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

PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

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

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

The Council met at the Town Hall, Bombay, on Monday the 4th February 1895, at 3 P.M.

P R E S E N T :

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

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

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

The Honourable the ADVOCATE GENERAL.

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

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

The Honourable Mr. W. R. MACDONELL.

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

The Honourable Mr. A. T. SHUTTLEWORTH.

The Honourable Mr. GANPATRAO DAMODAR PANSE.

The Honourable Mr. VISHNU RAGHUNATH NATU, B.A., LL.B.

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

The Honourable Mr. CHIMANLAL HARILAL SETALVAD, B.A., LL.B.

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

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

The Honourable Mr. JAVERILAL UMIASHANKAR YAJNIK.

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

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

The Honourable Mr. G. W. VIDAL, I. C. S.

The Honourable Ráo Bahádur RANCHODLAL CHOTALAL, C.I.E.

QUESTIONS AND ANSWERS

The Honourable Khán Bahádúr A. D. HASAN ALI BEY EFFENDI put question No. 1 standing in his name—

(a) *Are Government aware that, with the exception of the higher appointments, most of the subordinate posts are filled through the influence of those whom the supervising officers trust, with the result that in almost every district certain classes monopolise the services?*

(b) *Is His Excellency in Council aware that those who practically hold such monopolies strive to exclude and oust the Mahomedans and other classes from the service of Government? If so, what steps have been taken by Government or contemplated to be taken, with a view to redress this grievance?*

(c) *Do not Government consider that an effective means of remedying this evil would be to restrict the employment of particular castes to a certain fair proportion of the total number of appointments available in each Department so as to make adequate room for others with due regard to the requirements of the Services and to the interests of all classes of Her Majesty's subjects?*

The Honourable Mr. TREVOR in reply said—

(a) Government are aware that there is a tendency in some districts towards the acquisition of a disproportionate share of posts in the subordinate service by particular classes. To counteract this tendency there are standing orders enjoining on the Commissioners the necessity of breaking up family cliques and of introducing employes of other castes or classes in districts where there is a predominance of any particular caste or class.

(b) Government fully recognise the necessity of redressing any inequalities which may exist in the distribution of offices, and in accordance with this policy, appointments of Mahomedans and members of backward classes are from time to time made. Officers who make appointments to the lower grades of the public service are expected to show no partiality in favour of or against any section of the community.

(c) It would not, however, be desirable or practicable under existing conditions to restrict the employment of particular castes to a certain fair proportion of the total number of appointments available in each Department. Much must necessarily depend on the numbers of qualified candidates of different castes who seek employment. There must, for instance, be a sufficient number of qualified Mahomedan candidates to choose from before any particular proportion of appointments can be reserved for Mahomedans.

The Honourable Khán Bahádúr EFFENDI then put question No. 2—

Do the Government realise the importance of the principle recently enunciated by the Secretary of State for India in disposing of the simultaneous examination question, that the claims of the different races to Government service did not wholly depend on the passing of certain formal examinations but on other considerations also? If so, what measures do they contemplate to give effect to it?

The Honourable Mr. TREVOR in reply said—

The importance of the principle referred to is fully recognised by Government and due weight will be given to it in the rules for the recruitment of the Provincial Service.

The Honourable Khán Bahádúr EFFENDI then put question No. 3—

Is His Excellency in Council aware that while Mahomedans have been appointed Presidency Magistrates both in Calcutta and Madras, no such appointment has yet been made in this Presidency though qualified Mahomedans are available? Does not His Excellency deem it desirable to have a Mahomedan on the Bombay Bench?

His Excellency the PRESIDENT in reply said—

It is impossible to lay down any fixed rules as to the appointments of Presidency Magistrates in the direction suggested by the honourable member's question, but the claims of any qualified Mahomedan candidate would receive precisely the same consideration as those of a candidate belonging to any other section of the community. The honourable member appears to have forgotten that a Mahomedan acted as Fourth Presidency Magistrate in 1893.

The Honourable Mr. CHIMANLAL HARILAL SETALVAD then put question No. 1 standing in his name—

How many Deputy Collectors have been at the same station, or holding the same office for more than five, ten, fifteen, and twenty years respectively? Is there a rule in the Judicial Department that the period for which a Subordinate Judge can be kept at the same station is not to exceed five years? Have Government considered the advisability of providing a similar rule in the case of Deputy Collectors?

The Honourable Mr. TREVOR in reply said—Out of the 63 officers graded as Deputy Collectors in the Bombay Presidency, including Sind, one has been more than fifteen, four more than ten, and twelve more than five years at the same station. There is no rule in the Judicial Department that Subordinate Judges should not be kept more than five years at the same station, but it is a well recognised practice for the High Court to recommend transfers of Subordinate Judges who have been for five years in charge of their Courts, and such recommendations are accepted by Government. It does not appear to Government to be necessary to lay down any rule on the subject in the case of Deputy Collectors. The question is one which Government should be free to deal with as may seem best, having regard to the circumstances, and to the duties on which the officers concerned are employed, which are not, as in the case of Subordinate Judges, all of the same character.

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

(a) Is it true that in carrying out the views expressed in Government Resolution, Legislative Department, No. 130 of 5th June 1894, about raising the salaries of trained teachers, several primary schools have been abolished? If so, what principles were followed in determining the schools to be thus abolished, and what were the reasons for such abolition? For how many years were the schools thus abolished in existence, and what was the average number of pupils attending each such school?

(b) Does the Provincial grant to District Local Boards now equal one-half of the local assets or one-third of the gross expenditure (the limit promised in Government Resolutions, Educational Department, No. 1204 of 15th July 1884, and No. 1938 of 1885)? If not, by what amount does it fall short of that limit? Will Government be pleased to make up the deficiency in order to allow of the re-opening of the schools abolished as stated above?

His Excellency the PRESIDENT in reply said—(a) No. What has probably produced the impression underlying the honourable member's question is that whenever increased grants are given, the Director of Public Instruction reviews existing expenditure with the view of employing more trained men and of paying them the salaries fixed in the Code. On receipt of the sanction to increased grants in 1894-95 this review was, as usual, undertaken and the Educational Inspectors directed to report all schools to the Taluka Boards, by which authorities schools are opened and closed, which did not show an average attendance sufficient to justify the expenditure on them. A good many schools are, no doubt, closed as a result of such enquiry, others being extended and improved. A complete list giving the information requested by the honourable member has been called for. Even if the Director of Public Instruction had unlimited funds, he would not keep up schools which the villagers refuse to use.

(b) The grant is not yet up to $\frac{1}{3}$ rd of gross expenditure. The deficit was in 1891 reported to be Rs. 1,22,801. That deficit has been gradually wiped out by the provision of increased allotments in successive budgets, and the full grant asked for in 1891 is provided in the Budget for 1895-96. Meantime, however, the local assets have increased, and the amount now budgetted leaves, on the basis of the figures for 1893-94, a deficit of Rs. 18,000 in round figures, under the standard to which Government hope gradually to attain. Government cannot at present increase the grant, and, even if they could, the money would not be utilized in re-opening immediately schools which the inhabitants of particular villages have shown, by neglect, that they do not appreciate.

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

Have Government made any inquiries with a view to ascertain how far the rules framed by them in 1888 under Act VIII of 1870 (Bombay Government Gazette, Part I, page 76) have succeeded in checking infanticide in the Lewa Kunbis of the Kaira District, and, if so, with what result? If no such enquiry has been made, will Government be pleased to make such an enquiry? What is the total number of cases up to now in which breaches of the said rules were detected and punished?

The Honourable Mr. BIRDWOOD in reply said—Government have made no inquiry of the nature mentioned and no information on the subject is contained in the reports received regarding the working of the rules, which relate to the regulation and limitation of marriage expenses among the Lewa Kunbis. Statistics have not been furnished showing the total number of cases up to date in which breaches of the rules have been detected and punished. The Commissioner, Northern Division, has now been asked to furnish a report supplying information on these points.

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

How far have the views expressed by Government in the following extracts been carried out? In how many High Schools has provision been made for the teaching of "some manual industry"? How many Science scholarships have been established for each of the High Schools, and what rules have been framed regarding these scholarships and the offer of honoraria for popular scientific and industrial lectures? How far was the holding of evening classes in drawing for artisans attempted, and with what success? In how many primary schools, either belonging to Government, Local Boards or Municipalities, has provision been made for "training in some handicraft and in the rudiments of Agricultural Science" and for developing the "constructive faculties" of children by means of "elementary wood-work and card-board designs"? :—

"His Excellency the Governor in Council desires that full effect should be given to the views expressed by the Director of Public Instruction at the close of his paragraph 7, and that in the Government High Schools further advance should be made in the direction of technical education. In addition to the drawing already taught, His Excellency in Council would be glad if facilities could be given to any pupils desiring it to learn some manual industry."—(Paragraph 7, Government Resolution, Educational Department, No. 1938 of 1885, page CVIII of the Report of the Director of Public Instruction for 1884-85.)

"His Excellency in Council must here insist upon the same element of practical instruction being introduced, as far as possible, in municipal and rural schools, which was above demanded in the case of Training Colleges and Secondary Schools. In schools under teachers trained as directed, and as far as may be in others, everything should be done to encourage elementary training in some handicraft and in the rudiments of Agricultural Science. It is only on the understanding that provision is made for such practical instruction that His Excellency in Council consents to add the sums of one lakh and of Rs. 28,000 as above approved to the subsidy for district primary schools and for the extension of aid to private effort in rural areas."—(Paragraph 29, Government Resolution, Educational Department, No. 1938 of 1885, page CVIII of the Report of the Director of Public Instruction for 1884-85.)

"All Government High Schools have for some years past been supplied with scientific apparatus for the teaching of elementary physics and chemistry to the senior pupils. His Excellency in Council is of opinion that this instruction has been useful so far as it extended, but that the time has now arrived for a thorough re-organization of the science instruction in High Schools with a view to secure the following objects:—(a) to make it both more thorough and more practical, (b) to secure a nucleus of real scientific work, sound as far as it goes in every High School, so as to discover the boys who have a special aptitude in that direction and pass them on to the Science and Arts Colleges. These objects, Government considers, can best be attained by the appointment of a competent instructor in science to the staff of every High School, by the allotment of a certain number of scholarships, the minimum being two, for proficiency in Natural Science, and by making it the duty of the Science Teacher to instruct the scholarship holders and other pupils specially studying science in the practical manipulation of the apparatus. The Director of Public Instruction should draw up rules to give effect to this principle and the Educational Inspectors should be instructed, in reporting on High Schools, to devote a special paragraph in their reports to the state of the Science instruction, the proficiency of the senior scholars and senior pupils studying Science, and to the condition of the scientific apparatus. His Excellency in Council is also desirous that the scientific apparatus, which has been supplied at public cost, should, under suitable conditions, be made available for public instruction by means of popular lectures. The Director of Public Instruction should make arrangement for the offer of honoraria to competent science lecturers, whether teachers in Government service or otherwise, who are prepared with courses of lectures on scientific and agricultural subjects, and specially on such as have a practical bearing upon any art or industry carried on in the particular neighbourhood. The lecture room and apparatus of the High School and the assistance of the Science Teacher of the High School should be placed at the disposal of the lecturer. A syllabus of the proposed course of lectures should in all cases be submitted for the previous approval of the Director of Public Instruction."—(Paragraph 14 of Government Resolution, Educational Department, No. 3-E. of 1886, page XLVIII of the Report of the Director of Public Instruction for 1885-86.)

"With regard to the subject of drawing in High Schools the recent rules already referred to should be followed as far as they are applicable, but in addition His Excellency in Council directs that in every High School the teacher of drawing shall hold one class either in the morning

or the evening out of ordinary school hours for the instruction of persons already engaged in arts or manufactures who may wish to improve themselves in drawing. In the absence of trial it is difficult to say what response may be expected on the part of the native artisan class, and Government would, therefore, wish that in the first instance the instruction to this class should be offered gratuitously. Schoolmasters and teachers in adjacent schools should also be admitted to this class with a view that they may qualify themselves for teaching elementary drawing in their schools."—(Paragraph 15 of the above Resolution.)

"In primary education by selection of books referring to natural objects, to facts and principles of agriculture by object lessons, by elementary wood-work and card-board designs, the pupils should have their constructive faculties developed. At the Training Colleges this factor of elementary teaching should be, as well as drawing, carefully kept in view by the Educational Department."—(Paragraph 17 of the above Resolution.)

His Excellency the PRESIDENT in reply said—The honourable member's question was referred to the Director of Public Instruction for report, and I beg to lay the reply of that officer on the Table.

As regards the several questions put by the honourable member, I take leave to point out that the submission of a number of extracts from old orders regardless of subsequent orders affecting the first, and then basing on them a general question as to the progress made in the directions indicated by them, is a form of interpellation which is not very convenient, as without a very long and explanatory reply it is difficult to give actual facts.

I can only take the further sub-questions of the honourable member as showing the information which he desires to have, and answer them so far as I can.

Up to the present time no provision worthy of the name has been made in Government High Schools for the teaching of "some manual industry." Such funds as have been available for objects of this nature have been devoted to extending and putting on a sound footing the teaching of drawing.

Proposals were last year received for establishing workshops such as exist in the American Mission School at Ahmednagar in Government High Schools. but the matter is still under consideration. The measure is admittedly desirable, but it is a question of ways and means, and we have hardly yet succeeded in making provision for what the Director considers necessary to make the High Schools thoroughly efficient for their main object. The honourable member must remember that all the extracts he quotes are of a date anterior to that of the Government of India Finance Commission.

Nothing has been done in this direction. Since the orders quoted in the extracts issued, Government saw reason to entirely alter the whole system of scholarships at a considerable increase of expense, and the new scheme has lately been extended. With the many calls on Government for pressing wants of their own schools, it has not been possible to find money for honoraria for popular lectures?

The holding of special classes in drawing for artisans has been tried, but has succeeded only in Násik, where the large brass industry seems to have supplied artisans willing to learn. Elsewhere these classes have failed for lack of attendance. These classes are, however, not usually evening classes, it not being found practicable to employ the Science teachers on evening work, after a fair day's labour in the school. The night classes of the Victoria Jubilee Technical Institute have, however, been fairly successful.

In the curriculum for primary schools which was revised in 1887, prominence is given in the standards for infant classes to appliances, such as colour and form boxes and arithmeticons, and the foot-note to page 3 of the Grant-in-Aid Code gives School Managers power to alter the curriculum in consultation with the Government Department so as to meet local requirements. The Science lessons in the Marátha series of reading books were recently revised at Government expense by a well known graduate in Science of Poona. and the Sindhi and Kánarese series have also been revised by the best scholars, Native

and European, who could be obtained. Drawing is being taken up, and as regards manual training in primary schools, rules have been made to encourage local efforts at all the advanced schools belong to Municipalities. The special rules sanctioned in 1887 offered a grant from Provincial revenues equal to $\frac{1}{3}$ rd of the cost of apparatus and teachers to schools of industry, but since 1890 the limit of $\frac{1}{3}$ rd has been raised to $\frac{1}{2}$, and a further step was taken by Government Notification No. 2585 of 6th December 1894, which allows any teacher holding the final certificate of any course taught in the College of Science, the School of Art, the Sind College or the Victoria Jubilee Technical Institute to be placed by a Municipality on the list of teachers entitled to pension. With regard to the number of primary schools where manual training is given, I refer the honourable member to Chapter VI of the Annual Report of the Director of Public Instruction for 1893-94 and to subsidiary form No. 6 appended thereto. Most of the 17 industrial schools shown in the form, with 1,266 pupils, are primary schools, besides 26 ordinary primary schools, with 1,489 pupils. There is one school in Sind where instruction in agriculture is given. Valuable books on agriculture have not yet been acquired, but the Government of the Central Provinces has under consideration a plan to combine some of our Maráthi readers with lessons drawn up by their Agricultural Department, and pictorial lesson sheets giving information useful to cultivators are being supplied to every school. For any further information on the subject I must refer the honourable member to the report of the Director of Public Instruction, which is amongst the papers presented to the Council.

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

Before issuing the proclamation of 28th of August 1894, regulating Hindu and Mahomedan religious processions in Wáí under Section 44 of Bombay Act IV of 1890, what enquiries did the District Magistrate of Sátára make to ascertain "the apparent legal rights" and "the established practice" of the parties?

The Honourable Mr. BIRDWOOD in reply said—Government have instituted inquiries on the subject; and the information, which has not yet been received, will be furnished to the Council at the next Meeting.

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

Are Government aware that the Police have since February 1894 prohibited the managers of Pirmajshah's Roja and Padshah's Hajira (Mosques held in great veneration by Mahomedans) in the City of Ahmedabad from beating drums at midnight, that this beating of drums at midnight (called the midnight Choghadia) used to be done in those mosques from time immemorial, and that the managers complained to the Collector and Commissioner, N. D., about the order of the Police, but they declined to interfere in the matter, and what are the reasons for this prohibition? Are Government also aware that the High Court have recently ruled that Bombay Act IV of 1890 does not authorise the Police to prohibit music in private buildings and will they be pleased to communicate this decision to the Chief Police Officers in order to prevent vexatious domiciliary interference in future?

The Honourable Mr. BIRDWOOD in reply said—Government have no information on the subject referred to in the first part of the question. The High Court ruling referred to in the second part of the question will in the ordinary course be communicated to all District Superintendents of Police by the Registrar of Her Majesty's High Court of Judicature.

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

Has the attention of Government been called to the fact of the following letter under the signature of the Collector and President of the Surat Municipality having been distributed broadcast among the people of Surat in view of the ensuing Municipal election in that City? Is it not a fact that there are at present and there have always been in the past members on the Board of the Surat Municipality not knowing English, and that they do and have taken part in the discussion, and that this is sufficiently known to the public from the reports of Municipal Meetings? If so, what were the reasons for issuing on this particular occasion this manifesto? Do Government think it is in the best interests of local self-government that a Collector-President should issue a manifesto of this nature on the eve of Municipal elections:—

(Translation from Gujaráti.)

TO THE SECRETARY, SURAT MUNICIPALITY.

It is said in some quarters that only members knowing English are able to take part in Municipal business and therefore only English-speaking gentlemen should be elected. It is my desire that adequate steps should be taken to make people well understand that this is not correct. If any member wishes to speak in Gujaráti in a meeting, he is heard with pleasure. If something is said in English and if a member is not able to understand it, the matter is, if he so desires, explained to him in Gujaráti. We want people who pass their whole lives among their people, who are acquainted with matters relating to the trade of the City and who understand how to assist trade, who know the wants of the people, and who have the talents to understand how to meet those wants. There is not the least harm if these people know or do not know English.

(Signed) F. S. P. LELY,
President, Surat City Municipality.

9th January 1895.

This is published for the information of the public by the order of the Managing Committee.

(Signed) NANUMIAYAN B. SHAIKH,
Secretary, Surat City Municipality.

15th January 1895.

The Honourable Mr. BIRDWOOD in reply said—Government were not aware that a letter of the nature described had been addressed by the President of the Surat Municipality to the Secretary of the Surat Municipality. Now that it has been brought to their notice they consider it to be a sensible and judicious communication which can in no sense be regarded as an official manifesto designed or calculated to influence the votes of the electors in favour of any particular candidates. On the other points mentioned, Government do not deem it necessary to call for report.

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

Before effecting the service commutation settlement in the case of the District Hereditary Officers in the Ratnágiri District in the year 1887-88, was their consent in writing obtained as contemplated by Section 15 of Bombay Act III of 1874? Is it a fact that they from time to time protested against such a commutation? If so, what were the reasons on which Government felt themselves justified in effecting the settlement in spite of such protests?

The Honourable Mr. TREVOR in reply said—The consent of the District Hereditary Officers in the Ratnágiri Collectorate to the service commutation settlement in their case was not obtained before that settlement was carried out. Government were advised that such consent was not legally essential. The officers in question protested against that settlement being made. Full consideration was given to their representations, and Government decided that in the interests of the public and of the administration of the district, commutation should be enforced, and orders were issued accordingly. The District Hereditary Officers appealed to the Government of India, who, on a perusal of all the papers, including the report by this Government and the opinions of the Advocate-General and the Remembrancer of Legal Affairs, held that the Watandárs had been generously treated, and that there was no reason to doubt that the settlement was legal, necessary, and liberally conceived, and that no interference with the orders of the Bombay Government was necessary, and desired that the District Hereditary Officers should be informed accordingly.

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

(a) *Has the attention of Government been called to four letters over the signature of Mr. P. B. Dantra in the issues of the Times of India of 13th August, 7th, 18th, 26th and 29th September 1894, respectively, about the remission of Rs. 1,50,000 given to the country spirit farmer of the Khándesh District in the year 1892-93? How far do Government think the statements therein made that the said farmer must have made a profit of over ten lákhs of rupees on the farm in question, and that the deficiency duty comes to only a little over three lákhs and not four lákhs from 1st January 1888 to 1892-93, true?*

- (b) *If the farmer made such a large profit, what are the reasons for saying that but for the remission given he would have made a "serious loss"?*
- (c) *Is it not a fact that since the year 1883 revised arrangements have been introduced by which both the Government and the bidders have the advantage of ascertaining exactly the liquor consumption of each taluka and of knowing the real worth of each farm (vide paragraph 70, Report on Abkari Administration for the year 1884-85), and that in the notice inviting tenders for the Khândesh farm for two years and seven months from January 1888, a statement showing the quantity of spirit consumed and duty realized for the previous three years was given? If so, what are the reasons for Government saying that there was absence of any reliable data as to the consumption of the district?*
- (d) *What are the reasons for giving the farmer in question the farm for Khândesh, Dings, and Mewás for a period of three years and seven months for Rs. 7,92,629 when the tenders invited were only for Khândesh and only for a period of two years and seven months?*
- (e) *Is it a fact that soon after January 1888 the contract with the said farmer was so far modified that the minimum guarantee was not enforced for a period of one year and at the end of that year, i. e. in January 1889, a further contract for three years and seven months was given to him for Rs. 6,31,706 per annum, and that in 1892 a further farm was given to him for Rs. 5,40,000 by private arrangement? Why were not tenders publicly invited on those two occasions, viz. in 1889 and 1892, when in 1887 one farmer had offered Rs. 7,50,000 (vide letter over the signature of Rastamji N. Kapadia in the Times of India of 29th November 1894)?*

The Honourable Mr. TREVOR in reply said—Government have noticed the letters to which the honourable member refers.

With regard to the profits of the farm, Government see no reason to regard the writer's estimate as in any way more reliable than their own. I may add that since the letters appeared the monthly distillery and other returns of receipts and expenditure in connection with the farm have been examined, and have been found to work out to a loss of over a lách and three-quarters for the three years and seven months from January 1889 to July 1892, on which the remission was granted.

The deficiency on the working of the original contract down to the end of July 1892 was estimated quite correctly, at over four láchs; but in taking that figure in my reply as the amount actually paid, I inadvertently overlooked the fact that, as stated in the report from which I took it, the contract was to be renewed, and that duty on spirit removed for the purposes of the new contract would go to reduce the amount to be paid up. The sum finally adjusted up to the end of July 1892 was a little over three láchs, as correctly stated in the letter. I regret that my former reply should have been inaccurate, but the mistake, for which I am personally and solely responsible, does not affect the grounds on which the remission was granted, and I may add that in the estimate of loss on the farm worked out, as I have said, from the distillery and other returns, only the deficiency actually adjusted has been allowed for.

It is a fact that, as stated in part (c) of the question, arrangements were introduced for recording the liquor consumption of each taluka under the out-still farming system then in force, and for the purposes of competition under that system, they had the effect ascribed to them in the honourable member's quotation. As an indication of what the legitimate consumption would be under the entirely different and much more restrictive system, coupled with the imposition of a heavy still-head duty, introduced from January 1888, the data they supplied proved to be not merely unreliable, but highly misleading, and led to the guarantee being fixed at first much higher than it would have been had there been, as in other districts, no data at all.

As regards head (d) the honourable member is perhaps not aware that it is largely due to the enterprise shown by Mr. Dubash as a pioneer in the introduction of unpopular abkari reforms that Government and the public owe the increase of the country liquor revenue from about 30 to about 80 láchs in the course of the last eighteen years, the accompanying increase in consumption since consumption has been recorded, being insignificant by comparison, and granting that he has served himself in serving Government, it is not surprising either that he should have acquired the special confidence of

the department, or that he should have made many jealous enemies. The reasons for giving Mr. Dubash the farm for the whole of Khandesh with the Dángs and Mewás for three years and seven months instead of on the terms offered to tenderers, were that none of the tenders sent in was found to be satisfactory; that the Commissioner of the day, Mr. Moore, thereon sent for Mr. Dubash and asked him if he would undertake the farm on terms based on the highest amount offered, *plus* an allowance for the estimated yield of the Mewás and Dángs, which the Commissioner was willing to entrust to Mr. Dubash though not to an untried man. Mr. Dubash agreed on condition that in view of the difficulty and expense attendant on the introduction of a new system into an unusually large and in parts very wild district like Khándesh, the term should be for three, instead of two, years and seven months. This seemed reasonable, and was accepted.

The facts referred to in head (e) are as stated by the honourable member. The first year's experience showed that the data on which the guarantee had been fixed were utterly fallacious, and this led to a reconsideration of the position, the suspension of the guarantee for a year and the renewal of the contract for a further term of three years and seven months, with the approval of Government, to whom the facts were fully reported, and by whom the possible alternatives of cancelling the contract and inviting fresh tenders, or holding Mr. Dubash to his bargain, were fully considered. Soon after Mr. Dubash made certain proposals regarding the concentration of manufacture at one distillery instead of three as originally contemplated, and the establishment of a carting agency, which he was prepared to carry out if he were promised a renewal of the farm for another three years after July 1892. The local authorities and the Commissioner supported his proposals as advantageous to Government and to the district, and recommended that they should be accepted without any pledge that the contract would be renewed on the existing terms, but on the understanding that if in 1892 Mr. Dubash should be prepared to take it again on such terms as the Commissioner might then consider suitable he should be allowed to do so. This was approved by Government, and it was in pursuance of the understanding in question that the farm was renewed by the Commissioner without inviting tenders on a guarantee fixed by the light of the experience gained. There is no reason whatever to suppose that the person who in 1887 made the tender of Rs. 7,50,000, to which the honourable member refers, would have been in any way better able to fulfil his contract than Mr. Dubash.

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

10 (a) *Is it a fact that in the Khándesh District since January 1888 the revenue that was formerly derived from toddy-trees has ceased? If so, for what reasons?*

(b) *What explanation has been given by the A'bkári Commissioner about the queries addressed to him by Government in the following extract:—*

"It is not clear on what principle the deficiency made up on account of still-head duty has been reckoned at Rs. 61,847 in paragraph 148, seeing that the minimum guarantee was fixed originally at Rs. 7,92,628 and subsequently at Rs. 6,31,756. The Commissioner should be asked to explain this and to state why no revenue from toddy was realised in this district in the year under review." (Government Resolution on the A'bkári Administration Report of 1888-89.)

The Honourable Mr. TREVOR in reply said—(a) It is the fact that since 1887-88 no revenue has been derived from toddy trees in the Khándesh District. During the five years ending 1886-87 the revenue from this source averaged only about Rs. 110 per annum. In 1887-88 it suddenly rose to Rs. 2,495, but as it was found that the new toddy shops opened in that year greatly interfered with the successful introduction of the Central Distillery system, and as there was no legitimate demand for toddy, the Collector with the approval of the Commissioner of A'bkári declined to license any toddy shops until it was proved to his satisfaction that a genuine demand for raw toddy existed. No toddy shops were accordingly licensed and no tapping licenses were granted.

(b) The explanation furnished by the Commissioner of A'bkári was as follows:—

"* * * In accordance with the sanction conveyed in Government Resolution No. 799, dated 31st January 1889, the country spirit farmer of the Khándesh District was freed from all liability on account of deficiency in the minimum guaranteed revenue for the first year of his contract, which commenced on 1st January 1888. He was required to pay only the amount of duty actually due on all spirit issued to him up to 31st December 1888, the reduced minimum guarantee of Rs. 6,31,756 taking effect from 1st January 1889. The amount of duty due and paid by the

farmer on the quantity of spirit issued to him from 1st August 1888 to 31st December 1888 amounted to Rs. 1,62,917-1-10. For the remaining seven months of the year 1888-89, that is from 1st January 1889 to 31st July 1889, the minimum guarantee was fixed at 7-12ths of the guarantee for a complete year, *viz.*, at Rs. 3,68,524-5-4, but as the amount of duty due on the spirit actually issued during that period amounted to Rs. 3,06,677-3-8 only, the farmer was made to pay in cash a sum of Rs. 61,847-1-8 on account of the deficiency."

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

Has the attention of Government been called to a letter published over the signature of Mr. P. B. Dantra in the "Times of India" of 17th December 1894 referring to certain orders issued by a Mámlatdár and Fauzdár prohibiting the sale of mhowra flowers to anyone else than the A'bkári Contractor? Has Government made any enquiries with a view to ascertain who the officers were, and to take such notices as they may deem proper of their conduct in the matter?

The Honourable Mr. TREVOR in reply said—No complaint or representation has been made to Government on the subject mentioned in Mr. Dántra's letter, and pending the receipt of any such complaint or representation, Government do not propose to institute any inquiry. The post-card, of which a translation was given in Mr. Dántra's letter, was written in April 1889, and therefore relates to something alleged to have occurred nearly six years ago.

The Honourable Mr. VISHNU RAGHUNATH NATU then put question No. 1 standing in his name :—

(a) *In pursuance of Government of India Resolution No. 22 (F.), dated 19th October 1894, does this Government intend to frame any new rules under the Forests Act? And if so, would Government be pleased to ascertain local grievances in each district?*

(b) *Is Government aware of the several applications made to local officials by the cultivators of garden lands in the villages of Bhartinhalli and others in Yellápur Táluka of the Kánara District, complaining of the existing forest rules? Would Government be pleased to investigate into the alleged grievances?*

The Honourable Mr. TREVOR in reply said—

(a) The question of the modifications to be effected in the administration of the State forests consequent on the orders contained in the Resolution of the Government of India, No. 22 (F.), dated 19th October 1894, is under the consideration of this Government, and reports which have been called for from the Commissioners, Collectors and Conservators are awaited. Due attention will be given to any representation of local grievances which may be received.

(b) The petitions of certain cultivators in the Yellápur Táluka concerning the forest rules have been received and are under consideration.

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

Has Government come to any final decision regarding the grievances of the Devgad Khots?

The Honourable Mr. TREVOR in reply said—The orders of Government on the petitions preferred by the Khots of the Devgad Táluka have been issued and communicated through the Collector to the petitioners.

The Honourable Mr. JAVERILAL UMIASHANKER YAJNIK then put question No. 1 standing in his name as follows :—

Will Government be pleased to give information applied for in my

(a) *Question No. 2 put at the Council Meeting of the 12th March 1894 about sub-soil water-rates introduced into the revised tálukas of the Ahmedabad Collectorate as per statement therein given?*

(b) *Question No. 10 put at the Council Meeting of the 14th August 1894 on the progress of Revenue and Civil charges in the Bombay Presidency during the last thirty years?*

(c) Question No. 11 asked at the same Meeting on the subject of the limit of villagers' voluntary contributions towards an original work connected with or repairs to village tanks in the Broach District?

The Honourable Mr. TREVOR in reply said—The information asked for has been laid on the Table.

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

Has the attention of Government been drawn to the memorial of the Alibág Táluka Association complaining of the harsh character of the revised rules for the grazing of cattle lately introduced into that táluka? Were these rules published in draft form in the "Government Gazette" for the information of the people concerned, and were any objections received and considered before the rules received the sanction of Government?

The Honourable Mr. TREVOR in reply said—Government have received the memorials mentioned.

The rules referred to were not published in draft form in the *Government Gazette* for information. They were framed by Government in 1890 for the general guidance of Executive Officers in dealing tentatively with the question of grazing in Reserved Forest, much being left both in regard to their introduction and their working to the discretion of the local authorities. Though they are only now being introduced in Kolába, where the question is of no great practical importance, they have been worked experimentally with more or less completeness in most parts of the Presidency for some years past. They have been introduced in the Alibág Táluka as an experimental measure and the Collector has been directed to report as to the manner in which they work.

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

Is it consistent with the general obligations incurred by Government at the Survey Settlement to provide for free grazing of the cattle of the village communities by means of lands specially assigned for the purpose to restrict the application of the wide and comprehensive phrase "village cattle" used by the Legislature in Sections 38 and 39 of the Bombay Land Revenue Code to agricultural cattle only in these rules, and to further narrow its application by so interpreting the term "agricultural cattle" as to comprise cattle used solely for purposes of cultivation in the village, whether for ploughing or for drawing water for irrigating garden land, and limiting their number according to a fixed scale, thereby excluding spare bullocks, milch-cows, buffaloes, &c., belonging to cultivators?

The Honourable Mr. TREVOR in reply said—Government are not aware that they have incurred at the Survey Settlement any general obligations to provide for free grazing of the cattle of the village communities by means of lands specially assigned for the purpose, any more than that they have incurred any similar obligation to provide lands for forest reserves or for other public or municipal purposes. Lands are occasionally set apart for free grazing at the Settlement or at other times. But the rules now in question, though they happen to have been introduced at the same time, have nothing to do with the settlement and have no other connection with land set apart for free pasturage, at the settlement or otherwise, than that they provide for remission of the fees otherwise charged for grazing in Government forests, in the case of the agricultural cattle of villages from which land formerly set apart for free grazing has been taken for inclusion in forest. This remission was afterwards extended under supplementary orders to milch-cattle, and allowed irrespectively of any scale to all except useless and worn-out animals.

The Honourable Mr. YAJNIK then put questions Nos. 4 and 5—

Do these rules, as alleged by the Alibág memorialists,—

(A) *require the subordinate village officers to take a muster of all cattle in the village in the early morning at least once a month or oftener, if need be, for census purposes, and detain them at any place or any length of time?*

(B) *require the village herdsman,—*

(a) *to register his name in the village as well as in the forest records;*

(b) *to wear a distinguishing badge of office provided by the Forest Department;*

(c) *to carry with him in the jungles paper permits of different colours and to show them on demand to any village or forest officer;*

- (d) to hold himself responsible for the observance of the grazing rules in respect of cattle under his charge;
- (e) to assist the forest officer in the protection of the forest against fire;
- (f) to see that his cattle do not injure the boundary marks of the grazing area of the forest and to prevent his cattle or other cattle from trespassing into the closed portion of the forest; and
- (g) in case of breach of these rules, to hold not only himself, but his owner, and thereby the whole village community to be jointly and severally responsible?

Will Government be pleased to direct a copy of these revised rules to be placed on the Council Table?

The Honourable Mr. TREVOR in reply said—I can best answer the honourable member's fourth question by referring him to the rules themselves, copy of which Government will lay on the Table in compliance with the request made in his fifth question, and from which he will be able to judge for himself how far their effect is correctly apprehended by the memorialists. They must be read collectively, and it appears to Government that the memorialists are disposed, not unnaturally perhaps, to exaggerate the inconvenience which even the strict enforcement of the particular provisions to which they allude would be likely to entail in practice.

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

In the light of the recent Resolution of the Government of India on forest administration and of the broad and statesmanlike policy indicated therein, does Government contemplate an early amendment of these grazing rules both for Alibdg as well as for other districts?

The Honourable Mr. TREVOR in reply said—The question of revising grazing arrangements, so far as they constitute a branch of forest administration, on principles not materially different from those laid down in the recent Resolution of the Government of India, has been under the consideration of this Government for some time past. But it is a very large one, involving a consideration of the varying local conditions of a multitude of forest areas and the villages adjacent to them. Reports called for two years ago have not yet come in, and it remains to be seen whether a case for any very radical or sweeping change will be established. So far as the matter depends on the rules to which the honourable member's question more particularly refers, I have already explained that the District officers have a discretion in applying them, which is sufficiently wide to cover any modifications which they may consider the orders of the Government of India to demand.

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

Has it been brought to the notice of Government that certain rules framed by Major Macpherson in connection with the playing of music in Poona press harshly on the Hindu and Mahomedan communities there, and that they are inconsistent with the customs hitherto observed? Is an early revision of these rules contemplated?

The Honourable Mr. BIRDWOOD in reply said—All District Superintendents of Police are empowered by Section 48 of the District Police Act, 1890, subject to any rule or order which may at any time be legally made by any Magistrate or other authority duly empowered in this behalf, to regulate and control, by the grant of licenses or otherwise, the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near a street. On the 2nd October, 1894, Major Macpherson issued Rules under this Section for the City of Poona, which are described in a memorial received by Government from the Secretary of the Sāvajanik Sabha as having been framed in "astounding ignorance of Hindu customs" and as being otherwise likely to cause "an unconceivable amount of hardship," but no other complaints from either Hindus or Mahomedans have as yet been received by Government. The allegations of the Sabha have received the careful consideration of Government; and the reply to the Sabha's memorial will in due course be communicated to the public. It will be competent to the District Superintendent of Police, subject to any rule or order of the kind contemplated in Section 48 of the Police Act, to modify his Rules in any respect in which they may appear to be reasonably open to objection.

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

Has the attention of Government been drawn to the petition, published in the Indu Prakásh of the 24th and 31st December last, from the 13 gentlemen of Wái sentenced to imprisonment for breach of Police rules? And has any inquiry been directed to be made into the allegations therein made about the undue severity enforced in removing them from Wái to Sítára?

The Honourable Mr. BIRDWOOD in reply said—The petition referred to by the honourable member was received by Government, and the District Magistrate was in due course requested to report on the several allegations contained in it. His report has not yet been received.

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

As nearly a year has passed since the establishment of the punitive post at Yeola, and as no fresh outbreak of disturbance has since occurred in that place, does Government contemplate the removal of the heavy burden which falls upon the people of that town?

The Honourable Mr. BIRDWOOD in reply said—The continuance of the post up to or beyond twelve months from the date of its imposition depends entirely on the attitude of the disputants. Government have no desire whatever to retain the post a day longer than is necessary for the prevention of disorder. There must obviously be some satisfactory evidence that amicable relations have been restored, and that the risk of a recurrence of disturbances has disappeared before the idea of withdrawing the post can be entertained.

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

(a) Is it a fact that since the introduction of the new farming system into Khándesh, the licit consumption of country spirits has fallen over 50 per cent., and the number of offences showing illicit consumption has enormously increased?

(b) Have Government considered the advisability of adopting in this Presidency the A'bkári system of the Madras Presidency which, as appears from the extract quoted below, has been approved by the Government of India as the best calculated to control the consumption of spirits (Government of India's Despatch to the Secretary of State dated 18th February 1889), and which has secured for that Presidency a great increase in revenue with practically no increase of consumption;—

“In Madras the Local Government may fairly claim to have successfully solved the problem of controlling the consumption of country spirits. The system now in force was introduced at the recommendation of a Committee appointed by the Local Government in 1884. At the suggestion of the Committee the rights of manufacture and of retail sale have been separated; the areas, the rights of manufacture and of retail in which is sold by auction, have been reduced with the object of eventually excluding the middleman and settling each shop separately; and a system has been introduced under which the retail vendor may purchase his supply of spirits from any distillery instead of one under which each shop was affiliated to a particular distillery.
* * * * * Your Lordship will observe that with practically no increase of consumption, there has been a great increase in revenue.”

Will Government be pleased to appoint an independent Committee to consider and report on the subject?

The Honourable Mr. TREVOR in reply said—The introduction of the strictly controlled Central Distillery and still-head duty-system into Khándesh naturally resulted in a large drop in the practically unrestricted consumption recorded under the lax outstill farming system previously in force—and, equally naturally, in a large increase in the number of ábkári cases taken up. Whether the drop was larger than has generally followed the abolition of the outstill system, it is impossible to say, consumption under the latter system not having been recorded in other districts. The number of ábkári offences, though large, is by no means enormous, having regard to the size of the district, the habits of the people and the difficulties with which the farmer and the Department have to contend.

Government have no reason to suppose that the Madras system to which the honourable member refers is regarded by the Government of India as better suited to the circumstances of this Presidency, or that it would be found in practice a more effective solution of the problem of controlling consumption than the system which, not without anxious consideration, has been adopted in preference to it.

Government are not of opinion that it would serve any useful object to appoint a Committee as suggested by the honourable member.

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

In giving the farm of the country spirits for the District of Poona in August 1894, did Government consider the advisability of giving the farm to the owners of the Sugar Factory at Poona on the same terms as were given to the present farmer with a view to encourage that important industry in the Presidency?

The Honourable Mr. TREVOR in reply said—Certainly. All applications received equal consideration.

The Honourable Mr. GUNPATRAO DAMODAR PANSE then put question No. 1 standing in his name as follows—

Why are not the village officers in Dumála villages remunerated for collecting the Local Fund Cess from the amount of the cess itself as in Khúlsa villages? and why are the Inámdárs, who have no control whatsoever over the cess, and from which they derive no personal benefit, made to pay the above-mentioned remuneration? Does not Section 85 of the Bombay Land Revenue Code disqualify an Inámdár from collecting the Local Fund Cess himself so as not to have to pay the remuneration to village officers for performing that duty? Is it not fair and equitable to amend the law if it be defective on the point?

The Honourable Mr. TREVOR in reply said—Inámdárs share with the other inhabitants of a district the advantages derived from the expenditure of the Local Fund Cess on schools, communications, medical aid, water-supply and other objects. In alienated villages the local cess is paid to Government by the Inámdár himself. It is for him, therefore, to collect it from the occupants holding the land, and if he chooses to employ the agency of the village officers to collect the cess from his tenants or inferior holders, it is only reasonable that he should remunerate them for so doing. It was decided in 1882 that if he prefers himself to collect the cess from his tenants, Section 85 does not prevent him from doing so.

The Honourable Mr. PANSE then put questions Nos. 2 and 3—

2. *An Inámdár has no power to proceed under Section 65 of the Land Revenue Code for opposing the use of his land by inferior holders to purposes other than agricultural, unless he is specially invested with the power under Clause (d), Section 88, Land Revenue Code. In Inám villages to which survey settlement has been extended and the rights of occupants are defined, but on the holders of which Government is not pleased to confer power under Clause (d), would it not save the Inámdárs and the occupants concerned unnecessary trouble and expense if the adjudication of the matter (to be dealt with under Section 65 above-mentioned) be left to be summarily made by Revenue officers under the Land Revenue Code on the application of the Inámdár instead of forcing the latter as at present to resort to the Civil Court?*

3. *Is it not necessary and equitable to secure the Inámdárs' lands against unauthorized occupations by applying, by amendment if necessary, Section 61 of the Land Revenue Code to alienated villagers in the same way as it applies to Khúlsa lands? Why should a distinction be allowed to exist between the two classes of holdings? If it is unaccountable, is it not reasonable and even necessary to provide a summary procedure to prevent encroachments being made with impunity in the Inámdárs' lands?*

The Honourable Mr. TREVOR in reply said—In reply to the honourable member's second and third questions, I am obliged to point out that though Government are prepared to deal with any concrete cases that may arise, they cannot undertake in reply to questions in this Council to express abstract opinions either as to the interpretation of the law or the suitability of its provisions.

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

Have Government noticed the editorial published in the Bodh Sudhákár, a weekly vernacular paper published at Sátára, which states that Inámdárs of Pítan and Cháffal were put to the greatest inconvenience, annoyance and loss by the Forest Department in refusing to issue pass-books for the removal of their forest produce? Is it not a hardship on the Inámdárs neither to provide them with pass-books, nor to allow them to remove their forest produce without a pass? Is it not just and reasonable that there should be as

little obstacle as possible in the removal of their forest produce, and that the Forest Department should, as laid down in No. 13 of the rules framed under the Forest Act, authorize the Inámdárs to remove it and furnish them with the necessary pass-books? Is it not necessary in common fairness that the Forest Officer, if he declines to issue such a pass-book, should be required to record and communicate his reasons and give an opportunity to the Inámdár to satisfy him on the points? Would Government be pleased to inquire if any practice of this kind prevails now, and if not, to give proper redress to the Inámdárs?

The Honourable Mr. TREVOR in reply said—The attention of Government has not been drawn to the article the honourable member refers to, nor can Government undertake to act on general allegations made in such articles.

If the Inámdárs have any grievance, it is open to them to represent it to the proper authorities, or, failing redress, to Government, who will then be prepared to pass such orders as the case may appear to demand.

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

Has Government any control over the management of coasting steamers which run from port to port in the Presidency proper, and can it enforce a revision of the present arrangements in connection with time-tables, fares, &c., when they are found unsatisfactory, oppressive or inconvenient to passengers? If there be no control and if there be no legal remedy to secure the object, is it not urgently necessary for the comfort and safety of passengers to pass an enactment on the subject?

The Honourable Mr. BIRDWOOD in reply said—The law regulating native passenger ships on short voyages is contained in Chapters II and III of Act X of 1887. Beyond the powers conferred on it by the law, Government has no power to control the management of the steamers referred to by the honourable member. At present Government has nothing specific before it to show that fresh legislation is necessary.

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

When Government will be pleased to bring the Provincial Service scheme into force? Is there any particular reason for delay in its enforcement? If so, how long will they take to form the service?

The Honourable Mr. TREVOR in reply said—The rules prepared by this Government for the constitution of and the regulation of admission into the Bombay Provincial Service have been submitted to the Government of India for approval. They will be published on the receipt of that approval.

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

On what grounds are rewards for killing venomous snakes reduced? Since the reduction what has been the result in the number of human deaths? How many persons have died from snake-bites during the last five years in the Konkan Districts? Are not the present rates of rewards inadequate to induce people to run the risk involved in killing the reptiles? If so, is it not desirable, with a view to greater safety of human lives, to increase those rates?

The Honourable Mr. BIRDWOOD in reply said—The reward for the destruction of *phursas* in the Sátára District was reduced in February 1891 from six pies to one pie for each *phursa* destroyed, as it was believed that the lower rate would prove a sufficient inducement in the future for killing these snakes. At about the same time, the payment of rewards for the destruction of snakes in the Ratnágiri District was restricted, in the case of *cobras*, to the months of February and March, and in the case of *daboias* and *phursas*, to the months of April and May only, as it was found that professional snake-killers selected for their operations the months immediately succeeding the breeding seasons of these snakes, when the snakes are very young and easily destroyed, and that they thus killed and obtained rewards for a very large number of snakes that would probably never have attained maturity. In the year 1890, before these restrictions were imposed, the number of deaths from snakes in the Sátára and Ratnágiri Districts amounted to 49 and 138 respectively. In the years 1891, 1892, and 1893, the figures for the Sátára District were 75, 49, and 65 respectively; while in the Ratnágiri District, in those years, the figures were 161, 146, and 154 respectively. A statement of the number of

deaths from snake-bite during the last five years in the Konkan Districts is given below:—

Districts.	1889.	1890.	1891.	1892.	1893.
Thána	135	78	105	117	129
Kolába... ..	29	44	39	47	46
Ratnágiri	134	138	161	146	154

Government are of opinion that whilst at present no safe deduction can be drawn from these figures, the mortality returns will have to be carefully watched before it can be decided that an increase in the rate of reward is unnecessary.

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

Now that the Bombay High Court, in the case of the Jágírdár of Ankalgi vs. The Secretary of State, has ruled that the Collector has no power to enhance the customary emoluments of village officers under Sections 17 and 23 of the Hereditary Offices Act, is it not fair and equitable that all the Inámdárs should be placed on the same footing, so that the orders which may have been already passed by the Collectors to the contrary in several similar cases should be cancelled? Would Government be pleased to institute inquiries and issue orders for the discontinuance of the extra emoluments which, under the above-mentioned illegal orders, Inámdárs are required to pay to the village officers?

The Honourable Mr. TREVOR in reply said—The decision of the High Court in the case of Anantacharya bin Hariacharya vs. the Secretary of State for India in Council has been communicated by Government to the Commissioners and Collectors. Any Inámdár who may consider himself aggrieved by any order which has been passed by a Collector or Commissioner can, if so advised, apply for redress to Government.

The Honourable Mr. H. BARRY then put the question standing in his name as follows:—

Is it true, as stated by the Mahrátta of November 25th and repeated by the Subodh Prakásh on November 28th, that Mr. B. Calcraft-Kennedy, on the evening of the day on which the thirteen Brahmans were sent to Jail by him, accepted an invitation from the Mahomedans to a pán-supári party and attended it?

His Excellency the PRESIDENT in reply said—The statement is not true, Mr. Kennedy was not invited by the Mahomedans of Wái to a pán-supári party on the evening of the day on which the thirteen Brahmans were sent to jail by him, and did not attend any such party. What he did attend on the day in question was a meeting of Mahomedans, to which he was not invited by them, but which, on the contrary, he had himself convened, giving notice some days previously through the Mámlatdár's office, specially for the purpose of warning the leaders of the local Mahomedan community that they would be held responsible for any misconduct or violence on the part of the less reputable members of their body towards the Hindus. On his return subsequently to Sátára Mr. Kennedy was invited by the Kázi of Sátára to a pán-supári party and declined the invitation.

His Excellency the PRESIDENT then addressed the Council as follows:—

Gentlemen,—As this is the last occasion I shall have the opportunity of answering questions in this Council, I will ask honourable members not to overlook my humble request that they would give as much notice as possible of the questions they wish to ask. In this instance I admit that the notice of the meeting of Council was not very long, but I suggested before, and I suggest again, that as soon as honourable members have made up their minds as to the points upon which they wish for information, it will be a great convenience to Government if they will kindly send the question in at once. On this occasion the questions came in with a great rush just the last day or two before the limit of time fixed by the rules was reached. Consequently the departments have been

put to considerable trouble in preparing the answers. I am sure honourable members do not wish to put a greater strain on the time of members of Government than necessary; but the result of receiving the questions so late was that my honourable colleague on my left (Mr. Trevor) and myself were at work yesterday (Sunday) in framing the answers. I dare say that honourable members noticed that there was some little delay at the beginning of the Council in consequence of the printed answers coming in only some ten minutes after the hour fixed for the commencement of the meeting of the Council. I shall be greatly obliged if in future honourable members for the sake of my successor and of my honourable colleagues will remember the request I made originally some time ago in regard to this matter.

PAPERS PRESENTED TO THE COUNCIL.

(1) Letter from the Officiating Secretary to the Government of India, Legislative Department, No. 2224, dated the 11th December 1894—Returning, with the assent of His Excellency the Viceroy and Governor-General signified thereon, the authentic copy of the Law to amend the law in force in the Peint Territory in the Bombay Presidency.

(2) Reply to question No. 6 put by the Honourable Mr. Chimanlal Harilal Setalvad at the Meeting of the Legislative Council held on the 14th August 1894.

(3) Reply to question No. 7 put by the Honourable Mr. Chimanlal Harilal Setalvad at the Meeting of the Legislative Council held on the 14th August 1894.

(4) Reply to question No. 8 put by the Honourable Mr. P. M. Mehta at the Meeting of the Legislative Council held on the 14th August 1894.

(5) Reply to question No. 2 put by the Honourable Mr. Javerilal Umiashankar Yajnik at the Meeting of the Legislative Council held on the 12th March 1894.

(6) Reply to sub-heads (b), (c), (d) and (f) of question No. 8 put by the Honourable Mr. Javerilal Umiashankar Yajnik at the Meeting of the Legislative Council held on the 14th August 1894.

(7) Reply to question No. 10 put by the Honourable Mr. Javerilal Umiashankar Yajnik at the Meeting of the Legislative Council held on the 14th August 1894.

(8) Reply to question No. 11 put by the Honourable Mr. Javerilal Umiashankar Yajnik at the Meeting of the Legislative Council held on the 14th August 1894.

(9) Letter from the Director of Public Instruction, No. 5922, dated the 23rd January 1895.

THE ADEN PORT TRUST ACT AMENDMENT BILL.

In moving that the Bill to amend the Aden Port Trust Act, 1888, be read a first time the Honourable Mr. TREVOR said:—Your Excellency,—I beg to move that the Bill for the Amendment of the Aden Port Trust Act, which has been duly introduced, in accordance with Rule 15 of the Rules for the Conduct of Business in the Legislative Council, by publication in the *Bombay Government Gazette* of the 22nd December last, be read a first time. The Bill itself and the Statement of Objects and Reasons have been furnished to honourable members, as required by rule 16, and there is little that I can usefully add to the information they supply as to the scope and objects of the measure. I may state, however, that it is one of three Bills, for the amendment of the Bombay, Karachi, and Aden Port Trust Acts respectively, which have been for some time under the consideration of Government. The introduction of the Bombay and Karachi Bills has been delayed by doubts suggested by the Government of India on certain points, which do not arise in the case of the Aden Bill, the provisions of which, I may say, have been generally accepted, where they have not been suggested, by the Trustees. It has been thought desirable under these circumstances to introduce the Aden Bill at once in order to admit of a meeting of the Council being held before your Excellency's departure, and thus to give honourable members an opportunity of exercising their right of interpellation. As the report of the Aden authorities on the Bill in

The Honourable Mr. Trevor moves the first reading of the Aden Port Trust Act Amendment Bill.

its final shape has not yet been received, I propose that if the first reading be carried the Bill should be referred to a Select Committee, with instructions to report by a date to be fixed so as to give them time for consideration of any suggestion the report, when received, may contain.

Bill read a first time.

His Excellency the PRESIDENT then put the motion, which was agreed to, and the Bill was read a first time.

The Honourable Mr. TREVOR then said :—I beg to propose that the Bill now read a first time be referred to a Select Committee, consisting of the Advocate-General, the Honourable Mr. T. D. Little, the Honourable Mr. W. R. Macdonell, the Honourable Mr. N. N. Wadia, the Honourable Mr. R. M. Sayani, the Honourable Mr. C. H. Setalvad, and the Mover, with instructions to report by this day three weeks and that the Bill be printed in Arabic.

The motion was then put by His Excellency the PRESIDENT and carried.

THE RULES FOR CONDUCTING THE BUSINESS OF THE COUNCIL.

His Excellency the PRESIDENT said :—I propose under Rule 22 of the rules for conducting the business of this Council to move for a Select Committee to consider those rules and to submit a report to Government. On the last occasion when these rules were revised in 1883 that practice was followed. The rules were first revised, considered by the Government of Bombay, and then submitted to the Government of India, who assented to them. I have never been quite satisfied that the rules were as complete as possible, although I am speaking in the presence of a late Governor of Bombay in whose time the rules were revised. But in the meantime other Councils have revised their rules, and it seemed to me not inappropriate that the consideration of their form should be again taken in hand at this time. For that purpose the Government have obtained copies of the rules in force where these Councils exist in other parts of India, and these rules will be laid before the Committee for their consideration, and for consideration whether the form in which ours are now framed can be improved upon. The intention in appointing that Committee is that they shall submit their report to Government, who will then consider whether they shall adopt it or not, or to what extent they shall adopt it, and then report to the Government of India. I therefore propose that a Select Committee be appointed to consider the question of amending the rules for the conduct of business in this Council, and I propose that the following honourable members should serve on the Committee :—The Honourable Mr. Lang, the Honourable Mr. Batty, the Honourable Mr. Mehta, the Honourable Mr. Javerilal, the Honourable Mr. Wadia, the Honourable Mr. Little, the Honourable Mr. Sayani, the Honourable Mr. Basaprabhu, the Honourable Mr. Vidal, with the Honourable Mr. Birdwood as Chairman and Mr. Hill as Secretary, with directions to report by the first of April, if possible to do so. If the Committee find that they have not time within these two months to report, it will be for them to ask for an extension of time.

The motion having been unanimously carried,

His Excellency the PRESIDENT said :—I take this opportunity of saying farewell to this Council, and of thanking you for the consistent support which you have invariably given me in conducting its business upon all those traditional principles of courtesy which have invariably marked the proceedings. I am exceedingly obliged to you for that support, and take away with me every wish for its successful continuance and for the prosperity of individual members. I take this opportunity of saying farewell.

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

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

C. H. A. HILL,

Secretary to the Council of the Governor of Bombay

for making Laws and Regulations,

Bombay, 4th February 1895.