefore, why Government should further maintain a medical establishment for them.

At page 147, a total of Rs. 1,45,000 is put down for the Medical College. I beg to suggest, that, if the present system of appointments to the professorial chairs at that college were altered, it would secure considerable economy and greater efficiency. At present, it is really treated as an appanage to the Army Medical Service, and is practically controlled by the Surgeon-General. It should, I think, be treated as a purely educational institution, and appointments should be made of people, wherever available, on the ground of fitness alone, and not that of a certain standing in a particular service. By so doing, I think, you will be able to secure real professors well-versed in their subjects, who will devote their whole life to that business alone and at a considerable less cost. At present, a Surgeon-Major after having served for many years at a quiet civil station, is at once brought to the Medical College as a professor, for the simple reason that he has attained a particular standing in his service and the high salary of his rank has to be paid for. It is no fault of his if he does not make a good professor, but of the system that forces upon him duties for which he is not fitted. There are four grades in the Educational Depart-

ment, and their respective salaries are 500 to 750, 750 to 1,000, 1,000 to 1,250 and 1,250 to 1,500. These salaries have secured to the Arts Colleges a Harkness, a Howard, a Hughlings, a Wordsworth and a Selby. I do not see why for the same salaries we cannot get good professors for the Medical College. Moreover, it must be remembered that the arts professors have no other sources of income, while the medical professors substantially add to their salaries by private practice. The same remarks apply to the post of Chemical Examiner appointments to which are made by a standing in the service and not by any special qualifications for that post. Dr. Voelker, in his report to the Government of India, has condemned the present system in the most scathing terms. I am aware that as these posts are scheduled, your Excellency's Government is helpless in the matter. But I earnestly press that in the interests of economy and sound education this Government ought to move the Secretary of State to detach them from the schedule.

From the items on the head of interest it appears that the Bombay Government pay to the Indian Government interest at the rate of 4 per cent. and takes $4\frac{1}{2}$ per cent. from the municipalities and agriculturists, to whom the loans are advanced. This difference of $\frac{1}{2}$ per cent. is supposed to cover any probable bad debts. I believe that past experience has shown that there are very few bad debts. If so, I think Government can well consider the advisability of reducing the rate of $4\frac{1}{2}$ per cent., at least in the case of municipalities like that of Ahmedabad and other towns whose financial condition is good. I do not know at what rate advances are generally made to agriculturists, and I would like to have some information on the subject. These are all the remarks that I have to make, and before resuming my seat I beg to be excused for having troubled your Excellency and the Council at some little length on this occasion and to thank your Excellency and the Council for having patiently heard me.

The Honourable Mr. VISHNU RAGHUNATH NATU said: My Lord,—With your Excellency's permission I wish to offer some remarks on this year's budget statement. It is admitted that the annual discussion of the Provincial Budget is limited in its scope. The items of revenue and expenditure are more or less fixed by the contract with the Government of India, and the control of this Government over the funds left at its disposal is not unfettered. In fact, in the words of the Honourable Mr. Trevor, "the field for discretionary expenditure is very limited." To add to these difficulties other elements of uncertainty in the Provincial Finance have been pointed out in the present statement. It is to be regretted that the Government of India reduced the fixed allotment by Rs. 5,60,000, especially when the exchange compensation allowance has imposed a very heavy item of expenditure on the Provincial Revenues. This last item was not thought of when the present contract was made. Moreover, this item threatens to be not only permanent but uncertain. The hopeful view that was taken of our finances by the Honourable Mr. Trevor last year has disappeared, and his concluding remarks in paragraph 50 of the statement are anything but re-assuring. It is also to be noted that all these extra and unforeseen burdens generally tell upon the very useful Public Works Department. I do not, however, mean that the other departments are less useful for the administration, but what I want to point out is that encroachment on funds of that department leaves an impression on the public mind that Government is not giving as much attention to that department as it deserves. When Government is obliged through financial pressure to reduce the grants to the Public Works Department and towards village water-supply and sanitation, the financial condition is scarcely to be said satisfactory.

Apart from this general aspect of the budget, I desire to say a few words with respect to some of the important heads of revenue and expenditure. First and the most important item is land revenue. It is gradually increasing by the revision settlements and other less important causes. However, there is sufficiently strong complaint made lately against the policy of enhancement of rates. In some cases the rates have gone far beyond the prescribed limits. The increase may be justifiable in some cases, but when the fixed limits are to be passed over, the rayats should get sufficient opportunities to state their own case. In the case of some of the talukas in the Kolaba district the people complain that even the improvements made by them are taxed, and that the new rates are excessive. I submit in such cases there should be a thorough inquiry. This policy of increasing the rates beyond the fixed limits, and taxing the improvements, is likely to create a kind of discontent in the mind of the rayats. I have seen a number of reports of revision survey in some talukas of the Deccan districts, but the enhancement of some of the Konkan talukas appears to me unparalleled. The revision rates introduced in Devgad are so excessive that no margin of profits is left to the khots, and they are forced to surrender the villages to Government management. It is not disputed that the khots are entitled to some share in the revenue of khoti villages; still the action of the Survey Department threatens to deface the khoti tenure altogether. Justice requires that Government should do something to save these khots, although that may result in some loss of revenue to Government. I take it for granted that Government has not the slightest intention to destroy these petty zamindars altogether. I, therefore, pray that some compromise should be offered by which the khots will be able to get some profit from their villages.

The major head V of Excise shows good results. It is always a very prosperous head of revenue. The revenue has risen from Rs. 40,55,000 in 1877 to Rs. 85,96,000 in 1886 and to nearly Rs. 1,06,00,000 in 1893-94. The present budget also expects more addition. In spite of the increase of duty, the revenue from country liquor is also increasing, the increase being from Rs. 72,60,000 in 1887-88 to Rs. 80,96,000 in 1892-93. The increase of revenue may partly be due to the increase of duty, but it cannot be denied that there is an increased consumption. From the revenue point of view the A'bkari Department is always a success, but is it so from the moral point of view, is the question? In answer to this I do not propose a new system of abkari policy, as I think the Honourable Mr. Trevor was right when he said last year that the 'choice between various systems is a choice of evils'. I do not, moreover, suggest that Government is intentionally encouraging increased consumption. I know that the recent policy of Government is to get a maximum of revenue with the minimum of consumption. Government also tries to limit the number of retail shops, and as a matter of fact the number has of late been slightly reduced. The responsible officers in the A'bkari Department further say that when a new shop is to be opened, the wishes of the residents of the locality are consulted. This policy is in accordance with the Resolution of the House of Commons passed in April 1888. In connection with this policy, one thing, however, remains to be done to which I beg to solicit the attention of your Excellency's Government, and that one thing is the principle of local option. The Honourable Mr. Setalvad has already asked a question about it. To my knowledge, the privilege is not granted as yet, though in opening new shops the Government is said to consult the wish of the residents. The experiment of the privilege of local option should be at first tried

in some principal towns in districts where the social and climatic influences do not favour drinking habits; the privilege of local option will be fully in accordance with the declared policy of Government. According to the departmental view, at present liquor shops are opened in places where there is a demand and where, if no such shops are opened, people would have recourse to illicit manufacture. But if there be any towns or villages where the people themselves desire that no shop should be opened, then there is practically no fear of illicit traffic. Experiments in that direction should be tried in some towns; and wherever it is found that the privilege encourages illicit traffic then such localities should be deprived of the privilege. My suggestion is fully in accordance with the wish of the people who think upon the subject, and, besides, it does not in any way interfere with the general abkari system. What localities should be chosen, and under what limitation the first experiments should be tried, I leave that to Government to decide. Although I do not hold Government responsible for increased consumption of liquor, still I think it is the duty of Government, especially of the Indian Government, to interfere to check the increasing drinking habits. In India all good things, moral and material, are to be initiated by Government, and people who take to drinking should not be left to their fate. If the habit is detrimental to the material and moral welfare of the people, Government should step in and interfere even against the desire of the people. The free action of the people in this direction must be subjected to checks. If the people are reckless, a paternal Government should try to rescue them from their downward course.

Coming next to the head "Forests" I beg to point out that the increase of offences of cattle trespass in the Northern Circle is probably due to the very strict rules regarding free grazing and to heavy fees where no free grazing is allowed. I appeal to your Excellency's Government, as I did last year, to relax these rules, although the relaxation may cause a small loss of revenue. In connection with this Department, the expenditure appears to be out of all proportion with the revenue, and requires some explanation. The percentage of expenditure is a little above 60.

Under Law and Justice (19A) there is some difficulty to understand the system of accounts. The expenditure accounts show the whole costs of the Judicial Department. The revenue figures show only certain items of cash receipts. The result appears to be that the department is a very heavy burden on the finance. The bulk of revenue from the sale of court-fee stamps is shown under 'Stamps.' If that revenue be shown under this head for comparison, the totals would show that the administration of justice is nearly self-supporting.

Under the head "Police" there is a large increase of expenditure proposed to carry out the scheme of the re-organization of the City and District Police. The last year's Administration Report admits that the conduct of the police was not good and in the matter of education no improvement was shown. In the re-organisation schemes Government should aim at securing better stuff in point of education, ability and efficiency, and men of better classes should be induced to enter the service. I am exceedingly glad to find that notwithstanding the financial pressure the ordinary expenditure under "Education" is maintained and grants are also sanctioned for the municipal schools. This is fully in accordance with the deep interest which your Excellency always takes in the growth and spread of elementary education. I must thank your Excellency again for the grant sanctioned for the Fergusson College. My appeal on behalf of that institution so ably supported by the Honourable Mr. Mehta is successful.

Under "Contributions" I find Rs. 1,34,000 as a grant for village water-supply and sanitation. In connection with this grant I beg to submit that it should be utilized in enforcing the Village Sanitation Act, which is still a dead letter. It will be seen that some towns in the mofussil are too small to be admitted to the right of having municipalities. There are some municipalities—such, for instance, those at Honavar and Bhatkal, in Kánara—whose annual revenue is less than Rs. 1,000. Such municipalities must eventually prove a failure. I submit in such cases the Village Sanitation Act should be applied instead of the Municipal Act. The funds which the people will be able to raise in these villages should be supplemented by grants from the Provincial Funds. The second important item under "Contributions" is "grants in lieu of one-anna cess on the excise." This item was not shown in the last year's statement. The Honourable Mr. Trevor will be kind enough to explain if this is a new item, or the same grant appearing under a new name. Besides, it is not clear from the statement how this figure 1,55,000 was arrived at. Looking at "Appendix C," under "Contributions," I find Rs. 11,84,000 for 1894-95 against Rs. 11,64,000 in the last budget. From this it does not appear that the grant of Rs. 1,55,000, in lieu of the one-anna cess on excise, is wholly a new grant. It will be useful to know what was the amount granted last year from the revenue of this cess.

The Honourable Mr. JOHN NUGENT said:—Your Excellency,—We, as listeners here to-day, have had prepared for us a variety of intellectual food, and also we have had placed before us an immense number of philosophic doubts on every possible subject. It would be almost impossible for any one who was not an official encyclopædia of knowledge to answer off hand, or even without careful inquiry, every query that has been put by the honourable members who have addressed us. Not only is it difficult to answer these questions, but it is exceedingly difficult also to remember the multitudinous points to which the various gentlemen have referred. I can only pretend to make a few remarks as regards some of the various suggestions and observations which have been offered by different members. Reversing the order in which they have been made, I will begin with the last question touched on by the last speaker, *viz.*, the expenditure of one lách and fifty-five thousand as "grants in lieu of one-anna cess on excise." So far as I can remember, that sum was fixed many years ago as the sum that was to be paid by Government to various District Local Boards as compensation for the loss to them of one-anna cess which they previously levied on what was termed the "sayer" revenue. At the time it was fixed the ábkári revenue was infinitely less than it is now, and the cess was equivalent to one-sixteenth of the whole revenue. Since then the ábkári revenue has grown, but Government have not thought fit to add to their grants to District Boards. The Local Boards have absolutely no concern in the collection of ábkári revenue or in ábkári administration, and not being able to render Government any assistance in this matter it was felt that there was no reason why they should be given any increased grant.

Mr. Natu spoke about the impoverished condition of certain municipalities, two or three of which are in the Southern Division, and recommended they should be abolished, and that in view of the neglect of municipal sanitation Government should rely on an extension of the Sanitation Act. There are certainly two municipalities in the Division which have neglected sanitation and there may be more, and it is very open to question whether it is worth while to maintain them as municipalities. But if we abolish these municipalities we cannot rely on obtaining from the townspeople any contribution

towards the cost of the sanitation of the towns. They would probably be rejoiced to see the municipalities abolished and to escape municipal taxation, but their joy at this will not lead them to voluntarily subscribe a rupee to a fund for the maintenance of their towns in a cleanly and healthy condition.

The Honourable Mr. Natu also objected to some of the forest rules, and spoke of them as being harsh and unjust. He alluded generally to the Northern Division. I have no concern with that Division, but speaking of the Southern Division of the Presidency, I have read the administration reports of Collectors received within the last fortnight, and I may say they are unanimous in saying that the rules are not calling forth any general complaint, and are being amicably accepted by the people, who are paying the very limited fees charged without murmuring. It is true the charges are higher than they were, but, as a matter of fact, the enhanced rates are most moderate, and for the fees received the State gives cattle-owners better grazing over a far larger area than they would have if they had to purchase grazing on private lands. The occupants of private lands charge far more highly for the grazing on their limited area of ground than does the State for the superior grazing it provides on a much larger acreage.

Mr. Natu also referred to the Public Works Department, and expressed regret that that should be the department in which reductions in the expenditure are made. But I would point out that, in the inevitable course of events, the Public Works Department is, barring the Education Department, the only one in which when reductions have to be made retrenchments can be carried out. If the amount made available for outlay on education is cut down there would be a loud and general outcry and therefore it is only the Public Works Department that you can resort to when you want to bring down your expenditure. And then I think it was Mr. Yajnik who said that although the expenditure on works was considerably decreased, the expenditure on the establishment showed no reduction. While it is true that works begun to-day can be left off to-morrow, it must be remembered that if you dispense with the talent and training you possess, you will have considerable difficulty in regaining them at the time when they are again required. Although our finances are at present not very promising, and may possibly get worse, we may trust that the clouds will eventually roll by, and that we shall be restored to our pristine state of prosperity. But if we now disband our establishment, or the larger portion of it, we shall have great difficulty in recovering it. If you disband a portion of the department you naturally choose the senior men and men who are entitled to either pensions or gratuities. Therefore you will increase the concrete expenditure—the permanent charges of Government in the form of pensions,—and the saving effected in the aggregate is consequently materially diminished.

Mr. Setalvad went over so vast a variety of subjects that it is perfectly impossible for me to refer to the many points on which he touched. But generally his belief seemed to be that the various appointments in the High Court should be put up to Dutch auction, and given to the men who would do the work at the lowest possible figure. This plan may be economical, but I doubt whether it would be satisfactory. He appears to think that the Clerk of the Insolvency Court should disgorge some of his “accumulated balances,” but, if I mistake not, there are no “accumulated balances,” and it would be a great pity to make the sum in hand smaller than it is. Then I think there were more minute details into which Mr. Setalvad entered in connection with the law charges given on

pages 86-87, but I don't think there is any great difficulty about these. They are charges for special assistance in mofussil cases—isolated cases in which, on account of their urgency, it was considered necessary by the Legal Remembrancer to depute some special counsel down to the district to take charge of the case. Again there are fees for special counsel under the head of establishment, and these are explainable on the same theory. The Public Pleader and Prosecutor being engaged at the same time elsewhere, it was necessary to obtain special assistance; but the total amount charged under these heads did not exceed two thousand rupees, or not more than an average of Rs. 90 for each district, so that it cannot be regarded as a very serious sum.

Mr. Setalvad also remarked that all the money spent in respect of compensation is wasted. But the question is one that opens up a variety of issues. If Mr. Setalvad was a European, and had to bear the expenses which fall to Europeans living in India, and if his mode of life demanded the expenditure necessary to an Englishman, and, finally, had he entered the service at a time when the rupee was worth twenty-six pence (as it was when I entered the service) he would see that, perhaps, the poor English officials have some claim to consideration. Taking into account the loss by exchange I have less now than a junior Collector received when I entered the service, reckoning my pay by its worth when converted into gold, which for an Englishman serving in India, but ultimately returning to Europe on his retirement, is the true test.

Mr. Setalvad also remarked as showing the desirability of introducing the Provincial Service establishment that it would diminish the compensation allowance, but I fail to see how this would be the case. The Provincial Service scheme would not substitute Native for European agency. It would merely divide the native gentlemen in the service into two classes, neither of whom would be entitled to compensation.

As to Mr. Setalvad's attack on barristers, I think I may leave the Attorney-General to answer that: the Honourable Mr. Lang can doubtless better defend his brethren and their charges than I am in a position to do. And here I may perhaps remark that it seems to me somewhat strange that the learned native additional members of this Council who follow the profession of the law, and therefore might be presumed to be well versed in public speaking, should appear here with written or printed speeches in their pockets and pulling them out should read them out at great length, whilst the official members who may have to answer them, or to make any observations in regard to them, should have practically to get up and speak off hand. The discontinuance of voluminous printed or written speeches would be, I think, a distinct gain to all concerned.

Mr. Panse said a great deal in regard to the low rate of remuneration paid to village officers in parts where they have no hereditary watan lands. But we cannot afford to be unnecessarily generous, and when we find that our officers are willing to serve as pátels and kulkarnis, not only willing but most anxious to be employed, and will spend hundreds or thousands of rupees to have their names entered as sharers in the service registers and thereby secure the privilege and honour of service in these hereditary offices, I don't think that any case has been established for increasing their pay.

Mr. Panse also brought what I consider a rather vague and unsubstantiated charge of corruption against sub-registrars under the Registration Act. It may be that some sub-registrars are men of a doubtful honour, but I think it is rather unfair to accuse a very large body, who are in the main honest and respectable servants of Government, of

being corrupt and wilfully delaying their work, without being able to furnish strong evidence in support of that contention. I have had the papers connected with this matter placed before me in a letter from Mr. Panse, but it contained no tangible evidence of any kind. It was mere hearsay on which these charges were founded, and there was no specific instance in which any single sub-registrar was proved to be corrupt. It is gratifying, after hearing so many remarks as to the iniquities of Government and its officials, to turn to the great praise bestowed by the Honourable Mr. Hasan Ali on Mr. James. It is very novel to hear from a non-official member that the pay of any one should be increased. I have no doubt that Mr. Hasan Ali is personally satisfied that Mr. James is entitled to increased remuneration. I only wish I had a panegyrist of my own like Mr. Hasan Ali, who would propose an increase of my salary by, say, five thousand a month.

Mr. Panse told us that at the dispensaries the supply of medicines is inadequate, and that they are inferior, and that the medicine sent is not always according to order. I may say that the estimates for dispensaries are submitted by the officers in charge of the dispensaries. They pass through the various local authorities, and then they come to the Medical Storekeeper in Bombay. The requirements are compared with the actual expenditure in past years and with the number of patients who attend or are likely to attend these institutions and from these considerations the Storekeeper furnishes the amount of medicine that may be necessary. I have never before heard any complaint either that the drugs which were wanted were not there, or that they were not good of their kind.

It would be difficult at this hour to enter into the large question of the policy of Government as to the revenue assessment raised by Mr. Yajnik. All I can say is that it is a great exaggeration to say that any great deterioration that has occurred in the prospects of cultivators is due to the increased assessment which is levied upon them under the revised survey.

Mr. Setalvad asked how it is that Government charge $4\frac{1}{2}$ per cent. for loans, which they obtain from the Government of India for four per cent. It must be remembered that in consideration of the additional half per cent. the local Government bears all the responsibility of repayment to the Government of India, and it stands to reason that this half per cent. is useful in covering the losses sustained in cases where Government are unable to recover sums advanced by them to the rayats.

His Excellency the PRESIDENT said :—I think it will be convenient if the Council rises now, and re-assembles to-morrow afternoon at 2 o'clock.

The Council then adjourned.

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

M. H. W. HAYWARD,

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

Poona, 14th August 1894.

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 15th August 1894, at 2 P.M.

PRESENT :

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

His Excellency Lieutenant-General the Honourable CHARLES EDWARD NAIRNE, C.B., R. A.

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

The Honourable Mr. A. C. TREVOR, I. C. S., C.S.I.

The Honourable the ADVOCATE GENERAL.

The Honourable Mr. JOHN NUGENT, I. C. S.

The Honourable Mr. P. M. MEHTA, M.A., C.I.E.

The Honourable Mr. W. R. MACDONELL.

The Honourable Mr. HERBERT BATTY, I. C. S., M.A.

The Honourable Mr. A. T. SHUTTLEWORTH.

The Honourable Mr. GANPATRAO DAMODAR PANSE.

The Honourable Mr. VISHNU RAGHUNATH NATU, B.A., LL.B.

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

The Honourable Mr. CHIMANLAL HARILAL SETALVAD, B.A., LL.B.

The Honourable Khán Bahádúr A. D. HASAN ALI BEY EFFENDI.

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

The Honourable Mr. JAVERILAL UMIASHANKAR YAJNIK.

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

The Honourable Mr. RAHIMTULA MUHAMMAD SAYANI, M.A., LL.B.

The Honourable Mr. LAKHAM GAUDA BASAPRABHU.

The Honourable Mr. G. W. VIDAL, I. C. S.

The Honourable Ráo Bahádúr RANCHODLAL CHOTALAL, C.I.E.

The debate on the Financial Statement for the year 1894-95 was resumed by the Honourable Mr. T. D. LITTLE, who said :—Your Excellency, I wish to give a short explanation respecting the reductions made in the estimates for Public Works. Out of the total of three lákhs, a sum of Rs. 1,24,000 was obtained by reducing the amount that would have been available for allotment to the various departments of Government, a further sum of Rs. 1,45,000 was obtained by striking out certain works which had been entered in the Provisional Public Works Department list, and the balance was covered by reductions in the grants for works in progress.

The following is the list of works struck out :—

(1) Sub-Judge's Court and Civil Jail at Ratnágiri	...	...	Rs. 12,000
(2) Lines for the City Police at Poona	...	...	Rs. 40,000
(3) Additions to the Training College, Dhárwár	...	...	Rs. 15,000
(4) Bijápur-Shindgi Road	...	...	Rs. 30,000
(5) Small Bridge on Sadásivgad-Goa Road in Kápara	...	...	Rs. 8,000
(6) Road from Dhupdal Station to Gokák	...	...	Rs. 10,000
(7) Dam over Bala Nála on the Poona-Hyderabad Road in the Sholápur District	...	...	Rs. 5,000
(8) Shirghat-Ghote Road	...	...	Rs. 25,000
Total			Rs. 1,45,000

No. 2 has since been provided for.

No. 3 was necessarily omitted owing to a difficulty about the site, and this matter is still under consideration.

No. 5 was reported to be unnecessary.

No. 6 will, it is hoped, be provided for next year.

The Honourable Mr. Yajnik not only regrets the reduction of the Public Works grants—a sentiment in which I entirely concur,—but he also complains that a corresponding reduction has not been made in establishment charges. The Provincial Public Works Establishment deals not only with Provincial work, but also with certain Imperial and Local Fund expenditure, and for the past few years the totals have varied from 47 to 51 lakhs of rupees per annum. The average amount per district may be roughly taken at $2\frac{1}{2}$ lakhs, and the variation between a good and a bad year would be from $2\frac{3}{4}$ lakhs for the former to $2\frac{1}{2}$ lakhs for the latter. In any ordinary business in which the totals varied to this limited extent, I doubt if it would be possible to appreciably reduce the establishment in the lean years, and according to my experience it is quite impossible to do so in the Public Works Department, in which the staff must consist mainly of permanent officials with special training. I hope the honourable gentleman who has raised this point will see that the small falling off in works can have no appreciable effect on establishment, but he is entitled to know why instead of a falling off there had been an increase. This is partly due to the reorganization of the Department and to Exchange compensation, but an important factor this year is a loss of nearly half a lakh of rupees owing to smaller Imperial grants for expenditure through Provincial agency. We are paid for the Imperial work we do, and when times are hard we have less of our own work and less for the Government of India, and so we suffer in both directions.

The Honourable Mr. Hasan Ali raised the question of the control of the Indus, and he will be glad to learn that this Government hope before long to supplement the survey now in progress by detailed investigations in regard to the river. The question of remedial measures will depend on the result of this investigation and of the data to be collected. The honourable gentleman also expressed a hope that more Provincial railways might be undertaken in Sind, but I am afraid that for some time to come Provincial funds will be fully expended in meeting claims for ordinary administrative requirements.

The Honourable Mr. PHEROZESHAH M. MEHTA said:—Your Excellency,—In rising to offer a few remarks on this debate, I think that, as I happen to be a lawyer, I had, first of all, better hasten to assure my honourable friend Mr. Nugent that I am not

going to inflict a written speech on the Council. He will, however, pardon me for pointing out that, in taunting the honourable members who are Pleaders with having read their speeches, he is doing scant justice to those honourable members who are Government officials, nearly all of whom, as he will no doubt remember, pulled out written or printed speeches from their pockets, and steadily read them out at last year's budget discussion. Surely he ought to feel proud of the homage paid by the Pleaders to Government officers in imitating the excellent example set by them.

I trust that the honourable the Financial Member of the Council will allow me to congratulate him on the clear and business-like character of the Statement he has laid before the Council. I confess that I cannot sympathise with my honourable friend Mr. Javerilal in the complaint he has made as to the want of more detailed information in the statement and the budget. Surely he forgets that Mr. Trevor offered with ready courtesy this year, as he had also done the last, to furnish any additional information or explanation which any honourable member may require beforehand. I am myself indebted to him for his courtesy in supplying me most readily with information and explanation as to certain figures that I applied to him for. I should, however, like to make one suggestion to the honourable member. It seems to me that it would be very desirable to show in future Statements the percentages of increase and decrease in the different heads of income and expenditure for a certain number of previous years to enable the Council to judge of the approximate accuracy of the forecast of the year's budget estimates. In his present financial statement, the Honourable Mr. Trevor tells us at page 10 that "in connection with this branch of the subject, and with reference to remarks made in the course of the discussion on last year's financial statement as to the apparent tendency to under-estimate receipts and over-estimate expenditure, it may be as well before going further to recall the explanation then given of the general principle on which the annual budget is framed. Receipts are estimated, in the absence of any specific change in the conditions, on a consideration of the recent actuals, including, it may be added, the latest figures available for the year current when the estimate is prepared." I think the honourable member will remember that in his opening speech last year, in reply to the comments of the Honourable Mr. Ranade on the apparent tendency to under-estimate receipts and over-estimate expenditure, he said that "the general principle is, in regard to receipts, to estimate on an average of past years in the absence of any specific change in the conditions. The natural result is that in the case of items which show a steady tendency to increase, the growth of our estimates is a little in arrear of the growth of the revenue. But that, I think, is safer than counting our chickens before they are hatched." Now I think what the honourable member said last year is more in consonance with principle than the way in which he puts it this year. I think it would be a desirable improvement in the financial statement if the Honourable Mr. Trevor adopts my suggestion to supply percentages of increase or decrease in both the revenue as well as the expenditure for a period of, say, five years.

There can be no doubt that your Excellency's ruling was perfectly right that it was not within the province of this Council to discuss the policy of the Government of India on the question of Exchange compensation. In this Council we have only to grin and bear it—I beg the Honourable Mr. Nugent's pardon, I mean only those who do not receive it. It is only natural that those who receive the compensation should be perfectly convinced of the justice and soundness of so good a policy. At the same time your

Excellency's ruling is likely to be a source of some disappointment. I cannot understand what the honourable the Financial Member was up to when he spoke of Exchange compensation "as a disturbing element of dominant importance imposing a heavy burden on the Provincial exchequer." I am equally surprised at the criticism attempted to be passed on it by Messrs. Javerilal and Setalvad, when we have in this very Council an honourable member who assures us that, far from being a policy of trouble and waste, it is justified on the ground of economy. Your Excellency's ruling entails this disappointment that we shall not hear the Honourable Mr. Crowe explain to us by figures his bold and ingenious justification of Exchange compensation on economic grounds. Mr. Trevor has given the amount of the grant on this head as six lakhs twenty thousand rupees taking exchange at 1s. 2d. It is likely to be much more at the present rate. Perhaps the Honourable Mr. Crowe would have satisfied us that in case no Exchange compensation was allowed, the pensions' list would have increased by even a larger amount, and that, instead of being waste, it is actually a source of saving.

Coming to particular heads of the Budget, I will first take up that of Education. In doing so, I beg to tender to your Excellency my unreserved thanks for the way in which your Excellency has met our appeal on behalf of the Fergusson College. Being of a more contented and less grasping nature than my honourable friends Messrs. Javerilal and Panse, I do not like to spoil the sincerity of my grateful acknowledgments by asking for more, either in the shape of a share in the Dakshina Fund or of further favours in future. We are all grateful to your Lordship for coming to the aid of this deserving college by the grant of Rs. 3,000 which is entered in the Budget. My Lord, I am aware that this is not a year in which to make a new appeal; but I cannot help pleading before your Excellency the cause of education in Gujarát. The Deccan has had its full Government college, and justice requires that Gujarát should have equal treatment. In replying to my question on the subject your Lordship was right in saying that I had taken the words as to the Gujarát College "fast going down hill," from the annual report of its Principal. The reason given in the same report for so deplorable a state of things is not simply that it is suffering from the want of a permanent home, but it ascribes it also to another cause. "What we need is," says the Principal, "more funds both here and everywhere in the working of the college." The Council must not imagine that it will be needful to provide any very considerable addition to the Government grant of Rs. 10,000 if Government took over the college wholly. There is an endowment of over two lakhs and-a-half with an income of about Rs. 10,000 for interest. Then there is the Municipal grant of Rs. 3,000, which of course should be continued. The fees, besides, amount to another Rs. 5,000, and they would increase with increasing prosperity. If Government changed the college from an aided to a full Government college, the additional outlay which would fall on them would not be considerable. My Lord, I am an advocate, but not a blind one, of private enterprize and local self-government, but everything has its proper time, and I am not ashamed to acknowledge that there are many things in this country, among them education, in which it is Government that should lead the way and supply us with models. I am aware, my Lord, that Lord Reay's Government organized the Gujarát College as an aided institution in conformity with the recommendations of the Education Commission. But experience should teach, and it would be an act of simple justice to the whole of the Northern Division, if it was supplied in the first instance with a full Government college like the Deccan, and leave private enterprize to follow, as in

the case of the Fergusson College in Poona. In leaving the head of Education, I should like to point out that this is one of the heads in which the budget estimates of revenue happens to be generally under-estimated and those of expenditure over-estimated. A glance at the three years' figures of actuals and revised estimates entered in the budget brings this feature out in a somewhat striking manner. I refer to this as showing that it is possible for your Excellency's Government to be somewhat liberal in entertaining new appeals for educational advancement in the course of the current year.

Coming to the head of Land Revenue, I see that a moiety of the charges of District establishment are still debited to "Criminal Courts." There are three items so charged: Rs. 65,828, Rs. 7,28,838, Rs. 2,31,570, being half the salaries of Assistant and Deputy Collectors and Mámlatdárs. Now the Council will remember that the Honourable Mr. Nugent emphatically stated at last year's debate that the criminal work of these officers only took one-eighth of their time—

The Honourable Mr. BIRDWOOD :—That was with regard to Mámlatdárs.

The Honourable Mr. MEHTA :—How much do you say as regards Assistant Collectors?

The Honourable Mr. BIRDWOOD.—About half, I should say.

The Honourable Mr. NUGENT.—No, no, scarcely a fourth.

The Honourable Mr. MEHTA :—It is clear that, even if it is a fourth, it is an overcharge. It may be said that this is only a matter of account. But it is important in this way, that if criminal justice were debited with only its own moderate cost, it would be less open to objection to ask for some further expenditure for urgent reforms and improvements in the administration of criminal justice. For example, such an improvement as that to which my honourable friend Mr. Setalvad drew attention in regard to the Joint Sessions Judge in Kolába during the rains. I did not quite follow the Honourable Mr. Birdwood in his reply on this point to Mr. Setalvad, if he meant to say that the system of rolling up the Collector, the District Magistrate, and the Sessions Judge in one has continuously prevailed in Kolába for the last fifteen years—

The Honourable Mr. BIRDWOOD :—Yes, for the last fifteen years.

The Honourable Mr. MEHTA :—Then it is time that the system should be reformed, and considering the real cost of the administration of criminal justice, it is not too much to ask, in the interests of the life and liberty of the subjects, that an additional Joint Judge should be stationed at Alibág during the rains. I do not know if the Honourable Mr. Birdwood has read the appellate judgment of the High Court in a recent murder case tried by this polyglot officer. Without any reflection on that officer, they show that you cannot expect even an able Revenue officer to make a good and competent Judicial officer. Before leaving this head, I should like to say a word as to the suggestion I made last year for carrying out the separation of judicial and executive functions. The Honourable Mr. Nugent looks alarmed, but I am not going to do anything more than ask if your Excellency's Government will be pleased to grant me a committee for the purpose of considering its practical feasibility in some one particular district. I know Mr. Nugent pool-pools the whole thing as not being within the range of practical politics, but I have such faith in his broad and sturdy independence of mind that I should propose that he should be the president of the committee. I have no doubt that if I could convince him on the committee that my scheme is both feasible as well as economic,

that his integrity of purpose and liberality of thought would rise superior and triumph over his bureaucratic prejudice and prepossessions, and that he would unhesitatingly declare himself as strong an advocate of the separation as he is now of the anomalous combination of two incompatible functions.

Turning to the head of Law and Justice, I do not propose to join in the discussion raised by my honourable friend Mr. Setalvad for the abolition of what he designates as the monopoly of the Barristers on the Original Side of the High Court, and which they justify as a useful and desirable division of labour. I do not care to join in it, as I might be charged with being an interested party by the general public, if not by Mr. Setalvad. I might, however, say this that, though for my own part I should be ready to confess that Mr. Setalvad was quite as good, and better than myself, yet the Bar has among its ranks men of whom they could be proud, men like my honourable friend the Advocate General, Mr. Inverarity, Mr. Macpherson, Mr. Jardine, and many others, who could hardly be produced under the same system which is responsible for Pleaders. With regard to Mr. Setalvad's observations on raising revenue by reforming the High Court, I confess that I am utterly unable to sympathize with him in his proposals for economy. It seems to me that he has fallen into the error of imagining that the High Court is simply a machinery for disposing of a certain number of civil and criminal cases. He forgets that, as in the past, and even more so in the present, the High Court is the stronghold for the defence and inviolate preservation of the life and liberty of the subject against the encroachments—I say it with all deference—of an arbitrary and autocratic executive. To strike at this palladium of public and private liberty for plausible reasons of economy, would be nothing short of a public calamity. It would be a bad day for the Presidency and the whole country when it would be sought to cripple it, and I cannot approve of any proposals which would leave us an attenuated and undermanned High Court. While I cannot, however, support his suggestions in this regard, I must say that his remarks about the fees levied in the Insolvent Court are worthy of the most careful attention and enquiry of your Excellency's Government. The matter has recently been much discussed and commented upon in public, and I think it is in the interests of all parties that there should be a full and proper investigation. It is certainly a matter for serious comment that, in spite of the recommendations of the Finance Committee, the large fees levied in that Court should all go in the pockets of the Clerk instead of being credited to the general expenditure of law and justice after defraying from it a fair and liberal compensation for the not very difficult duties of the clerkship. I think Mr. Nugent has not clearly understood Mr. Setalvad's remarks about the accumulated balances. What he said was that there were balances of moneys deposited beforehand for fees by insolvent suitors, and that these balances should not be absorbed by the Clerk. If the facts are as he states, there is certainly good reason for enquiry.

The only other head to which I propose to refer is that of Police, and I shall confine my remarks to only one item in it, that of the contribution from the Bombay Municipality. It is entered in two sums, Rs. 4,47,756 and Rs. 63,193, the latter being the three-fourths share of the Municipality in respect of the last proposed increase in the police force, and which I will not here discuss. The item of Rs. 4,47,756 is arrived at by including in the total of Rs. 7,39,959, the cost of the harbour, the dockyard, and the Port Trust special police, and the cost of special guards for public buildings, and after deducting therefrom the recoveries amounting to Rs. 1,29,000, charge the Municipality three-fourths

of the balance. Now, my Lord, the inclusion of the cost of the special police and guards mentioned above is not justified by practice or principle. In your Excellency's speech on the Budget debate last year, your Lordship said: "I don't think it has ever been the wish of Government to charge the Municipality with any of those extra charges which can be shown to be purely for the work of Government." Now, it must be borne in mind that Government are not the final arbiters of what should be regarded as "the annual expenses" of the police of the city of Bombay. In an opinion given by the Advocate-General at the instance of Government, and communicated by them to the Corporation, it was pointed out that the Government are not the arbiters of what shall be deemed "annual expenses," although they have power to determine the amount of the Municipality's contribution to those expenses when duly ascertained. But it would be open to the Municipality to object to any particular item or items in the annual accounts as not being properly "annual expenses," and any ultimate difference between them and Government as to a particular item would have to be decided by the High Court." Up till recently, Government have always admitted that the items detailed above were not chargeable to the annual expenses of the city police, and that they were to be borne by Government, over and above the one-fourth share contributed by them. The contribution levied from the Municipality till 1891-92, when the question of increasing the police was raised, was about two lakhs and a half. The accounts supplied by Government up to that period not only showed their contribution of Rs. 90,000, but carefully excluded all charges for the special police in question. In 1891 Colonel Wilson furnished to the Corporation, with the sanction of Government, a statement which clearly shows how this question was treated. The statement is this:—

List showing the distribution of the Bombay City Police Force.

Description.	Superintendent.	European Officers.	Native Officers.	Naiks.	Men.	Total.
Municipal —						
A ...	1	6	13	...	180	200
B ...	1	6	11	...	200	218
C ...	1	8	11	...	213	233
D ...	1	4	11	...	121	137
E ...	1	6	10	...	141	158
F and G ...	...	3	10	...	135	148
Detective ...	1	2	13	...	10	26
Reserve ...	...	1	10	...	94	105
Mounted Police ...	...	...	3	...	30	33
Total Municipal Police ...	6	36	92	...	1,124	1,258
Harbour Police ...	1	4	9	...	87	101 <i>a</i>
Dockyard Police ...	...	3	4	...	77	84 <i>b</i>
Guards for Public Buildings ...	...	...	2	2	93	97 <i>b</i>
Port Trust Police ...	1	2	6	...	76	85 <i>c</i>
University Police ...	...	...	...	...	1	1 <i>d</i>
	8	45	113	2	1,458	1,626

a Half the cost is borne by Government and half by the Port Trustees.

b The whole cost is borne by Government.

b The whole cost is borne by Government.

c The whole cost is borne by the Port Trustees.

d The cost is borne by the University.

*Police Commissioner's Office, }
Bombay, 12th June 1891. }*

W. H. WILSON, Colonel,
Commissioner of Police.

That both the Bombay Government and the Government of India contemplated that the fourth share of Government might be exclusive of other items of special work, which would be wholly borne by Government is clear from the following passage in the letter of the Government of India to the Local Government, dated 24th October 1891:—

“This sum (Rs. 5,83,748), however, includes certain items which, either because they may fairly be considered as general rather than local charges, or, for other reasons, the Government of Bombay do not consider it desirable to impose on the Corporation.”

It is thus clear that your Excellency's Government have all along admitted that the cost of the special items should be defrayed exclusively by Government. And this is in consonance with the nature of the services. The cost of the guards for public buildings should be borne by Government as much as private individuals pay for ramossees when they require them over and beyond the general protection afforded by the police to both public and private buildings. And the Port Trust and Dockyard police are entirely for special Government service, and debitable to those bodies.

The PRESIDENT:—Is not the harbour included in the city?

The Honourable Mr. BIRDWOOD:—The harbour is one of the wards of the City, as appears from Schedule B of the Act.

The Honourable Mr. MEHTA:—I am perfectly aware, my Lord, of the definition, but remember that the definition of land in the Act includes “land covered with water.” I am surprised, I must say, that Government think of raising this point. I do not think the Honourable Mr. Birdwood is aware of the discussions that took place on this point in the Select Committee, or of the printed paper containing in parallel columns the observations of the Port Trust, the Municipal Commissioner, and the Honourable Mr. Naylor, who was in charge of the Bill. Mr. Naylor has pointed out there that if you include the harbour in the limits of the city, the Corporation will acquire the right of levying rates and taxes and imposing other burdens. Does Government wish that the Corporation, which has hitherto remained quiescent on this point, should bestir themselves in this direction? I hope your Excellency's Government will carefully consider the consequences before trying to justify the imposition of the cost of the harbour police on the Municipality. I submit that the total of the special cost, which comes to Rs. 88,525, should be first deducted from the total. Then there are a number of items which have been with remarkable ingenuity shoved in as annual expenses of the city police, which have not the remotest connection with it. These are:—Pilgrims Department, Rs. 1,832; way charges of escort to convey specie to Government of India, Rs. 10,000; burning horse carcasses, Rs. 2,000; and maintenance of prison van, Rs. 1,776. The total of these items comes to Rs. 15,608, which should also disappear from the account. The account between Government and the Corporation would then stand thus:—

	Rs.
Total Presidency Police	7,39,959
Deduct Special Police	88,525
Total	6,51,434
Deduct Pilgrims Department, &c.	15,608
Total	6,35,826

			Rs.
Deduct recoveries, minus Port Trust Contribution	...	1,01,250	
	Total	...	5,34,576
Deduct one-fourth Government share	...	1,33,644	
	Total	...	4,30,932
Deduct item of adjustment	...	10,463	
	Total	...	3,90,469

It is this amount of Rs. 3,90,469 which is payable by the Municipality, instead of the sum of Rs. 4,47,756 entered in the Budget. I trust that in the spirit of the assurance given last year by your Excellency the Corporation will not be called upon to pay anything more than what is justly due from them. It is most desirable that the strained relations between Government and the Corporation should terminate, and I am glad that, in answer to my question on the point, your Excellency's Government express their cordial willingness to take measures to settle the long-standing dispute on the police question by a permanent transmutation of the liabilities in regard to it. Let me thank your Excellency and the Council for giving me so patient a hearing.

The Honourable the ADVOCATE GENERAL said:—Your Excellency, I propose to offer a very few observations upon certain remarks which fell from the Honourable Mr. Setalvad yesterday in his rather discursive speech. I think that it must be a matter of considerable surprise to the members of this Council that Mr. Setalvad, in discussing the Financial Statement of the Government of Bombay, should have taken the opportunity of bringing forward a grievance of the class to which he himself belongs, namely, the fact that the High Court Pleaders are not allowed to practise on the Original Side of the High Court. The rule which permitted Mr. Setalvad to address this Council says that after the explanation of the Financial Statement has been made by the Financial Member each member shall be at liberty to offer any observations he may wish to make on the Statement. Now, I fail to see what bearing the pleaders not being allowed to practise in the Original Side of the High Court has on the Financial Statement of the Government of Bombay. The right to allow pleaders to practise on the Original Side does not rest with the Government of Bombay. It is a matter over which the Chief Justice and the Judges of the High Court alone have jurisdiction. In this connection I may remind Mr. Setalvad of the fact that a very few years ago the Vakils as a body petitioned the Chief Justice and Judges of the High Court to be allowed to practise on the Original Side, but, after consultation with other Judges, the application was rejected; and I do not think that any circumstances have occurred since then which in any way entitled them to greater privileges than they were entitled to previous to that application being made. It is true that Mr. Setalvad justified the introduction of this matter by the suggestion that if the pleaders were allowed to practise on the Original Side of the High Court the cost of litigation would be very much decreased, and then Government would be able to introduce the Court Fees Act on the Original Side of the High Court, and thereby certain revenue would be acquired for Government. With regard to that I venture to think that the cost of litigation would not in the slightest degree be decreased if the proposal of Mr. Setalvad were carried out. In my opinion there is a great deal of mis-

apprehension in the minds of some persons as to the cost of litigation on the Original Side of the High Court. My belief is that litigation in the High Court can be conducted, if parties so desire, as cheaply as in any other part of the world. Of course, litigation everywhere costs money; there is no doubt about that. But parties themselves are generally to blame if the costs of litigation are heavy. In Bombay, as all the world over, certain advocates are able to demand higher fees than others. If the litigants on the Original Side of the High Court, for their own interests, employ certain advocates, and if they pay the heavier fees demanded by those advocates for their services, it is their own look-out. It is their own fault and not the fault of the system. It will be found that parties, if they wish, can have their case conducted on the Original Side at a comparatively small cost.

With regard to the alteration of the constitution of the High Court, which Mr. Setalvad has suggested, I fully agree with the remarks of the Honourable Mr. Mehta on the question. Mr. Setalvad's policy, as I understand it, is practically to abolish the High Court as at present constituted, and to substitute in its place a sort of Subordinate Judge's Court in Bombay with certain Judges to deal with the appeals. That gives a fair idea of Mr. Setalvad's proposals. These proposals are, however, not new. They have been made on many previous occasions, and I believe that a great majority of the inhabitants of the Bombay Presidency and the City of Bombay would regard with the greatest disfavour any proposed alteration in the constitution of the High Court. As I said before, I quite agree with the Honourable Mr. Mehta in his remarks on the point.

With regard to the Clerk of the Insolvency Court, no one can help seeing that that gentleman is a very fortunate individual. He gets from the insolvents, who seek the assistance of the Court, a considerable monthly sum in the way of fees and the duties he has to perform cannot be considered to be very onerous. It is difficult to see how the reduction of these fees could benefit Government, as the Clerk of the Insolvency Court receives the fees sanctioned by the Court under the Act which constitutes the Court. Mr. Setalvad desires to reduce the amount of these fees, but if they are reduced, the Government is not benefited in the slightest degree. I believe from what I have heard—I have no official knowledge on the point—that the question of the reduction of these fees was some time ago considered by the High Court, but it has been considered that the fees are not excessive to be levied on insolvents, and that once you reduce fees, it is very difficult to raise them again. It has been in contemplation for some time past to change to a very considerable extent the constitution of the Insolvency Court and in particular the duties the Chief Clerk of the Court has to perform. I believe it is considered necessary that there should be legislation on that point. No legislation is yet agreed upon or carried out, and consequently the fees remain as they are, and the Clerk of the Court is the person entitled to them. As to the "accumulated balances" I have never heard before that there are such accumulated balances in the hands of the Clerk of the Insolvency Court. My experience of insolvents in Bombay, as elsewhere, is that very few insolvents would leave in the hands of the Clerk of the Insolvency Court any money which they were entitled to receive back. It would probably be found that no balance was left in the hands of the Clerk, but if there is any balance at all in his hands, the amount must be very small indeed. A reference was also made by Mr. Setalvad to a report that the Clerk of the Insolvent Debtors' Court was in the habit of levying fees which he was not authorised to impose. It is quite true that last year, or the year before,

when the Clerk of the Court had gone on leave, the gentleman appointed to act in his place thought that certain fees were not justified by the rule laid down by the Judges of the High Court, and he therefore declined to levy them. The matter was, I believe, considered, on the return of the Clerk of the Court from England, by the Chief Justice and the Judges of the High Court. The conclusion at which they arrived after careful deliberation was that the fees, generally speaking, which the Acting Clerk had objected to were received by his predecessors for nearly twenty-five or thirty years, and were justified by the rules, and that there was no practice of levying fees by the Clerk of the Insolvency Court which were not justified by the rules.

Then Mr. Setalvad referred to the Official Assignee, and he seemed to suggest, that as it appeared from the answer which was given to one of the questions at the last Council meeting, that the commission of the Official Assignee had amounted to the average of Rs. 3,000 per mensem, it was desirable to put the Official Assignee upon a fixed salary, and that the commission should be received by Government. Now in my opinion, if the Official Assignee was fortunate enough to get Rs. 3,000 per month he would not a bit be overpaid. The duties of the Official Assignee are extremely difficult to be performed properly, and often he has abstruse questions to decide, and to act upon his own judgment. It is a post of very great responsibility and importance, and you must remember that that officer gets no pension, nor any leave allowances when on leave either in Europe or in India, and that he himself has to make arrangements with some one to carry on his work in his absence. I am sorry to say that the Official Assignee does not as a rule get Rs. 3,000 a month. The period covered by the question of Mr. Setalvad, to which answer was given at the last meeting, was an exceptional period during which the average emoluments were about Rs. 3,000, but during that period there were two very heavy insolvencies which swelled the receipts for those years. As a matter of fact, except during that particular period, I believe that the receipts of the Official Assignee are nothing like Rs. 3,000 per month. It is, moreover, extremely desirable that an officer who has duties to perform like those of the Official Assignee should be paid by commission on the amount he realizes for the creditors of an insolvent rather than by a fixed salary. Officers holding similar posts are remunerated in the same way in most parts of the world; and the advantages of such a system are obvious.

The only other point to which I think I need refer is the question of the Advocate-General's fees. The question has been all of a sudden put by Mr. Setalvad, and it cannot be answered in all its details at the present meeting. Mr. Setalvad's question was in these terms: "Is it true that the Advocate-General is allowed fees in all civil litigations in which Government win, in addition to his fixed salary of Rs. 2,000; and also in suits in which he is a party *ex-officio*? What were the total fees thus earned by him during the three years ending December 1893?" That question has been already answered yesterday to a certain extent, and, therefore, I cannot understand why he repeated the statement in his speech after the question had been replied to. It is not a fact that the Advocate-General is allowed fees in all civil litigations in which Government wins. Government have not to pay fees at all. In a civil suit when Government is a party, if Government succeeds in that case and the costs are awarded against the opposite party, these costs include the fees of the Advocate-General, who receives them if recovered, for conducting the case in the High Court. No one else is entitled to the fees which are only paid to him, if and when they are recovered. I should mention that this practice

has been in existence in Calcutta, Madras, and Bombay for very many years past, and if Mr. Setalvad is desirous of knowing more about it I would refer him to the 15th and 17th Volumes, Madras Series of Indian Law Reports. There would not be the slightest advantage to Government if the Advocate-General or Solicitor to Government, who stands on the same footing in this matter, were not to receive these fees. Besides, it is one of the terms on which the Advocate-General and the Government Solicitor undertake their duties, that they are to be entitled to receive all fees recovered in these suits. Mr. Setalvad's question No. 7, as to whether the Government Solicitor received fees for preparing leases, was answered yesterday, so that no allusion to the point was necessary in his speech after the assurance given that further information on that head will be supplied as soon as available. The practice has now been in force for a very great number of years. The question has been fully considered on various occasions by Government, and it has always been considered that it is only right that the Solicitor to Government should be entitled to charge fees for preparing leases for persons who take Government land. I do not see how it can in the slightest degree benefit Government if Mr. Setalvad's suggestion is carried on, because in that case the persons, who take leases of Government land will be obliged to pay to other solicitors the costs which are charged by the Government Solicitor. I fail to see why there should be any difference between the Government Solicitor and other solicitors. No solicitors prepare leases without being paid for them. I do not think there is any other point in Mr. Setalvad's speech to which I need make any reference.

The Honourable Mr. BIRDWOOD said :—Your Excellency, I confess that I shared the perplexity of the honourable member who last addressed the Council, yesterday evening, when listening to the comments of the speakers who preceded him on the Financial Statement submitted by the Honourable Mr. Trevor. But as regards the departments of the public administration with which I am myself more immediately concerned, I think there are only one or two matters dealt with by honourable members to which it will be necessary for me to refer. There is, first of all, the entry at page 75 of the Budget Estimate regarding a Police attaché. It refers, no doubt, to an officer whose personal allowance is entered on a later page of the Budget Estimate under the general head of "Police." He is indeed a Police Superintendent, and is borne on the sanctioned establishment of Superintendents, as the Honourable Mr. Javerilal will see on referring to the last Civil List. The salary is Rs. 700, and the local allowance Rs. 150. If there has been any error in entering the allowance twice over, and if the entry is erroneously shown at page 75 instead of at page 108, it will no doubt be rectified in due course.

With reference to the remarks that fell from the Honourable Mr. Setalvad in regard to certain reforms in the administration of justice in the High Court and the Thána District, the Council will have noticed that those remarks, as was pointed out by His Excellency the Governor yesterday, have no direct bearing on the subjects dealt with in the Financial Statement, and in the next place they go over the same ground as is covered by two of the questions put by the honourable member, which had already been answered before the honourable member addressed the Council. I do not quite understand, therefore, why he did not refer to those answers in his speech.

As regards the question of reducing the cost of litigation in the High Court, the honourable member was informed that the High Court had been addressed on the subject with reference to certain correspondence which took place between Government and the

High Court some years ago. It seems only reasonable, therefore, to await the result of the reference which has been made to the Chief Justice and Judges.

As regards the Criminal Sessions held by the District Magistrate at Alibág during the monsoon, I can only repeat the statement made by me in reply to the honourable member's question yesterday, which was not referred to by him in his speech, that the arrangements objected to were made in consultation with and with the approval of the High Court, and have been in force for fifteen years and have never till now been the subject of complaint. They were made in the interests of the people of Alibág, and in order to prevent delay in the administration of justice; and perhaps, I may add, without any breach of official confidence, that they were adopted really out of deference to an institution of which, I am sure, the honourable member would never wish to speak disrespectfully. It is really the south-west monsoon which is responsible; and so long as it continues, and I hope it will never fail us, the present arrangements must be renewed year after year; for I see no prospect of our ever being able to afford two Sessions Judges in the Thána Sessions Division, of which Alibág is a part.

As regards the honourable member's reference to the fees received by the Clerk of the Insolvency Court, I must remind him that the fees are regulated by the High Court under the Act applicable to the Court, and I do not understand how the provincial finances would necessarily be benefited if the Clerk were paid by a fixed salary instead of by fees. The question whether any reform is needed in the method of levying fees is clearly not a matter before the Council at this moment, though it has been referred to by several speakers.

I should like now to say a few words with reference to the question raised by the Honourable Mr. Panse as to the Government grants to dispensaries. The honourable member's remarks as to the unequal supply of medicines, which I understood him to say was not always proportionate to the number of patients attending the mofussil dispensaries, have already been answered by the Honourable Mr. Nugent, but I understood the honourable member also to say that the Government grants were not in all cases equally distributed. Now I may at once say that this is a matter which has not escaped the attention of Government. I would express the hope that if, on a revision of all existing grants, we can modify them on any equitable principle, so as to secure any appreciable savings, nothing will give the Government greater satisfaction than to be able to distribute such savings either among such dispensaries as have hitherto received inadequate support, or else in giving effect to a measure which I know that His Excellency the Governor has much at heart, and that is, the institution of travelling dispensaries in some of the more neglected parts of this Presidency.

With reference to the remarks that have just fallen from the Honourable Mr. Mehta, as to the debiting of a moiety of the salaries of Collectors and Assistant Collectors to Law and Justice, I am not, of course, prepared to say that one-half of the time of Collectors is spent on magisterial work; but I should suppose that a good deal of the time of Assistant Collectors is devoted to such work. But however that may be, it is quite clear that the question is really one of account and not of administration. The public revenues will not be benefited by debiting a smaller proportion of salaries to Law and Justice, but what we want for improving the administration of justice in the particular direction proposed by Mr. Mehta is a larger revenue. The union of judicial and executive functions in the

same person may or may not be an evil; but the further separation of those functions desired by the honourable member is at present impracticable for want of funds.

The question of the due division of Police charges in the City of Bombay between the Government and the Municipality is one of more pressing practical importance. It is a complicated question: and I will not attempt to follow the honourable member in his criticism of the figures of the budget estimate, but will only state the general principle on which the Government have proceeded in including the cost of police employed in the harbour and on Government buildings in the statement showing the annual police expenses of the city. The harbour is a part of the city under the Municipal Act, and I do not well see how we can treat any part of the police employed in the city, whether in the harbour or for the protection of public buildings, as not forming a part of the city police. But it must be remembered that under the Act the Municipality are not called upon to pay the whole cost of the police. They pay only such proportion of the cost as is determined by Government under section 62 of the Municipal Act; and I think it is only reasonable to assume that, in fixing that proportion, the Government take into consideration all relevant circumstances which ought to be taken into account in making an equitable distribution of charges as between the Government and the Municipality. The question is one which cannot be regarded as finally settled: further enquiry will certainly be of value in enabling all parties concerned to arrive at an equitable settlement; and I can only, in conclusion, repeat the assurance I have already made, in answering the question put by the honourable member yesterday, that the Government will be only too pleased to consider any proposals made by the Municipality with the object of relieving the Municipality entirely of police charges in consideration of their making over to the Government an equivalent in the form of revenue at present credited to the Municipal Fund.

The Honourable Mr. TREVOR said:—Your Excellency, I did not propose to take up the time of the Council with any very lengthy reply on the debate. But there are one or two points which have not been dealt with by other speakers, and in regard to which, I think, I may usefully offer a few remarks. The Honourable Mr. Yájník and the Honourable Mr. Setálvad have both referred to the late date fixed for the present discussion, and the last-named gentleman has suggested, if I have rightly understood him, that it ought to take place in January or February, so that the remarks and suggestions made may have due influence on the shape to be finally given to the budget. My honourable friend is, perhaps, not aware that a similar proposal made by the Government of Madras has already been negatived by the Government of India. Apart from that, we must, I think, be content to walk before we try to run, and to conform for the present to the statutory rules laid down for our guidance. What those rules prescribe is that the Financial Statement (not, it will be observed, our Budget proposals, nor the detailed estimates) shall be explained and discussed in Council. We cannot prepare, and if we could prepare it, we are not permitted to publish our Financial Statement till after the Government of India have prepared and published theirs, and our discussion cannot therefore take place at the soonest before the beginning of April. If, even after that, we have appeared to lag behind the Governments of Madras and of other places in laying it before the Council, it is because those Governments did not wait last year, as we did, in order to lay it before the enlarged Councils, then in course of creation, nor this year, as we did, in compliance with the expressed wishes of honourable members, in order that they might have the figures of the detailed estimates to assist them in considering the

Financial Statement. If honourable members are willing to dispense with that assistance here, as they do in other provinces, the statement can be submitted and discussed early in April. But it takes practically from the end of March, when the totals are settled by the Government of India, to the beginning or middle of July, for the Accountant General to get his detailed budget finally worked out from the rough materials, printed, passed, and published by the Comptroller-General, under whose authority it is issued, and I am afraid that unless honourable members are content to take the Financial Statement by itself (as is the practice, I believe, everywhere else), it is not possible to expedite matters.

The subject and scope of the discussion being limited as above explained to the financial position, as exhibited in the statement, the honourable members will, I am sure, forgive me if I make no attempt in the present debate to follow them into a defence or exposition of the various administrative details to which reference has been made in the course of the discussion. I shall be happy, for instance, to answer to the best of my ability on the proper occasion any riddles my friend the Honourable Mr. Yájník may have to propose regarding that abstruse subject—the classification of soils by the Survey Department. For present purposes I take it that his contention is shortly that we are allowing in our estimates of land revenue for greater increments than is justifiable or advisable. There is, of course, room for much difference of opinion on that point. I do not myself think that our estimates are excessive, and I am quite sure that we are doing our best not to err in the direction indicated. Mr. Yájník suggested incidentally in his remarks under the same head that information as to the share in the anticipated increase, which is due to enhanced assessments should be distinguished from that due to spread of cultivation, collection of arrears, and other miscellaneous sources in the Financial Statement. That information, however, is useful from an administrative rather than a financial point of view; and the honourable member will find it given in considerable detail for the revenue year in the Commissioner's jamábandi reports. To take it out with any approach to accuracy for the financial year would involve an amount of trouble which I think the object to be gained in connection with the Financial Statement would hardly justify.

Turning now to points on which information has been asked for, the Honourable Mr. Javerilál desired to know the meaning of the item of Rs. 1,767 on account of Excise compensation for ábkári farmers of Khándesh, which appears at page 27 of the Budget under Accounts, 1892-93, and where the remission of Rs. 1,50,000 granted to the Khándesh farmer is shown. The item referred to was a payment made to the ábkári farmer of one of the Khándesh Dángs on account of the cancellation of his contract when the ábkári rights of the estate were bought by Government. The remission to the Khándesh farmer was made in the shape of permission to remove spirit duty free to the amount stated. It does not, therefore, appear in the accounts, though the Government of India were asked to allow for it in the estimate of duty receipts. The Honourable Mr. Yájník also asks why Pôtpáhání establishments are charged to Land Revenue, rather than to Survey and Settlement. The reason is that Pôtpáhání is carried out by the Collector's establishment not by the Survey Department, and that when (as is commonly the case in the Konkan, though not everywhere), the work is so much increased on the occasion of the introduction of a survey settlement that it comes to be more than the

ordinary land revenue establishment can manage, the necessary assistance is given by temporary additions to that establishment.

With regard to the honourable member's remark as to the absence of information in the Financial Statement as to the distribution of the sums placed by the Government of India at our disposal for loan advances I may observe that, as explained at page 17 of the Statement, the heading there dealt with is concerned only with the interest which Government receives and pays, the loan account itself not being a contract item. I unfortunately have not the details of distribution at hand, or I should have been happy to have given them, but the honourable members may be glad to know that our demands on the present occasion have been complied with in full, and that the provisions available for takavi advances this year will be Rs. 8,35,000.

One or two members have referred to the difference shown in the same paragraph of the Statement between the rates of interest charged by this Government and those paid to the Government of India, and I may perhaps supplement the remarks of the Honourable Mr. Nugent on the subject by explaining that the rates charged under the Agriculturists Loans Acts varies from $4\frac{1}{2}$ to $6\frac{1}{4}$ per cent. in different localities, but loans are also given occasionally without, or at nominal rates of, interest. Under the Land Improvement Act the ordinary rate is 5 per cent., but interest does not begin to run till six months before the first instalment is due; the date of which is fixed with reference to the time when it is calculated that the improvement will begin to yield a return—an arrangement which occasionally involves the advance of capital without payment of interest for considerable periods. When municipalities have good credit it is as a general rule desirable that they should be left to raise their loans in the open market rather than be encouraged by any specially favourable rates of interest to trench on the comparatively small sums at the disposal of Government, and when they have not, it is reasonable that they should be charged something for the use of Government credit.

The Honourable Mr. Effendi has referred to the question of railway development in Sind. The difficulty in regard to the extension of the Hyderabad-Umarkot Railway to the banks of the Nára is simply want of funds. It will, I hope, be carried out as soon as money can be found. With regard to the branch lines he suggests it will be necessary to leave the initiative to the North-Western Railway Administration. Proposals have been made by them for a branch from Jungshahi to Tatta, which are now before the Government of India, but it is doubtful whether such a line would pay.

The Honourable Mr. Setalvad's remarks have for the most part already been answered. But with reference to some of them which refer to various items of the Budget, I may state that the large items of Rs. 14,000 and Rs. 7,000 for periodicals and books, entered at page 182, are for subscriptions for Reuter's telegrams and towards the publication of books of public or official utility. The small items under similar heads, at pages 74-6-7, are for purchase of books and newspapers for departmental use. The entry of the item of Rs. 18,000 at page 145 of the Budget as a contribution to the Bombay Municipality for the Leper Home is, as the honourable member points out, incorrect, and will be amended in future Budgets.

The Honourable Mr. Natu has remarked on the large charge for the Forest Department as compared with the revenue it yields. I believe the proportion of revenue to expenditure is higher in this Presidency than in almost any other part of India, and

it is developing steadily. I am afraid it will not be possible to transfer receipts from court-fee stamps to the head of Law and Justice as a set-off against expenditure under that head as Mr. Nattu suggests, but the figures can be given separately under Stamps in future for purposes of comparison. The estimated Provincial receipts from court-fee stamps for 1894-95 may be taken at something under three lakhs.

The item of one lakh and fifty-five thousand rupees shown as a contribution to local rates in lieu of one-anna cess on Excise, at page 26 of the statement is, as the Honourable Mr. Nugent has explained, the amount allowed by the Government of India as compensation to Local Funds for the loss of the cess previously levied and paid to them on ábkári contracts. But it bears no proportion to the amount of the contracts, having been granted only as a matter of grace to make up the loss arising from the discontinuance of payments which had been made under a misapprehension for some years after the Act of 1869 was passed, ábkári revenue having already been separated from Sayer when that Act was passed.

I am not quite sure that I follow the Honourable Mr. Mehta's remarks about the usefulness of percentages. The actuals for three years are given, side by side, with the original revised estimate for the past year of the Budget, and speaking for myself I can, I think, judge from them how far the Budget Estimate is *prima facie* justifiable on a consideration of figures for past years, quite as well as from percentages, but I shall be happy to consider the matter further by the light of any fuller explanation with which the honourable member may be willing to favour me. I am afraid I cannot promise my support to his proposal for a committee, even with the Honourable Mr. Nugent for its President, to consider the practicability of the suggestions he made last year for carrying out the separation of judicial and executive functions. My views on this subject are perhaps rather heretical, but I am personally of opinion that we have gone quite as far already in the direction as is consistent with the public interests. The duties of a magistrate indeed seem to me to be essentially executive rather than judicial, and I do not see how the preservation of the public peace and the enforcement of the criminal and fiscal law can be regarded otherwise than executive functions of a very important character.

His Excellency the PRESIDENT, in closing the debate, said :—Gentlemen,—Before dealing with the points raised by honourable members which remain to be dealt with, I wish to offer a few remarks upon the incident which occurred yesterday, as regards the legitimate subjects of discussion at this Budget meeting. Mr. Mehta, in commencing his speech, humorously referred to some remarks of Mr. Nugent as to written speeches. Now I do not object to written speeches at all. I am much too lazy myself to compose written speeches, but I don't object to other people doing so, so long as they read them slowly enough for people to understand the points being dealt with. That is the danger of reading out a written effusion setting forth one's opinion on a quantity of details; the reader having no difficulty in composing his language as he goes along, follows up the various subjects that he is going to deal with so rapidly that it is extremely difficult for the president of a board, or council, or meeting, to be quite certain whether the honourable member is in order or not. My decided opinion is that yesterday I allowed the rules to be evaded far more often than I ought to have done, and that subjects were discussed which by no possibility could be brought within the four corners of the rules which govern the Budget discussion. Now the question is not whether or not honourable members should have the privilege of discussing

the administrative system of the Presidency of Bombay or of other parts of India. The question is, what are the rules which govern debates upon the Financial Statement. This is not the place to discuss whether or not honourable members should have the right of discussing administrative questions. If they think they are disfavoured in that matter there are other media of communicating their opinions. They can give vent to their thoughts in other ways, and there are other assemblies in which they can get their own friends to raise the subject of their privileges as members of this Council. The question to be considered here is this: Are the arguments used and the subjects discussed legitimate under the rules imposed on this assembly? It was with very great regret that I interfered with my honourable friend Mr. Javerilal when he was talking about such abstruse subjects as "sub-soil water advantage" in Gujarát, and was proceeding to read an extract from the report of a Government officer in the year 1888. But that report could not be mundane to the Financial Statement of this year. I am also quite convinced that I ought to have interfered with the Honourable Mr. Setalvad in the course of his statement as regards the officers in the High Court, and—as far as I understood the subject—the difference of treatment of various branches of the legal profession. But the rapidity with which these subjects were dealt with in his written speech, and the celerity with which one topic was dismissed and another topic entered upon, really rendered me incapable of interfering in time, more especially as I was extremely anxious not to restrict such privileges as are accorded to honourable members under the rules. These are the difficulties that face the President of this Council, and I ask honourable members to support the President in his endeavour to adhere to the rules, or—to use the proper expression—to preserve order in this assembly.

I may now pass on from these general remarks to the various details that have been dealt with by various honourable members. And in the first place as regards the Budget discussion itself I hardly expected that anything but very generous gratitude would have been accorded to the Government over which I have the honour to preside for the arrangements which it has made for the Budget discussion here. It would have been perfectly possible for me to have assembled the Council last year in the month of March, and to put merely major heads and totals before it. The assembly would then have been very much smaller than this, as several members who had been nominated to the Council by myself on the recommendation of various bodies were not then members of it. I deliberately preferred to wait, and the Council was complete when we discussed last year's Budget with the exception of my honourable friend Mr. Javerilal, who through no fault of the Government was not then qualified to sit. This year I took the trouble to ask honourable members which they would prefer—to discuss the Budget in abbreviated form earlier in the year, or the full form later in the year, and they preferred the latter. Therefore, I cannot see that there is any ground for criticising my action in the matter. My desire was to meet the full Board, and to give them an opportunity of discussing every item in the Budget. My honourable colleague on my left—Mr. Trevor—has given full information to honourable members as to the reason why these facts could not be placed before us earlier in the year, and there is no necessity for me to deal further with the point.

A very important matter alluded to by two members is the subject of higher education in the Fergusson and Gujarát Colleges, and I may acknowledge, with thanks, the expressions which have been used as regards the grant which we were able to make this

year to the Fergusson College. As regards further assistance, I can make no promise at this moment. The whole subject of the allocation of the Dakshina fund was alluded to, as Mr. Javerilal remembers, by Dr. Bhandarkar in his Convocation address. I have since been in correspondence with him as to what his views are as to the proper ways of distribution of the fund. I am still in communication with him, and until Government are in a position to decide whether any alteration shall be made in the present distribution, it is impossible for me to make a promise that another responsibility shall be included beyond those already imposed on us. As regards the Gujarát College it is a high compliment to the Education Department that the Government of Bombay should be asked to include another college in the list of Government institutions. Mr. Mehta's advocacy of the step shows, at any rate, that the general public represented by his eloquent voice, recognise that in the administration of these higher institutions we do honestly carry on a wise system in regard to the education given, and that upon the whole the public have equal, if not greater, confidence in the Government institutions than in those established by private enterprise. If that is the correct interpretation of the honourable member's opinion, I regret it to this extent that I am the advocate of the view elaborated by the Education Commission that it is most desirable that in this country private enterprise in educational matters as well as others should be encouraged to the fullest possible extent. I am correct in saying that at this moment the Presidency of Bombay has more students at school than Madras, with a population nearly double. If this means anything at all, it means that our boys and girls are eager for education. That brings us to the conclusion that there will be a greater and greater demand for all those items of expenditure connected with educational institutions. For instance, more teachers must be engaged, and obviously sooner or later you go to the limit beyond which Government funds are unable to provide the mean. Therefore, if this desire for education is continued, you must in the end depend to a considerable extent on private enterprise. Surely it is better to encourage private enterprise in higher college education gradually through a series of years than to leave the matter in the hands of Government. Such enterprise has been started in Gujarát, and it has been started here in the Fergusson College. I hope sincerely that this private enterprise may not cease, but that we may see more and more of the same spirit not only in higher education, but in all other branches of the subject as well. I quite admit that the demand that there should be a Government College in Gujarát is a legitimate one, seeing that we have an assisted Government College in the Deccan. But after all one must remember that the great part of Gujarát is within very easy distance of Bombay, where there are of course admirable colleges. Baroda College is also used, I believe, by British subjects as well as by the subjects of His Highness the Gaekwar, so that a great deal of Gujarát is very well served by colleges which are not in Gujarát itself, or not in British territory. That is to be borne in mind when a proposal is made that we should take over the Ahmedabad College and administer it as a Government institution. I should not like to share the pessimistic view that is taken by the Honourable Mr. Mehta as to the present state of the Gujarát College. I don't think it would be fair at all so soon after a change of Principal, to hazard an opinion as to whether it is working successfully at this moment or not, more especially as the opinion is entertained in Ahmedabad itself that the college is suffering because it is not yet in its new home. As regards want of funds, that is, I fear, a disease from which a good many institutions besides the Gujarat College are suffering. Finally, I must make the old answer that we must cut our coat according to our

cloth, and distribute our finances as well as we can. But I will obtain what information I can as to the actual position of the college, and whether it is so serious as Mr. Mehta seems to think.

I forget whether my honourable friend on my right (the Honourable Mr. Birdwood) dealt with the establishment of the Provincial Service, to which the Honourable Mr. Setalvad referred. I can only say that we are extremely anxious to get our reforms carried out, but where references have to be made to influential and important bodies—for instance, as regards the rules of the judicial side, which have to be referred to the Chief Justice and Judges of the High Court—slight delays occasionally take place, but I can assure the honourable member we are pushing forward the elaboration of the rules which will eventually be passed. If I remember rightly the honourable member dealt with the subject as one which would result in economy, but however that may be in years to come, he must know that the full establishment of the Provincial Service to such an extent as to afford relief to the Indian Civil Service from judicial and executive duties will only be arrived at by slow degrees, so that the economy that Mr. Setalvad contemplates cannot be anticipated for a good many years to come.

Mr. Setalvad then proceeded to ask some questions about the Governor's contract grant. That grant was examined by the Finance Commission when it was sitting in this Presidency some years ago, and the amount was approved by the Government of India. The grant is under the control of the Governor, whose business it is to see that the amounts are spent upon legitimate objects. The great bulk of the sum—almost fifty per cent—goes in expenditure on labour in connection with the Government Houses at Malabar Point, Parel, Poona, and Mahabaleshwar, servants inside the house and outside the house, maintenance of gardens, and expenses of that character. The cost of lighting the Government Houses is included in the fund, as well as the cost of the Governor's tours—a very small portion of the latter expenditure is, I may say, laid out in special trains. The item of eight thousand rupees for water-supply to which the honourable member also drew attention is for water supplied to the Government Houses in Bombay, and if Mr. Setalvad can get the Corporation to reduce its rates he will have the satisfaction of seeing the item diminish year by year. The item of Rs. 3,000 for presents is one which has been under discussion by the Accountant-General only this year, and the Government of India have approved the heads upon which it may be spent. They are principally presents to Darbár servants and officials of that kind when the Governor is on tour.

When on the subject of education the honourable member (Mr. Setalvad) referred to the question of free studentships, and I understood that he asked why Municipalities should not be allowed to spend what sums they pleased on free studentships, or else why they should not be allowed to distribute them as they pleased according to the various wards in the Municipality. Well, the honourable member and I have had some private conversation on this subject, and he has promised to supply me with a memorandum setting forth his own views. If Mr. Setalvad had found time to have given me these particulars, I should, perhaps, have been in a position to supply him with the views of the Government on his suggestions, and when he does favour me with them, it will receive my earliest attention. As regards the rules for submission of municipal budgets to the District Commissioners and those regulating the extent to which municipalities can expend money on public education, I cannot follow out what are the grievances from which, he thinks,

municipalities suffer. I consider they have ample opportunities of setting forth their views. Government have under consideration at this moment the objections which have been raised by municipalities to the rules which were published some time back in the *Government Gazette*. The rules, being still under consideration, have never been made substantive at all, and therefore I don't think it can be advanced—as Mr. Setalvad seemed to imply—that Government have in the least stolen a march on the municipalities. I believe we have given them every opportunity of laying before Government any objections they have to the rules, and I can assure Mr. Setalvad and other honourable members connected with municipalities that we are giving every consideration we can to their objections. Provided those objections do not clash seriously with the system of education which has been laid down by Government in regard to these matters upon the carefully thought-out advice of the Education Commission and of experience and old officers of Government—so long as they don't clash with these principles, we shall in all probability be able to meet their wishes.

I am extremely glad that one honourable member—I think it was Mr. Natu—referred to the increase in the Government grants for primary education. He also alluded to the grant for village sanitation and water-supply. Well, I remember that many years ago when the Conservative Government was going into office the late Lord Beaconsfield—or Mr. Disraeli as he then was—indicated the line that Government was to take as one of endeavour to improve the homes of the poorer classes of England, and it was described by the opposite party as a policy of 'sewage.' I don't know whether that term can be exactly applied to a policy that includes education as well as village sanitation and water-supply, but if it did, I should be quite prepared to plead guilty to that being my policy for the last three or four years since I have obtained a grip of what the Presidency most wanted. I plead guilty to having used every argument I could with my colleague on the right and my colleague on the left, and their predecessors, for the purpose of obtaining more and more funds for primary education, and also to increase the amount that could be granted to municipalities and villages for the improvement of water-supply and sanitary surroundings. I can assure the honourable member that it gratifies me very much that he should have noticed the fact that the amounts that are put in the Budget this year are larger and that this favourable notice is an ample repayment to me for the somewhat severe criticisms to which I have been subjected as regards expenditure on education. If people of discernment and discretion are satisfied with what I have tried to do, I am equally so. Now as regards the suggestion that has been made that the amount that has been budgeted for village sanitation and water-supply should be used in connection with the Village Sanitation Act, that is the very thing which Government is trying to do, but we are extremely anxious to avoid the compulsory application of this Act, where there are hopes of something being done under the voluntary clauses of the Act if money was granted. We are extremely anxious to get village communities to adopt the voluntary clauses of the Act, and have recently intimated that if the villages and Local Boards are willing to help to put down a certain proportion of the cost of the improvement of water-supply or of the sanitary surrounding of the village, Government will add another proportion. Our object is to do what can voluntarily be done rather than to force upon them an Act which, I am bound to say, was not regarded with favour by very many District officers of very great experience in the Presidency of Bombay, and which since its

introduction has certainly not been demanded to any extent by the people of the country. I should hope that by gradually coaxing the people of these villages to keep their wells from contamination to have a pure water-supply distinct from the supply which they use for washing and other purposes, to keep their drinking supply absolutely pure, and where there is that caste of people who can be so employed to get the refuse of the village cleared away; by coaxing them to spend money in these objects all the requirements of the Village Sanitation Act would be secured gradually and easily without creating an animus against the benevolent intentions of the Government.

I must now deal with the reference that was made by Mr. Setalvad to the system under which the Professors at the Medical College are appointed. I can assure him that the very greatest care is taken in endeavouring to select for the various chairs men who have had some experience in each particular subject. It is not a haphazard selection which inducts them into these chairs. Of course, under the present system there would be difficulty when an officer goes on leave, but these difficulties would be present in any system that you could invent unless you always have a reserve of men capable of teaching particular subjects. The honourable member appears to think that if he had the management of affairs in his hands he could do it very much cheaper. I dare say he could, but I don't know whether the medical world (who, I suppose, are the best judges) would be prepared to say that his method was the better one. After all it is necessary in matters of this kind to examine both sides of the argument and to hear what both sides have got to say. Now we have not heard for the present what the other side have got to say in reply to the attacks which have been made in the papers upon the system under which the chairs are filled. But under whatever system they are filled I must take this opportunity of saying I don't believe that the professors can give a more disinterested or whole-souled devotion to the work they have taken up than the men who now fill the chairs in the Grant Medical College. I have never heard anything but expressions of good feeling and regard and respect towards the professors from those who have benefited by their teaching. I have never heard anything but expressions of that character. The students recognise what high ideals these gentlemen set before them in the educational task they have in hand, so that it may certainly be said that those who are under them are grateful and thankful for it.

I think the only point of any importance left for me to deal with is that put forward by the Honourable Mr. Mehta as regards the system of estimating revenue and expenditure, and he took the educational budget as an example. Well, I don't think it is very easy to help the lapses that do take place and which he referred to. Now taking the educational accounts he referred to Inspection where there was a drop from 236 thousand rupees in the first budget to 234 in the revised estimates of 1893-94. That was due to an officer going on leave and somebody at a lower salary acting for him. The honourable gentleman thinks that there should not be these differences between the original and the revised estimates, but it is impossible to know beforehand what savings may accrue from casualties or leave vacancies; in the second place I am not at all sure that the Accountant General would allow us to transfer to any head we like from an item in the educational accounts, and I am very doubtful whether very much good would be gained by our knowing at an earlier date what such savings would be. There are, for instance under fees &c., a sum of Rs. 6,000, If he turns to the details at another page he will

find there was a change in the principalship when Mr. Theodore Cooke retired; and that resulted in a saving because an officer on a lower grade came in, and thereby saved a sum of Rs. 5,000 at once. This took place very late in the year. It is very possible that others of these changes take place very late in the year. I don't say for certain, but I am doubtful whether we could utilise these savings at any earlier period in the year, but such saving goes to general savings and towards the end of the year we always do utilize as much as we can that accretion. It is rather a serious matter to argue with the Accountant General on such subjects as these. Personally, I am inclined to be rather reckless and to insist that the Accountant General's estimated receipts shall be raised and sometimes his estimates of expenditure shall be decreased. But it has already been pointed out in complimentary terms that my honourable colleague on my left (Mr. Trevor) keeps a firm hand on the finances of Government, and it might not be consistent with the principles of the relations between myself and other members of the Council to induce him to release his grasp. But I will admit that there have been cases, I say with bated breath, in which the estimates of the Accountant General have been ignored and his estimated receipts have been enlarged by more favourable estimates on the part of the Government.

Then as regards the City Police I am not quite sure that the answer which was given yesterday clearly conveys to the minds of those honourable members who are interested in this subject the wish of Government to consider favourably, if possible, any proposition that the Corporation might like to lay before Government as regards the final settlement of the question. In the first place, it must be borne in mind that if a fixed sum is ever to be decided on legislation is necessary, for under the present Act Government has only the power of fixing the proportion. If the present figure is never to be increased or decreased it is a matter for legislation and the Municipal Act will have to be taken in hand. I have now had something like four years' experience of this abstruse question which raised much heat, and it has always seemed to me to be very doubtful, whether the Corporation would be able, and if they were able they would be altogether wise in the interests of themselves and in the interests of the Bombay Government to assign to Government certain receipts which they now have on condition that Government take over the charge of the civil portion of the police. It must be remembered that many of the suggestions that have been made that certain institutions, charitable, educational, and otherwise, should be taken over by the Municipality in lieu of what they now spend on the police, are in the first place hampered by this difficulty that many of these institutions are trusts and apart altogether from the question whether living trustees would be willing to transfer the institutions from the charge of Government to that of the Municipality, we have very great difficulties to face. I believe I am right in saying that we should have to go to the High Court to change the terms of the trust. And of course it is a question whether the High Court would be prepared to sanction the change from the custody of the Government to the custody of the Municipality. All these things have to be borne in mind in discussing this question, and I am glad that we have now the opportunity of pointing out the difficulties which Government have had to face in dealing with this question. We are certainly quite prepared now to consider any proposals that the Corporation is likely to make to us as regards the final settlement. It may not come in my time, but I am sure that both my colleagues here are only too anxious to meet the Corporation, and if the Corporation's proposal is fairly reasonable they will be prepared—whatever my successor

may be—to view it in a favourable light. As regards the system under which the cost of the police is estimated, or rather the proportion of the Municipal contribution is estimated, I think I may fairly repeat what I said last year that we don't wish to take from the Corporation the charges which are fairly leviable against Government or against other bodies. It is impossible for me at this moment to go into figures that have been quoted by the honourable member, but I may promise that my colleague on my right will examine them, and I think that I may at once say that it is a subject which is fairly open to discussion what are legitimate charges under the head of the police of the city. If it can be shown that any wrong items have been entered against them, and that the proportion which the Corporation pay is not fairly leviable, I think I may say for my colleagues—and I can certainly say it for myself—that there is no desire on our part to take any undue advantage. I should be glad to settle this question at an early date. But I think the discussion will take some time. It has been my misfortune during the four and a half years of office to have chanced upon a time, just after the passing of the Municipal Act, when there were three most important questions between the Government and the Municipality to settle. One was the question of primary education, the second of the infectious diseases hospital, and the third of the city police, and I regret that in these four and a half years there should have been so much discussion and so much argument between the Municipality and the Government. I have endeavoured to secure as amicable a style of correspondence as possible, and I hope that at any rate, if not in the City of Bombay, we shall be recognised outside its limits as having done our best to fight for the interest of the tax-payers as against the interest of the rate-payers. These clouds have now almost entirely dispersed, and there is only this question of the police. I hope that when it is settled the Corporation and the Government will be the better friends, for the arguments that have gone on between them.

Gentlemen, I think I have dealt with all the subjects that remained untouched by my honourable colleagues as fully as lay in my power. I can only repeat my regret that on this occasion I felt it my duty to check honourable members in the subject they were discussing and the arguments they were using, and I am sure that having found it necessary to do so I may depend upon them to support me in observing the rules of debate, which have been imposed on this Council by a higher authority.

THE PEINT TERRITORY BILL.

In moving that the Bill to amend the law in force in the Peint Territory in the Bombay Presidency be considered in detail, the Honourable Mr. BIRDWOOD said:—Your Excellency,—The principle of this Bill was affirmed when the Bill was read a second time on the 16th March last. On that occasion, Your Excellency observed that, as the Bill was not to become law till the commencement of next year, it was obviously a very proper proposal of the Select Committee, as we were changing the legal status of the inhabitants of a portion of the Násik District, that a reasonable time should elapse before the Bill was further proceeded with. Ample time has now been given for the consideration of the measure by those who will be affected by it; and, up to the present date, no representation has been received by Government regarding

The Honourable Mr. Birdwood moves consideration of Bill No. 1 of 1894 in detail.

it from the people of Peint. I have no right to assume that they regard with indifference any legislative proposals made in this Council in their interest. On the contrary, we may perhaps be justified in holding that, as there is no opposition to this Bill, which, as I informed the Council when moving the first reading, is approved by the Commissioner of the Division and the Collector of the District, it is accepted also by the people of Peint generally as a measure which will promote their convenience and welfare. I now move that the Bill be considered in detail.

The Bill was then considered in detail and no amendments were proposed.

His Excellency the PRESIDENT said :—Under Rule 20 of this Council it is provided that “the Council having so examined (in detail) such Bill, the Bill may then, or on some subsequent day, be read a third time.” Unless any honourable member has any objection to raise to the Bill being now read a third time, I propose to put the question that this be done. This course will obviate any necessity for assembling the Council to-morrow, and putting members to the inconvenience of being kept away from other business for another day.

His Excellency the PRESIDENT 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 *sine die*.

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

M. H. W. HAYWARD,

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

Poona, 15th August 1894.
