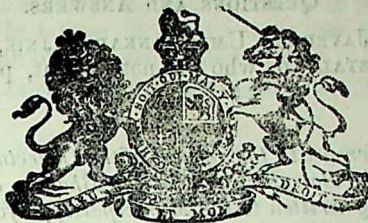


THE



Bombay Government Gazette

Published by Authority.

MONDAY, 29TH MARCH 1897.

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 ACTS, 1861 AND 1892."

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

PRESENT:

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

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

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

The Honourable the ADVOCATE GENERAL.

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

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

The Honourable Mr. A. T. SHUTTLEWORTH.

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

The Honourable Mr. T. R. McLELLAN.

The Honourable Mr. T. B. KIRKHAM.

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

The Honourable Mr. JAVERILAL UMIASHANKAR YAJNIK.

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

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

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

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

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

The Honourable Mr. A. ABERCROMBIE.

QUESTIONS AND ANSWERS.

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

(a) *Is it true*

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

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

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

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

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

The Honourable Mr. BIRDWOOD in reply said—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Honourable Mr. NUGENT in reply said—

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

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

Will Government be pleased to lay on the Council Table the information, if now received, that was asked for about Agency Courts by my question No. 8 at the Meeting of the 15th January 1896 as promised in the answer to that question ?

His Excellency the PRESIDENT in reply said—

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

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

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

The Honourable Mr. BIRDWOOD in reply said—

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

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

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

The Honourable Mr. BIRDWOOD in reply said—

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

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

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

The Honourable Mr. BIRDWOOD in reply said—

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

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

What is the total amount at present of the Ahmedabad Relief Fund with accretions of interest, &c., raised at the time of the flood of 1875 in Ahmedabad as well as subsequently on other occasions and with whom are the said funds now lying ? What is the constitution of

* Vide Appendix C.

the committee, if any, under whose control the funds are placed? Who are the present members thereof and by whom are they appointed? Is the interest of these funds or any part of it at present expended, and if so, on what objects?

The Honourable Mr. NUGENT in reply said—

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

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

The Collector as President,

Ráo Bahádur Lalshankar Umiashankar,

The Honourable Ráo Bahádur Ranchodlal Chhotalal, C.I.E.,

Seth Umabhai Hathesing.

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

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

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

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

His Excellency the PRESIDENT in reply said—

They will be disposed of by the Governor in Council.

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

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

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

The Honourable Mr. NUGENT in reply said—

* Circular No. 9704, dated 2nd December 1896.
Government Resolution No. 98 FAM., dated 9th January 1897.

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

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

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

(a) *Will Government be pleased to state the reasons that led them to recommend to the Government of India the inclusion of the Head Masterships of the High Schools at Belgaum and Poona in the Indian Educational Service and the putting of the Head Mastership of the High School at Ahmedabad in the Provincial Service and that of the*

High School at Surat in the Subordinate Service (vide Appendix A to Government of India Resolution No. 4—204—215 of 23rd July 1896)?

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

(c) *How many European and Indo-European schools for boys and girls are there in Bombay and how many in Poona? Were not all these schools formerly inspected by the Inspector, Central Division, and his assistants? For how many years has the present system by which all the three Inspectors share the work of examining these schools in Bombay been in force, and for what time on an average every year is each Inspector occupied in this work? Has not the Inspector of the Southern Division, who is a native, done this work to the satisfaction of Government? If so, what were the reasons that induced the Government to recommend to the Government of India a departure in the case of Bombay from the suggestion of Lord Cross that at least one-half of the Inspectorships should be transferred to the Provincial Service, by the inclusion of two out of the three Inspectorships in the Presidency proper as well as the Inspectorship in Sind among the appointments to be filled in England? Before making that recommendation did Government consider the feasibility of throwing open two Inspectorships in the Provincial Service by entrusting the work of inspecting the abovementioned schools only to one Inspector who may be appointed in England, if an European Inspector was considered necessary for that work? What are the special circumstances of the province of Sind that require an European Inspector there (vide paragraph 11 of the same Resolution)?*

His Excellency the PRESIDENT in reply said—

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

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

supervision were considered to be reasons for the employment in that Province of an Inspector trained in England.

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

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

The Honourable Mr. BIRDWOOD in reply said—

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

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

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

The Honourable Mr. BIRDWOOD in reply said—

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

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

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

The Honourable Mr. BIRDWOOD in reply said—

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

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

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

The Honourable Mr. BIRDWOOD in reply said—

It is true that the constitution of the guard referred to was altered without the knowledge of the District Magistrate and that he had given orders some time previously as to the maintenance of an armed guard in the bazár for the time being. The Chief Constable in charge of the City relieved the armed guard in accordance with the usual routine in such matters, in order to comply with a demand for an escort for certain prisoners to Bijápur

and replaced it by an equal force of unarmed police. The District Superintendent of Police was absent from Sholapur at the time. Government do not consider that the removal of the armed guard had any influence in bringing about the grain riots at Sholapur.

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

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

The Honourable Mr. NUGENT in reply said—

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

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

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

The Honourable Mr. NUGENT in reply said—

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

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

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

The Honourable Mr. NUGENT in reply said—

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

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

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

The Honourable Mr. NUGENT in reply said—

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

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

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

The Honourable Mr. NUGENT in reply said—

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

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

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

The Honourable Mr. BIRDWOOD in reply said—

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

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

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

The Honourable Mr. NUGENT in reply said—

Statements showing the movements of food-grains by rail and the inferences to be drawn therefrom have already been published. Further information has not yet been received. The reports or the substance of them will be published without avoidable delay.

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

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

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

The Honourable Mr. NUGENT in reply said—

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

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

Total Rs. ... 23,97,650

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

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

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

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

The Honourable Mr. NUGENT in reply said—

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

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

Was there any particular reason why the scale for grain compensation to poor employes of Government, provided by the first Famine Code of 1835, was omitted in the revised Code, and in its place the scale allowed by the Civil Allowance (? Account) Code was sanctioned? Are Government aware that this scale is inadequate to provide relief to these poor people?

The Honourable Mr. NUGENT in reply said—

Provisions regarding a scale of grain compensation were omitted from the revised Famine Relief Code by direction of the Government of India, whose policy is not open to question in this Council. Government are not aware that the scale of the Civil Account Code, which, so far as it goes and so far as any Government servants are now affected, is the same as that prescribed in the Famine Relief Code of 1835, is inadequate, nor has any representation to that effect at any time when the Civil Account rule has been applied been made by any person affected.

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

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

The Honourable Mr. BIRDWOOD in reply said—

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

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

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

The Honourable Mr. NUGENT in reply said—

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

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

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

His Excellency the PRESIDENT in reply said—

Government are aware that the Municipal Corporation had not been asked by the Municipal Commissioner to appoint a Deputy Commissioner. Relations between Government and the Municipal Commissioner at this crisis have naturally been of a most intimate nature. His views as to the appointment of a Deputy Commissioner were ascertained. The Municipal Commissioner considered that a Deputy Commissioner would be of most valuable assistance, provided the Municipal Act were amended in the manner proposed in the Bill to be introduced to-day.

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

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

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

The Honourable Mr. NUGENT in reply said—

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

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

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

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

The Honourable Mr. NUGENT in reply said—

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

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

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

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

The Honourable Mr. NUGENT in reply said—

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

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

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

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

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

The Honourable Mr. NUGENT in reply said—

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

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

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

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

The Honourable Mr. BIRDWOOD in reply said—

The information required has been called for.

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

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

The Honourable Mr. NUGENT in reply said—

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

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

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

His Excellency the PRESIDENT in reply said—

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

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

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

The Honourable Mr. NUGENT in reply said—

Government are unable to comply with the request.

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

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

The Honourable Mr. NUGENT in reply said—

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

“Government decline to take into consideration representations purporting to come from associations of people on the subject of such concessions. Persons who cannot without difficulty pay what is due by them to the State or who can show equitable grounds for a remission, are at liberty to apply individually to local officers and to appeal under the rules to controlling authorities, and such petitions will be dealt with in accordance with the rules and not otherwise. People who have ample means of discharging their debts to the State, which are not less morally or legally

binding than debts to private individuals, are not entitled to combine with others for the purpose of attempting to obtain concessions, and Government will give no recognition to such combinations."

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

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

The Honourable Mr. NUGENT in reply said—

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

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

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

The Honourable Mr. NUGENT in reply said—

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

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

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

The Honourable Mr. NUGENT in reply said—

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

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

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

The Honourable Mr. BIRDWOOD in reply said—

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

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

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

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

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

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

The Honourable Mr. BIRDWOOD in reply said—

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

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

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

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

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

The Honourable Mr. NUGENT in reply said—

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

(b) is "none"; and to

(c) "No."

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

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

The Honourable Mr. NUGENT in reply said—

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

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

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

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

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

The Honourable Mr. NUGENT in reply said—

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

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

* Vide Appendix E.

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

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

His Excellency the PRESIDENT in reply said—

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

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

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

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

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

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

His Excellency the PRESIDENT in reply said—

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

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

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

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

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

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

The Honourable Mr. Nugent in reply said—

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

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

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

The Honourable Mr. BIRDWOOD in reply said—

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

PAPERS PRESENTED TO THE COUNCIL.

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

† Vide Appendix A.

- (2) Papers ‡ referred to in the reply to question No. 1 put by the Honourable Mr. Chimanlal Harilal Setalvad.

‡ Vide Appendix B.

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

§ Vide Appendix C.

* Vide Appendix F.

- * *Vide* Appendix D.
- † *Vide* Appendix E.
- ‡ *Vide* Appendix F.
- (4) Copies* of orders referred to in the reply to question No. 11 (a) put by the Honourable Mr. Chimanlal Harilal Setalvad.
- (5) Statement† referred to in the reply to question No. 4 put by the Honourable Mr. Daji Abaji Khare.
- (6) Correspondence‡ referred to in the reply to question No. 6 put by the Honourable Mr. Daji Abaji Khare.
- (7) Second Report of the Select Committee appointed to consider Bill No. I of 1896, a Bill to amend the Bombay Boiler Inspection Act, 1891.
- (8) Report of the Select Committee appointed to consider Bill No. III of 1896, a Bill to amend Act VIII of 1870 (an Act for the prevention of the murder of Female Infants) as to the Presidency of Bombay.
- (9) Petition from Shambhuprasad Becherdass Laskari and other Kadva Kunbis, dated the 6th October 1896.
- (10) Petition from Patel Vrajbhai Ichabhai and other Kadva Kunbis of Sánand, dated the 9th October 1896.
- (11) Petition from Desai Kalansing Fatehsingji and other Kadva Kunbis of Pátri, dated the 9th October 1896.
- (12) Petition from Karsandas Jayshingbhao Desai and other Kadva Kunbis of Virangám, dated the 10th October 1896.
- (13) Petition from Chugoolal Shomnath Vunmalidaswala and other Kadva Kunbis, dated the 9th October 1896.
- (14) Petition from Khushal Gokaldas Patel and other Leva and Kadva Kunbis of Kaira and Ahmedabad, dated the 8th October 1896.
- (15) Letter from Miss Alice Maude Sorabji, Poona, dated the 3rd November 1896.
- (16) Letter from the Secretary to the Government of India, Legislative Department, No. 368, dated the 18th February 1897—Returning, with the assent of His Excellency the Viceroy and Governor-General signified thereon, the authentic copy of the Law to amend the Bombay General Clauses Act, 1886.
- (17) Telegram, dated 23rd February 1897, from Sheth Shambhuprasad Becherdass Laskari.

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

In moving the second reading of the Bill to amend the Bombay Boiler Inspection Act, 1891, the Honourable Mr. BIRDWOOD said—Your

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

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

The Honourable Mr. NAVROJI NASARVANJI WADIA said—Your Excellency,—I join in the congratulations which we must feel on this important measure, which is the fifth of its kind since it was inaugurated in this Presidency, to minimise the difficulties which

industries are likely to encounter in carrying out their avocations and, therefore, the amendment as now before the Council must be welcomed. Since the Bill was first introduced several other amendments were brought before the Select Committee: no less than seven additional important changes being proposed. Of these three were rejected by the Select Committee, while the remainder have been accepted. In supporting the passing of this Bill I reiterate what has fallen from the honourable mover, that the Millowners' Associations and the several bodies who are interested in the working of the Act, will fully appreciate the change which has been brought about through the channel of the Select Committee.

Bill read a second time.

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

This was agreed to.

Bill considered in detail.

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

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

The amendment was carried.

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

Bill read a third time and passed.

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

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

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

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

prevention of the murder of Female Infants) as to the Presidency of Bombay, the Honourable Mr. BIRDWOOD said—Your Excellency,—This Bill was referred to the Select Committee on the 12th October last, with instructions to report, not only on the Bill, but also on the various petitions which had been or might be received regarding it up to a

certain date. The Committee has considered the Bill and the petitions appended to its report dated the 3rd instant. We are of opinion that it will be desirable to alter the form of the Bill, so as to make it clear that it is not intended to add two new sections to an existing Act of the Governor-General in Council which is capable of general application, but merely to enact certain necessary provisions, to be in force as a local Act only, for dealing with the accumulations of certain funds levied under Act VIII of 1870, which is an Act of the Governor-General in Council, in force in this Presidency, and for applying those accumulations in a manner for which no provision is made by that Act. This object can be secured by embodying the requisite provisions in sections to be numbered as sections of the proposed local Act instead of as sections 8 and 9 of Act VIII of 1870, and by the omission of the words “or hereafter” in section 1 of the Bill, as thus altered. The Bombay Government has received the sanction of His Excellency the Governor-General under section 5 of the Indian Councils Act of 1892 to the introduction of the Bill; but in giving effect to that sanction the course recommended by the Committee seems preferable to that adopted when the Bill was introduced; and I have no doubt it will be accepted by the honourable Council. The Committee recommend, however, a more important change,—in the principle of the Bill itself. Instead of handing over the accumulations of the two infanticide funds in the Kaira and Ahmedabad districts to the Local Boards of those districts, as at first proposed, we now propose that, in deference to the expressed wishes of the members of the two castes interested, the funds be retained in the hands of Government, and be expended by Government for the exclusive benefit of the members of the Lewa and Kadva Kunbi castes in each district in such manner as Government may, from time to time, find expedient. Certain specific proposals have been made by the petitioners as to the purposes to which the funds should be applied. The Committee see no objection to most of these proposals, but doubt the expediency of giving effect to any of them in the Bill; for, not only are the petitioners

not unanimous in their recommendations, but it seems also to be unadvisable to lay down hard and fast rules regarding the objects on which money should be spent. I may add that it appeared to the Committee that, as time went on, the circumstances of the communities to be benefited might be so changed that the necessity might present itself for expending the funds on objects different from those at present contemplated. However, I must admit that it is not clear on what objects, except educational objects, the funds could well be spent. I am sorry the Honourable Mr. Mehta is prevented by illness from being present. He was to have moved that the word "educational" should be inserted before the word "benefit" in lines 18 and 30 of section 1 of the Bill. This amendment has been considered by the Executive Government, and Government are prepared to accept it, but I doubt the necessity of going further and specifying the precise manner in which the funds should be managed. With these remarks I move that the Bill be read a second time.

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

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

This was agreed to.

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

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

The amendment was agreed to.

The further stages of the Bill were not proceeded with.

BILL No. 1 OF 1897: A BILL TO FURTHER AMEND THE CITY OF BOMBAY MUNICIPAL ACT, 1888.

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

Suspension of Rule 23.

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

The Honourable Mr. BIRDWOOD, in moving the first reading of the Bill, said—
 Your Excellency,—In now moving the first reading of the Bill to further amend the law relating to the Municipal Government of the City of Bombay, I would desire to explain that the object of it is to confer a very necessary power on the Deputy Municipal Commissioner for the City of Bombay on those occasions when the Corporation finds it expedient to appoint a Deputy Commissioner. The provisions of the City of Bombay Municipal Act of 1888 relating to the appointment of a Deputy Commissioner are contained in Sections 55 and 56 of the Act and in certain other sections to which it is unnecessary for me to refer. Under Section 55 the Corporation is empowered, at any time, and from time to time, to appoint, subject to confirmation by the Governor in Council, a person to be a Deputy Municipal Commissioner if it shall appear to it expedient so to do. Every person so appointed is subject to the same liabilities, restrictions and conditions to which the Commissioner is subject. Section 56 then provides that the Deputy Commissioner shall be subordinate to the Commissioner and shall exercise, subject to the Commissioner's orders such of the powers and perform such of the duties of the Commissioner as the Commissioner shall, from time to time, depute to him. The section contains, however, a proviso that it shall not be lawful for a Deputy Commissioner to appear in the Commissioner's stead at any meeting of the Corporation or Standing Committee, or to exercise thereat any right or power of the Commissioner. Now honourable members of the Council are probably aware that the Standing Committee meets every Wednesday. These meetings last on an average about an hour and a half. The Commissioner is not bound by law to attend these meetings, but in practice it is found necessary that he should do so; otherwise the business of the Municipality might often come to a standstill. The meetings of the Corporation are generally fixed for the fourth or fifth of each month, and there is generally a long agenda paper to be worked through. In practice, the business fixed for the meeting cannot be finished at a single sitting, and the rule is to hold meetings on Mondays and Thursdays in each week till the agenda paper is worked off. The adjourned meetings are generally continued till the 25th of the month, and each meeting lasts two hours. Now the tendency of municipal business is to increase in all departments; and the Commissioner is not only required to be present at each meeting of the Corporation and each adjourned meeting, but it is necessary for him to read all the correspondence relating to each subject to be disposed of, in order to acquire a complete mastery of all its details and be able to speak on the subject, if necessary, or furnish any information that may be called for by members of the Corporation. The necessity for preparing for the meetings and for attending them makes serious inroads on the Commissioner's time, which would often be better spent in other ways. At present the Commissioner has little leisure for various important duties of inspection, and it is necessary that he should obtain such effective relief as the present Bill will afford him. If the Deputy Commissioner is empowered to attend meetings, not only in such times of stress and strain as the present, but at all times when the pressure of business in the Commissioner's office makes it necessary for the Corporation to appoint a Deputy, then he will be able to give the Commissioner such effectual relief as is desired. I therefore move the first reading of the Bill.

Bill read a first time.

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

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

Suspension of the Rules generally.

His Excellency the PRESIDENT thereupon suspended the Rules generally.

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

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

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

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

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

appreciate my remarks that it is not desirable or advisable to give power to the Commissioner to absent himself from the meetings by sending in his place his Deputy. I again express a hope that Government will see their way to accept my amendment.

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

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

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

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

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

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

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

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

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

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

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

The Bill read a second time.

The Bill was then read a second time.

Consideration of the Bill
in detail.

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

The Honourable Mr. DHARAMSI said—As the Bill is now being considered in detail, I beg to propose that my amendment be substituted for Section 1 of the Bill. I confess I do not see the force of the objections that have been taken to the amendment. My object is the same as that of the Government to give relief to the Municipal Commissioner in this emergency. The members of the Corporation are as much in favour of this as the members of Government; but as I have pointed out, circumstances can be conceived in the future when it may not be desirable for a Deputy Commissioner to have the power to represent the Commissioner at meetings of the Corporation. I quite agree with the Honourable Mr. Birdwood that to give such authority to the Deputy will not take away the power of the Commissioner himself to attend the meetings of the Corporation in his official capacity; but if the Commissioner does not want to attend he will be able to send his Deputy to the meetings on all occasions when this Bill is passed. Those who are acquainted with the practical working of our municipal system will agree with my two honourable friends, Mr. Javerilal and Mr. Wadia, both of whom are members of the Corporation, that it is extremely desirable that the Commissioner should be present at meetings of the Corporation, and that it is only upon emergencies like the existing one that he should be relieved. If, as Mr. Birdwood says, it may be necessary in future years to make the appointment of Deputy Commissioner a permanent one, owing to increasing municipal business, the Deputy will be able to relieve the Commissioner of a good deal of office and routine desk work which he has to do. This relief will of course give the Commissioner more time to attend meetings of the Corporation to explain matters of business to them, and to keep in touch with their views. I cannot see why Government are unable to accept my amendment. I admit that the matter is urgent, but if a Select Committee was appointed it could be directed to report within a week, and as it will take some little time before the recommendation of the Corporation is in your Excellency's hands, this would not lead to any great delay. The Corporation are not without a voice in this matter. As the initiative must be taken by the Corporation, they might, if they chose, defeat at any particular time the desire of Government by not making the appointment of a Deputy Commissioner, but by giving the Commissioner a good and capable Assistant on a higher salary, in which case there would be no necessity of going to Government and asking for their confirmation. It seems to me that the Corporation can be safely trusted to realise an emergency when one arises, and to give relief to their chief executive officer in the matter of attending the meetings when that is necessary. Under the circumstances I strongly hope that honourable members will agree with me that all that is wanted is the insertion of some section in the Act which would empower Government, on the motion of the Corporation, to give complete relief to the Commissioner whenever occasion may require by suspending the operation of sub-section (2), clause (a), of Section 56. I think due regard should be paid to the views of the Corporation, that legislation should not be carried which will enable their chief executive officer to absent himself from the meetings save at extraordinary times like the present. The special powers that have been given to Mr. Snow have greatly enhanced his responsibilities and have necessitated

a good deal of out-door work. As he is a conscientious man, he does not like always to act in important matters connected with sanitary improvements of the city upon the reports of his subordinates without satisfying himself by personal inspection that the measures they advocate should receive his sanction. A good deal of out-door work is thus thrown upon him. By delegating his routine office work to the Deputy more time will be given him; and although in emergencies like the present he may be glad to be relieved occasionally of the duty of attending meetings, there are grave objections to his being allowed to do so regularly. If my amendment is carried, all emergencies will be met and the feelings of the Corporation will be duly respected.

The Honourable Mr. JAVERILAL said—I trust, Your Excellency, this amendment will be accepted in view of the fact that the Municipal Commissioner is an officer of exceptional knowledge and experience, and the decisions of the Corporation are arrived at frequently by the aid he is able to give by his advice and guidance. At the present time we are all agreed that he should have relief, and that the relief should be as complete as possible; but when the present critical period has passed away, the Corporation should, I think, have the benefit of his presence at their meetings. In the past history of the Corporation, it should be remembered, there has been a Deputy Commissioner appointed when necessary, but he was not empowered to attend the meetings, as the relief the Deputy afforded to the Commissioner gave the latter officer more time to attend the meetings of the Corporation and Standing Committee. I say that at the present time the Commissioner should be relieved in view of the existing emergency, but when that emergency has passed, I feel that the Corporation should have the benefit of his knowledge and experience gained at first hand.

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

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

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

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

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

The amendment was carried.

Bill read a third time and passed.

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

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

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

S. L. BATCHELOR,

Secretary to the Council of the Governor of Bombay

for making Laws and Regulations.

Bombay, 24th February 1897.

APPENDICES

TO THE

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

APPENDIX A.

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

District.	Year.	FASLI REMISSIONS.		Remission of Land Revenue granted by Local Authorities on time-expired fallow number.	Remission granted by Local Authority for reasons other than those shown in the preceding columns.	Total remission granted by Local Authorities.		REMARKS.				
		Remission of Land Revenue applied for by the Zamindárs.	Remission of Land Revenue granted by Local Authority.			Rs.	a. p.					
1	2	3	4	5	6	7	8	9				
		Rs.	a. p.	Rs.	a. p.	Rs.	a. p.	Rs.	a. p.			
Karáchi	1892-93.	1,94,554	8 0	1,50,404	4 0	35,495	10 0	386	12 0	1,86,286	10 0	
Hyderabad	"	39,564	9 0	26,208	12 0	37,993	14 0	174	9 0	64,377	3 0	
Shikárpur	"	1,14,590	2 0	83,719	7 0	7,267	7 0	3,629	2 0	94,616	0 0	
Thár and Párkar	"	4,076	5 0	1,731	14 0	.....	.....	.....	.....	1,731	14 0	
Upper Sind Frontier	"	45,756	14 0	17,334	3 0	6,030	0 0	6,466	4 0	29,830	7 0	
Total of the Province...	...	3,98,542	6 0	*2,79,395	8 0	86,786	15 0	10,656	11 0	3,76,842	2 0	i.e., 70 per cent. of the amount claimed.
Karáchi	1893-94	1,62,536	8 0	1,20,848	9 0	25,253	14 0	2,139	6 0	1,48,241	13 0	
Hyderabad	"	26,273	0 0	17,501	6 0	40,451	0 0	430	2 0	58,382	8 0	
Shikárpur	"	1,01,077	14 0	42,779	9 0	11,583	12 0	3,012	5 0	57,405	10 0	
Thar and Párkar	"	2,147	10 0	853	12 0	.....	.....	.....	.....	853	12 0	
Upper Sind Frontier	"	1,63,913	8 0	84,948	1 0	7,076	2 0	4,524	9 2	96,548	12 2	
Total of the Province...	...	4,55,948	8 0	†2,66,931	5 0	84,364	12 0	10,136	6 2	3,61,432	7 2	†58.53 per cent. of the amount claimed.
Karáchi	1894-95	2,48,812	5 0	1,88,300	0 0	49,738	10 0	5,207	14 0	2,43,246	8 0	
Hyderabad	"	43,321	10 0	20,684	15 0	1,11,684	13 0	2,633	11 0	1,32,003	7 0	
Shikárpur	"	1,63,787	0 0	1,05,281	2 0	25,776	14 0	3,129	10 0	1,34,186	10 0	
Thar and Párkar	"	44,805	6 0	24,592	14 0	1,193	0 0	.....	.....	25,785	14 0	
Upper Sind Frontier	"	75,033	12 0	35,380	4 0	3,895	5 0	14,468	10 6	53,744	3 6	
Total ... ..	...	5,75,760	1 0	†3,74,239	3 0	1,92,287	10 0	25,439	13 6	5,91,966	10 6	†i.e., 65 per cent. of the amount claimed.
Grand Total for the Province for three years...	...	14,30,250	15 0	§9,20,569	0 0	3,63,439	5 0	46,232	14 8	13,30,241	3 8	§i.e., 64 per cent. of the amount claimed.

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

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

APPENDIX B.

No. 746 of 1896.

FROM

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

To

THE PRESIDENT,
Ahmedábád Municipality.

Camp Tithal, 25th May 1896.

SIR,

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

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

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

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

I have, &c.,

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

(True copy)

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

No. 3545 of 1896.

FROM

F. S. P. LELY, Esquire,
Commissioner, N. D. ;

To

THE PRESIDENT,
Ahmedábád Municipality.

Ahmedábád, 17th September 1896.

SIR,

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

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

I have, &c.,

(Signed) F. S. P. LELY,

Commissioner, N. D.

Through the Collector.

(True copy)

J. W. S. DRACUP,

Assistant Commissioner, N. D.

Before the Commissioner, Northern Division.

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

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

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

Decision.

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

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

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

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

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

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

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

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

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

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

APPENDIX C.

v-54

Name of Agency.	Total receipts of the Courts in the Agency by way of fees charged on the institution of suits, appeals, &c.	APPEALS RECEIVED BY GOVERNMENT FROM DECISIONS OF SUCH COURTS.										REMARKS.	
		CIVIL.					CRIMINAL.						
		Total number.	Total receipts by way of institution of fees, if any, charged on such appeals.	How disposed of.			Total number.	Total receipts by way of institution of fees, if any, charged on such appeals.	How disposed of.				
				Decisio. confirmed.	Reversed.	Varied.			Sentence confirmed.	Reversed.	Reduced or otherwise modified.		
1	2	3	4	5	6	7	8	9	10	11	12	13	
	Rs. a. p.		Rs. a. p.										
Kolába...	
Cutch	
Surat...	
Jawhár	
Khairpur	
Sávantvádi	
Násik	
Kaira	
Khándesh	
Sholápur	260 14 0	...	...	...	...	...	...	...	...	...	...	...
Savanur	
Rewa Kántha	
Kolhápúr and Southern Marátha Country	
Sátára	
Poona	
Pálanpur	22,877 0 9	14	964 0 0	12	2	...	5	...	2	...	3	...	
Mahí Kántha	
Káthiáwár	
Agent for Sardárs in the Deccan.	3,149 5 0	*3	221 2 0	1	...	...	...	...	...	...	...	...

* Two appeals pending before Government.

APPENDX D.

CIRCULAR.

No. 9704 OF 1896.

REVENUE DEPARTMENT.

*(Famine.)**Bombay Castle, 2nd December 1896.*

To

THE COLLECTOR OF

SIR,

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

* Laid down by the Famine Commission.

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

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

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

I have the honour to be,

Sir,

Your most obedient Servant,

(Signed) J. MONTEATH,

Acting Chief Secretary to Government.

Famine.

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

No. 98-FAM.

REVENUE DEPARTMENT.
(*Famine.*)

Bombay Castle, 9th January 1897.

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) not well-to-do,

(ii) crops have not reached four annas.

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

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

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

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

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

To

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

APPENDIX E.

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

Scale.	Grain flour (wheat, bájr i or jow ári).	Dál.	Mutton.*	Vegetable.	Condi-ment.	Onions.	Salt.	Tanna-rind.	Oil.	Fuel.	REMARKS.
	Ozs.	Ozs.	Ozs.	Ozs.	Drs.	Drs.	Drs.	Drs.	Drs.	l.b.	
Hard labour ...	24	5	4	8	4	4	8	3	8	1	Prisoners working up to a full task and able-bodied men.
Medium labour .	22	4	4	8	4	4	8	3	8	1	Prisoners in subordinate jails.
Light labour ...	20	4	...	6	4	...	8	3	7	1	

* Issued once a week in lieu of dál.

APPENDIX F.

No. 287 OF 1891.

From

F. S. P. LELY, Esquire,
Collector and President, Surat ;

To

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

Camp Tithal, 8th May 1891.

SIR,

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

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

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

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

I have, &c.,

(Signed) F. S. P. LELY,
Collector and President, Surat.

(True copy)

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

No. 950 OF 1891-92.

To

THE COLLECTOR AND PRESIDENT,
Surat.

Ahmedabad, 19th May 1891.

SIR,

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

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

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

I have, &c.,

(Signed) E. GILES,
Educational Inspector, N. D.

(True copy)

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