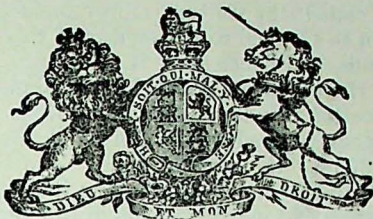


THE



Bombay Government Gazette.

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

PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

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

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

The Council met at Poona on Monday, the 11th August 1873, at noon.

P R E S E N T :

His Excellency the Honourable SIR PHILIP EDMOND WODEHOUSE, K.C.B., Governor of Bombay, *Presiding*.

His Excellency the Honourable SIR AUGUSTUS ALMERIC SPENCER, K.C.B.

The Honourable A. ROGERS.

The Honourable J. GIBBS.

The Honourable the ADVOCATE GENERAL.

The Honourable MUNGULDASS NUTHOOBHoy, C.S.I.

The Honourable COLONEL M. K. KENNEDY.

The Honourable SIR JAMSETJEE JEJEEBHoy, Bart., C.S.I.

The Honourable E. W. RAVENSCROFT.

The Honourable NARAYAN VASUDEVJEE.

The Honourable J. K. BYTHELL.

The Honourable GUNPUTRAO TATYA SAHIB PUTWURDHUN.

The Honourable Mr. GIBBS, in moving the second reading of Bill No. IV. of 1873, said :—

Mr. Gibbs moves the second reading of the Bill to legalize certain payments made from the proceeds of the fees levied under Bombay Act IX. of 1863.

I beg to move the second reading of Bill No. 4 (a Bill to legalize certain payments made from the proceeds of the fees levied under (Bombay) Act IX. of 1863). As I explained when I introduced the Bill, certain payments and advances appear to have been made by Government from time to time out of the funds which were levied under Bombay Act IX. of 1863; and with regard to some of these items the Government of India, and also the local Government,

came to the conclusion that they were not, strictly speaking, legal within the terms of that Act. The thirteenth Section of that Act says that "all funds so levied shall be brought to the credit of a fund to be called the Cotton Improvement Fund to be appropriated by His Excellency the Governor in Council to the objects of this Act." Now, the object of that Act was to prevent frauds, and hence arose the difficulty which has led to the introduction of this Act, because the payments which I have alluded to cannot be called payments for the prevention of cotton frauds. The various items are shown forth in a very long statement which has been prepared by the Cotton Commissioner, and I find that they extend over a period from 1865 to the present time. The nature of the items may be learned from one or two of them. I see there is an item of an advance to a gentleman to aid him in carrying out certain cotton experiments in the Berars and Khandesh; another, for the purchase of lever presses of a particular description; another with regard to experiments upon Hingunghat seed conducted by the Collector of Khandesh. There are a great many items referring to the purchase of different kinds of seeds and presses and gins, all of course bearing upon the efforts which have been made to improve the growth and preparation of cotton. In 1866 a grant was made out of the fund for the purchase of samples of cotton of different descriptions which were to be forwarded to the Paris Exhibition. This was one of the items about the legality of payment of which under Act IX. doubts are entertained. Another of these items is an advance of Rs. 20,000 which was made towards the purchase of cotton for the late Bombay Exhibition; but of that, I may say a considerable portion has been refunded, so that the total expenditure upon that account is only Rs. 14,627. In reviewing the whole matter, the Government of India considered that some of these items were exceptional and some illegal, and the Government of Bombay arrived at the same conclusion. This Bill is the consequence. I believe it has been objected that this Bill is not exactly necessary, His Excellency the Governor in Council having power to settle the matters in dispute; but I think that, after the opinion expressed by the Government of India, the course now being adopted is the better one. With these remarks I beg to move that the Bill be read a second time.

Bill read a second time and considered in detail.

The motion was agreed to, and the Bill read a second time. The Council then proceeded to consider the Bill in detail.

The Honourable Mr. BYTHELL suggested that the words used in Section 1 did not entirely express the intention of the Honourable mover. The Bill as it stood legalized sums expended "for any purpose connected with the introduction and cultivation of superior descriptions"; but more than this was requisite.

His Excellency the PRESIDENT proposed that the words used ought to be "for the purpose of encouraging the introduction and manufacture of superior descriptions of cotton and cotton fabrics shall be deemed to have been legally expended," &c.

The Honourable Mr. RAVENSCROFT approved of His Excellency's suggestion, because he remembered that a portion of the advance of Rs. 20,000 for the Bombay Exhibition referred to by the Honourable Mr. Gibbs had been actually expended upon cotton fabrics.

His Excellency's amendment was agreed to, and the Section was passed.

Bill read a third time and passed.

The preamble and title were also agreed to; and the Bill was then read a third time and passed.

The Honourable Mr. ROGERS, in moving for the first reading of Bill No. 5 of 1873,

Mr. Rogers moves the first reading of the Salt Bill.

said:—Sir,—I beg to propose the first reading of Bill No. 5 of 1873 (a Bill for consolidating and amending the law relating to salt in the Presidency of Bombay). I need hardly dwell upon the importance of this measure. The revenue collected annually from salt is over a million sterling. From figures which have been supplied to me by Mr. Pritchard, the Collector of Salt Revenue, I find that the average for the four years from 1838-39 to 1841-42 was fourteen lakhs; owing to the great increase in rates of excise that amount has risen within the last year to sixty-eight lakhs; in addition to this a very large export trade takes place to Calcutta and the Malabar Coast in accordance with special arrangements with the Government of India and Native States on the Coast, by which salt is exported free of duty; and if the value of that is added to the sixty-eight lakhs, you will find that the total value of the salt excise is just about what I have stated—a million sterling. I may say, however, that the figures given by Mr. Pritchard are 104 lakhs. By this Bill we endeavour to provide means for obtaining the fullest value of the revenue assessed upon salt in this Presidency. Owing to successive enhancements of the excise upon salt it is natural to suppose that a great incentive has been given to smuggling, the laws hitherto passed

to prevent it having been found ineffectual. There is a considerable difference in the system of levying salt revenue in different parts of the Presidency. Thus in Gujrat it is the practice for Government to hold the salt pans while the people are allowed to manufacture, not exactly on the part of Government but under an implied contract with it. In Tanna and the Southern Division the system is different, the salt pans and works being owned directly by private individuals, although before any salt can leave the manufactories it must be assessed to the excise revenue by a Government officer who is in charge. Under the practice in Gujrat it has been found practicable to greatly diminish the number of salt pans. A number of the smaller salt works have been suppressed, but one large salt work has been established by Government near Patree in the Lesser Runn of Kutch. Where the whole manufacture is carried on by Government, experience has taught us that the prevention of smuggling is a comparatively easy matter, while the contrary is the case where the trade is left in the hands of private individuals. Therefore, a great many of the provisions in this Bill have been framed with the view of enlisting the assistance of those who are or may become salt factory proprietors in the prevention of fraud. The present system may be said to have originated from the time of the passing of Act XXVII. of 1873, although it was not necessary then for any person to obtain leave to open a salt work: all that he required to do being to give notice to the Collector of his intention to open a salt pan. By Act XXXI. of 1850, the working of salt pans was prohibited except under an official permit. In 1827 the excise on salt was 8 annas per maund; by Act XVI. of 1864 it became one rupee; by Act VII. of 1861 it was raised to one rupee and a half; by Act XXIV. of 1869 it was again raised to Rs. 1-13 as., which is at present the excise upon salt per Indian maund. Hitherto no person has been compelled to take out a licence for the manufacture of salt, but it is now intended that whoever proposes to make salt must be provided with a licence; but lest this should be interpreted as an interference with vested interests a clause has been especially introduced into the Bill by which

The Collector of Revenue to grant salt licences as usual except under certain circumstances.

the Collector of Salt Revenue will be debarred from refusing a licence to present proprietors except under certain circumstances in which the Government have always had the power to put a stop to works. The Section which I am referring to is Section 19, which says—"A licence shall not, except as hereinafter mentioned, be refused for the manufacture of salt at any salt work not being the sole property of Government which is being worked at the time of the passing of this Act, or which may have been worked within three years of the date of its introduction." The remainder of the section merely repeats the present law, which is in effect that any salt work which on an average of any three years shall not have produced yearly at least five thousand Indian maunds of salt may be suppressed. Under this Bill, we make it competent for Government to suppress such a salt work, and to the Collector of Salt Revenue to withhold a licence when any salt work has remained unused for three consecutive years. Hitherto the salt work proprietors have contented themselves with enjoying the profits of their manufactories, and have not taken any trouble to regulate the general management of their works so as to prevent smuggling. We now propose to give them the means by which they shall have every opportunity of checking smuggling; they will be allowed at the commencement of every manufacturing season, which is at the end of the monsoon, to hand in a list of the servants whom they employ or intend to employ in the salt manufacture, and by this means we believe that trustworthy people will be placed in charge of their works. At present a proprietor has nothing to do with the weighing of salt or in seeing it out of his

The proprietor of a salt work to see after the thorough weighing of the salt produced in his factory.

hands into those of the purchaser. By certain provisions of this Act it will be incumbent upon the proprietor of every work, either by himself or his authorized servant, to see that the salt is properly weighed at the salt works, and afterwards that, according to rules prescribed by Government, it is taken to a certain preventive station where it is to be weighed over again. It has been discovered that the principal cause of smuggling is due to the carelessness of the people on our own establishments giving overweight, and the sections which have been drafted regarding re-weighing at preventive stations may remedy this to a considerable extent. A chief means to prevent smuggling is of course to concentrate the manufactories as far

Certain works may be suppressed. Government granting compensation.

as possible. The present law permits the suppression of works that do not turn out 5,000 maunds of salt a year, and in this Bill means are also provided by which any work may be suppressed on the payment by Government of compensation equal to the market value of the works suppressed. The provisions relating to this subject are similar to those for the acquisition of lands for Government purposes, so that if it should happen that for fiscal purposes it may be necessary to suppress any salt

works, no injustice will be done to the proprietors. Another proposal by which we hope to prevent smuggling as far as possible is to lay down that within ten miles of salt works no buildings shall be used for the storing or reception of salt for purposes of sale unless licensed.

His Excellency the PRESIDENT—The Town and Island of Bombay excepted?

The Honourable Mr. ROGERS—Yes. Other provisions are made by which Government shall have power to lay down rules to regulate storage and the removal and manner of removal and manner of packing salt which experience has taught to be necessary on account of the smuggling that takes place in the export of salt by sea. A great deal of the exporting by sea takes place during the monsoon months, and in consequence of the state of the ground during that period of the year in all the southern parts of the Concan the weighing of salt is a very difficult operation, people having frequently to work up to their knees in mud. The work is in consequence apt to be slurred over by our officials. Moreover, there is no security that the salt supposed to be weighed when it is put into the boats is correctly weighed, because in consequence of the disagreeableness of the duty of

Government to lay down rules for the proper exportation, weighing, and packing of salt.

weighing, the salt is frequently merely shovelled in. Government in this Bill retain power to lay down rules by which salt shall be properly weighed, and packed only in a certain way for export. We have found that another

way in which smuggling takes place is in consequence of the practice of persons purchasing only the larger crystals, while the lesser are left; and to prevent this refuse salt being smuggled out of the works and sold, power is here given to destroy that description of salt. I may add that very few of the provisions in this draft Act do not already exist in either of the existing Acts in force in other parts of India. By power given in the last Bengal Act, in addition to the provisions of the Act itself, rules have been laid down by Government which are far more stringent than anything which we propose to enact in this measure. It may be found necessary, however, to introduce these rules if, notwithstanding all our precautions, smuggling is still found to be carried on to a great extent. It is to be hoped, however, that there will be no necessity for doing so, although we have made provision here for such an unfortunate contingency. Where so large a portion of the imperial revenue is dependent upon salt, it is of course necessary that the laws to enable us to reap the full value of our excise should be stringently carried out; otherwise the expense and trouble of Government in collecting the revenue will be to a certain extent unavailing, and the general revenues of the country will suffer. With these remarks I now beg to move the first reading of this Bill.

The motion was carried.

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

The Honourable Mr. ROGERS then proposed that the Bill should be referred to a Select Committee, to consist of—

The Honourable Colonel KENNEDY,
The Honourable Mr. RAVENSCHROFT,
The Honourable Sir JAMSETJEE JEJEEBHoy,
The Honourable Mr. NARAYEN VASUDEVJEE, and
The Mover.

As there were large interests to be affected by the measure, especially in the Concan, the honourable member thought that at least a month to report ought to be allowed to the Committee.

The Honourable Mr. MUNGUJLASS—I submit, your Excellency, that more time than a month should be given to this Committee to report. Immense interests are affected by this Bill, lakhs of rupees having been invested by private individuals in salt pans and salt works, and I think that ample time ought to be given to these individuals and to the public to consider and represent how their interests may be affected by the measure under consideration. The Government of India, I observe, generally allow as long a time as three and four months to the Select Committees to make their reports on Bills referred to them, so that the people affected by the proposed measures may have an opportunity to express their views on the subject, and I think that something similar might be done in the present case.

His Excellency the PRESIDENT said that he had every wish that the public should get ample time to consider the Bill.

The Honourable Mr. MUNGULDASS further observed:—As an instance of how this Bill will affect individual interests, I may mention that it is here laid down that nobody is to possess more than twenty seers of salt. Now, Sir, I have made inquiries, and I find that for my own household that quantity is required every ten days. Among well-to-do natives it is usual to lay in a year's supply of salt when they lay in grain and other articles of consumption. I therefore hope this provision will be modified when the Bill is considered in Committee.

The Honourable Mr. ROGERS said that as the law stood at present no unlicensed person could have more than five seers.

His Excellency the PRESIDENT remarked that it was a curious fact that more salt came lawfully out of Bombay than ever went lawfully into it.

The Honourable Mr. ROGERS said that according to Mr. Pedder's report two lakhs and three quarters of revenue were lost annually to Government in consequence of salt being smuggled into Bombay itself.

After a short discussion upon the length of time which should be allowed to the Committee to report, the major part of the opinions expressed being that ample time ought to be permitted, it was agreed that the report of the Select Committee should be sent in on or before 22nd September 1873, and that the Report and Bill should be translated into Gujra-thee, Marathi, and Canarese, and circulated.

The Honourable Colonel KENNEDY, in moving the first reading of Bill No. 6 of 1873, said—I beg to move the first reading of Bill No. 6 of 1873 (a Bill for enabling Government to levy tolls on public roads and bridges in the Presidency of Bombay). Tolls have hitherto been levied under the general provisions of Act VIII. of 1851 by the Government of India. To that Act a schedule was appended which was subsequently modified by the Government of India by Act XV. of 1864. In the first section of that Act permission is given to local Governments to extend the Act to their Presidencies, but it is not stated distinctly in what manner it should be extended. In 1864 by a Government resolution toll-bars were generally established throughout the Presidency, and the rates of tolls authorised to be levied by that resolution were in some cases in excess of the rates mentioned in the schedule attached to the Act of 1851. At the same time the provisions of Act XV. of 1864 were never formally extended to this Presidency, and in consequence of the difference of the rates which I have mentioned some doubts have been entertained lately as to the legality of the levy under the Government resolution of 1864. The present Bill is therefore introduced with the view of removing this doubt. A doubt also arose as to whether it was within the power of this Council to pass such a measure as this, and the Government of India's sanction has been asked for and obtained. We have also taken the opportunity of consolidating the law on this subject in this Presidency. There is nothing new in the present Bill except that by section two all those tolls which have been levied since 1864 under the order of the Bombay Government of 1864 are legalised. I may state with reference to the schedule which is attached to this Bill that its maximums have never been yet worked up to, although it is advisable to retain them to meet special cases. I may also state, as some attention has been drawn to this item, that although the schedule provides for a toll upon foot-passengers such a toll has never been levied in this Presidency. The power to levy such a toll, however, is retained, because it is considered that circumstances may arise which would make it advisable to use it. For instance, the construction of a special bridge might be undertaken, and in that case foot-passengers might be fairly taxed. For general information I may state that the revenue which is derived from tolls throughout the Presidency amounts to about 7 lakhs per annum, and is entirely devoted to the maintenance of the roads upon which the tolls are levied, though it does not provide for anything like the total cost of maintaining those roads. With these remarks I beg to move the first reading of this Bill.

A toll to be levied upon foot-passengers over bridges.

The Honourable Mr. ROGERS—When the Honourable Colonel Kennedy mentioned the provision of tolls upon foot-passengers, I saw marks of disapprobation from several honourable members; but I would only point out to them that it is very often the case in England that a bridge cannot be built without some provision of that kind.

The Honourable the ADVOCATE GENERAL—I sincerely hope that the last item in the

His Excellency the President, the Honourable the Advocate General, the Honourable Mr. Munguldass, and the Honourable Mr. Narayan object to the foot-passenger toll.

country to use bridges without charge for many years, we begin to tax them for the privilege. Rather than pay this toll of 3 pies, I am sure that many a cooly would swim across a river in preference to using the bridge.

The Honourable Mr. MUNGULDASS regretted that there was quite a new feature in the Bill. He referred to this tax upon foot-passengers. The honourable gentleman believed that such foot-passengers were not hitherto subject to pay toll in any part of India, and was of opinion that the levy was most impolitic. The measure authorized the levy of the toll by seizure and sale of the property of the passenger refusing to pay it, and the honourable gentleman enquired how beggars would be treated in case of refusal to pay the toll?—whether they would be detained and fed from the imperial funds? He therefore hoped that these particular provisions would be duly considered and modified in the Select Committee.

His Excellency the PRESIDENT said that his own feeling was very much against this toll, and moreover he thought the maximum rates set down in the schedule unnecessarily high. Hitherto, he believed, the charge for a four-wheeled carriage never went beyond 8 annas, and yet the maximum is laid down here at 2 Rs. for that vehicle, which was a tremendous charge, and never intended to be levied: such a maximum was therefore unnecessary.

The Honourable Mr. NARAYAN VASUDEVJEE and the Honourable Sir JAMSETJEE JEJEE-BHOY also spoke against the foot-passenger toll.

The Honourable Colonel KENNEDY—I did not intend to propose that this Bill should be sent to a Select Committee, but considering the objections which have now been raised to a portion of its details, I propose that this Bill be referred to a Select Committee, consisting of—

The Honourable Mr. ROGERS,
The Honourable Mr. NARAYAN VASUDEVJEE,
The Honourable Mr. MUNGULDASS NATHOOBHROY,
The Honourable Mr. GUNPUTRAO TATYA SAHEB, and
The MOVER;

to report within one week.

The motion was agreed to.

The Honourable Mr. ROGERS, in moving the first reading of Bill No. 7 of 1873 (a Bill to

Mr. Rogers moves the first reading of the Boiler Inspection Bill.

provide for the periodical inspection and the management by competent engineers of steam boilers, and prime movers attached thereto, in the City of Bombay, and within certain districts in the Presidency of Bombay,) said—Sir,—It will be remembered that at the last meeting of Council I asked permission to withdraw a Bill which had been drafted for the same purpose as the Bill of which I now beg to move the first reading. I then stated that in Bombay Act VI. of 1869, upon which that Bill was framed, there was no provision for the examination of engineers placed in charge of boilers. Government has come to the conclusion that, whatever provisions might be made for the inspection of boilers, they would be of very little use indeed if they were not also made the means of preventing accidents which occurred through the incompetence of the men who might be in charge of the boilers. This Bill endeavours to carry out that idea, and will embrace in its operation Bombay as well as the Mofussil. Section 15 provides for the conduct of the examination of engineers placed in charge of boilers, and by Section 21 no person who does not possess a certificate of competency granted under the sections of this Act will be deemed a fit and proper person to manage or be in charge of a steam boiler or prime mover—a penalty being provided for employing unqualified Engineers. The general principles of the measure are well-known from having worked for a long time past in Bombay, and I think that the new feature of seeing that men in charge of machinery are competent to do so will meet with general approbation. The necessity for the new feature in the Bill has been proved by several accidents—particularly two—which occurred, one in Ahmedabad and one in Broach, where the ignorance of the men in charge of the boilers which exploded was the

cause of the disasters. As steam machinery is rapidly extending in the Mofussil, the necessity for the present measure is growing stronger every day. On the B. B. and C. I. Railway, I think that every station from Sucheen to Ahmedabad contains a factory for ginning cotton, and I believe that the men in charge of the machinery are any persons whom the managers could pick up.

The Honourable Mr. BYTHELL approved of the principles of the Bill, but believed that some parts of it, particularly those relating to examinations, would require to be considerably modified.

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

The Bill was read a first time, and referred to a Select Committee, composed of—

The Honourable Colonel KENNEDY,
The Honourable Mr. BYTHELL,
The Honourable Mr. NARAYAN VASUDEVJEE, and
The Mover;

with instructions to report within a fortnight.

The Honourable Mr. GIBBS, in proposing the first reading of Bill No. 8 of 1873 (the Bombay District Municipal Act of 1873) said—This Bill is

Mr. Gibbs moves the first reading of the District Municipal Bill.

designed to provide for the better management of municipal affairs in Mofussil towns and cities. The statement of objects and reasons attached to the Bill is rather lengthy, but this was necessitated by the nature of the subject, and, I think, it will be found that this statement contains a very full description of what the Bill is intended to perform. It was considered advisable that the latter part of the report of the Poona Committee which sat in 1870 to consider the question should be published for general information, and we have therefore incorporated it in the statement of objects and reasons, so that it may be seen upon what principles their draft Bill was prepared. That draft Bill was subsequently modified, more especially within the last month or two, by taking advantage of the Municipal Acts passed in the Legislative Council of the Governor General and the Lieutenant-Governor of Bengal. I therefore humbly suggest that the present Bill has been greatly improved, compared with what it was originally. The fullness of the statement of objects and reasons leaves me very little to say, but on one or two points I may be permitted to make a remark. The old Bill—Act XXVI. of 1850—was of a very elementary nature, and contained no general standard by which the rules which each municipality had the power of making should be prepared, so that what was a tax in one part of the Presidency was not so in another, and what was declared a nuisance in, say, Ahmedabad, was not a nuisance in Poona. In fact the whole Act resulted in a “glorious diversity” respecting all rules, nuisances, or anything connected with municipal arrangements. Act II., 1862, was introduced to improve matters; it enacted that hospitals, dispensaries, and schools should be supported out of the municipal funds; but in order to show the peculiarity of the original Act, I may mention that there was a clause carefully put in to the effect that municipalities might have the privilege of passing grants for the watering of the streets which had been made under the old Act. The next Act was Act IX. of 1862, which gave power to Government to confer upon Police Commissioners the powers possessed by the Governor in Council under Act XXVI. of 1850. In fact the state of things up to the time the Committee sat in Poona in 1870 was very unsatisfactory. Subsequently to this you will remember that an Act was passed—Act I. of 1871—which made municipalities up-country pay certain proportions towards supporting the police of the place. Notwithstanding the changes which have taken place in the municipal laws since 1850, I think it is still evident that something more is wanted for the protection of the people and also for the good order and government of different places than the present fragmentary legislation on the subject. This Bill has been prepared with the view of arranging these fragments. The first point in it which I would notice is, that whereas under the old law people were left to ask for a municipality, the present Bill puts the power in the hands of Government to propose the erection of a municipality in any town or place in the districts which it chooses. The reasons for this step are given at length in the Poona Committee’s report, and, I think, they must commend themselves to whoever considers the subject. One practical result of the old system was, that where you had an energetic Collector or Assistant Collector he could always manage to gather half a dozen people together and get them to ask Government for a municipality. In other parts of the country, however, where less energy prevailed, municipal matters were neglected. Thus in some districts where municipalities were numerous considerable contributions were made for municipal purposes, while in other parts of

the country whatever was paid on behalf of conservancy came out of the general revenues. By section four we give the inhabitants of any place where the Governor in Council desires to introduce a municipality the power of objecting within a certain time. This section we have taken from the N. W. Provinces and Oudh Municipal Acts, which have been passed by the Governor General's Council. This Bill also enables Government to mass little groups of villages into one municipality. When we succeeded to the territory of Satara we found in many of the villages *quasi* municipal institutions, and I believe that at the present moment there are some sixty or seventy villages in that district which enjoy the benefits of municipal institutions with incomes varying from Rs. 60 to Rs. 150 per annum! Some of these might be advantageously massed together. It will be noticed that the municipalities which it is intended to form are divided into two classes—one of large towns and cities and the other of smaller towns and cities. With regard to the former description you will find in the second clause of the 7th section that the Governor may direct the whole or any portion of the non-official Commissioners to be appointed by election, and may make such rules as he shall think fit for regulating the election. This is the first great step in advance towards carrying out the object of all these municipal enactments—viz., to foster the desire for self-government. This is an addition made to the Bill which was not recommended by the Poona Committee. The law at present enables the Governor to turn out any Municipal Commissioner from any town or village throughout the Mofussil, but you will find that by the third clause of this same section there is a limit put to this power—the Governor in Council being authorized to remove only commissioners who shall desire to be discharged, or refuse or become incapable to act, or be convicted of an offence punishable under the Penal Code, or shall without sufficient excuse neglect to be present at two-thirds of the meetings during any twelve months at which it was his duty to attend. The next point to which I would call your attention is the 21st section, in which rules regarding the imposition of taxes, tolls, and other imposts are laid down. Instead of allowing, as at present, each municipality to tax whatever it may be its pleasure to tax, we set down here what things it may be lawful to tax. With regard to the other portions of the Act it will be noticed, attention being drawn to it in the statement of objects and reasons, that the report prepared by the Poona Committee was very generally indented upon by the Committee who settled the Bombay Municipal Bill, and many of their suggestions now find a place in the Act which was lately passed for the town and island of Bombay. I may mention that of the 96 sections of which this Bill is composed 80 are taken from the Bombay Municipal Act: I allude particularly to the general conservancy clauses. They may not be taken in the very words of the Bombay Municipal Act, because we considered these to be rather lengthily drawn out, but we have adhered to their scope. Of course those conservancy sections of that Act which are not suitable for the Mofussil are left out. In conclusion, I may say that I believe this Bill will greatly improve the present state of matters in Mofussil municipalities, and conscientiously I believe it will be found to be an Act which will assist the people in self-government and will not oppress them by additional taxation; in fact, it may lessen the present amount of taxation upon them. With these observations I beg to move the first reading of this Bill.

The Honourable the ADVOCATE-GENERAL—Sir,—There is one section in this bill which

The Advocate-General desires the application of the Honourable Mr. Gibb's Bill only to municipalities with a population of not less than 4,000 inhabitants; approves of the abolition of certain small municipalities, but objects to grouping them in one municipality, a process which, he thinks, would be very inconvenient.

I look upon with peculiar satisfaction and that is the 16th section, which lays down that the Governor in Council may abolish existing municipalities. That is a power which, I hope, will be very largely exercised regarding a number of municipalities which now exist without any sound reason for existence. In the southern part of this Presidency there are many municipalities of ludicrously insignificant dimensions, and one of them,—I refer to Savé in the Sholapur district—raised Rs. 58 a year and spent almost the whole of that amount in maintaining a puttawalla! I

have referred to this splendid municipality upon a previous occasion when it was proposed to make municipalities pay the cost of their police, but I do not think the reference to it again will prove unconstructive. I think it would be very desirable if municipalities of that sort, which really do not deserve the name of municipalities, were done away with and a much simpler method of conducting their affairs adopted. In the Burmah Municipalities Bill it is provided that municipal institutions are not to be extended to any place which has less than 5,000 inhabitants, and looking to the population in various parts of this Presidency, I should be very glad to know that the Bill now before us will not be held to apply to any place with a less population than 4,000. I cannot say that I think the

possession of municipalities makes men either wiser or better. Certainly, judging by the example of Bombay during the late municipal elections, the possession of electoral rights by the citizens does not seem to have produced that amount of public spirit and that desire for representation which it was supposed would be engendered by the clauses of the Municipal Act. It may be that in the mofussil people may rejoice to be governed under the 96 sections provided in this Bill; but I really feel great misgivings whether the municipal institution which is disclosed in this measure, and which is framed in much stricter terms than that which is offered by the Supreme Council to other parts of India, will really prove a boon to the people. At all events, I hope that the operation of this Bill will be limited to much larger communities than some of those which enjoy municipal institutions at present. I have great doubts also as to the expediency of making Municipal Districts. Where you have a number of villages lumped together you are sure to have a good deal of quarrelling in consequence of clashing interests. I believe that my views are somewhat conservative and old-fashioned in these matters, but I have always entertained doubts as to the advisability of extending municipal institutions to comparatively primitive communities. However, as the tendency of modern legislation in India is to introduce Western institutions in place of Eastern ones, I shall say no more at present about these doubts, but would repeat that I hope the application of the Bill will be restricted in the manner I have indicated.

The Honourable Mr. ROGERS.—With reference to the remarks which the Honourable

The sanitation of certain scenes of jattras rendering it necessary for Government to have power to declare a Municipality in places which may not ordinarily have so large a population as 4,000.

the Advocate-General made with reference to limiting municipal institutions to communities of certain numbers, I would point out that to adopt such suggestion would give rise to considerable inconvenience. In various parts of the country fairs or jattras are held, and there would be no way of providing for the proper conservancy of these places if the honourable member's proposal were adopted, because their populations are so fluctuating, that while they might be capable of being made into a municipality at one part of the year they could not at another. In Khandesh a certain fair is held annually where we have had to provide for the conservancy of three or four villages surrounding a particular temple, but if this measure were passed these villages might be made into a municipality so as to legalize the levy of certain toll and fees to provide funds for conservancy purposes. These matters, however, will be sure to be considered in Select Committee.

The Honourable Mr. MUNGULDASS.—Sir,—I do not wish to say anything upon this measure until I hear what the large class of people who are affected by it have to say as to its provisions. However, Sir, there is some important information which I would like to possess, and I beg, under Rule 33 for conducting the business of the Council, that His Excellency will be pleased to order a return to be furnished to the members of this Council as early as possible showing the present amount contributed by municipalities throughout the Presidency towards the police and educational expenditure incurred in this Presidency; also a return showing the entire amount of the present police and educational expenditure incurred in this Presidency.

The Honourable Mr. RAVENSCROFT said that such a return could only be prepared if the honourable member distinctly left it to be understood that his request did not apply to the collection of the one-anna cess throughout the Presidency.

The Honourable Mr. MUNGULDASS said that he had no wish to be provided with the minute particulars which the Honourable Mr. Ravenscroft referred to.

His Excellency the President after some discussion consented to the Honourable Mr. Munguldass' request.

The first reading of the Bill was then agreed to.

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

The Honourable Mr. GIBBS proposed that the Bill be referred to a Select Committee consisting of—

The Honourable Mr. Rogers,
The Honourable Mr. Munguldass Nuthoobhoy,
The Honourable Mr. Ravenscroft,
The Honourable the Advocate-General,
The Honourable Gunputrao Tatya Sahib Putwurdhun, and
The Mover,

To report on the 15th September; the report to be printed in Gujarthee, Marathi, and Canarese.

The motion was agreed to.

In answers to questions from honourable members,

The Honourable Mr. GIBBS said that the Bill was not intended to be made to apply to Sind or Aden.

The Honourable Colonel Kennedy moved the first reading of Bill No. 9 of 1873 (a Bill

Colonel Kennedy moves the first reading of the Bill to amend Bombay Act No. II. of 1864, providing for the periodical survey of Steam Vessels and to provide for the examination of engineers of steam vessels.

to amend Bombay Act No. II. of 1864, providing for the periodical survey of Steam Vessels and to provide for the examination of Engineers of Steam Vessels). He said—This is a short Bill to amend the defects found to exist in Bombay Act II. of 1864, and it may be said to have the same object in view as the Bill relating to the periodical Inspection of Boilers and Prime Movers which has been introduced by the Honourable Mr. Rogers, viz., that is to prevent accidents. One of the chief defects in Act II. of 1864 was that we had

Vessels to be exempted from examination which are provided with Board of Trade certificates.

no power to exempt from examination vessels which were provided with certificates from the Board of Trade. The Bombay Government and the Board of Trade have had

some correspondence upon this subject, the result of which is that in section one we have declared that "no Steam Vessel holding a certificate granted by the British Board of Trade shall be liable to be surveyed as long as such certificate remains in force and valid unless such Steam Vessels or the machinery belonging to the same shall, subsequently to the issue of such certificate, have sustained injury or damage or been found unseaworthy or otherwise deficient. The next defect in the old Act is that it gave no power to appoint ports of

Ports of survey to be appointed outside of Bombay.

survey outside the port of Bombay. This defect we propose to remedy by Section 6 of this Act. A third defect was that

there was no provision for the proper examination of Engineers in charge of steam machinery on board ships. This defect also we hope to remedy by the Bill. It will be observed that the Bill gives power to the Governor in Council to direct inquiries to be made into the causes of explosion in ships. In framing this measure Bengal Act I. of 1868 has been very closely adhered to, and in fact it may be called a measure for introducing to this Presidency the laws on the subject which exist in Bengal. There is nothing more that I need say about the Bill. The principle of which is a very fair one, I think, and I now beg to propose that it be read a first time.

The motion was agreed to, and the Bill was referred to the same Committee as that

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

which was appointed to consider the Honourable Mr. Rogers' Boiler Inspection Bill, with instructions to report on or before the 25th August.

The Honourable Mr. ROGERS asked an extension of time for the Committee appointed

Time for presenting the report of the Select Committee on Hereditary Village Officers' Bill extended.

to consider the Village Officers Bill. A number of petitions respecting that measure had been received which required careful attention.

An extension of three weeks was granted.

His Excellency the President then adjourned the Council until the 8th September 1873.