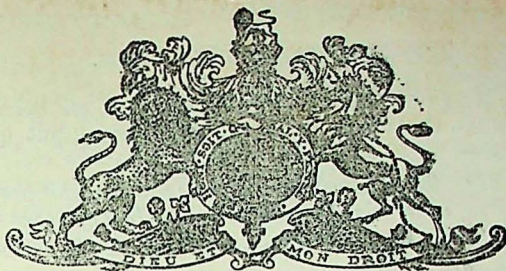


THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 12TH MAY 1898.

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 Monday the 14th February 1893, at noon.

P R E S E N T.

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

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

The Honourable Sir E. CHARLES K. OLLIVANT, K.C.I.E., I. C. S.

The Honourable the ADVOCATE GENERAL.

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

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

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

The Honourable Mr. A. ABERCROMBIE.

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

The Honourable Mr. NARAYAN GANESH CHANDAVARKAR, B.A., LL.B.

The Honourable Mr. T. B. KIRKHAM.

The Honourable Mr. W. C. HUGHES, M.Inst.C.E.

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

The Honourable Mr. BHALCHANDRA KRISHNA BHATAVADEKAR, L.M.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, B.A., LL.B.

The Honourable Mr. FAZULBHOY VISRAM, C.I.E.

The Honourable Mr. DHONDO SHAMRAO GARUD, B.A.

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

The Honourable Mr. VRIJBUKHANDAS ATMARAM.

The Honourable Mr. A. WINGATE, I. C. S., C.I.E.

QUESTIONS AND ANSWERS.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, on behalf of the Honourable Ráo Bahádúr RANCHODLAL CHOTALAL, who was not present, put question No. 1 standing in the latter's name—

Whether the Municipality of Bombay has power to prohibit people from overcrowding a house or room, and if so, what is the least cubical content of space allowed per head? If there is no such limit, is it not desirable that some limit should be legally fixed?

The Honourable Sir CHARLES OLLIVANT said—

I think it will be convenient if I answer this question, and the other questions put by the Honourable Mr. Ranchodlal, all at the same time. The answer to each question is :—The question has been referred to the Municipal Commissioner for the City of Bombay, whose reply will be laid on the table.

The other questions of which notice had been given by the Honourable Ráo Bahádúr RANCHODLAL were as follows :—

2. *Whether all or any parts (wards?) of the City of Bombay, which are overcrowded, have been provided with an efficient drainage system for the removal of sullage water, and if so, what are those wards?*

3. *Have all the houses in the wards in which a line of drainage is laid, been connected with it? If not, what is the number of the house connections and how many houses remain unconnected?*

4. *Are flushing tanks provided at the heads of these drainage lines? Are flushing blocks placed in the pipes near each manhole?*

5. *Are these drains flushed daily so as to ensure that no silt is left at the bottom of the pipe or drain?*

6. *What is the approximate total quantity of water supplied in Bombay daily and what is the quantity of sullage water pumped at the drainage station?*

7. *Has the level of subsoil water risen in Bombay during the last 10 years, and if so, to what extent?*

8. *Has the Shone system of drainage, in which the sewage is ejected by compressed air, been introduced in Bombay? If so, how many ejecting stations are working now, and whether there has been any difference in the public health since the introduction of this system?*

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

(a) *Will Government be pleased to state the law or authority under which the moveable property of the Natu brothers was attached?*

(b) *Has that property been now released from attachment?*

(c) *If so, will Government be pleased to state the grounds which led to such release?*

His Excellency the PRESIDENT in reply said—

(a) Certain moveable property was inadvertently included in the attachment, of immoveable property.

(b) Orders were given to release it from attachment as soon as the mistake was discovered.

(c) This is answered by what has been said in reply to (b).

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

Is it a fact that the Cantonment Magistrate of Ahmednager assaulted the editor of the "Sudarshan," a local paper, on the 2nd of November last at the editor's own house because of some comments which appeared in that paper regarding plague operations?

The Honourable Sir CHARLES OLLIVANT in reply said—

It is a fact that the District Magistrate of Ahmednagar, under Section 203 of the Criminal Procedure Code, dismissed a complaint in which one Wasudeo Gangaram

Dange, said to be the proprietor and editor of the "Sudarshan" newspaper, alleged that he had been assaulted by an officer who was the then Cantonment Magistrate of Ahmednagar.

As to any other fact which the question imports, Government are not in a position to express an opinion, but they understand that if the complainant was aggrieved by the District Magistrate's order of dismissal he had further legal remedies open to him.

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

Will Government be pleased to state the grounds which led to the omission of the names of Haji Ahmed Haji Usman, Abdulla Mia Ahmed Khandwani and Haji Hasham Haji Abdulla Nurini (whose names appeared in previous lists) from the list of the Justices of the Peace for the Town and Island of Bombay for 1897, published in the Bombay Government Gazette?

His Excellency the PRESIDENT in reply said—

Government are not prepared to enter into the reasons which govern the selection of names for entry in, or omission from, the periodical lists of Justices.

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

Will Government be pleased to order that travellers from Bombay holding passes from the Plague Committee be not detained in quarantine anywhere in the Presidency if on medical examination they are found free from fever?

His Excellency the PRESIDENT in reply said—

The attention of the honourable member is drawn to the first portion of the reply given to question No. 7 of the Honourable Mr. Chandavarkar on the 20th December last, to the effect that the term quarantine is inapplicable to the precautions observed in this Presidency. Reference is invited to the answer given to question No. 1 put by the Honourable Mr. Garud. The attention of all officers in charge of observation camps will be directed to that reply.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH then put question No. 1 standing in his name—

Will Government be pleased, before issuing a notification under Section 1 of Bombay Act III of 1897, to consult, through the Collectors of Kaira and Ahmedabad, the leaders of the Leva and Kadva Kunbi castes of these districts as to the manner in which the moneys levied, recovered or paid under or for the purposes of Act VIII of 1870, and the income and the accumulated interest thereof, are to be applied for the educational benefit of these castes?

The Honourable Sir CHARLES OLLIVANT in reply said—

The several Collectors have been instructed to consult the leaders of the Leva and Kadva Kunbi castes.

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

Will Government be pleased to supply information as to—

- (1) *whether Appendix III G (2) to the Administration Report of 1896-97 represents all the expenditure from the Local Funds of the Presidency incurred on new tanks and wells and the repairs of tanks and wells already in existence?*
- (2) *whether any portion of this expenditure relates to tanks and wells used or intended to be used for irrigational purposes, and if any, what, and*
- (3) *how much of the amount expended has been received as contribution from the people?*

The Honourable Sir CHARLES OLLIVANT in reply said—

(1) The answer is in the affirmative.

(2 and 3) Government have no information regarding the matters referred to, but reports have been called for.

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

Will Government be pleased to supply information as to—

- (1) whether the Local Funds are required to pay contributions towards the expenditure incurred on wells and tanks constructed and maintained for irrigational purposes?
- (2) if so, whether they are demanded on the ground that the people use the water for their domestic purposes?
- (3) on what principle are the amounts of such contributions determined?

His Excellency the PRESIDENT in reply said—

(1) There are no wells constructed and repaired by Government for irrigational purposes. With regard to tanks, local funds are only required to contribute if there are any special circumstances such as a road in which they are interested passing over the dam of a tank.

(2) No.

(3) Each case is considered on its merits.

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

Is it true that the Jejuri Municipality has, in consequence of its pecuniary embarrassment, been obliged to close its Vernacular School? If such is the case, have Government been pleased to take steps to open a school in the place of the one which has been closed?

His Excellency the PRESIDENT in reply said—

Enquiries are being made.

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

(1) Do Government believe that inoculation with Professor Haffkine's prophylactic serum gives immunity to some extent against the attack of plague?

(2) If so, will Government be pleased to take measures to make the means of inoculation available to the inhabitants of places where plague may be prevailing?

His Excellency the PRESIDENT in reply said—

Government are at present advised that inoculation is still in its experimental stage, but that the results of the experiments made are so far encouraging. Whilst Government are anxious to afford all facilities in their power to persons who desire to have recourse to inoculation as a measure of protection, it must be clearly understood that such action is to be absolutely voluntary.

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

Are Government aware that, in consequence of the plague operations—

- (a) race distinction is still observed in the detention and disinfection of passengers travelling by rail?
- (b) persons coming from particular directions are still detained and disinfected without any reference to the fact whether the locality from which they come is infected or not, and
- (c) persons are detained and disinfected even though they are willing and able to give satisfactory undertaking that they will present themselves for medical examination at the places of their destination?

His Excellency the PRESIDENT in reply said—

The attention of the honourable member is requested to the reply to question No. 1 given to the Honourable Mr. Garud.

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

Will Government be pleased to say—

- (1) whether or not fish-curing yards have been established and maintained by Government for the purposes of revenue?
- (2) whether any revenue in excess of expenditure has been derived from such yards or whether these yards are working at a loss?
- (3) whether in some places people living at distances from 5 to 10 miles from the nearest curing yard are prohibited from using salt-earth for the purposes of curing fish?

The Honourable Mr. NUGENT in reply said—

(1) The object of establishing and maintaining fish-curing yards is not revenue, but the encouragement of an important industry, which increases the food-supply available for the people.

(2) In the last year for which a report has been received (1896-97) seven yards in the Presidency proper were worked at a loss and eight at a profit. On the whole there was a net profit of Rs. 2,544. A fish-curing yard in Sind has hitherto been generally worked at a loss.

(3) The Collector of Salt Revenue is allowed discretion to refuse licenses for the use of salt-earth for curing fish to persons living within ten miles of a fish-curing yard.

The Honourable Mr. DHONDO SHAMRAO GARUD then put question No. 1 standing in his name—

Whether the modification in the plague rules, to show clearly the intention of Government that no race distinctions should be observed in their application, has been made as promised in the reply to question No. 7 put by the Honourable Mr. Chandavarkar at the Meeting of the Council held on the 20th December 1897, and if so, will the Government be pleased to place the modified rules on the Council Table?

His Excellency the PRESIDENT in reply said—

The rules have been modified by Government Resolution No. 154—171-P., dated 10th January 1898,* a copy of which has been placed on the Table. Paragraphs 48, 49, 50 and 51 indicate the policy of Government and endeavour is being made to minimise detention under observation to the narrowest limits compatible with safety. Government avoid as far as possible interfering with rules made by any particular town for its own protection. So far as travelling is concerned Government intend that only those persons from the infected area should be detained under observation who appear to be suspicious by reason of their appearance, the dirty condition of their clothes, the fact that they are travelling in gangs or belong to classes which are likely to disseminate the disease, or cannot be traced on arrival at their destination, or depended upon to give information should plague occur among them after arrival at their destination.

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

Whether it is a fact that in the Nisik and Khindesh Districts the holders of land irrigated by the canals constructed under former Governments are made to pay the expenses of repairs in addition to the water rate, while the repairs to canals constructed by Government are made at Government expense; and whether Government will be pleased to direct this inequality to be removed by ordering all repairs to canals yielding a water rate to be made uniformly at Government expense?

His Excellency the PRESIDENT in reply said—

Government are not prepared to make any change in the direction indicated by the honourable member's question.

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

Will the Government be pleased to place on the Council Table a statement showing the places where additional Police were quartered in the Presidency during the years 1890 to 1898; the time for which they were quartered; the total cost of the additional Police; the amount recovered, whether wholly or in part; and whether from the inhabitants generally or any class or section of them; and the time within which it was recovered?

The Honourable Sir CHARLES OLLIVANT in reply said—

A statement containing information as to the entertainment of additional Police for the years 1890—1895 will be found in the appendix to Volume XXXIII of the Proceedings of the Council for 1895. This statement will now be brought up to date and placed, when ready, on the Table. Government trust that it will give substantially the information which the honourable member desires. The labours devolving on district officers at the present time are extraordinarily onerous, and Government are reluctant at this juncture to demand any further compilation of statistics not absolutely indispensable.

The Honourable Mr. BHALCHANDRA KRISHNA BHATAVADEKAR then put question No. 1 standing in his name—

Will Government be pleased to state what has been done to remove the distinction made by the plague rules in certain places between Europeans and their servants and Natives of all ranks?

His Excellency the PRESIDENT in reply said—

The attention of the honourable member is requested to the reply to question No. 1 given to the Honourable Mr. Garud.

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

Will Government be pleased to state why, when Assistant Surgeons and medical practitioners are available, many medical men were and are being imported for plague work at considerable expense?

His Excellency the PRESIDENT in reply said—

Government have already fully utilised the Civil Assistant Surgeon class for plague work and have taken and will take suitable graduates and retired Assistant Surgeons, Military and Civil, as temporary Assistant Surgeons, but this class of medical men is not a suitable substitute for commissioned officers whose place must temporarily be supplied by English doctors.

PAPERS PRESENTED TO THE COUNCIL.

(1) Letter from the Secretary to the Government of India, Legislative Department, No. 2153, dated the 12th December 1897—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law to amend Act VIII of 1870 (an Act for the prevention of the murder of Female Infants) as to the Presidency of Bombay.

(2) Report of the Select Committee appointed to consider Bill No. III of 1897 (a Bill to amend the Bombay District Police Act, 1890).

(3) Representations from the Bombay Chamber of Commerce and the Bombay Millowners' Association, respecting Bill No. I of 1898.

• Appendix A.

(4) Government Resolution No. 154*—171 P., dated 10th January 1898.

BILL NO. I OF 1898: A BILL FOR THE IMPROVEMENT OF THE CITY OF BOMBAY AND TO PROVIDE SPACE FOR ITS FUTURE EXPANSION.

In moving the first reading of the Bill for the improvement of the City of Bombay, and to provide space for its future expansion, His Excellency the PRESIDENT said—My honourable colleagues—
 moves the first reading. The City of Bombay Improvement Bill, of which I rise to move the first reading, is the first Bill on the agenda paper. I am aware that there is something unusual in the President of this assembly introducing a measure. This, however, is a most unusual occasion, and my action need not be considered a precedent; at the close of these proceedings, when I hope the Bill will have been read a first time, I shall hand the Bill over to my honourable colleague, Sir C. Ollivant, whom I shall propose as Chairman of the Select Committee. I had hoped, perhaps with the hopefulness of a look-ahead youth, that I should have been able to introduce the Bill earlier in the Session, but that was not to be. There is, however, a compensating advantage in the delay, because it has enabled my colleague, the Honourable Mr. P. M. Mehta, to be amongst us again, and I only utter the voice of the Council when I say we are glad to see him amongst us restored to health and strength. I do not know, gentlemen, that I need say very much by way of preliminary remarks, for it seems hardly necessary to make out a case for the introduction of this Bill. By our rules the Bill has to be published a fortnight before it is read a first time. To the Bill is attached the memorandum known as objects and reasons, which make out the case for the Bill, but more-over our correspondence with the Municipal Corporation, the Chamber of Commerce, and the Port Trust, has shown that these bodies approve of the main features of the Bill,

which, except in regard to police accommodation, will be found to be practically in exact accord with the Government letter of September 28th. Indeed the principles of the Bill seem to me, as far as I can judge by the ordinary methods by which public opinion declares itself, to be generally accepted. The circumstances of last year are fresh in your minds, and this year circumstances not less terrible present themselves to the citizens of Bombay. In the letter to the Corporation of September 28th, which gave the first intimation of what was in the mind of Government, reference was made to a speech made to a deputation from the Chamber of Commerce in this room last year. Since that date the subject has been closely and anxiously engaging the attention of Government with the view to see how a remedy could be provided and an improved state of affairs brought about. We dwell in a city which for density of population in a given area exceeds that of our great cities in the West, notably London. We have this city filled, nay crammed with people of various nationalities, creeds and castes, with their ancient customs and habits and beliefs, which make it extremely difficult to deal with them under circumstances of such an epidemic as the plague. We have experience of the results of efforts to extinguish such an epidemic, notwithstanding the energy of the executive of the Municipal Corporation and of Plague Committees wherever they may be, and the rare patience of the suffering population. In looking for a remedy we considered we must look for one to be permanent and continuous, striking at the root of the evil, *viz.*, insanitary areas and crowded localities, and it must be one which must not apply or limit itself merely to Bombay in its stricken condition of last year and to-day, but should have for its aim the improvement of the future as well. The state of things was not one which in the opinion of Government could be permanently improved by administrative changes, such as improved death registration or by amendment of building bye-laws, useful indeed though such administrative improvements unquestionably are. Again it was not to be done by aimless criticism of the Municipal Corporation, a body which, whatever may be said to the contrary, as we pointed out in the letter already referred to, has done great and useful work for Bombay.

In dealing with the question of Bombay there seem to me to be two portions of the question to deal with. The first, actual progress and building of to-day and the building of the future. These might, perhaps, have been dealt with leisurely by existing authorities had not the matter been urged upon us by the events of the past and present year. But the second and the great difficulty of the problem presenting itself to us for solution was how to deal effectively and fairly promptly with the crowded areas on which buildings were erected years ago, which have been structurally added to, laid out on no particular principle, so closely built that there can be no draught of air, and so constructed that, as I have witnessed, many of the rooms and their inhabitants can receive no light of day, or fresh breath of heaven, to carry off poisonous effluvia. The principle attribute of these dwellings seems to me to be that they become on the occasion of the visitation of an epidemic a fertile soil on which malignant disease may thrive; and owing to the very nature of the buildings, some of which contain hundreds of lodgers, it becomes a matter of the greatest difficulty to eradicate the evil. It is to meet this difficulty that in the main our Bill is framed. As I shall explain later, it is proposed to build chawls on proper principles wherein to house those who will be dis-housed. After full consideration Government came to the conclusion that lasting and permanent good might be found as a result of a bold and comprehensive scheme for the improvement and extension of the city of Bombay, if indeed, it should be found possible to frame such a scheme. We have largely availed ourselves of the reports of the Bombay Extension Committee, 1887, the English Housing of the Working Classes Act, 1890, and the Bombay Port Trust Act, 1879. A year has passed since my speech to the Chamber of Commerce, and now, gentlemen, I have the honour to produce that scheme, and I will proceed to refer to its principal points:

We propose in the first place that the improvement of the city should be the business of a special body similar to the Port Trust. I need not go at length into the reasons which have led us to propose an agency distinct from any of those now in existence in Bombay, as our proposals on this point have met with almost universal approval. But it is advisable that I should deal in some detail with our proposals as regards the constitution of the Trust, the powers which it is to exercise, and the resources which will enable it to carry out its task. In preparing our proposals for the constitution of the Trust, we have endeavoured to secure a due representation of all the most important

interests of this great city. The Corporation have expressed the opinion that not less than one-half of the members of the Board should be appointed by them. We have not, however, been able to accept this principle to its full extent, and it is due to the Corporation that I should explain why we have not done so. We felt in the first place that, vast as is the sphere of the Municipality, it does not cover all the activities and interests of Bombay. We have been obliged to recognise that, just as the Corporation represents the city as organised for purposes of municipal administration, so the Chamber of Commerce and the Port Trustees represent Bombay as a centre of trade and commerce. We have also borne in mind that the interests of all concerned require that the military defence of the city should not be prejudiced by the operations of the Trust. We have further had to remember that the interests which are deeply concerned in the welfare of the city are widespread, embracing not only the whole Presidency but other parts of India, of which it is the trading centre, and we have, with the sanction of the Government of India and Secretary of State, recognised this in undertaking to hand over to the Trust on very favourable terms Government land valued at nearly Rs. 57 lakhs, and reclamation rights valued at Rs. 29 lakhs, the usufruct of which represents the contribution made by the general tax-payer to the cost of this great enterprise.

It is obvious that in consideration of his large stake in this venture the general taxpayer is entitled to substantial representation on the Board. Bearing all these considerations in mind, we propose that the Board should consist of thirteen Trustees including the Chairman. Six elective Trustees (four to be appointed by the Corporation) and the Municipal Commissioner will represent the rate-payers and commercial interests, while military interests will be secured by the appointment of the General Commanding Bombay District as an *ex-officio* Trustee. Of the remaining Trustees, one, the Collector of Bombay, will be a member *ex-officio*, while three more and the Chairman will be appointed by Government. I may remind the Council that in the case of the Port Trust, which exercises such large powers of taxing trade, only five are elective Trustees. The remaining provisions of the Bill regarding the appointment and disqualifications of Trustees follow generally the lines of the Bombay Port Trust Act and do not require special notice. I now come to the second part of this portion of the subject, *viz.*, the powers and duties of the Board.

The powers which the Board will exercise are determined by the nature of its work. It will keep before it two main objects, the improvement of the existing city, and its expansion in the future. We propose to empower the Board in the case of specially unhealthy areas to prepare comprehensive schemes of sanitary improvement, including the making of new and the alteration of old streets, the acquisition of houses condemned under Section 178 of the Municipal Act as unfit for human habitation, the construction of dwellings for the poorer classes, and the formation of open spaces. In other cases, when all that is required is better ventilation or better communications, the Board will have power to make new streets. In all cases where the operations of the Board displace any considerable part of the population it will have power to provide elsewhere for the housing of the people so displaced. To provide for the future expansion of the city, the Board will have power to open up building lands by laying out new roads. It will also have power to reclaim any part of the foreshore vested in it. We also propose to empower the Board to provide for the housing of the Presidency Police, as regards which I shall have some remarks to make later on.

In making our proposals we have borne in mind the fact that the operations of the Board will be on a very large scale and will involve very considerable financial liabilities. We have, therefore, provided that while the Board will be free to prepare street schemes and reclamation schemes without external suggestion, the more important and costly schemes for the improvement of unhealthy areas shall only be undertaken at the request of the Municipal Commissioner. The Municipal Commissioner will be free to apply to the Board on his own motion, and will be bound to forward to them any representation made either by the Municipal Health Officer, or by three Justices of the unhealthy area, or by 12 rate-payers of the ward which includes the unhealthy area. The Board, however, will not be bound to act upon the Commissioner's suggestion unless it is satisfied that an improvement scheme is required and is financially possible. We have provided that every scheme prepared by the Board, for any of the purposes for which it is established, shall be open to public criticism for at least three weeks. It is then to be revised and

submitted for sanction together with any dissent on the part of owners interested. The sanctioning authority will be the Government of Bombay, not only because it is the largest contributor to the capital of the Trust, but also because it is the only possible umpire in the case of a difference of opinion between the Board and the Corporation.

I have referred above to the question of housing the Presidency Police. The events of the past year have brought out very clearly the fact that the continued existence of Bombay as a civilised community depends upon the discipline and efficiency of its conservancy staff and of its police. It is not possible to estimate the harm that might be done to the city by the disintegration of either of these two great bodies of public servants. So far as the outbreak of disease may be a cause of disintegration, it can be to a great extent prevented by the provision of healthy dwellings. For their conservancy staff the Municipality have already done much in the way of providing quarters. In the case of the police, however, financial difficulties have hitherto stood in the way of any comprehensive scheme being taken up. What we now propose is that the Board should borrow money for the construction of police quarters, and lease the buildings to Government at a rent sufficient to extinguish the whole debt, principal and interest, within the period of the lease, after which Government will take over the buildings. It will be seen that this is equivalent to Government guaranteeing the interest on the loan and undertaking to buy the buildings from the Board at their prime cost on the expiry of the lease. We expressly provide that Government shall bear the cost of repairs and taxes, and that, in cases where the buildings are erected on lands for which the Board is liable to pay interest, this interest also should be paid by Government. It will be understood that no liability whatever accrues to the Trust from this portion of their work.

When any scheme is sanctioned by Government, the next step will as a rule be to acquire the lands needed for the execution of the scheme. For this purpose we propose to modify in certain respects the existing law of land acquisition as contained in Act I of 1894. The Board on drawing up any scheme will issue a notice to all persons who pay municipal taxes on account of any land that is to be acquired under the scheme. This notice will require such persons to state within thirty days whether they do or do not object to the acquisition of their lands, and, if so, for what reasons. When Government gives its final sanction to any scheme, the notification of such sanction will be equivalent to a declaration under section 6 of the Land Acquisition Act that all lands to be acquired under the scheme are required for a public purpose. The Collector will then proceed to give notice to parties interested under sections 9 and 10 of the Land Acquisition Act. In view of the fact that professional advice is readily obtainable in Bombay, the period allowed for appearance in answer to such notice will be reduced from fifteen days to seven. The Collector will proceed to inquire and make his award in the ordinary way, but will be at liberty in assessing compensation to take into account the extent to which the remainder of an estate, of which only a part is taken up, may be benefited by the improvement scheme. The 15 per cent. at present allowed for compulsory acquisition under section 23, sub-section 2, of the Land Acquisition Act, will, however, no longer be granted, because it puts a premium on a refusal to come to terms; and the landowner's return of rent made under section 155 of the Municipal Act will be binding on him for purposes of assessing compensation. Further, on the principle that the owner of insanitary property shall not be allowed to profit by his own neglect or wrong-doing, we provide that in determining the compensation to be paid the rental shall be taken to be no greater than would be obtainable if the property were used for a legal purpose or were occupied by such a number of persons as it was suitable to accommodate; and, lastly, if the building is not reasonably capable of being made fit for human habitation, the only compensation payable for the building apart from the land will be the value of the materials less the cost of demolition. These provisions with an exception follow those of the English Act, 1890, for the Housing of the Working Classes.

I come now to the resources of the Board. The operations of the Trust will involve very large expenditure, almost all of which must be met by borrowing either from Government or in the open market. I fear there is no hope of Government being in a position, at present at least, to advance funds, and we must look forward to having to apply periodically to the public for loans to carry out the purposes of the Trust. But the public will require good security for their investment, and the better the security the lower the rate of interest. This, I need hardly say, is a point of very great importance in dealing with financial measures of the magnitude contemplated. The provisions of

the Bill in this respect are as follows:—Firstly, there are to be vested in the Board certain immoveable properties of very considerable value for a long term of years. Secondly, the Board is to have power to levy an annual contribution from the Municipal Corporation for the purposes of the Act. Thirdly, the Board is to have special powers to charge the cost of direction and management and, within certain limits, the deficit which accrue, pending the full development of its resources, to capital. Fourthly, there is to be a formal guarantee for the payment of all liabilities the Board may incur in respect of debenture loans. As regards the properties to be vested in the Board, there are, in the first instance, certain areas which are to be reserved as open spaces, but inasmuch as they are, to all intents and purposes, not revenue-producing, it is unnecessary for me to further refer to them. Dealing with those which represent a marketable and, therefore, a tangible asset, there are, firstly, the Government lands specified in Schedule C, Part II, which, excluding the Flats, measure 793,900 square yards, and are valued at Rs. 56,83,922, comprising principally valuable building sites in close proximity to business centres. Secondly, the Municipal lands specified in Schedule D, which measure 751,056 square yards, and are valued at Rs. 18,28,277, comprising principally vacant areas, partially laid out, on the north of the city; and, thirdly, the reclamation rights on the foreshore west of Colába and on the west side of the Island between Malabár Point and Worli Fort. The Board will ordinarily hold the lands referred to in Schedules C (Part II) and D, as well as any areas they may reclaim on the foreshore until the expiry of the terms for which it may grant leases or renewed leases of them, subject in each case to a maximum term of 99 years from the date of lease, after which the lands revert to Government or the Corporation, as the case may be. The Board will have the free enjoyment of all rents and profits from the lands, and will pay nothing to Government or the Municipality on account of the lands for ten years, and in the case of reclaimed areas for thirty years after the constitution of the Trust. Thereafter, or, in the case of the lands mentioned in Schedules C (Part II) and D, from such later date as the Government of India may determine in respect of any areas then unleased, the Board will pay 3 per cent. on the value of the lands shown in the two schedules and on the then value of any reclaimed areas minus the cost incurred in effecting their reclamation.

I would here digress for a moment to correct a misapprehension that appears to exist as to this portion of the proposals. The mere mention of reclamations in Back Bay has conjured up the bogie of the old Back Bay schemes and alarmed some of our friends. But what is now proposed has no relation whatever to that enterprise which ended, I am told, so disastrously. It is merely contemplated, as stated in the objects and reasons, to reclaim and lay out such portions of the foreshore as, owing to the natural level being considerably above low water-mark, can be reclaimed at no great expenditure. This is at once the scope and limit of the proposals. There is nothing ambitious about them. They merely contemplate carrying out the reclamation of an area so favourably circumstanced for the purpose as to attract the attention of any one who has seen the foreshore at low water. The mere passer-by can hardly fail to be struck with how apparently favourable the conditions are. But though the scheme provides for extensive reclamations, there is, as elsewhere explained, no intention of their being carried out otherwise than tentatively after mature deliberation and experiment if the result of detailed surveys warrants such. The Board will have to be thoroughly satisfied as to the remunerative prospects of any such proposal, and will moreover have to satisfy Government on the point before they can incur expenditure. Part of the Walkeshwar foreshore has already been surveyed, and, as the Council are possibly aware, a preliminary survey of the foreshore, west of Colába, was recently begun. The results will be at the disposal of the Board as soon as it is constituted. The values shown in the schedules have been fixed at what are certainly very moderate rates, and I think it will be admitted that the spirit in which the project has been conceived in this as in all other respects is one of extreme liberality. I can, indeed, assure the Council that feeling the greatest sympathy for the citizens in the difficult task before them, it has been my earnest desire to afford them the largest possible measure of assistance: that in this I have been heartily supported by my honourable colleagues on the Executive Council, and that the same spirit has been evinced by the Viceroy and Council and the Secretary of State in dealing with our propositions. Without such support it would have been impossible for me to-day to offer the city the assistance which it so greatly needs, and which will, I trust, constitute no small part of the means of fully accomplishing the purposes intended.

Next as regards the assistance which the Board is to receive in the shape of a contribution from Municipal Funds. Here my cordial acknowledgments are due to the Municipal Corporation for their ready acceptance of the scheme as placed before them in September last. I find in that acceptance an acknowledgment of the urgency of the need and an enlightened recognition of the necessity for exceptional treatment of this great problem, which had from the first impressed me most strongly. It is further a great satisfaction to me that the proposals as a whole, including those for increased taxation, met with the cordial approval of the Chamber of Commerce and the Port Trust. The Municipal contribution is to comprise the enhanced receipts which will accrue from Municipal assessments on the new properties, less the cost of collection, maintenance and lighting of new streets and certain other charges, together with a lump sum annual contribution. Under new properties are included the properties vested in the Board, or which they may acquire, and the properties situated within a distance of 80 feet from either side of the line of any new street formed by the Board. The theory of this arrangement is that the Board are in any area to this extent entitled to any enhanced receipts due to their operations within such area. This will afford them means to similarly deal with other areas. The annual lump sum contribution has been fixed with the concurrence of the Corporation at 2 per cent. on the total rateable value of lands and buildings in the city. These are the proposals placed before the Corporation in the autumn and accepted by them in the President's letter of 29th November. The provisions for charging the cost of management and the deficits which may accrue in the earlier years of the operations will enable the Board to tide over the time which must necessarily elapse before the receipts due to its several undertakings are realisable in full. These provisions are usual, but in this instance, from the nature of the case, are given a rather wide application.

We now come to that part of the Bill which provides for a guarantee for the fulfilment of the liabilities of the Board. There has, in some quarters, been a great deal of misapprehension of the provisions made in this respect, and the reference to it as a "Bludgeon Clause" I cannot consider appropriate. It may be asked why provide a guarantee at all? Why not let the Trust stand on its own foundation without such additional support? This point has received our most anxious and protracted consideration. It is, of course, true that constituted and controlled, and endowed with property and with revenues as proposed, the Board would have a certain amount of credit. But such amount would be limited by, so to speak, the actual resources in hand at the time, discounted by the power of the Board to thereafter further pledge those resources. Moreover, the loans are to extend over a limited term of years, and the power to debit deficits to capital is likewise restricted. In these circumstances it seemed clear that without a guarantee it might be difficult, if not impossible, to borrow at reasonable rates of interest. A guarantee secures two most desirable ends: first, a minimum rate of interest, and second, power to raise funds in anticipation of results. As regards the first, we are advised that we may safely count on a saving of from $\frac{1}{4}$ to $\frac{1}{2}$ per cent. in the rate of interest, and as regards the second, it is not difficult to perceive, for instance, that it would be lamentable if, after having made one of the much needed through roads, or dealt with one of the unhealthy areas, the Board had to defer commencing another such road or another improvement scheme, until the enhanced receipts due to the first had been fully realized—a result which must of necessity take some considerable time in accomplishment.

Then as to the form of guarantee. The Government of India would not feel justified in making it either Imperial, or, what is the same thing in the end, Provincial, for it is obvious that although the interests are very widespread, the direct benefits are in a great measure purely local. The Government of India could not grant such a concession to Bombay without being prepared to extend it to Calcutta and Madras and other large towns, so that, in the aggregate, the liability, though it might be only formal, would tend to impair their general credit. It would mean that in certain possible events the burden would have to be borne by the general tax-payer all over India, which was considered manifestly unfair, as, for example, Calcutta and Madras could not reasonably be assessed for the improvement of Bombay. Another proposition which received consideration was to provide a guarantee by taking power to levy a special cess or tax throughout the Bombay Presidency. To this course there also appeared to be objections similar in character to those referred to as applying to a liability in which other

provinces would share, and it was necessary to fall back upon some other method. There thus appeared to be many arguments in favour of restricting the liability to the area and interests most directly and immediately concerned. With reference to this aspect of the question Government had to consider the powers of taxation which the Municipal Corporation already exercise within that area. It had already been decided that the funds at the disposal of the Corporation, or which it is within their power to raise by taxation, should not be indented upon beyond the limits now specified in section 63 of the Bill, to which the Corporation had agreed. The powers of the Corporation are, however, restricted within very moderate limits by the Municipal Act, and are less than those exercised in Calcutta for instance. The general sewage and lighting tax there extends to 17, as against 15½ per cent. in Bombay. As compared with European cities the taxation is, moreover, light, and it appeared to Government that in the circumstances, taken as a whole, the rate-payers of Bombay, being the principal beneficiaries, could afford and could very reasonably be required to undertake the liability of guaranteeing the finances of the proposed Improvement Trust. The section has, however, been so worded that the special tax, should any such liability ever accrue, need not necessarily fall wholly on the rate-payers. It is to be such as may be approved by Government, and its character and extent would obviously depend upon the amount to be realised. It would serve no useful purpose to now discuss the alternative taxes which would be possible to levy in the remote event of any liability accruing. The conclusion we have arrived at after looking at the question all round is that a guarantee is essential, and that in its present form it is wholly unobjectionable.

We shall very probably be told that under somewhat similar conditions Government guaranteed the finances of the Port Trust. But this is not true of loans raised by that body by borrowing in the open market. The Port Trust debenture-holder is secured in two ways: first, by the provision that the interest on debenture loans is a first charge on the revenue of the Board; secondly, by the provision that, if the Board fail to make sufficient provision to meet their liabilities, Government have power to increase or force them to increase their charges to such extent as may be necessary. The Board are able to borrow, with these provisions, at rates closely approaching those at which the Government of India can borrow, and although, as I am informed, many persons at the time took a most despondent view of the prospects of the Port Trust finances, there never has been any approach to a condition of things which made these provisions anything more than a mere formality. The debenture-holder who lends money to the new Trust will be secured in precisely the same way, that is, first, under Section 47 the interest on debenture loans is a first charge on the revenues of the Board; secondly, if the Board make default, their liabilities are to be made good by special taxation under the orders of Government. But the debenture-holder under the new Trust is in a much better position in this respect, that his claim is to be immediately met by the Accountant General, and his security for the payment of interest and for the repayment of his bond is thus nearly perfect.

I would lastly, in regard to this branch of the subject, add that a municipal guarantee in respect of liabilities to be incurred in which the rate-payers are far less directly concerned, is no novelty in the experience of those of us who have knowledge of affairs in Europe. To mention a recent instance, it is reported in the papers received within the last fortnight that at the present time the Corporation of one of our towns on the south coast of England is considering an application from the Harbour Commissioners to guarantee interest at 3 per cent. on a large loan required for harbour improvements, the loan being between $\frac{1}{3}$ and $\frac{1}{4}$ of the rateable value of the town. There is perhaps a more striking example of the enterprise of municipal bodies in England in undertaking financial burdens for projects of importance to the general interests of the rate-payers. It is that of Manchester, the Corporation of which city advanced £5,000,000 to the Manchester Ship Canal Company. The population in March 1896 was 534,299, and the rateable value £2,944,000. The average municipal rate for the year ended 31st March 1896 was a little under 6 shillings in the pound, or about 30 per cent., and we are told that the rate-payers pay ungrudgingly a rate of 1s. 1d. in the pound, equivalent to a rate of a little less than 5½ per cent., to develop the canal enterprise and promote the commercial interests and welfare of the whole community. Viewed in the light of such examples, and making every allowance for differences which affect the case, it appears to me hardly too much to say that the power of the rate-payers of the great cities of India to lend their credit to promote improvements in the shape of productive works in which the inhabitant.

are vitally interested is as yet almost wholly undeveloped and that much ought to be done here.

I think I have thus placed before you an account of the resources of the Board. They will unquestionably need careful husbanding to secure the maximum result. The Board will in fact have to study economy in every practicable shape, and I would carefully guard against the impression that its organization means the employment of large establishment on high salaries. It is to be a working body whose greatest aim will be a maximum result at a minimum expenditure. It will necessarily need a strong executive on whom most of the work will fall, but we think the control to be exercised by the Board will not require that that body should meet very frequently. This will of course depend on developments which it is difficult to precisely foretell, but we have provided in the Bill that the Board shall not be required to meet more often than once a month. We propose to endow the Trust with large powers and resources, but I do not disguise from myself that here in Bombay the field is very wide and the task a very great one. The whole duty of the Board is the improvement of the city—nothing less—and it will not have done its task until every unhealthy area has been thoroughly dealt with and its defects remedied; until the city is traversed from end to end by wide roads in the direction of the sea breeze to secure perfect ventilation; until chawls for the poor have been provided on a scale and under regulations which will prevent overcrowding; and until ample provision has been made to meet requirements for the expansion of the city.

My honourable colleagues, I have but one more word to say. I am glad to know that there are three members of this honourable Council who dwell amongst us and who are members of the Municipal Corporation. Amongst the criticisms that I have studied I have seen the idea put forward that the aim and the intention of the Government of Bombay was to belittle the Corporation, to cripple its powers and to reduce it in the estimation of the public. Well, now, I can assure those honourable members who combine membership of the Corporation with membership of this Council, that nothing is further from the minds of Government than this idea which has been put forward as representing their view. I can also say that on the Executive Council the Corporation have a jealous and zealous protector in my honourable colleague who had so much to do with framing the Municipal Act. Not only do I go so far as to assure you that there is nothing in our plan of which the intention is to belittle your Municipal Corporation, but I look forward with a sanguine hope for the co-operation of the Municipal Corporation with the new Trust, particularly in the direction of preventing overcrowding in the chawls which are under their Health Department, in the same way as the Trust will look after overcrowding in the chawls for which they will frame regulations.

Then I would also point out this: It is not to be imagined that large sums of money are to be immediately sunk in palatial buildings. The main object of this Bill is not to beautify your city, but to do away with the insanitary areas and the unhealthy localities, and also to see that the areas over which the Trust hold their sway do not become the prey of the jerry builder. Hand in hand with the removal of these noisome quarters in which so much sickness must prevail will go the beautifying of your city. I claim for our Bill that it is a great expedient to deal with a very great and overwhelming calamity, and also to point out that when the calamity shall have passed away the expedient will continue on its beneficent course. The Bill will be entrusted to Sir Charles Ollivant to conduct it over its succeeding stages. We may well trust the honourable member not to push the Bill through with what has been termed indecent haste. I do think, and I believe the vast majority, if not all, of the honourable members of this Council will agree with me that it is desirable to get through with the Bill as quickly as we properly can, and to set this Trust to work upon the lines laid down for it to work out the duties to be entrusted to it.

There is one feature of the Bill on which I have not dwelt so far, and that is in respect to the question which deals with the housing of those who are to be displaced by this scheme. The re-housing of the poorer classes is one of the most important and attractive provisions of the Bill. I do not wish to refer too often to my visit to the slums with two honourable members, one of whom is alas no more. But when I visited those slums they reminded me most graphically of the stories that one used to read a few years ago regarding the dens and cellars in London; where the poorest classes of the great metropolis herded together; where those who had to live by the sweat of their brows had to drag out

a miserable existence. We do hope that by these particular provisions of the Bill we shall conduce to a higher state of civilization and of greater vigour on the part of these people who contribute so much to the material wealth of this city. These people deserve our sympathy and assistance. We desire to place them in better houses, so that not only will it let the sun into their houses but into their hearts and into their very existence, and thus terminate the sad state of things amongst them which at present cannot but be one of unhappiness, combined with toil. My honourable colleagues, the times are troublous in Bombay, and the cloud hangs yet heavily over the whole of us in whatever position we may find ourselves placed. But I do believe that a brighter future must be at hand, and that the most efficacious way of bringing it about, the most expeditious, safest and surest way of bringing it about, is on the lines which I have endeavoured imperfectly to explain. With the confident hope and earnest belief that what I say is true I ask you to give a first reading to the Bill.

The Honourable Mr. **DAJI ABAJI KHARE** said—Your Excellency,—I do not propose to take up any long time in discussing the Bill that has been just proposed for first reading. There can be no difference of opinion that the Bill concerns very great and paramount interests, and the whole city must congratulate your Excellency's Government upon having the interest of the city at heart and having set in motion the wheels for the improvement of the city. That the city does require such an improvement scheme there is no doubt; and I would certainly vote for the first reading of this Bill, but I would like to say a few words on the details of the measure. The agency by which this improvement is to be carried out, the functions which that agency is to perform, and the funds which the agency is to use, and the accommodation that the agency is to supply, all these are matters of detail, and, therefore, I do not think it would be right for me to detain the Council in discussing them at this stage. The proper time to discuss them will be when the further stages of the Bill are taken. Some remarks have been made as to the Government having entrusted this work to a Board which is quite independent of the Municipality of Bombay. Your Excellency has assured the Council that your Government does not intend to cast any slur upon the Corporation; but that assurance is not sufficient to my mind to justify the proposal of creating a separate and independent Board. The "Statement of Objects and Reasons" gives some grounds for this action, but they are not sufficiently convincing. As at present advised I would like to see this work entrusted to the Corporation. It is said that the finances of the Municipality are not adequate, its lawful powers are deficient, and that a special agency and a special staff would be required to carry out the task proposed. All these defects can surely be remedied by this Council. You can give them adequate statutory powers, and then the Corporation can obtain the necessary funds and the powers. I quite admit that the Corporation as a whole will not be able to carry on the work; but they can easily appoint a subordinate committee and engage a special agency and a special staff for carrying on the work. This and other matters are, as I have said, matters of detail, and are more fit to be gone into at the Select Committee. I approve of the principle, viz., the improvement of the sanitary condition of the city, and I therefore vote for the first reading.

The Honourable Mr. **W. C. HUGHES** said—Your Excellency,—The main features of the Bill are, as your Excellency reminded the Council, in practically exact accordance with the terms of the Government letter of 28th September. The scheme, as set forth in that letter, met with the unanimous approval of the Port Trustees, who regarded it as one of great importance in relation to the commerce of the Port, and fully appreciated the value of the concessions Government propose making to the new Trust. The Trustees have not considered the Bill itself in detail. It is hardly necessary that they should, seeing that four of their number have the honour to fill seats on this Council. I have only to add that I was quite recently asked if this was only a paper scheme, or does it really mean business. Being as it is no mere paper scheme but one of very real intentions, it has been impressed upon me that no time should be lost in making a start with the improvements, as I am told such a step would go a long way to increase confidence on the part at least of foreign traders. I earnestly hope, therefore, that the Bill will pass the several stages with as little delay as is compatible with its due consideration.

The Honourable Mr. **BHALCHANDRA KRISHNA** said—Your Excellency,—The Bill before the Council is a measure of lasting importance. It is intended primarily to benefit Bombay City. If it succeeds in its object its benefits will be derived not only by

the city but by the Presidency; and even the country at large. In fact, if the ideal is fully realized its good effects will reach in a manner the whole civilized world. As a great trade centre Bombay can claim kinship with the whole world, and recent events have shown how in the well-being of Bombay are bound up the vital interests of a great many other people besides ourselves. The present Bill aims at renovating Bombay, improving its sanitation, and so ordering it generally as to make impossible such visitations in the future as have been afflicting us these two years. Thus, if I understand the Bill aright, its results will be far-reaching. But beneficent as the Bill is calculated to be in its results, in its practical working it threatens to seriously interfere with the established local self-government in Bombay. In that aspect of it we are, I may venture to say so, on the eve of a change of policy in municipal government in the city. I know there are some critics who would like to do short work with the Bombay Municipality, who see no good in it, and who would prefer it to be replaced by an executive department of the State. I am glad to note that such counsels do not find favour with your Excellency. I am one of those who earnestly think that the Municipal Corporation is doing, within the limits of its constitution, valuable service, and that it is an institution which deserves every sympathy and encouragement. I should, therefore, be keenly watchful to maintain inviolate its constitution and privileges, and to resist if possible any attempt to hamper its working.

As I conceive the idea of effecting sanitary improvements, and making provision for better housing the poor in Bombay originated with that notable series of visits your Excellency paid to the different institutions, as well as to the slums of this city in March 1896. Those visits were probably undertaken by your Excellency with a view to gaining personal acquaintance with such institutions and with the condition and wants of the poor population, and it was then expected that the knowledge thus gained would sooner or later bear good fruit. I had the privilege of accompanying your Lordship on one of those occasions. While speaking of it I cannot refrain from referring to a sad association. My esteemed friend and colleague, the late lamented Mr. Dharamsi, whose genial presence we all miss here to-day, and whose loss we shall ever mourn, was one of the party. I well remember the interest your Excellency manifested as regards all you saw. The breaking out of the plague in the rains following probably accentuated the necessity of prompt action. Your Lordship's address to a deputation of the Chamber of Commerce last February fore-shadowed the reform that was soon to take shape in the present Bill for the improvement and extension of this city. Bombay will, indeed, have cause to be grateful to the resourcefulness and statesmanship your Excellency has exhibited in meeting the present emergency. The plague will leave behind it many regretful memories, but there will be one bright spot on which the people will love to dwell; and when all the present misfortunes and hardships are forgotten as events of a remote past, the City Improvement Act will be cherished as a blessing, and will leave Lord Sandhurst's name eternally associated with it. Your Excellency is unquestionably the originator and the deviser of the scheme, and as the brunt of the work has chiefly fallen upon your Lordship the glory of having accomplished it will be all your own. From the fact that the improvement scheme is in its intention a beneficent measure, there is in some quarters an eagerness to see it carried out in all haste and without regard to the interests of existing institutions. The Municipal Corporation, which has incurred the displeasure of some of these over-eager critics, has been charged with obstructing and delaying this useful measure, and the prompt replies of the Chamber of Commerce and the Port Trust are contrasted with the tardy reply, as it is called, of the Corporation. But in point of fact the reply of the Corporation was no more tardy than was absolutely necessary for a proper consideration by the Corporation of its interests. The Chamber of Commerce and the Port Trust needed no time for deliberation as no responsibility was proposed to be put on them. The Corporation, on the other hand, had to find the funds and to see that no serious inroads were made on its constitution. If the Corporation had followed the lead of some of these irresponsible mentors and had given a hasty reply, it would have committed a blunder for which these same mentors would not have been slow to blame it. The Corporation called for further information from Government, and on receipt of that information immediately intimated its concurrence with the essential principles of the scheme. The delay in bringing forward the Bill is, if I mistake not, due to other causes than the reply of the Corporation, and yet these critics will keep on harping on the dilatoriness of the Corporation. Indeed the delay needs hardly to be regretted. An important measure like the City Improvement Bill cannot be run through like an order of

the Executive. Undue haste in carrying it out might give cause to the proverbial repentance at leisure.

If I understand right, the main principle of the Bill aims at the improvement of the city by the creation of a separate body to be financed by the Corporation. I will address myself to those points of principle without going into details, as was done on a former memorable occasion by the late Mr. Justice Telang when the present Municipal Act was discussed. As to the main principle of the Bill there is now little difference of opinion. The Bill creates a new organization for carrying out the work of improvement. The Corporation as a body have conceded that it is better that such a new organization should be created rather than that the work should be put upon themselves. There is, however, still a considerable body of opinion which maintains that the creation of a new Trust is a reflection on the Corporation, and an interference with its rights, and that instead of such a new Trust being created, the Corporation, as the sole depository of the function of self-government, should have further work entrusted to it. I have every respect for the opinion so expressed, and I am myself a warm supporter of the privileges of the Corporation; but after the best thought I could give to the subject, I am firmly persuaded that the arrangement of a separate Trust will better serve the purposes contemplated and involve no diminution in the dignity of the Corporation.

The work of improvement is most urgent. Bombay is the gate of the trade of India. It has business connections with the whole world. The ravages of the plague have shaken its sanitary credit and have brought untold losses. That credit must be promptly re-established and an assurance held out to the world that they need have no further fears in renewing their business connections with us. Such an assurance can only be given by prompt and speedy and effective work, and such work can best be done by a small compact body of persons prompt in decision and quick in execution. The Corporation is essentially a deliberative body. It has its own well-defined statutory duty and has enough work to occupy its energies. Its executive officers have their hands already full with the work imposed on them by the Municipal Act. The financial responsibility, moreover, will be almost insupportable to the Corporation. As the Bill is now framed the Corporation is indeed to act as treasurer to the Trust, and is in the last resort responsible for the Trust's liabilities; but in view of the Trust being an independent body, Government have made certain concessions which, I apprehend, they might not have made if the work was to be undertaken by the Corporation itself. Government have offered: (1) plots of valuable lands free of charge for the first ten years and at a very low charge thereafter for a further period of 89 years; (2) free use of reclamation rights for the first twenty years after reclamation and at a low charge for 79 years thereafter; and (3) the power to debit to capital account such provision for interest and sinking fund as cannot be obtained from income. These provisions will, it is apprehended, considerably add to the resources of the Trust. The revenue which the Corporation will supply to the Trust at two per cent. of the rateable valuation of properties will amount to about five lakhs per annum. The funds which the Trust will require are estimated to be largely in excess of this amount. Even if the borrowing powers of the Corporation were increased it will not be practicable for that body to carry out the new scheme within a period of 25 years. Any suggestion to prolong the period should not be considered, as the future well-being and prosperity of the city depend upon its sanitary credit, and it is the bounden duty of both the Government and the Corporation to establish it with the utmost expedition. Assuming that the Corporation would undertake to effect the contemplated improvement within 25 years at a total cost of $3\frac{1}{2}$ to $3\frac{3}{4}$ crores of rupees, excluding the cost of reclamations, as these are not absolutely necessary from a city-improvement point of view, the financial provision which will have to be made will be at the recurring rate of Rs. 70,000 per annum. This means that in the seventh year a provision of Rs. 4,90,000 will be required, equal to 2 per cent. of the rateable value, the maximum which the Corporation will have to contribute in any one year under the scheme proposed in the Bill. But in this case the burden will go on increasing, and in the eighth year a provision of Rs. 5,60,000, in the ninth year Rs. 6,30,000, in the fifteenth year Rs. 10,50,000, or at a rate a little higher than 4 per cent. and at the end of 25 years a provision of Rs. 17,50,000 will be required, *viz.*, equal to 7 per cent. of the rateable value, and it would be necessary to levy such additional taxation for a period of forty or fifty years more until the loan is paid off. I do not believe that in the face of such figures any one would still maintain that the Corporation should undertake the work. Such an incubus in the already crippled state of municipal finances is apt to

land us in hopeless insolvency. The work of improvement as a consequence will be indefinitely delayed, which will defeat the very object of the scheme. With the resources supplied by the Government the Trust may supplement its revenues derived from the Corporation, and may be able to tide over its difficulties.

In section I (2) the provisions of the Railway Act of 1890 have been saved from the operation of this Act. If that is found necessary to provide, I will submit for the consideration of the Council whether or not the Tramways Act as well as the contracts with the Gas Company and the Mills and also the agreements by the Corporation with the owners of houses for enforcing set-backs, should be equally saved. Unless that is done I fear the Corporation, in addition to its contribution, may be called upon any day to pay enormous damages in the course of carrying out of any scheme under this Act.

As Government has handed over its property to the Trust it is but right that it should have a representation on it. The exact proportion of representation is another question. The Bill proposes that the Trust shall consist of 13 members, *viz.*, of 3 *ex-officio*, 6 elective, 3 nominee trustees, and a chairman. The *ex-officio* Trustees shall be: (1) the General or other Military Officer Commanding Bombay District; (2) the Collector, and (3) the Municipal Commissioner. Of the 6 elective Trustees, 4 shall be elected by the Corporation, 1 by the Chamber of Commerce, and 1 by the Port Trust. The Chairman and the nominee Trustees shall be nominated by Government. There is a consensus of opinion that as good reasons do not exist for including the General Commanding the District among the *ex-officio* members as for placing the Commissioner and the Collector there. So far as I am aware no great military interests are involved in the working of the scheme, and whatever interests are involved are safe-guarded by three provisos in the Bill. The first requires the sanction of the Government to anything likely to injuriously affect the security of the defences or the sanitary requirements of the troops. The second provides that no building shall be erected in the vicinity of the Batteries within limits to be determined by the Government of India. The third provides that the Board shall have no claim for damages in respect of orders issued under the second provision just mentioned. These provisions are as if it were self-acting, the operation of which would in no way be safe-guarded by the presence of the Commandant as a military representative on the Trust. The Port Trust, which has been taken as a model for the new Trust and which has, it is admitted, been working to the satisfaction of the Government and the public, has had no military representative on its Board, although the Military Department has been vitally interested in the arrangement of the landing and embarkation of troops. The Collector and the Municipal Commissioner are, by their official position, well suited to occupy *ex-officio* seats on the Board. The Collector's assistance will be specially useful in the acquisition of lands. There is a feeling in a small section of the Corporation that the Municipal Commissioner should not be a member of the Board, but the majority are of the opposite view. I agree with that view, and think that he would be best qualified both on account of his intimate knowledge of Municipal affairs and finances. It is said that his hands are already full, and he has to attend the meetings of the Port Trust, and that the Municipal Act does not permit him to take up any other duties without the sanction of the Corporation. I do not consider this to be any serious objection, and believe that the advantages to the Corporation that will be gained by his presence on the new Trust will by far counterbalance all the supposed disadvantages. The Bill allots four elective seats on the new Trust to the Corporation. The Corporation in their letter requested that the new Board should consist of eleven members, half of whom should be elected by the Corporation, the Chairman being nominated by Government. Between the two, I venture to submit, my Lord, that the proposal of the Corporation seems to me preferable, because the new Board will carry on its work of city improvement from the funds supplied by the two bodies, *viz.*, the Government and the Corporation. The contribution from the Corporation will be fixed, while that from the Government must be counted as uncertain. A much larger portion of the revenues of the Board will be supplied by the Corporation than that which will accrue from the sources that will be placed at the disposal of the Board by the Government. These points cannot be disputed, and I will, therefore, not take up the time of the Council by going into detailed figures to substantiate them.

Such being the case, is it fair, is it just, I ask, that the body contributing the major share of the expenditure should be allowed representation to the extent of even less than one-third, while the party contributing a minor share should secure two-thirds of it? I

may be permitted to say that the Corporation is very moderate in this demand. It does not ask for a majority on the Board, though having regard to its share of expenditure it will be fully justified in asking for it. But that body has rightly chosen to be moderate in its demand, and I trust and hope that your Excellency's Government will be pleased to consider this point favourably, and gracefully yield to the request of the Corporation. It has been urged that such an arrangement would not work; that the Chairman would have to exercise his right of casting vote too often for the efficient working of the Board, and that its constitution should not be such as to necessitate such a course frequently. I think all these fears are the outcome of gratuitous assumption arising in all probability from ignorance and want of experience of the actual working of the bodies. During my experience on the Standing Committee extending over several years I have not come across a single instance when the eight members elected by the Corporation have voted on one side against the four members nominated by Government. Those who have any knowledge and experience of the actual working of that body will be unanimous in affirming that the work transacted by that body is never disposed of in a spirit of party feeling, but with a full sense of the responsibility that rests on it and for the best interests of the City. Then, again, take the case of the Joint Schools Committee. It is a body consisting of eight members, four of whom are elected by the Corporation and an equal number nominated by Government. I have made careful enquiries about the manner in which business is transacted by that body, and I am assured that during the whole existence of that body not a single instance has occurred when the Government members have voted on one side against the four members of the Corporation. In the face of such experience, I believe it is idle to work upon the imagination of the uninformed and to raise the bug-bear of the casting vote. I have no doubt, my Lord, that should your Excellency's Government be pleased to accede to the reasonable request of the Corporation on this point, the Board will work smoothly and to the entire satisfaction of the Government and the public. Should, however, Government think that the number of Trustees should remain 13, then I would beg to urge, on the grounds I have already mentioned, that your Excellency will be pleased to grant one more elective seat to the Corporation.

I would here take the opportunity to mention that a very large and important interest has been left unrepresented. I mean the Mill-owners Association. This Association has been in existence for nearly a quarter of a century. There are now about 60 or 70 mills in Bombay, and their number is every year increasing. In fact Bombay is called "The Manchester of the East." There is a paid-up capital of about 10 crores of rupees, and from 60 to 70 thousand mill-hands are working under them. The mill industry in Bombay contributes about four lakhs of rupees to the Municipal exchequer. They will be called upon to contribute so much of the expenditure of the new Trust as may fall upon the city far more than any other single interest. I believe that they will neither be represented through the Chamber of Commerce nor the Port Trust, nor can their special interests either as contributors to the Municipal exchequer or as employers of labour be well represented by the Corporation. The mill-owners' representative will be a valuable acquisition to the new Trust, for through him the Trust will be in direct touch with the mill-owning opinion. He would be able to give practical advice when the question of providing workmen's buildings and chawls will come up for consideration before the Board, and the public would have more confidence in this part of the scheme if they knew that men in touch with the labouring classes and possessing a practical acquaintance with their requirements and resources are being consulted with regard to them. I trust that these arguments will appeal to your Excellency as to the justice of the claims of the Mill-owners' Association for a seat on the new Trust.

The work which the Trust is expected to perform is put under four heads: (1) improvement schemes, (2) street schemes, (3) reclamation schemes, and (4) Police accommodation schemes. Under the first head the principal item would be building sanitary dwellings for the poor. This is a necessary and useful measure but of a doubtful financial success. That the poor mill-hands and servant classes need better ventilated and better situated houses cannot be gainsaid. At the same time their income is so uncertain and scanty that it is questionable whether they will have the means of taking such improved but costly tenements as the Trust might endeavour to supply. The wisdom of the Trust will be sorely tried in suiting sanitary requirements to the capacity of the payers. European experience will hardly serve as a safe guide here. Several English organizations, such as Lord Shaftsbury's Co., the Artizan's Dwelling Co., the Improved Indus-

trial Dwelling Co., the Peabody Buildings, have proved successful as remunerative concerns. But the English working classes are a homogenous community getting higher wages and accustomed to a higher standard of living than their Indian brethren. The Indian mill-hand refuses, I am told, to occupy a room supplied by his employer at Rs. 2 a month. His earning is scanty, his habits are often intemperate and he is frequently in a chronic state of indebtedness. He, moreover, is not educated enough to appreciate the blessings of hygiene. The buildings howsoever unpretentious will be more costly than the present workman's chawls. They could not, therefore, supply letting quarters at the rates the workmen are at present accustomed to pay. In providing these buildings the Trust will have to be content with improved health and reduced mortality as the only return for their investment.

I am glad to note that Government now propose to count the period of interest on their lands from the time that the lands will be let by the Trust. If the period had commenced from the date of transfer by the Government, it would have proved an onerous inheritance like some of the Port Trust properties.

Street improvements and reclamations will be a source of gain. Some persons object to reclamations as a legitimate field for the Trust's work. Past experience shows that reclamation is a doubtful venture. It is also thought that reclaimed land will supply sites for the wealthy and not for the poor. But it is to be noted that reclamation is meant here as a source of revenue to the Trust. It is further to be undertaken before the land previously acquired is disposed of at profitable rates. Past experience is not entirely against reclamation. The Back Bay scheme no doubt failed, but that failure was due to various special causes. The Port Trust reclamations have on the other hand proved successful and may furnish valuable guidance to the New Trust. Reclaimed lands will give building sites for the wealthy alone; but if the congestion of the crowded localities can be thereby reduced, that will not be an end to be despised.

In connection with these schemes I would suggest for the consideration of the Government the advisability of making it obligatory on the Board to state with the estimates of each scheme the profits that are likely to accrue. May I not also suggest that, in view of the large contribution that the Corporation will make in carrying out the improvements, copies of all schemes undertaken by the Trust be supplied to the Corporation before final approval.

As regards the Police accommodation I beg to remark that this question was not included in the letter of the Government to the Corporation. It is an Imperial question and not a local one. Besides it is a question pending between the Government and the Corporation. The Police charges which the Corporation pays as a part of its obligatory duty include only the salaries and maintenance of the Police. The question of accommodation for the Police has only recently been started and is yet pending the decision of the Government, and before it is finally settled it would not be proper to legalise it and saddle the Corporation with this additional burden.

The financial provisions of the Bill call for closer scrutiny and attention. I have consulted several financial experts as well as experienced lawyers in regard to their clear meaning, and I am constrained to remark that they agree with me in thinking that the clauses are framed in a somewhat complicated and ambiguous manner and require to be made more lucid and intelligible. Section 63 makes rather a large order on the Municipality which is further emphasized by sections 70 and 71. In the letter of the Government to the Corporation your Excellency was pleased to vouchsafe an assurance that the Bill would contain provision "*for a restriction of the special rate to be imposed to a maximum of 2 per cent in any one year.*"

The Bill under consideration does not contain any such provision, but on the contrary opens out an undefined vista of liability on the Corporation and enforces it by what I may venture to call the "Bludgeon clauses." As Section 63 stands, it entails not only a heavy liability on the Corporation, but threatens very seriously to cripple and disorganize the finances of the Municipality, already shattered as they are by the heavy demand made by the plague since the last year and a half. In the face of the assurance given to the Corporation that only 2 per cent. of the total rateable value of buildings and lands in the city would be the annual liability of the Corporation, the section introduces a new burden in the shape of the halalkhore tax as an additional contribution and the whole of the

general and halalkhore taxes on the properties that will come into existence under the new scheme as well as on the properties which will be situated within 80 feet of the new streets that will be made by the Trust *minus* the cost of collection, conservancy, &c. It would be well to define exactly the liabilities of the Corporation whatever they may be, whether 2, 3 or 4 and even 10 per cent., instead of leaving them vague and ambiguous, because it will be very difficult both for the Commissioner and the Standing Committee to frame the annual budgets and to meet the demands of the Trust, which will be ever increasing under the vague and ambiguous clauses of this section. I would venture to suggest that the contribution of the Corporation should be fixed at two per cent. only, recovering the excess expenditure by distributing it over the areas improved upon analogous to what I understand is provided in the English Housing Act. It will also be advisable to make it clear whether the taxation will be included within the 12 per cent. limit fixed by the Municipal Act or whether it will be exclusive of it. Section 63 (2) requires that the first instalment of the contribution of the Corporation shall be paid on the 1st April 1900. This is both hard and unfair, because the official year commences with that month and it will not be possible for the Municipality to make the payment without serious inconvenience and loss as the collection of taxes commences in that month. The Municipality as is well known has no reserve balance, because all its surplus cash balances have been swept away by the plague operations and there is no likelihood of reserve revenue accumulating for years to come. How is the money to be obtained by the Municipality and how is it to meet this heavy demand? The current revenue cannot supply these demands. In April the Municipality to ensure its own stability must meet a charge of 4 $\frac{3}{4}$ lakhs of rupees for interest charges for its loans. April is the month in which collections for general tax commence, while in March in the ordinary course of things, that being the last month of the official year, payments exceed receipts. I give figures for five years ending with 31st March 1897 which will bear me out in my contention:—

				(Receipts),	(Payments.)
				Rs.	Rs.
March 1893	...	...	...	4,47,700	5,91,000
April 1893	...	...	...	5,84,000	5,92,000
March 1894	...	...	...	3,69,000	4,35,000
April 1894	...	...	...	5,59,000	6,14,000
March 1895	...	...	...	5,26,000	6,36,000
April 1895	...	...	...	6,21,000	7,91,000
March 1896	...	...	...	5,03,000	6,35,000
April 1896	...	...	...	6,30,000	6,27,000
March 1897	...	...	...	4,75,000	5,91,000
April 1897	...	...	...	6,35,000	7,04,000

These payments, moreover, do not sufficiently accentuate the liabilities of the Municipality in the month of April each year. In them are included the interest charges actually paid; but if the Municipality is to be financed on a sound basis, then it must be in a position to meet at a moment's notice the full extent of its liabilities on account of interest charges, and, therefore, the full amount of interest payable, not that actually paid, should for purposes of comparison be taken into consideration. Such a calculation would only bring into better prominence the impossibility of paying to the new Trust so large a sum as 5 lakhs of rupees on the 1st of April in each year. The question is whether the Municipality is to meet first its own liabilities or those of the new Trust. The provisions with regard to the payment of second instalment on the 1st of October each year involve increasing liability on the Corporation year by year, which at the same time will year by year lose an ever increasing proportion of revenue from the areas taken up by the new Trust. The halalkhore tax is to be placed to the credit in the accounts to be made up to the amount of second instalment in addition to the general tax. This is sure to increase the liabilities of the Municipality, because the Corporation only agreed to pay 2 per cent. of the rateable value of the lands and buildings. As more and more lands get vested in the new Trust the credit will be swelled year by year, so also the appropriation by the new Trust of the revenues from the general and halalkhore taxes accruing from the best frontage lands and buildings will increase in volume year by year. Whereas the rebate allowed to the Corporation of the amount of revenue which that body was receiving before the properties and lands would be taken away would stand as it is. No allowance is made for the rise in the value of the properties which would in

the ordinary course of things take place year after year. And thus though the Corporation will have to pay a second instalment on the basis of an ever increasing assessment, the rebate allowed on properties assessed before the New Trust takes them over will remain a stationary figure. I am constrained to remark, my Lord, that the Corporation is expected to give assistance to the new Trust and in consideration of this assistance it is to be rewarded with a reduction of its own revenue and to be mulcted more heavily year by year in order to secure the improvement of a large portion of Government lands which eventually revert to Government.

To turn to the debit side of the account it would be advisable to define the words "reasonable allowance" which occur in three sub-sections, because it would be very difficult to arrive at a clear meaning of the words and lead to great many difficulties. I am of opinion that the allowance should be determined by the actual cost of the extra staff specially employed at the ratio which the receipts of the Board bear to the receipts of the Municipality in regard to staff engaged in the work of these bodies, for it will be difficult to keep an exact record of the establishment for all new streets and contiguous ones, as also a correct record of water consumed for the new streets as distinguished from the old. It is only on the system of averages and actual working experience that the basis on which the charge is to be made can be determined. I lay stress on this, because the clause provides that Government, who have a large interest in the scheme, are to be the sole and final arbitrators in the matters of dispute between the Municipality and the new Trust. I would beg to suggest here that the instalments should be made either monthly, as in the case of police charges, or quarterly. This arrangement will, I submit, be satisfactory both to the new Board and the Municipality and will cause no loss of interest to the latter body.

As regards liabilities : whereas the liabilities of the Municipality will be unlimited, those of the Government, as defined by section 64, are very small. The new Trust is to get from Government rents from a blank schedule. These rents as well as other receipts are to be brought to the credit of a general account. In section 67 (1) it is provided that interest will commence on reclaimed lands after 30 years. The reclaimed lands, if a success, must rise in value and with the rise in value will increase the amount of the contribution of the Municipality, the Government contribution being almost *nil*. Still the general account of the New Trust which is to determine the amount of rebate to the Municipality under section 69 is to be burdened by a contribution to Government in hard cash of 3 per cent. on the differences in value of the reclaimed lands as they will stand 30 years after the Board is formed and the actual value as represented by the capital sunk in the reclamation. But if the reclamation is a failure, then the rights and properties vesting in the new Trust revert under section 53 III (1) absolutely in Her Majesty.

The interest and sinking funds charges on the capital still proceed and are shown on the general account and contribute to reducing the profits which the Corporation have a right to look for. Section 69 III (a) provides for the liquidation of the capital due by the Board on account of lands specified in part 1 of Schedule C together with interest thereon at 3 per cent. This is obviously unfair, because the lands are not to be built upon or to be leased and yet after 60 years the Corporation will be called upon to pay 36 lakhs of rupees for no benefit whatsoever; the lands may as well remain in the possession of Government, especially as under section 53 Government may at any time take possession of these lands for public or military purposes. Then again clause 2 B (b) provides that whatever surplus remains shall be equally divided between Government and the Corporation. This arrangement will be obviously unfair. Sections 70 to 72 are "bludgeon clauses" and it is needless for me to say that they are likely to operate harshly. They are no doubt intended to serve as a guarantee to investors: the Government, being unable to give direct security, make the Municipality liable. This is also unfair, especially as the Corporation has no controlling voice at all over the expenditure of the Board. The new Trust may go on spending. There are no legal restrictions placed on it, and if it runs into insolvency, the Municipality must pay the debts under penalty of attachment of its revenue, and to make up for the deficit the Corporation has to levy a special tax over and above the 2 per cent. Surely some safeguards and limitations should be placed on the spending powers of the Trust. There ought to be a sense of responsibility in the Trust that would prevent it from incurring liabilities in excess of its income. This would, to a certain extent, mitigate the harshness of the "bludgeon clauses." In any case

I submit that the Corporation should be given an opportunity to see that the expenditure is just, and to protest in case it is otherwise.

There are several other minor points in regard to which the Bill requires amendment, but I do not wish to detain the Council at this stage. I think the bye-laws of the new Trust should not be inconsistent with those passed by the Corporation, and whenever they are framed by the Trust, the Corporation should be given an opportunity to express an opinion on them.

In conclusion, I hope, my Lord, the suggestions I have made will receive due consideration at the hands of the Select Committee. With an enlightened, sympathetic and liberal statesman at the helm of affairs and with the Honourable Sir Charles Ollivant, whose interest in, and sympathy for, the Municipality are well known, as member of Government in charge of the Bill, I am sure the interests of the Corporation are in safe hands.

At this stage the Council adjourned for half an hour.

The Honourable Mr. DHONDO SHAMRAO GARUD said—I heartily thank your Excellency for your determination to put forward a bold and comprehensive scheme for improving the city of Bombay when your hands are so full with work owing to the plague from which we are now so terribly suffering. Your Excellency has come to the aid of the city with the improvement scheme which will not only be a safeguard against the attacks of the plague, but will make the city remarkable for its health and beauty. I have great pleasure in supporting the first reading of the Bill which has been introduced by your Excellency. As regards the objects aimed at by the Bill, I may say that primarily it is the duty of the Municipality to improve the health and sanitation of the city. But the Municipality has other work to perform, and just at present they have to stop the ravages of the plague. The Municipality is, therefore, not able to devote its attention entirely to such an improvement scheme, and this work of improvement in the interests of the city should be carried out as expeditiously as possible. But, after all, it appears to me that this Trust will do the duty of the Municipality and it seems to me necessary that in this Bill some provision should be made as to the time when this dual government of the city of Bombay should cease and the Municipality of Bombay be installed in its function of performing all the duties connected with improving the health and sanitation of Bombay. This is a question which, I submit, must be considered now. I was greatly struck by the question which the Honourable Mr. Hughes had asked, whether it was a paper scheme or whether it meant business. My Lord, the inference from that remark is that, if the Trust is to be created, it must be created in as short a time as possible. It must be given full powers to work at once and it must be given all the money that it requires for carrying the scheme into execution. It must be found the money to commence the work at an early date and to carry it out as expeditiously as is compatible with the reasonable financial ability of the city. From that point of view it struck me that section 60 of the Bill, which relates to the preliminary expenses, gives force to what I say, and that the moment the Trust is created it will require money which should be given into its hands. In this connection I may remind the members of the enquiries made in regard to the question by Government in September last from the Municipality. If this Trust is to be brought into existence for the benefit of the city of Bombay alone, then surely it appears to me that these charges are properly payable by the Municipality of Bombay; and whether they are payable by the Government or by the Municipality, what I submit is that the Trust, if it is to pay this money, should be asked to pay not the first time it commences its work, but when the work is remunerative, so that all the money which will be found from the investors will at once be employed upon the legitimate objects of the Trust, *viz.*, the improvement in the sanitation and sanitary requirements of Bombay. If it is to be fully worked, the money should be found in as short a time as possible for the improvement of the city, the necessity of which the unfortunate visitation of plague has brought home to us and which must be performed in as short a time as possible. Then the Act provides that the number of trustees should be thirteen. This appears to me to be too large a number for a working body. According to my lights the trust should consist of two members of the Corporation and two representatives of Government, and a President appointed by Government. A Board so composed would be quite large enough. It is the President upon whom much of the responsibility rests in carrying out the plans and considering all schemes of improvement that may be brought before the Trust. A small trust will avoid delay due to

differences of opinion and will sail fairly and smoothly, carrying out many useful works in less time than a large trust will do. I do not consider it my province to speak of other items. I have touched only on those points which I think deserve attention in the Select Committee. I hope the new Trust will safeguard the interests of the Municipality and obtain for them the money at as low a rate as is possible. I may say, my Lord, that the success of the scheme will be watched with anxious interest by all the people in the mofussil, who, in their own way, have to carry out works of improvement. I wish the scheme every success, and as suggested by the Honourable Mr. Hughes, I hope that the Trust will be brought into existence as soon as possible, and that they will be able to accomplish for the city these great works which will establish claims on the gratitude of the people for your Excellency and will always go to justify the name which the city of Bombay has assumed as its motto, as the *urbs prima in Indis*.

The Honourable Mr. FAZULBHOY VISRAM said—Your Excellency,—Before I venture to offer a few general remarks in support of the Bill just introduced, I desire to assure your Excellency that the general feeling prevalent in Bombay is that in taking in hand so earnestly this important and beneficent measure for the improvement and reconstruction of the city, your Excellency has shown a foresight which, when the scheme is carried out, will not only lay the inhabitants of this great city under deep obligations to Government, but will also most honourably and indissolubly associate your Excellency's name with the city for all time to come, and I heartily echo the Honourable Dr. Bhalchandra's remarks to this effect. Both the Press and the public, as well as the three representative bodies—the Municipal Corporation, the Port Trust, and the Chamber of Commerce—have already expressed their approval of the principle of the Bill, and it now only remains for us to lose no time in launching it into operation, and the sooner it is done the better, with such modifications, of course, as may ultimately be found to be necessary by this Council. In my humble opinion, considering the ever increasing population and the declining public health—on the causes of which we need not dwell at present—the necessity for a measure like this would in any case have become imperative ere long, while recent events which we all deplore must needs accelerate the matter, and let us trust the entire public through their various representatives will heartily co-operate in improving the city generally on the lines laid down in the Bill and in such other ways as may be considered advantageous. As regards the constitution of the Trust Government no doubt have good reasons to limit the number of its members to 13, as in the case of the Port Trust, but I respectfully suggest that if it is not possible to increase the number to 14, somehow or other the direct representation on the Board of the important mill industry of Bombay, which is sure to play a prominent part in the history of the city, must be secured, and which might be easily done by a re-arrangement of seats. The mill-owners are deeply interested in the expansion and improvement of the city. Considering that they represent 10 crores of capital and about 75,000 work people, it will be found impossible to deny their claim for representation on the Board. As regards the General or other Military Officer Commanding Bombay District, Government no doubt have sufficient reasons to retain him on the Board as an *ex-officio* member as His Excellency has just explained, and I do not desire to undervalue those reasons which must exist in a scheme of this sort in which Military interests are involved. I think it is desirable that the Board should have power to initiate improvement schemes of their own motion besides an official representation by the Commissioner. With regard to the betterment principle introduced by section 43 (7)a, I would submit that this principle cannot be considered altogether fair so long as persons whose land is taken up are made to pay for the improvement caused to their remaining property, while their neighbours whose properties would be equally improved have nothing to contribute for such betterment. I beg also to call attention to sections 53 ii (2) and iii (2), wherein are contained the terms on which the Government and Municipal vacant lands and reclamations are resumable, and I would point out that unless provision be made for compensating lessees on such resumption it would be impossible to expect a superior class of buildings to be erected. It is obvious that lessees would not pay well for the leases or would spend money on buildings on lands which could be resumed by Government or the Municipality without any compensation being paid to them for their structures. With regard to the liability which (section 59a) is sought to be thrown on the Board for payment of interest at 3 per cent. on the scheduled value of Government vacant lands reserved for recreation, I would submit that this burden can hardly be expected to encourage the Board to

increase or continue the existing areas and lands for recreation purposes, seeing that they will have to maintain such spaces without any income accruing to them, while on the other hand they will be liable to Government for interest on their values. Failing a Government guarantee, which I regret to hear from your Excellency is not practicable, I see that under the heading of "guarantee for fulfilment of liability," section 70 enjoins that in case the Board makes any default in any payment of interest due by it the Accountant-General shall make such payment and the Commissioner shall repay the same from the Municipal Fund; but I cannot understand why in that case the Corporation (and not the Government) must levy a special tax to recoup itself for the same. In my opinion it will be more equitable if Government were to levy a tax from the general public and restore the withdrawals from the Municipal Fund. What form such a tax should take is a matter which might be left to the consideration of Government when the necessity should arise. I also consider that the provision for constructing dwellings for the police should be limited to the accommodation for the sepoys only as they no doubt suffer from the disadvantages of living in insanitary houses, and the advantages of concentrating them in groups in suitable localities for emergencies are obvious. The same consideration does not apply to the officers who, moreover, are well housed as a rule. I am sorry I have not had sufficient time to go more minutely into the provisions of the Bill, and therefore will not trouble the Council with any further observations at present, but we shall, of course, soon have further opportunities to do so when it is considered in detail. On the whole I consider the Bill to be a hopeful one both as regards its sanitary as well as financial success, as most well-considered schemes regarding landed properties generally are; but perhaps it will be well so far to place some limitations on the reclamations contemplated in it. In conclusion, I should like to say as to what fell from Dr. Bhalchandra as to the depreciation of the properties on the Port Trust lands, that he must be under some misapprehension about it, as I know to my certain knowledge that not only the properties there are paying, but applications are pouring in for fresh building sites, as the Honourable Mr. Hughes can bear me out.

The Honourable Mr. PHEROESHAH MERWANJI MEHTA said—Your Excellency,—While I am deeply sensible of the very kind reference your Excellency made to me in introducing the Bill, I am painfully conscious of my inability to deal with the measure, in consequence of the very short time I have had for considering the provisions of the Bill in detail. I know that on the occasion of the first reading of a Bill it is not usual to go very minutely into the details of the measure. All that is necessary to be done at the first reading is to see whether the Council considers that new legislation should be undertaken for the object in view. My Lord, I suppose that no Governor of Bombay has ever been called upon to deal with more serious or more grave crises than those which it has been your Excellency's lot to encounter during the period of your administration. I hope your Excellency will permit me, though rather late in the day, to say a word of thankfulness and appreciation for what has been admitted to be everywhere, not only in this Presidency but throughout India, the untiring energy and great sympathy with which your Lordship and the members of your Government have met the great and towering calamities which have been visiting this poor city, not only last year, but unfortunately this year also, when there is a recrudescence of plague of a very severe character. I hope you will also permit me to say that the inhabitants of Bombay cannot fail to appreciate the very kindly and sympathetic manner in which your Lordship has referred to the patience with which the suffering people of this poor city have met the dire misfortunes that have overtaken them for the last two years. In this connection, though I should be the last person to make any claim to speak with authority on such points, I should like to bring to your Excellency's attention, and I hope I am not out of order in so doing, that while there is a great deal of quiet patience on the part of the people, there is a certain amount of unrest and distress in the community regarding plague regulations and specially the quarantine regulations. I confess I do not speak with any confidence or authority on the point, as I have only been two days in Bombay; but there is a certain amount of pathos in the appeal which has been made in regard to these rules, and I am perfectly sure that if there is any just cause for complaint, the matter will be attended to by your Excellency's Government. If your Lordship's administration has been unfortunate in having to meet such dire calamities, I think everyone will agree with what your Lordship has said, that these misfortunes may be turned to account if Bombay arises out of these calamities a lovelier and more beautiful city than it has ever been in the past.

Those who are resident in Bombay, both European and Native, have come to love it with a very great love indeed, and we may be well assured that the present and future generations will be grateful to your Excellency's Government if, as a result of this calamity, we have a healthier and more beautiful city. The people of Bombay appreciate very cordially the sincerity and earnestness which your Lordship has set about the great task you have undertaken—a task which may fairly be described as the entire reconstruction of the city upon sanitary lines.

The Bill that has been introduced for this purpose is certainly one of great magnitude, and though I speak with diffidence in this matter, I think it might perhaps have been the better course to have laid on the table, either concurrently or before the introduction of the Bill, some general sketch of the detailed improvements and schemes which it may be necessary to enter upon in carrying out this work. I need not remind the Council that in the case of the Glasgow Improvement Scheme the Bill which was brought before Parliament was accompanied by details of the scheme of proposed improvements, and we know the same thing is done in regard to other schemes of a like character brought before Parliament. The desirability of that procedure is this, that in that case you do not enter upon any scheme which may after all turn out to be of a speculative character. To a certain extent you know the liabilities which you are incurring. It may not be possible to say exactly the amount that is to be spent on these improvements, but certain definite lines can be given within which the cost of the improvement will come. I can well understand that in view of the exceptional time through which we have been passing it has not been possible to have these details ready before the Bill was introduced, but I hope they may be given during the progress of the Bill, as it is a matter of importance that the rate-payers should have some knowledge of the financial responsibilities entailed by the Bill. It will be the duty of the Select Committee to see that some definite lines are drawn as to the financial burdens which will be cast through the Corporation upon the city. The Corporation in this matter is only the representative of the city, and, it seems to me, that a definite limit should be set to the financial liability. It may be said that a line has been drawn under the provision which limits the payments to be made to 2 per cent. of the rateable value of lands and buildings in the city. That would have been a perfect answer to the objections raised, were it not for the clauses which come within what are termed the guarantee sections of the Bill. Though it is said in one part of the Bill that 2 per cent. is to be the contribution of the city to the improvements, it is provided in a later part of the Bill that whenever further moneys are required for the purposes of the Bill they must be provided. I say nothing in regard to the means to be employed. It is not the "Bludgeon" part of the clauses to which I have to take objection; but what I should like to place before the Council in regard to the clauses is this, that the guarantee renders it obligatory on the Corporation to provide additional funds if the 2 per cent. named in an earlier part of the Bill is not found sufficient. It seems to me that the limit of 2 per cent. is in reality swept away under the provisions of the guarantee section.

I do not intend to go into any detailed discussion of the Bill at the present moment, but I should like to make a few general remarks with regard to its principal provisions. Now in regard to the constitution of the Board, I do not agree with those who think that it is an attack upon the constitution of the Municipal Corporation. If we consider the present Municipal Act, we shall see that it has always contemplated that there would be special and exceptional occasions on which it might be deemed desirable not to entrust the direct work of carrying out certain duties to a body constituted as the Corporation is, but that it might be necessary to delegate such tasks to a body composed somewhat differently to the Corporation. (Hear, hear.) I need refer to nothing more than to the provision deliberately introduced in the Act for the purpose of the appointment of the Joint Schools Committee. When that section was passed it was felt that education was one subject for which it was necessary that separate provision should be made, and that instead of handing the direct work to the Corporation, it should be entrusted to a body appointed partly by the Corporation and partly by Government. Perhaps I should have preferred—and appearances in this world go very far—if this Trust had been called by some name which might have brought it more in harmony with the nomenclature of committees such as were contemplated in the Act. The constitution of the new Trust might have proceeded on somewhat similar lines as that of the Joint Schools Committee, and there is all the more reason for this, since a substantial portion of the revenue of the Committee comes from Government, while this will not be the case in regard to the new Trust to the same extent. But, as your Lordship has pointed out, the Government of India and the

Government of Bombay are going to treat the city with great liberality in the matter of the properties which it is proposed to assign to the Trust, in regard to which I shall have something to say later on. While this liberality will be of assistance, the main responsibility of providing funds lies with the Corporation, and from that point of view it might have been desirable to have given the Board a constitution more like that of the Joint Schools Committee. However, in a matter of this importance, it is not worth while haggling about the exact form, if substantially and practically the same thing is proposed to be done in this Bill. But while I quite agree that no serious objection could be raised to the constitution of a separate Board, I must say that there are some sections of the Bill which seem calculated—to use the phrase of the Honourable Dr. Bhalchandra—to make the Trust a department of Government. I do not say this is so, as I have only had time for a cursory examination of the Bill. But there appear to me to be certain sections which leave the final arbitrament of financial questions entirely in the hands of Government. Then also take, for instance, the Chairman of the proposed Board, who is to be an officer removable at the pleasure of Government and whose salary is to be fixed at any sum, it may be from Rs. 50 up to Rs. 5,000, that Government may choose. Now, my Lord, I quite admit that the Chairman of the Board must be an officer of great experience and ability and he ought to be well paid. The task that will devolve upon him will be of an exceedingly onerous and responsible character, and the salary should, I am quite prepared to admit, be comparatively heavy. But I should like to have seen some indication in the Bill as to the exact status of the Chairman of the Board. As the Bill now stands, he is to be nominated at the pleasure of Government and removable at the pleasure of Government, and his salary is to be fixed from time to time at the pleasure of Government. I hope the Select Committee will consider very carefully whether the entire power should be left indefinitely in the hands of Government as proposed in the Bill. Care should be taken not to make the Board a mere department of Government, and hence I raise this small voice of warning.

Something has been said by previous speakers as to the proposal to make the General Officer Commanding the District an *ex-officio* member of the Trust. While on the one side it may be said that such an officer may prove useful on the Board, it may be pointed out on the other side that as Government have the power to nominate certain members, the General of the District might be one of those nominated members. Government will nominate those gentlemen whom they consider from their connection, position and experience are likely to render useful service on the Board. This being so, the necessity for making the General Officer an *ex-officio* member passes away, as Government can at any time give the officer a seat on the Board.

I pass on, my Lord, to speak of the procedure which it is proposed the Board should adopt in undertaking its work. I have no doubt that the explanations we may have later on will remove many objections which arise on a cursory examination of the Bill. One thing that has struck me is, that I do not see a clear dividing line between what are called improvement schemes and street formation schemes. It seems to me that these things are very likely to run into one another. How they can be separated I do not see, because in an improvement scheme you will have to lay out roads just as well as in the streets scheme. I am speaking with great diffidence, because there may be some explanation of the sharp division drawn in the Bill between the two things, but I do not at present see the sharp line that divides them. The distinction drawn between the two things seems only to be that in the case of an improvement scheme a certain process must be gone through before the Board can undertake the work, but in regard to streets the Board can move of its own motion. I should like the Select Committee to consider whether it is really wise that in the case of an improvement scheme the Board should only be able to proceed in the matter on the representation of the Municipal Commissioner and of certain other bodies and persons named in the sections. I make this remark because there are no two opinions in regard to this fact that there are certain portions of this city which imperatively require to be improved. No Municipal Commissioner is needed to instil that fact in the mind of any one in Bombay, no Health Officer or Justice of the Peace need tell you that. Why then, my Lord, should the Board have to wait for such a process to be gone through before improvements urgently needed are initiated. But this again is a matter with which the Select Committee will be able to deal.

With regard to the third object which is proposed by the Bill, I am not quite clear as to the necessity for including it in this measure. I have listened with very great atten-

tion to that part of your Lordship's speech which relates to the proposed reclamation of certain portions of the foreshore. I quite agree with your Lordship that we must not draw sweeping inferences from the unsuccessful character of the reclamation scheme of which many persons in Bombay had unfortunate experience in 1864. The circumstances of the Back Bay scheme of 1864 were such that you cannot draw general conclusions against reclamations from them. We know that some reclamation schemes have proved successful, while others have been unsuccessful. But the objection which presses upon my mind is that reclamation is not quite of the same urgency and the same essential character as the other improvement schemes provided for in this Bill. It would be a very good thing, I admit, for reclamations to be entered upon for the purpose of enlarging the city. But the question is whether such a scheme stands upon the same footing of urgency and necessity as the rebuilding of the city, and whether it is desirable to cast the same heavy financial burden upon the rate-payers for reclamation as it is necessary to do upon improvement. The improvement scheme is absolutely essential for improving the healthy condition of the city; the laying out of new streets is absolutely necessary and the city must make up its mind to bear the financial burden involved. But can the same thing be said in regard to the reclamation part of this measure? So far as the Bill is concerned the reclamations are to be put on the same footing as the other work to be entrusted to the Board. If there was some section of the Bill providing that reclamations could be undertaken afterwards, when the financial burdens have shown themselves to the full extent in regard to the other departments of the scheme, then my objection, as it seems to me at present, might reasonably be said not to apply. I would ask the Council to remember one thing: we have nothing before us in the way of estimates or figures or guarantees to show that reclamations might not prove to be after all of an extremely speculative and hazardous character. I trust that the Select Committee will give to the question the most careful and anxious consideration.

My Lord, I do not propose to trouble the Council with any lengthened remarks upon what my honourable friend Mr. Nugent (whose humour I always enjoy, though some of my native friends do not see the fun,) would probably call the "little hantling" of the Police Accommodation Scheme. It is a question of detail which will best be settled in Select Committee. But one thing I failed to comprehend from the remarks of your Lordship is why under the Bill the police buildings should revert to Government after a certain period. I fail to understand why those buildings should go back to Government. Of course Government will have in the first instance to pay the amount required for rent and sinking, but they will recover it in the proportion of three to one from the Corporation. If the Corporation has thus to meet the greater portion of these charges, I fail to see why the police buildings should revert altogether to Government. I am not quite clear about this part of the scheme, but I have no doubt that it will be explained, and light will be thrown upon it by Sir Charles Ollivant, who is unrivalled in his acquaintance with Municipal affairs, and to whom the City and the Corporation can look forward to with confidence to guide the destinies of this Bill, for while on the one hand they are grateful to him for his able administration as Municipal Commissioner, on the other they have a sort of claim over him, as it was the City and the Corporation which gave him the opportunity of bringing out the great abilities for which he is distinguished.

With regard to the acquisition of properties required for the purposes of the Bill, I quite agree that there should be a more summary way than what the Land Acquisition Act provides for acquiring properties. So far as I can at present see, the sections dealing with the subject are well calculated to effect the acquisition in a more expeditious and reasonable way than might be found possible under the ordinary law.

In regard to the Government properties to be vested in the Trust, I am prepared to accept on faith what your Lordship has said about the liberality of the Government of India in making over large properties to the Board. I do not wish to speak in any carping spirit, but if your Lordship will permit me, I must make the confession that I am not quite clear regarding this liberality, because I fail to find that their being vested in the Trust will place the Government of India in a worse pecuniary position than it would otherwise occupy, though, as I have already said, I cannot speak with any confidence at the present moment upon details which I have not had time to consider. The liberality of the Government of India may be made clear to the Select Committee; at the present moment I am not able to discover it. In connection with that point I should like to refer to the inclusion in the schedule of properties to be vested in the Trust by Government of the

Flats. I do not know whether while I have been absent from Bombay your Lordship's Government has sent any reply to the representation which the Corporation made upon the subject of the ownership of the Flats, but I trust that Government will not forget the claim to the property that has been put forward by the Corporation. Its inclusion in the list of Government properties may be supposed to give legislative sanction to the absolute right of Government to the property regardless of the equitable claim of the Corporation. I venture very submissively to think that the Corporation have made out a very strong case for making over the Flats to the City.

As to the values of the properties handed over to the Trust by Government, it may be, as your Lordship has put it, that they are very nominal; but I may be allowed to remark that when the owner of a property puts his own figures as to its value, this is not apt to inspire any confidence, although the figures may be very moderate. I am not in a position to say that the scheduled values are exaggerated, or are not well within the mark; but after all we have here the figures put down by the very authorities to whom the properties belong. I trust, therefore, that in the Select Committee we shall be informed as to the way these valuations have been arrived at, and I do hope that the figures will not be taken as having been sanctioned by the Legislature in passing this Bill. One of the most important parts of the Bill is that which deals with the liabilities and the settlement of accounts. I confess that I am not quite able to comprehend them, but I have no doubt the Chairman of the Select Committee will place before us some lucid and clear tabular statement as to how the provisions of these sections will work out. At present the impression is left on one's mind that when the Act is passed and we come to work out all the claims in respect to capital and interest and sinking funds the Corporation may find themselves in none the best position in this matter. I will not attempt to dive further into the mysteries of these sections, but it may be just possible that some of the sections may require re-drafting. Nothing is more important and more valuable than to give to the financial sections of the Bill as clear a wording as possible so as to remove all doubts and ambiguities. So far as human intelligence and ingenuity can do it, no room should be left for doubts to arise hereafter as to the meaning of legislation, and, as your Lordship is aware, there are no questions which give rise more constantly to bitter controversy than financial questions. We know perfectly well that this Government cannot enter into large financial liabilities without the sanction of the Government of India. We know that there is frequent discussion between the two Governments on financial questions, and that the Government of India say that when they are resisting what appear equitable claims they are fighting for the interests of the general tax-payer as against the local rate-payer. In the same way when there is difference of opinion on financial questions between the Government of Bombay and the Corporation, the Corporation are supposed to be fighting in the interest of the rate-payers of the City, while Government assume the rôle protecting the interests of the general tax-payer. Experience shows that interminable friction thus arises, and this being so, there is nothing more important than to frame legislation on financial subjects in as clear a way as possible. Now it seems to me that although the limit of 2 per cent. is named in the Bill, the liability of the Corporation is substantially and practically of an indefinite character, seeing that in the guarantee clauses it is incumbent on the Corporation to provide further funds should they be required. One remark of your Lordship has made me the more anxious on this point. Your Lordship said, there may be years in which it may be necessary to have larger funds in hand than the 2 per cent., which means that the Corporation may have a very much larger amount than 2 per cent. to find.

The Honourable Mr. HUGHES—I should like to explain, your Excellency, that in that case the debt would be charged to capital, the Corporation would not have more than the ordinary amount to pay.

The Honourable Mr. MEHTA—If this is the case there is no necessity to make provision for the additional funds referred to in the guarantee clauses; however I suppose some detailed explanation is to be forthcoming. I listened very carefully to what your Lordship said on this part of the Bill, and I must say that I failed to be convinced by what fell from your Lordship as to the impossibility of either the Government of India or of the Government of Bombay standing guarantee for the liabilities of the city under the Bill. After all what is the position? You put a burden on the Corporation and the Corporation is bound, by raising additional taxation, if necessary, to provide these funds. This being so, where would the risk be in a Government of India guarantee? The Government of India could, if need be, pass legislation, compelling the rate-payers of the city to raise

the moneys required which Government had guaranteed. Thus there could really be no risk whatever to the Government in giving the guarantee; the money could always be recovered from the same source from which the Corporation will be required to raise the 2 per cent. Government would absolutely stand no risk of losing one pie of their money. Then look at the advantage of a guarantee of that character. It seems to me that if the loan was guaranteed by the Government of India in the first instance, the Local Government would have to look carefully at the proceedings of the Board, and practically it would mean that a limit would be fixed which it would be very difficult for the Trust to pass. I think the advantage we should get in that respect would be almost incalculable. A great deal has been said in regard to the success of the Port Trust, and while I am aware that you cannot draw deductions from the success of that body in regard to similar bodies created for other purposes and in other times, I would point out that one reason why the Trust has been successful, in addition to its great good fortune in securing exceptionally able men at the head of its administration, has been that Government has stood guarantee for some of its loans.

The Honourable Mr. HUGHES—Not the debenture loans.

The Honourable Mr. MEHTA—For my part I cannot see the insuperable difficulty in the way of a Government guarantee. There was a time when Government never allowed Municipal bodies to borrow moneys except from themselves. The clauses in regard to the borrowing powers of the Trust provide that loans may be obtained from the Government of India and the Secretary of State as well as from the general public. Well, in that case does it not come to the same thing as Government standing guarantee for the recovery of the money. Whether they lend the money or guarantee the loans it is the rate-payers who, under every conceivable circumstance, will have to pay the interest and repay the loans. In either case Government will look to the credit and resources of the city for repayment. I trust that these sections will receive very careful and anxious scrutiny by the Select Committee. It may be I am taking a much too hopeful view of the possibility of alteration. I know how strictly limited we are by the Olympian authorities who look upon these matters in a particular way. It will be difficult, I know, to move them in the direction I have indicated. But I still think it is worth the effort, in view of the great advantage to be derived from such a guarantee, to see if something cannot be done to win over the Government of India through the kind offices of your Lordship's Government to modify the guarantee clauses and relax their stringency.

I do not think I can usefully refer at this stage of the Bill to other sections. I would in conclusion only echo the sentiments with which your Lordship concluded your speech, that the scheme may be the foundation for the reconstruction of the city in a way for which future generations will be grateful to a Government which has had the boldness and the statesmanship, as one of my colleagues remarked, to undertake the work; to the Municipality which will have to bear the present burden of the cost; and to the rate-payers of the present generation, who while they may desire certain provisions to be altered so as to make the burden no heavier than necessary, are willing that the scheme should be undertaken, for co-operating in carrying out a measure of this essential and important character. (Hear, hear.)

The Honourable Mr. ABERCROMBIE said—Your Excellency,—I should like to express my appreciation of the general principles of the Bill. It seems to me that if Bombay is to regain its good name and is not to be seriously and permanently injured, the work, the Bill contemplates, must be taken in hand, and the sooner the better. Bombay is the only city which has had to put its house in order, and it seems to me that it is our duty to accept the Bill as put before us and to recognise the liberality with which the Government has dealt with us. I have endeavoured to follow Mr. Mehta in his very able summary of the entire Bill, but he has spoken so quickly and with so many interjections that I have found it very difficult to do so. The honourable member seemed anxious that the Government of India should take the place occupied by the Government of Bombay, but I cannot see that this would be at all desirable. It would entail a great deal of delay, and the caution Mr. Mehta spoke of as being so necessary is not wanted here. What is wanted is the recognition that this scheme is absolutely and entirely necessary, and we have to work to put it into operation and put the city in a better and healthier state. Where there is a will there is a way: the Government has shown that there is a will, and it is now our duty to approve of the Bill and put it into working order.

The Honourable SIR CHARLES OLLIVANT said—Your Excellency,—Good wine needs no bush, and it does not lie in a member of Government to launch into unnecessary laudation of a Government measure; but considering that this Bill deals with subjects kindred to those which enlisted my best energies for nine years—subjects which, so far as public affairs are concerned, enlist my best sympathies still—I did not think I could give a silent vote upon this occasion. I would ask you to look upon me, however, rather as a humble individual expressing his own private views than as the advocate of a Government measure. When I was about this time last year in England and read of the calamity which was overwhelming Bombay my mind went back to former days, and I began to think what measures could be devised, and I came to the conclusion at once that what Bombay wanted was more ventilation, broad streets running through it, the removal of rookeries, and so on. I placed myself in communication with the Chief Engineer of the Local Government Board, Major Tulloch, with whose reputation most of you are acquainted, and asked him if he would kindly put me in the way of studying any legislation which bore upon such subjects. Some years before, when Municipal Commissioner, I had an opportunity of studying the Glasgow Acts as they were then; but Major Tulloch brought to my notice, and his Excellency has referred to it to-day, the Housing of the Working Classes Act of 1890, and on my way out, I began framing the skeleton of a measure which, I thought, might do something to meet the case; but I found on arriving in Bombay that your Excellency with local advisers had conceived a much grander scheme,—one to which I lay no credit whatever, and at which for the moment I looked askance for these reasons. First it never occurred to me in my wildest moments that the Government of India would assent to make the liberal endowments that they have made, and, secondly, I was possessed of the old Bombay horror of anything in the way of reclamations; but I saw that if the Government of India could be induced to make these concessions, there could be no doubt which was the course to pursue. The alternative was between an amendment of the Municipal Act so as to give the Municipal authorities powers similar to those conferred by the Artizans Dwelling Act at Home, or a completely new enactment and organization providing a separate machinery of the kind now proposed; and I felt that there could be little question which was the better of the two, because when I was considering the matter in England I found that I was confronted by two great difficulties. One was the limited capacity of the Municipal exchequer and the immense operations the Corporation was called upon to discharge, and the other was that I wondered how their already over-burdened executive could cope effectively with the discharge of such new duties as must be imposed upon it.

Now, Sir, if the reclamation clauses of this Bill had involved the Trust in a wild scheme of filling up Back Bay, under no circumstances could I have been a consenting party to it, not only because we cannot indulge in any such speculative undertakings, but because I can imagine nothing more fatal to the health of the city than to close up all those indentations in the coast line which nature has provided for us. The nearer we get the sea to the inhabited part of Bombay the better for the health of the inhabitants. But if by undertaking profitable reclamations experimentally until we find they pay, and afterwards upon a larger scale we can bring grist to the mill and save the taxpayer some of that two per cent. for which the Bill provides, who will say that it is not a good thing to embark on reclamations? You must remember the history of Bombay street communications. At first Englishmen, afterwards the Pársis, and then the Hindus, all have in turn found their way from their places of business in the Fort to residences in the suburbs. What is the result? All the main arteries go from the Fort to the northern portion of the Island—Parel, Byculla, and lastly to Malabár Hill. The consequence is that there has not been the same motive for opening out broad thoroughfares from west to east that there has been from south to north. Now consider what the quarter is on which the inhabited parts of the city depend for healthy air. People in Bombay know very well that when the wind is from the north it brings them fever and other complaints, but in the hot months their salvation depends upon having free access for the wind from the west and south-west, and it is therefore most desirable that wide roads should be opened up from west to east, as a channel for the breezes right through the native town to the docks. I speak thus of the need of ventilation from my past knowledge of Bombay. Now as to the plague measures. In these measures, which have called forth the heroic energy of the workers high and low, and not less the heroic patience and fortitude of the majority of the sufferers, I know that your Excellency has been guided by the best expert advice that you could get. Human wisdom is limited, and we cannot

say how beneficial each and all of these measures may be, but we think that the mortality from the plague would have been infinitely worse but for the measures taken by the Government. There is one measure, however, about which there is no uncertainty whatsoever; if there is one foe to the plague germ it is ventilation. Native gentlemen, I am glad to see, are impressing upon others of their community the immense importance of keeping their houses open, even to the extent of taking off the roofs, and what we have to do is to aid these efforts to improve the ventilation of Bombay. Indeed if you want a short title for this Bill you may call it the Bombay Ventilation Bill.

The Honourable Mr. MEHTA—Not reclamation?

The Honourable SIR CHARLES OLLIVANT—No, not reclamation, and I will tell you why. The thing we are aiming at is to get improved ventilation. If you cut through the crowded localities without providing the people who live there with new residences elsewhere—I am speaking now of the poorer classes—you are aggravating the very evil you are seeking to remove, and you are intensifying the overcrowding you wish to put an end to. Therefore the first thing this new Board will have to face is the building of quarters for the artisan classes in the northern part of the Island. If buildings are to be erected they must be built by one of three agencies: either by the speculator, the investor who wishes to find a profitable way of laying out his money, or the philanthropist, or by some public body out of public funds. When I was Municipal Commissioner of Bombay a member of the Corporation, impressed with the evils of overcrowding which then existed, asked me if I could get out a scheme for housing some of the working classes. As a Municipal scheme I found that it was absolutely impossible to give the working classes any accommodation which could fairly be considered sanitary if it was to yield such a rental as would justify the Municipality in raising a loan for it. The other day I was speaking to a most enterprising gentleman who had a large share in building quarters for the hands employed at the mills with which he is connected, and I asked him what return might be expected, assuming the sound sanitary condition of the buildings to be maintained about which I believe there is no question, and he told me it would be from $2\frac{1}{2}$ to 3 per cent. Which of the native capitalists in Bombay is prepared to place his money in a 3 per cent. investment, or rather I should prefer to say $2\frac{1}{2}$ per cent., for that is a more accurate figure? That there are many philanthropic gentlemen in Bombay I should be the first to admit, but philanthropy will not meet the demand, and it must be met by some public scheme such as this. If this is to be carried out, do not think for a moment that this is going to be a lucrative part of the operations of the Trust. It is a necessary antecedent to that duty which they are appointed to discharge, namely, the ventilation of Bombay. Having provided houses for the working classes in a certain quarter they are in a position to deal with insanitary quarters without increasing the overcrowding.

Then the Honourable Mr. METHA asks where does the reclamation come in? I am the first to say that it does not come in at all unless there is something that will pay to assist the Trust in providing those quarters for the poorer classes which cannot in themselves be remunerative. That consideration alone will justify reclamation under this Act. Whilst I am alluding to them I wish to say a word about the details of the scheme in this respect. Mr. Mehta thought the Government might be in possession of detailed reclamation estimates which have not been laid before the public. But this is not the case. In order that no time may be lost certain surveys have been started and any useful information that may be available will be laid before the Select Committee. So far as is known the result of those surveys is to justify the anticipation on which the first calculations were based. As to the question of not publishing the details of the Bill at an earlier period, that was, I regret to say, an impossibility. The great object that your Excellency had in mind was not to lose a moment in organizing the scheme for the improvement of Bombay, but it was a necessity of the situation that the permission of the Government of India should be obtained to the transfer of their valuable property, and it is not difficult to understand the delicate nature of the negotiations, or that this Government was not in a position to publish anything. The moment the Government of India announced their assent, that moment the order for the publication of the Bill was given—three days hardly elapsed between the receipt of the Government of India's approval and the publication of the scheme. So that this Government did all they possibly could do—not all that they would have liked to—but they had to consider how to get the work which this Bill is designed to accomplish started as quickly as possible.

I will now allude to a few of the principal remarks made by the several speakers. I shall not touch upon those points which can be best considered in Select Committee. I have already alluded to the fact that I think, from my past knowledge of Municipal affairs, that this work must have a special agency, and further as the Bill is more carefully studied it will be seen that the Government of India would never have consented to make this valuable transfer of land, but for the fact that a special trust was to be constituted to deal with it. The Honourable Dr. Bhalchandra asked why is it that a special reservation was made in favour of the Railway Act and not in favour of certain provisions of the Municipal Act. As far as I am aware there are no provisions of the Municipal Act which are endangered by this Bill, otherwise they would be safeguarded, but as regards the Railway Act the case is different and I may remind the Council that for the safety of the travelling public the execution of any work within railway limits must be undertaken by the Railway engineering staff and not by outsiders. Thus when a water main has been laid under the railway, the culvert has been built not by the staff of the Water-works Engineer, but by the staff of the Railway Engineer. In regard to the "set back" provisions of the Municipal Act, to which allusion was made, a "set back" means a piece of land which the Municipality has acquired at the side of the street for widening the street, and there is no peculiar risk to the public or anybody else from operations on such land. There is therefore no analogy between the two cases. Then the same honourable member alluded to the fact that there is no representative of the Millowners' Association on the proposed Trust. As to that I have an open mind, and I should like the gentlemen who suggest a direct representation of the Millowners' Association to consider whether there are not other Associations which may equally claim a similar privilege. Does not this show the wisdom of Government in leaving three seats unallotted, so that they may be able, where need arises, to make a suitable selection to represent some particular interest which has not been specifically provided for? I take it, moreover, that one or other of the chief representatives of the Millowners' Association will always find a place on the Board either through the Corporation or the Chamber of Commerce. I merely throw out this for consideration in Select Committee. I next come to a matter which has, and I do not wonder at it, evoked some enquiry and criticism. That is about police accommodation. I am not going to enter into the thorny question as to the relative obligations of the Government and the Municipality. That has been settled elsewhere, and I was not a party to the settlement. But there is this, and I think everybody will agree with me, that when neither party gets exactly what it wants, it is always better to resort to a compromise, and I cannot imagine a better way of providing police quarters than for the cost of them to come out of a common fund to which both the Government and the Corporation will have been contributors. You are aware that the decision in respect of the police charges was roughly speaking that three-fourths of the cost should be chargeable to the Corporation and one-fourth to the Government. Therefore the Corporation have three times the pecuniary interest that the Government have in devising a scheme for providing suitable accommodation for the Police. Moreover, it stands to reason that if you are shifting the city and putting the people there in new areas, the whole distribution of the police force must be altered. For instance, if you lay out a new area to the north of Dadar, it would be absolutely necessary that a part of your police force should be quartered out there also. But there is one other point which has been taken and which is a reasonable ground for argument. It is asked, seeing that the larger portion of the cost of this police accommodation will be borne by the city and not by Government, why are the buildings to vest permanently in the Government and not in the Corporation. The answer is that, that if you substitute for the word "Government" the words "police administration" you have got exactly what the Government means by the wording of the particular section referred to. The property is to vest in those who are responsible for the police administration. At present when any of the police are accommodated in a building belonging to the Corporation the rent of the building forms a debit to the police charge and a credit to the Municipality. If they are accommodated in Government property the rent forms a debit to the police and a credit to the Government. When the police occupy property belonging to the new Trust the rent of it will be debited to the police charges and credited to the common fund of the new Board. When the separate board ceases to exist, the trustees of the police buildings will be the persons who will be charged with the maintenance of the police, and will have the custody of the property erected by the Trust.

The Honourable Mr. МЕНТА—The section says that it will become the property of Government.

The Honourable SIR CHARLES OLLIVANT—Mr. Mehta may take my word for it that the intention of Government is as I have explained it. The point will be considered in Select Committee.

The next point is in regard to the paragraph in the letter of Government which states that the liability of the Municipality will not exceed two per cent. The Honourable Dr. Bhalechandra remarked that the provisions of the Act were ambiguous. I think if he substituted the word "complicated" for "ambiguous" I should have been entirely in accord with him. Indeed the arrangements are so complicated that I despair of finding any adequate expression for them in language that is not complicated. We have gone to the lawyers to assist us, and if other lawyers can suggest a better way out of the difficulty we shall be glad to accept the improvement, but there is no question whatever about what is intended to be the limit of liability. The liability according to the Government letter is two per cent., and the only thing which can be said for a moment to conflict with that is the provision in the Bill for a guarantee. I was very glad to see that Mr. Mehta clearly perceived the distinction between the city in its aggregate aspect and the statutory Corporation created by the Municipal Act. So far as the Corporation is concerned that section need throw no extra burden whatever upon its finances. It is perfectly true that the section does speak of the Corporation as the collecting agency, and I believe that is on the whole, both for the Corporation and the rate-payers, the most convenient method to adopt. But as to the practical effect of the clause being to increase taxation, I say I do not believe a word of it, and it seems to me to be out of the bounds of probability that that section can ever be resorted to. But if a majority of this Council are perfectly satisfied (and I am sure they will not be) that the Board could raise loans on equally favourable terms, if these guarantee clauses were eliminated, then I say, strike them out, because they are put there for the security of investors, and do not practically throw any additional burden on the Corporation or the city. The real guarantee is this, that every scheme is to be published and every scheme is to be sanctioned by Government before it can be undertaken. I can honestly say that if I was going to lend money to the Board, I would lend it without the existence of the guarantee clauses, but you cannot expect the same confidence to exist in all quarters. I consulted a gentleman the other day who has a high financial reputation in Bombay, and he told me that the existence of those clauses would make a difference from a quarter to a half per cent. in raising the loan. If this is not to the interest of the rate-payers then object to it, but if it is to the interest of the rate-payers then let us leave it as it is.

The Honourable Mr. Mehta was a little bit diffident as to the real value of the Government property and the ability of the Government to value it equitably. But I can assure the honourable member that Government have not been the valuers of the property. The figures given are not the valuation of the Government, or of the Government of India. They are not even the valuation of responsible members of the Public Works Department, and I may say that if there is one body jealous of this transfer on the terms proposed, it is the Public Works Department of the Bombay Government, because they think that there is no adequate return for it to Government.

The Honourable Mr. MEHTA—Where does the valuation come from?

The Honourable SIR CHARLES OLLIVANT—From an independent source, as I shall be happy to explain in Select Committee.

There is another matter and that is the objection to the appointment of the General Officer Commanding the District or any other military officer as an *ex-officio* member of the Board, but it must be remembered that he will be the sole representative of the Government of India's interests as distinguished from the Government of Bombay's interests. I think it would be exceedingly difficult, if not impossible, to get the Government of India to make over the valuable property they are prepared to vest in the Trust, if their military interests were not represented on the Board. Then it is said, why not, if this is the case, select the General as one of the members to be nominated by Government: but if you do so, where can we find room for the Millowners' representative or a representative of other similar associations. Say, for instance, the Bombay Presidency Association.

The Honourable Mr. MEHTA—You are not going to give us that (a laugh).

The Honourable SIR CHARLES OLLIVANT—I can assure you that other interests will be sure to crop up, and we shall feel that we have no room for them, or possibly for

desirable expert representatives, unless we have such a reserve as that contemplated by the Bill.

Then it is asked why the Board should require the intervention of the Municipal Commissioner or any other persons for the initiation of an improvement scheme when it is not required for a street scheme. I may say that one reason is that the Municipal Commissioner has at his elbow the best expert advice obtainable in regard to the areas of the City which most need sanitary improvement. But it is not as though the Municipal Commissioner or the Health Officer alone could say whether there was a case for improvement. The wording is not that the "Commissioner may," but that the "Commissioner shall," and he shall do so if three rate-payers or certain other persons come and tell him that it is necessary. The Municipal Commissioner is a servant of Government and immediately in touch with the Corporation. He is appointed by Government and is removeable by Government, and is it conceivable that he would decline to bring forward a scheme which rested on any good reasons? At the same time, I think it is a desirable safeguard in the interests of the public that the Board should not of their own will and pleasure give a preference to this or that particular area. It is just as well to be able to say to them that it is not Malabar Hill that wants dealing with, but we want you to devote your first attention to the rookeries and to congested areas. It is to safeguard the interests of tax-payers and the interests of the public that this provision has been inserted in the Bill. You will observe too, that the street scheme is distinct from the improvement scheme for insanitary areas, and that the Board does not have to wait to move in this matter until it receives advice from the Municipal Commissioner. They have full liberty as to proposing new streets and lines of communications, and in respect to them the need of the City for new thoroughfares traversing several sections must be considered as a whole, while improvements of insanitary areas can only be taken up one after another and the fullest consideration will have to be given to claims for priority of selection.

The only other point in the Honourable Mr. Mehta's speech to which I need allude is his expression of astonishment that the property known as "The Flats" should be included in the schedule. I know perfectly well that Mr. Mehta, in his manifold experience as a Counsel, has often found himself arguing for a principle in one case which he had to oppose in another. From a Municipal point of view the Corporation has an adequate, equitable and a moral claim upon the generosity of Government. But my honourable colleague in the Council, Mr. Nugent, to whose speech at the second reading Mr. Mehta is looking forward so eagerly, may be expected as the Revenue Member to hold a different view. The best procedure when there are such differences of opinion is to adopt a compromise, and I did think that I should have had a chorus of approval from gentlemen connected with the Corporation at the prospect of this troublesome controversy being settled by Government consenting that the debatable area should be vested in the Board created in the interests of the city. The Board will take care of it for the next hundred years, when possibly its sanitary condition may admit of its being turned to uses other than at present. Then let us hope that the reversion of this property will fall to the Corporation.

Sir, in conclusion as I have already said, the credit of this comprehensive measure in no way belongs to me, and it may be of some consolation to the members, if such there be, who wish to criticise the measure in Select Committee, to know that for this reason I am able to approach it with a little of the impartiality with which we know one can constrain one's self to criticise one's neighbour's children. I have no doubt myself that the result of the labours of the Select Committee will be that the Bill will secure the unanimous approval of the Council. I heartily congratulate Your Excellency upon having introduced this measure, and upon the generous and appreciative manner in which it has been received not only in this Council, but in the whole of Bombay. It is above all things desirable that the principles of the measure should be put to the test of application at an early date. I know the enthusiasm of which Bombay is capable, and in respect of this measure it rests with us not to allow it to evaporate. Permit me to say that you have put the wrong man in the chair of the Select Committee if any delays are to be tolerated which will prevent this Bill from being passed as soon as possible. I trust that the Select Committee may make such progress in their deliberations as to enable us to report in three weeks' time.

His Excellency the PRESIDENT said—There is nothing left for me to say except to thank you for the cordial way in which you have received the measure I endeavoured

to put before you. Sir Charles Ollivant supplied many of the points that were raised in the debate, and you will not need my assurance that you will have ample opportunities in the Select Committee for considering all the points which have been touched upon by honourable members. I will now put the question that the Bill be read a first time.

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

His Excellency the PRESIDENT said—I now move that the Bill be referred to a Select Committee consisting of the Honourable Sir Charles Ollivant as Chairman, and the Honourable Messrs. Hughes, Thompson, Moriarty, Abercrombie, P. M. Mehta, Bhalchandra Krishna and Fazulbhai Visram, as members, with instructions to report within three weeks. I should like to mention that the Honourable Mr. Thompson will shortly be leaving this Presidency for a brief period, and that in the meantime I wish to replace him by Mr. Doig, who will act in his absence as Secretary to Government in the Public Works Department. I shall appoint Mr. Doig a member of the Council, and I desire the authority of the Council to put him on the Select Committee in place of Mr. Thompson.

The motion was agreed to.

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

The Honourable Mr. NUGENT moved that, for Section 1 of the Bill as approved in Council on the 20th December 1897, the following be substituted:—

1. In section 2 of the said Act, for the words “Kotars or Tapedárs’ peons” there shall be substituted the following, *viz.*:—

“Supervising, Probationary, Special and Náib Tapedárs, Zabits, and Kotars or Tapedárs’ peons.”

He said—This little Bill of which I have had charge is an obscure and inoffensive dwarf which is sandwiched in between the colossal measure dealing with reconstruction of chawls, reclamations, and making of roads with which we have been dealing, and the Police Bill over which an Armageddon is to be fought to-morrow. In regard to the amendment of which I have given notice, I may explain for the benefit of honourable members who like myself have no knowledge of the outlandish terms used in describing village officers in Sind that a “Zabit” means a measurer, a “Náib Tapedár” means the Náib’s Deputy, while a Kotar means a Tapedár’s peon. This amendment has been urged on the acceptance of Government by the Commissioner in Sind who thinks it is necessary to include in the general term of village officers, the public servants whose nomenclature I have explained. There is, so far as I can judge, no objection to making this alteration, which will have the effect of making the application of section 2 of the Act complete enough to include these public servants.

The amendment was carried.

The Honourable Mr. Nugent moves the third reading of the Bill. The Honourable Mr. NUGENT then moved that the Bill be read a third time.

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

His Excellency the PRESIDENT then adjourned the Council until noon the following day.

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

S. L. BATCHELOR,

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

Bombay, 14th February 1898.

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 Tuesday the 15th February 1898, at noon.

P R E S E N T.

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

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

The Honourable Sir E. CHARLES K. OLLIVANT, K.C.I.E., I. C. S.

The Honourable the ADVOCATE GENERAL.

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

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

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

The Honourable Mr. A. ABERCROMBIE.

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

The Honourable Mr. NARAYAN GANESH CHANDAVARKAR, B.A., LL.B.

The Honourable Mr. T. B. KIRKHAM.

The Honourable Mr. W. C. HUGHES, M.Inst.C.E.

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

The Honourable Mr. BHALCHANDRA KRISHNA BHATAVADEKAR, L.M.

The Honourable Mr. GOCULDAS KAHANDAS PAREKH, B.A., LL.B.

The Honourable Mr. FAZULBHOY VISRAM, C.I.E.

The Honourable Mr. DHONDO SHAMRAO GARUD, B.A.

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

The Honourable Mr. VRIJBHUKHANDAS ATMARAM.

The Honourable Mr. A. WINGATE, C.I.E., I. C. S.

His Excellency the PRESIDENT said—Before the business of the Council commences I wish to say one sentence. In the course of his speech yesterday Mr. P. M. Mehta took advantage of the opportunity to call my attention to the fact that there was considerable misapprehension in certain parts of the city owing to certain plague regulations. He said that he did not speak of his own definite knowledge, and that the rumour might be unfounded, but still he had been told so by certain people upon whom he could rely, and he asked the Government to take the matter into consideration. Well I was struck by this statement of the honourable member, and I lost no time in communicating with Sir James Campbell, the Chairman of the Plague Committee, and I have had a conference with him, Mr. N. G. Chandavarkar, Dr. Bhalchandra, Mr. Gokuldas, and Sir George Cotton. Upon two or three occasions last year I called the native gentlemen together and invited their assistance and their co-operation. I cannot say that I proceeded very far until I got together the Justices of the Peace of Bombay in the Town Hall. A very large number of these Justices of the Peace, at my suggestion, came forward to assist the plague authorities of that day. Whether the same number of those gentlemen who worked in such an heroic manner last year is at work this year I am unable to say, but still there is ample opportunity, I can assure you, for a great many more native gentlemen to come forward and assist in such parties. I must ask all you gentlemen who have influence and have friends in various parts of the town to make every effort to induce people to come forward to explain the measures to their fellow-

townspeople and thus to do away with any alarm which might be caused. The Government have done the very utmost they could, and their efforts will be continuous and more extensive than ever, but still we must ask for all the assistance that can be given us by those who are intimate with, and understand the habits of, the people themselves; so I trust that this appeal, which I am now making to those of you who have influence, will not be made in vain. At the same time you will believe me when I say that I, and the Government, my honourable colleagues on the Council, Sir James Campbell, and all the members of the Plague Committee are as anxious, the one as the other, to allay any feeling of misapprehension that may possibly exist. It will be considered how far the present measures are successful, and how far it may be possible to alleviate suffering which, I am told, exists. Now I have nothing to say further on this point. It is a matter which was brought to my attention yesterday by Mr. Mehta in the course of his remarks, and I thought it was well to lose no time in taking the course I have done. I can only repeat that I must rely upon those who have influence coming forward to give assistance, and I would ask that names may be sent to Sir James Campbell of those who may be relied upon to take part in the work, and to take charge of streets. The Council will recognise that the Government have properly estimated the value of the suggestion made by the honourable member, and I thought it right to say these few words on the question.

**BILL No. III OF 1897: A BILL TO AMEND THE BOMBAY
DISTRICT POLICE ACT, 1890.**

In moving the second reading of the Bill to amend the Bombay District Police Act, 1890, the Honourable Sir CHARLES OLLIVANT said—Your

The Honourable Sir Charles Ollivant moves the second reading of the Bill to amend the Bombay District Police Act, 1890.

Excellency,—The sum of the deliberations of the Select Committee on the District Police Act Amendment Bill, the results of which are now before you, can, I think, be accurately described as a mixed number, in which the

integral represents the concord of the majority and the fraction the slight residuum of dissent. Further, I believe, the fraction is one that may be rightly called an improper fraction. I do not mean any offence, and my knowledge of arithmetic is of a most elementary character; but I think that you will find that my description applies to the minutes of dissent of Mr. Garud and of Mr. Chandavarkar, as one of the principal factors of the former is cancelled by the latter. Some of the difference between these minutes and the report of the majority may be attributed to that charming variety which distinguishes the free play of independent originality from the more prosaic cohesion of official discipline. I see that besides the minutes of slight dissent there are on the agenda paper amendments proposed by another honourable member in regard to which I need not allude in any details, but I am confident they would not have been there if only your Excellency had been able to make the Select Committee a little more elastic and had included in it the name of the honourable member (Mr. Khare) who has proposed these amendments. Now, Sir, let me say briefly what the Select Committee has done. In the first place, it has made it perfectly clear that the term of payment of the cost of the police is not to be unreasonably extended. In the second place, it has made it practically clear that this Bill does not imply any kind of burden on individuals as such. It deals with the community or sections of the community. Thirdly, we have, we believe, improved the Bill in respect to various verbal amendments.

Of course the principal question which the Council will discuss to-day, judging from the amendments that have been proposed, will be that of the liability of absentees. Now the Honourable Mr. Garud has taken a thoroughly constitutional view which commands my respect and sympathy. He says that if there is a state of things in the locality which requires the entertainment of an additional force of police other than the normal force paid for by the general tax-payer, then the privileges and responsibilities of citizenship must come into play and the rate-payer of the disturbed area must say: "I recognise in these obligations the obligations which devolve upon me as a citizen and I am perfectly willing to take my share of the extra expense. I am not going to enquire whether it is owing to my neighbour's misconduct that this extra force is quartered here. I subordinate any consideration of that kind. I must take my share of the cost and pay it." These are very noble sentiments and I am cordially with the honourable member that if they prevailed, the necessity for charging the extra force to a particular section of the

community because it had been a cause of the disturbance would not exist. Very well, what follows? If we accept this as the proper way to bear the responsibilities of citizenship, then surely it can hardly be argued that the fact of a man being away from his place of residence for a time relieves him of that responsibility. Supposing the charms of your Excellency's hospitality at Poona induce an honourable member residing in Bombay to leave the city for a period, is he thereby to be relieved from the payment of rates which attach to his property in Bombay? Or if he comes to break the official monotony of life at Mahāleshvar, does he escape his liability? It seems to me that if once you accept this liability as a general charge attaching to citizenship, then it becomes a matter of course that the property owner must pay his share whether he is at the time in the place or out of the place. I can speak from my own experience. At the present moment I am paying the rates of a small house in England. I am not aware that this is due to any misconduct on my part, except perhaps the act of folly I have committed in being here instead of there. If, then, that applies to cases where the whole community is taxed, surely it must equally apply when an impartial judgment shows that this or that section is responsible and no other. Now as to the question of selecting a particular section for liability it would be invidious if I were to illustrate my meaning by a reference to this or that tribe or caste. But some of you, gentlemen, who are familiar with certain parts of the Presidency, know the gulf which divides the two sections known as the Ujliparaj or white-skinned and the Kaliparaj or dark-skinned races. Now let me suppose that in a village of this kind one of these sections created a disturbance which led to the employment of additional police, would it be reasonable for one moment to make the innocent section pay as well as the guilty? Well, if only the guilty should pay, are we going to exempt from responsibility some member of the guilty section who may have been absent from the village when the disturbance arose? I know in my own experience cases where the very worst offenders, the leaders who were responsible for these disturbances, had remained away, and yet according to the doctrine put forward here by some gentlemen they are the people who would be exempt from liability. I think what I have said is quite sufficient to show that the plea put forward for exemption on account of absenteeism cannot be admitted for one moment. It is not applied to any incidence of taxation that I am aware of, and it should not be applied to this.

The only other point of importance in connection with the Bill to which reference need be made at this stage, is as to the payment of compensation for damage caused in disturbances. Now, Sir, I think that as to the principle of compensation we are all agreed, but the amendments point to the fact that in some quarters it is thought that this liability to payment of compensation should only extend to an area which has been already proclaimed. Well, I ask, can that possibly be reasonable? Supposing there is a riot in a street in Bombay, and the shop-keepers have their windows broken, would it not be a poor satisfaction to them to say: "We cannot grant compensation, as your street has not been proclaimed, but next week Government will put a notification in the *Gazette*, so that if in future the same people should break your windows they will have to pay you?" Then there is a lesser point which is this, that if a person or persons have to pay compensation under this section, the aggrieved party should not be in a position to claim further damages by a civil suit. As to that principle I am in entire accord with the honourable gentleman who has given notice to move the amendment. In fact, the Select Committee would have adopted that principle had they not thought that thereby they might be interfering with the rights secured to the subject under Acts of the Imperial legislature. We have since learned that that difficulty does not exist, and therefore when the proper time comes I shall be ready to acquiesce in an amendment of the section importing into it terms corresponding to Section 546 of the Criminal Procedure Code.

Before I sit down I would direct the attention of the Council to what I ventured to call the free play of independent originality as shown in the proposal to strike out section 11 of the Bill. Now, Sir, the presence of that section in the Bill has been explained in the statement of objects and reasons to be due to the fact that under a ruling of the High Court in 1896, the behaviour or action of persons constituting an unlawful assembly is not included in the legal meaning of the words "conduct of an unlawful assembly." Now our English word "conduct," like many words in Hindustāni, may be used in more than one sense. It may mean the leading or guiding of an assembly or the actions of those who take part in it. But according to the ruling of the High Court, the legal meaning

of the word in the Police Act is the management of the procession and not the behaviour of persons constituting it. It is for this reason that we propose section 11, to which Mr. Garud takes exception. What we want to get at may be shown by an illustration. If a person goes out into the street in a state of pristine nudity the new law provides that he may be forthwith arrested so as to prevent him from incurring heavier punishment, and also to prevent the modesty of spectators from being shocked. My honourable friend says: "No, that is unnecessary; there is no occasion to do this, because when a man has committed such an offence you may put him into prison." But then all the evils we wish to avoid have occurred and decency has been outraged. We prefer to act on the principle that prevention is better than cure. I, therefore, think that there can be no question but that the Council will accept the concluding clauses of the Bill, the second reading of which I now move.

The Honourable Mr. DHONDO SHAMRAO GARUD said—Your Excellency,—Before speaking on the motion before the Council I beg leave to express my grateful thanks to Sir Charles Ollivant for the generous way in which he has explained to the Council my attitude towards this Bill. Turning now to the Bill itself, I do not feel myself justified in voting against this motion for the second reading of this Bill, because my objections apply not so much to the principles underlying this legislation as enunciated by the honourable mover—principles which have my entire concurrence—but to the provisions of the Bill which deviate from those principles. The Bill as it was presented at the first reading was strongly objected to because it threw its protective character entirely into the shade, and made it obnoxiously coercive and punitive. I had the privilege of serving on the Select Committee under the generous guidance of the honourable mover, and, though I am thankful for the improvements which the Bill received in Select Committee, I am sorry to say that even on points in which the Bill was not in harmony with Act VIII of 1895 of the Government of India, the Select Committee did not see their way to accept my amendments. I shall refer to those points, more particularly, in speaking to the amendments of which I have given notice. I shall now confine my remarks to showing that protection and not punishment is the right principle to be recognised in a measure of this kind. "Police," says Bentham, "is in general a system of precautions either for the prevention of crime or of calamities. It is destined to prevent evils and provide benefits." It is a natural corollary from this definition, that the parties who are benefited by the safety given to them by Police protection are the proper persons to bear its cost. These were the lines upon which our law was also based. Originally all this cost was paid from general revenues, that is, by the general tax-payer. This was the case until 1867, when Bombay Act VII of 1867 (which was the first District Police Act introduced in our Presidency on the model of Act V of 1861 of the Government of India) was passed. That Act provided for the first time (that though the cost of the ordinary Police establishment was a charge on the general revenues, the cost of additional Police should be made up by local contribution from the inhabitants of the country in which the additional Police were quartered.

In speaking upon this innovation the Honourable Mr. Ellis, who was in charge of the Bill, said—"Another section which had caused some discussion, and in regard to which he regretted to say his honourable colleague Mr. Mangaldas Nathubhoy did not quite agree with the rest of the Committee, referred to the employment of special police in cases where such police might be required, owing to local disturbances. It had been thought by the majority of the Committee, that the rule should be adopted which was of universal application in England, *viz.*, that when from local disturbances, extra police were required, the increased cost should be met by local contribution, and should not be thrown on the general revenues of the country. But Mr. Mangaldas, on the other hand, thought it was the duty of the State from the State resources to provide for the cost of these extra police; in other words that the cost should be paid from the taxes paid by the community generally." In the discussion which followed upon this section there was a general consensus of opinion in the Council, including the members of the Executive Council as well as His Excellency the Governor, that if the principle of levying the cost of additional police by local contribution was to be conceded, there should at least be some limit to such levy. His Excellency the Governor (Sir Seymour FitzGerald) went so far as to suggest that the limit might be fixed at an amount equal to one year's land revenue. But on the suggestion of the Honourable Mr. Ellis that there were difficulties in the way, in adopting that

course, and on the Honourable Mr. Mangaldas Nathubhoy agreeing to leave the matter to the discretion of Government, the section was amended in the following form, *viz.* :

“The cost of such additional Police may wholly or in part at the discretion of Government be defrayed by a local rate charged on the part of the country described in the notification, &c.”

This was and is still the distinguishing feature of our law. For, while Act V of 1861 charged the whole cost of additional police on the inhabitants, our law taking local circumstances into consideration vested the Government with the discretion to charge either the *whole* or a *part* of the cost on the inhabitants. It provided, in other words, for cases in which a part of the cost of additional police might be collected by local contribution and a portion paid from the general revenues. This would clearly show that the charge was not intended to be punitive. The same principle was retained in Act IV of 1890. Section 25 of the Act, which corresponds to Section XVI of Bombay Act VII of 1867, is to be found in Chapter II, which is headed “Organisation of the Police,” and not in Chapter VI, which is headed “Offences and Punishments.” The police force is classified in that chapter into (1) the general police, whose cost is to be paid for entirely by Government, (2) special Police which is to consist of volunteers and (3) additional Police. There are three cases in which the employment of additional police is contemplated. First, when any person applies for the services of additional police. In that case, as he is the person benefited, he pays for it. Secondly, when on any railway, canal or other public work it is found necessary by the District Magistrate to depute additional police. Here, again, it is the *employer* who is *benefited* by this additional police protection who pays the cost; and the third case is when Government direct the employment of additional police in a local area which is found to be in a disturbed state. Here Government have the discretion according to sub-section (2), Section 25 of the Act to recover the whole or a portion of the cost from the inhabitants generally, or “any particular section of the inhabitants,” of the local area. The words “any particular section of the inhabitants” were newly introduced into the Act and they seem to have given scope for the belief in the official mind that the section was intended to be punitive. How the new words found a place in this section I shall show later on when I speak on the amendment of the section I have proposed.

The Honourable Sir CHARLES OLLIVANT—To which section does the honourable member refer?

The Honourable Mr. GARUD—Section 2.

The Honourable Sir CHARLES OLLIVANT—I think that the point will be made clear if the honourable member refers to it when he moves the amendment. We shall then know what it is to which the honourable member objects.

The Honourable Mr. GARUD continuing said:—Judging from the place and the companionship in which we find Section 25, it would appear that it was not the intention of the legislature that it should be worked on punitive lines; but that like its two other companions the cost of additional police in this case also should be recovered from those who were most benefited by it. Those who construe this section as a punitive provision forget that the object of the section is not punishment but the collection of money, and that the question which the Government have to take into consideration is not the *guilt* but the *means* of the persons who are required to pay it. Suppose for a moment a case in which Government are obliged to quarter additional police at a place, owing to the conduct of ten persons; and it is found that these persons have not the means to pay the cost, will not the Government be justified in recovering the cost from the inhabitants generally, and how can that be done if liability were to attach to the guilty persons only? The benefit of protection is, therefore, the only safe test in determining this liability and the same principle is observed in English law. Statutes 11 and 12 Vic., c. 2, 49 and 50 Vic., c. 38, and similar other statutes all provide for the recovery of the cost of additional police from the inhabitants generally of the locality in which the additional police force is quartered.

But somehow or other this section has come to be looked upon as a punitive section; and that principle is further elaborated in the Bill now before the Council. The provisions for the exemption of classes or sections, or individuals are all aimed in this direction, and it is this mischief which I seek to remove by proposing the omission of the words “or any particular section of the inhabitants” from the section. In other respects

I propose that the important amendments which have been made by Act VIII of 1895, in Act V of 1861 of the Government of India, should be incorporated in our law; and those provisions which do not find a place in that law should also be given no place in ours. Then only will our law be really a measure of harmony and relief; and it is to secure that end, which I feel sure will commend itself to all, that I have to bespeak the support of this Council. I wish the Honourable Mr. Mehta were in his place during this debate. He was a member of the Supreme Legislative Council when Act VIII of 1895 was passed, and his personal knowledge of the subject would have been of great use in our deliberations on this Bill.

The Honourable Sir CHARLES OLLIVANT said—The honourable member says that his objections relate exclusively to matters of detail, and that he agrees with the principles of the Bill. This being so, he supports the second reading, and, therefore, I need not at this stage reply to his arguments. I may say I am heartily in accord with him when he says this law may be regarded as conferring benefit upon the people.

Bill read a second time.

The motion for the second reading of the Bill was then put and carried, and the Bill was read a second time.

Consideration of the Bill in detail.

The Council then proceeded to consider the Bill in detail. The preamble was postponed.

Sections 1 and 2 having been adopted, the Honourable Mr. GARUD moved the addition of the following section in the Bill.

“For sub-section (1) of section 25 of the said Act, there shall be substituted the following, *viz.* :—

‘25. (1). (a). It shall be lawful for Government, by proclamation to be notified in the Official Gazette, and in such other manner as Government shall direct, to declare that any area subject to its authority has been found to be in a disturbed or dangerous state, or that, from the conduct of the inhabitants of such area or of any class or section of them, it is expedient to increase the number of police.

‘(b). It shall thereupon be lawful for the Inspector-General of Police, or other officer authorized by Government in this behalf, with the sanction of Government, to employ any police force in addition to the ordinary fixed complement to be quartered in the area specified in such proclamation as aforesaid.’”

The honourable member said—The first amendment which stands in my name refers to sub-section (1) of Section 25, which is not touched by the Bill though many and very serious alterations are made in sub-section (2) of the same section. I will briefly demonstrate to the Council the necessity of this amendment.

This section was copied into our law with one slight modification from Act V of 1861 of the Government of India. Section 15 of Act V of 1861, so far as it is relevant to our present object, runs as follows :—

“It shall be lawful for the Inspector-General of Police, with the sanction of the Local Government, to be notified by proclamation in the *Government Gazette*, and in such other manner as the Local Government shall direct, to employ any police force in excess of the ordinary fixed complement to be quartered in any part of the General Police District which shall be found to be in a disturbed or dangerous state or in any part of the Police District in which from the conduct of the inhabitants he may deem it expedient to increase the number of police.”

The corresponding section in our law was Section 16 of Bombay Act VII of 1867, the material portion of which ran as follows :—

“It shall be lawful for Government, by notification and in such other manner as may to it seem fit, to direct the employment of any police force in excess of the ordinary fixed complement quartered in any part of the Presidency which shall be found to be in a disturbed or dangerous state, or any part thereof in which from the conduct of the inhabitants Government may deem it expedient to increase the number of Police.”

Your Excellency will observe a slight change in the two sections. This was due to the circumstance that at that time we had no Inspector-General of Police. The control over the administration of the police then vested in the Commissioners and the Honourable

Mr. Ellis was strongly opposed to the creation of an Inspector-General, and the section came to be worded as it was. The same provision is to be found in Section 25, sub-section (1), of Act IV of 1890. Under this section the employment of the additional police and the declaration of the local area are made at the same time. But in 1895, when Act V of 1861 was amended in the Supreme Legislative Council by Act VIII of 1895, a change was made in this section by the Select Committee of which the Honourable Mr. Lee-Warner, who represented our Presidency, was a member. In their report on the Bill the Select Committee observed that they had made important changes in this section, which was Section IV of the Bill:—

“We have,” they say, “provided for the issue of a preliminary proclamation by the Local Government declaring a local area to be in a disturbed or dangerous state or that the conduct of the inhabitants is such as to make it expedient to increase the number of police. The notification of this proclamation of the Local Government must precede the further action to be taken either in the direction of quartering an additional police force under this section or of the award of compensation for injuries suffered.”

Speaking on this amendment the Honourable Sir Anthony Macdonell in submitting the report of the Select Committee to the Supreme Legislative Council said—

“On the points on which the Bill agrees with Section 15 of the existing law, I presume that no defence of the Bill is expected from me. Taking in order the points on which it differs I do not anticipate that any objection will be raised to separating the proclamation from the action taken in virtue of it. As a general rule, no doubt, action will follow without delay on the issue of the proclamation, but there may be cases in which the mere issue of the proclamation will bring the turbulent parties to a due sense of their responsibilities and perhaps by forcing them to settle their quarrels obviate the necessity of any further precautionary measures. At all events it cannot be denied that the amendment of the section on this point is in the direction of leniency so far as it goes.” Further on he said—

“It is the expectation of the Government of India that the Government of Madras and possibly the Government of Bombay will on a suitable opportunity review their Police Acts and if necessary amend them in the chief points dealt with in this Bill and on such other points as local circumstances may suggest.”

This section of the Bill was unanimously adopted by the Supreme Council and is now law.

But in this Bill, which is the first Bill introduced into this Council after the passing of Act VIII of 1895 to amend the District Police Act, no notice is taken of this special provision, “in the direction of leniency.” I was given to understand that it was not within the cognisance of the Select Committee as it was not included in this Bill. But I respectfully submit that when any portion of a section is under consideration, the whole section is a proper subject for discussion and amendment. It is highly essential that in this particular our law should be in harmony with the Act of the Government of India. It will also bring our law into harmony with the English law. In Statutes 11 and 12 Vic., c. 2 (an Act for the better prevention of crime and outrage in Ireland), the Lord Lieutenant is authorized to declare by proclamation that, from and after a day to be named in such proclamation, the Act shall apply to any county such a provision will save the Government much of the odium necessarily attaching to such an exceptional measure as the quartering of additional police. It would facilitate the restoration of tranquility and enable Government to withdraw or reduce the additional force in much less time than would otherwise be the case. There will probably be no riots or disturbances after such a proclamation is published, and people are warned that they are on their best behaviour. It will in short be a potent instrument for good and without much cost be an effectual means of securing that prevention and protection, which are the sole objects of the police law.

The Honourable Sir CHARLES OLLIVANT said—I must oppose this amendment. I do so on three grounds; first of all because when a Bill to amend an Act is introduced fifteen days' notice has to be given: but now a proposed new clause has been thrown at our heads like an apple of discord, which has no immediate reference to any section in the

Bill as introduced, and we have to consider it within five days. This is a most dangerous precedent, and one that ought not to be accepted. Secondly, I oppose the amendment because of the subtle meaning behind it. If the honourable member were to succeed in carrying that clause it would mean that no compensation would be obtainable except in an area that had already been proclaimed. The result of that would be most pernicious. My third ground of objection is that if we are to touch this sub-section at all, which I consider we are not now at liberty to do, I should prefer to make the amendment far more comprehensive, and to omit all reference to a disturbed state or the conduct of the inhabitants and to leave Government to decide, without casting any reflection on the inhabitants, when an additional Police force should be imposed at the local expense.

The amendment was then put and negatived.

The Honourable Mr. GARUD next moved, in Section 3 of the Bill, to omit all the words after "tax" in line 34 to the word "charged" in line 46, and in place thereof to substitute the following:—

"or a rate charged on the inhabitants generally of the local area to which such notification applies."

He said—Your Excellency—I move this amendment in the first place because it seems to me that it is not right that both a rate and a tax should be levied on the inhabitants. One and the same person should not have to pay both; and then, as stated in my minute of dissent, I object to any particular section or sections of the inhabitants having to pay for the police. As the honourable member in charge of the Bill has explained, the object of employing additional police is not punitive but protective; why, then, should a particular class or section be singled out to pay for the same? Your Excellency knows that the cost of the police, whether it was ordinary or additional, was from early times paid by the State or, in other words, was a charge on the General Revenues. This was so until 1861 when Act V of 1861 was passed in the Supreme Legislative Council. Section 15 of that Act provided that, although the ordinary police was as formerly to be paid for by the State, the cost of additional police quartered in a proclaimed area was to be paid for by the inhabitants of such area described in the proclamation. But this new distinction was not considered suited to the circumstances of our Presidency, as will be seen from what was said at the time our first District Police Act (Bombay Act VII of 1867) was being considered. (A pause.)

His Excellency the PRESIDENT—It will be better if the honourable member can proceed a little more expeditiously, as he is trying the patience of the Council.

The Honourable Mr. GARUD—I was going to point out, Your Excellency, that the Honourable Mr. Mungaldas Nathubhoy strongly maintained that the cost of the additional police should be borne by the State, or at least some limitation should be placed on the charge, so that poor ryots should not be ruined by an exorbitant tax to meet the cost. Both official and non-official members of the Council sympathised with the contention of the Honourable Mr. Mungaldas, and after much discussion the portion of Section 16 of Bombay Act VII of 1867, which is pertinent to my present purpose, was worded as follows:—

"The cost of such additional Police may wholly or in part, at the discretion of Government, be defrayed by a local rate charged on the *inhabitants of the country described in the Notification.*"

In 1890 Sir Raymond West brought forward the Bill which subsequently became Act IV of 1890. In this Act Section 25, sub-section (2), runs as follows:—

"The cost of such additional police shall, if Government so direct, be defrayed, either wholly or partly, by a rate charged on the inhabitants generally or *on any particular section of the inhabitants* of the local area to which the notification applies."

How the words "or on any particular section of the inhabitants" came into this section it is impossible to conjecture. For there is not a word in the speeches of the Honourable Sir Raymond West or of the other honourable members with reference to this section. As the Honourable Mr. Stevens remarked in the Supreme Legislative Council, there is not a single word in the report of those debates on this point, though there were animated debates on many points—from the relations of the Inspector-General and the District Magistrate to the Police down to the destruction of dogs, muzzled or unmuzzled. (A laugh.) The fact was that the one great point upon which the interest in the Bill centred and which was then very hotly discussed was the question of the appoint-

ment of an Inspector-General, and the effect of that appointment on the powers of the Commissioners. This amendment of Section 25 was not noticed by the honourable mover and did not arrest the attention of the other members of Council—official as well as non-official. The words slipped into the Act quite unobserved. The same words were imported into the Act of the Government of India (VIII of 1895) from our Act. The Government of India wrote to our Government to report on the procedure followed in the working of this section, and, in reply, our Government stated that the power to levy the rate from the guilty portion of the community is a most valuable instrument in preserving peace. Yes, if the rate can be levied from the guilty portion of the community, it is undoubtedly a valuable power. But can that be done? I have already pointed out that it was not the aim of the section. The aim of the section is the recovery of a money contribution, and not the punishment of the guilty, which can well be taken care of by the Courts which administer criminal justice. The application of this section in a punitive sense is not only unjust to the parties concerned, but prejudicial to Police morality. Already we hear numerous complaints about the inefficiency of the Police, and we know how they attempt to throw blame from their shoulders on the judicial courts. If the idea gains ground that this section is a punitive section, the Police will be sure to move that it should be brought into operation and punish the very parties whom a judicial court may have declared to be not guilty. If the Government themselves admit that it will be impossible to exclude innocent men from the operation of this section, why introduce class distinctions which in levying other rates and taxes are not recognised.

The Honourable Mr. NARAYAN GANESH CHANDAVARKAR said—Your Excellency,—I intend to oppose this amendment, which seeks to restore the law as it had been before the Bombay District Police Act of 1890 came into force. The Honourable Mr. Garud carried us back to the times of Sir Seymour Fitzgerald and the law passed in his time, but he has omitted to mention what has taken place since then. Under the Police Act of 1867, no doubt, the cost of additional police could be imposed only on the inhabitants generally, but as a matter of fact we find Government imposed that cost on sections or classes in at least two places, though it had not the legal power to do that. For instance, there was a punitive police post levied on the Mahomedan population of Málegaon in January 1886, and in January 1887 it was levied on the Mahomedan population of Sholápur. No protest appears to have been made in any quarter against that, and I find from the official reports that the imposition of the cost of additional police upon classes or sections has enabled the executive to prevent breaches of the peace and control specially criminal tracts. Then came the measure which became Bombay Act IV of 1890. That measure was proposed by so eminent a jurist as Sir Raymond West, and two such cultured and thoughtful representatives of the native community as Mr. Justice Ranade and the late Mr. Javerilal Umiashankar held seats in the Council then. The measure passed unopposed so far as the question of imposing the cost of additional police on sections was concerned. That section gives the executive a discretionary power, which, so far, there has been nothing to show has been unwisely exercised, and which it is desirable they should have, having regard to the special conditions of this country, the variety of castes and creeds, and the riots they now and then have given rise to. Nor do I see why all inhabitants should be charged with the cost of an additional police force in a place where certain portions of those inhabitants are responsible for its disturbed condition. Take, for instance, the riot which occurred a few years ago in a town in the Bijápur District. In that riot the Hatgars living in one street and the Lingáyets living in another took part. The other classes were neutral and peaceably disposed. Now, why should in such a case the peaceably disposed sections bear the cost of additional police required to keep peace between two particular sections of the community? It is said that legislation of this kind is *protective*, and that, therefore, it is not consistent with the protective principle to impose the cost of additional police on particular sections or classes. But the measure is not only protective but also *preventive*, as I was careful to point out in the observations which I addressed to the Council at the first reading of this Bill; and it is not at all contrary to the preventive character of the measure to impose the cost of additional police on classes or sections. That has been the law since 1890, and no valid ground is shown for returning to the older law.

The Honourable Sir CHARLES OLLIVANT said—Your Excellency,—It seems to me that my theory as to the fraction of dissent has been completely established, when we find the last speaker supplying reasons why the amendment should not be passed. The

Honourable Mr. Garud's views as to what was intended when the legislation on this subject was before the Legislative Council have been sufficiently met by the Honourable Mr. Chandavarkar. As to Mr. Garud's contention that it is unjust to levy both a rate and a tax on the same person, the words have been used simply because we are advised that that is the best way of expressing the collection of a charge on a person or on property. Mr. Garud's idea is that the inhabitants will have to pay more in consequence of the use of both words "rate or tax." Now I will assume that in a particular case a force costs a thousand rupees a month, and that the place has a population of 500 of whom 100 are property-holders. Now supposing the 100 property-holders had to pay a "tax" thereon, and no "rates" were levied, the cost of the police to them would be Rs. 10 per mensem. But supposing that the tax was only intended to yield half the cost of the additional police, while half was yielded by rates, the 100 owners would share with the 400 other inhabitants the chargeability for this remaining moiety. The result will be that instead of paying ten rupees they will pay only six rupees. The Honourable Mr. Garud will therefore understand that instead of increasing the burden on individuals, the power to levy both a tax and a rate will distinctly relieve them. I oppose this amendment.

The Honourable Mr. GARUD—What I suggested was that a man should not be liable to pay both at the same time.

The Honourable Sir CHARLES OLLIVANT—As I have just explained, the liability to pay both may distinctly relieve the property-owner and he may pay less in consequence.

The amendment was then put and negatived.

The Honourable Mr. DAJI ABAJI KHARE said—With your Excellency's permission I will lump together the first three amendments of which I have given notice and which are as follows :—

(1) In section 3, to *omit* the whole of the Explanation.

(2) In the event of amendment (1) being negatived, to *omit* in the Explanation to section 3 the words "or by their agents or servants" in lines 49 and 50, and also all the words after "area" in line 52.

(3) In the event of amendment (2) being also negatived, to *omit* in the same Explanation all the words after "area" in line 52.

The principle underlying these amendments is the liability of absentee landlords. I was for some moments doubtful as to whether I should propose this amendment, because I was afraid of receiving a threat from the Honourable Sir Charles Ollivant, similar to the one he gave to my honourable friend the Honourable Mr. Garud. I was afraid that, if I did not withdraw this amendment, the honourable mover might come forward with an amendment which would make the definition of the word "inhabitant" still more comprehensive. But I have resolved not to yield to any such possible threat, and I proceed now with the grounds of my proposal. The honourable mover said that property had its responsibility, and a man ought not to be able to shirk that responsibility simply by removing himself away from it. A man might go to Mahabeshwar for a few days or go to Bombay and might plead that as an excuse. He himself had property in England for which he was paying rates although he is in this country. My Lord, the honourable mover did not tell us what rates he paid and under what Act. In the absence of that information I will tread upon ground known to me and not walk upon unknown territory. I will take local considerations and say that it is no reason to exempt a man from the land revenue simply because he was living far away from his land; but because this last proposition was correct, it did not show that the principle of charging absentee landlords under this Bill is also correct. The argument of the honourable mover is based upon an analogy which I think does not apply. It is a false analogy, and arguments founded upon such an analogy are liable to be faulty. You have to consider here the nature of the tax. It is not a tax that is laid upon the land by the Bill; the liability arises quite irrespective of the person charged holding any land or not. This provision in the Bill is taken from the Act of the Government of India of 1895. There the arguments advanced by Sir Griffith Evans in support of such a provision and relied upon by the executive members was quite different. Sir Griffith Evans alluded there to agrarian disputes and to the influence the Zamindars have in Bengal over their villages; but in this Presidency there is no class of landholders situated in a similar manner. You have the Inámdár class here who have not the least influence over their tenants. These Inámdárs cannot recover their rents from the tenants, but have to depend upon the

village officers for that. To saddle a class like that with liability, simply because they happen to hold property in a disturbed village, appears to me to be against common sense. There is again in the Government of India Act the provision for proclaiming a distrust before charging the landholders with liability to pay for the punitive police. In this Bill there is no such provision. If that provision existed there would have been some ground to support the proposal to charge the absentee landlord. The proclamation would put him upon his guard, and then he might do what he can to influence the people living round about his property. But the provision, as it stands, makes him liable even though he had not the least notion that anything was going to happen in the district where his property may be situate. Take the instance of the recent Sinner riot. I can confidently say that nobody living outside of that town had any notion that a riot was going to occur, and yet this Bill would make all absentees liable.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH said—Your Excellency,—I rise to support the amendments. It seems to me that the making of non-resident holders of property responsible for any share in the cost of the additional police is opposed to correct principles. It is said that the additional police is a protective and preventive measure, and that as the lands of the absentee landlord receive protection it is just that he should be required to pay a portion of the cost. I do not deny that the additional police in one sense is not punitive but protective, inasmuch as if Government were satisfied that additional police is not needed for the purposes of protection or preventing a recurrence of the disturbance, they would not be justified in posting it with the mere object of punishing the inhabitants of the disturbed locality. But it does not necessarily follow that all who receive the protection must be responsible for the additional cost. According to the law that has existed in our Presidency for the last thirty years, the charge of the additional police falls primarily on the General Revenues, but it empowers the Government to require the inhabitants generally or a portion of them to pay these costs, wholly or in part. When all the inhabitants are made liable, it is not because they receive protection, but because they are suspected of being either implicated in the disturbance or keeping back the information from the authorities, or because the innocence of any particular section cannot be demonstrated. The intention of requiring the guilty to contribute is rendered clearer when we come to the question of sections of inhabitants. When a section of the inhabitants is charged it is only because it is responsible for the disturbance and not because its property required any special protection. Where a particular section of the inhabitants of a village is perfectly innocent, it would be unjust and impolitic to require it to contribute towards the cost of the additional police. If, in a village where there is a small, peaceful and thriving population of native Christian converts and a numerous Hindu population, there occurs such an outbreak of religious fanaticism on the part of the Hindus as to render the posting of additional police necessary, would it be right to charge the Christians with the cost because the protection was required for them and their properties, and to exempt the Hindu inhabitants because no danger to their lives or property was apprehended from the Christians? Similarly, if a village is situated on the boundary of a Native State and there is a disturbance in the Native State, and the protection of the inhabitants of the British village requires more than the usual complement of police, would it be right to charge its inhabitants for the costs? I submit that unless a man by his conduct added to the responsibility of the police, he was entitled to receive protection to his life and property without having to pay anything extra in addition to the taxes for which he is liable as Her Majesty's subject. The same conclusion follows from the manner in which the cost of the police is paid. It is paid out of the General Revenues. The requirements of the police are different in different districts; in one district one policeman is required for every 2 miles of the area; in another one is sufficient for an area of nearly 8 miles. In one district there is one policeman required on a population of 463; in another district there is a policeman to a population of 1,602; and yet the inhabitants have to pay in the same way. A peaceful district has not to pay smaller taxes for the peaceful habits of its inhabitants; nor has a turbulent locality to pay more because it requires a larger establishment of the police. When localities, which permanently require more than the average complement of police, have not to pay anything extra for protection, it is not fair that any extra payment should be charged when the employment is merely temporary. There is another reason why the non-resident holders of land should not be required to pay for the additional police. There is very little protection which the landlords receive. So far as personal protection is concerned they have none to get from the additional police. In

reference to protection of property, the crops, &c., which may require protection, belong to the tenants, and the tenants would come in for a share of the cost as persons actually residing in the area. Land-owners deserve sympathy. When a local disturbance occurs they are the greatest sufferers; their lands remain uncultivated; their tenants desert: the capacity of the tenants to pay rents is impaired. Their own interest ranges them on the side of peace and order. They should not be made to feel that they suffer for the sins of others. It is just possible that there may be black sheep amongst them, as we sometimes find among religious preceptors, but the whole class should not suffer for the faults of a few.

The Honourable Sir CHARLES OLLIVANT said—The Honourable Mr. Khare warned us against false analogies, and at the same time he said that he was doubtful about proposing the amendments of which he had given notice, lest I should threaten him with some more drastic change in the section afterwards. The only reason he could have had for that, is that when the Honourable Mr. Garud proposed to introduce a new clause into a sub-section of the Act which this Bill is not designed to amend, a clause moreover which we had no opportunity to consider, I said: "If you are going to introduce clauses into the Bill in this way, I should like to introduce a clause of a more drastic kind." The case is very different in regard to a proposed amendment of the Bill before us that has been duly considered. So much for the danger of false analogies. The honourable member went on to refer to the applications I made of the principle that property should be taxed, whether its owner is in the place where it is situated or not. What I said was in opposition to the theories put forward by Mr. Garud. I cannot conceive how, if you admit the principle that property is not liable to share the cost of a protective measure when its owner is absent, it is liable to pay any rates or taxes at all. I say most distinctly, that the protection of property demands that a share of the liability should fall on the person who owns it irrespective of where he may live. But it is said, that the tax is coercive when a particular section causes the disturbance leading to the imposition of additional police, and that it would be unfair to make holders of property belonging to that community, who are non-resident, liable to the tax. But supposing the well known leaders of the guilty section absented themselves from the place when the disturbance occurred, are they altogether to escape their liability in respect to their property because they were absent? There is only one answer to that. Take the particular case that Mr. Khare mentioned. Would it be fair that the particular people, whoever they were, who fostered the outbreak of disorder at Sinnar should escape all liability in the event of their having absented themselves from Sinnar at the time of the riot, leaving other persons less guilty than themselves to pay for the protection to be afforded there by additional police? It is true that the general police charges of this country are paid by the general tax-payer and not by the local tax-payer as in England.

The Honourable Mr. MEHTA—And in Bombay.

The Honourable Sir CHARLES OLLIVANT—Yes, a part of the cost is borne in the city of Bombay by the local tax-payer, but this Act does not apply to the city. Although, as I have said, the ordinary police charges are payable by the general tax-payer, the law provides that when a particular locality requires the employment of extra police the cost is to be recovered from that locality. That is the law, and the question before us is whether the liability should attach to non-resident property-holders. I have already given my reasons for thinking that in certain circumstances it would be equitable for them to pay just as much as if they were resident. But at the same time I would also say that when the extra police are required in consequence of the action of a minority and it is clear that non-resident land-holders who do not belong to the offending section have had nothing to do with the disturbance, it would be gross injustice to make them pay, and in that case we say they are not to be liable. Except when the charge is received from the whole community the absentee land-holder is only to pay if he is a member of the turbulent section; he has not to pay when the liability is imposed only on a section with which it is clear he had nothing whatever to do.

The Honourable Mr. KHARE—I submit, your Excellency, that as the mover of the amendments I have a right to reply to what has just been said.

His Excellency the PRESIDENT—The honourable member can proceed.

The Honourable Mr. KHARE—I have carefully listened to what has fallen from Sir Charles Ollivant; it is a very plausible explanation no doubt, but I must confess I do

not see anything in it to lead me to change my views. I quite admit that one who is guilty ought to be made liable; that would be only reasonable. But the Bill proceeds in exactly the other direction. It presumes that even absentees are guilty and lays the burden of proving themselves innocent upon those absentees. That I submit is not a correct standpoint. If the Bill said that only those have to pay who are found by the authorities to be guilty the matter would be different; but unfortunately the Bill does not say that. I do not take it that this amendment will be carried, but I would point out that the explanation given by the honourable mover as to the operation of the Bill is quite different to that which is pointed out in the Bill itself.

The Honourable Sir CHARLES OLLIVANT—I make the honourable member a present of the last word and I only wish to say one thing. Mr. Khare has suggested in the course of the debate that the reasons given here for opposing the amendment are not the same as are given elsewhere. But I shall pay the honourable members of this Council the compliment of thinking that they give quite as good reasons for their views as any members elsewhere.

The amendments were then put and negatived.

Section 3 having been agreed to—

The Honourable Mr. GARUD said—I beg to move that section 4 be omitted. It reads as follows:—"It shall be lawful for Government to extend, for a term not exceeding in any case five years, the period for the payment of such tax or rate beyond the period for which such additional police are actually employed." I must acknowledge that this section has received some improvement in Select Committee, but it appears to me that the section is one which ought not to have been placed at all in this Bill. My Lord, there is no such section in Act VIII of 1895 passed by the Government of India, and that is one ground why it should not be introduced into this Bill. But my next ground is that, bearing in mind that the law in our Presidency directs that the whole or a part of the cost of additional police should be levied from the inhabitants, the insertion of this section will involve heavier burdens on the people. Our law is that when the cost is beyond the means of the people to pay Government should supplement the local contribution by a Government grant. Government have therefore in each case to consider the means of the people who have to pay the additional tax and limit the charge on them according to those means. But I submit with the greatest respect that the discretion to extend the time of payment for a further period of 5 years or so, is likely to lead to this view of the case falling out of consideration. When it is represented to Government that it is beyond the means of the people to pay the cost, within the period of the quartering of the additional police, Government might say, well, we give them 5 years' further time within which to make the payment; and it might be thought that that was the greatest indulgence which the Government could show them. But I submit that when it is acknowledged that it is out of the power of the people to pay the cost within the time the additional police is quartered, that is a case not for granting further time but for Government to supplement the popular contribution by a grant from the general revenues. It seems to me that no advantage is gained by this extension of time. We know from our experience of payments of land revenue that while remission is a distinct blessing, suspension involves a heavier burden on the people than would have been the case if the payment were recovered when it was due. In the same way with these police charges, it might appear that Government were showing indulgence to the people by extending the period of payment, while in the long run the people will find themselves more and more involved than they would have been if the tax had been recovered in one year at once. I therefore beg to submit that this section should be omitted from the Bill.

The Honourable Mr. GOKULDAS PAREKH said—Your Excellency,—I beg to support the amendment which has been proposed by my honourable friend. I am opposed to the cost of the additional police being spread over a longer period than that for which it is posted. According to the law as it exists, if the cost of the additional police exceeded the capacity of the people to pay during the period of its stay, the people are required to pay according to the extent of their capacity and the rest of the charges are borne out of the general revenues. From the difficulty of distinguishing the guilty from the innocent a large number of innocent people are necessarily required to bear this charge. Burdens of this kind ought never to last long. If the people have to make payments for a year or

so when the disturbance is fresh in their minds, the thing is at once forgotten. But when the payment is to be repeated for some years the hardship of the payment rankles in the mind and breeds discontent.

The Honourable Sir CHARLES OLLIVANT said—Your Excellency,—It is perfectly clear that neither of the gentlemen who have spoken has ever been behind in his land revenue or has overdrawn his bank account. For my part, however, I can approach the subject more sympathetically, and I am perfectly certain that it would be a boon to the people to have the period of payment extended. So far from introducing a change in the law, we have been advised that this is settled law, but we limit the period of payment to five years instead of leaving it indefinite as at first proposed.

The amendment was put and negatived.

Sections 4, 5 and 6 were agreed to.

The Honourable Mr. GARUD said—Your Excellency,—I beg to propose in accordance with notice that Section 7 be omitted from the Bill. It proposes to add Section 25A to the Act. This section refers to the compensation to be given by the District Magistrate in the event of death or grievous hurt or loss to property resulting from the acts of an unlawful assembly. Under this section the District Magistrate can also exempt any individuals he pleases from the payment of the tax. With regard to this section I would first submit that it is an innovation which has never been recognized by our law before. As the law now stands compensation for such damage is not payable by the general community. The law is that if death or grievous hurt or damage to property arises from the act of any person or persons, those who are the immediate cause of that loss are the persons who have to pay compensation. We generally adopt the English law as our model, but this section does not even follow the English law. The English Statutes 49 and 50 Vic., c. 38, 11 and 12 Vic., c. 2, and similar other statutes allow compensation for loss of property only and make no mention of damages for death or grievous hurt, and the reason is obvious. The damages caused by death or grievous hurt are so varying that it is impossible to adjudge them according to one common standard as can be done in the case of property. Again even the damage for loss of property is payable only in a proclaimed area. It is therefore reasonable to suggest that the words "death or grievous hurt" may be taken away from this section, if this section is to be incorporated in the Act. Nor do we follow the Act of the Government of India, which lays down that such losses as these are to be paid by the inhabitants of a proclaimed area only when death or grievous hurt or loss of property has occurred after the proclamation has been in force. But here there is no reference to a proclamation or notification at all. It is provided in this section that, if by the act of an unlawful assembly death or grievous hurt or damage to property results, the District Magistrate is empowered to recover that loss from the general community and to pay it to the aggrieved party. In some districts a number of dacoities have unfortunately taken place this year, and as every dacoity presupposes an unlawful assembly, the District Magistrate would be empowered by this section to grant compensation to the sufferers by the acts of these dacoits from the people. I have had this in mind in the other amendment of the section that I have proposed.

His Excellency the PRESIDENT—The honourable member had better take a division on this amendment before speaking about other amendments.

The Honourable Mr. GARUD:—I will do so, your Excellency. But I would point out that the provision of giving compensation from the inhabitants in the case of these dacoities would be quite unjustifiable, for the cause of these unlawful assemblies is not the turbulence or unruly conduct of the people, but hunger and the want of food which impel the poor men to commit dacoities. I therefore propose that this section be omitted altogether from our Act. I would also say that if the Council is not inclined to accept that proposal, I would suggest that the section be brought into harmony with the Act of the Government of India. This at least, I think, is a reasonable request to make.

The Honourable Mr. GOKULDAS PAREKH said—Your Excellency—The provision authorising District Magistrates to give compensation to persons who have suffered from the acts of illegal assemblies is also objectionable. I have no objection to injuries in some special cases being compensated out of the general revenue. The alteration would not have been very objectionable if the burden of the compensation fell only on the guilty; but it may fall both on the guilty and the innocent. There is no reason why several innocent people should be punished to compensate other innocent people. If the

procedure of the civil courts is cumbersome, the proper course would be its simplification. Questions of compensation could only be dealt with satisfactorily by civil courts, and this power ought not to be exercised by the District Magistrates. But it may be urged that a similar provision appears in the Government of India Act. It was a law necessitated from the conditions of Bengal. I do not know much of Bengal and therefore am unable to say whether the law is or is not suited to it; but so far as this Presidency is concerned, a policy similar to what has been proposed was in force and failed. Previous to the advent of the British Rule, Native Governments, in the event of disturbances, dealt with summary justice by requiring whole villages to pay compensation for injuries; but they never served as preventives. Disorders, turbulence, and violence increased instead of diminishing. This was the condition of things when the British Government came in. They resorted to a different policy; no compensation was given except through Courts. Whole villages ceased to be punished for the faults of individuals. Individual offenders were found out and severely punished; but as regards the inhabitants generally they were treated with indulgence. They had to pay no extra charge; but with the object of improving their condition, their burdens were kept lighter than those of the Rasti villages. Within a few years order and peace were restored, and the people were completely reclaimed. This is the result of the trial of the two systems, and I submit that the policy which brought order and contentment in the country is the one that should be followed.

The Honourable Sir CHARLES OLLIVANT said—I have very little to say in regard to this amendment. We have already explained the principle to which we propose to adhere. It is simply a question whether this clause should apply to an area that has not been proclaimed, or whether it shall only be put in force when the loss or injury arises in a proclaimed district. I doubt very much whether the idea of the Government of India Act was not that this clause should have retrospective effect; but at any rate I am quite certain, as I said before, that if shopkeepers have their windows broken, it is a poor consolation to know they cannot get compensation, because their shops are not in a proclaimed district. As references have been made to English law, I may quote an Act of the British Parliament which shows that the principles to which we propose to adhere are followed. Chapter 55, Section 341 of the Burgh Police (Scotland) Act, 1892, reads as follows: "Out of the burgh general assessment it shall be lawful for the Commissioners to defray, to such extent as they think proper, such claims for damages sustained in consequence of any riot or tumult within the burgh as may be established to their satisfaction, or, if the Commissioners think proper, they may at any time impose and levy a special assessment on all occupiers of land or premises." We must adhere to the clause as it comes from the Select Committee.

The amendment was put and negatived.

At this stage the Council adjourned for twenty minutes.

The Honourable Mr. GARUD next moved that the following be substituted for subsections (1), (2), and (3) of new Section 25 A proposed in Section 7 of the Bill:—

"(1) If in any area, in regard to which any notification prescribed in subsection (1) of Section 25 is in force, loss of, or damage to, property has been caused by or has ensued from the conduct of the inhabitants of such area or any class or section of them, it shall be lawful for any person being an inhabitant of such area, who claims to have suffered injury from such misconduct, to make within one month from the date of the injury an application for compensation to the Magistrate of the District within which such area is situated.

(2) It shall thereupon be lawful for the Magistrate of the District, with the sanction of Government, after such inquiry as he may deem necessary to—

(a) declare the persons to whom injury has been caused or has ensued from such misconduct;

(b) fix the amount of compensation to be paid to such persons and the manner in which it is to be distributed among them;

(c) assess the proportion in which the same shall be paid by the inhabitants of such area;

(d) require the Collector to recover the amount so determined or, if such area is a Municipal district, at his discretion require the Municipality to

assess and recover such amount by a tax or by a rate which the Municipality shall impose and levy in accordance with such directions;

(e) require the Collector or the Municipality, as the case may be, to award or apportion all or any moneys so recovered to any person or among all or any persons whom the Magistrate of the District considers entitled to compensation in respect of the loss or damage aforesaid;

Provided that the Magistrate shall not make any declaration or assessment under this sub-section, unless he is of opinion that such injury as aforesaid has arisen from a riot or unlawful assembly within such area, and that the person who suffered the injury was himself free from blame with respect to the occurrences which led to such injury."

He said—The amendment which I have proposed appears to me to lay down the procedure in cases of compensation more clearly than the sub-sections of the Bill, which I propose should be amended. They do not say when the award of compensation is to be made. Whether it is to be made by the District Magistrate on his own motion or upon application made by some one. I think the Magistrate should act upon application made by a claimant within a certain period after the disturbance has occurred, and not upon his own initiative.

The Honourable Mr. NUGENT—I would call the attention of the honourable member to sub-section (3) which provides—

"No compensation shall be granted under this section except upon a claim made within one month from the date of the death, grievous hurt, loss or damage, as aforesaid, in respect of which such claim is made."

From this sub-section it is clear that a claim must be made within one month. The Collector cannot act upon his own initiative and grant compensation unless compensation is demanded.

The Honourable Mr. GARUD—I would point out that the proposed new Section 25 A commences that the Magistrate of a District may "after such enquiry as he deems necessary determine the amount of the compensation which, in his opinion, should be paid in respect of any loss or damage caused." It appears to me from this that the District Magistrate has power to act in the matter just as he thinks proper. Then there is a provision as to exemption in this section, which I also propose should be omitted. No good, it appears to me, can be gained by making any exemption in the case of individuals where the section to which they belong is liable to pay the compensation. These exemptions appear to me to defeat the very object which the Government might have in view in making them. The leaders of the section which has to pay might very likely be exempted because men of their position did not deserve to be classed amongst the guilty. Such exemption appears to me likely to take away the influence which these people may possess with the people in the community to which they belong. I think the benefit of making all in the town pay equally is much greater than what would arise from the exemption of particular individuals as proposed in the Bill. With these words I ask the Council to adopt the amendment which I have put before the Council.

The Honourable Mr. MEHTA—Your Excellency, I should like to say a word as to the reasons why I do not take part in the discussion on the various amendments proposed by my honourable colleagues. I presume they expect me to do so knowing the views I hold on this subject. I have refrained from joining in the discussion for two reasons. In the first place, I feel like an extinct volcano. I exhausted myself of everything I could say on the questions involved in this Bill in the Viceroy's Council in the debate on the Bill to amend the Police Act of 1861. We were successful in getting some of the most obnoxious features of that Bill removed; others remained and they now constitute Act VIII of 1895. That brings me to the second reason for my silence. I am unable to take this present debate very seriously. The sections about which my honourable colleagues are fighting are mostly all contained in the Police Amendment Act of 1895. Section 15 of that Act provides that the whole or any part of that Act may be extended to any Presidency by a Notification of the Governor-General in Council. Supposing for a moment, a most wild supposition, that my honourable colleagues succeeded in having this Bill rejected, it would be only necessary to issue a notification under the section I have mentioned, and all the provisions of the present Bill would be forthwith law and take effect in this Presidency. My honourable friend Mr. Garud has the sanguine temperament of

youth ; he seems to have great faith in arguments and long arguments. He will learn in time to have more faith in the potency of votes than that of arguments.

The Honourable Mr. NUGENT—I think, your Excellency, I have already met the Honourable Mr. Garud's argument that the Collector should not award compensation unless it is demanded. As the Bill now stands, as amended by the Select Committee, it is distinctly provided that the Collector shall not grant compensation except on a claim made for it, and further that he shall only grant that compensation on a claim that has been made within one month of the date of the occurrence. Then the further argument raised by Mr. Garud in support of his amendment was that he thought it was undesirable that any exemption of any kind should be made, and he said that such exemption would defeat the object of the section. As I understood him he thinks it is infinitely preferable that every single individual should bear his share of the compensation which is to be awarded for injuries suffered. That appears to me to be clearly opposed to the general tenour of the Bill, the purpose of which is to make certain sections of a population responsible for their own actions. The inclusion in such responsibility of sections of the inhabitants against whom there is no reasonable ground for suspicion that they were concerned in the misconduct would be inconsistent with the purposes of this Bill. I think the Council will agree with me that it is preferable that only the guilty should be punished, and that the innocent should not share that punishment. Therefore on behalf of Government I am unable to accept this amendment.

The amendment was then put and negatived.

The Honourable Mr. DAJI ABAJI KHARE next moved that in Section 7, clause (b) of sub-section (1) of new Section 25A, line 31, the words "any persons who" be omitted; and that in line 32 for the word "are" the word "all" be substituted. He said—The principle underlying my amendment is that Section 7 should be in accordance with Section 3. Honourable members will notice that as it was originally provided in the Bill, clause (b) of Section 3 laid it down that the cost of the police should be "specially on any of such persons or on any particular section or sections or class or classes of such persons, and the Governor in Council may direct the proportions in which such tax or rate shall be charged." The Select Committee held that it was a wrong principle to saddle the cost of additional police on any particular individuals. Therefore they took out this clause (b) and in fact the whole of the section and re-framed it. Under the section as now proposed, the cost is to be charged either generally on all persons who are inhabitants of the local area, or specially on any particular section or sections or class or classes of such persons. By this change it has been made clear that the liability rests, not upon individuals but upon the whole community or sections thereof. If honourable members will turn to the report of the Select Committee they will find that it states "we are of opinion that in the recovery of compensation individuals should be excluded." But if we turn to the proposed new Section 25A we find that although the Select Committee reported in this way, the words "any persons" are included in the list of those from whom recovery can be made. It is these words which I desire to see removed, for it seems to me that as they stand they give the Magistrate the power to levy the charge on one particular individual if he thinks proper, or from two or three individuals. It is for this reason that I move the amendment. If the words remain part of the Bill, the Bill will not be in accordance with the sentiments expressed by the Select Committee. I do not think that an amendment designed to obviate this will meet with serious opposition. The reason why the Select Committee take the view that individuals should not be charged is plain. It would amount to putting individuals as it were on trial. If there was going to be any proper procedure followed and evidence was going to be recorded in open Court the matter would be different, but no such procedure is provided for. I know that the District Magistrates are anxious to do justice, but the law does not depend for justice entirely upon this desire, and therefore rules have been laid down for the procedure to be adopted in magisterial investigations. But these rules will not have to be followed in enquiries under this Bill. Therefore I say that there cannot be any serious difference of opinion from the view I take that no power should be given to any Magistrate by this section to award damages from particular individuals. The section, if allowed to stand, would invest a Magistrate with power to decide a civil suit for damages without the rules of evidence being observed or any procedure being followed. I strongly object to compensation being awarded against individuals without a proper judicial enquiry. The proper course, in the event of damages accruing from the actions of two or three persons, is for them to be taken to court and tried under the Criminal Procedure Code,

or else sued for damages in a civil court, without any recourse being had to the provisions of the Police Act. Where you cannot catch hold of the particular offenders but know that they belong to a section of the community, the provisions of this Bill could be applied. Therefore I say that the amendment I have proposed becomes necessary unless this Council says that individuals may be ordered to pay compensation without having any of the protection granted them by a proper judicial enquiry under the Civil Procedure Code. But if the Council says this, it will be acting contrary to the sentiments of the Select Committee expressly embodied in their report.

The Honourable Mr. CHANDAVARKAR said—Your Excellency, it is my intention to support this amendment. There was some discussion in the Select Committee as to the measure of liability of individuals, and we came to the conclusion that individuals as distinct from sections of the community should not be liable. We were most anxious to make this clear, and it seems to me that the words which the amendment proposes to remove are contrary to our express intentions.

The Honourable Sir CHARLES OLLIVANT said—I think this amendment may be accepted by Government, but I would point out that there is no particular analogy between this section and the one relating to the employment of additional police to be paid for by a community or a sub-community. You there have regard to a community and to the various sections of a community; but you get a different state of things when you come to pay compensation for loss or injury in the course of a disturbance. The damage may be occasioned by a riot, and the rioters may consist of many persons, some of whom may belong to one section of the inhabitants and some to another section. It is for that reason that in Select Committee we removed the word “all” which Mr. Khare proposes should be restored. We felt that that word might not very correctly define the persons who were responsible for the damage; but I see the difficulty which the Honourable Mr. Khare points out, that the retention of the words “any persons” might change the functions of the Magistrate into those of a civil court, which is not our intention, and a decree might be issued against one person. As it is clear that the persons who form the body of the rioters must belong either to one or the other section of the inhabitants, and as Government have the power to exempt any person from liability to pay, I do not think that it is worth while to insist on the wording “or any persons.” We have no intention of making the liability apply to individuals. I therefore accept the amendment on behalf of Government.

The amendment was accordingly adopted.

The Honourable Mr. KHARE had given notice to move the following further amendments to section 7:—

In the same section, between the words “no” and “compensation” in sub-section (3) of new section 25A., line 62 to insert the words “determination or recovery shall be made and no”; and to add at the end of sub-section (3) the following:—

“and unless the District Magistrate is satisfied that the person claiming compensation is himself free from blame in respect of the occurrences which led to the death, grievous hurt, loss or damage as aforesaid.”

In the same section, to add the following sub-section to new section 25A:—

“(5) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been granted under this section.”

The Honourable Sir CHARLES OLLIVANT said—Before the honourable member speaks in support of his further amendments to section 7, I wish to say that Government is prepared to accept them if he is willing to omit from the words he proposes to insert in sub-section (3) of new section 25A the words “determination or”.

The Honourable Mr. KHARE intimated that he was willing the words should be omitted.

The two amendments were then put to the vote and carried with the omission of the words “determination or” in the proposed addition to sub-section (3) of section 25A.

Sections 8, 9, and 10 were agreed to.

The Honourable Mr. GARUD moved that Section 11 be omitted. He said—This amendment, my Lord, refers to the proposed amendment of Section 48 of the Police Act. The words, which it is proposed to include in that section and which I move should not be

included, are not to be found in the corresponding section of the Government of India Act of 1895. Some time ago an application was made to the High Court by some *Gosávis*, who wanted to bathe naked in the Godávari, according to their time-honoured custom, to set aside a proclamation issued by the Police Superintendent at Násik, prohibiting them from doing so, and it was ruled that the words "conduct of assembly" meant the leading, guiding or managing of the assembly, and not the mode of action or behaviour of the assembly. It appears to me no harm was done by the ruling of the High Court. The *Gosávis* afterwards conformed to the rules prescribed by the Police Superintendent. Now a case like that is likely to happen only once in twelve years; but yet this little incident is taken advantage of to make a change in the section. It appears to me that if this Section 11 is passed, there will be a great deal of very vexatious and harassing interference by the Police with the choice of the people in wearing what costumes they please and the like. It is to avoid this that I move this amendment, submitting that the words proposed are unnecessary. No other case has been brought forward except that at Násik to show that these powers are expressly required for the good of the administration and that being the case I submit that one single swallow should not make a summer (a laugh).

The Honourable Sir CHARLES OLLIVANT—I do not think I shall be justified in detaining the Council in making any remarks on this amendment, seeing that I dealt with it a short time ago when moving the second reading of the Bill.

The amendment was then put and negatived.

The preamble having been adopted, the further stages of the Bill were not proceeded with.

BILL NO. II OF 1898.—A BILL TO SUPPLEMENT THE PROVISIONS OF THE CITY OF BOMBAY MUNICIPAL ACT, 1888, WITH RESPECT TO THE INVESTMENT OF SINKING FUNDS AND SURPLUS MONEYS, AND TO VALIDATE CERTAIN DEBENTURES.

In moving the first reading of the Bill to supplement the provisions of the City of

The Honourable Mr. Nugent moves the first reading of Bill No. II of 1898.

Bombay Municipal Act with respect to the investment of sinking funds and surplus moneys, and to validate certain debentures, the Honourable Mr. NUGENT said—Your Excellency, I think I may consider myself blessed with great good fortune in having recently had to conduct through their various stages in this Honourable Council Bills of a very small and non-contentious character, as I remarked yesterday, after the first reading of what I described as the colossal measure, which may be regarded as a patent ventilator, in charge of my honourable colleague, when I had to move the third reading of a Bill relating to village officers in Sind. Now after we have had a battle over the body of the police giant and have had the great advantage of hearing all the distinguished local legal Ruperts of debate discussing the various points, I have to propose the first reading of another little Bill, which I trust will also sail through summer seas and will require no great skill in navigation to pass through. So far as I am aware it will not have to encounter any cyclone of opposition or any typhoon of hostile criticism. But though the Bill is small I trust it is beneficial in its object. It contains no penal clauses, it imposes no new taxation, it does no harm to any one, and I trust it will be beneficial to the Municipal Corporation. It has been brought forward by the Government at the instance of the Municipal Corporation in order to remedy some defects in the existing law. So far as I am aware it meets with the concurrence of honourable members who are alike members of this Council and also of the Municipal Corporation, and it has the entire support of the Municipal Commissioner himself. The object and reasons which have led to the introduction of this Bill are stated with more than usual fulness in the annexure to the Bill, and this statement of objects and reasons is in itself so full and so complete that it appears to be hardly necessary to trouble the Council by recapitulating them. The fact of the matter seems to be this, that the Municipal Corporation has received the sanction of Government to raise loans from time to time for various purposes, and these loans have to be raised within a specified period. It has been the custom to invest in such loans surpluses from other loans and also unexpended balances. These available cash balances have been used by the municipal administration to commence the work in respect to which the loan has to be raised. Instead of issuing the whole of the new loan

they set aside a certain part, say ten lakhs out of twenty-five, and retain the scrip representing these ten lakhs as available securities in their hand and eventually issue these retained debentures, crediting the proceeds to the funds of the other loans of which in the meantime the surplus balances have been utilised to start the work for which the 25 lakhs loan was issued. In other words the unissued debentures retained by the Municipality when a loan is raised in the public market are when the need for so doing arises disposed of to the public to replace the money which has been taken from the funds of previous loans. This has been done repeatedly by the Municipality and obviously with great advantage, but the lawyers have intervened and declared this was really an invalid measure, and that the Municipality by retaining these debentures for itself has practically rendered them unnegotiable securities, which cannot be sold in the open market, but are practically paid off, and are of no value. It was to meet cases of that kind that this Bill has been introduced. The method is obviously of great benefit to the Corporation, for it saves the Corporation, and when I say that, I mean it saves the rate-payers a considerable amount of expenditure, and it is a convenient way of advancing works which might at all events in the early stages otherwise be delayed. I believe that honourable members who are members of the Corporation approve of this measure, and I do not think any member who has no direct connection with the Corporation will have anything to say against it. I beg to propose the first reading of the Bill.

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

The Honourable Mr. NUGENT said—Your Excellency,—I do not propose to refer this Bill to a Select Committee, as I consider it desirable that it should be passed without the slightest delay, in order to prevent any possible difficulty in connection with debentures which are retained by the Municipality and have been practically advanced by the banks and other institutions. As the Bill is not a contentious measure, and as there is no doubt as to its provisions, I will ask your Excellency to suspend the Rules of the Council in order that the Bill may be considered in its further stages without reference to a Select Committee.

Rules suspended. His Excellency the PRESIDENT thereupon suspended the Rules.

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

Bill read a second time. The motion was carried and the Bill was read a second time.

Bill considered in detail. The Honourable Mr. NUGENT moved that the Bill be considered in detail. The Bill was then considered in detail and no amendments were made.

The Honourable Mr. NUGENT—I now move that the Bill be read a third time.

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

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

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

S. L. BATCHELOR,

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

Bombay, 15th February 1898.

APPENDICES

TO THE

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR OF BOMBAY,
ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND
REGULATIONS ON THE 14TH AND 15TH FEBRUARY 1898.

APPENDIX A.

Bubonic Plague—

Instructions regarding plague
administration.

General Department.

No. $\frac{54}{171 P}$.

Bombay Castle,
10th January 1898.

RESOLUTION OF GOVERNMENT.

The accompanying "Instructions regarding plague administration", with Appendix, should be forwarded to all Commissioners, Collectors, Chief Plague Authorities, Plague Committees and Political Agents for the general guidance of District and other officers,

A. WINGATE,
Secretary to Government,

To

The Commissioner in Sind,
The Commissioner, N. D.,
The Commissioner, C. D.,
The Commissioner, S. D.,
All Collectors, including the Collectors and Deputy Commissioners in Sind,
The Political Agents, Káthiáwár, Kolhápúr and Southern Marátha Country,
Cutch, Mahi Kántha and Rewa Kántha,
The Political Superintendents, Pálanpur and Sávantvádi,
The Chairman, Poona City Plague Committee,
The Chairman, Karáchi Plague Committee,
The Chairman, Hyderabad Plague Committee,
The Political Department of the Secretariat,
The Revenue Department of the Secretariat,
The Judicial Department of the Secretariat,
The Public Works Department of the Secretariat,
The Public Works Department of the Secretariat (Railway),
The Private Secretary to His Excellency the Governor,
The Chief Plague Authority, Poona District,
The Chief Plague Authority, Násik District,
The Chairman, Poona Cantonment and Suburban Plague Committee,
The Chairman, Belgaum Plague Committee.

INSTRUCTIONS REGARDING PLAGUE ADMINISTRATION FOR
THE GENERAL GUIDANCE OF DISTRICT AND OTHER
OFFICERS.

1. Plague is a disease which is essentially associated with insanitary conditions in human habitations, the chief of which are accumulations of filth, overcrowding and the absence of light and ventilation.

2. It is, in the first instance at least, a disease of locality, and is mainly conveyed from place to place by individuals in their person, clothing and personal effects, who have resided in the infected locality.

3. The essential measures to be taken for preventing the spread of the disease are its early recognition in a locality, the removal of the inmates from the infected locality or area, which, in the first instance, may be only a room or house, their segregation for a specific period, the disinfection of their per-

sons, clothing and personal effects, and of the houses with their contents, situated within the infected locality.

4. The first steps to be taken are in connection with the sickness and mortality. There are, at present, no methods in actual operation by which these can be accurately ascertained. Infectious diseases are not notified, and the registration of deaths is imperfect. Means must be adopted to improve the latter, and check the results by recording in towns all funerals which pass the octroi posts, noting the name of the deceased and the locality of the house in which the death occurred, and by posting trustworthy subordinates, either members of the Police force or of the Revenue Department, at all burying and burning grounds, noting similar information. These subordinates, not being connected with the Municipality, will afford valuable aid in checking the returns, and they will assist the Municipal authorities in arriving at correct results.

5. In villages, the Pátils must submit weekly returns of deaths in each village, within their respective jurisdiction, to the Mámlatdár, who will forward them to the Collector of the district, after noting on each any peculiarity in the incidence of the deaths, the mortality for the corresponding week during the past three years, and explaining, if he can, any excess. When the Mámlatdár is not satisfied as to the cause of any excessive or unusual mortality, he should cause special enquiries to be made, and, if necessary, call in the assistance of the nearest medical subordinate.

6. The Pátils should also be required to give notice at the police station of the arrival in their villages of any persons from an infected locality. The names of such persons should be entered in a register at the police station, and they should be kept outside the village under observation for ten days and on no account allowed to sleep within the village site. The cause of the death of any person who has recently been in an infected locality should be investigated. In villages remote from a police station the Police Pátíl should discharge these duties, but the Revenue Pátíl and the Kulkarni should be held equally responsible.

7. The returns referred to in paragraphs 4 and 5 will show, both in towns and villages, any unusual mortality over the average of previous years, and also the occurrence of two or more deaths in one house or localised area when immediate special enquiry is necessary.

8. For the discovery of cases of sickness it will be necessary to obtain the assistance of the more respectable residents in each quarter, street or group of houses. In any doubtful case of sickness they could obtain the services of the medical subordinate attached to the dispensary, or a hospital assistant may be specially deputed to aid the residents in the work of detection.

9. It should be made obligatory under the Epidemic Diseases Act for the occupier of each room or house in an infected town to notify all cases of sickness and death, occurring in the room or house occupied by him, and for every medical practitioner practising in such a town to report all cases of sickness and death coming to his knowledge in the practice of his profession.

10. When there is reason to believe that cases of plague are occurring in a town or are likely to occur, owing to its proximity to an infected area, the town should be divided into quarters or divisions of a size convenient for effective supervision, and each quarter should be placed, as far as possible, under the charge of an European official, who may be a civil officer, taken from any department, a military or a medical officer, according to circumstances.

11. The quarter under each officer should be sub-divided into defined areas, which might consist of a street, a portion of one, or a group of houses, and each of these sub-divisions should be placed under the charge of a district or local subordinate, who may, for convenience, be called a supervisor. With each supervisor will be associated one or more residents of the sub-division, who will assist the supervisor in obtaining information regarding sickness and mortality in the areas respectively allotted to him. Under each supervisor will be a gang of coolies, varying in number to suit the requirements of each locality. The

gangs working in the more populous towns should be divided into three sections, each with defined duties as follows :—

(a) for the detection of cases and their removal to hospital ;

(b) for the evacuation of houses and for the removal of the inmates to camp ; and

(c) for the disinfection of houses.

12. So long as plague exists in the Presidency, it is advisable that the above organisation should be prepared for each town and district area, native Superintendents being substituted for Europeans in the latter, and the members should be ready to act when the necessity arises. At each town exposed to danger an observation camp should be provided, where all suspicious arrivals from infected areas may be detained for ten days.

13. It is believed that under such a scheme information regarding all cases of sickness will be easily and readily obtained, but should the people be unwilling to assist the authorities, or withhold the necessary information, then it will be advisable to organise search parties under the charge of the Divisional Superintendent. Each search party should be accompanied by a Medical Officer or subordinate, and by a female, either European or Native.

14. It is absolutely essential to success that all the measures mentioned above for the suppression of the disease should be carried out promptly and effectively. To ensure this being done all the members of the staff engaged in the work should have a clear idea of their duties : the operations will then be conducted in a methodical and systematic manner.

15. The Superintendent should be provided with a suitable office situated in his own division, where he should remain the whole day, except at intervals for meals. The office will be his head-quarters, to which all communications should be sent, and at which the Supervisors will make their daily reports. He will exercise a general supervision over all the operations and will issue orders for the necessary action to be taken by each section of the gang of coolies.

16. No house vacated on account of plague may be reoccupied without his sanction, and he may cause a notice to that effect to be affixed to each vacated house. He should place a seal on boxes containing valuable property left in houses which have been evacuated on account of plague. Such property may be removed by the owner, but if he declines to do so, it will remain at his risk.

17. Property of any value belonging to the poorer classes which it may be considered necessary or advisable to destroy as being infected should be appraised by two or more respectable natives and the value paid to the owner by the Superintendent of the division. Compensation should also be given without delay to the very poor for the destruction of clothes, &c., which although they may be of no market value yet serve a useful purpose to the owners.

18. After a house has been disinfected, the door will be secured by a padlock, of which the Superintendent will retain the key or entrance may be barred by any other effectual method.

19. The stock of disinfectants, padlocks and all surplus appliances for divisional use will be kept in or near the office.

20. Each Supervisor will keep a list of all residents in each house in his sub-division. He will inspect all new arrivals, and will obtain information from them as to their previous place of residence. He will, in company with the local resident appointed to assist him, visit all the houses in his sub-division, and obtain information regarding the health of the different inmates, and will, on the conclusion of his rounds, report verbally to his Superintendent the occurrence of all cases of sickness and death and any information regarding arrivals from infected localities. Any case of plague, and all doubtful ones of sickness should be at once reported to the Superintendent at his office by day, and at his house by night.

21. The Supervisor will be provided with a sufficient supply of disinfectants ready for use, with tubs, buckets, watering pots, one or two hand-pumps, either jet or spray, and implements required for unroofing houses and making

holes in the walls. There should also be a dooly, charpoy or bamboo frame for the removal of the sick. It should be thoroughly washed or sprayed with perchloride of mercury solution, either at the hospital or sub-divisional dépôt after use. This is necessary, as the same dooly may be used for carrying suspected cases to the observation ward. All the above articles should be kept in a room or yard near the centre of his sub-division or at the Superintendent's office.

22. On a report being received by a Superintendent, of the occurrence of a case of plague, he should at once proceed to the house, and when he has satisfied himself that the case is one of plague or of a suspicious nature, he will at once give orders for the removal of the patient, either to the Plague Hospital or to the observation ward, according to the opinion he has formed of the case. The other inmates of the house, with their movable property, should be taken to the segregation camp, in charge of one or more policemen or other responsible persons.

23. They will be supplied with passes by the Superintendent admitting them into hospital and camp. These passes after countersignature by the medical officer or the officer at the camp will be returned through the policemen to the Superintendent.

24. After evacuation of the house, the walls and floors of all rooms, with their contents, except articles of food which it is not intended to destroy, and of all enclosures, should be thoroughly drenched with a solution of perchloride of mercury, and in the course of two or three days coated with freshly prepared limewash. All rags and refuse found in the house or enclosure should be burned in the presence of the supervisor.

25. The roof, if not a pukka one, should be removed, and holes should be made in the walls to admit freely air and light to the smaller rooms and enclosures. On the completion of these operations, the door should be secured with a padlock.

26. The coolies engaged in the work of disinfection, &c., should be provided with boots or shoes, to protect their feet from the danger of infection through abraded surfaces.

27. It may be necessary, owing to the occurrence of several cases in the one area, to vacate a group of houses or a whole sub-division. Should any necessity exist for the adoption of such a measure, it should be carried out as soon as possible by placing a cordon of police or troops around the area and removing the whole population to the segregation camp. Disinfection and unroofing of the houses to be carried out in due course.

28. Experience has abundantly proved that the evacuation of an infected house or houses is seldom in itself sufficient to stamp out the disease. When plague manifests itself in one house, in an indigenous form, those in the neighbourhood have, as a rule, already become infected, and it usually follows that cases subsequently appear in them. It is therefore always a wise and prudent course on the occurrence of an indigenous case, not only to evacuate the one house but also all those in the immediate neighbourhood.

29. On the evacuation of the houses in the infected area, all the other inhabitants should be encouraged to leave the town and any obstacles which may tend to delay their departure should if possible be removed. The time for prescribing the issue of passes should be carefully considered by the Collector, as if the rules prohibiting departure without passes are applied prematurely the exodus of the inhabitants generally will be retarded, more particularly of the poorer classes, who feel diffident about applying for passes or are too apathetic to do so.

30. In a large town where the disease has become of general prevalence, every quarter being affected, and the arrangements for dealing with the epidemic are incomplete and defective, measures must be taken to regulate the departure of the population and prevent them carrying infection to healthy areas. Every effort should in the meantime be made to provide sufficient accommodation in huts for a large proportion of the population.

31. In the case of villages badly infected the whole of the inhabitants should be turned out. Villagers are accustomed to erecting shelters for themselves, but, if necessary, materials for hutting should be supplied. The sick and suspected villagers should be carefully separated from the healthy and an officer should be appointed to examine the daily health of the population and prevent migration to other villages.

32. Daily inspection of villages situated in the neighbourhood of an infected locality should be instituted and maintained during the outbreak, and continued for 10 days after the occurrence of the last case, with special reference to the exclusion of refugees who should be required to camp out.

33. A site for the hospital should be selected as near as possible to the infected population, but a permanent building, suitable in all respects for a hospital, may sometimes be obtained either inside or on the outskirts of the town. It can be easily disinfected when it is no longer required for an hospital, and such a building would be more popular and convenient than huts erected at a distance from the town.

34. If a suitable building is not available it will be necessary to erect huts for plague patients, for convalescents and for the observation of doubtful cases, on the nearest site. The hospital huts intended for females should be some distance apart from those intended for males. The size of each hut will depend on the number of patients expected, but it is advisable not to place a large number of patients in one hut. A series of huts, each capable of accommodating six to twelve patients, will be the best arrangement, and it is one which will admit of the higher and lower castes securing separate accommodation. Moveable mat screens should be provided between the beds to secure as much privacy as is possible to each patient. Every patient should be supplied with a cheap substitute for a spittoon, and both it and the vessels used as bed pans, should contain a sufficient quantity of an effective disinfecting solution. The floor of the hospital huts should be freely watered daily with the perchloride of mercury solution, and vessels containing the same solution should always be available for the disinfection of the hands and feet of the native attendants.

35. One relative or friend may be permitted to attend a patient, and a stated time should be set apart for the visits of relatives and friends of the patients.

36. On the arrival of the patient at the hospital, all his clothing should be removed and burnt in the presence of the medical subordinate. Hospital clothing should then be supplied. On recovery the patient may be transferred to the convalescent ward or dismissed. In either case he should be given a warm bath and supplied with new clothes. The hospital clothing, on the discharge or death of the patient, should be disinfected, washed and exposed to the sun for a few hours, after which it may be again taken into use.

37. The hospital and observation wards should be surrounded with a bamboo or other fence.

38. Huts for the segregation of individuals removed from infected houses, and of all suspected persons, should, if possible, be erected at a convenient distance from the hospital compound, and should be surrounded by a bamboo or other fence. Individuals brought for admission into this camp should, for purposes of cleanliness, be bathed in a solution of carbolic acid, one to a hundred parts of water, and their clothing soaked in a solution of one to twenty; if there are no children, perchloride of mercury solution may be used for the latter purpose.

39. All the inmates should be inspected daily, either by the medical officer or a medical subordinate, and any case of plague detected should be removed at once to hospital, and doubtful cases of fever to the observation ward. If no case occurs amongst them, after an interval of 15 to 30 days, they may be allowed to return to their houses, if such houses have been cleaned and disinfected and if the local authority considers that they are fit for re-occupation, or be admitted into the camp for healthy individuals, after a second disinfection of their clothing.

40. Both the hospital compound and the segregation camp should be guarded by troops or police, to prevent the egress of inmates.

41. The establishment of separate hospitals and segregation camps for the reception of members of special castes and religions should be encouraged and every assistance should be given by the local authority for their erection and supervision. The treatment of the patients admitted into these hospitals may, if desired, be placed in the hands of Vaidis and Hakims and the internal management of both hospitals and camps may be conducted by members of the caste or religion concerned, subject however to the general supervision of a European doctor where possible and control of the local authorities and to the usual arrangements as regards guards.

42. A camp for the healthy, *i.e.*, for people removed from houses not infected, should also be arranged for. All individuals admitted into it should also be bathed and their clothes disinfected as with admissions into the segregation camp. They should be allowed to pursue their daily employments, on condition that they sleep in camp. The huts should be numbered, inmates registered and a daily inspection made of all the residents. If no case of plague has occurred in a hut for 15 to 30 days, the inmates may, after a second disinfection of clothing, be allowed to return to their houses if such houses have been cleaned and disinfected and if the local authority considers that they are fit for re-occupation.

43. Should a case of plague occur in a hut, the patient should be removed to hospital, and the other inmates to the segregation camp. The hut should be removed, the site disinfected with the perchloride of mercury solution, and the materials of the hut should be similarly disinfected and exposed to the sun for a couple of days, when they can be utilised in the erection of another hut on a new site.

44. The best arrangements should be made for a plentiful supply of water to the different camps. If the water-supply to the town is conveyed through pipes, connections should be carried into the camps. Bathing platforms at some distance apart for the two sexes should be constructed, and provided with surface drains for the removal of surplus water.

45. Separate latrines for the sexes should be erected in connection with the two camps and hospital, and they should be well lighted with ordinary post lamps.

46. Bunniah's shops with all supplies should be provided for each of the camps.

47. Cases of plague imported into towns and villages, if they are not at once discovered and isolated, will, under existing conditions, develop new centres of the disease and thus infect fresh localities. It is a difficult matter to detect such cases in transit from an infected area.

48. Medical inspection of travellers by rail and road is useful in discovering those actually suffering from the disease or affected with the preliminary symptoms of fever, but as the period of incubation may extend to eight or nine days, it is evident that inspection is of no avail in detecting infected travellers, who are in the stage of incubation. Such travellers cannot be discriminated from the non-infected, and it is necessary for their detection that they should be kept under observation for a period not exceeding ten days.

49. Passengers or travellers who can produce satisfactory evidence that they have not been exposed to infection, may be exempted from detention, as it frequently happens that only one or a few places may be infected in the particular district. The local authorities should give certificates to all persons wishing to travel from the non-infected areas in the district, stating that the holders (giving names, &c.) have not been exposed to infection.

50. The period of observation may, in the case of travellers of ascertained respectability, be converted into one of surveillance at places of destination, if they give satisfactory assurance (or furnish security) that they will report themselves daily to an authorised medical officer. Lists of such passengers should

be forwarded either by wire or post to the local authority at place of destination, and any one failing to report may be prosecuted. The medical officer is not at liberty to exempt the individual from attendance without the concurrence of the local authority.

51. The inspecting officer may, however, exercise his discretion as to the necessity of detaining any particular individual.

52. In addition to medical inspection at selected stations a medical officer or subordinate should, if available, be appointed to travel by each train from or passing through an infected district for the purpose of examining passengers booking and alighting at all stations along the line.

53. The object in exercising control over the movements of travellers from an infected area is for the general welfare of the public and not to harass the individuals. It is hoped that by detaining passengers from an infected area, the healthy or non-infected will be eliminated after a few days, and allowed to proceed on their journey. If the preparatory measures as previously detailed for the suppression of the disease are carried out in an efficient manner, there is every reason to believe that restrictions on travelling will be unnecessary.

54. Any arrangement calculated to prevent the exodus of the healthy from an infected locality or area, must tend to produce a more virulent form of the disease, and its more rapid diffusion among the community.

55. Camps will be established, under the orders of Government, at selected stations suitable for detention of passengers and for the disinfection of clothing and baggage.

56. The above rules will also apply to travellers by road.

57. For preparation of the perchloride of mercury solution for disinfection, see Appendix.

APPENDIX.

The most convenient and satisfactory way of preparing the solution of perchloride of mercury, on a large scale, is that which has been recommended by Dr. Maynard, now on plague duty in Nasik.

The ingredients should be mixed in a 50-gallon cask in the following quantities: to 77 lbs. of perchloride of mercury and $38\frac{1}{2}$ lbs. of pure salt add 15 gallons of boiling water, stir well with a wooden stick, and then fill up the cask with cold water. The solution contains one part of perchloride to $6\frac{1}{2}$ of water, and one ordinary quart bottle of it, added to 25 gallons of water—the capacity of the ordinary wooden tubs in use—will give a strength of 1 in 1,000.

The standard solution can be carried about in quart bottles placed in partitioned boxes, and is always ready for use without further weighing or measuring.

If the solution is prepared with cold water, the perchloride of mercury must be powdered and two parts of pure salt to one part of perchloride added. The whole should be well stirred until the solids are completely dissolved.

It is of advantage, for several reasons, to add one half per cent. of crude Hydrochloric acid to the solution.

Iron hoops of all casks, tubs, and buckets should be dammered. If iron receptacles are used they should be dammered inside and outside.

If metal pumps are employed for distributing the solution, they should, previous to use, be worked in vegetable oil, and after use thoroughly cleaned in water. This will tend to lessen the corrosive action of the mercury.