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PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT BOMBAY.

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

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

The Council met at Poona on Friday the 27th September 1895, at 12 noon.

P R E S E N T :

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

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

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

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. LAKHAM GAUDA BASAPRABHU.

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

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

The Honourable Mr. BAL GANGADHAR TILAK, B.A., LL.B.

The Honourable Meherban CHINTAMANRAO RAGHUNATH *alias* BALA SAHEB PATWARDHAN, Chief (Senior) of Kurundvād.

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

The Honourable Mr. A. T. SHUTTLEWORTH.

The Honourable Mr. W. W. LOCH, I.C.S., B.A.

The Honourable Mr. J. K. SPENCE, I.C.S.

The Honourable Mr. T. B. KIRKHAM.

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

The Honourable Mr. JAVERILAL UMIASHANKAR YAJNIK.

His Excellency the PRESIDENT said—Before we get to the questions I wish to call the attention of the Council to one matter: it is the date, before the meeting, of sending in questions; at present the time is six days before the meeting; Government are anxious always to give full replies to the questions. I know you will all admit that the time of six days is very short and the work here is always very heavy. Replies to certain questions require correspondence and necessitate the calling in of reports from local officers, and greatly increase the work; it would therefore greatly assist Government if honourable members would send in questions as early before the meeting as possible, and in this respect I ask for the assistance of honourable members.

QUESTIONS AND ANSWERS.

The Honourable Mr. JAVERILAL UMIASHANKAR YAJNIK then put question No. 1 standing in his name—

Does Government in the Legislative Department contemplate taking early action to prevent the increasing trade in fraudulent adulteration of ghi on the lines of the suggestions made by the Municipal Corporation of Bombay in February last on the two draft Bills referred to that body for opinion?

The Honourable Mr. BIRDWOOD in reply said:—The subject is under reference to the Government of India.

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

(a) Is Government aware that the recommendation of the Forest Commission in regard to the sale of royalty trees (teak, blackwood and sandalwood) in the Thána District to occupants at half price on certain conditions has been carried out only in respect of rice, garden and rabi lands, and not in respect of varkas and pot varkas lands, though in their orders passed in December 1892 an assurance was given that rules regulating the fellings, &c., of such trees in varkas lands would be issued hereafter, the right to all other trees in such varkas lands being given up to occupants? On what grounds is this exception in regard to the treatment of reserved trees in varkas and pot varkas lands made?

(b) In the meanwhile have any complaints been made to the Forest authorities in Thána in regard to their action in selling reserved trees numbering less than 50 per acre in the villages of Karajgaon and Zari in petha Umbargaon to outsiders, notwithstanding the fact that the occupants were ready to purchase the trees at reasonable prices?

The Honourable Mr. NUGENT in reply said—

(a) The honourable member is mistaken as to the bearing of the orders of 1892 he refers to. These orders declare that in all occupied lands the right to all royalty trees, which term in the talukas coming under the Sanján and Kolvan settlements includes tivas, vests in Government, but as regards occupied rice, garden and rabi lands, Government, as an act of grace and favour, waived its rights. The felling on varkas lands of teak, blackwood and sandalwood, and of tivas when reserved, without the permission of the Collector was strictly forbidden. It was stated that the conditions on which such permission might be granted and the general regulations under which fellings and exportation beyond the limits of the talukas or districts would be allowed would be made known afterwards. The reason for not extending the concession to varkas and pot varkas lands is that Government did not consider that it would be in the public interests to grant to individuals without any consideration for the grant public property of material value.

(b) It has not been brought to the notice of Government that complaints to the effect stated have been made to the Forest authorities.

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

With reference to the answer given by the Honourable Mr. Birdwood to my question No. 4 put at the Council Meeting of the 7th August last in the matter of the disturbed condition of a portion of the Belgaum District, has the attention of Government been drawn to the fact that the Berad and Kummi dacoits are still giving trouble in those parts, and that the police have still failed to give protection to the rural population? Will Government be pleased to say what special measures they have taken, or contemplate taking, in view of suppressing these dacoities?

The Honourable Mr. BIRDWOOD in reply said—Information has been received by Government that the Berads are still giving trouble in the Belgaum District. An Assistant Superintendent of Police has been deputed to the district, and the Inspector-General of Police has been directed to place a large and effective body of armed police, in addition to the ordinary force of the district, at the disposal of the District Superintendent. Government have also called upon the district officers to submit definite proposals without delay for certain other measures which it may be necessary to order.

The Honourable Mr. YA'JNIK then put question No. 4—

After the judicial investigation now going on at Dhulia has been completed, does Government contemplate appointing a Commission of Enquiry into the recent events with a view to the adoption of such remedial measures as may seem necessary to prevent a recurrence of such troubles in the future?

The Honourable Mr. BIRDWOOD in reply said :—The disturbances at Dhulia still being the subject of judicial investigation, Government can express no opinion on the matter raised in the honourable member's question.

The Honourable Mr. YA'JNIK then put question No. 5—

As Government expect the entire work of the Revenue Survey to be over in 1897, will they be pleased to mention—

(a) *the talukas and groups of villages in the districts of the Presidency in which field and settlement operations remain to be carried out, and*

(b) *the talukas and groups of villages in which such operations have been nearly completed?*

The Honourable Mr. NUGENT in reply said—Statements containing the information asked for by the honourable member will be laid on the Table.

The Honourable Mr. YA'JNIK then put question No. 6—

Will Government be pleased to give reasons for renewing the Khândesh farm to the present contractor against whose mismanagement of the working of the farm by short measure and "Kasar" strong complaints were made by the Collector of Khândesh as well as by the Abkâri Commissioner?

The Honourable Mr. NUGENT in reply said :—Under the system now in force, farms of the kind referred to are given to the persons or firms who are adjudged to be most likely to manage them satisfactorily. The selection is made or approved by Government under a full sense of their responsibility to do what according to their judgment is most conducive to the public interests, and they must decline to make public their reasons for selecting or rejecting any particular applicant.

The Honourable Mr. YA'JNIK then put question No. 7—

What were the reasons for reducing the guaranteed revenue from Rs. 5,40,000 to Rs. 4,93,000 in Khândesh when, according to the report of the late Abkâri Commissioner Mr. Mackenzie, the decrease in the demand for liquor was not the result of ordinary causes but due to the unsatisfactory working of the farm by the farmer by means of short measure and "Kasar"?

The Honourable Mr. NUGENT in reply said—As the question of the honourable member is the same in substance as question No. 13 asked by him on 7th ultimo, he is referred to the reply then given.

The Honourable Mr. YA'JNIK then put question No. 8—

Has the attention of Government been drawn to a series of articles published in the issues of the "Gujrat Mitra" from the 28th April to 2nd June last, purporting to have passed between the agents of the Abkâri farmer and the retail liquor vendors, regarding the rate of Kasar and other terms on which shops were given to the said retail vendors? What action have the Collector of Surat and the Abkâri Commissioner taken on the state of things disclosed in these letters?

The Honourable Mr. NUGENT in reply said—The attention of Government has not been called to the series of articles referred to by the honourable member. In view of the statement made by the honourable member the articles will be scrutinized.

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

Has the Surgeon-General submitted any proposals to Government in connection with the numerous memorials that have been submitted to him by the Hospital Assistants of this Presidency setting forth their grievances and praying for their redress, and if so, what action do Government contemplate taking in the matter? If the Surgeon-General has not moved Government about the matter, will Government be pleased to call for and consider the said memorials?

The Honourable Mr. BIRDWOOD in reply said—Memorials from certain Hospital Assistants have been received by Government and are under consideration.

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

Are Government aware that the Sadar Court of Sind has lately held that it has no jurisdiction to revise the proceedings and orders of Mámlatdárs in suits under the Mám-latdárs' Act (Bombay Act III of 1876) such as the High Court is exercising over proceedings and orders of Mámlatdárs in the Presidency proper? Will Government, under these circumstances, be pleased to consider the advisability of taking some measures, by legislation if necessary, to bring the Mámlatdárs' Courts in Sind under some superin-tending and revisionary jurisdiction?

The Honourable Mr. NUGENT in reply said—Government are aware of the circum-stance mentioned by the honourable member. The subject is under consideration.

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

Will Government be pleased to give information in the following form about Assist-ant Judges invested with appellate civil powers during the three years ending March 1895?

1	2	3	4	5							
				1	2	3	4	5	6	7	8
Name.	Length of service in the executive line at the date of appointment as Assistant Judge.	Date of appoint-ment as Assistant Judge.	Date of invest-ing with appellate powers.	Original suits tried before investiture with appellate powers.							
				Disposed of without trial.	Com-promised.	Decreed on con-fession.	Referred to arbi-tration.	Decreed ex-parte.	Dismissed ex-parte.	With-out contest.	Total.

The Honourable Mr. BIRDWOOD in reply said—The information asked for by the honourable member will be laid on the Table on receipt of the necessary figures for filling in column 5 of the statement from the District Judges who have been called upon to submit them.

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

Will Government be pleased to lay on the Council Table the report called for from the Commissioner, N. D. (vide answer to my question No. 3 at the Meeting of 4th Feb ruary 1895), on the working of the rules framed in 1888 under Act VIII of 1870 if it is received?

The Honourable Mr. BIRDWOOD in reply said—It is not in accordance with the general practice of Government to publish the reports of their officers, but I may state, for the information of the honourable member, that from a report furnished by the Col-lector of Kaira it appears that female infanticide is not believed to be now at all prevalent amongst the Lewa Kunbis of the Kaira District. The rules are enforced as far as possible, and within the past five years 69 convictions for breaches of them have been obtained, but it is considered by the local authorities that the rules in respect of marriage expenses are not unfrequently evaded by means of private arrangements.

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

Is it a fact that the unwithdrawn balances of cash advances taken from parties to insolvency proceedings for meeting Court charges are appropriated or used to be

appropriated by the Clerk to the Insolvency Court; if so, under what authority? Will Government be pleased to state the total amount of such balances for the five years ending December 1894?

The Honourable Mr. BIRDWOOD in reply said—An answer to the honourable member's question will be laid on the Table on receipt of the necessary information which has been called for.

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

(a) Have the Government of Bombay taken any steps to give effect to the desire of the Government of India expressed in the following extract from the Government of India Resolution No. 6-371-383 of 17th August 1889 (p. 8 of the Selections from the Papers of Government of India, Home Department, No. CCLXV) for the training of teachers for secondary schools? :—

“His Excellency in Council therefore deems it essential that each local Government should accept the responsibility of providing means for training teachers for each grade of schools, primary, middle and high, as a first charge on the educational grant.”

(b) When was the “voluntary examination for teacherships” in Government High and Anglo-Vernacular Schools first established in this Presidency? What is the total number of candidates (1) who presented themselves at the said examination from its establishment up to now, (2) who passed the examination, (3) and who, subsequent to their passing the examination, are in service in the Educational Department?

(c) What are the conditions and subjects of the examination? Is any training or attendance at a school or college for instruction in theory and practice of teaching and school management required before admission to the examination?

(d) Are Government aware that the Government of Madras have established a college for the training of teachers of secondary schools? Do Government intend taking a similar step in this Presidency in order to give effect to the view of the Government of India expressed in the Resolution above referred to that “the Governor General in Council considers it impossible to secure good instructors without such a process of selection and preparation as normal school training gives, and is unable to regard the adoption of examination in the art of teaching as an adequate substitute for good normal schools”?

His Excellency the PRESIDENT in reply said—

(a) The matter is under consideration.

(b) Inquiries are being made.

(c) Inquiries are being made.

(d) The matter is under consideration.

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

Will Government be pleased to issue this year licenses for the sale of raw toddy in the Khândesh District where the people have been deprived of that nutritious and mild drink since the year 1888?

The Honourable Mr. NUGENT in reply said :—Government as at present advised are not prepared to issue licenses for the sale of raw toddy in the Khândesh District.

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

Is it true that in the village of Gandhar in the Broach District certain Jain idols were lately found in the ruins of a Jain temple, that the Mámlatdár of Vagra acting under the Treasure Trove Act VI of 1878 stopped the religious ceremonies that were going on for installing these idols in new temples, that the Mámlatdár attached them and refused to grant the request of the leaders of the Jain community in the Broach District, who offered to give security and prayed to be allowed to retain possession of the idols pending the decision of the Collector in order that they may not be polluted and may be properly worshipped according to their religion, that the Collector refused to give the said idols to the Jain community unless they paid a large sum towards some public object, and that the said idols were returned to the Jain community only when an influential deputation of that community from Bombay and other places waited upon the Commissioner, N. D., and that officer was thereupon pleased to order them to be returned, more than a year after they were attached by the Mámlatdár?

Will Government be pleased to issue orders to prevent the Treasure Trove Act being worked in the future in a manner calculated to wound the religious feelings of any community?

The Honourable Mr. BIRDWOOD in reply said—The facts are as follows: In the village of Gandhar, which is built on the site of an ancient town, a Mahomedan, while making an excavation in the ground under his own house, came across certain marble images. After some delay he gave information to the police, and as the result thereof an inquiry under the Treasure Trove Act was ordered to be made. Certain representatives of the Jain community raised claims to the property, but the Mamlatdár decided that it had been buried more than 100 years ago and belonged to Government. As the Jain community, however, represented to the Commissioner their anxiety, from religious motives, to obtain possession of the idols, the Commissioner recommended that, as a matter of grace, the request should be granted on condition that the Jains made a suitable present to the Mahomedan finder. The Commissioner's proposal was sanctioned by Government. It does not appear that any occasion has arisen for passing any such orders as are suggested.

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

Have Government issued to their officers an authoritative list of newspapers in which they should publish official notices and advertisements? If so, will Government be pleased to lay the list on the Council Table?

The Honourable Mr. BIRDWOOD in reply said—Government do issue a list of papers to their officers with due regard to the requirements of the public service. They are not prepared to place this list on the Table.

The Honourable Mr. LAKHAM GAUDA BASAPRABHU then put the question standing in his name—

Do Government know that there is a widely prevalent belief in the district of Belgaum that robberies and dacoities are committed by Berads in that Zilla owing to their extreme poverty and want of honest means of livelihood, and, under the circumstances, do not Government think that the opening of some relief works, such as roads through the jungles infested by such offenders, will wean them from such wild pursuits to a large extent and afford great security to travellers?

The Honourable Mr. BIRDWOOD in reply said—Government are not aware that there is any such widely prevalent belief in the Belgaum District as is indicated in the honourable member's question; nor are Government prepared to admit that there are no honest means of livelihood within the reach of the Berads. The opening of relief works would, in any case, be only a temporary remedy, and it is doubtful whether it would have the effect of permanently weaning the Berads from their evil pursuits.

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

Is Government aware of the fact that the rules made by Government some time ago, regarding the grazing fees and free supply of head-loads of fuel and other minor forest products, have been misinterpreted by the District authorities in Belgaum, and that these officers have issued orders which are, in fact, contrary to the intentions of Government as expressed in those rules?

The Honourable Mr. NUGENT in reply said—Government are not aware of any such misinterpretation of rules as is referred to by the honourable member, and no complaints have been made to them on the subject.

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

- (a) *Have Government framed any rules regarding the resumption of set sanadi lands in the Southern Marátha Country? Would Government be pleased to publish the rules, if any?*
- (b) *Is Government aware that a great deal of discontent has been caused by the policy pursued by the District Officers, of resuming these holdings from persons whose families have held possession of them for a long period of time?*
- (c) *Would Government be pleased to supply information as to the number of such holdings in the districts of Belgaum, Bijápúr and Dhárcár, and as to how many of them have been resumed during the last decade?*

The Honourable Mr. NUGENT in reply said—(a) Rules on the subject referred to by the honourable member and on other matters were framed and promulgated in Government Resolution No. 1364, dated 15th March 1878, and are published at pages 181, 182 of the General Rules in force in the Revenue Department under the Government of Bombay.

(b) Government have not been made aware that a great deal of discontent has been caused by the policy pursued, but do not doubt that persons from whom lands have been resumed are dissatisfied. This fact would not, however, justify them in permitting the misappropriation of public property assigned as remuneration for Government service, which is not performed by the persons holding the lands.

(c) Government have not at hand the information asked for.

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

(a) *Have Government received the reports from the Commissioners, Collectors and Conservators, which were called for in connection with the question of 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?*

(b) *Have any rules been framed in pursuance of that Resolution?*

The Honourable Mr. NUGENT in reply said—(a) All the reports referred to have not yet been received.

(b) No rules have been framed in pursuance of that Resolution, and it is not at present clear that any are needed.

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

(a) *Have Government investigated into the alleged grievances mentioned in the petitions by cultivators of garden lands in the villages of Bhartinhalli and others in the Yellápur Táluka of the Kánara District, reference to which was made by the Honourable Mr. V. R. Natu in a question of his put at the Meeting of the Council held on the 4th of February 1895?*

(b) *What is the result of the investigation?*

(c) *Have any and what steps been taken in the matter?*

The Honourable Mr. NUGENT in reply said—

(a) It is understood that the petitions referred to are those which were made by cultivators of the Yellápur Táluka mainly with regard to draft rules under Section 31 of the Forest Act, but the name of Bhartinhalli has not been found in any of these petitions. The alleged grievances have been very carefully considered after full discussion by a committee appointed to investigate the various matters regarding which rules were proposed, and by officers acquainted with the circumstances.

(b) It has been found that the *beta* assignments do not now in many cases supply sufficient leaf manure and loppings, but this result is mainly due to the reckless manner in which the assignments have been dealt with.

(c) Orders have been given for the revision of *beta* assignments in some parts of Kánara, including the Yellápur Táluka, it being distinctly understood that any material beyond what is supplied from the revised assignments can be got only from the Forest Department on payment or under the rules regarding privileges in the forests. The final form of the rules is being settled under legal advice. The petitioners have been referred to the Collector for an explanation of the orders.

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

(a) *Have Government come to any decision as to how they are going to deal with the admitted grievance of the Khots in the Devgad Táluka of the Ratnágiri District arising from the combined operation of the revised revenue survey settlement and the settlement of rents by the Khoti Settlement Officer?*

(b) *If so, what is the decision?*

(c) *If no decision be arrived at as yet, is it possible for Government to say when these Khots may expect to obtain redress of this grievance under which they have been suffering heavy loss every year?*

The Honourable Mr. NUGENT in reply said—

(a) and (b). Government have not yet come to a final decision on the subject.

(c) The honourable member is referred to the answer to question No. 3 put by him on 7th August last.

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

(a) *Have the Bombay Government made any recommendations to the Government of India in connection with the authority proposed to be conferred by Section 3 of Bill No. 16 of 1895 of Government of India upon Sessions Judges of requiring juries to return special verdicts as to particular questions of fact?*

(b) *Have the Bombay Government received any complaints from their judicial subordinates expressing their dissatisfaction at the absence of such power under the law as exists at present?*

(c) *Will the Bombay Government publish such recommendations and complaints, if any?*

The Honourable Mr. BIRDWOOD in reply said—The matter has been the subject of correspondence between the Bombay Government and the Government of India, in the course of which the opinions of the Judicial officers in this Presidency have been obtained. It would not, however, be in accordance with the general practice of Government to publish either that correspondence or the opinions received.

The Honourable Meherban CHINTAMANRAO RAGHUNATH *alias* BALASAHEB PATWARDHAN then put question No. 1 standing in his name—

Has the attention of Government been drawn to the fact that there is growing friction between the Inámdárs of the Sátára District in the matter of hirda and other forest produce?

Will Government be pleased to remove the cause of this friction by giving such orders as may be necessary?

The Honourable Mr. NUGENT in reply said—It is presumed that the honourable member alludes to the subject on which question 4 was put in the Meeting held on the 4th February last, and the honourable member is referred to the answer given to that question. No complaints have been made to Government by Inámdárs in the Sátára District with regard to that matter or any other connected with forest produce.

The Honourable Meherban CHINTAMANRAO then put question No. 2—

Is Government aware that the passengers booked from stations on the Southern Marátha Country Railway south of Koregaon to stations north of the same place by the afternoon train that leaves Miraj by 2 P.M. are sometimes obliged to remain locked up in the third class compartments for more than five hours?

Will Government be pleased to take such steps as may effectually serve to remove this and similar inconveniences to the passengers on the Southern Marátha Railway Line?

The Honourable Mr. NUGENT in reply said—Government are not aware whether it is, as alleged, the case that passengers by the train in question are obliged to remain locked up in third class compartments for more than five hours at Koregaon Station. A report on the subject has been called for, and the result of the enquiry will be communicated at a later date.

The Honourable Meherban CHINTAMANRAO then put question No. 3—

Will Government be pleased to call for a statement showing how many holders of alienated villages are invested with special powers under Section 84 of Act III of 1874, as amended by Section XV of Act V of 1886?

The Honourable Mr. NUGENT in reply said—The following holders of alienated villages have been invested with certain specified powers under the provision quoted:—

Mr. Dattajirao Nagojirao, Sar Desai of Jamboti.

Sardar Ganpatrao Madhavrao Vinchurkar.

The Honourable Meherban CHINTAMANRAO then put question No. 4—

Is it a fact that Inámdárs have to pay from their revenue the remuneration of the village officers for the collection of Local Fund cess from rayats of their villages, while in unalienated villages the said remuneration is paid from the Local Fund revenue?

The Honourable Mr. NUGENT in reply said—The Local Fund cess leviable in alienated villages is due from the holders themselves, but such as apply for the extension to their villages of the provisions of Chapters VIII and IX of the Land Revenue Code undertake to remunerate the village officers for the collection of the cess from the rayats. As regards unalienated villages, the Local Fund is credited only with the net proceeds of the cess after deducting the expenses of collection.

The Honourable Mr. PHEROZESHAH MERVANJI MEHTA then put the question standing in his name—

Will Government be pleased to consider the advisability of framing general rules applicable to the whole Presidency for regulating the playing of music in procession when passing places of public worship and of appointing a mixed representative Commission for the purpose of preparing them?

The Honourable Mr. BIRDWOOD in reply said—Under the existing law Government are advised they have no power to frame a general rule applicable to the whole Presidency; and so far as they have at present, by careful enquiry, been able to ascertain, local customs vary so much that it would apparently be impossible to frame a set of rules regulating the playing of music that could be applied generally. At the same time, the question is still engaging the serious consideration of Government, to whom the suggestion of a mixed Commission is not new.

The Honourable Mr. BAL GANGADHAR TILAK then put question No. 1 standing in his name—

Has the attention of Government been drawn to the Report of the Industrial Survey of the Kolhapur State recently published; and will Government be pleased to make arrangements, according to its convenience, for making a similar survey of districts under its charge?

The Honourable Mr. BIRDWOOD in reply said—Government have had under consideration the matter referred to in the question of the honourable member, but as yet they have arrived at no final conclusion.

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

Is it a fact that within the last twenty years the water-rates of the irrigation works of the Khodsi Dharana on the river Krishna in the Sâtara District have risen from Rs. 8 to Rs. 25 per acre? Will Government be pleased to lay on the Table information regarding the receipts and disbursements of the revenue realised from the same within the last twenty years?

His Excellency the PRESIDENT in reply said—The rate for perennial irrigation on the Krishna Canal was Rs. 10 per acre twenty years ago, and has been increased from time to time and is now Rs. 25 per acre.

Information in regard to revenue and charges for the Krishna Canal for the past twenty years will be laid on the Council Table as soon as the required statement can be prepared.

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

Is the attention of Government directed to the fact that in a recent reference by the Sâtara Sessions Judge the High Court in Imperatrix vs. Hari Gopal has pointed out the desirability of Magistrates not trying Vatandârs summarily? Does Government propose to draw the attention of the Magistracy to this important point of procedure?

The Honourable Mr. BIRDWOOD in reply said—The attention of Government has not been directed to the ruling in question. The High Court will no doubt take whatever action may appear to be necessary in the matter.

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

Is Government aware that in a criminal case tried by Mr. Arthur in the Sâtara District, which formally resulted in the acquittal of the accused on appeal, the latter were made to move from place to place for not less than three months in confinement under trial (Imperatrix vs. Tukia and other Managers of Garoda in Pâtun Taluka)?

The Honourable Mr. BIRDWOOD in reply said—The case referred to involved two separate trials and the examination of 71 witnesses. Government have after inquiry been satisfied that no undue delay occurred.

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

Is it a fact that Government declines to extend to alienated villages the provisions of Chapters VIII to X of the Bombay Land Revenue Code, even when the Inámdár is willing to bear the cost of survey and settlement of his village, except upon his consenting to pass an agreement in the form prescribed by Government, binding him and his successors to certain conditions regarding the payment of village officers, preparation of statistics, &c.?

The Honourable Mr. NUGENT in reply said:—No case precisely of the kind stated by the honourable member has arisen, and there has therefore been no decision passed on the subject, but Government would not be prepared to extend to any alienated village the provisions of Chapters VIII to X of the Land Revenue Code except on the execution of an agreement of the nature specified.

PAPERS PRESENTED TO THE COUNCIL.

- (1) Letter from the Officiating Secretary to the Government of India, Legislative Department, No. 1199, dated the 2nd July 1895—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law to amend the Bombay Tramways Act, 1874.
- (2) Report of the Select Committee appointed to consider Bill No. II of 1895, a Bill to amend the Bombay Civil Courts Act, 1869.
- (3) * Statement referred to in the reply to question No. 5 put by the Honourable Mr. Javerilal Umiashankar Yajnik at the meeting of the Legislative Council held on the 7th August 1895.

* *Vide* Appendix.

THE BOMBAY CIVIL COURTS ACT, 1869, AMENDMENT BILL.

In moving the second reading of the Bill to amend the Bombay Civil Courts Act, 1869, the Honourable Mr. BIRDWOOD said—Your Excellency, it will be in the recollection of honourable members that the Bill to amend the Bombay Civil Courts Act, 1869, was referred at the last meeting of this Council to a Select Committee with instructions to report on the Bill within one month. The Committee accordingly submitted their report on the 4th September, and the report with the Bill as settled by the Committee was published in the *Bombay Government Gazette* on the 13th September. Copies of the report and the amended Bill were sent to the members of the Council on the 17th September. As more than seven days have elapsed since that date, the report can now, in accordance with the rules, be taken into consideration with a view to the Bill being read a second time. When moving the first reading of the Bill, I explained its general scope and objects, and it is not perhaps necessary that I should do so now again. I will only state that the Select Committee approve of the principle of the Bill. And as we have received no notices of amendments or of objections of any kind to the proposed law, I assume that this Honourable Council also will have no difficulty in affirming the principle of the Bill. The Committee, however, suggest certain amendments. They wish to enlarge the scope of the measure by making the proposed amendment of section 32 of Act XIV of 1869 applicable not only to cases to which a Collector or other officer of Government is a party merely in his capacity as a guardian of a minor, but also to cases in which such officer is a party as curator of an estate under Act XIX of 1841 which, as the Council is aware, is an Act for the protection of moveable and immoveable property against wrongful possession in cases of succession, or in which such officer is a manager of a lunatic's estate under Act XXXV of 1858. There can be no possible objection to such an extension of the provisions of the proposed Act; but as the proposal of the Select Committee involves an amendment of the Civil Courts Act not contemplated when the present Bill was introduced, and as such amendment requires the previous sanction of the Governor General under section 5 of the Indian Councils Act, 1892, before it can be undertaken by the local Legislature, it has been necessary for Government to

apply to the Government of India for that sanction. This has been done, and the sanction of His Excellency the Governor General has now been received by telegram. I therefore move that the Bill as settled by the Select Committee be read a second time.

The Bill read a second time.

The Bill was then read a second time.

The Bill considered in detail.

The Bill was then considered in detail, and sections 1, 2 and 3 were accepted without alteration.

The Honourable Mr. BIRDWOOD then said—I propose that the words “sections 22 and 32 of” be inserted between the words “amend” and “the” in line 1 of the preamble. This slight amendment does not affect in any way the principle of the Bill and seems desirable, as we are not amending the Act generally, but only sections 22 and 32. In the margin of the preamble “Act XI of 1876” is quoted by mistake for “Act X of 1876.” The marginal notes form no part of the Act, but will be corrected by the Secretary.

The Bill read a third time and passed.

The amendments were agreed to. The Bill was then read a third time and passed without dissent.

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

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

M. H. W. HAYWARD,

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

Poona, 27th September 1895.

Appendix to the Proceedings of the Council of the Governor of Bombay assembled for the purpose of making Laws and Regulations on the 27th September 1895.

BOMBAY: PRINTED AT THE GOVERNMENT GENERAL PRESS.

No.	Names of Talukas,	Total number of Khoti villages in the different Talukas of the Ratnágiri District at the time of the introduction of the original settlement.	Number of villages which have been attached since the introduction of the settlement.	Number of villages attached since the settlement but which were subsequently restored to the Khots.	Number of villages which have actually lapsed to Government at the end of 12 years of Government management.	Remarks.
1	2	3	4	5	6	7
1	Vengurla	10	4	1	Villages which were under Government management prior to the introduction of the original settlement and some of which have lapsed to Government owing to their being under attachment for more than 12 years are not included in the figures shown in columns 3 and 6.
2	Málvan	50	38	5	7	
3	Devgad	96	88	48	
4	Rájápur	112	41	27	
5	Ratnágiri	112 8 0	102 8 0	101 5 8	1 2 4	
6	Sangmeshvar	174	47	31	4 8 0	
7	Chiplún	202	124	120	
8	Khed	137	133	125	7	
9	Dápoli	234	206	198	6	
		1,127 8 0	783 8 0	655 5 8	26 10 4	The fractions in annas and pies represent shares of villages.

No. 3182 OF 1895.

Ratnágiri, 17th August 1895.

Submitted to the Secretary to Government in the Revenue Department.

(Signed) W. W. DREW,
Collector.