

THE



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PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

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

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

The Council met at Poona on Saturday the 7th September 1889, at 3 P.M.

PRESENT:

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

Lieut.-General His Royal Highness the DUKE OF CONNAUGHT, K.G., K.T., K.P., G.C.I.E., G.C.S.I., G.C.M.G., C.B., A.D.C.

The Honourable Sir R. WEST, K.C.I.E.

The Honourable Mr. C. B. PRITCHARD, C.S.I.

The Honourable the ADVOCATE GENERAL.

The Honourable Mr. KASHINATH TRIMBAK TELANG, C.I.E.

The Honourable Sardár Ráo Bahádúr BEHECHARDAS VEHARIDAS.

The Honourable Mr. A. McHINCH.

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

Papers presented to the Council. The following papers were presented to the Council:—

1. Report of the Select Committee on the Bill to consolidate and amend the Law relating to Salt and the Salt Revenue throughout the Presidency of Bombay;
2. Report of the Select Committee on the Bombay Village Sanitation Bill, 1889;

3. Letter from the Secretaries, Provincial Conference, Poona, dated 14th June 1889—Forwarding a report of the speech made by Mr. M. B. Namjoshi in proposing the several resolutions on the Village Sanitation Bill at the Conference;
4. Letter from Mr. Liladhardas Harakhchand, Kárbhári to His Highness the Tlákor Sáheb of Vála, No. 236, dated 24th August 1889—Submitting observations on the Bombay Village Sanitation Bill;
5. Letter from Ráo Sáheb Krishnaji Bulla, Mámlatdár, Táluka Ránebennur, Dhárwár District, No. 39, dated 31st August 1889—Submitting his note on the Resolution of the Government of India on sanitary matters;
6. Letter from the Honorary Secretary, Bombay Presidency Association, dated 4th September 1889—Forwarding a representation on the Village Sanitation Bill;
7. Letter from Mr. Jagmohandas Vandravandas, dated 4th September 1889—Forwarding his notes on the Village Sanitation Bill;

and were taken as read.

THE BOMBAY VILLAGE SANITATION BILL.

His Excellency the PRESIDENT:—With the permission of the Council we will first proceed with the second reading of the Bombay Village Sanitation Bill.

The Honourable Sir RAYMOND WEST in moving the second reading of the Bombay Village Sanitation Bill No. 1 of 1889, said:—Your Excellency, I propose that Bill No. 1 of 1889, the Bombay Village Sanitation Bill, as amended and presented by Select Committee, be now read a second time, without of course presenting the slightest obstacle

Honourable Sir Raymond West moves the second reading of Bill No. 1 of 1889.

to the several amendments on various sections which have been proposed by some of the Honourable members. Since we discussed this Bill in Council last, it has been subjected to a certain amount of criticism, which criticism, however, has been to a large extent of a self-cancelling character; for, if we study on the one side the suggestions that something or other ought to be done against those on the other side that nothing ought to be done, we should be reduced, were we to attempt to satisfy both sets of critics and advisers to the condition of the old man and his ass in the fable, if we attempt to satisfy both. The criticisms having been so self-cancelling it is needless to go over the whole ground taken up by them, although I can assure the gentlemen who have favoured Government with their criticisms that the most careful attention has been paid to a suggestion whenever it has been found to be of a practical kind. It has been urged that there is no necessity for an Act of this kind, and that of course is a fundamental objection, but what the argument arises upon chiefly appears to be that the Police Acts already in operation provided sufficiently for the suppression of all offences. The first answer to that is that the mere existence of these Acts down to 1889, and the condition of things, as they have continued to exist under these Acts, is sufficient proof that by themselves the Acts are not sufficient for the purpose. In fact, the Acts are simply of a prohibitive kind. The Acts lay down that you shall not do this or you cannot do that, and they impose very severe penalties but in a somewhat lame and impotent way, so that not much respect has been paid to them, and the penalties rise to a point which is somewhat extravagant for the ordinary transgressions of sanitary rules in villages. It appears to me therefore desirable that something more should be done. A great deal of inquiry has taken place during the last few years on the subject of sanitation in towns and villages. This course of inquiry has been explained to and laid before the Council, and I understood at the time it was generally accepted by the Council that the ground was laid for legislation, whatever form that legislation ought to take. I remind the Council next that we are here in a position in which inaction is almost impossible. If we do not accept the Act which has been introduced, we shall have an Act of a more stringent character or else more rigorous actions under the existing law forced upon us by the public with regard to sanitary improvements. We have also got Government in this position. Government is pledged to deal in the fullest way with sanitary improvements. It is now more than three years since Government so fully pledged itself to deal with sanitary improvements, that it has been somewhat severely reproached by members of the public generally for not going far in the way of enforcing

sanitary measures on the villages in the Presidency. Such upbraidings have been uttered without allowing for the difficulties Government has to confront. But Government having accepted the responsibility it does necessarily follow Government must give a clear and definite answer as to why it does nothing, or else that sanitary improvements must go on. With regard to the allegation that the law is sufficient for the purposes there is another answer to be made besides the one that the Police Acts are necessarily and properly of a prohibitive character. There is nothing contradictory in these Police Acts to what we propose, but they contemplate a less advanced stage of progress. They do not enable a village to organize itself in any way. They do not enable those who see how improvements could be made, and wish them to be made, to do so, for they say, "Here are such and such laws which make a step towards improvements possible," but only "such and such Acts are prohibited." The means of improvement do not exist. It is desirable these means should exist, that means should be found for a corporate body of a village to put themselves in the way of sanitary improvements. Therefore something must be done, and if we do not pass an Act of this kind, we may be quite sure measures of a more stringent character will be by public opinion forced upon this Government. Therefore it is better, for the convenience and comfort of the Government, and the carrying out of the principle step by step, that an Act of this kind, flexible in its methods, and mild in its penalties, should be made law than that it should be left to the Police Acts and other Acts which may in case of our inertness by and bye be forced upon the local Legislature. As to the necessity of action I will just quote what has been said before on this subject. In 1886 Sir James Peile expressed himself in these terms:—"The new District Municipal Act (II of 1884) gives Government the power of forming groups of villages into municipal districts. But this provision could not be universally applied, and, besides, municipal law with the raising and application of municipal funds is a distinct matter from that now on hand. I think the best plan would be to empower the Assistant or Deputy Collector to call upon the people to do within a prescribed time any specific work which on the representation of a sanitary authority he may consider important to the sanitary welfare of a village and reasonable to be performed by the villagers' personal labour." This is a type of improvement which naturally suggests itself to an active administrator, and as we may be quite sure that the improved sanitation of villages will not be allowed to sleep, we if we remain content with mere minuting, shall have some measures of this kind forced upon us, which would be less acceptable to the villagers themselves and to the Government, because indulging the greater interference of Police authority. An alternative was laid down by Sir James Fergusson, and that is the principle upon which Government is now proceeding. He said: "The only practicable means I can see of abating a great evil, the fostering of epidemic diseases by the practices which directly lead to it, is the establishment of simple village authority on the most popular basis; and the enabling it to require the execution by the inhabitants of simple sanitary works, particularly protecting wells from pollution, or, where circumstances are favourable, letting off stagnant deposits."

The choice really is between these two principles and the discussion which has taken place in the public press since the first reading of this Bill, makes it quite clear that the diverging currents of opinion run in these two channels. You must organize a village community, or you must impose upon it a series of rules to be rigidly carried out by external authority.

The alternative to organizing village communities would come to this. You must put more power into the hands of patels, and I need hardly tell the members of the Council you cannot put increased power into the hands of patels without considerable risk of its being abused. My own experience of these men during the fourteen years I was a member of the High Court was that they are not a class of men to whom very much increased powers may be with safety given. I think they may be properly made use of as members of a local organization; but it would never do to place any arbitrary power in their hands. If you add any power to the patel, you must get somebody, either a Mámlatdar or Collector, to superintend him. That would be carrying on improvement in a somewhat odious fashion, on the principles and methods of a despotic rather than a progressive Government. At the same time it is quite impossible to say, and here we must concede a point to the advocates of sanitation at home,—it is quite impossible to say a village has a perfect right to do as it likes for itself. It is one of the divine ordinances that no man is independent. A village cannot be a nest or centre of endemic diseases without extending its evil

influence, which influence may reach in time to the farthest ends of the earth. I read lately a most interesting minute, which was well worth studying, by Colonel Yule, in which he deals with sanitary improvements chiefly from a point of view affecting military interests, but it is a minute which has a much wider application than that. He points out very forcibly that we cannot have any centre of disease in India without the whole extent of the country being possibly affected, and thus as he points out there is a likelihood of its spreading over the world; of its making India a by-word for pestilence, and through quarantine arrangements affecting our commerce. Therefore every little village in this country has an influence, and a power of doing good or ill which may extend to the furthest ends of the earth; and every villager is subject to the same law, and ought therefore to submit to such instructions and tolerate them in order to prevent his own household becoming a centre of disease, and ought in his town to exercise a similar control over his neighbours.

The way in which this control is to be exercised has also been the subject of much discussion since the first reading of the Bill, and we have had various criticisms poured out upon it, saying, first of all, it is of no use to make a village committee. Secondly, we have had it said, your village committee is sure to abuse its power, that there is sure to be a predominance in the committee of one or other of the factions in the village, and the predominating faction is sure to use its authority to bully and injure the faction opposed to it in the community. We have had it said again that the village committee will be so unpopular that it would be better to allow things to be as they are, and permit patels to do as they please. We must not proceed on the assumption that human beings are devoid of common sense. Another objection is that village communities are so stupid that it is no use attempting to get them to adopt rational rules, and if you do there would be no chance of getting them carried out. It would never do to proceed on such assumptions, that it is impossible to do any good for these people. It is far safer in my opinion to have some hope and confidence in them, and certainly those who have to do with sanitary improvements in the mofussil in India have come to the conclusion that confidence in the native communities is generally repaid with zeal to conform to your wishes so far as they are rational and not too exacting. I have taken a great deal of interest in this, and I have found that a little kindly pressure in the way of advice and pointing out what should be done had a great deal of effect. I think if the necessity of sanitary measures is well pointed out to the members of these village communities, it will not be impossible to find men amongst them fit and desirous of carrying out these propositions under the Sanitary Act and the simple rules which it will be necessary to provide under the Act. At the same time there are difficulties to be met with in these villages, somnolency in some, and faction in others; and in every village there is a possible resistance through religious feeling to be contended against which is very easily stirred up. Therefore Government has thought it desirable that the Collector should exercise considerable control—this being a tentative measure—that the Collector, who himself is wholly under the control of the Commissioner, should have a considerable amount of power over those sanitary affairs in the villages. There ought also to be a due regard to the relations between the Committees we propose to create and the other local bodies, although at the same time it would be undesirable that the Village Sanitary Committee should be in direct subordination to the *taluca* local board or district local board, because that would not only cause trouble to the local boards but would have a tendency to cause the villagers to lose interest in their village affairs. On the other hand the influence of the Collector is more likely to stimulate the Village Sanitary Committee. Under the flexible arrangements contemplated the village committee will be more stirred to exert itself and also to make the requisite modifications than a Board working by fixed rules which must necessarily apply to a large number of villages. We think Village Sanitary Committees would be teased and harassed with reports and returns if made a mere branch of the Local Board's administration. They would be discouraged and become disgusted with their work on account of the great number of ceremonies attending it, and would not do much practical work. At any rate it is quite certain your local boards are not fit to take up the work of village organization with efficiency. The matter was much discussed in Madras a few years ago, and the conclusion come to was as follows:—"They, that is the Board of Revenue, protest in the strongest manner against any Act which would throw on the district officers the duty of enforcing its provisions, which would vest any local fund board with such power through the agency of its own subordinates. Any such attempt would certainly end in failure, discontent, and perhaps disaster 16

any Act of the kind is passed, it can only be worked successfully by and through the people themselves To impose on local fund boards the task of carrying out the proposed Act would be to expect them to do what would be far beyond their powers." This is the opinion of the Revenue Board. Another passage from the Revenue Board minute may be read. "The idea of compelling the villagers in the several districts to keep their cattle and their manure heaps outside their dwelling-houses, is, under the existing circumstances of village life, simply absurd. Nor have the Board any reason to suppose that manure heaps are in any way more unhealthy or likely to engender disease in this country than in Europe where the smell from dung-hills, manure heaps, and cowsheds is not objected to on such grounds. It would therefore be an act of needless and high-handed oppression to attempt to enforce such a rule in this country." The Madras Government dealing with that long report say:—"The responsible establishments are really inadequate for the supervision of all the minor works which should be in hand. The remedy seems to be in some development of village agency. Whenever it can be done, village committees under the head of the village, similar to those that already exist in some circles as in Salem and Dindigul, should be organized, funds being placed at their proposal and the execution of all simple works entrusted to them under the general direction of the Board's officers or of some official or non-official member." Thus we see that the experience and full examination of the matter brought it home to the Madras Government that village organization was necessary, that local boards with a wider range would be inefficient, and that the Collector and his establishment could not effectually take in hand such processes, although they might undertake the general supervision. Now this being so the Government here have come to the conclusion that they cannot dispense with this aid to village administration, and in adopting those principles to make them as comprehensive as possible, having within them the germs of growth. It will be observed that in the Bill as it is now amended, provision is made for the introduction of elections into villages. It is not advisable that it should be universally enforced for this reason—I am referring the Council to Section 8 of the Act—I need hardly tell your Excellency with your experience, and your knowledge of educational matters and of municipal affairs in India, it would be impossible to introduce into every village the simple process of election for the choosing of a sanitary committee. I think we might safely leave the matter in the hands of the Collector, subject of course to control, and give to him power and encouragement to make use of election where election is obviously possible, to take the aid of it in choosing a village committee. The rules to be framed or perhaps rather adopted by a village committee when constituted is a matter on which I have already touched. I only add that the action of the Collector in connection with local boards, and the general control and supervision of the working of the village sanitary committee affords means whereby they would be kept continually in touch. In the Bill as laid before the Council, means are provided for aid by Local Boards to villages through the furnishing of funds; and the provision for Sanitary Inspector will be seen in Section 21 in italics. But this is a subject as will be seen from Section 40, which we want the villagers to take up themselves as a matter which will be of advantage to themselves, in which they can act in full co-operation with Government. Something has been said, and I believe one Honourable member feels strongly now on that point as to the funds raised locally in the villages,—that the Local Boards should in every instance refund a moiety of such sum as has been raised from a village, if not the whole to the same village for village works. That is a matter which will come up for discussion presently, and I may say nothing is involved in the second reading of this Bill which prevents a full discussion of this. One of the criticisms on this Act has been presented in an elaborate form by a *talukdár*. He insists on his ownership of his village; on his right to do what he will with his own, and he makes this a basis for representation that nothing ought to be done in the villages of the *talukdár* as everything must depend on the *talukdár*. That is a point the Council is not likely to adopt. We would rather provide for the abolition of *talukdárs* than allow their essentially dependent rights to become an impossible obstruction to necessary reforms. Criticisms have been passed on the Bill from a financial aspect, and as is usual in all such cases, it has been said funds are desirable but Government should provide the funds. If Government had power to create money that would be all very well, but as Burke laid down a long time ago, Government has no creative power, and what it gives to one town or country it must take from another. There is another series of criticisms on the subject of subscriptions, that it is impossible to get subscriptions. That is one of the arguments advanced by Dr. Hewlett, that if you allow subscriptions

it would make the whole Act detestable. I do not think so. I lately learned from an interesting document that the practice prevails in this Presidency, with which as a District Officer I was once personally familiar, and I find that in one táluka sixteen villages in the course of two years have subscribed a considerable sum for building and making tanks in their villages. The sum of about Rs. 3,000 has been subscribed in these villages which, with the aid of contributions from the Local Fund, have enabled them to carry out these various works of improvement. So you see this practice of subscriptions for public improvement is by no means extinct in the villages. I think myself if you allow this practice in the villages it will be to the interest of the villages; but at the same time we say it is not necessary these subscriptions should be so raised as to be made the means of harassing the people, and there is no necessity why Mámlatdárs should abuse the section as to subscription.

The next topic dealt with in the criticisms is as to the rules and the possibility of rules being carried out. On one side it has been said that you will not get any rules carried out, and on the other hand it is said that the sanitary authorities will be so strong that by degrees and in course of time they will make the rules compulsory, also that the carrying out of these rules will raise a great deal of dissatisfaction and create much ill feeling in the villages. Ráo Bahádur Mahadev Govind Ranade gave some good advice on the subject, which I am sure will always be present to the minds of the Government. He says in his very able letter:—"The prohibitory provisions will have to be shaped and modified in various ways to meet the exigencies of different localities and cannot possibly be cast on the same fixed model. They do not for the most part admit of general legislation. When bodies of men are created with a command of certain funds, they will under the advice of sanitary authorities, aided and corrected also to some extent by practical common sense, be in a position to adapt their own regulations to the standard arrived at, and when this is done, and village elders are interested in the working of those measures, it will be easy to provide authority for punishing breaches." That is certainly the policy which, on independent grounds, Government have resolved to endeavour to carry out, and there appears to be no reason why, in carrying out sanitary measures, there should be one inflexible set of rules for every village. Is it the case that in many different towns in England the rules are identically the same? There is the objection on the other side that you are by setting up Committees and giving them an authority upsetting the law of the land, and upsetting the Penal Code, while many more objections in the same view of no practical effect are made. The Penal Code is general; the village rules would be particular and comparatively minute. They are certainly to be made as far as possible conformable to the interests of the villages, and they must be varied according to the individual local constitutions. There will be nothing so elaborate as a hard-and-fast set of rules to be strictly enforced without regard to needs and character and circumstances. I have had a conversation with the present Sanitary Commissioner on this subject, and it is perfectly clear we may get an effective system without anything so elaborate as Dr. Hewlett recommends as indispensable. Certain insanitary habits of individuals must be kept in check. Then there is the subject of protection from pollution of drinking water. That involves the protection of streams and springs and the cleaning of tanks and wells. There is the public conservancy, and the removal to a place set apart for the purpose, of offensive matter from houses. There must be a rule for giving inspectors and officers access to carry on their work. Then there are rules for concerted action in the promotion of public health. Village householders must contribute their work or make payment for the carrying of it out. There is the protection of wells and other sources of drinking water, against common but improper uses, the filling up with fresh earth of hollows in which stagnant water may lodge, the removal of prickly-pear and preparation of trenches or enclosures for purposes of nature on approved sites and for both sexes separately, and finally there are rules for village servants in the carrying out of the conservancy rules. Under these few heads you may get all the rules required for any ordinary village. As to the rules affecting the finances it is quite possible to make simple rules according to the wants as they grow; and I may say the local boards in England carry on their work on a similar principle. The sanitary authorities in England have schedules and schemes of rules drawn out for their adoption by the Local Government Board in London. Whenever this Act is passed it will become the duty of Government after full consideration of the necessities of the people and their peculiarities to frame schedules of rules some of which may be suitable for many villages,

although it is quite impossible that the same set of rules will suit all these villages. But when I say that, I do not say that every village committee should be at perfect liberty to pass any rules it pleases; it will be seen those rules are subject to approval by the Collector, and the Collector is subject to the control of the Commissioner. As to the means of enforcing these rules, various criticisms have been thrown out on the Bill, one or two of which it may be worth while to say something on. The sanitary committee, it is said, will be composed of amateur magistrates or judges. Well, all the business of England is carried on by amateur magistrates and judges, and it is found that for administrative purposes or those in which minor judicial functions are blended with administration they are the best you can have. It is also desirable that these village committees should be trained up to a sense of duty and taught to exercise their authority with temperance and also with firmness. If you can give to the leading people in a village a position of this kind, and make them even in a small degree rise to the necessities of the situation, then you will have done much for the social education of the village communities. It will be observed that the maximum fine which can be imposed under the rules under this Act is Rs. 10; but of course that does not at all imply that in an ordinary village the maximum will be more than Rs. 5 or even Rs. 2. This is a matter which may be left to the discretion of Government in drafting or in recommending rules for the adoption of the different villages. And when you have got to the maximum of Rs. 2 or Rs. 5, it of course does not imply that the maximum fine is to be imposed in every case. On the contrary, the maximum fine is the fine that will be least often imposed and then there comes the appeal to the Magistrate. Such an appeal is a sufficient safeguard against any tyrannical abuse of authority by the committees. There has been some criticism on this point, that the Magistrate will be some member of the village committee. That will not be so, for special provision is made in the Act. It would be wrong to have an appeal from Cæsar to Cæsar.

The existing rules so far as legislation is concerned, I may point out to the Council, do nothing towards the supply of water, for remedying the great want of good supplies of water. It is absolutely impossible under the existing law for a village to attend properly to its supply of water, to keep that supply of water pure, and to make the regulations requisite for keeping their tanks and wells as clean and sweet as possible. It is needless at this time of day to say how very necessary the supply of pure water is. Probably more disease arises in this country from the drinking of bad water than from any other cause; and that is the opinion of nearly all people. Some organization of this sort then, some means by which local activity and intelligence can be brought to bear, is necessary for the villages, and it is the duty of the Government to impose as few merely arbitrary or formal rules on them as possible. The idea that Government and the village committees will become the slaves of the Sanitary Department is wholly illusory. The Government of Bombay is not the slave of the Sanitary Department or of any other department; and it would be impossible to find in this Bill any clause which gives a tyrannical or overbearing authority to the sanitary authorities over the village communities. The view of the Government on this subject is expressed with very good sense in an article I lately read in the *Dictionnaire de L'Administration Francaise*; by Maurice Block. What he says is "no administrator whatever ought to accept the advice of a physician, of an architect or of an engineer without having very closely examined it not only from a legislative point of view as to its operation, but also from a point of view such as will be agreeable to the people, you are bound to study their habits and even their prejudices. You ought to study all the difficulties that may arise in the organization of these bodies. You ought to avoid displeasing the received and popular ideas of the people. You ought to enlighten the people in order to obtain a voluntary expression upon what may be to their interests, and not to forget that even if the law does not make you responsible, you are always responsible in the face of public opinion." I move that the Bill be read a second time.

The Honourable K. T. TELANG said:—We have had several criticisms on this Bill in which the members of this Council have been asked to consider well what they are about to do. I have done so to the best of my powers. And I entirely accept the view which Sir Raymond West has expressed, that this is essentially a tentative and experimental measure. I also think it not unlikely that some good may come of the passing of this measure. At all events I am satisfied after considering the Bill that no mischief need come of it, that we are taking a step in the right direction and that in some parts of this Presidency some tangible progress may be made in what every one agrees is most

desirable. There is no doubt that this is one of the matters in which an apparent conflict between the two principles which Sir Raymond West has referred to arises. We want efficiency and we also want progress. But I have no hesitation in making my choice. If I were to look merely at the exigencies of the present moment, and to the securing of sanitary improvement just now, it is possible I should class myself with those who consider that all sanitation throughout the Presidency should be entrusted to the officers of the Central Government. But I think it is right it is our duty to take a somewhat wider view, and we must consider that if the business of sanitation is entrusted entirely to overworked officers of the Central Government, there is great danger of its falling into hands which will not be able to do it satisfactorily. I take the same view in regard to sanitation as in regard to all local matters, namely, that it is desirable to make a beginning of popular administration in whatever work is to be done. I am therefore of opinion that this measure is a proper one as an experiment, in order to see how far sanitation can be entrusted to such village committees as are proposed to be constituted under this Bill. In one part of the criticisms I remember seeing a suggestion that this is practically a withdrawal from the principle of local self-government, that the Sanitation Bill of 1889 is an attempt to recede from the Local Self-government Bill of 1884. I confess I am entirely unable to follow that criticism. There may be some matters to adjust between the Local Boards and the authorities to be created under this Bill, but it is a mere matter of adjustment, and I do not see anything which could present any serious difficulty in that respect. There is another point, and that is in reference to an observation made by Sir Raymond West as to every village having a power of doing evil outside its own proper limits. Well, I quite agree with what he said and quite accept his view; but I think I may be permitted to point out the logical consequence of that view that to a certain extent it becomes the duty of the Central Government as representing all the villages and towns under its sway, wherever sanitary work is to be done to render substantial assistance in carrying it out and this particularly and with particular liberality at the first start of sanitary work on a systematic basis. Passing to another point, I notice that Dr. Hewlett said it was strange that in a Sanitary Bill there should be no reference to the Sanitary Department. That criticism seems to me to be sound, but in the particular case we have to deal with, I think it is not desirable to give the Sanitary Department any powers independent of the representatives of the general administration. These latter, the Collector and his subordinates are more likely to work in sympathy with the villagers than the sanitarians, and ought therefore to have the ultimate control, only consulting the Sanitary Department on all matters where expert guidance is necessary.

His Excellency the PRESIDENT said:—I shall not prolong the discussion on this Bill, which meets with such general approval. The Bill, as my Honourable colleague in his very exhaustive speech pointed out, is purely tentative and experimental. That is its main recommendation. If it were a bill which satisfied all the requirements of sanitary science as they are at present laid down in certain quarters, the Bill would to my mind be unworkable. We must not forget that England is at the present moment at the head of the civilized world in this matter of sanitary science. I believe I am right in saying that there is no other country in the world in which so much attention is paid to the solution of the sanitary problem as in England and Scotland, but for this very reason we must be extremely careful how we proceed in a country like this. It would be wrong to apply measures which might result in real hardships, and to endanger progress by enforcing rules so completely antagonistic to the customs of the country that they would become absolutely distasteful and unpopular. I fully endorse what has been said by the Honourable member that the development and success of sanitary measures depend on the appreciative co-operation of the communities for which they are intended. The financial question is an extremely important feature in the working of this Bill; and it has been said that Government should give grants towards the sanitary improvement of villages. Let me point out that Government has already given grants, and is giving grants at this moment, to communities who are improving their water supply. The annual amount of these grants is Rs. 30,000. I have no doubt the financial department will, if it has a surplus, devote part of it as a grant-in-aid to sanitation. The bill does not meet with the approval of eminent sanitary authorities. Their opinion is entitled to the greatest respect. It is a natural characteristic of every special department, that its officers should submit to Government what they consider the ideal of perfection. I have never blamed

them for excess of zeal; on the contrary, I have always been ready to work up to this ideal as far as possible. But the perfect ideal is not always a practical ideal. It loses sight of the limitations which circumstances of various kinds impose on the Administration. This bill takes these limitations into account; it contains the germ of future expansion, and if it is put into operation with tact, it may perhaps even satisfy Dr. Hewlett as a modest commencement although not exactly on the lines he approves of.

Bill read a second time and considered in detail.

The Bill was then read a second time and considered in detail.

The Honourable Sir RAYMOND WEST proposed the following amendment:—"In Section 4, Clause (a) :—omit lines 9, 10, 11, and at the end of the clause add 'in so far as such site or area is not included within a permanent municipal district or a military cantonment.'" He said the section will then read thus :

(a) "Village" means the site of a village or town, as determined for the time being under Section 126 of the Bombay Land Revenue Code, 1879, together with the area included within a distance of a quarter of a mile from any part of such site; in so far as such site or area is not included within a permanent municipal district or a military cantonment.

This amendment is to prevent any contention between the different local authorities. The amendment was carried.

The Honourable Sardár Ráo Bahádúr BEHECHARDÁ'S VEVARIDÁ'S proposed the following amendment:—Section 4—add at the end the following clause:—"(*d*) The word 'nuisance' shall not include pure cattle-manure for the purposes of this Act."

In moving the amendment he said:—My Lord,—Your Excellency and the Honourable members are aware that the population which will be affected by the passing of this Bill is chiefly agricultural. Not only is this population the backbone of the country, but it is also known to be in need of help in various ways. Scarcity of manure is felt in almost all parts of the Presidency. The chief manure is cowdung and unless the cultivators are permitted to make cowdung manure in this indigenous method, the agriculture of the country will seriously suffer. If "cowdung manure" is treated as nuisance the cultivators will use cowdung for fuel with a view to avoid annoyance and persecution caused by the provisions of the sanitary rules. Manure is to them the source of all their little wealth, and to touch it is to affect the agricultural prosperity of the country. In my humble opinion though the intention of the Bill is good, it ought to press as little as possible on the ignorant masses and on their industry. With this object I bring forward for the consideration of your Excellency and the Council an additional clause (*d*) which excludes pure cattle manure from the category of nuisance for the purposes of this Act. My Honourable colleagues on the Select Committee are aware that I contended for the introduction of this clause in the Bill and though they did not think fit to introduce the clause, I understood them to sympathise to some extent with the above view. I fear it is not quite safe to leave this matter to the framers of the rules under Sections 11 and 20. Though I have every faith in the good sense and sympathy of the executive officers as a class, a too forward committee or a too zealous officer might not exclude manure from the category of nuisance. The introduction of the clause proposed by me will not only secure uniformity in this respect throughout the Presidency but guard against unnecessary alarm and irritation.

The Honourable Sir RAYMOND WEST:—I believe, Sir, this may be possible in some villages, but the difficulty is to state in the rules what is animal manure, and draw a distinction between it and other animal substances. It would be impossible to say where to make an exception of this kind. It would be better to leave it to the officers who have power to enforce the rules. There is no doubt that in many cases it would be a nuisance to have animal manure kept for a whole year or any long time at such places, where it would certainly prove offensive, as at the very doors of the villagers. I may point out further that the existing law would have to be brought into operation if we did not provide a milder penal limit which the Bill contemplates, namely, that limit set forth in the Bombay Act VII of 1867, for you will find it in Section 31 that any person who accumulates dirt, filth, or rubbish, shall be subject to a fine of Rs. 50. Well, the measure proposes that the limit in the rules shall be a fine of Rs. 10 or even a maximum as low as Rs. 10, which is a very

mild rule. It is better that the matter should be left to the local authorities than to make a universal rule of this kind, which would be most difficult to carry out in practice. I therefore think it is preferable to leave the section as it is than attempt to carry it too far.

The Honourable Sardár Ráo Bahádúr BEBHARDÁS :—I grant that the manure heaps do not everywhere consist of pure cattle manure. In some cases this manure is mixed with ashes, surface sweepings, and in some rare cases even with human refuse. But measures can be adopted to prevent this mixture. I remember a Revenue officer in the A'nand Taluka of the Kaira District has induced cultivators to raise mud walls round their manure heaps, so as to prevent the latter being seen by the people passing on the roads or being mixed with unhealthy matter. This system also prevents manure being washed away in the rains. The cultivators simply carry their manure baskets to these enclosures and throw the manure therein from outside. I would have no objection to this question being reserved for the rules to be made under this Act, if I could be sure that the rules on this subject would be uniform in principle throughout the Presidency. But every officer will have his own opinions on the subject, and if the rules about manure heaps are not uniform (as they hardly can be under the circumstances), the result will be that the poor cultivators will have to suffer. The Honourable Members will also consider that a District Collector and his immediate revenue subordinates are already over-burdened with work and will not have much time to bestow on this new work. It is thus likely that the matter may be considered too trifling to need much care and attention and the cultivators may possibly be the victims of this inattention. These are my reasons for asking your Excellency and the Honourable Members to clear the question in the Act and not to leave it to the framers of the rules. I have already said that the definition of nuisance which I propose applies only to this Act and not to other Acts in the Statute Book. The Honourable Members are aware that agriculture to a large extent depends on manure and the way in which it is prepared. Cultivators cannot bestow the same attention on the preparation of manure that they do at present if they are made to remove it to a distance from their homes. Thus then the removal of manure to a distance must affect its quality and must also interfere with the field work of the villagers. It must therefore indirectly affect the well-being of the rayats and through them the Government revenue. I have often heard it said that villages are in so insanitary a condition that they are the hot-beds of cholera. This is not the impression among people living in the mofussil. We believe that as a rule cholera makes its first appearance in big cities and is then communicated to villages by railway and other means of communication. Taking all these facts into consideration I hope the Council will agree to my amendment.

The Honourable Mr. PRITCHARD :—I think it may press hardly on agriculturists to compel them to remove their dung-heaps to a distance from their homesteads. Prohibitions of that nature are not generally enforced in England.

The Honourable Sir RAYMOND WEST :—But the local sanitary authorities under the existing Health Acts have the power to interfere. It seems to me a matter that may be safely left to the rules. If there is nobody to say that cattle manure is to be considered a nuisance, and it is found to be in the interest of agriculturists that it should remain, it is not likely the rules would be made very stringent.

The Honourable the ADVOCATE GENERAL suggested that the matter might be left to the rules to be framed under the Act.

The Honourable Mr. BEBHARDÁS said that he desired the amendment in order to prevent absolutely the compulsory removal of cattle manure.

The Honourable Mr. TELANG :—As a rule I am, on principle, in favour of things being included in Acts, rather than in executive rules, but I do not think anything could be laid down in the Act in regard to this, except that in the first instance the sanitary committees are to make the rules. I cannot imagine any sanitary committee making stringent rules about the removal of cattle manure. I hope they will not be so bad as that at the beginning of their career.

His Excellency the PRESIDENT said that he agreed with the Honourable the Advocate General that the matter might well be left to the rules. He would like the Honourable Member who proposed the amendment to accompany him to some villages in the neighbourhood of Poona, where it would be difficult to discover pure cattle manure, although perhaps in Gujarát much unadulterated cowdung might be found.

The amendment was withdrawn.

The Honourable Mr. TELANG moved as an amendment that the word "direct" be substituted for "prescribe" in the seventh line of Section 5 and "directed" for "prescribed" in line 17.

This was agreed to.

The Honourable Mr. PRITCHARD suggested that the Police Patel should be appointed *ex-officio* member of the sanitary committee.

He said:—It is important that where there is a police patel in a village he should be a member of the Sanitary Committee, because it is part of his duty to enforce any regulations that may be made.

The Honourable Sir RAYMOND WEST:—The authority of the police patel in villages is defined in Act VIII of 1867, Section 16. It says:—

"The Police Patel, when and as long as he shall be empowered under section 15, clause 1, shall also have authority to punish by a fine not exceeding one Rupee, or in default of payment by confinement in the village chowry, for a period not exceeding twelve hours, any person committing any of the nuisances or disorderly acts below described, and to forbid the continuance or repetition of such nuisances or acts; that is to say:

"(1) Any person who wantonly or cruelly beats, ill-uses, or tortures any animal.

"(2) Any person who bathes or washes in, or otherwise defiles, or causes to be defiled, any public well, tank, or reservoir, so as to render it less fit for any purpose for which it is set apart.

"(3) Any person who deposits in forbidden places any dirt, filth or rubbish.

"(4) Any person who on any public street, passage, or thoroughfare, commits nuisance by easing himself, or who is from intoxication, riotous, disorderly, or incapable of taking care of himself.

"(5) Any person who without sufficient cause wilfully allows to accumulate any offensive matter in cesspools, dung-heaps, or the like, so as to cause annoyance to the neighbouring residents or to passengers, or who without sufficient cause wilfully allows any offensive matter to issue on to any public thoroughfare from any house, factory, stable, privy, or the like, or who deposits the bodies of dead animals, or refuse, or filth of any description either in channels which in the rainy season feed any tank or reservoir set apart for drinking, or in other places where to deposit such is offensive to the community."

In some villages the patel has been invested with this authority. In some he is not, but where he is, the probability is he will also be placed on the village committee, which would in effect replace him for sanitary purposes. There are reasons why in some villages the patel should not be a member of the village committee and there are reasons in others why he should not be divested of his authority. Although the intention was that he should be a member of the committee it was not obligatory that he should be made so. This matter was not overlooked, but it was thought desirable to leave a free hand to the Collector or Magistrate of the District in the matter.

The Honourable Mr. PRITCHARD:—In the event of the patel being divested of his authority, how is he to carry on the duties imposed on him by the general law? Is it not his duty to prevent a breach of the law relating to public nuisances?

The Honourable Sir RAYMOND WEST:—His duty in this regard is defined in Section 6 of the Act VIII of 1867. It says:—

"The Police Patel shall, subject to the orders of the Magistrate of the District, act under the orders of the Magistrate within whose local jurisdiction his village is situated, whom he shall furnish with any returns or information called for, and keep constantly informed as to the state of crime, and all matters connected with the Village Police, the health, and general condition of the community, in his village. * * * *

"He shall further promptly obey and execute all orders and warrants issued to him by a Magistrate or Police Officer, shall collect and communicate to the District Police intelligence affecting the public peace, shall prevent within the limits of his village the

commission of offences and public nuisances, and shall detect and bring offenders therein to justice."

His duty is laid down in these terms, and no doubt it will be his duty to prevent nuisances, but that will not interfere in any way with the Village Committee. Government would insist upon this being so.

The Honourable Mr. PRITCHARD:—I am afraid you will bring about a conflict of authorities and give greater scope and vitality to the disputes of village factions.

The Honourable Member further pointed out that as the sanitary and nuisance sections of the District and Village Police Acts were repealed by the coming into force of this Act in any village, there would be no special law against nuisances at all until the Board or Committee framed rules, and this under the Bill as it stood they might decline to do.

The Honourable Sir RAYMOND WEST:—If any notice of amendment on this section had been given, I should have looked into this matter more particularly. You will see from the Schedule at the end of this Bill that it is proposed on the introduction of the Act to repeal Sections 33 and 34 of the Act VII of 1867, and clauses 2, 3, and 4 of Section 16 of Act VIII of 1867 with the exception of a few words, and clause 5 of Section 16, so that these matters would be left entirely to the control and regulation of the Sanitary Committee. Then the duty of the patel in that way would be reduced to this. He would have the appropriate duty allotted to him of bringing the nuisances before the Sanitary authorities so that there would be no clashing of authorities.

The Honourable Mr. TELANG:—The patel may if he pleases take the case before the Magistrate.

The Honourable Sir RAYMOND WEST:—In particular cases defined in Section 33 of Act VII of 1867. I will read some particulars under the head "Common nuisances." (The Honourable Member read part of the section).

The Honourable Mr. PRITCHARD:—But wherever the provisions of this Bill may be introduced, their application *ipso facto* repeals the only law that exists against nuisances. If you look at Section 3 it says:—"The enactments mentioned in the schedule shall, to the extent specified in the third column of the schedule, cease to have any operation in the said village."

The Honourable Mr. TELANG:—Could we not get over the difficulty by a modification of section 3 so as to make it read "During such time as Part II or Part III and the rules made thereunder?"

The Honourable Sir RAYMOND WEST:—That would remedy it. After the words "Part III" delete "is" and add "and the rules made thereunder shall be."

This was agreed to.

The Honourable Mr. PRITCHARD pointed out that the members of a Sanitary Committee or Board might frame rules retaining themselves in office for life.

The Honourable Sir RAYMOND WEST remarked that section 31 provided a remedy.

The Honourable Sir RAYMOND WEST moved the following amendment:—

"Section 10, line 8, after the word "and" insert "such Magistrate or, if there be more than one, the highest in magisterial rank of such Magistrates"; and said—It will therefore read thus:—"Every Magistrate having jurisdiction in the village may take part in the proceedings of the Committee at any meeting thereof at which he is present, and such Magistrate, or if there be more than one, the highest in magisterial rank of such Magistrates, shall for this purpose be deemed to be a member and President of the Committee for the occasion."

The amendment was carried.

The Honourable Mr. PRITCHARD moved an amendment in Section 11 to introduce between the words "rule" and "with" in line 3, the words "and repeat or vary the same."

The amendment was agreed to.

The Honourable Sardār Rāo Bahādūr BERECHANDA'S VEHARIDA'S proposed that in Section 13, line 9, the words "or member" be omitted; and said:—Your Excellency is aware of my contention at the time of the first reading of the Bill that its provisions might

give rise to strifes among the simple village people or afford opportunity for the gratification of private revenge. I believe, therefore, that it will be better to give the least possible authority to individual members of the proposed Committees and Boards. Section 13, as it stands at present, empowers individual members who notice a breach of the rules to issue a notice requiring the personal attendance of an alleged offender before the Committee. I believe it will create less friction, if these members, instead of issuing a notice, simply bring the matter before the Committee and leave the latter to issue the notice. The amendment proposed by me brings about this result.

The Honourable Mr. McHINCH:—I think it would be considered a great hardship for a villager to be brought up by one member of the Committee.

The Honourable the ADVOCATE GENERAL said he sympathized with the mover of the amendment.

The Honourable Sir RAYMOND WEST:—I think this is not an important matter. It was thought it would be convenient and render a Committee more efficient to have offenders dealt with in this way; but I think we may accept the amendment. The words "or of any member thereof" in the fourth and fifth lines will also require to be struck out.

This was agreed to.

The Honourable Mr. TELANG:—In Section 14, line 9, the word "prescribe" may as well be made "direct" as was done in regard to Section 3.

This was agreed to.

The Honourable Mr. TELANG moved another amendment:—In Section 15, line 5, after the word "Magistrate" insert "*not being a member of such committee.*" This was agreed to.

The Honourable Sardár Ráo Bahádúr BEHECHARDÁ'S VECHARIDÁ'S moved that in Section 23, line 1, the words "or any member thereof," be omitted, and in line 8 "any" be substituted for "such". He said:—Your Excellency, the object of this amendment is the same as that of the amendment of Section 13. It is not therefore necessary for me to repeat my reasons for it here.

The amendment was after a slight discussion agreed to, with the alteration that the words "or of such member" in lines 7 and 8 were omitted.

The Honourable Sardár Ráo Bahádúr BEHECHARDÁ'S VECHARIDÁ'S proposed:—In Section 31, line 1, after the word "may" insert "after recording his reasons for the same." He said:—Your Excellency,—The amendment to this section hardly requires any comment. The step proposed in the section of removing a member or chairman from office is very serious, and I believe the Honourable members will agree that it will be more satisfactory to the Collectors themselves to have to record their reasons before removing a member &c. I believe the public too will have more confidence in the provision if the words proposed by me are inserted. Such record will also be useful when an appeal is made, as it can be, under Section 43A, against the Collector's decision.

This was agreed to.

The Honourable Sardár Ráo Bahádúr BEHECHARDÁ'S VECHARIDÁ'S moved as an amendment in Section 35, to omit all words beginning from "or after" in line 16 and ending with "discontinue the breach" in line 19; and said:—Your Excellency,—The last portion of this section, providing a punishment for a continuing breach of rules "*after receipt of notice from the Committee or Board or from any member thereof or from a Sanitary Inspector.*" is more serious even than the serving of a notice by an individual member just before alluded to in my remarks on Sections 13 and 23. It is certainly fair to make this provision for a continuing offence after a first conviction, but to make the same provision for a continuing breach after a notice issued by a member or even by a Board does not seem to me equally fair and may possibly lead to abuse on the part of the members. It is, I submit, essential to proceed with the greatest caution in initiating a measure of this kind and seeing that this Act will mostly affect poor villagers and uneducated people, anything which would give scope for abuse of power, or which would be felt as arbitrary or sudden exercise of power, should be avoided as far as possible. The condition of a previous conviction before a Committee or Board, that is in open Court as it were, where the accused would have every opportunity of explaining the circumstances prior to the infliction of a continuing fine would secure this object. I trust, therefore, that the Council will approve of my amendment.

The Honourable Sir RAYMOND WEST:—The object of the words at the end of the section, which I do not remember hearing the Honourable gentleman object to in Committee, are to save trouble in the case of a continuance of breach; for the village sanitary committee, instead of giving the offender the trouble to come to them, simply issue a notice saying that if he remedies the breach no further notice will be taken of it. But if these words are deleted he will require to be summoned before them. If we were to delete the words “or from any member thereof” in lines 17 and 18 and substitute “the” for “a” sanitary inspector I think we would come to a fair compromise.

This was agreed to.

The Honourable Sardár Ráo Bahádur BEHECHARDÁS VEHARIDÁS moved as an amendment to add the following sub-section to Section 39:—“(1) Every district local board shall assign to every sanitary committee or board in the area subject to its authority one-half of the net Local Fund proceeds of the village or villages for which such committee or board is established.” He said:—Your Excellency,—I propose to add a new clause to this section making it obligatory on the local boards to make over a portion of the Local Funds to the village committees and boards, instead of leaving it to their choice as is proposed in the Bill as framed at present. Under the Local Boards Act it is one of the primary duties of these boards to improve the sanitary condition of the villages within their area. How far this duty has been fulfilled I leave it to the Honourable members who have experience of the mofussil to judge. So far as my experience goes, the bulk of the Local Funds has hitherto been spent on roads. And though the present Bill does not put an end to the duties of the Local Boards in this respect even in villages to which Part II and even Part III may be extended, still it may be imagined from what has occurred in the past how far these boards will carry out their duties in respect of sanitation in villages which have their own board or committee. I think a compulsory contribution to village funds by the District Boards will not only set matters right but will also enable the village boards to carry out their duties more satisfactorily. It may be argued that Local Boards have already too many demands on their resources to justify additional burdens being thrown upon them. In reply to this I would submit (1) that this is not an *additional burden*, as I have endeavoured to show above, it is one of the purposes for which Local Boards exist and which they are legally bound to provide for, and (2) that if the Local Boards are hard pressed for funds at present, it is because too much is thrown upon them in the matter of the construction and maintenance of *roads*, and that the Provincial revenues are not charged with an adequate share of this burden. If this matter receives the attention it deserves at the hands of the Provincial Public Works Department, the Local Boards would have some much-needed relief and would be in a better position to meet local wants than they are at present.

There was a time when Government had more than once decided* “that in the expenditure of local funds sufficient attention has not been paid to the principle of *localization*, and that the payers of the rate have had reason, in some cases, to complain of their funds being concentrated on large distant objects to the neglect of their *own immediately local wants*” and further, “that this Government should take an early opportunity of examining the operation of the local committees, keeping carefully in view the principle of *strict localization* which it is so necessary to enforce;” and “that the local fund system is not designed for works of great magnitude and very extensive use, which are properly left for Imperial and Provincial revenues, but for gradually opening out the district, *improving their sanitary condition*, and extending education among the common classes.”

If the proportion of the contribution proposed by me appears too high to the Honourable members, I shall have no objection to accept any reasonable proportion that is suggested by the Council.

The Honourable Sir RAYMOND WEST:—The proposal brought forward by the Honourable gentleman now was brought up by him in Committee and was not received favourably as the Committee have reported; but you will not find a local board that has not sufficient to do with its money without imposing upon it the necessity of making payment to each individual village of one-half of its funds. It would cut down the income of the Local Boards and pauperise them. They have much to do with their money, which they could not do if deprived of their funds. If the money is to be returned to each

* Minute of Sir Philip Wodehouse, 3rd November 1872.

village, why not to each inhabitant? The simple plan would be not to levy it. The matter was very carefully considered and you will see how in Section 18 if the authorised expenditure cannot be raised by subscription, provision is made for a rate to be charged on the inhabitants of the village. There is a provision in this Bill—Section 39—expressly for assistance being given in the way of contributions from local boards either by donation or by loan to villages which cannot help themselves. It is better to leave the matter to the discretion of the local boards. It is undesirable to deprive them of using their discretion of giving to this village or that village the assistance that it needs.

His Excellency the PRESIDENT said that the Honourable Member had raised a very important point, *viz.* whether local funds were really spent on local objects. With regard to roads he could give the assurance that only local roads were made and repaired out of local funds. The increase of expenditure under this head was due to the increase of railways which in their turn necessitated the construction of feeder roads. It would be difficult to exaggerate the importance of these local lines of communication to the agricultural interest on which the burden of the rates fell. The Honourable Member overlooks the fact that Provincial grants-in-aid have been given liberally to enable the local boards to make feeder roads. But if the sums spent on railways by the Imperial Government are taken into account, it cannot be considered a hardship if the maintenance of these feeder roads is thrown on local boards. Provincial funds can only be spent on main arterial lines which do not subserve the requirements of only one district, but of a wider tract of country. It seems a fair distribution of expenditure to spend Imperial funds on railways, Provincial funds on through lines, and Local funds on local roads. But if the Honourable Member argues that the townspeople do not contribute sufficiently to local funds, he starts a controversy with which we are very familiar in England, and if the debate on that subject was admissible on the present occasion I should perhaps to some extent concur in the views held by the rural ratepayers.

The Honourable Sardár Ráo Báhádur BEHECHARDÁ'S:—I am well aware that Local Boards have many things to do and that under the present circumstances their resources might be crippled if they were to assist village committees and boards from their funds. The case is like that of a wealthy man who receives too many applications to subscribe for charitable purposes and who would in no time be at the end of his resources if he were to comply with *all* such applications. I may state, however, that I have been working on Táluka and District Committees ever since their establishment twenty-three years ago and am at present Vice-President of the Kaira District Board. I do not presume to know everything about the working of these boards, but I can say that for some years after their establishment they paid much more attention than at present to the immediate wants of the villagers who pay the local cess. Táluka Boards had then more money to spend for the benefit of the cesspayers than at present. Circumstances have altered since the Public Works Department intervened and took large works into its own hands. Most of the Local Funds have since then been concentrated on roads and other large works and the immediate wants of the cesspayers have been neglected. A pretty large portion of the Local Funds has again been diverted to other purposes in the shape of collection charges, account and audit charges, correspondence and supervision charges, which together amount to nearly a sixth of the total income. The Public Works charges amounting to 15 per cent. on works carried out by that Department are also very high and absorb a large portion of the Local Funds. It is no wonder that under these circumstances the immediate wants of the village people are neglected and the expectations raised in the minds when the local funds were first instituted have not been yet fulfilled. Village sanitation is an obligatory duty of Local Boards, and if the funds at their disposal had not been concentrated on large and distant objects, I think that there would hardly have been much to complain of to-day in regard to the sanitary condition of villages.

It is true that the Honourable Mover of the Bill has introduced therein provisions giving direct concern to Local Boards in village affairs. But I still feel that village people do not get a fair return for the money they subscribe to the Local Funds. Far be it from me to under-rate the importance of roads and similar works carried out by the Local Boards through the Public Works Department. Good roads by making communications easy have a considerable civilizing effect and have greatly contributed to the material prosperity of the country. But it is not the agriculturists alone that are benefited by these roads. They benefit traders, cultivators and Government. I mention the

three classes benefited in their proper order. Traders derive the largest benefit from the opening up of communications and still they contribute nothing for them. Besides the original cost of construction, roads cost nearly Rs. 300 per mile for repairs every year and this large expenditure will continue till the roads are either made self-supporting or are taken up for railways. And I cannot understand why the agriculturists should alone be called upon to pay for objects which benefit all classes of people as well as the Government. If the local boards confine themselves to the objects for which they were originally established and refrain from paying more than their proper share for other objects, I am sure they will not have much difficulty in finding money for objects which immediately concern people who contribute to their funds. Your Excellency and the Honourable Members are aware that cultivators are not in a very good condition, that their poverty is day by day increasing and they are at present more in debt than they were 20 years ago. The existence of the Dekkhan Agriculturists' Relief Act is alone sufficient proof of the wretched condition of village people, and if things go on as at present, I fear Government will have to extend that Act even to Gujarát villages. I hope the Honourable Members will be convinced that additional taxation will press mainly on poor agriculturists and that it is not only just but also essentially necessary that local boards should pay to village committees a portion of the cess levied from their jurisdiction.

After some discussion as to the method in which Local Funds were expended, His Excellency the PRESIDENT asked the Honourable Sardar Ráo Bahádúr Behechardás Veharidás if he wished to press his amendment, and the Mover signifying that he did, a vote was taken, when the amendment was lost, the Ráo Bahádúr being the only member in favour of it.

The Honourable Sardár Ráo Bahádúr BEHECHARDA'S VEHARIDA'S proposed another amendment:—Section 40 (2), omit "and shall be recoverable" in line 21 as well as lines 22, 23, 24, 25, 26 and 27. Your Excellency,—The words proposed to be omitted in this section appear unnecessary as sufficient provision has been made for the purpose in Sections 18 and 30. The retention of these words will render the provisoes of these sections to a certain extent nugatory. Proportion of the expenditure will, it is understood, be arranged for before the work is undertaken.

The Honourable Sir RAYMOND WEST:—The clause here provided relates more particularly to the works where two or three villages are concerned, and these will be arranged amongst the villages themselves. It would be wrong to allow villages an opportunity, after they have reaped an advantage from other villages, to say "You shall not have any assistance from us." It would be very unfair. A Collector could have no object whatever in assessing unfairly, and it appears to me to have the object carried through this clause is necessary. I would suggest a method, however, by which the views of the Honourable gentleman might be met. That is to add at the end of the clause: "*subject to the same limit as is provided by Section 18, Clause 2, in respect of rates charged under Section 18, Clause 1.*"

The Honourable Sardár Ráo Bahádúr Behechardás Veharidás having signified his approval of this proposition, the addition to the clause proposed by the Honourable Sir R. WEST was unanimously agreed to.

The Honourable Sardár Ráo Bahádúr BEHECHARDA'S VEHARIDA'S moved that the following sections be added to the Act:—

"45. Every member of a Sanitary Committee or Board, every Sanitary Inspector and every other officer or servant of such Committee or Board shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

"46. All rules made under Sections 11 and 20 of this Act shall have the force of law."

Your Excellency—These two sections are formal and require no comment. The addition of the proposed Section 46 will bring the rules within the provisions of Section 57 (1) of the Indian Evidence Act.

The Honourable Sir RAYMOND WEST said:—There are one or two decisions in English Courts which might be laid hold of—and we know how carefully English decisions are

studied now—showing the difficulties as to whether these rules once made are to be regarded as having the force of law. The position of officials is sufficiently provided for by the Penal Code.

These amendments were withdrawn.

THE SALT BILL.

The Honourable Mr. PRITCHARD moved the second reading of Bill No. 2 of 1888, a Bill to consolidate and amend the law relating to Salt and the Salt Revenue throughout the Presidency of Bombay. He said:—Your Excellency, in proposing the second reading of the Bill to consolidate and amend the law relating to Salt and the Salt Revenue throughout the Presidency of Bombay, I do not think that it will be necessary that I should trouble the Council with many remarks. The objects of the Bill were fully elucidated by the Honourable Mover of the first reading. The Bill has now been carefully considered by the Select Committee along with the few petitions presented in which objections to some of its provisions have been raised, and the Committee, as will be seen from their report, have recommended its amendment in a few particulars. All the objections raised by the petitioners relate to those provisions of the Bill which invest the departmental officers with powers of control over the management of salt works, and they have been raised exclusively by owners of private salt works, who would naturally enough prefer to be left entirely unfettered in this matter. The provisions complained of are not new; they are all prescribed by the law now in force, the Bombay Salt Act of 1873, and they are necessary for administrative purposes, for the prevention of abuses and for the due realization of the salt revenue. I may remind this Honourable Council that the Bombay Salt Act of 1873 met with considerable opposition as it passed through this Council, and that shortly after it had been read a third time and passed a public meeting to protest against it was held in the Town Hall of Bombay. That meeting was followed by a general strike among the salt manufacturers of the Northern Konkan. After some months' agitation the malcontents gave way and resumed manufacture under all the sanctions imposed by the Act, and from that day to this, neither Government, nor the public, has heard anything of the Salt Act, of the oppressive character attributed to it, or of the injurious effects it was expected to entail on the interests of the owners of private salt works. During the period of 16 years for which the Act had been in operation, the salt manufacturing industry has flourished in Bombay to an extent previously unknown. Numbers of new salt works have been opened in all the salt talukas round Bombay, all the property of private owners, and the annual outturn of salt in the Northern Konkan is larger now by many lakhs of maunds than it ever was before the Act was passed. Under these circumstances, it can scarcely be alleged seriously that the provisions of the Act are oppressive or that its operation has caused undue interference with the industry that it regulates.

I see that the Honourable Mr. Telang has given notice of his intention to move amendments for the purpose of excepting salt earth and natural salt from the operation of the Bill. I have not yet heard the reasons which the Honourable Member will adduce in support of these amendments, and propose to reserve my remarks on this subject until after I shall have been made acquainted with them.

I only yesterday discovered what seems to me to be a defect in the drafting of Chapter V of the Bill, which is intended to reproduce in a better form the provisions of Sections 25 @ 31 of the Act of 1873, which regulate the removal of salt from salt works and Government warehouses. The Act of 1873 compels the licensees of private salt works to take part in each step of the process that has to be followed in removing salt on payment of duty, and imposes responsibilities on them, as well as on the traders who purchase salt from them, for the prevention of the removal of quantities in excess of those for which duty has been paid and permit has been granted. It was intended that the duties and responsibilities in this matter pertaining to both owners and traders should be continued by the Bill, but it seems to me that the provisions of Chapter V do not sufficiently maintain the responsibilities of salt owners. With the assistance of the Remembrancer of Legal Affairs, I have re-drafted Sections 30 to 35 of the Bill, so as to remedy this apparent defect, but time has not allowed of the printing of this re-draft before to-day's meeting. I accordingly request permission to propose the amendments to which I refer for the consideration of the Council at some future meeting.

The Honourable Mr. TELANG said :—With regard to the complaints made in the petitions before the Council, the Select Committee say that there is nothing on the Government records to support them. This I should consider hardly a satisfactory proof that the complaints are baseless, for in these matters Government is really one party and the salt traders and manufacturers the other party. I think the views of the latter deserve more consideration than they have received from the Select Committee. As to the public meeting to which the Honourable member has referred I had the honour of taking a humble part in it. I think there was a great deal of just complaint, although no doubt in later years we have not heard much about it. The salt merchants complained of the Act and the methods of its administrators, but failing in obtaining concession to their wishes ceased to complain. I do not wish for one moment to suggest that the administration has not been in many respects such as was not anticipated by those who opposed the Act. I am quite willing to admit the actual working of the Act has been a good deal more satisfactory than was expected. Yet I can remember some of the complaints which were made for some years after the Act was passed. With regard to the point the Honourable Member referred to I think it will be better to say nothing until the Bill comes up for consideration in detail.

The Honourable Mr. PRITCHARD :—There is hardly a salt owner in the Presidency I am not acquainted with. After the first six months I never heard a complaint from any of them. They have all been perfectly satisfied.

The Honourable Mr. TELANG :—The Honourable Member has the reputation of being a very firm administrator, and that may explain the silence of salt owners after once their petitions were rejected.

The Honourable Mr. McHINCH said :—As I may not be here when the Bill comes up for discussion in detail there is one point with regard to Sind which I would like to be heard upon. That is that a sub-section might be added to Section 14 that for Sind the power which is here given to the Governor in Council may be delegated to the Commissioner in Sind. My only object in asking for this is that the applications for excavation, etc., of salt earth without a license require to go to the Collector, and then to the Commissioner of Sind, and he requires again to forward them here for consideration, which incurs a considerable loss of time. By delegating this power to the Commissioner of Sind, all this delay which might be very prejudicial to the applicants, might be saved. That is the only point which occurs to me looking at the Bill as it more particularly affects the interests of the province in which I am particularly interested.

Bill read a second time.

The Bill was then read a second time.

His Excellency the PRESIDENT then adjourned the Council.

J. J. HEATON,

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

Poona, 7th September 1889.