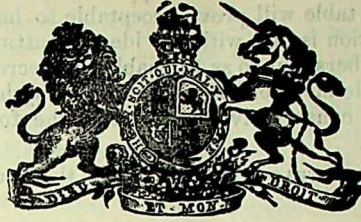


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Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

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

Abstract of the Proceedings of the Council of the Governor of Bombay, assembled for the purpose of making Laws and Regulations, under the provisions of "THE INDIAN COUNCILS ACTS, 1861 and 1892."

The Council met at Bombay on Monday the 12th March 1894, at 3-30 P.M.

PRESENT:

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

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

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

The Honourable the ADVOCATE GENERAL.

The Honourable Ráo Bahádúr RANCHODLÁL CHOTALÁL, C.I.E.

The Honourable Khán Bahádúr DORABJI PADAMJI.

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

The Honourable Mr. W. R. MACDONELL.

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

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

The Honourable Mr. A. T. SHUTTLEWORTH.

The Honourable Mr. GANPATRAO DÁMODAR PÁNSE.

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

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

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

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

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

The Honourable Mr. JAYERILÁL UMÁSHANKAR YÁJNIK.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Honourable Mr. JAVERLÁL UMÍASHANKAR YAJNIK then put question No. 1 standing in his name—

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

The Honourable Mr. TREVOR in reply said:—For information as to heads 1 and 2 of the honourable member's first question, I would refer him to the published settlement reports, in which all cases in which the normal limit of enhancement for (1) tálukas or groups of villages, (2) individual villages, has been exceeded, are noticed and explained. With regard to the third head, it is obviously impossible to give details of enhancements on individual holdings. I may, however, explain that the limit of 100 per cent. has never been laid down absolutely. The correspondence on the subject is very intricate, and the orders given at different times are a little confusing, but their general purport is that the increases due to encroachments and, in the case of the earlier original settlements, to cultivation of Pot kharáb are practically excluded. The principle is laid down that the correct standard of valuations is not to be abandoned to prevent excessive individual enhancements, though it is open to Government to remit wholly or in part, or for particular periods such proportion of the excess over 100 per cent. as may be necessary. Certain rules are laid down and directions are given that cases of excess remaining after these rules have been observed are to be reported for orders. This has since been done, specifically in some cases and in general terms in others, the form of relief most commonly afforded in recent settlements being what is called the Igatpuri concession, under which temporary remissions are granted for shorter or longer periods when the enhancement exceeds 25, 50 or 75 per cent.

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

Will Government be pleased to give a statement showing the result of the imposition

of subsoil water-rates under the revision settlements lately introduced into the talukas of the Ahmedabad District in some such form as under:—

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

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

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

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

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

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

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

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

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

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

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

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

The Honourable Mr. TREVOR in reply said:—A certain number of petitions protesting against general enhancements, proposed, or apprehended, are received and considered with every settlement report. But owing partly to the procedure followed it has not hitherto been found that such petitions are of much assistance to materially affect the conclusions arrived at. As the honourable member is aware, the possibility of remedying this state of things is already under the consideration of Government, though it is not a very easy matter. As regards petitions relating to individual enhancements, which may have been made to the District and Survey authorities in connection with the Ahmedabad settle-

ments, information has been called for, but it is doubtful whether it can be collected now without an amount of labour incommensurate with the value of any conclusions that could be drawn from it. I am obliged, however, to the honourable member for drawing my attention to the subject, and have given orders that a separate register of such petitions should be kept in carrying out future settlements, and that their number and the manner in which they were disposed of should be noticed in reporting on the first year's working.

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

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

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

Daskroi	5,038
Paragraph 17 of report.	
Dholka	2,783
Paragraph 22.	
Viramgám	2,096
Paragraph 17.	
Parántij	1,226
Paragraph 48.	
Sánand	3,437
Paragraph 14.	
Total	<u>14,580</u>

in the classification of converted land is that of a small addition, limited to four annas at the utmost, made in the classification of new rice in respect of any special natural facilities for conversion which may have distinguished it from neighbouring jirát. The total area of converted rice land in Ahmedabad as given in the settlement reports is 14,580 acres, but I am unable to say in how much of this any addition to the classification has actually resulted from the working of the rule in question and it would probably be impossible to ascertain without reference to the field books.

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

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

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

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

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

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

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

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

- (a) *of the want of any recognised system of regulating the grant of licenses for the retail sale of country tobacco in the city, of licenses having frequently been re-*

fused to respectable applicants" and "granted to persons of the very lowest class and character;"

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

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

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

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

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

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

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

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

The Honourable Mr. BIRDWOOD in reply said :—In January 1893, Government sanctioned the proposals of the A'mod Municipality to levy house-tax at a uniform rate of 8 annas per cent. on the assessed value of each house and shop-tax at the rate of Re. 1 per shop. A notice under Section 21 of Bombay Act VI of 1873 in respect of the taxes was given by the Municipality. The income from the taxes was estimated at Rs. 4,000. Government have no information on the point mentioned in the concluding portion of the honourable member's question, but the system of house-tax adopted by the Municipality ensures that the wealthier inhabitants shall contribute to municipal revenue in proportion to their wealth.

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

1. *What will be the probable annual saving when the present Survey and Settlement Department proper ceases to exist as a separate establishment?*
2. *Will such annual saving be permanent or will it be absorbed either wholly or partially, and if partially, to what extent, by the Department of Land Records and Agriculture?*

The Honourable Mr. TREVOR in reply said :—According to the most recent forecast, the necessity for a separate survey and settlement establishment will have disappeared and the Department of Land Records and Agriculture will be fully developed by the end of 1896-97. The probable cost of the latter Department alone from that year onwards is estimated at about 2½ lakhs as compared with an expenditure on Survey and Settlement and Land Record and Agricultural establishments combined, estimated for the current year at about 6¼ lakhs. It is hoped that there will thus be an ultimate permanent saving of about 3½ lakhs as compared with the present scale of expenditure. The reduction will, however, be gradual, and it is of course impossible to say that circumstances may not arise which will affect the accuracy of the forecast.

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

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

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

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

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

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

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

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

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

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

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

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

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

Vacant Spaces—Government Lands. Recommendation 14.

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

Recommendations 15 and 16.

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

Terms and Conditions.

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

Removal of Buildings. Recommendations 1, 2 and 3.

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

Recommendation 5.

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

Recommendation 18.

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

Reclamations.

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

Railway Lines.

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

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

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

Level Crossings, Overbridges.

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

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

Foot Bridges.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) *What are the reasons for inserting a provision in the proposed "rules regulating the extent of the independent authority of Municipalities in respect of public education" published at page 1030 of the Bombay Government Gazette, Part I (1893), requiring Municipalities to submit the educational section of their budget to the Educational Inspector when the rest of the budget involving much larger expenditure is not required to be submitted to the Commissioner?*
- (b) *Why is it proposed by these rules to lay down restrictions regarding the award of free studentships and scholarships in primary schools and other institutions aided by Municipalities? Does the Grant-in-aid Code of Government provide*

similar restrictions regarding free studentships and scholarships not paid from public funds in the case of institutions aided from Provincial Funds?

- (c) *Were the requirements of Government Resolution No. 31, Educational Department, dated 8th January 1892, about holding Divisional Conferences of the representatives of leading Municipalities in each Division in addition to inviting their written suggestions complied with before framing these rules? If not, for what reasons? How many Municipalities sent written suggestions and how many were in favour of the changes referred to in (a) and (b)?*

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

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

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

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

Have Government made any enquiry with a view to ascertain how far the principles laid down by His Excellency Lord Lansdowne in his speech at Agra in November last were given effect to in dealing with the customs and rights of the inhabitants of Yeola, and if so, what is the result of that enquiry? If no enquiry has been made, do Government contemplate making any such enquiry?

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

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

Is it true that four telegrams, dated the 23rd of September 1893, 6th October 1893, 10th January 1894 and 11th January 1894, respectively, addressed to Mr. Winter, Col-

lector of Násik, informing him of the serious state of affairs at Yeola and seeking assistance, were returned by that officer for want of Court-fee stamps? Are there any rules issued by Government prohibiting officers from taking cognizance of such urgent telegrams unless they are stamped?

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

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

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

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

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

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

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

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

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

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

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

- (a) *Is it a fact that during the years 1890, 1891 and 1892 there were only 18 cases in which the Chemical Analyser had to give evidence in person, while nearly a thousand medico-legal cases were examined and reported on and reports admitted as evidence? How many of these examinations were actually conducted by the officer over whose signature the results of the examinations were certified? If any*

reports were signed by the Chemical Analyser, while the examinations were really conducted by the Assistant Chemical Analyser, why were not such reports sent under the hand of the Assistant as provided for by Section 510 of the Criminal Procedure Code?

- (b) Out of the total number of 1,792, 1,619, 1,755, 2,320 and 1,893 analyses conducted by the Chemical Analyser's Department during the years 1888, 1889, 1890, 1891, and 1892, respectively (vide Chemical Analyser's Report for 1892) how many in each year were actually performed by (1) the Chemical Analyser, (2) the Acting Chemical Analyser during the periods that the permanent incumbent was on leave, and (3) the Assistant Chemical Analyser?
- (c) Is there any truth in the allegation publicly made by the late Assistant Chemical Analyser that the Chemical Analyser during the years 1890, 1891, and 1892 was in the habit of spending days at hill sanitarium and signing the reports of analyses done in the laboratory at Bombay and sent up to him for signature? If the allegation is true, how many days in all during those years was he so absent, and by whom was such absence authorized and under what rules?
- (d) Will Government be pleased, in view of the serious allegations publicly made about the working of the Chemical Analyser's Department, to lay the report of the Chemical Analyser (vide answer to my question No. 3 put at the meeting of the Council on the 31st of August 1893 on the table?)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PAPERS PRESENTED TO THE COUNCIL.

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

BILLS AND ORDER OF THE DAY.

BILL No. I of 1894.

The Honourable Mr. BIRDWOOD, in moving the first reading of the Bill to amend the law in the Peint territory, said:—Your Excellency,—The Bill to amend the law in force in the Peint territory in the Bombay Presidency has already been published in the *Government Gazette* on the 2nd instant in pursuance of an order made by Your Excellency, under Rule 15 of the rules for the conduct of business at meetings of this Honourable Council. Such publication is deemed under the rules to be the introduction of the Bill, and the motion which I will presently ask the Council to adopt will, therefore, be for the first reading of the Bill. The Statement of Objects and Reasons, which has also been published, shows succinctly the necessity for the proposed legislation, and it will be necessary for me, at the present stage of the Bill, to supplement that statement with only a very short explanation on some matters of detail. The Peint State lapsed to the British Government in 1878, on the death of the last Begum without heirs, and was for some years administered by the Collector of Násik, under the immediate orders of the Government of Bombay, as non-regulation territory. In May, 1885, the Government of India issued a proclamation under the Statute 28 and 29 Victoria, Chapter 17, Section 4, which had the effect of annexing the territory to the Presidency of Bombay. On the 10th July, 1885, the provisions of the Statute 33 Victoria, Chapter 3, Section 1, were declared to be applicable to the Peint territory from that date. The declaration

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

was made by the Secretary of State for India and was notified by the Government of India, with the result that, thenceforward, Peint became a "scheduled district" within the meaning of the Scheduled Districts Act of 1874. A further development of the legal history of Peint took place in March, 1887, when certain notifications were issued under Section 3 of that Act and also under the Opium Act of 1878, which contained declarations as to the laws in force in Peint. It would only weary honourable members if I were to attempt any enumeration of these laws. It will be sufficient, I think, to say that, since the issue of those notifications, it has not, in practice, been always an easy matter, even for authorities well versed in the law, and much less so for the local officers who are called upon to administer civil and criminal justice, to determine whether any particular law in force in other parts of the Presidency is in force or not in Peint. When I say that a difficulty has been felt, and different opinions expressed, on apparently so simple a question as whether the Indian Penal Code, which was passed in 1860, became *proprio vigore* in force in Peint in 1878 or has subsequently been in force there, then I think I have said enough to justify the desire of this Government to remove all doubt on such important matters by a short Act such as that now proposed. At one time, local officers were, no doubt, opposed to such legislation, the necessity for which was not very apparent in the case of a people who in one remarkable respect differed from their neighbours. In the happy valleys which lie between the rugged mountain ridges by which Peint is intersected, there is little known crime and, what is stranger still, there is little desire for litigation in the Civil Courts. I leave it to honourable members to say whether such a state of society is really in advance of or behind that of more civilized tracts. But however that may be, there is no opposition now to the proposal to bring the Peint territory into line with the other Regulation Districts of the Presidency. The measure now before the Council is approved of both by the Commissioner of the Division and the Collector of the District. Peint is already administered as a sub-division of the Násik District; and no inconvenience will be caused to the people by placing it on the same legal footing as other parts of that district. If the Bill becomes law, there will be uniformity of law and administration throughout the Collectorate. I have only to add that the Bill has been drafted generally on the lines of the similar Act of 1885, which applies to the Panch Maháls, which were before that year a scheduled district. As the effect of Section 2 of the Bill is to amend Act XIV of 1874 so far as it affects the Peint territory, and as that Act was passed subsequently to the first Indian Councils Act of 1861, it has been necessary to ask His Excellency the Governor General to sanction the proposed legislation under Section 5 of the Councils Act of 1892, and this sanction has been obtained, I now move the first reading of the Bill.

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

The motion was carried.

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

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

C. H. A. HILL,

Secretary to the Council of the Governor of Bombay

for making Laws and Regulations.

Bombay, 12th March 1894.