

THE



# Bombay Government Gazette.

Published by Authority.

TUESDAY, 5TH FEBRUARY 1884.

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 ACT, 1861."*

The Council met at Bombay on Wednesday the 9th January 1884, at 11 A.M.

#### PRESENT:

His Excellency the Right Honourable Sir JAMES FERGUSSON, Bart., K.C.M.G., C.I.E.,  
Governor of Bombay, *Presiding*.  
The Honourable E. W. RAVENSCHROFT, C.S.I.  
The Honourable J. B. PEILE, C.S.I.  
The Honourable the Acting ADVOCATE-GENERAL.  
The Honourable Major-General C. J. MERRIMAN, C.S.I., R.E.  
The Honourable Sir JAMSETJEE JEEJEEBHOY, Bart.  
The Honourable RA'O SA'HEB VISHVANATH NARAYAN MANDLIK, C.S.I.  
The Honourable C. GONNE.  
The Honourable W. M. MACAULAY.  
The Honourable BADRUDIN TYABJI.  
The Honourable SA'IB BAHADUR KHUNDERAO VISHVANATH RASTE.

Papers presented to the Council. 2. The following papers were presented to the Council:—

1. Letter from the Secretary to the Government of India, Legislative Department, No. 1361, dated 19th October 1883, returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the "Bill to amend the Law concerning the confinement of Civil Prisoners liable to imprisonment under the Criminal Procedure Code."
2. Letter from the Secretary to the Government of India, Legislative Department, No. 1362, dated 19th October 1883, returning, with the assent of His Excellency

the Viceroy and Governor General signified thereon, the authentic copy of the "Bill to enable Government to prescribe the official Seals of Sessions Judges, Magistrates and other public authorities."

3. Letter from the Secretary to the Government of India, Legislative Department, No. 1436, dated 10th November 1883, returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the "Bill to further amend the Bombay Port Trust Act, 1879."
4. Report of the Select Committee appointed to consider Bill No. 3 of 1883—A Bill to make better provision for the administration of Local Funds in the Presidency of Bombay.
5. Report of the Select Committee appointed to consider Bill No. 4 of 1883—A Bill to amend the Bombay District Municipal Act.
6. Remarks of Mr. Vinay and others, inhabitants of Bārsi, on the Bombay District Municipal Act Amendment Bill (No. 4 of 1883).
7. Ditto of the inhabitants and Commissioner of the Karād Municipality on the Bombay District Municipal Act Amendment Bill.
8. Extract from the Proceedings of a General Meeting of the Municipality of Hyderabad relating to the Bombay District Municipal Act Amendment Bill.
9. Observations of the Managing Committee of the Bombay Branch of the East India Association on the Bombay Local Boards and the District Municipal Act Amendment Bills.
10. Observations of the inhabitants of Nadiād on the Bombay Local Boards and the District Municipal Act Amendment Bills.
11. Report of the Sub-Committee of the Ahmedabad Municipality on the Bombay District Municipal Act Amendment Bill.
12. Suggestions of the Sub-Committee of the Surat Municipality on the Bombay District Municipal Act Amendment Bill.
13. Memorandum from the Committee for providing local self-government in Gujarāt, submitting remarks on the Bombay Local Boards and the District Municipal Act Amendment Bills.
14. Observations of the Municipal Commissioners of the Vengurla Municipality on the Bombay District Municipal Act Amendment Bill.
15. Observations of the Managing Committee of the Poona Sārva-janik Sabha on the Bombay Local Boards Bill and the District Municipal Act Amendment Bill as amended by the Select Committees.

His Excellency the PRESIDENT said:—Before we proceed with the business of the day,

The late Honourable John Marriott.

I beg to express the feeling which, I am sure, will be shared by all my honourable colleagues, of deep regret at the loss which this Council and this country have sustained in the death of our esteemed friend the Honourable Mr. Marriott. The late Advocate-General was so well known, and so endeared to us all, that the void created by his death will long be a source of pain and sorrow, which must be all the more acute as he was so suddenly removed from our midst. I am sure, gentlemen, that you will all agree with me that no Councillor has left behind him a higher character than that which was enjoyed by our lamented colleague.

The Honourable Mr. PEILE:—Sir,—In resuming the consideration of Bill No. 3 of

Mr. Peile moves the second reading of "The Bombay Local Boards Bill."

1883, "The Bombay Local Boards Bill," I believe I need not revert to the historical point of view of its subject. Nor do I suppose that I need say any more about the abstract principles of local government, of which I spoke when moving the first reading. It is true that the principle of this Bill will be affirmed when it is read a second time. But the principle of a measure of this kind is shaped out by applying to the abstract principles those local limitations by which abstract principles must be modified in order to arrive at good practical legislation. We now have to deal rather with the local limitations. In a country like India these limitations are obviously considerable, and if we desire, as we do cordially desire, that all that is practicable should be done to encourage the growth of public spirit in local administration, on the other hand we must be careful not to injure it by too much artificial stimulation. These facts have

been fairly recognized in the public discussion of our Bills since they were last before the Council. There has been parallel legislation in other places to collate; and I think also that a clearer appreciation of the new work and responsibility which will devolve on private citizens under the most tentative measure for self-government has engendered, I will not say a reaction, but at any rate an access of caution which suggests that success in the end may best be secured by not attempting too much at once.

While, therefore, the views and intentions of the Government remain precisely as they were, it may not be out of place to observe how largely they have come to be accepted by the best representatives of popular opinion. By best, I mean those whose minds have been enlightened by education and the study of political questions, and who at the same time possess local experience, or who have examined their countrymen outside this city in the light of this particular question. And here I am glad to say that the Government has had at command an ample supply of representative opinion. Without further reference to the valuable experience of our own officers, so vigorously expressed in favour of the reasonable independence of local bodies, we have had the benefit of a criticism of our Bills by the non-official members of this Council, to which I have observed nothing parallel in the debates on similar Bills proposed for other Provinces, and which I recognize as a great advantage. For if our Bills cannot be justified in reply to such criticism, they are not likely to be beneficial as laws. Then on the Select Committee, which comprised a majority of native gentlemen chosen to be as widely representative as possible, we have had the advantage of the aid of the Honourable Mr. Badrudin Tyabji, who devoted much time and pains to the study of various difficult points, and whose impartial and candid opinions are entitled to much respect: and of the Honourable Ráo Bahádúr Khunderao V. Raste, who contributed the experience of many years as a member of the Corporation of Poona. Again, we have received carefully reasoned treatises from various associations, of which I may name particularly the Bombay Branch of the East India Association (in which the Honourable Ráo Sáheb Mandlik holds a high office, and which may be supposed to express his views) and the Poona Sárvajanik Subha, of which I will venture to say that its published opinions on these measures have been, from first to last, clear, consistent, and temperate, and that a society which sends its agents forth into all parts of the Presidency to observe and collect facts, which are sifted and digested in a series of ably reasoned articles published in its journal, takes the best measures to command attention to its conclusions. Besides these, we have been favoured with the remarks of numerous other societies, local bodies, and individuals on the policy and details of the Bill. All these, as well as many official returns and reports, were carefully considered by the Select Committee.

Now, apart from minor suggestions for amending the Bill in form or detail, the thing we wished to know was; what was thought by those who are competent to think, about the limits and dimensions of what is judicious and what is practicable at this time in the way of reconstituting local bodies on a more popular basis. It is satisfactory to note that these questions have elicited discussion, and have been ably treated from different points of view. The intelligent class of public-spirited men whom the Government of India desires to utilize in local administration, has shown a warm interest in the discussion, and this is not one of the cases in which Government, in the absence of public opinion, is constrained to take action in the dark.

I may here repeat that with regard to the cardinal questions of the elective proportion and unofficial presidents, the Government has proposed no limitation in this Bill. Every facility is provided for taking advantage of such capacity for local administration as local communities may make good. We have only demurred to legislating in such a way as to make a marked elective majority immediately absolute, before anything is known of its quality, and to exclude by name from the office of president the experienced officials who have hitherto been the executive agents of our local boards, before we are assured that there are private gentlemen competent to take their places. It has therefore devolved upon those who are dissatisfied with cautious progress which makes good each step of advance before another is taken, to advocate more precipitate action, from which, whether the result be good or bad, the law when once passed will permit of no retreat.

Now here there has been a conflict of opinions among our unofficial advisers. One party is for plunging with a light heart into large measures than we think there is evidence to justify; another, and that a large and important section of public thinkers, prefers generally the policy of the Government. In this Council the Honourable Mr.

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Badrudin Tyabji, the Honourable Sir Jamsetjee Jeejeebhoy, and the Honourable Ráo Bahádur K. V. Raste have expressed their adhesion to it. Here, again, is an unofficial opinion from Gujarát, that of an influential member of the Municipality of Ahmedabad, Ráo Sáheb Ranchorlal Chotalal, who thinks that "as the elective principle has been but lately introduced, and as sufficient experience is not yet obtained as to how people will exercise this privilege, it is enough if Government take to themselves the power of increasing the number of elective members, that they may exercise it when they think fit." In the Deccan I name the Poona Sárvajanik Sabha, from an article published in whose journal for October I quote the following passage: "As regards the proportion of elected to nominated members in our urban and rural boards, we think that, on the whole, the minimum proportion guaranteed to us by the Bills is satisfactory enough, taking backward and advanced localities together. We cannot forget that in the matter of elections we are making an untried experiment upon a virgin soil, and we are decidedly of opinion that the risks attending a possible failure caused by an undue and indecent haste at the commencement, will be immeasurably greater than the disadvantages of a few years' delay resulting from a little overcaution." I must say I think that, with the concurrence of so important a body of public opinion, the conclusion of the Select Committee against "making obligatory a large majority of elective members" is that which it is best to accept.

As regards the office of president, the East India Association reasons and advises as follows: "We have no doubt whatever that competent private individuals, willing to undertake the office of president of district boards, can be found in Poona, Thána, Ahmedabad, Surat, Broach, Sholápúr, Belgaum, Dhárwár, Ahmednagar, and Ratnágiri. From these boards, therefore, the Collector should from the beginning be excluded by law." Now, this is a tolerably positive conclusion, resting on a somewhat indefinite basis of belief. Other authorities differ as to the facts, and I find it difficult to disregard the opinions of a society of such wide local experience as the Poona Sárvajanik Sabha, that it is not possible at present to find more than a very few really competent non-official gentlemen both able and willing to accept the post of president of local committees. I again quote from the article in the journal of this society for October:—"As regards rural boards, our inquiries have completely satisfied us that, as a rule, gentlemen of this class (that is men who, by their social position, wealth, and intelligence, can and will command the respect of all their fellow-citizens) will not be available, and that a more grievous blunder cannot be committed than that of forcing non-official presidents upon such bodies." I may here quote also, with reference to a remark I made at the beginning, from the writings of a gentleman who has made important contributions to the literature of the subject, Mr. Javerilal Umiashanker Yajnik. He says: "I do not say that in the case of the larger municipalities there will always be found persons both willing and able to undertake the duties of a president. I do not shut my eyes to the fact that, when the real nature of the work to be done by the president comes to be understood, even capable men will rather shrink from it than undertake it." The Government has expressed no preference for official presidents. His Excellency in Council has declared that, "wherever such a course is practicable, and any private person is found fit to discharge the duties of president, and is willing to accept the office, he will have no hesitation in conferring the post on a non-official." But it would hardly consist with ordinary prudence and common sense to exclude the Collectors from the office of president by law, when we are told by those who ought to know that at present there are not sufficient private gentlemen ready to undertake the duties. As it was expressed to me by an influential native gentleman of Poona, "we have not the men." It is simply proposed to leave it possible to keep the president's duties in the hands of those who have hitherto performed them, until the men are forthcoming.

The Government therefore is in this position, that while it is actually reconstituting the local boards on a popular representative basis, and putting the local funds under their independent control, it is also taking power to make the system more popular, and more representative, whenever the country may show itself to be prepared for such extension. And this position commends itself as the best in present circumstances to those leaders of native opinion who, according to my judgment, have made the greatest exertions to master the question.

With regard to the unofficial opinions which I have quoted, I think it right to say that both the Government and the Select Committee have examined with equal care the views which have been put forward on either side of each question. In dealing with a

subject which is in a great degree speculative and experimental, we must choose among the opinions tendered to us. But the Government has taken up a perfectly clear position, which has been explained without reservation. And, of course, we will not accept advice to do what we believe to be injudicious and fraught with danger to the success of local government, because some persons entertain misgivings that what is enacted as permissive will never be allowed to take effect. I must remind those who think so that they are distrusting rather themselves than the Government, for, after the Act is in force, the next move is with those whom it will invest with new duties and responsibilities. The Government may fairly pause to learn in what spirit those responsibilities are estimated, and how those duties are performed; and at what date in the future the rights *in posse* shall become rights *in esse*, as my honourable friend on the left has observed, a matter which depends on the efforts of the people rather than on the will of the Government. When it has been realized that every right has its duties, it will be admitted that every duty has its rights.

My own view of the Bill now under consideration, as it stands amended by the Select Committee, and as I trust it will be adopted by the Council, is that it gives to the local boards a position of independence somewhat beyond what is given by any similar Act elsewhere. The grounds of this belief are set forth in the report of the Select Committee, and I need not repeat them. When the Council last met, the Honourable Rao Saheb Mandlik was of a different opinion, but I think that subsequent study of the Acts which have been passed for other Provinces must have convinced him that he was mistaken. It is not for me to judge whether the Acts passed for other Provinces are too liberal or not liberal enough. The local Government of those Provinces know best what is suited to the populations over which they rule. But I do assert that if the antecedents of this Presidency are thought to justify the concession of a somewhat larger measure of independence than has been made elsewhere, then those expectations should be satisfied by this Bill.

The report of the Select Committee, which has the concurrence of Government, so fully explains what they have done to strengthen and perfect this Bill, that I need further only suggest the answers to some objections which have been advanced to the Bill as it stands amended. I do not know if the Honourable Ráo Sáheb Mandlik has modified any of his opinions, as unfortunately he was not able to give us his assistance on the Select Committee, but in the previous debate he followed generally the same line of remarks as the Honourable Mr. Badrudin: and I may perhaps assume that the points on which the two honourable members look to me for explanations will be the same on this occasion also. It is satisfactory to note that the Honourable Mr. Badrudin considers the provisions of the Bill as to the constitution of local boards and the appointment of presidents the best practicable in present circumstances, adding a remark, in which I entirely agree, that "if the legitimate aspirations of the people of this Presidency are not satisfied, it will be the fault not so much of the law, as of the misapplication of the law; and the remedy for this, as for all other matters must ultimately remain with the people themselves."

As to the number of members of boards, which ought it is said to be fixed by law, it is clear that the number on district boards is definitely indicated in the Bill. For there will be at least one elective member for each *táluka* in the district, and one for each large municipality, and one *inámdár* member, and the number of nominated members will at the beginning be probably equal to the aggregate of these. In *táluka* boards the number of elective members will depend on the numbers of groups into which Government divides the *táluka*. The *tálukas* have been divided experimentally into six groups each, and returns showing the number of electors for each group as far as it can be immediately ascertained, were laid on the table of the Select Committee.

Next as to qualifications. The Honourable Mr. Badrudin contends for the insertion of an educational or professional test. I do not know how far the opinion of the honourable member may have been affected by something which happened at a meeting of the Municipal Corporation of this City in December. It is apparently proposed that the Bombay Municipality should fall in with the march of the scheme of local self-government which was designed by the Viceroy in Council for British India outside the Presidency towns, and the proceeding to which I refer was the consideration of a proposal to give the municipal franchise in the ratepayers elections to graduates, barristers, solicitors, pleaders, and so on, as such. An amendment was moved that this proposal should not be adopted, and if the newspaper report is correct, the amendment was carried by a large majority.

In Belgium the electoral franchise is now given to all men who pass a certain examination, and perhaps we may come to that here in time, but just now it is better to begin with accepted principles. The honourable member says that "our object is to have the greatest amount of intelligence represented in the boards." But I reply that it is not intelligence which is to be represented by the local boards, but local interests, and especially the interests of those who subscribe the local funds. The broad principle as stated by Mill is, that "as the principal duty of the local boards consists of the expenditure of local taxation, the electoral franchise should vest in all who contribute to the local rates, to the exclusion of all who do not." In the English Health Act of 1875 the qualification for being a member of a local board is residence with the possession of a certain amount of real or personal estate, and the being rated at a certain sum to the poor rate. In the same way we have made the qualification of the bulk of our electors, not as the honourable member says, the payment of Rs. 48 per annum of Imperial land-tax but the holding of land of that assessable value and therefore actually charged with local rate at one anna in the rupee of such assessable value. The patels or village headmen are classed with the village electors, although their own holdings may be too small to qualify them. It is true that we have added some others, but partly as payers of license-tax, a local tax of which part may be allotted to the local boards and partly as holders of immoveable property and thus possessing substantial local interests. We have also added pensioners and honorary magistrates on account of their local experience or local influence. Now the honorary member asks us to give the franchise to graduates, pleaders, and so on as such. I reply that it is not necessary nor clearly desirable to do so. If graduates and pleaders are not qualified under a property clause, it would be contrary to the principle just quoted to give them a vote merely as representing intelligence and, so to speak, as a compliment to higher education. If, as the East India Association says, most, if not all, of these classes are likely to satisfy one or other of the tests prescribed in the Bill, so much the better, and it is not necessary to give them the franchise specially. If this proves not to be so, and the new constituencies or boards are found to be rather too Bæotian and to require an infusion of superior intelligence, there are two expedients provided in the Bill. First, Government can choose the nominee members with special regard to intelligence or education, as in fact of course it will. Secondly, Government can under the new clause 7, section 10, and section 18, extend the franchise and candidature to graduates, pleaders, and the like. The honourable member thinks that there is no difference between municipalities and rural areas in this matter. But I think there is. In a compact community like that of a municipal town every citizen shares equally in all the general public interests, and the most intelligent of those similarly interested may be the best representatives of the whole. But in so large an area as a collectorate, the interest of a schoolmaster or a pleader is likely to be somewhat partial, vague, and perhaps transient, and is not at any rate to be compared to that of the local landholding cess-payer or proprietor.

Objection is made to the proviso of section 9, that no lease of immoveable property exceeding 3 years shall be valid unless it shall have been made with the previous sanction of the Commissioner. We had before us concrete instances of the lease in perpetuity, that is, the permanent alienation, for inadequate sums of public property entrusted to local bodies. There are precedents in a country where local Government has flourished for some time, I mean England, where a Municipal Council is not allowed to sell or mortgage or let out on long lease, any of the borough land without the sanction of the Treasury. Again, in the English Public Health Act of 1875, which is a comprehensive rural local board and district Municipal Act, the local authority cannot let lands for any term except with the consent of the Local Government Board.

I need add only a few remarks on the parts of the Bill headed "control" and "rules". The Honourable Mr. Badrudin has now no objection to the substance of those provisions, and I will therefore address myself to the remarks of the Honourable Ráo Sáheb Mandlik at the last meeting of the Council. The purport of the argument of the honourable member was that the concessions as to the constitution of the local boards were rendered nugatory by the provisions for control, a position which the honourable member compared to setting up a bulwark of popular liberties in front and letting in the foe of control on the same liberties at the back. Now I think the honourable member has greatly misconceived the position, because, if I may vary the simile, the Viceroy in Council regards control, not as the wolf who enters the sheepfold by the back way, but as the veritable shepherd himself, as I will show by reading a passage from the blue book from which



the honourable member has drawn so much information, an extract to which his attention has already been called by the Poona Association. It is as follows: "I am now to explain that it was the intention of the Governor General in Council that in any law for giving effect to the policy of the Government of India, distinct provision should be made for the supervision by the district officer of the proceedings of every local board within his jurisdiction. He would have power to enter on and inspect their works, call for and inspect their records, and require them to furnish such statements, accounts, and reports as he may require. If he should be of opinion that any of their proceedings is open to criticism or doubt, he would communicate with the board either personally or by letter, intimating his views, calling for explanation, or suggesting modified action. Under certain serious and urgent circumstances he would even be vested with power to suspend the execution of any work or prohibit the doing of any act, reporting his proceedings for the confirmation of the Commissioner of the Division or other superior authority. It is to be hoped that in the vast majority of cases the district officer and the board would be able to come to a determination and settlement satisfactory to both. If, however, the District Officer failed to convince the board, or if he found that a board had made such serious default of duty as to necessitate further action, he would be empowered to represent the fact to the Commissioner or other superior authority indicated in the law; and that authority would have power, by an order in writing, to fix a period within which the board shall perform the duty in question or show cause to the contrary. If on expiration of the period of grace the order were made absolute, the board still defaulting, there would be a power given to the Commissioner or other superior authority to order the work to be done at the cost and charges of the board's fund. It would only be in cases of gross and persistent default that the power of suspending the board would come to be exercised by the local Government." Now these sentences of a letter addressed by the Government of India to the Government of Bengal contain an accurate recapitulation of the control sections of this Bill. The honourable member fears that these control sections will 'stifle the growth of a self-denying and self-working spirit on the part of the people of Western India.' But he forgets that injunctions and penalties are used only when there is wrong doing to rectify. He fails to distinguish between the daily interference with personal liberty such as we exert over children or lunatics, and the exceptional interference which is exercised only when there are sins of omission or commission to correct. There are certain inhibitions and coercions in the control sections which alarm the honourable member. Well, a much more formidable array of pains and penalties is set forth in another statute, but I cannot believe that the honourable member, who is a good citizen, goes in daily apprehension that his personal liberty may be stifled by a visitation of the Penal Code. Now let us look at the control sections, and say whether they are needlessly stringent supposing that the errors and defaults which they contemplate actually occur. Take section 60 and suppose that a local board so far lapses from virtue (we are all human) as to devise a number of well paid sinecures for its own relatives. Is it well that superior authority should be able to prevent this or not? Take section 61 and suppose that a board in which the sectaries of one creed are predominant, does something certain to excite the animosity of the followers of another creed. Is it well or not well that superior authority should be able to interpose and prevent a riot? Suppose under section 62 that some sudden disaster threatens, and is not to be persuaded to wait until the local board can assemble a quorum, is it well or not well that the local executive should be empowered to commence remedial measures? Suppose under section 63 that a local board allows sanitation to lapse, or closes all the primary schools in its jurisdiction, is it well or not well that the local Government should have power to compel the board to fulfil its duties to the public? These questions admit of but one answer. The fact is that these provisions are mere guarantees that the new liberty given by the Act will not be abused. No board need fear any of these sections as long as it does its duty. To recur to the honourable member's simile, the garrison are safe within their defences until they turn traitors and abandon their posts.

Now with regard to "rules". Objection is taken to large discretionary powers being reserved to Government under rules. No one denies the soundness of the principle. The question is whether the rules in this Bill go beyond what is necessary and permissible. Now I beg leave to read a part of a speech by His Excellency the Viceroy in the Legislative Council on this subject, and the observations are pertinent both to this matter of rules and also to the other provisions of the Bill which are what we call elastic and permissive. "I will, however, make just one remark on a single point of detail alluded to by honourable friend who introduced this discussion. He spoke of the section of the Bill which relates to the

framing of *rules* by the Chief Commissioner, and he said that some persons might think that a very wide discretion was left to the local Government in respect to the framing of those rules. Now it is very important that all persons who have to consider Bills of this description should bear in mind that the provisions which are contained in measures which will form part of the law of the land are hard-and-fast provisions which cannot be altered without referring again to the legislature and passing a new Act. Now in a matter of this kind, especially at its commencement, it is very undesirable to lay down more hard-and-fast rules than are necessary. What you want is that the system should be elastic, and that you should ascertain by practical experiment what modes of self-government are most suited to the requirements and idiosyncracies of the people in different parts of the country, for if you tie the hands of the Government too tight by the regulations of an Act of the legislature, that elasticity which is so desirable in order to arrive at the system best suited to fulfil the wishes and meet the requirements of the country will be altogether lost, and the Government will find itself bound, whether the measure is found in practice to be suitable or not, to enforce the provisions of the law, or else to go through the long and complicated process of again referring the matter to the legislature." The Viceroy made these remarks in the debate on the Central Provinces Local Self-Government Act, and if the honourable member will compare that Act with this Bill, he will be able to judge which of them gives the widest powers for making rules to the Local Administration. The rules in Section 66 of this Bill come under four heads, and they have of course to be consistent with the Act. The powers of the Governor in Council thus limited under head (a) are really pretty well confined to increasing the number of members of boards and the elective minimum. Under (b) the Governor in Council will settle the details of elections. Now Act IV. of 1878, Section 9 (b), empowers the Governor in Council to prescribe rules for the rate-payers elections in this city, and rural constituencies may well be satisfied with what satisfies Bombay. The matters dealt with in head (c) are very fully regulated in the body of the Bill, and any conditions imposed by Government can be only supplementary. Head (d) is the usual general clause, and that is all. I confess I can see no lurking danger to the liberty of local boards in section 66.

With reference to section 8, I may state that the areas which have been so far judged to be exceptional are the Panch Maháls, the forest tálukás of Kánara, Peint, the Akrani Pargana in Khándesh, part of Mandir in Surat and parts of Sind.

The Honourable Sir Jamsetjee Jeejeebhoy will observe that the valuable suggestion, in his speech on the motion that the Bill be read a first time, have received the attention of the Select Committee.

I move that Bill No. 3, the Bombay Local Boards Bill, as amended by the Select Committee, be read a second time.

The Honourable Ráo Sáheb V. N. MANDLIK:—I was appointed a member of the Select Committee which sat upon this Bill the last time the Council met in Poona. The first meeting of the Select Committee was appointed to be held at Mahábaleshvar, (20th October). But the time fixed for the meeting was within a few days of a sitting of the Criminal Appeal Court, and, therefore, I am sorry I was unable to be in my place and take part in the deliberations of the meeting. The honourable member in charge of the Bill has replied on this occasion to several observations which I made when the Bill was last before the Council. I have not brought with me the papers upon which my observations made in August last were based; but I am prepared to take the Bill, as it has now come from the Select Committee, making whatever remarks I have now to offer very briefly. First of all, on the question of the constitution of the Local Boards, I think it would be well to follow the honourable member in reference to the authorities on which he has now relied. I have now before me the number of the Poona Sárvajanik Sabha's journal for January 1884, which I received two days ago, and this is what it says: "We need hardly say that we agree with much that the Select Committee has said in the preliminary portion of its report on the Bombay Local Boards Bill regarding the constitution portion of the two Bills, because the readers of the *Quarterly Journal* are already familiar with our views on the subject. But there are three points in the constitution portion of the two Bills wherein we do not agree with the Select Committee at all. These points relate, *firstly*, to the elective minimum in the District Local Boards; *secondly*, to the absence of an express provision in the body of the law that salaried servants of Government shall not be eligible as Vice-Presidents of Local Boards and Municipalities, and to the absence of an equally express provision by which the position of the elected Vice-President can be assured instead of being made

dependent, as it is now proposed, on the mere sweet will and pleasure of the official president; and, *thirdly*, to the absence of an express provision in the body of the Municipal law that Municipalities fulfilling certain well defined tests shall have the right of electing their own president. In all these three respects the Bills have been left very defective so far as their constitution portion is concerned. And our surprise at this omission is all the greater because, so far as one can judge from the opening speech of the Honourable Mover about the intention of Government, their views remarkably correspond with our own, as has been already shown in the previous number." I shall not follow the views of the writer in all respects, and I may say that I am quite at one with the honourable member in charge of the Bill that inconsiderate or precipitate legislation would produce no good whatever. I have expressly said so on the last occasion, observing that in an experimental measure of this kind the advance must be cautious and gradual, or the legislation must end in failure. But I fail to see in the Bill before us that there is such definite power or financial independence given to the local boards as may afford room to expect that any certain progress will be achieved in future years. I hope it may prove that my view of the situation is somewhat too gloomy; but, judging from the history of Bombay and its Municipality, I am of opinion that unless a defined financial independence, to a certain extent, is guaranteed to the local boards, it is idle to expect that they will take any sustained interest in the working of the constitution. In connection with the promulgation of the rules upon which I dwelt on the last occasion, I must say that the very despatch of the Government of India to the Government of Bengal upon which the honourable member has laid stress, lays down the conditions under which control may very effectively be exercised, without much interference. The English Health Acts, to which reference was made, also define the circumstances in which such control may be exercised. But it may be noted that these Acts, framed as they are for an advanced country like England, contain provisions whereby towns and cities may, under certain conditions, be withdrawn from their operation. In reference to the question of appointing non-official presidents, I may give here one or two instances, though I do not know whether the gentlemen whom I will mention will thank me for bringing their names prominently to the notice of the public. But, at all events, their names have been brought to the notice of Government, who have thanked them for the satisfactory administration of Municipal affairs. For example, Mr. Narayonrao Wád, as Chairman of the Násik Municipality, has most successfully administered the affairs of that large municipality, and I have no doubt other men of the same stamp may be found who would be able to give like satisfaction, if they only had the opportunity. Whenever there are sins of omission or commission, it is only proper that they should be effectively checked, but I think that the very statement of the Bombay Branch of the East India Association to which the Honourable Mr. Peile referred in his speech, points out the direction in which people look forward to some enlargement of their Municipal functions. As to the progressive nature of the Bill, I may say that the papers relating to it have been only just coming in from England in driblets. A part of the correspondence was received during the last October vacation, and although I cannot say that I am able to spare as much time to a consideration of this subject as I must of necessity devote to my professional duties, both Government and private, still after having given to this work a reasonable portion of my time, I have come to the conclusion that we are proceeding with these Bills somewhat too precipitately, to use the honourable member's own expression. I believe we ought to be given more time, and though the Select Committee has worked admirably, so far as the materials before them went, here are these additional papers which show that there is yet room for greater deliberation and less precipitate action.

The Honourable Sir JAMSETJEE JEEJEEBHOY.—May it please Your Excellency,—At the first reading, when I had the honour of addressing Your Excellency and the honourable members on the Bill as it then stood, I concluded my views with an allusion to the liberal terms which characterised this popular measure to extend to town and city Municipalities a greater control over their own affairs. Since then so much has been written, so much argumentative ingenuity has been brought to bear upon the Bill and its entire details, that to encumber the subject with a repetition of the same ideas from me at this stage would be to take up the time of Your Excellency and the honourable members to no purpose. Never within my recollection, or at all events since the country came under the direct rule of Her Majesty's Government, has any scheme for the amelioration of the masses met with the same welcome at their hands. No events connected with social science have been more generally remarked and more anxiously considered than the matter under consideration. The Government has earnestly endeavoured to invite

reflection and discussion, so that views of all shades might be put forward and that the best thought on the subject might be accepted and acted upon. Following the principle of the District Municipal Act to which must be given to a great extent the credit of having paved the way for the present scheme of local self-government, it is but fair to Your Excellency and to this Council to acknowledge the efforts made from time to time to educate the people to the management of their own affairs, and to accord to them that power and its concomitant responsibility which conduces so much to make the varied classes not only useful members of society, but attaches them to the Government more than anything else. It has been urged by honourable members that to constitute local boards in such a way as to give to official members a greater voice or preponderance is to deprive those boards of much of that representative character which the Supreme Government no doubt intended they should possess. But in answer to such an exception, I would take leave to remark that to commit all of a sudden and unrestrictedly new and responsible duties to the hands of untried representatives is to court disaster at the outset, and render nugatory what would otherwise prove a success. There can be no doubt that at the outset some little official direction and guidance will be necessary, but to what extent it should go is a problem that can better be solved in each case by the exigencies of the time and place in which the question may arise; and the removal of such official dependence may, I think, well be relegated to a period in the future when the Act has been some time in force, and a proper opportunity had of the judging of the merits of the question. I had said when I had the privilege of first addressing Your Excellency and the honourable members on the present Bill that it might at first sight appear that more extensive powers and greater freedom from control might be allowed to the local district and taluka boards, but I repeat what I said then, that it would be much better to proceed cautiously. And in a Bill of this nature especially, I fully concur, with much that has been expressed to eliminate from the Bill all provisions not sufficiently clear or which are capable of a vague or indefinite interpretation. Such words, for instance, as are contained in section 12 of the Municipal Act Amendment Bill—"for exceptional reasons"—should, it seems to me, be omitted. Perhaps the Government will also see its way to do away with what seems to me a somewhat strict limitation. I mean the exclusion of inámdárs and holders of land assessed or assessable to the Imperial revenue for Rs. 48 and upwards. For I hold that to render the maximum of good in carrying out the provisions of the Local Self-Government Bill, the Act should be wide in its effects for good, and that the humblest, if duly qualified, should have a share in the administration of their own towns or districts. I would, ere concluding my remarks, suggest that the standard of qualifications in reference to the declaration of certain municipalities should be regulated by the Act itself. By taking this course, it seems to me that the classification of the different boards would be more effectual in the sense that by securing this the first step the second would be comparatively easy. The Sárvajanik Sabha of Poona, with the foresight that has characterised its comments generally on the Bill, would fix the standard of efficiency under three heads—population, revenue, and advance tests; and I imagine that the Government will do well to consider if such a standard could be adopted. This would seem to apply more forcibly when it is remembered that of the 164 municipalities in the Presidency there are but 24 city municipalities which alone can be deemed fully competent municipalities, while the rest are not so forward. With these remarks I beg to concur in the second reading of the Bill.

The Honourable Ráo Bahádur K. V. RASTE:—May it please Your Excellency,—At the first reading of the Bill I expressed my views as regards the general principles on which it was based. It has been made over to the Select Committee since, and I have only to say a few words in reference to the amendments which the Committee has proposed, consequent on the suggestions that were received from the different Local Committees. The great question to which the Select Committee had to pay particular attention was, whether the sole management of the boards was to be virtually given into the hands of the elected members. There are some root-and-branch men who would have a thorough revolution in the existing order of things, and who would discard the very idea of having a president appointed by Government. In fact, to shun one extreme, they would unconsciously run into the other. But I have strictly considered this question in all its bearings, and I am glad that my colleagues, too, have come to the same conclusion with me. Any one that has the least acquaintance with Indian society will not fail to see that the few educated people who traverse the firmament of Indian life, and cast oftentimes a deceitful radiance on the surrounding area, are no real exponents of the ad-

ministrative calibre of the masses in general. Excepting the Presidency towns and a few others in the Mofussil, we fail to find places replete with politicians of any consequence. Mostly we meet with men who have a large share of the old ideas, and who are only acquainted with the new ones by the wonderful process of filtration alone. Such men have to be gradually trained to the new order of things, and it would be highly unwise and impolitic to do away with the Collector as president, and entrust the entire management of business to one of such men. I do not consider this change at the present time would be at all a change for the better. In fact, it would soon put a stop to the system itself. For these reasons I thoroughly adhere to the opinion I expressed at the first reading of the Bill, and now that the subject has been discussed with all the *pros* and *cons*, I uphold that principle with greater tenacity than ever. The president must be a nominee of the Government until such time as Government think it proper to confer the power of nomination upon the local boards. Another point for consideration is the proportion of the elected members to those of the nominated ones. It is proposed by some that two-thirds should be elected and one-third be nominated. I humbly submit that in the beginning the proportion should be half and half; when there is an equal division, the president will set matters to rights. He being a man not in the least likely to be influenced by any sinister motives, will naturally go over to that side which has the real public interest at heart. To allow the board to consist of two-thirds elected members is virtually to gag the voice of experience, and cripple the power of wisdom. For the Collector with his nominees would be at the mercy of the elected members if they chose to coalesce against him. To put it more strongly. Government and the people for the first time have, as it were, just come to an understanding, and while they are looking upon one another with eyes of suspicion, it is only fair that they should meet midway, as this would check official highhandedness on the one hand and at the same time prune the offshoots of ignorance on the other. It was suggested by the Honourable Mr. Badrudin that in the qualifications and members for local boards there should be an educational and professional test. But with due deference to my honourable brother's suggestion, I dissent from him. On looking at the two Bills, it can be easily seen that the Municipal Bill, though based on the same principle, has greater latitude of operation than the Local Boards Bill. It embraces a greater variety of functions, and calls into play the discretionary powers of the constituents. This necessitates a professional and educational test, inasmuch as intelligence and learning are a *sine qua non* to a successful working of it; whereas the Local Boards Bill has most of its operations stated, fixed, and defined, and though it professes to grant greater independence to the members, the channel of its operations is ascertained, and, with the Collector at its head, there is no chance of its misapplication. As the Municipal Bill gives an ample scope for the intelligent and the learned, the property test alone is sufficient for the proper working of the local boards, as in the rural population there is not much chance of finding either learning or intelligence to any considerable degree. There are other matters of detail regarding which the Select Committee's report itself is sufficiently expressive, and therefore I shall not say anything about them.

The Honourable Mr. MACAULAY.—Sir,—At a former meeting of this Council I expressed my approval of the principles which are involved in the Bill, and to-day I have pleasure in recording my approval of the alterations and amendments which have been made by the Select Committee. I think, however, the honourable Mover is not quite correct in assuming that the Bill as amended will meet with such general approval at the hands of the public as he seems to expect. It is to be regretted, I think, that the Committee did not see their way to recommend the repeal of Act III. of 1869 and the Municipal Act of 1873. This measure when passed will have to be considered by a very large number of people who are not in the habit of studying such measures; and for their convenience I think it would be desirable that, even at the expense of some delay, all the laws relating to local Government should be consolidated and embodied in one Act. I am sorry to see that Sind is still placed by itself.

The Honourable Mr. PEILE:—If I may be pardoned for interrupting, I beg leave to point out that Sind has been placed on the same footing as the Presidency districts.

The Honourable Mr. MACAULAY:—I think it would be well, before the final reading, that the Council should be furnished with an estimate of the revenue which it is calculated will be at the disposal of the various boards, and also with some estimate of the amount that will be required to fulfil the provisions laid down in this Bill. For my own part I am somewhat in the dark on the subject, and as Government are, no doubt,

in possession of the necessary data, I hope they will be furnished. With regard to framing rules, I am most willing to believe that the members of the present Government will fulfil the promise that these rules will be framed in a liberal spirit. But it appears to me that it would be well for us to bear in mind that a few years hence the *personnel* of the Government will be changed, and that we have no guarantee that the liberal rules which may now be framed will not be rescinded on some possibly not sound pretext in the future. It is well also to bear in mind that those who have to attend to the administration of these laws, when they come into force, seldom travel back to the debates that have taken place in this hall at the time of passing, and that perhaps they are not aware of the promises made by Government. They content themselves by considering the Act as it is placed before them. This is another reason which makes me think that it would be well if the liberal promises of Government were embodied in the Bill itself. I am inclined to think that the honourable Mover attaches too much weight to possible failures on the part of local boards. For my own part, I fail to see that any serious consequence could possibly arise. They might spend more money than they ought to do, or they might neglect some sanitary arrangement which would cure itself in a very short time. I do not think there is any grave reason to fear that even a more liberal measure than that which is now before the Council would have a disastrous effect. There will be mistakes, I have no doubt, as there have been mistakes in the past, but that these mistakes will be serious I have no great reason to fear. With regard to the powers which are proposed to be granted to Collectors, I am disposed to take objection. I do not for a moment underrate or detract from the value of the services which Collectors and other district officers have rendered and are now rendering in this country. Bearing in mind that the more independent boards and municipalities are, the less will be the power of the Collector in the district, I do think it is not desirable to place so much power in the hands of the official who is thus to be shorn of some of his authority. I would like to suggest to Your Excellency in Council the desirability of considering the question of establishing a board on the basis of the Government local board at home. I cannot help thinking that a board so appointed would almost certainly lead to a successful development of local self-government in this Presidency. Such a board, I would suggest, should consist, say, of three members, two of whom might be selected from the Civil Service—men whose sympathies are known to be with native aspirations—while the third, I think, should be a native. In this Presidency and in this city there are native gentlemen, well-known for their culture and large practical experience, whose services, I am sure, could be obtained, if Government so desired. My friend the honourable Mover has named to-day a gentleman who would be admirably suited for the position which I propose.

His Excellency the PRESIDENT :—Does the honourable member mean the Local Government Board ?

The Honourable Mr. MACAULAY :—Yes. One reason that makes me think that such a board is desirable is that for a few years there must be a large amount of work involved in supervision. The hands of the members of the Executive Council are already so full of work—work which they cannot delegate to others—that the addition of the work which would be thrust upon them by the efficient supervision of the working of this measure would be more than they could undertake. Another advantage would be that the members of this board could travel about the districts and see what the requirements of the different localities were, and I think they could safely be entrusted with the determination of the number of elective members on different boards and municipalities. They could also be entrusted with the supervision of those bodies ; in fact, over every matter connected with the scheme, subject, of course, to the approval of Government. There would, no doubt, be some expense involved in carrying out such a scheme, but I take it that that expense would be compensated for by the advantages which would accrue to the country and the satisfaction which would be given to the people. There are one or two minor points in the Bill which require further consideration, but I do not propose to take up the time of the Council by dwelling on them at present.

The Honourable Mr. PEILE :—I will say a few words in answer to some of the observations made by honourable members. The Honourable Ráo Sáheb Mandlik has explained why he was not present at the meeting of the Select Committee at Mahábaleshvar. I was very desirous to see him there, because I thought that he would have then had that full opportunity and leisure for studying all the papers and facts which illustrate the subject which the Committee Room affords more perfectly than the Council Chamber. No doubt he was more gracefully employed in Bombay, and the matter may be allowed to rest

between the honourable member and his conscience, or between the honourable member and those whom he represents here. I regret his absence the more, however, because it appears from some of his remarks to-day that he might have learned more than he appears yet to have learned of the true nature of some of the provisions. To that I will recur presently. But first the honourable member read, with reference to the passages in the journal of the Poona Sárva-janik Sabha which I quoted as being in agreement with the Government policy, extracts to show that this society holds opinions on other points which are opposed to the views of Government. As to this, I can only say that I should have thought much less highly of the Sárva-janik Sabha if they had absolutely and unreservedly concurred in all the views of the Government, instead of expressing dissent on certain points very vigorously and frankly. One of the points of difference named by the Honourable Ráo Sáheb Mandlik was the elective proportion in the district boards. On this point the Sárva-janik Sabha's views have not been disregarded or suppressed, because they are expressly mentioned in the Select Committee's report. It is stated in that report that "the Poona Sárva-janik Sabha in its latest report has proposed that the constitution of taluka boards remaining as it stands in the Bill, in the district boards two-thirds of the members shall be elective. Arguments are stated in support which are not without weight, but the Committee observes that there is nothing to the contrary in the Bill, and that it is left in the power of the Executive Government to adopt this or any similar suggestion when it is recommended by practical experience." The one other point of difference named by the honourable member which relates to this Bill is as to the definition of the duties of the elected vice-president. Now, on this point there is little, if any, difference between the views of the Government and those advocated by the Poona Sárva-janik Sabha, because we are entirely of opinion that the elected vice-president should preside at all meetings of the board, except when the President for exceptional reasons thinks fit to preside in person. The Honourable Mr. Mandlik went on to say there was nothing in the Bill which could really be called progressive. Now, surely there is the fullest provision in the Bill for advancing with the progress of the people in their management of local affairs, and for entrusting local boards with greater powers, as soon as they give proof of their capacity. The honourable member cannot discover that any financial independence is guaranteed. I cannot understand how it can be complained that financial independence of all things, has not been given to the boards. The local boards cause their own budget estimates to be prepared, and the boards are to consider the budget estimates so prepared, and to sanction them. There is no authority given to any one to alter or modify the estimates. The extent of this financial independence can be best estimated by comparing the provisions of this Bill with the provisions in some of the other Acts. I will take for instance the Panjab District Boards Act. This Act provides that the board shall consider its budget estimate, and provisionally sanction it. The estimate is then to be sent to the Deputy Commissioner, and the Act goes on, "The Deputy Commissioner shall, on or before a prescribed day, signify in writing to the board his approval or disapproval of the estimate. When he disapproves of the estimate, he shall state the nature of his objection. The board shall then consider the matter, and either modify the estimate so as to remove the objection, or refer it through the Deputy Commissioner to the Commissioner of the division. If the Commissioner concurs in the objection, he shall make such modification in the estimate as may, in his judgment, be necessary to remove the objection in whole or in part. If he does not concur in the objection, he shall pass the estimate, and his orders shall be final and binding on the board." It will thus be seen that, according to the Panjab Act, the passing of the estimates really rests with the Commissioner, whereas in this Bill the power is vested absolutely in the boards. I will now briefly refer to some of the remarks made by the Honourable Mr. Macaulay. He proposed that the existing Act, including, I presume, the Sind Act, should be repealed. All that is kept alive in these Acts is the taxing sections, which have nothing to do with the working of the local boards. After a time, when we have gained further experience of the working of this Bill, I have no doubt that we shall consolidate the local Government law of the Presidency. With regard to the amount of revenue at the disposal of the board, returns can no doubt be furnished to the honourable member. With regard to the other point which he mentioned, viz., the probable amount of the charges which may be imposed as obligatory on the boards, I do not think that any estimate of these is possible; but I may point out that the duty of the boards is subject to this limitation, that they are bound to perform it only so far as the local fund at their disposal will allow. The honourable member proposed that the power of the Collector should be set aside, and the control should be vested in a representative Local Government Board. This is not the first occasion on which this proposal has been made. It

found favour with the Government of Bengal, but was disapproved by the Viceroy in Council, who pointed out his objections to it in a despatch which contained the following passage among others which express dissent from the scheme. . . . "It is for many reasons advisable that the working of an experiment new and so important should be at the outset very closely watched and directed by the Government itself; and the Governor General in Council is not without apprehension lest the transfer of these duties to an independent Central Bureau might militate against the success of the experiment, by lessening that sense of responsibility in respect of it by which the local Government ought itself to be especially actuated." Subsequently, I believe, the proposal was not persevered with.

His Excellency the PRESIDENT :—The explanatory statement of my honourable colleague has been so exhaustive that it is not necessary for me to add anything to the full understanding of the subject under discussion. The arguments in favour of the Bill have been ably elaborated by him, and we are greatly indebted to the Select Committee, who have spent months, certainly many weeks, of unremitting labour in the study of the Bill, and in the consideration of the numerous representations that have been made to Government. My friend the Honourable Mr. Badrudin, whose professional duties cannot be light, made it his duty to attend every sitting of the Committee, held at a distance from Bombay; and while we all know the assiduity with which the Honourable Ráo Sáheb Mandlik applies himself to his duties, I should like to say, in justice to the Government and to the Council, that I do not think that any sitting of the Select Committee was held in utter disregard of the convenience of the honourable member. It will be in the recollection of the Council that in Poona we put off a meeting to a more distant date than was at first proposed, in the hope that the honourable member would be able to attend. I only say this lest it should be supposed that we had not in any way consulted his convenience as well as that of anybody else, at the same time observing that it was a matter for regret that it was impossible for him to attend. But, gentlemen, I hope it will be recognised that even under these circumstances the Select Committee has left nothing to be desired in the way of the completeness of the consideration of the measure in all its bearings. I may say, as one having some experience of committees of the House of Commons, that the labours of this Committee, in their thoroughness, will bear favourable comparison with those of any other similar body. I am happy to hear that this Bill has been generally regarded as a most satisfactory measure. Whether it goes the full length that some official or private gentlemen might desire, this much is certain—that it will introduce local self-government in this Presidency on a popular basis, and on a footing which will give the scheme a thoroughly fair trial, and will call forth all the aspirations, which are at present latent in the people, for the efficient control and management of their own local affairs. I am sure that when we shall pass away from here, and others will be in our places, we shall always be able to look back upon this measure as one of which we need not be ashamed. I ask the Council to observe this fact—that all that some of the most ardent advocates of a more advanced measure can say is, that they think men will be found willing and able to fill the chair of the local boards from the rank of non-officials. Here and there we may come across such men, but we know that we cannot possibly legislate upon an hypothesis. We have taken great pains to ascertain the matter; we are satisfied that it would not be judicious to deprive ourselves of the right of appointing an official or other chairman; and I am sure of this—that in many districts the people themselves would be very sorry if we from the first insisted on nominating a president from their ranks. I think I am not wrong in saying that we contemplate appointing an unofficial chairman in some twelve Municipalities in which we have found gentlemen who appear willing and able to fill the position. There can be no greater proof than this of our earnestness. As to the charge of precipitancy, we cannot lay ourselves open to it because we proceed although communications on the subject have been reaching us day by day and week by week from various parts of the country. But I ask anybody to say if any measure has been more debated, both in public and private, than the present one. At all events, I think that precipitancy would be the very last charge which could be made against the Government; nay, at the last sitting of the Council I thought it necessary to make some apology for not having proceeded faster. Now, my honourable colleague has sufficiently answered the sensible suggestion made by the Honourable Mr. Macaulay that the administration of this complex measure might be entrusted to a Special Board, like the Local Government Board at home. But let me remind him that in the first place the President of the Local Board at home is always a member of the Executive Government, and he occupies precisely the same posi-



tion that the Honourable Mr. Peile does in the Council. I have not been able to lay my hands on the list of members of the Local Government Board, but I believe you will take it from me that the Local Government Board consists of a President who is a member of the Ministry, with other members of the Government of the day, just as the Committee of the Privy Council on Education, and that the officers of the Board are paid officers of Government. It would, therefore, be a mistake to suppose that the Local Government Board would be an unofficial board, but it would be precisely similar in position to the members forming the Executive Government, who take charge of one or other departments of administration. While talking of the appointment of unofficial presidents, and thus calling in as much administrative talent as is possessed beyond the ranks of Government officials, it may be remembered that in the Republic of France the presidents of the local boards, as well as the vice-presidents, are invariably officials nominated by Government. I think this fact will show that we really propose to make a great step in advance, when we intend to exercise the power of the Executive Government to nominate unofficial presidents in about twelve Municipalities, though countries like France and Italy have not yet thought of such a thing. Gentlemen, I could not but address these few words to you, because it is always so easy, so pleasant to be in the first rank; it is so popular to be in the advance that men in their ardour forget how great a responsibility rests with those who have to frame a measure, and who have to take particular care that they do not go beyond the limits of due caution. It is our duty to insure that at the outset these Boards shall really be comprehensive, and not elected from any one class, however respectable. Here is a measure which will call forth the administrative talents of the people, and will contain adequate provisions to remedy those faults which have occurred in time past, though not, as I believe, to the shame or fault of those who are entrusted with its administration. Before main roads had been made everywhere, local funds had often to be applied to their construction; but the time has come when the improvements promised by the measure will be carried into each hamlet. I trust that in carrying the motion for the second reading of the Bill, we shall have advanced a measure which will satisfy reasonable expectations, and contribute to the welfare of the whole community.

The Bill read a second time.

On the motion of the Honourable Mr. Peile, the Bill was read a second time.

Bill considered in detail.

The Council then proceeded to consider the Bill in detail.

The Honourable Mr. BADRUDIN :—I beg to move that the power given to the Táluka Local Boards of making leases, under section 9, be extended from three to seven years. If we have any confidence in these boards, I think we ought to adopt the alteration.

The Honourable Mr. PEILE :—The chief reason why the term is limited to three years is, because that is the period of the existence of each Local Board. Beyond this, there is no other special reason why the period should be seven or three years. But I am inclined to the opinion that the term of three years would be most suitable.

His Excellency the PRESIDENT :—The question is whether the power of making leases should be granted to the board for a term exceeding the tenure of their office. I think that, as provided in the Bill, where a lease has to be made for more than three years, the previous sanction of the superior authority should be taken. It must be well known that neither I nor anybody else can spend a farthing of public money without the scrutiny of the Accountant General, who verifies the accounts, as required by law.

The Honourable Ráo Sáheb MANDLIK :—I think that three years is an exceedingly short time.

The amendment was lost.

The Honourable Ráo Sáheb MANDLIK :—I ask why in section 10 the holders of entire alienated villages are disqualified. An inámdár is as much a land-holder as any other person.

The Honourable Mr. PEILE :—The Select Committee amended the section for the benefit of Inámdars, who now, besides having their own member, are qualified to vote and be elected in virtue of holdings other than entire alienated villages. They are not qualified to be elected as holders of entire alienated villages under section 10 (1) because they have their own members as such under sections 6 and 7 and it was thought that this would give them too much influence. The interests of Inámdars are sometimes opposed to the interests of their tenants or subordinate holders.

The Honourable Rao Saheb MANDLIK :—Under the constitution, there may be a hundred villages in a táluka, but only one of the holders of these villages can get into the board, while the others are disqualified. When it was proposed to introduce qualifications based upon education, it was urged by the Honourable Mover that it was desirable to give the elective franchise only to those who have a permanent interest in the local funds. Now, the holders of alienated villages contribute their share to these funds, and if the argument employed by the Honourable Member were pushed to its logical conclusion, there is no reason why the Inámdárs should be proscribed as a class from the benefit of the Act. I move that in section 10, clause 1, the words "other than entire alienated villages" be omitted.

The Honourable Mr. PEILE :—The object was to give this class their proper amount of influence in the boards, and not too much.

The amendment was carried.

Section 10, clause (2), being then considered, the Honourable the Acting ADVOCATE GENERAL said :—There is only a verbal alteration required to be made in this clause. For the words "other than an entire alienated village or a holding described in clause (1)," let the words "other than a holding described in clause (1)" be substituted.

The clause was altered as suggested by the Honourable the Acting Advocate General.

The Honourable BADRUDIN TYABJI moved that in section 10, clause (5), the words "Fellows and Graduates of any University and Pleaders or Advocates of any High Court," be inserted after the words "Honorary Magistrates residing in the táluka." He said : I have already stated my reasons in another place. It has been urged that those only ought to have a voice in the boards who have an interest in local affairs, which, it is supposed, is manifested only by the payment of the local rates and taxes. But the Bill recognizes other tests besides the payment of local taxes by granting the elective franchise to Honorary Magistrates and revenue Patels. It is desirable that an educational and professional test should also be introduced, so that there may be every prospect of a sufficient amount of intelligence being represented at the local boards. People in the position of Fellows and Graduates of Universities, and Pleaders and Advocates of High Courts, would certainly take as great interest in the working out of the Local Self-Government scheme as any great land-holder. These men may be fairly supposed to be sufficiently intelligent to understand the sanitary and educational requirements of the tálukas. Conservancy, education, repairs of roads and such matters will practically come under the scope of the rural boards, and the advice of the educated classes, to whom I propose to extend the franchise, would be of very great importance in arriving at a correct decision, in regard to these questions, which will concern them just as much as the property-holders. It seems to me that under the Bill, as it stands at present, we really deprive ourselves of the knowledge and intelligence which would be brought to bear upon the deliberations of the boards, if the elective right were extended to them. The Honorary Magistrates are qualified, as such, for election. They may have no property qualifications, and I ask that the classes whom I have mentioned should on the same principle be admitted to the franchise.

His Excellency the PRESIDENT :—Under the constitution, the right of election is proposed to be granted, among others, to those persons whose annual net earnings are estimated to be not less than five hundred rupees. Now, if a Pleader does not earn at least this amount, he cannot be said to be a very successful man in his profession, and therefore he is not entitled to the franchise.

The Honourable Ráo Sáheb MANDLIK :—In the Bombay Municipal Act Fellows of the University have been specially put in by Government as among the classes to be elected.

The Honourable the Acting ADVOCATE GENERAL :—As a member of the legal profession, I suppose I ought to support the Honourable Mr. Badrudin's amendment. But I am afraid, from the example of other countries, that there will be too great a tendency on the part of this profession to seek the position as a step towards professional success. On the whole, I must say that I am not inclined to support the amendment.

His Excellency the PRESIDENT :—The interest of Graduates, however respectable they may be, can only be theoretical and speculative, and not practical, as the interest of property-holders. The Honorary Magistrate is a gentleman of personal weight, who is selected by

Government to supply a want in districts where there is not a sufficient number of paid Magistrates. They have generally a stake in the property of the district where they reside, and it is desirable, therefore, to allow them the right of election at the local boards. On the other hand, a Fellow of the University of Bombay has only a local habitation and a name, possessing very little practical interest in the administration of the local funds. It appears to me a little fantastic that Fellows of the University of Bombay should have the right as such of being eligible for election as members of Táluka Boards.

The amendment was lost.

The Honourable Ráo Sáheb MANDLIK :—I propose to add after the words "Honorary Magistrates" the words "and Fellows of the University of Bombay." I may say that this class of people will be very useful as members of the rural boards. In the history of the Bombay Municipality, there is the notable example of Mr. Curry, who was elected in virtue of his being a Fellow of the University and who as Chairman of the Town Council discharged his onerous duties to the entire satisfaction of everybody. We know some Honorary Magistrates who can with great propriety be elected members of these boards, but not all. And it must be borne in mind that Fellows of the University are supposed to have passed through a double ordeal. They are appointed by Government in the first instance; and their career is closely watched, and they are among the best qualified to be admitted to the right.

The Honourable Mr. GONNE :—I am of opinion that the distinction proposed to be granted is an artificial one. We might as well grant the franchise to a C.S.I., a C.I.E., or any other person having a ticketed distinction.

The amendment was lost.

The Honourable Sir JEMSETJEE JEEJEEBHOY :—May I ask why in section 11, clause (h), salaried servants of Government are excluded from the provision that any one who is absent for more than four consecutive months from the limits of the district in which the board is established shall cease to be a member.

His Excellency the PRESIDENT :—The reason is that a salaried servant of Government may be obliged to be absent for several successive months in the discharge of his official duties, and it would not be advisable that he should cease to be a member on that account.

The Honourable Ráo Sáheb MANDLIK :—I think that the provision in regard to the absence of a member for more than four consecutive months from the limit of his district should be made applicable to all, without distinction, whether they are salaried servants of Government or not. If a member of the Syndicate is absent for a certain space of time, his office becomes vacant. If any member of the Bombay Municipal Corporation is absent for more than three consecutive months, he loses his seat; and I see no reason why the same principle should not be adopted in the case of local boards.

His Excellency the PRESIDENT :—But this clause will chiefly apply to District Officers, whose duties will often take them for a long time beyond the limits of the district in which a board is established, and it would be very injudicious to deprive them of their seats for this reason.

The Honourable Ráo Sáheb MANDLIK :—But here those members alone will lose their seats who will be absent for more than four consecutive months from the limits of the district. Now, I imagine that a District Officer will generally remain within his district.

His Excellency the PRESIDENT :—It is quite right that an official should lose his seat if he goes on leave for more than four months. But it would be very hard that he should be made to forfeit his office at the board, simply because his duties compel him to be absent for some months.

The Honourable Mr. PEILE :—An Educational Inspector or a Sanitary Commissioner will have to go outside the limits of a district in the discharge of his duties, and it is not desirable that they should be therefore made to forfeit their office as members of the boards.

The Honourable Ráo Sáheb MANDLIK :—Ordinarily all members of the board must be supposed to be within the limits of their district.

It was then resolved to omit the following words from section 11, clause (h):—"not being a salaried servant of Government."

The Honourable RÁO SÁHEB MANDLIK :—May I ask why we should exclude females from their right as voters, if they possess the necessary qualifications? If we grant the franchise to women, it would simply be in accordance with the policy of admitting them to University examinations and degrees.

The Honourable Mr. PEILE :—I think that in the Bombay Municipal Act women are not disqualified from voting.

The Honourable RÁO SÁHEB MANDLIK :—I believe that females were allowed to vote at the last municipal election. The matter was very warmly discussed at the Corporation, and it was the general opinion that women ought to be admitted to votes, if they were qualified.

His Excellency the PRESIDENT :—I suppose the Honourable Member has raised the question of the eligibility of women for voting, and not for election?

The Honourable RÁO SÁHEB MANDLIK :—No, Your Excellency, not for election.

His Excellency the PRESIDENT :—Well, females have votes in Bombay. At the late city elections, they exercised this privilege, and I was told that sixty per cent. of them actually voted. I hope that they did as they were told.

The Honourable Mr. RAVENSCROFT :—Females have votes in England, and I do not see why they should not have them here.

The section was amended by the omission of the words "female and no."

The Honourable Sir JAMSETJEE JEEJEEBHOY :—I would suggest that in section 25 the words "District Board" should be substituted for "District Judge," as the party to whom election appeals should be preferred for decision.

His Excellency the PRESIDENT :—It is always better to have some outsider as a judge in cases of disputed elections. In England, when the validity of the election of a member of Parliament is brought in question, there is the Election Judge to decide the dispute.

The Honourable Mr. RAVENSCROFT :—In Bombay the Chief Presidency Magistrate is empowered to hear appeals in cases of disputed elections.

The section was allowed to stand as it was.

The Honourable BADRUDIN TYABJI :—I observe that in the first part of section 30 certain duties of the local boards with respect to the areas subject to their authority are made obligatory, while in the second part of the section there are other matters which are left entirely to the discretion of the boards. It is not desirable that the power of the local boards of spending money outside their local area should be made compulsory. It should be left entirely to their option. I, therefore, propose that distinct words to that effect should be inserted in this section.

The Honourable Mr. PEILE :—I think the Honourable Member is under some misunderstanding. Under Section 30 it is the duty of local boards to make adequate provision in certain matters for the areas subject to their authority, and if in doing this it is necessary to spend money out of that area, the local board is allowed by Section 43 to do this with the sanction of Government, which is imposed as a check. But a local board is not compelled to expend money outside that area, nor can it do so voluntarily otherwise than for the use and benefit of that area.

His Excellency the PRESIDENT :—It may sometimes be necessary in the interests of the local boards to spend money outside their own boundaries, which they will be unable to do if the Honourable Mr. Badrudin's amendment were carried.

The Honourable the Acting ADVOCATE GENERAL :—I do not think it will make the least difference, whether such words as those suggested by the honourable member are there or not.

The amendment was lost.

The Honourable the Acting ADVOCATE GENERAL :—I doubt whether in section 31, which relates to the conduct of business, it is advisable to provide that a quorum of members should be secured in the case of every meeting. I believe that in the case of the Bombay Municipality there is a provision in force, by which, if a quorum cannot be secured at one meeting, no quorum is necessary at the next. I think that it is only with the aid of this section that the business of the Bombay Municipal Corporation is got on with at all.

The Honourable Ráo Sáheb MANDLIK:—There is a provision in the Bombay Municipal Act that if a meeting is adjourned for want of a quorum, no quorum is required at the next.

His Excellency the PRESIDENT:—It is very possible that there would be a difficulty in getting a quorum of one-third of the members at every meeting of the local boards.

The Honourable Ráo Sáheb MANDLIK:—I would rather insist at least, so long as the boards are in their infancy, that there should be a quorum present at every meeting. If we omit the provision regarding a quorum from this Bill, I fear the entire work of a board will practically fall into the hands of one or two energetic members. I think that in Bombay it is rather on account of bad management that the Corporation has at times to adjourn without a quorum. I am of opinion that in a properly managed Municipality no quorum difficulty would arise from time to time.

His Excellency the PRESIDENT:—I am afraid there would often be no quorum present at the meetings of these boards, seeing that no member is to receive any money for expenses or fees, in consideration of his services.

The section was allowed to stand in its original form.

The Honourable Mr. PEILE:—I move that in section 33, paragraph 3, lines 25, 26, 27 for the words "one-fourth of the members require a special meeting to be convened under clause (1) of section 31," the following words be substituted:—"a special meeting is convened to consider the proposition under clause 1, or clause 8, of section 31."

The amendment was carried.

The Honourable Mr. PEILE:—I have an amendment to move in section 43. Section 43 sets forth the portions of the local fund which will be expended under the direction of the Táluka and the District Local Boards respectively. In the assets of the District Local Fund there was originally included the surplus accruing in the district under section 8 of the Cattle Trespass Act of 1871. But this was struck out, because the local Government had not under that Act the power of dealing thus with the surplus. A new Act has since been passed by the Government of India—Act XVIII. of 1883—to amend the Cattle Trespass Act of 1871, and section 1 (b) of this Act empowers the Local Government to direct that the whole or any part of the surplus accruing in any district may be placed to the credit of a local fund. Now it is desirable that, as originally intended, the part of any surplus so credited which accrues within the area subject to the authority of a Táluka Board should be appropriated by law for expenditure by that board and not by the District Local Board. So I propose to amend head (a), (3), of section 43 by reading: "(3) the portion accruing within the area subject to the authority of the Táluka Local Board of any sums which may be placed by Government to the credit of the Local Fund of the district under section 1 (b) of Act XVIII. of 1883." The object of the amendment is merely to make it clear that these monies will be an asset of the Táluka Board and not of the District Board.

The amendment was carried.

The Honourable Mr. PEILE:—I move that in section 44, clause (e), lines 21, 22 and 23, for the words "on the business of the local boards of the district," the following words be substituted:—"or elsewhere on the business of the local boards of the district, and of the incidental expenses, if any, incurred by Government or any of the officers of Government in the district for any of the purposes of this Act."

The amendment was agreed to.

The Honourable Mr. BADRUDIN TYABJI:—I move that in section 55, clause (b), the figures "500" be substituted for "50" and "2,500" for "500". The section, as originally drafted, provided that no budget estimate of a local board shall be approved or sanctioned, unless for every work there was attached to the budget estimate a detailed estimate of the cost of such work, which had been approved by the board, and for which in the case of a road of which the cost was to exceed on an average Rs. 500 per mile, or of any other work of which the total cost was to exceed Rs. 2,500 plans and estimates had been prepared or approved by the Government Executive Engineer. It seems to me that in the section, as it stands amended at present, the committee have gone too far. I cannot conceive any road being made to cost less than Rs. 50 per mile, nor can I conceive what work can be done for Rs. 500. Even a small dharmshála would cost more; so it practically comes to this, that every work will have to be referred to the local Executive Engineer. I can

see very good reasons why the local board should have a right of referring such question to the Executive Engineer, but I do object to the boards being compelled to refer every trifling matter to this officer.

The Honourable Mr. PEILE:—It is quite true that the change was made by the Select Committee, but it was done by the advice of a Committee of officers of the greatest experience and according to the professional opinion of my Honourable friend Major-General Merriman. It must be noted that, according to the section as amended, plans and estimates need not be prepared by the Executive Engineer, but may either be prepared or merely approved by him. My own experience is that it is very dangerous to allow amateur engineering even on a small scale. I believe the Honourable Major-General Merriman will explain the views of the Select Committee more fully.

The Honourable Major-General MERRIMAN:—In the first place, I have not been able to ascertain exactly how the figures came to be imported into the original draft; but I believe they were taken out of some budget rules and regulations which were framed under the Act of 1869. The objections which have been taken to an alteration of this section have been made, I fear, under a misapprehension of the facts; because in the Local Funds Act of 1869, the local funds committees were obliged to employ local fund engineers, officers of somewhat similar qualifications to the Government Executive Engineer. In the Bill now framed, the Government intend to give the services of a professional Executive Engineer gratis. It cannot, therefore, be supposed that any local board will be so foolish as not to avail itself of this officer's services to the fullest extent. The limit which has now been fixed in the Bill, with the approval of the majority of the Select Committee, was recommended by a large and influential committee of Government officers, and is here introduced with the view of ensuring the very best use being made of the local funds. The boards will be able to undertake small works without professional advice, and I think that is quite sufficient. As regards the reduction of the mileage rate for roads from Rs. 500 to Rs. 50, I may say that after an experience of over thirty years in this presidency of the method of constructing roads, I am of opinion that the limit which has been fixed is a good one. The lower sums have been put down simply in the interests of the local authorities themselves.

The Honourable Ráo Sáheb MANDLIK:—I beg to support the Honourable Mr. Badrudin's amendment. I wish the engineers in Bombay could give us roads at Rs. 50 per mile. It would be a very artificial course, if we were to invite the services of gentlemen on whom we are to a certain extent to rely, and then to tie them down to a narrow limit.

The amendment was lost.

The Honourable Mr. PEILE:—I move that the following new section be inserted as section 70 A after section 70:—"70-A.—No action shall be commenced against any local board, or against any officer or servant of a local board, or any person acting under the orders of a local board, for anything done, or purporting to have been done, in pursuance of this Act, without giving to such local board, officer, servant, or person one month's previous notice in writing of the intended action and of the cause thereof, nor after three months from the date of the act complained of;

and in the case of any such action for damages, if tender of sufficient amends shall have been made before the action was brought, the plaintiff shall not recover more than the amount so tendered and shall pay all costs incurred by the defendant after such tender."

The amendment was carried.

His Excellency the PRESIDENT then adjourned the Council until Monday the 14th January, at 4 P.M.

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

C. G. W. MACPHERSON,  
Under Secretary to Government.

*Bombay Castle, 9th January 1884.*

The following Extract from the Proceedings of the Government 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 Bombay on Monday the 14th January 1884, at 4 P.M.

*PRESENT:*

His Excellency the Right Honourable Sir JAMES FERGUSSON, Bart., K.C.M.G., C.I.E., Governor of Bombay, *Presiding.*

The Honourable R. W. RAVENSCROFT, C.S.I.

The Honourable J. B. PEILE, C.S.I.

The Honourable the ACTING ADVOCATE-GENERAL.

The Honourable Major-General C. J. MERRIMAN, C.S.I., R.E.

The Honourable Sir JAMSETJEE JEEJEEBHOY, Bart.

The Honourable W. M. MACAULAY.

The Honourable BADRUDIN TYABJI.

The Honourable RA' O BAH' DUR KHANDERAO VISHVANATH RASTE.

The Honourable Mr. PEILE, in moving that Bill No. 3 of 1883, entitled "The Bombay Local Boards Bill," be read a third time, said :—I have nothing to add to what I have already said. I believe the Bill is a good Bill, giving effect to the intentions of the Government of India in a judicious way and carrying forward the local policy of 1869. The Bill is now in the hands of Honourable Members as amended at our last meeting, and I have only to ask the Council to adopt one slight verbal alteration.

Mr. Peile moves the third reading of the Bombay Local Boards Bill.

The Honourable the ACTING ADVOCATE GENERAL :—There are a few words in section 37 mentioned to the Honourable member in charge on the last occasion to which I should like to draw the attention of the Council. The last words in the section read as follows—"and may be sued for recovery of the monies so misapplied as if for monies due to the Government." After the word "misapplied" in the last line but one I propose to omit the words "as if for monies due to the Government" and substitute "as if such monies had been the property of Government."

The amendment was adopted.

The Honourable Mr. PEILE :—In line 52, section 44, clause (g), I propose to take out the words "contributed to the fund by the Government, or" and to substitute the following words :—"placed by Government to the credit of the fund under section 1 (b) of Act XVIII. of 1883, or otherwise, or contributed."

The amendment was carried.

On the motion of the Honourable Mr. PEILE :—Clauses (2) and (3) of section 45 were transposed, and the following verbal alterations were made in clauses (2) and (3) of the section as they now stood :—In clause (2) the word "such" was substituted for the words "the taluka local" and the words "local" and "of the district" were struck out. In clause (3) :—For the words "sums contributed" the words "other sums placed to the credit of the fund" were substituted, and in line 12 after the word "or" the word "contributed" was inserted so as to make it read thus—"or contributed by private persons."

Bill read a third time and passed.

The Bill was then read a third time and passed.

His Excellency the PRESIDENT then adjourned the Council to Wednesday the 6th of February 1884, at 12 noon.

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

C. G. W. MACPHERSON,

Under Secretary to Government.

*Bombay Castle, 14th January 1884.*