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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 ACTS, 1861 AND 1892."

The Council met at Bombay on Wednesday the 20th March 1895, at 3 P.M.

P R E S E N T :

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

The Honourable Mr. H. M. 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 Khán Bahádúr DORABJI PADAMJI.

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

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

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

The Honourable Mr. JAVERILAL UMIASHANKAR YAJNIK.

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

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

QUESTIONS AND ANSWERS.

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

(a) *Is it true that the following Police officers, who gave evidence in support of the prosecution in the recent riot cases at Poona, were almost simultaneously promoted soon after those cases were over and the Sessions Court had in acquitting the accused characterised the evidence of these officers as "quite untrustworthy," "quite unreliable," "quite false" and "very unsatisfactory," and their demeanour as "most unsatisfactory," and held that one of them, Hari, "had lent himself to the fabrication of material evidence"? If so, what were the reasons for these promotions:—*

(1) Jagdale, (2) Chhotamprasad, (3) Hari Maruti Kadam, (4) Aga, (5) Azam Sardarkha, (6) Abdul, (7) Rama, and (8) Gore.

(b) *Is it true that Constable Dange, who did not much support the prosecution, was dismissed soon after he gave evidence? If so, what were the reasons for such dismissal?*

(c) *Do not Government deem it expedient to take notice of the conduct of the Police officers against whose veracity strong comments were passed by the Sessions Court in the above-mentioned cases?*

(d) *Has the attention of Government been called to the following passage in the Judgment of the Sessions Court in the case of Imperatrix vs. Tatyia Saheb Natu:—*

"Mr. Smith and Abdul Raluf were examined on other matters. Their attempt to explain the delay in taking proceedings against the accused is futile. A full enquiry was held on the 15th. On that day Babaji and Hari were examined at much greater length as to the preliminary occurrences which form the subject of this prosecution than as to the subsequent events which were connected with the other cases recently tried. There was no reason why the cases against the accused should not then have been sent to the Magistrate, or why on the 17th, the information against the accused should have been entered as received on that day (the 17th). The examination of Babaji and Hari on the 17th was much more brief, and it is impossible to resist the conclusion that the statements produced were recorded on that date with the sole object of introducing the assertion that it was in consequence of Tatyia Saheb's express orders that the playing of the music recommenced. Both Babaji and Hari deny having said any such thing; and it seems very doubtful from their evidence whether they were really examined at all on the 17th. I am strongly inclined to believe that these statements were prepared with the important addition just referred to from the statements which had been recorded on the 15th."

(e) *Do Government intend ordering any enquiry into or take such notice as they may deem proper of the conduct of the officers against whom the above comments were passed and who were responsible for the statements therein referred to?*

The Honourable Mr. BIRDWOOD in reply said—

(a) The honourable member's information is not quite correct. Jagdale received grade promotion before the Poona riot cases were tried in the Court of Session. Abdul, Chhotamprasad, Hari Maruti Kadam and Ramchandra Ganesh Gore were promoted because, on the occasion of the rioting at Daruwala's Bridge, they behaved very well. The other Police officers mentioned were promoted in connexion with the Police Re-organization Scheme, and because they had rendered good service in the suppression of the riots.

(b) Dange was dismissed because it was clear that he had given false evidence either before the Magistrate or before the Court of Session.

(c), (d) and (e). The Governor in Council has noticed the matter and is awaiting a report on the conduct of the Police.

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

In what way do Government intend to remedy the loss that the Devgad Khots have sustained from the time the revised survey rates came into operation up to now and will

sustain in the future till such time as the present combined effect of the new rates and the rents fixed by the Khoti Settlement Officer of making the holding of a Khoti village a source of loss to the Khots is removed by legislation as contemplated by Government in their Resolution in the Revenue Department, No. 34 of 4th January 1895?

The Honourable Mr. TREVOR in reply said—Government cannot recognise any liability on their part to compensate the Devgad Khots for any loss sustained by them. The question whether resort should be had to legislation, and if so what form such legislation should assume, is still under the consideration of Government.

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

Is it true as publicly alleged (vide the petition of certain inhabitants of Wái and other correspondence published in the issues of the Indu Prakásh of the 24th and 31st December and 8th and 15th October 1894 as well as other Native papers):—

(a) *That the 15 accused who were tried at Wái for disobeying the music proclamation issued by the District Magistrate, were called to the Court of the Magistrate on the 27th September 1894 at 8 A.M. in the morning and sentences upon them were pronounced at that hour.*

(b) *That the said accused requested to be allowed the use of conveyances for going to the Jail at Sátára, at least at their own expense, but their request was refused.*

(c) *That they submitted that one of them, Mr. Purohit, was a weak, old man and was unable to walk owing to recent fall, and requested that a conveyance should be allowed at least in his case, but that the request was refused.*

(d) *That they requested to be allowed to bathe and perform their daily religious ceremonies before being marched off to Sátára, but their request in that behalf was refused.*

(e) *That their sacred threads were ordered to be removed contrary to Jail Regulations.*

(f) *That they were made at 12 noon to start on their journey to Sátára and their request to be allowed the use of their umbrellas was refused.*

(g) *That on the way it rained and they had to pass the night hungry and in wet clothes at Udatare.*

(h) *That after they were put in the Jail at Sátára, they were not allowed to write letters to their friends and relations or receive letters from them.*

(i) *That although they were sentenced to simple imprisonment, their request to be allowed the use of books supplied by their friends was disallowed.*

(j) *That on their release they were not allowed to go to their friends and relations in Sátára, but were marched off beyond Sátára limits in Police custody.*

The Honourable Mr. BIRDWOOD in reply said—The report called for from the District Magistrate, as intimated in the reply to question No. 8 put by the Honourable Mr. Javerilal Umiashankar Yajnik at the meeting of the Council held on the 4th February, 1895, has not yet been received. The Magistrate has been requested to forward it at an early date.

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

(a) *Will Government be pleased to lay on the Council Table the calculation by which from the monthly distillery and other returns of receipts and expenditure they work out a loss of over a lák and three-quarters to the Khándesh farmer for the period of three years and seven months from January 1889 to July 1892?*

(b) *In what way were all the tenders for the farm in question found to be unsatisfactory? Is it true that among the tenderers there were persons who had previously undertaken several farms within Khándesh District, while Mr. Dubash was new to the District? If so, what are the reasons for suggesting (vide answer to question No. 9(d) put at the last Meeting) that all the other tenderers were "untried" men, and why was Mr. Dubash preferred to all of them?*

(c) *What is the carting agency referred to in the answer to question 9(e) put by me at the last Meeting of the Council, and was Mr. Dubash the only person prepared to carry out this agency? In what way did the Commissioner and Government consider the proposals of Mr. Dubash advantageous to Government and to the District so as to induce them to accept them although they entailed a considerable loss of revenue?*

The Honourable Mr. TREVOR in reply said—

(a) The particulars given in the distillery returns are furnished by farmers for the private use and information of Government, and could not be placed at the disposal of the public, even if they were authoritative, which of course they are not. They were referred to in my former reply simply as confirming, so far as any inference can be drawn from them, the conclusions previously arrived at by Government.

(b) Government cannot undertake to declare the reasons for considering tenders for contracts satisfactory or otherwise. I do not know whether any of the tenderers had previously held farms in Khándesh or not, under the out-still system. But if they had, the fact would constitute no qualification for being entrusted with the introduction of the entirely new and different central distillery and still-head duty system, which was the object for which tenders were invited.

(c) Experience having shown that the transport of spirit to the shops from the various distilleries was most costly and irregular owing to the difficulty of obtaining carriage on hire when wanted, Mr. Dubash offered to organize a transport system of his own if he were assured of holding the contract long enough to warrant the heavy capital outlay on carts, bullocks, and shelters which the undertaking would involve. The advantage to Government and the district lay in the saving of the cost of several branch distilleries and the removal of inducements to illicit consumption. There was no question of any body else being ready to carry it out nor of any loss of revenue arising from Mr. Dubash being allowed to do so.

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

(a) *What were the reasons for concluding that the new toddy shops opened in 1887-88 in Khándesh, which raised the revenue from toddy trees from Rs. 110 to Rs. 2,495, represented "no legitimate demand for toddy," and what proof did the Collector require for being satisfied that a genuine demand for raw toddy existed? What were the reasons for refusing to license even the toddy shops that existed before 1887-88? In what way did the new toddy shops opened in 1887-88 interfere with the successful introduction of the Central Distillery system?*

(b) *Do not Government consider the policy of declining to license toddy shops on this ground open to the objection that it stimulates liquor for the sake of revenue and shuts out from the market the wealth-giving and mild toddy?*

The Honourable Mr. TREVOR in reply said—My honourable friend has already been informed of the facts so far as they are known to Government, and I have nothing to add except that the action of the Commissioner of Customs, Salt, Opium and A'bkári and the Collector of Khándesh appears to Government to have been reasonable and judicious under the circumstances.

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

Have Government considered, as promised (vide the speech of His Excellency the President at the Meeting of the 15th August 1894), the facts and arguments submitted by the Honourable Mr. Mehta at the said Meeting for excluding certain items from the annual expenses of the City Police to which the Bombay Municipality have to contribute? If so, what are the details of the yearly amounts in respect of which Government now propose to charge to the Municipality its three-fourths share for those years in respect of which the final amounts chargeable have not yet been settled?

The Honourable Mr. BIRDWOOD in reply said—Government have not arrived at any decision as to the items to be included in the account of annual expenses of the Police of the City of Bombay, of which a proportion, to be determined by Government under Section 62 of Bombay Act III of 1888, is payable by the Corporation for the current year; but are ready, at any time, in fulfilment of the promise made by Lord Harris, to revise the account, if, as intimated on the occasion referred to, "it can be shown that any wrong items have been entered * * and that the proportion which the Corporation pay is not fairly leviable." As then stated, there is no desire on the part of Government "to take any undue advantage," and Government are anxious that all questions connected with the account of Police expenses should be brought to an early and satisfactory settlement. Government are still awaiting a representation from the Municipality.

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

(a) *What were the reasons that led Government to appoint to the responsible post of Assistant Judge, Broach, with full powers of a District and Sessions Judge for the Broach Collectorate, rendered temporarily vacant by Mr. Tipnis going on three months' leave, an officer fresh from the executive line and with no previous training in the Judicial branch of the Service?*

(b) *Whether it is a fact that on several similar occasions in the past the District Judge of Surat was entrusted with the work of the Assistant Judge, F. P., Broach, in addition to that of his own? If so, did Government consider the advisability of making that arrangement on this occasion?*

(c) *Whether there is a rule or well established practice by which Assistant Judges are invested with appellate powers only after they have done original work for some months? If so, why was that rule relaxed in this instance?*

His Excellency the PRESIDENT in reply said:—Mr. Tipnis' leave was urgently necessary to enable him to be at the bedside of his brother who was dying. Mr. Moore is a Magistrate of over 10 years' experience, was on the spot, and in the opinion of Government quite competent to discharge the duties assigned to him.

The answer to both the latter parts of the honourable member's question is in the affirmative; but Government have in no way divested themselves of the power to make exceptions in the application of rules and past practices to new cases if they consider circumstances demand them.

The Honourable Mr. RANCHODLAL CHOTA'LA'L then put the question standing in his name:—

As many points of public importance are seriously affected by the existing District Municipal Act, the amendment of which is urgently required, and as I understand that a District Municipal Amendment Act is under preparation by Government, I beg respectfully to ask whether and when the said Amendment Act is likely to be laid before the Council.

The Honourable Mr. BIRDWOOD in reply said:—A Bill for amending the District Municipal Act is engaging the attention of Government, and will possibly be introduced during the ensuing monsoon.

The Honourable Mr. JAVERILAL UMIASHANKAR YAJNIK then put the question standing in his name:—

Will Government be pleased to direct, as promised, the placing on the Editors' Table of a copy of the revised Rules for regulating village cattle grazing in forest areas?

His Excellency the PRESIDENT in reply said:—Government did not promise to lay the Rules on the Editors' Table, but on the Council Table; and this has already been done as promised. A copy has also been separately furnished to the Honourable Mr. Javerilal.

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

Under Section 86 of the Land Revenue Code, superior holders are entitled to assistance by the use of precautionary and other measures for the recovery of rent; and under Government Resolution No. 1117 of the 12th February 1894, published at page 116 of the annotated edition of the Land Revenue Code, the order passed by the Mámílatdár should by itself constitute the authority for the necessary action for its execution. Are not, therefore, the Mámílatdárs bound to exhaust all the measures prescribed in Section 150 of the Land Revenue Code before holding the order as fully discharged? If so, would Government be pleased to make the point clear by the issue of explicit orders as the Inámdárs have found that in several cases this is not done? Is not Government aware that in some districts the last instalment is not due till April and May and in the interest of the convenience of the tenants, the Inámdárs do not apply for assistance till the month of July, and even if the application is made immediately, the assistance is not granted (through no fault of the Inámdárs) till the end of July? In such cases is it not, under the said Resolution, impossible to make a fresh application for assistance before the 31st July of the same year, and will not the result be that the Inámdár will lose all chances of recovering his

rents through Revenue Courts? Would Government be pleased to provide a remedy for such cases by directing that the fresh application should be made within a specified period from the date of the discharge of the first order?

The Honourable Mr. TREVOR in reply said:—I must remind my honourable friend that Government cannot undertake to pass orders or express opinions on hypothetical cases. The resolution to which the honourable member refers appears to Government, as at present advised, to go as far as is reasonable or as is contemplated by the Code in regard to the facilities to be afforded to Inámdárs in recovering their rents.

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

Will Government be pleased to state whether the salaries of gazetted officers in the Educational Department, except the graded ones, are personal as in other Departments or local? If local, is there any special reason to deviate from the principle generally adopted in other Departments which is considered to be the most convenient for the service and servants?

His Excellency the PRESIDENT in reply said:—The gazetted appointments in the Educational Department other than those in the graded service carry local and not personal salaries. The system of fixing salaries with regard to the comparative importance of the different appointments, whether tutorial or inspecting, works well, and Government sees no reason to alter it.

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

(a) *Under what principle promotion is given to the gazetted officers in the Educational Department except the graded ones, whether according to the length of their total service, or seniority in the particular grade they occupy?*

(b) *Have instances occurred in which promotion was given, not according to the seniority in the grade, but simply on account of the length of service?*

(c) *Is not promotion in other Departments given according to the seniority in the grade and not according to the mere length of service, and, if so, is there any special reason why the same rule should not apply to the Educational Department?*

His Excellency the PRESIDENT in reply said:—

(a) Every gazetted appointment outside the graded list carries fixed pay and is given to the best man for the work to be done, except in the case of acting appointments for short periods, when Government appoints the best man available with the least disturbance of the work of other offices.

(b) Government can call to mind no such case. Mere length of service does not in itself create a claim for promotion.

(c) Seniority in a grade, in whatever Department, is not the sole factor in governing promotion, nor is mere length of service. The most important factor in the Educational Department as well as all other Departments is efficiency.

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

Whether the salaries of appointments in the Vernacular Branch of the Educational Department are fixed as in other Departments or variable without any definite system, and if variable, is it not fair and necessary to fix them as in other Departments to enable the officers concerned to expect promotions according to their merit and length of service?

His Excellency the PRESIDENT in reply said:—Salaries are not variable without any definite system.

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

Has the limit of age in the case of candidates for the Matriculation Examination and the University School Final Examination, which is called the First Grade Public Service Examination, been removed? If so, what special reason is there for prescribing it for the Second and Third Grade Public Service Examinations? In the absence of any such reasons, will Government be pleased to remove the restriction of age which compels candidates to await the completion of the prescribed age even though they are prepared for the examinations much earlier?

His Excellency the PRESIDENT in reply said:—Yes, the limit of age in the case of candidates for the Matriculation and the University School Final Examinations has been removed by the University. In 1890, Government suggested to the University that it was desirable to revive the old rule, but the suggestion has not yet been acted on. Government do not propose to remove the age limit in the case of the Second and Third Grade Public Service Examinations, as this might result in candidates passing so long before they are old enough to enter Government service as to forget, if they do not continue their studies, what they have learnt and render their certificates of no value as a test of their educational qualifications.

PAPERS PRESENTED TO THE COUNCIL.

1. Report of the Select Committee appointed to consider Bill No. II of 1894, a Bill to amend the Aden Port Trust Act, 1888.
2. Reply* to question No. 5 put by the Honourable Mr. Chimanlal Harilal Setalvad at the Meeting of the Legislative Council held on the 4th February 1895.
* *Vide* Appendix A.
3. Statements† of Local Board Schools transferred and closed and of new schools opened in the Northern, Central and Southern Divisions since 31st March 1894, referred to in the reply to question No. 2 (a) by the Honourable Mr. Chimanlal Harilal Setalvad at the Meeting of the Legislative Council held on the 4th February 1895.
† *Vide* Appendix B.
4. Rules‡ for the regulation of grazing in Government Forests, referred to in the reply to questions 4 and 5 put by the Honourable Mr. Javerilal Umiashankar Yājnik at the Meeting of the Legislative Council held on the 4th February 1895.
‡ *Vide* Appendix C.

THE RULES FOR REGULATING THE BUSINESS OF THE COUNCIL.

The Honourable Mr. BIRDWOOD said:—Your Excellency,—I would desire to ask the permission of this Council to grant further time to the Committee appointed at the last meeting for the purpose of revising the rules regulating the conduct of business in this Council. It has been impossible for the Committee to meet and consider the present rules in detail, but if we are allowed time until the next meeting of the Council, there will be a sufficient period before us to enable us to undertake the revision. I therefore ask the Council to grant an extension of the time until the next meeting.

His Excellency the PRESIDENT put the motion to the Council that the time granted to the Select Committee be extended till the next meeting, and it was unanimously agreed to.

THE ADEN PORT TRUST ACT AMENDMENT BILL.

In moving the second reading of this Bill, the Honourable Mr. TREVOR said:—Your Excellency,—In moving the first reading of the Aden Port Trust Act Amendment Bill at the last meeting of this Council, I explained that, speaking generally, the local authorities had either accepted or themselves suggested its provisions, but that their remarks on the Bill in its final shape as presented to the Council had not then been received. The President has since telegraphed that he has no remarks to offer, and with that information before them the Select Committee after examining the Bill in detail have reported that they have no alterations to suggest, and recommended that it be adopted as it stands. Their report, which is dated 14th February 1895, and the Bill as approved by them were published in the *Bombay Government Gazette* of the 15th idem, and Arabic translations of the report and Bill have also been prepared and published in the *Gazette* of the 8th instant. I now beg to move that the report of the Select Committee be adopted, and that the Bill be read a second time.

His Excellency the PRESIDENT said:—In supporting the motion for the second reading of the Bill, I may, perhaps, recall to the Council that the Bill has been referred to a Select Committee, and has come back with the unanimous agreement of all the members of that Committee. I do not know whether it is the intention of any members of this Honourable Council to offer any verbal amendments to the Bill; but, if not, and if the Council see fit I do not see why we should not take each stage of the Bill this afternoon. If agreeable to the Council I shall, therefore, suspend the Standing Orders to enable the remaining stages of the Bill to be carried through. But before doing so, I will put the question that the Bill be read a second time.

Bill read a second time.

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

Standing Orders suspended and the Bill considered in detail.

His Excellency the PRESIDENT, with the assent of the Council, then suspended the Standing Orders, and the Bill was considered in detail, no amendment being proposed.

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.

THE BILL TO AMEND THE BOMBAY TRAMWAYS ACT, 1874.

In moving the first reading of this Bill, the Honourable Mr. BIRDWOOD said:—Your Excellency,—The Bill for the amendment of the Bombay Tramways Act of 1874 was published with a Statement of Objects and Reasons in the *Government Gazette* on the 4th of this month, and such publication having been 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, is deemed to be the introduction of the Bill. It now becomes my duty to move the first reading of the Bill; and in so doing, it will perhaps be as well that I should explain the necessity for the proposed measure and its general scope a little more fully than I have attempted to do in the Statement of Objects and Reasons. The existing Tramways Act was passed by the Council in 1874, and it gave legislative effect and the full force of law to an agreement for the construction, maintenance, and use of tramways in the City of Bombay entered into by the Justices of the Peace incorporated under Bombay Act II. of 1865, who are the predecessors in title and responsibility of the present Municipal Corporation, with Mr. W. F. Stearns and Mr. G. A. Kittredge, the grantees of the right to construct, maintain and use the said tramways. The agreement was signed by the Municipal Commissioner for and on behalf of the Justices and by Mr. Kittredge for himself and Mr. Stearns. The Tramway Company has succeeded to the rights of the original grantees. In Section 3 of the Act of 1874 the routes on which tramways were to be made and maintained are specified, and among these routes are one from the Money School to a point near Páydhuni well along the Kálbadevi Road and the Copper-smith's Bazar in Mumbádevi, and another from the Crawford Market along Syed Abdul Rahman Street to a point near the Páydhuni well, where this route joins the route from the Money School to Páydhuni. For each of these routes the Act provides a single track only; and as regards the second route, that along Syed Abdul Rahman Street, the Act contains a proviso empowering the Government to order the removal of the track to be constructed, if after the expiration of one year it should be considered that such a proceeding was necessary or expedient. The power so given was not exercised and the proviso is now no longer operative. It is proposed, therefore, by the present Bill, the main object of which is to enable the Tramways Company to lay such double track as may be duly sanctioned on each of the two routes I have spoken of, to repeal this proviso as spent. Its retention in the Act after a double track had been legalised by the present Bill might lead to some confusion. It might, perhaps, be held that, after such amendment had been made, the proviso would be applicable to the proposed double track in the same way as it had applied to the original track. But there is now no necessity for reviving the proviso; and as Government have no intention to reserve to themselves the power of order-

ing removal within one year of any double track which may be approved and sanctioned after full consideration by all the responsible authorities, the repeal of the proviso becomes obviously desirable. Now, as regards the two particular routes specially dealt with in the Bill, there can be no question that the traffic on them has greatly increased since the present single tracks were laid down. I have no figures before me showing the number of passengers who travel by any particular route; but figures are available which show unmistakably the general increase throughout the City in the number of persons who take advantage of the facilities for cheap locomotion which the Tramway Company provides. During the last ten years there has been a steady annual increase in the number of passengers. In 1885, the number of passengers was a little over nine millions, whereas in 1894, the last year of the decade, the number increased to nearly sixteen and a half millions. It cannot be denied then that the Company is meeting a public want; and it is important that it should be in a position to do so in such manner as shall be most conducive to the convenience of the public. At present the passing places or turn-outs, which it is necessary to provide on single tracks, in order to enable cars going in opposite directions to pass each other, are a source of constant inconvenience. They have been pronounced by no less an authority than the Municipal Commissioner, Mr. Acworth, to be a great nuisance. He is distinctly of opinion that, even in narrow streets, it is more convenient and causes less obstruction to the general street traffic to have a double track, an up-line and a down-line, than a single track with turn-outs. The Police Commissioner, Mr. Vincent, is of the same opinion; while the Corporation, so long ago as in September 1885, expressed its approval, at a special general meeting, of a proposal to double the track between Mumbádevi and along the Parel Road as far as Jail Road, that is, of a route which overlaps one of the routes dealt with in this Bill. Effect has already been given to that proposal by doubling the track between Páydhuni and Jail Road; but the Act of 1874 has stood in the way as regards the portion between Páydhuni and Mumbádevi. To a certain extent, therefore, the Bill is intended to give effect to a measure already approved by the Municipality; and the opportunity is taken to give effect to similar proposals which may be expected in reference to the two single track routes on which a congestion of traffic has been experienced. I think it will be generally conceded, therefore, that the Bill is framed in the interests of the public. The object in view is obtained by adding in the fourth and fifth paragraphs of Section 3 of the present Act, after the words "a single track," the words "or such double track as may, at any time with the previous consent of the said Corporation, be approved by the Municipal Commissioner, and be sanctioned by Government." Now, in the present Act, power is given to the grantees of the rights legalized thereby to make new tramways by routes to be approved of by the Municipal Commissioner and sanctioned by Government. But as public streets are by Section 289 of the present Municipal Act vested in the Corporation and made subject to the control of the Commissioner, the provisions of the Bill now before the Council would seem to be more consistent with the general intention of the Acts regulating the constitution of the Municipality than the Act of 1874. I know that the precise form of the amendment proposed in the Bill has been objected to; but I do not propose at present to answer the criticisms to which I refer, but shall be glad to state my own views regarding them if any honourable member has any doubts as to the propriety of any provision of the Bill. I now move that the Bill be read a first time.

The Honourable Mr. SAYANI said:—Your Excellency—Under the rules of debate I cannot speak on the first reading of this Bill, but I understand that permission is to be asked by the honourable member in charge of the Bill, after the first reading has been agreed to, that the Bill may be taken through all its remaining stages at this meeting. But if Your Excellency is pleased to allow me, I may say at once that I fully approve of the Bill and I quite agree with the remarks which the Honourable Mr. Birdwood made. My only objection to the course to be proposed is that it is the practice of the Council to consult any public bodies interested in proposed legislation. In this matter the Corporation is interested, and therefore I think that, as a matter of principle, this Bill ought to be placed formally before the Corporation, and they ought to be allowed to express their opinion upon the measure. There is no doubt that the Corporation would agree with the Bill and with its provisions; but at the same time I would point out that no opportunity has been given them to do so. I have asked a few members of the Corporation, and it is their opinion that it would be best to have the Bill placed before the Corporation. It is said that the object of passing the Bill at once is that the Tramway Company may be enabled

to carry out the work this season. Well, if that be the object, I can only say that the Bill ought to have been introduced a little earlier. As the body in which all the rights of the City are vested, the Corporation is concerned in this matter, and it is only right and proper that the Bill should be placed before them. If it is necessary to pass the Bill as soon as practicable, I may inform the Council that a meeting of the Municipal Corporation is to be held on the 4th of April, and if this Bill is sent to a Select Committee, the Corporation will have the opportunity of considering it at that meeting. I have no other observations to offer.

The Honourable Mr. BATTY said:—Your Excellency—I think it is necessary to remove the misconception under which the honourable member who has just sat down seems to labour. This Bill does not itself authorise the laying down of a tramway track anywhere. It is purely permissive in character. It empowers the Corporation, should they deem it expedient, to authorise the Tramway Company to lay a double track. It does not direct or empower the Tramway Company to lay a double track. It merely gives back to the Municipality certain powers which had been more or less restricted by the Act of 1874. The Act of 1874 was passed when, so far as I know, there was no power at all vested in the Corporation to authorise the laying down of a tramway. By that Act the power to authorise a tramway was conferred for the first time, but the power of the Corporation was most strictly confined to the granting of a single track on certain specified routes. Now it is proposed to give them in express terms the more extended power. I do not think that the Corporation would desire to be consulted as to whether such power should be given to them. The Bill proposes to give the Corporation power to exercise their discretion in the matter. It can hardly be necessary to ask the Corporation whether they wish to have their power enlarged or not as to the exercise of their discretion in regard to tramways. If the Corporation have any objection to the tramway, all they have to do is to withhold their consent to its construction. The Bill is purely permissive in enabling the Corporation, should they deem fit, to exercise their discretion. It does not empower the Tramway Company to do anything without their consent. It may perhaps be permissible to refer to certain criticisms which have been passed on the Bill in the Public Press and which have been alluded to to-day. I think that there has been some misconception as to the power of control which would be exercised respectively by the Municipal Corporation and by the Commissioner under this Bill. The Bill has been discussed as if under its provisions it were possible for the powers conferred on the Corporation to come into conflict with the powers conferred on the Commissioner. The preamble of the Bill of 1874 states: “whereas the Corporation by an agreement have been granted certain concessions,” and that preamble most clearly showed that the consent of the Corporation had already been obtained to the tramways mentioned in the Act. To the present tramway no such consent has yet been conceded. It was therefore not necessary as in the amending Bill to specify that the consent of the Corporation would be required to authorise the tramways therein referred to, and as the consent for a single track had already been obtained when the Act of 1874 was passed, it was only necessary to provide that the executive officer should give his approval of the details of any proposed route. In the amending Bill, as the consent of the Corporation had not already been obtained, it was necessary to provide that it should be obtained before the double track referred to could be constructed. While it is quite right that the Corporation should have the first voice in regard to the laying down of tramways, the executive officer of that body alone would be in a position to approve the details of any proposal the Tramway Company might make. It would be difficult, if not impossible, for the Corporation to go into such details as interference with the drains, the reinstatement of the roads taken up, and all the other little minutiae that have to be considered, and, therefore, it is only natural that the power to approve should be given to the executive officer who under Section 64 of the Bombay Municipal Act has full executive powers. Section 293 of the Act requires permission to be given by the Corporation, but the approval of details would necessarily under Section 64 rest with the Commissioner. So I think that this Bill is perfectly consistent with the provisions both of the Act which it is now proposed to amend and with the spirit of the City of Bombay Municipal Act of 1888. It is very pleasing to have instructive criticisms on the subject of a draft Bill, but it is rather bewildering when the critic takes a poor little Bill, turns it upside down and distorts its features beyond recognition. The Bill does not propose to give the Commissioner any independent veto, as appears to have been suggested. Under its provisions the Commissioner will only carry out the wishes of the Corporation in criticising details and in approving or dis-

approving of such suggestions as may be made, until the proposed tracks meet his approval. As to such details the executive officer of the Corporation can give his consent on behalf of the Corporation. He cannot withhold altogether a consent already accorded by the Corporation. He is in the position more or less of a referee or a steward. It is as if the owner of land in giving a right of way through his land, were to say, "You must ask my steward as to the particular part through which the right of way should go," that would not give a dual control or an independent control to the steward. There is only one more point I should like to bring to the notice of the Honourable Board, and that is that in Calcutta the Corporation will not allow a single track anywhere, because a standing car is a much greater obstruction than a moving car, as anybody who takes a journey in the car will discover at once. Sometimes a car has to stop for three or four minutes while another tram car is coming up where there is a single track. Where there is a double line, there can be no such delay or obstruction. Possibly it may be feared that the Abdul Rahiman road and other portions of proposed routes are not sufficiently wide as yet to admit of double tracks. But this is not a fatal objection to the Bill. For although at present the routes may not be sufficiently wide to admit of a double track, it does not follow that they will always remain so. No doubt a double track will not be allowed until the road is widened. The object of the Bill is not to authorise a double track at present, but merely to give the Corporation the power, where circumstances admit of it, to authorise a double track and to exercise the discretion which the present Act does not allow it to exercise.

His Excellency the PRESIDENT then put the motion to the Council that the Bill be read a first time, which was carried unanimously.

His Excellency the PRESIDENT said :—The question now is whether the Bill should be referred to a Select Committee or not.

The Honourable Mr. BIRDWOOD said :—Your Excellency,—The question now under consideration is one as to which I think I may take it on myself to say that the members of the Executive Government would be glad to place themselves in the hands of this Council. If it is the general desire of honourable members that there should be a reference to a Select Committee, then there will be no objection on the part of Government to propose such a reference which would enable the Committee to consult the Corporation as to the provisions of the Bill, as desired by the Honourable Mr. Sayani, before submitting their report. But I trust honourable members will consider well before adopting any procedure which might unnecessarily impede the progress of a measure introduced in the public interest and in no way encroaching on the rights of the Municipality. I should be the last to desire haste where further deliberation is demanded. But the Bill is so simple in form and so obviously advantageous, not merely to the Tramway Company, but to the large section of the people of Bombay who use the trams, and has already been published in the *Government Gazette*, more than a fortnight ago, without my having received from the honourable member who represents the Municipality any expression of his wish that the consideration of the Bill should be postponed, that I think it is incumbent on us to consider, before we go further, whether a reference to the Corporation is really called for or would really be desired by that body. As regards the criticisms of the Bill to which I have adverted, in proposing the first reading, I should like to say a word or two, as they have a bearing on the question whether further discussion is called for. The precise form of the amendment proposed in the Bill has been taken exception to on the ground that it may give occasion for a "dead-lock" in the event of a possible difference of opinion between the Commissioner and the Corporation, but such a criticism seems to ignore not only the circumstance that there are already many duties imposed on the Municipal Commissioner which can be carried out only in concert with and subject to check by some other Municipal authority, such as the Standing Committee or the Corporation, but also it seems to ignore the differing conditions under which the several Municipal authorities are required, in practice, to discharge their respective functions. It must be assumed that those who are called upon to discharge public duties in concert will act reasonably and so as to prevent a dead-lock whenever it is necessary that public business should not be impeded. There have been occasions in the past history of the Municipality when the Commissioner and the Corporation have found it impossible to agree as to the propriety of particular measures. When such difficulties occur they are generally tided over by concessions on one side or the other. The rule of "give and take"

is as applicable to the concerns of a great Municipality as to the social relations of private persons. As regards the special subject of this Bill, I take it that it would always be for the Corporation in the first instance to deal with general questions of principle, such, perhaps, as the necessity for doubling the track in any particular locality in view of the increase of traffic, and also with considerations affecting their proprietary rights, and it would then be for the Executive Commissioner to enquire as to the feasibility of any proposed scheme and to consider all other matters affecting his powers of control under Section 289 of the Municipal Act over the public streets. It would be necessary for him to consider many matters of scientific detail after consulting the officers of his own department, and possibly also the officers of the Tramway Company, and in this way he might sometimes be able to satisfy the Corporation that a measure consented to by them was not feasible. Illustrations of this remark could, I believe, be readily found in the past history of the Municipality;—as for instance in the case of the proposed tramway in Shekh Memon Street, which was shown by the Commissioner, after the proposal had been approved by the Corporation, to be impracticable on account of a drain which would be seriously interfered with if a tramway were laid down. In that case, I understand that the views of the Commissioner were at once accepted and without demur by the Corporation. Anyway, I do not anticipate that any undue friction will be caused between the authorities concerned if this Bill becomes law as it stands.

The Honourable Mr. MACDONELL said:—Your Excellency,—It seems to me that this Bill is a very simple one, the purport of which has been very well explained both by the Honourable Mr. Birdwood and the Honourable Mr. Batty. We are as likely to understand it and to see that it is purely permissive in character as well this afternoon as at any future time. I think that to refer it to a Select Committee would be a mere waste of time, and I therefore support the proposal that the Bill be proceeded with this afternoon.

The Honourable Mr. SAYANI said:—Your Excellency,—In making the observations that fell from me just now, I did not say the Bill was not a desirable one, or was not permissive in character, or had not been published; neither was it my desire to waste the time of this Honourable Council. What I said was this, as a matter of principle it has always been the practice of Government to consult any important bodies whose interests are affected by any proposed Bill. If this principle had been acted upon before this Bill was introduced, I should not have risen to-day to suggest a reference of the measure to a Select Committee. But because the Corporation was not consulted and because I consider that as a matter of principle the parties or corporate bodies interested in a particular bill ought to be consulted, I suggested that this measure should be referred to a Select Committee. But if the Council come to the conclusion that no good will be gained by such reference I will not press the point. By calling attention to the matter my object has to some extent been gained, because I think the Council now recognise that the Corporation are largely interested in this matter, and that they should have been consulted. If they are so consulted I do not at all think they will raise any objections to the Bill or any of its provisions. In reference to the remark made that some members of the Corporation are on this Council and that they have not raised the point at the Corporation meetings, I would point out that a certain recognised procedure has to be adopted in bringing matters up at the Corporation meetings. Unless brought forward in a regular way, the Corporation, because it is a Corporation, cannot consider any particular question. If some member of the Corporation had chosen to give a notice of motion, or if the Municipal Commissioner had invited the attention of the Corporation to the matter, it could have been considered, but not otherwise. It is true that the Corporation is represented on this Council, but if it is held that on that ground legislation affecting the city should not be referred to the Corporation for their opinion, I cannot regard such a principle as a very sound one. However, if the Council think that it is to the public interest for the Bill to be passed to-day, I do not wish to stand in the way of this being done.

His Excellency the PRESIDENT said:—I would like to say one or two words in regard to this matter. I quite recognise the motives which have prompted my honourable colleague to make the remarks which he has made, and I am at one with him as to the general principle he enunciates. But at the same time I cannot help thinking that in regard to this particular Bill, being as it is purely of a permissive character, and one which enlarges the powers of the Corporation rather than taking from them, I cannot see that the Corporation can have any objection to the passing of the Bill this afternoon. Form the little

I have learnt since I have been here, I understand that the proposal which the Bill empowers the Corporation to carry into effect will conduce to the general convenience of the public, and I, for one, should be glad, notwithstanding the remarks of the honourable member, to see it pass this afternoon.

The Bill having been read a first time, His Excellency the PRESIDENT put the question whether the Bill should be referred to a Select Committee, but this was negatived.

Standing Orders suspended and the Bill read a second time.

His Excellency the PRESIDENT then suspended the Standing Orders, with the permission of the Council, and put the motion that the Bill be read a second time, which was agreed to.

The Bill having been considered in detail, His Excellency the PRESIDENT put the motion that the Bill be read a third time and passed.

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,

C. H. A. HILL,

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

Bombay, 20th March 1895.

APPENDICES

TO THE

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR OF
BOMBAY, ASSEMBLED FOR THE PURPOSE OF MAKING
LAWS AND REGULATIONS, ON THE 20TH MARCH 1895.

APPENDIX A.

QUESTION No. 5 PUT BY THE
HONOURABLE MR. CHIMANLAL
HARILAL SETALVAD ON THE
4TH FEBRUARY 1895.*

ANSWER TO QUESTION No. 5 PUT
BY THE HONOURABLE MR.
SETALVAD.

Before issuing the proclamation of 28th of August 1894 regulating Hindu and Mahomedan religious processions in Wáí under Section 44 of Bombay Act IV of 1890, what enquiries did the District Magistrate of Sátára make to ascertain "the apparent legal rights" and "the established practice" of the parties?

On the District Superintendent of Police reporting that, in the absence of rules for regulating the playing of music before mosques and temples in Wáí, there was a likelihood of a disturbance, the District Magistrate directed the Assistant Collector and First Class Magistrate to make enquiries on the subject. The Assistant Collector finding that the Hindu and Mahomedan communities would not come to terms about the playing of music, submitted certain rules for the approval of the District Magistrate, who, after further enquiry, ratified and proclaimed the rules on the 28th August 1894.

* The following *ad interim* answer was given by the Honourable Mr. Birdwood at the Council Meeting of the 4th February 1895:—

Government have instituted inquiries on the subject; and the information, which has not yet been received, will be furnished to the Council at the next Meeting.

APPENDIX B.

STATEMENTS OF LOCAL BOARD SCHOOLS TRANSFERRED AND CLOSED AND OF NEW SCHOOLS OPENED IN THE NORTHERN, CENTRAL, AND SOUTHERN DIVISIONS SINCE 31st MARCH 1894.

No. I.

List of Local Board Schools transferred since 31st of March 1894 in the Northern Division.

Year the School was first opened.	Name of School.	Number of children on rolls.	Average attendance.	Name of place to which the School has been transferred.	Distance of new place from old.	Reason for transfer.
				<i>Ahmedabad.</i>	Miles.	
1891	... Bagodra, Taluka Dholka...	20	12	Sindhraj ...	15	} Poor attendance.
1887	... Nāna Ūbhda, Taluka Viramgām ...	22	11	Bhadāna ...	6	
	None ...	.....	.....	<i>Broach.</i>	.....
				<i>Kaira.</i>		
1891	.. Chatursumba ...	29	22	Vanoti ...	7	} On the recommendation of the Taluka Board owing to the decrease in number.
1882	... Kāroli ...	30	21	Vansoli ...	2	
				<i>Panch Mahāls.</i>		
1888	... Betia ...	9	4	Bhānaiya ...	3	} For small attendance.
1893	... Katol ...	12	8	Naranpāgi's Muwadu ...	6	
				<i>Surat.</i>		
1886	... Goddha, Taluka Bārdoli...	25	13	Hathuka ...	1	The register number in Goddha was reduced to 4. The Taluka Board decided to close it because the Ujaliparaj people deterred the education of the Kāliparaj races.
1866	... Pipalgabhān, Taluka Chikhli ...	50	38	Ghekṭi ...	6	

1867	...	Gorgám, Taluka Bulsár ...	...	49	20	Jujva ...	...	7
1881	...	Pitha ,,	...	29	18	Binváda ...	...	8
		None ...	...	.....	.....	.....	.....	.....

Thána.

} The Schools at Jujva and Binváda were first closed with the consent of the Taluka Board, but, according to the decision latterly arrived at by the Board, the Schools at Gorgám and Pitha were transferred to these villages, the reason for so doing being, as appears from the correspondence in this connection, that Binváda and Jujva better deserve to have a school, because of their being Kaliparaj villages and because the people of Gorgám have continued to be apathetic to the education of these races in their villages notwithstanding the three months' notice served to them.

J. OLIVER,
Acting Educational Inspector, N. D.

No. 2.

List of Local Board Schools closed since 31st of March 1894 in the Northern Division.

Year the School was first opened.	Name of School.	Number of children on rolls.	Average daily attendance.	REMARKS.
<i>Ahmedabad.</i>				
1866	... Mahijda, Taluka Daskroi* ...	20	14	* Schools marked (*) thus were closed on of account poor attendance, the money saved by closing them being used towards increasing the salaries of the teachers. † This village was partly washed away by floods during the last monsoon. No house was available and the Taluka Local Board thought the School fit to be closed. So it was closed.
1887	... Valad Girls* ...	27	11	
1888	... Gámdi do.* ...	28	10	
1882	... Dhamatvan† ...	31	17	
1891	... Devdholera, Taluka Dholka* ...	12	9	
1888	... Baroda* ...	22	13	
1886	... Sahij* ...	22	14	
1875	... Manipur, Taluka Sánand* ...	26	13	
1892	... Upardal* ...	19	13	
1892	... Kuvar* ...	11	6	
1885	... Makhiáv* ...	21	14	
1893	... Bakrána* ...	11	5	
1894	... Noli, Taluka Dhandhuka† ...	30	26	
<i>Broach.</i>				
1877	... Kimoj ...	20	11	† The people did not want the school. They would not give a school-house and troubled the master in various ways. So it was closed.
1893	... Kanságar ...	17	10	
1894	... Karena (for six months) ...	11	7	
1889	... Itola ...	16	10	
1884	... Sambheti ...	15	3	
1886	... Juned ...	17	13	
1890	... Luvara ...	21	12	
1886	... Kothia ...	24	16	
1887	... Nadarkha ...	...	...

1887	...	Atali	...	...	...	...	...	19	9
1882	...	Kasva	...	...	...	...	...	22	15
1871	...	Dhamrad	...	...	...	...	...	17	13
<i>Kaira.</i>									
1890	...	Jargal	...	...	...	...	...	32	20
1892	...	Kuni	...	...	...	...	...	28	25
1884	...	Gutal	...	...	...	...	...	24	19
1887	...	Udhra	...	...	...	...	...	28	19
1886	...	Khuntaj	...	...	...	...	...	28	23
1889	...	Dádusar	...	...	...	...	...	26	14
1887	...	Kuna	...	...	...	...	...	19	17
1873	...	Sudhávansol	...	...	...	...	...	33	22
1886	...	Vasna Margia	...	...	...	...	...	26	15
1893	...	Sansoli	...	...	...	...	...	22	14
1892	...	Devkivansol	...	...	...	...	...	28	21
1893	...	Keshial	...	...	...	...	...	24	15
1858	...	Vasnabujarg	...	...	...	...	...	25	16
1875	...	Varsang	...	...	...	...	...	22	18
1882	...	Hariála	...	...	...	...	...	21	7
1893	...	Khadiálapura	...	...	...	...	...	30	16
1890	...	Asambli	...	...	...	...	...	30	20
1886	...	Khandhli	...	...	...	...	...	27	18
<i>Panch Maháls.</i>									
1887	...	Padiyar	...	...	...	...	...	9	4·8
1887	...	Bordi	...	...	...	...	...	17	9·7
1886	...	Navágám	...	...	...	...	...	11	3·0
1885	...	Pethápur	...	...	...	...	...	18	7·8
<i>Surat.</i>									
1888	...	Lavachha, Taluka Olpád	...	...	...	...	...	24	13
1878	...	Bhadol	..	..	..	..	..	25	17
1879	...	Zinod	..	..	..	..	..	25	19
1876	...	Delad	..	..	..	..	..	19	8
1886	...	Magadalla, Taluka Chorási	...	...	...	...	...	16	9
1873	...	Zimbarva	..	..	..	..	..	36	24

Closed because there is a school at Mohoni, one mile distant from this village

Year the School was first opened.	Name of School.	Number of children on rolls.	Average daily attendance.	REMARKS.	
<i>Surat—continued.</i>					
1888	Ved, Taluka Chorási ...	27	17	Closed because there is a school at Kádod one mile distant from this village.	
1886	Hearipura, Taluka Bárdoli ...	30	18		
1886	Bhamani „ ...	24	12		
1890	Ruva „ ...	30	21		
1886	Orgám „ ...	27	16		
1886	Pera, Taluka Chorási... ..	30	18		
1886	Vánskui „ ...	29	16		
1878	Kiher „ ...	24	8		
1875	Vijalpur, Taluka Jalálpur ...	45	27		Because there is a school at Sultánpur about a mile from this village. Because the Jalálpur School is a mile distant from this village.
1876	Borifalia „ ...	40	26		
1891	Dhamdachi, Taluka Bulsár ...	13	8		
1887	Chichai „ ...	21	10		
1886	Sarodhi, Taluka Párdi ...	22	14		
1876	Salvav „ ...	28	17		
1889	Chánod „ ...	26	14		
<i>N.B.—The number and attendance given above are for the month (May 1894) previous to that in which the schools were closed, but the attendance generally was very low in them.</i>					
<i>Thána.</i>					
1891	Chandansár, Taluka Bassein ...	17	2		
1872	Kiravli, Taluka Bhiwandi ...	16	11·6		
1887	Lonad „ ...	12	10·2		
1887	Vajreshvari „ ...	18	6·9		
1888	Karavlin, Taluka Kalyán ...	16	3·7		
1892	Rayaten „ ...	6	5·2		
1891	Vadhiv, Taluka Máhim ...	14	9·4		
1886	Talegaon, Taluka Murbád ...	13	7·8		
1878	Vidhen „ ...	10	3·4		
1893	Gorai Night School, Taluka Sálsette... ..	20	14		
1890	Khardi Night School, Taluka Sháhápur ...	30	22·3		
1893	Amberjen, Taluka Sháhápur ...	28	13		
1893	Nadganm „ ...	22	20·5		
1883	Kanchad, Taluka Váda ...	14	4·4		

J. OLIVER,
Acting Educational Inspector, N. D.

No. 3.

*List of new Local Board Schools opened since 31st March 1894
in the Northern Division.*

Name of School.

Ahmedabad.

Chhabásar, Taluka Dholka.

Broach.

None.

Kaira.

Souli.

Navágám.

Panch Maháls.

Chandvána Taluka Dohad.

Surat.

Pátal, Taluka Mándvi.	} Káliparaj villages.
Motichára	
Bamankarvad, Taluka Párdi.	

Thána.

Vesáven Gujaráti, Taluka Sálsette.

Choreu, Taluka Kalyán.

Shirshi, Taluka Murbád.

J. OLIVER,

Acting Educational Inspector, N. D.

No. 1.

*List of Local Board Schools transferred since 31st of March 1894
in the Southern Division.*

Year the school was first opened.	Name of School.	Number of children on rolls.	Average attendance.	Name of place to which the school has been transferred.	Distance of new place from old.	Reason for transfer.
	<i>Dhárwár District.</i>					
	Nil.					
	<i>Belgaum District.</i>					
	Nil.					
	<i>Bijápúr District.</i>					
1889 ...	Kumasgi ...	26	23	Korhalli ...	11	} For bad accommodation.
1885 ...	Bardol ...	18	13	Satalgaon ...	7	
1882 ...	Balkundi ...	4	4	Chelapur ...	14		For bad attendance.
	<i>Kánara District.</i>					
1886 ...	Madhurwalli ...	20	13.5	Onikeri ...	3	For low attendance.
	<i>Ratnágiri District.</i>					
1893 ...	Gunaden ...	11	4	Lavel ...	5	Do.
	<i>Kolába District.</i>					
1890 ...	Rabgaon ...	15	13.8	Kanegaon ...	28	Do.

B. R. SAHASRABUDHE,
Educational Inspector, S. D.

No. 2.

*List of Local Board Schools closed since 31st of March 1894
in the Southern Division.*

Year the school was first opened.	Name of School.	Number of children on rolls.	Average daily attendance.
<i>Dhárwár District.</i>			
1885 ...	Hulikeri	22	16
1881 ...	Mommigatti	16	13
1881 ...	Nagnur	11	7.3
1880 ...	Mantagani	10	1
1883 ...	Kurabgond	23	13
<i>Belgaum District.</i>			
1887 ...	Karalgi	24	14
1884 ...	Kapoli	18	8
1879 ...	Gandigwad	27	19
1885 ...	Hirepadsalgi	23	17
1889 ...	Yelihadalgi	25	14
<i>Bijápur District.</i>			
1885 ...	Annalzari	22	15
1885 ...	Konnur... ..	10	2
1886 ...	Kirsur	19	15
1885 ...	Tummarmatti	18	13
1889 ...	Helur	25	22
1885 ...	Hanchinal	25	18
1883 ...	Gorobal... ..	20	16
1887 ...	Hirebadwadgi	25	17
1882 ...	Tarnal	21	14
1890 ...	Muddur	23	12
1885 ...	Nandihal	22	13
1889 ...	Angadgeri	21	16
1882 ...	Honganhalli	26	12
1886 ...	Kumathe	20	10
1885 ...	Tignibidri	24	12
1889 ...	Dadamhatti	16	9
1890 ...	Devarnavadgi	21	19
1886 ...	Nimbal	21	14
<i>Kánara District.</i>			
1885 ...	Hottogali (Hindustáni)	19	8.9
1887 ...	Chikkankod	22	17.1
1889 ...	Kangod	21	17.3
1885 ...	Ajibal	11	2.6
1892 ...	Melin-Onikeri	23	10.7
1886 ...	Honagadde	25	14.3
1885 ...	Singargaum	17	10
1891 ...	Joida	19	13.4
1887 ...	Panjali	18	11
1887 ...	Ghodshet	16	12.4
<i>Ratnágiri District.</i>			
1864 ...	Gondhalen	29	20.4
1885 ...	Dhamansen	18	10
1886 ...	Ovali	20	15
1886 ...	Pirdawanen	29	22.3
1886 ...	Bhelsai	16	13

No. 2—continued.

Year the school was first opened.	Name of School.	Number of children on rolls.	Average daily attendance.
<i>Kolába District.</i>			
1877 ...	Charhi ...	30	22.3
1886 ...	Kurdus ...	32	19.3
1880 ...	Lavej ...	25	22.1
1888 ...	Nasarapur ...	15	5.8
1888 ...	Nawandhe ...	11	6.3
1891 ...	Dharawali ...	26	14.2
1893 ...	Kemburle ...	13	9.9
1893 ...	Natondi... ..	22	12.1
1874 ...	Shirdhon ...	15	5
1878 ...	Vindhane (Maráthi)... ..	27	21.2
1887 ...	Ulwe ...	16	3.5
1887 ...	Johe ...	25	20.2
1884 ...	Chaware ...	23	16.9
1890 ...	Kille ...	17	12.6
1887 ...	Kudli ...	6	4.7

B. R. SAHASRABUDHE,
Educational Inspector, S. D.

No. 3.

*List of new Local Board Schools opened since 31st March 1894
in the Southern Division.*

Name of School.
<i>Dhárwár District.</i>
Nil.
N.B.—The 2nd Grade Anglo-Vernacular class at Karajgi was converted into an independent school in June 1894.
<i>Belgaum District.</i>
Nil.
<i>Bijápúr District.</i>
Nil.
N.B.—There was one English class at Hungund attached to the Kánarese School, but it was subsequently made an independent school from 1st June 1894.
<i>Kánara District.</i>
Chandawar—Hindustáni.
<i>Ratnágiri District.</i>
Tavasal ... } These were branch schools and made independent during the year. Dabholi ... }
<i>Kolába District.</i>
Tale... .. No. 2 School.
Vindhane ... Urdu School.

B. R. SAHASRABUDHE,
Educational Inspector, S. D.

No. 1.

List of Local Board Schools transferred since 31st March 1894 in the six sub-divisions of the Central Division.

Year the school was first opened.	Name of School.	Number of children on rolls.	Average attendance.	Name of place to which the school has been transferred.	Distance of new place from old.	Reason for transfer.	
<i>Poona.</i>							
1891 ...	Deulgaon Rasal, Táluka Bhimthadi.	17	13	Deulgaon Rájé.	8	For want of sufficient attendance.	
1888 ...	Karkhel, Táluka Bhimthadi ...	14	10	Chinchdi ...	7		
1889 ...	Mavadi Kadepathar, Táluka Purandhar.	19	8	Yekatpur ...	8		
1885 ...	Karegaon, Táluka Sirur ...	16	9	Mukhai ...	8		
1892 ...	Ganegaon, Táluka Sirur ...	10	6	Pimpale Jagtap.	4		
1881 ...	Chincholi, Táluka Sirur ...	22	8	Kanhur ...	6		
<i>Sátára.</i>							
1887 ...	Jakhinwadi, Táluka Karád ...	23	18	Belavdi (Haveli).	14		
1882 ...	Perle, Táluka Karád ...	16	11	Shere ...	30		
1889 ...	Kasegaon (night), Táluka Válva.	20	14	Retri Budruk.	6		
<i>Sholápur.</i>							
None.							
<i>Ahmednagar.</i>							
None.							
<i>Násik.</i>							
None.							
<i>Khándesh.</i>							
1881 ...	Japor, Táluka Shirpur ...	29	19	Untawad ...	12		
1892 ...	Rami, Táluka Sindkhed ...	26	19	Walkhedí ...	28		

No. 2.

List of Local Board Schools closed since 31st March 1894 in the six sub-divisions of the Central Division.

Year the School was first opened,	Name of School.	Number of children on rolls.	Average daily attendance.
<i>Poona.</i>			
1887 ...	Charholi, Low Caste, Táluka Haveli ...	6	3
1890 ...	Vadapuri, Táluka Indápur ...	13	7
<i>Sátára.</i>			
1888 ...	Kasegaon No. II (girls'), Táluka Válva ...	30	13
<i>Sholápur.</i>			
1890 ...	Kavhe, Táluka Karmála ...	25	16.6
1892 ...	Garwad, Táluka Málsiras ...	22	14.6
1891 ...	Medad, Táluka Málsiras ...	8	6.8
1892 ...	Tondle, Táluka Málsiras ...	12	10.8
1881 ...	Sapatane, Táluka Mádhé ...	24	21
1887 ...	Pimpalkhunte (night), Táluka Mádhé ...	25	21
1893 ...	Natepute (Hindustáni), Táluka Málsiras ...	10	2.5
1887 ...	Ulhe, Táluka Sholápur ...	26	12.5
1890 ...	Virwad Budruk, Táluka Sholápur ...	17	15.4
1885 ...	Darfal, Táluka Sholápur ...	20	13.3
1887 ...	Tandulvadi, Táluka Sholápur ...	30	20.1
<i>Ahmednagar.</i>			
1893 ...	Sanvatsar Night School, Táluka Kopargaon ...	15	10.6
1892 ...	Suregaon, Táluka Kopargaon ...	19	9
1889 ...	Pimpalgaon Rotha, Táluka Párner ...	13	8
1888 ...	Randhe, Táluka Párner ...	9	3
1879 ...	Kolhevadi, Táluka Sanganner ...	4	3.2
1893 ...	Vithe, Táluka Akole... ..	8	3
1871 ...	Shingve, Táluka Kopargaon ...	23	13
1868 ...	Karjuno Khare, Táluka Nagar ...	10	5
<i>Násik.</i>			
1882 ...	Maharpatne, Táluka Báglán ...	24	9
1886 ...	Aghar Budruk, Táluka Málegaon ...	21	10
1880 ...	Nimbait, Táluka Málegaon ...	21	11
1889 ...	Talvade, Táluka Málegaon ...	25	8
1888 ...	Valvaden, Táluka Málegaon ...	22	14
1892 ...	Kalvadi, Táluka Málegaon ...	14	8
1888 ...	Dharansangvi, Táluka Niphád ...	16	5.2
1869 ...	Khadak Málegaon, Táluka Niphád ...	15	8.8
<i>Khándesh.</i>			
1888 ...	Sháhápur, Táluka Amalner ...	4	2
1889 ...	Burzod, Táluka Dhulia ...	25	17
1880 ...	Bhatkhede, Táluka Erandol ...	19	13
1883 ...	Dhar, Táluka Erandol ...	18	16
1891 ...	Gondgaon (free), Táluka Páchora ...	11	5
1883 ...	Borale, Táluka Nandurbár ...	12	7
1887 ...	Ráver (girls'), Táluka Sánda ...	23	5
1882 ...	Kájgaon (night), Táluka Páchora ...	23	11
1892 ...	Karanji, Táluka Sánda ...	...	...
1885 ...	Dhamane, Táluka Sindkheda ...	29	15
1884 ...	Salgaon, Táluka Páchora ...	21	12
1886 ...	Gidhade, Táluka Shirpur ...	15	9

No. 3.

List of new Local Board Schools opened since 31st March 1894 in the six sub-divisions of the Central Division.

Name of Schools.

Poona.

None.

Sátára.

None.

Sholápur.

Fisare (boys'), Táluka Karmála.

Vangi (girls'), Táluka Karmála.

Vaghodi (Branch), Táluka Sholápur.

Ahmednagar.

None.

Násik.

None.

Khándesh.

Bhoras, Táluka Chálisgaon.

Ningool, Táluka Dhulia.

Betávad, Táluka Jímner.

Shirsad, Táluka Sávida.

Jalod, Táluka Amalner.

Vardi, Táluka Chopda.

Ganpur, Táluka Chopda.

Chincholi, Táluka Sávida.

Virode, Táluka Sávida.

Morwad, Táluka Taloda.

APPENDIX C.

Rules for the regulation of grazing in Government Forests.

I.—A forest block will henceforth be divided into two portions only, viz. (1) "the open" and (2) "the closed."

II.—The term *gáirán* in connection with a Reserved or Protected Forest will cease to apply.

III.—Grazing will be permitted *in the unclosed portion*, which will be open both to cattle allowed free grazing, and to other cattle in respect of which payment has to be made for grazing.

IV.—Villages which have contributed *gáirán* to the formation of a forest block are to be allowed free grazing in the open forest of that forest block, *for all their agricultural cattle*.

V.—Villages which have contributed no *gáirán* to forests will pay fees for all their cattle admitted into the forests to graze.

VI.—The term "agricultural cattle" shall be held to comprise cattle used solely for purposes of cultivation in the village, whether for ploughing or for drawing water for irrigating garden land.

VII.—Village officers will prepare a census of all the cattle in the village, and a statement of the full amount of the fees to which they would be liable for grazing, assuming that none of them could, under the privilege accorded, claim free grazing.

VIII.—The fees leviable *on agricultural cattle* will then be remitted, in such villages where the cattle are entitled to free grazing under Rule IV, by the officer to whom the Collector may assign that duty, and the cattle in question will be admitted, upon free permits, *into the open portion* of the forest block.

IX.—Adequate restrictions are to be imposed upon the number of cattle to be permitted to graze in the unclosed portion of each forest block; that number must be limited to the cattle for which the open area can furnish sufficient grazing, and no cattle in excess of that number should be admitted to graze. In determining the number, it must be considered how many cattle the open portion of the forest block can, *properly*, feed, without injury to—

- (a) the cattle.
- (b) the pasturage.
- (c) the forest itself.

X.—The Revenue and Forest officers will determine the number of cattle which can, with safety, be admitted into the open portions of a forest block.

XI.—The demands for the admission of cattle into a forest block to graze will be satisfied in the following order :—

1. Cattle entitled to free grazing.
2. Other village cattle belonging to cultivators.
3. Cattle the property of resident professional graziers and others.
4. Outside cattle.

XII.—The fees to be levied upon village cattle belonging to cultivators shall be—

	Rs.	a.	p.
For every buffalo	0	8	0
For every cow, ox, horse, mule or donkey ...	0	4	0
Sucking animals	Free.		
For every sheep	0	1	0
For every goat	0	2	0

The Revenue and Forest officers shall decide whether or not sheep are to be admitted to graze in an open forest block.

Goats will only be admitted when accompanying flocks of sheep, but only in the proportion of 1 goat to every 50 sheep.

Should the villagers prefer to pay a consolidated fee for grazing all their cattle (sheep and goats excepted), whether privileged or not, the Revenue

officers shall meet their wishes, subject to the sanction of the Commissioner of the Division, who will determine the proportionate reduction of the fees.

XIII.—Forest officers in protective charge of forest blocks shall require the village officers to muster all the village cattle in the village in the early morning once a month, or oftener should the need arise, to compare the cattle census with the permits issued.

XIV.—Double the rate of fees prescribed in Rule XII shall be levied in the case of cattle the property of resident professional graziers and others.

XV.—The Forest officers shall determine the rate of fees to be levied on outside cattle which shall not be lower than that for resident professional graziers and others.

XVI.—Village officers will issue permits and collect the fees in respect of—

- (1) Cattle belonging to village cultivators subject to the payment of a fee the permits for which shall be printed on *yellow* paper.
- (2) Cattle of resident professional graziers and others, for which the permits shall be printed on *green* paper.

They will also issue the permits for free cattle: such permits shall be printed on *white* paper.

XVII.—Forest officers will issue permits and collect the fees for outside cattle, the permits for which shall be printed on *red* paper.

XVIII.—A herdsman shall be in charge of every lot of not more than 50 head of cattle; his name shall be registered by the Village and Forest officers; he shall wear a distinguishing badge of office; he shall be responsible that the grazing rules are observed in respect of the cattle in his charge and that no unauthorized cattle enter the grazing area open to his cattle, and he shall carry with him in the forest the grazing permits for his cattle.

NOTE.—The badge to be worn by the herdsmen will be a leathern belt with a brass buckle, which will be provided by the Forest Department.

XIX.—Camels, elephants and swine shall be prohibited absolutely from grazing inside a forest block.

XX.—The disposal of the grass in the closed portion of a forest block shall remain entirely in the hands of the Forest officers who may sell it for cutting and removal, or not, as to them may seem best.

XXI.—The following simple rules shall be printed on the back of each forest permit:—

- (a) This permit must always be taken by the holder into the forest with his cattle.
- (b) It must be shown on demand to any Village or Forest officer.
- (c) The holder must assist in the protection of the forest against fire and the cutting of ligneous vegetation.
- (d) The holder must see that his cattle do not injure the boundary marks of the grazing area of the forest.
- (e) The holder must not allow his cattle or other cattle to trespass into the closed portion of the forest.

The term "holder" in this rule shall be held to mean the owner or his agent the herdsman.

XXII.—Village officers shall prepare a census of all the cattle in their respective villages distinguishing between agricultural and other cattle. As regards the former a statement shall be framed showing—

- (1) the name of the cultivator;
- (2) the aggregate area of his holding or holdings;
- (3) the number of plough bullocks or buffaloes used by the cultivator solely for cultivation in his holding or holdings;
- (4) the number of wells or Persian wheels on his lands used for irrigation;
- (5) the number of cattle solely employed on these wells or Persian wheels.

XXIII.—The Mámlatdár and the Assistant Collector shall compare the number of plough cattle returned with the area of the holding or holdings.