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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 Wednesday the 26th February, 1896, at 2 P.M.

PRESENT:

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

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

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

The Honourable the ADVOCATE GENERAL.

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

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

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

The Honourable Mr. W. R. MACDONELL, M.A., LL.D.

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

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

The Honourable Mr. A. T. SHUTTLEWORTH.

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

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

The Honourable Mr. T. B. KIRKHAM.

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

The Honourable Mr. NAVROJI NASARVANJI WADIA, C.I.E.
The Honourable Mr. JAVERILAL UMIASHANKAR YAJNIK.
The Honourable Mr. T. D. LITTLE, C.I.E., M.Inst.C.E.
The Honourable Mr. ABDALLA MEHERALLI DHARAMSI, B.A., LL.B.

QUESTIONS AND ANSWERS.

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

Is it true that the Collector of Ahmedabad has asked the Municipality of Ahmedabad to give public notice prohibiting the burial of Mahomedan Pirs and others in mausoleums and other private burial grounds within the city walls, and that the Municipality has, without providing a burial ground for Mahomedans, issued such a notice? If so, under what authority have the Collector and the Municipality taken such action? Is it true that there are cemeteries within the city walls where Christians are, at present, allowed to be buried? Is it true that the Bombay Government, a few years ago, intended to legislate for the prevention of burials within municipal areas in the Mofussil? If so, why was that intention abandoned?

The Honourable Mr. BIRDWOOD in reply said—The matter is under enquiry.

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

Is it true that, at the request of the Collector of Ahmedabad, the Managing Committee of the Ahmedabad Municipality ordered the Baradari or Fulbari gate in the Bhadra leading to the river to be closed in July 1891; that on a representation from the people complaining of inconvenience owing to the closing of the said gate, the Managing Committee ultimately resolved in February 1893 that the said gate should be re-opened for public use; that thereupon the Collector informed the Managing Committee that he would not allow the gate to be opened, as the Municipality had no right to it; that the Managing Committee, however, resolved that the gate was, under Section 17 of the District Municipal Act VI of 1873, vested in the Municipality, and that they had perfect right to re-open the gate which was closed by them on the request of the Collector in that behalf; that the general body of the Municipality in July 1893 upheld the resolution of the Managing Committee and ordered the said gate to be opened, but the Collector still refused to allow that to be done; that the Municipality thereupon in November 1893 wrote to the Commissioner, N. D., about the matter, but that no answer has yet been received from him, and that the gate yet remains closed to the great inconvenience of the people?

If so, under what authority and for what reasons has the Collector thus prevented the Municipality from re-opening the said gate?

The Honourable Mr. BIRDWOOD in reply said—The matter is under enquiry.

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

(*a*) *What is the total amount of the unwithdrawn balances of cash advances taken from parties to Insolvency proceedings that have remained in the hands of the present Clerk to the Insolvency Court, available for re-payment to parties on application, from the date of his appointment to the 1st of October 1893 (the date on which a separate account at the Bank of Bombay was opened for keeping such balances in the future)?*

(*b*) *What orders do Government propose to pass regarding the disposal of such amount?*

The Honourable Mr. BIRDWOOD in reply said—The High Court has been addressed on the subject.

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

Will Government be pleased in consultation with the High Court to give early effect to the following recommendation made by the Finance Committee about the post of the Clerk of the Insolvent Court in 1886:—

"The Clerk and Sealer of the Insolvent Court is paid by fees, which of late years have averaged Rs. 3,089 per mensem. His duties, which are for the most part of a formal character and occupy

but a small portion of the officer's time, are admitted to be quite incommensurate with this income. We understand that he is usually employed for a large part of Wednesday and for about an hour a day during the rest of the week. We recommend the abolition of the system of fees and the substitution of a salary on a much lower scale—not higher, supposing the duties to remain as at present, than Rs. 500 or 600 per month; all fees in excess of that sum being credited to Government.

"We understand that the present holder of the post accepted it subject to any revision of the remuneration that might be ordered by competent authority, and that any change, accordingly, on which the Government decides, can be carried immediately into effect."

The Honourable Mr. BIRDWOOD in reply said—

The question of giving effect to the recommendations of the Finance Commission, alluded to by the honourable member, is now under consideration.

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

(*a*) *For how many years before 1887-88, the year in which the Central Distillery system was introduced in Khándesh, licenses for toddy shops used to be issued by Government in that district?*

(*b*) *What were the reasons that led Government to conclude that licenses thus issued did not represent any genuine demand for toddy so as to necessitate their complete withdrawal in the year 1887-88?*

(*c*) *What proof do Government require to satisfy them that there exists in Khándesh a genuine demand for raw toddy?*

The Honourable Mr. NUGENT in reply said—

(*a*) The reports on the administration of the Abkári Department show that except in two years in which there was apparently no demand at all, licenses for the sale of toddy were granted in the Khándesh District from 1872-73 till 1887-88. Information for previous years cannot be obtained without considerable trouble, and does not appear to be needed for the elucidation of the subject of the honourable member's question.

(*b*) The average annual revenue from toddy in the Khándesh District was in the five years ending 1876-77 Rs. 46, in the five years ending 1881-82 Rs. 18, and, as the honourable member was informed on 4th February 1895, in the five years ending 1886-87 was Rs. 110. These facts satisfied Government that there was no genuine demand for toddy in the Khándesh District.

(*c*) Proof is difficult to define, but careful attention will be given to an expression of genuine public opinion.

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

(*a*) *How far has effect been given to the following orders of Government regarding the Training Colleges:—*

"It is the desire of Government that the training given in these Colleges should include elementary instruction in agriculture and the industrial arts so soon as books upon Indian Agriculture and Agricultural Chemistry are obtainable. It is recognized that a primary school cannot be a technical school, but it can be made the means of suggesting to the younger generation what they ought to do to become good artisans or good cultivators; and school-masters who have acquired some knowledge of the first principles applying to technical subjects will be able to give to the school population a desire to acquire more information in a practical direction. His Excellency in Council would prefer that an experiment should be made in one of the Training Colleges by giving special attention to teaching these practical arts to see how far technical training can be imparted without impairing the primary school-masters' efficiency in the essentials of elementary education" (*vide* Government Resolution, Educational Department, No. 1938 of 1885, paragraph 3).

How many trained vernacular teachers have since the date of this Resolution passed in (*a*) *Drawing*, (*b*) *Agriculture or* (*c*) *Industrial Arts and how many of those so qualified are teaching those subjects in primary schools? Have any courses of instruction in drawing or manual occupations or rudiments of agriculture suited to primary school standards been prescribed or recommended by Government for the guidance of school managers and teachers, as has been done in England by the Science and Art Department and the English Code?*

(*b*) *What are the rates and conditions of the special grants-in-aid that certificated teachers, who have gained the requisite certificates in Art, Agriculture or Industrial Art, are entitled to if they successfully instruct pupils in any one of those subjects (vide Rule 15, page 212 of the Bombay Educational Record, September 1894)? How many trained*

teachers in primary schools managed by Government or by Municipalities have up to December 1895 earned this grant, and what has been the total amount expended on such grants?

His Excellency the PRESIDENT in reply said—As to the first part of (*a*) attention is invited to paragraph 2 of the Director of Public Instruction's letter No. 5922, dated the 23rd January 1895, which was laid on the Council Table on 4th February 1895. As to the other points raised, a complete answer cannot be given until further information has been received.

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

What effect has been given to the following orders of the Government of India and the Bombay Government on the Report of the Education Commission? How many Conferences have, since the date of these orders, been held in this Presidency?

"The Governor General in Council approves of recommendation 2—

2. That Conferences (1) of officers of the Educational Department and (2) of such officers with Managers of aided and unaided schools be held from time to time for the discussion of questions affecting education, the Director of Public Instruction being in each *ex-officio* President of the Conference. Also that Deputy Inspectors occasionally hold local meetings of the school-masters subordinate to them for the discussions of questions of school management.

"It is hoped that Local Governments will lose no time in inaugurating these Conferences; and if any Government desired to try the plan of a permanent consultative board, the Government of India would not object to this. The question raised in recommendation 4, regarding the adoption of inter-school rules, might, when there is any doubt as to the advisability of the practice, be referred to such a Conference." (*Vide* paragraph 29 of Government of India Resolution No. 10—309 of 23rd October 1884.)

"The Government of India approves of the establishment of Educational Conferences. His Excellency in Council can entertain no doubt of the benefit resulting from the interchange of ideas and information on educational matters between all those, whether Government officers or others who are interested therein, and deems it especially desirable that the Managers of aided and unaided schools should have frequent opportunities of discussion with the officers of the Government Department." (*Vide* paragraph 8 of Bombay Government Resolution No. 2108 of 8th December 1884.)

His Excellency the PRESIDENT in reply said—The answer to the honourable member's question is contained in extracts from the Director of Public Instruction's report No. 7255*, dated 20th February 1896, which are laid on the Table.

* Appendix A.

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

How far have attempts been made to carry out the following recommendation of the Government of India on the Report of the Education Commission about the desirability of conveying instruction through the vernaculars, and with what results?

"* * * . The Governor General in Council is disposed to agree with the Commission that, for boys whose education terminates with the middle course, instruction through the vernacular is likely to be the most effective and satisfactory. The experience of Bengal goes indeed to show that even for lads pursuing their studies in high schools, a thorough grounding conveyed through their own vernaculars leads to satisfactory after-results. It is urged by those who take this view that many of the complaints of the unsatisfactory quality of the training given in the middle and high schools of the country are accounted for by the attempt to convey instruction through a foreign tongue. The boys, it is said, learn a smattering of very indifferent English, while their minds receive no development by the imparting to them of useful knowledge in a shape comprehensible to their intellects, since they never really assimilate the instruction imparted to them. It has been proposed to meet this difficulty by providing that English shall only be taught in middle schools as a language, and even then only as an extra subject where there is a real demand for it and a readiness to pay for such instruction. His Excellency in Council commends this matter to the careful consideration of local Governments and educational authorities." (*Vide* paragraph 22, Government of India Resolution No. 10—309 of 1884.)

His Excellency the PRESIDENT in reply said—The recommendation of the Government of India quoted by the honourable member has been given effect to in the schools in this Presidency. According to the rules of the Government of India the middle school ends with the Anglo-Vernacular Standard III, and it has always been the rule in Bombay to teach all subjects through the vernacular up to the end of Anglo-Vernacular Standard III; to teach English up to the same stage as a language and as an extra subject; and

to teach English only when there is a demand for it and on payment of a higher fee. Under the Code a school can ask for leave to carry the vernacular further as the medium of instruction, but it appears that no school has ever thought it advisable to do so.

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

Is it true, as reported in the papers, (vide the letter in the "Times of India" of 10th January last over the signature of Mr. M. K. Lalkaka) that during the trial of the murder case (Empress vs. Lakkangauda and another) in the Court of the Sessions Judge at Bijápur, it transpired that the confessions made by the accused before the Second Class Magistrate of Muddebihál were extorted by severe ill-treatment on the part of the police, and that Surgeon-Major Peters deposed to his having noticed that the thumb of the right hand wrist of one of the accused had been wrenched, and that there were marks of severe flogging on the back of the second accused? What are the salary, standing and grade of the police officers who were actually concerned in the investigation of the case and who were responsible for the alleged ill-treatment? If the facts, as stated above, are true, what notice do Government propose to take of the conduct of the officers in question?

The Honourable Mr. BIRDWOOD in reply said—The matter is under enquiry.

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

Has the attention of Government been called to the case of Imperatrix vs. Rusvat Khan Hussen, in which a police Constable was charged with voluntarily causing hurt to certain Bhils to extort property in the course of an investigation of a complaint of theft and house-breaking at the village of Rahadpur in the Broach District, and was convicted under section 330 of the Indian Penal Code and sentenced to two years' rigorous imprisonment by the Sessions Court, which sentence was confirmed by the High Court; and to the observations of the Sessions Court in that case that "there was too much reason to suppose that this was a common instance of the oppression practised by scoundrels like the accused under the cloak of authority on poor people whenever they got an opportunity like the one seized upon in the present case." (See the report of the case in the "Bombay Gazette" of January 22, 1896)? Will Government be pleased to state the standing, grade and salary of the above police officer?

The Honourable Mr. BIRDWOOD in reply said—The attention of Government had not previously been called to the case in question. The information desired by the honourable member in the second part of his question has been asked for.

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

Will Government be pleased to give information for the period of three years ending March 1895 in the following form regarding the various Agency Courts in the Bombay Presidency, including that of the Agent for the Sardárs of the Deccan, if it is now received:—

Name of the Agency.	Total receipts of the Courts in the Agency by way of fees charged on the institution of suits, appeals, &c.	Appeals received by Government from decisions of such Courts.									
		Civil.					Criminal.				
		Total number.	Total receipts by way of institution fees, if any, charged on such appeals.	How disposed of.			Total number.	Total receipts by way of institution fees, if any, charged on such appeals.	How disposed of.		
				Decision confirmed.	Reversed.	Varied.			Sentence confirmed.	Reversed.	Reduced or otherwise modified.
1	2	3	4	5	6	7	8	9	10	11	12

His Excellency the PRESIDENT in reply said—The information has not yet been received.

The Honourable Mr. SETALVAD then put Question No. 12—

Will Government be pleased to give information in the following form regarding primary schools in the various districts of the Presidency, if it is now received :—

	Primary Schools managed by the Educational Department.											Primary Schools managed by the Municipalities.										
				Head Masters.				Assistants.						Head Masters.				Assistants.			
				Trained.		Untrained.		Trained.		Untrained.				Trained.		Untrained.		Trained.		Untrained.	
District.	Total number.	Total number of those in which the policy laid down in Government Resolution, Legislative Department, No. 130 of 5th June 1894 of raising the salaries of trained teachers has been carried out.	The limit to which salaries have been raised in schools mentioned in column 2.	Total number.	Average monthly salary.	Total number.	Average monthly salary.	Total number.	Average monthly salary.	Total number.	Average monthly salary.	Number of those drawing pensionable salary.	Total number.	Total number of those in which the policy laid down in Government Resolution, Legislative Department, No 130 of 5th June 1894 of raising the salaries of trained teachers has been carried out.	The limit to which salaries have been raised in schools mentioned in column 15.	Total number.	Average monthly salary.	Total number.	Average monthly salary.	Total number.	Average monthly salary.	Total number.	Average monthly salary.	Number of those drawing pensionable salary.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25

His Excellency the PRESIDENT in reply said—A definite reply cannot be given to the question of the honourable member to-day, as the nature of the return is not thoroughly understood. A communication has been addressed to the honourable member which will enable him to repeat his question on a future occasion if he desires to do so.

The Honourable Mr. SETALVAD then put question No. 13—

Will Government be pleased to give information about the murder cases reported to the Police during the two years ending March 1895?

1	2	3	4
Name of case.	*Place.*	*Standing, grade and salary of the officer or officers engaged in the actual investigation of the case.*	*Result of the case.*

The Honourable Mr. BIRDWOOD in reply said—The returns required will be called for.

The Honourable Mr. SETALVAD then put question No. 14—

Has Government received a petition from the inhabitants of Kalyán, praying that a non-official gentleman may be nominated by Government as President of the Municipality of that place, and will Government be pleased to grant their prayer?

The Honourable Mr. BIRDWOOD in reply said—Government have received a petition from the inhabitants of Kalyán, praying that a non-official gentleman may be nominated by Government as President of the Municipality at that place. The petition is under the consideration of Government.

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

Will Government be pleased to furnish a statement, showing the total amounts of the contributions made by Government up to the year 1887-88 from the Provincial Revenues towards the cost of building school-houses for primary education (1) in the City of Bombay, and (2) in the three Divisions of the Bombay Presidency?

His Excellency the PRESIDENT in reply said—The statement* laid on the table is from the year 1876-77. Perhaps this will suffice for the honourable member's purpose.

* Appendix B.

The Honourable Mr. TILAK on behalf of the Honourable Meherban CHINTAMANRAO RAGHUNATH *alias* BALA SAHEB PATVARDHAN, who was not present, then put question No. 1 standing in the latter's name—

Has the attention of the Government been drawn to the memorial addressed to the Government of Bombay by Sardar Nagojirao Patankar against the order of the District Magistrate of Sátára, dated 7th January 1895, in the matter of the confiscation of the "Hirda fruits" produced in his forests and collected at the three Nakas of Goshalvádi, Chirambe and Marathvádi?

The Honourable Mr. NUGENT in reply said—The memorial referred to has been duly considered by Government. It was judicially decided that certain hirdas claimed by Sardar Nagojirao Ramchandra Patankar were not produced in his forests and did not belong to him. The order passed in the case by the District Magistrate is under the Act final, and Government cannot interfere in the matter.

The Honourable Mr. TILAK (for the Honourable Meherban CHINTAMANRAO RAGHUNATH) then put question No. 2—

Will Government be pleased to issue orders to the Forest authorities of the Sátára District to provide the Inámdár of Pátan with the necessary pass-books at proper times?

The Honourable Mr. NUGENT in reply said—The matter referred to is within the province of the Conservator, and as at present advised Government see no reason for interference.

The Honourable Mr. TILAK (for the Honourable Meherban CHINTAMANRAO RAGHUNATH) then put question No. 3—

Will Government be pleased to take into consideration the necessity of amending Section 86 of the Land Revenue Code to empower the inámdárs of villages to issue notices to their tenants in case of their failure to pay assessments at stated times?

The Honourable Mr. NUGENT in reply said—Government are not aware of any objection under the existing law to the issue of notices by inámdárs to their tenants, and therefore see no necessity for an amendment of the section alluded to in the question.

The Honourable Mr. TILAK (for the Honourable Meherbán CHINTAMANRAO RAGHUNATH) then put Question No. 4—

Will Government be pleased to call for a statement showing the number of holders of alienated villages invested with powers under Section 88 of the Land Revenue Code?

The Honourable Mr. NUGENT in reply said—The statement asked for by the honourable member in question No. 4 will be prepared.

The Honourable Mr. TILAK (for the Honourable Meherbán CHINTAMANRAO RAGHUNATH) then put Question No. 5—

Will Government be pleased to invest some of the Inámdárs of alienated villages empowered under Section 88 of the Land Revenue Code with powers under Section 125 of the same Code?

The Honourable Mr. NUGENT in reply said—Government cannot give effect to the proposal in the question as there is no legal authority for investing Inámdárs with the powers specified by the honourable member.

The Honourable Mr. TILAK (for the Honourable Meherbán CHINTAMANRAO RAGHUNATH) then put Question No. 6—

Will Government be pleased to take into consideration the protest of the Karáchi Municipality, dated 21st January 1896?

His Excellency the PRESIDENT in reply said—I presume the honourable member refers to the protest of the Karáchi Municipality against the Karáchi Port Trust Amendment Bill which is now before the Council. I would, therefore, invite his attention to paragraph 3 of the Report of the Select Committee, from which he will see that the protest was referred to the Select Committee and has been considered by them.

The Honourable Mr. TILAK (for the Honourable Meherbán CHINTAMANRAO RAGHUNATH) then put Question No. 7—

Now that the Statutory Civil Service is abolished, will Government be pleased to recognize the claims of the young members of the old aristocratic families to some of the appointments in the Provincial Service in the same manner in which they were previously considered?

The Honourable Mr. NUGENT in reply said—Government while glad to welcome those of the class alluded to in the Provincial Service cannot recognize social status alone as constituting a claim to the higher Government appointments.

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

Will Government be pleased to inquire why the number of licenses granted or renewed each year under the Arms Act in the Belgaum District was reduced from 485 in 1892 to 297 in 1894, and why it should not be raised again to the old figure?

The Honourable Mr. BIRDWOOD in reply said—The matter will be enquired into.

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

Has the attention of Government been drawn to the fact that the differences between the nominated official President of the Municipality of Pandharpur on one hand, and that body and their sub-committees on the other have grown so serious as to prejudicially affect the work of the Municipality owing to the arbitrary conduct of the President? If not, will Government be pleased to inquire into the matter and call for a report on the same?

The Honourable Mr. BIRDWOOD in reply said—The matter is under enquiry.

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

Will Government further consider the advisability of making some provision, as has been done in the Madras Provincial Service Rules, for meeting the claims of Mámlatdárs, who have been recommended for the Deputy Collectorships before the publication of the Provincial Service Rules?

The Honourable MR. NUGENT in reply said—There is already a provision in the rules enabling Government to promote selected officers in the subordinate service to the Provincial Service. Government have no reason to consider this provision inadequate and are not prepared to consider suggestions for the amendment of the rules, which have been approved by the Government of India after careful consideration, unless and until actual experience of their working shows them to be defective.

The Honourable MR. DAJI ABAJI KHARE then put the question standing in his name—

(*a*) *Is it a fact that some assessment or money on account of Kumri cultivation was taken from Kuyro Barkels and other inhabitants of the villages of Ausee and Badpoli in the Supa Petha of the Kánara District under the orders of the Extra Assistant Conservator of Forests, and that afterwards their crops were destroyed in 1895 by order of the Collector of the District?*

(*b*) *If the crops were ordered to be destroyed, will Government be pleased to state the grounds on which that order was based?*

The Honourable MR. NUGENT in reply said—(*a*) Some money was levied from the persons named, but it was not levied as assessment or as payment for Kumri cultivation, but as fine or compensation under section 67 of the Forest Act for damage caused by a forest offence. Orders have, however, been given for a refund of the amounts paid to such as enter on regular cultivation and thus show an intention to refrain from similar forest offences in future. The crops growing as a result of the unauthorized Kumri cultivation were destroyed by order of the Collector.

(*b*) The destruction of the crops was essential for the restoration of the land to a condition of forest and for the prevention of a continuation of the forest offences.

PAPERS PRESENTED TO THE COUNCIL.

1. Letter from the Secretary to the Government of India, Legislative Department, No. 59, dated the 9th January 1896—Returning, with the assent of His Excellency

the Viceroy and Governor General signified thereon, the authentic copy of the law to amend the Bombay Civil Courts Act, 1869.

2 Extracts * from the Director of Public Instruction's report No. 7255, dated the 20th February 1896, referred to in the reply to question No. 7 put by the Honourable Mr. Chimanlal Harilal Setalvad.

* *Vide* Appendix A.

3. Statement † referred to in the reply to the question put by the Honourable Mr. Pherozeshah Merwanji Mehta.

† *Vide* Appendix B.

4. Report of the Select Committee appointed to consider Bill No. III of 1895 (a Bill to amend the Karáchi Port Trust Act, 1886).

5. Memorial from the Municipality of Karáchi, dated the 21st January 1896.

6. Memorandum from the Commissioner in Sind, No. 182, dated the 27th January 1896.

7. Memorandum from the Commissioner in Sind, No. 369, dated the 14th February 1896, and enclosures.

8. Report of the Select Committee appointed to consider the question of amending the Rules for the Conduct of Business at Meetings of the Council of the Governor of Bombay for the purpose of making Laws and Regulations.

BILL No. III. of 1895, A BILL TO AMEND THE KARA'CHI PORT TRUST ACT, 1886.

The Honourable MR. NUGENT said—Your Excellency,—The Report of the Select Committee on the Bill to amend the Karáchi Port Trust Act has been formally presented to the Council, and copies of it and of the Bill as revised by the Select Committee have been furnished to all honourable members. In the ordinary course of legislative business it would now be my duty as member in charge of the Bill to move that the Bill be read a second time. For reasons, however, which I will briefly explain, I do not propose now to take this step. Up to the time of the consideration of the Bill by the Select Committee and the preparation of its report, such discussion as had arisen had mainly reference to that section of the Bill which affected the composition of the body forming the trustees of the Port, and the battle, such as it was, raged round the point whether the Municipality should be allowed to elect any trustees, and if so, how many. On this question the Select Committee had unanimously arrived at a conclusion which was, I think, fair and equitable. It was of the nature of a compromise, but it was, in my opinion, a reasonable compromise which might well satisfy all parties concerned. Within the last few days, however, circumstances have considerably changed. At the eleventh hour, within a very brief period of the date fixed for this meeting, several proposals have been received for the amendment of, and for material additions to, the Bill as now before the Council. With the amendments of which notice has been given by the Hon. Mr. Mehta, and the Hon. Mr. Tilak, no difficulty would have occurred. They are directly relevant to the Bill and propose modifications of the provisions which it actually contains. They could have been discusssed on their merits and accepted or rejected. In addition to these duly formulated amendments immediately affecting sections of the existing Bill proposals have quite recently been received from Sind on the subject of *ex officio* Trustees. For instance, it has been suggested that the President of the Karáchi Municipality should be *ex officio* Trustee of the Port of Karáchi. No formal notice of any such amendments has been given by any honourable member, but possibly the matter might have been considered in this Council, and at all events these amendments, if brought forward, would have been relevant and undoubtedly in order. In addition, however, to all these actual or potential amendments of the Bill as it now stands there have been received within the past few days from Sind proposals to amend sections of the original Act to which no reference is made in the Bill and proposals to add entirely new sections on subjects not referred to in either the Act or the Bill. In other words, it has been proposed to add a material mass of entirely new matter dealing with subjects concerning which Government in the responsible Departments have had no leisure to make full inquiry and arrive at a

The Honourable Mr. Nugent proposes the withdrawal of the Bill to amend the Karáchi Port Trust Act, 1886.

definite conclusion. It is obvious that Government could not at a moment's notice and without due investigation and deliberation entertain all these proposals and embody them in the measure now before the Council, even were such a procedure compatible with the orders prescribed for our guidance. To me personally some at least of the additions proposed appear *prima facie* expedient, but fuller consideration is advisable before Government decide definitely whether they should be formally approved and recommended for incorporation in the law. The course which has been followed in sending to Government at the last minute these proposals involving a wide amplification of the provisions of the Bill is inconvenient; but whether convenient or inconvenient the actual facts have to be dealt with. Two courses are open to us—one is to proceed with the Bill now before the Council, and pass it on its existing lines, and subsequently to bring in another Bill to make any further amendments of, and additions to, the law which may be deemed expedient. The other is to withdraw the present Bill and to prepare and subsequently introduce a more comprehensive measure dealing not only with the amendments contained in this Bill but also with the other amendments and additions to the existing Act which have quite recently been suggested. After careful consideration it has been decided that the latter course is that which it is preferable to adopt. A series of consecutive little measures tinkering up by instalments an original Act only leads to needless trouble and confusion, and tends to make the law even more difficult of right comprehension than it generally is. Nor is it expedient to legislate in a hurry—though this, I am aware, is not an offence which can be laid justly to the charge of this Council. Haste in legislation, as in matrimony and other things, is, according to the teachings of experience, to be avoided as being injudicious and tending to undesirable results. I beg, therefore, to ask for leave to withdraw the Bill now before the Council.

The Honourable Mr. PHEROZESHAH M. MEHTA said—Your Excellency,—There is one sentiment to which the Honourable Mr. Nugent gave expression with which every honourable member will cordially concur, and that is that we should not legislate in a hurry. The Bill now before the Council shows that the consideration of such measures usually brings in a great deal of information which can always be employed in bringing forward necessary and desirable amendments. However that may be, there can be no doubt that the course the honourable member has proposed—the withdrawal of the Bill and bringing forward a fresh Bill at some future time—is undoubtedly the best one. Nothing can be more inconvenient or objectionable than to have small amending Bills introduced time after time. I think the Council will have no difficulty in coming to the conclusion therefore that the course advocated by the honourable member is the most desirable one to take under the circumstances.

Bill withdrawn.

His Excellency the PRESIDENT then put the motion that the Bill be withdrawn, and the same was carried *nem con.*

BILL NO. 1 OF 1896, A BILL TO AMEND THE BOMBAY BOILER INSPECTION ACT, 1891.

The Honourable Mr. Birdwood moves the first reading of the Bill to amend the Bombay Boiler Inspection Act, 1891.

In moving the first reading of the Bill to amend the Bombay Boiler Inspection Act, 1891, the Honourable Mr. BIRDWOOD said—Your Excellency,—This Bill has already been introduced by publication in the *Bombay Government Gazette* on the 21st January 1896, in pursuance of an order made by your Excellency under Rule 15 of the Rules for the Conduct of Business at Meetings of this honourable Council. With the Bill was published a Statement of Objects and Reasons, as required by the Rules; but, so far, this particular measure, which contains some useful provisions, has not attracted much public attention. It will be scarcely necessary for me to detain the Council with a detailed statement regarding those provisions, but some explanation will be desirable. As the Council is aware, the Act of 1891 repealed the former Act for the periodical inspection and management by competent engineers of boilers and prime-movers in the Bombay Presidency, and it contained a saving clause as to certificates granted under that Act, which was passed in 1887, and under an older Act still of the year 1873. Those certificates were to be deemed to be granted and to be in force under the corresponding provisions of the Act of 1891. No similar clause was, however, introduced into the Act of 1891 as regards rules and appointments made, notifications published, and powers conferred under the Act of 1887. To prevent any possible inconvenience from any questioning of the validity of such rules, appointments, notifications, and powers since Act II

of 1891 came into force, section 1 of the present Bill has been drafted with retrospective effect from the date when the Act came into force. Section 2 of the Bill deals with a matter for which necessity has arisen in connection with the decision of appeals by a Commission appointed under section 5, in cases where an inspector refuses a certificate. Four days are allowed for the decision of such appeals in Bombay and ten days in the Mofussil. At Aden, however, ten days would not generally be sufficient, especially when the Commissioner, who is the Executive Engineer, Military Works Department, and has many other duties to attend to, might be required to visit some out-station, such as Perim, in order to examine the boiler in respect of which a certificate has been refused. It is proposed to increase the period, therefore, to one month, this period being considered suitable both by the Political Resident at Aden and the Commissioner of Customs. I would now invite the Council's attention to section 3 of the Bill, the object of which is to empower the Collector of Bombay to call upon the owner of a certificate to produce it at reasonable times under section 18 of the Act. The Presidency Magistrates have this power, and so have the Collectors in the Mofussil in their own districts, and there is no reason why the Collector of Bombay should not have it. Section 4 of the Bill confers a necessary power on Government to follow up a notification under section 24 of the Act of the failure of an engineer to surrender his certificate, in cases when an enquiry becomes necessary into the alleged incompetency or misconduct of an engineer, by an order directing cancellation of his certificate and a subsequent order revoking such cancellation and re-granting the certificates if a satisfactory explanation of the charges against the engineer is forthcoming. By the last section of the Bill power is given to Government to make rules for the payment of fees for duplicates of certificates furnished under section 26. The levy of such fees may serve as a check on carelessness, as pointed out in the Statement of Objects and Reasons. I now move that the Bill be read a first time.

The Honourable Mr. NAVROJI NASARVANJI WADIA, C.I.E., said—Your Excellency,—I wish to remark that I think it might be wise to take the opportunity presented by the introduction of this Bill to amend certain defects which appear in sections 10 and 11 of the Act it is proposed to revise. If the Bill is referred to a Select Committee I would urge this Council to refer these sections to the Committee also for consideration. In section 10 it is enacted that within a certain time a certificate shall be given but nothing is said therein as to the method to be adopted by the steam-users, if from pressure of work in Government offices the certificate is not granted within the proper time. This is a point upon which various questions of law have been raised by steam-users from time to time. It sometimes happens that when certificates are not issued in proper time the boilers are worked without their production and the owners naturally render themselves liable to a penalty under the Act. Section 11 provides: "If an Inspector refuse to give a certificate or a renewed certificate to the owner of any boiler, or refuse to give the same for the full period applied for, he shall be bound to give to such owner, within 48 hours, his reasons for such refusal, in writing." But there is nothing said as to what shall be done if within 48 hours no such reasons are given. I hope, therefore, the Select Committee will consider sections 10 and 11 with a view to rectify the two omissions to which I have drawn attention.

Bill read a first time.

His Excellency the PRESIDENT then put the motion that the Bill be read a first time. This was agreed to.

Bill referred to a Select Committee.

The Honourable Mr. BIRDWOOD then moved that the Bill be referred to a Select Committee, consisting of the Honourable the Advocate General, the Honourable Messrs. T. D. Little, N. N. Wadia, H. Batty, W. W. Loch and the Mover; and that the Committee be instructed to report within one month.

The motion was put by His Excellency the PRESIDENT and agreed to.

RULES FOR THE CONDUCT OF BUSINESS AT MEETINGS OF THE COUNCIL OF THE GOVERNOR OF BOMBAY FOR MAKING LAWS AND REGULATIONS.

Consideration of the Report of the Select Committee on the Rules.

In moving that the Report of the Select Committee on the Council Rules be taken into consideration, the Honourable Mr. BIRDWOOD said—Your Excellency,—I have now to move that the Report of the Select Committee on the Rules for the Conduct of Business at Meetings of the Council be taken into consideration. The present rules

have been revised by a Committee which I may, perhaps, be allowed to describe as an unusually strong Committee, consisting of so many as ten members, and including, besides lay members familiar with the conduct of public business, both the legal advisers of Government and two other members of the legal profession. The Committee has compared the present rules with those recently adopted by the Councils of the Governor of Madras and the Lieutenant-Governors of Bengal and the North-Western Provinces, and has adopted such of those rules as seemed to be suitable, and has also recommended some specific provisions which seemed to be necessary as to matters of procedure in regard to the progress of Bills under discussion, and has re-arranged the rules, as thus revised, under appropriate headings. Unfortunately, one of the members of the Committee was unable to attend the meetings of the Committee or to agree in all the recommendations of his colleagues. The Honourable Mr. Setalvad has written a minute of dissent, which has been printed with our Report, and has given notice of the amendments he wishes to propose. Notices of amendments have been received also from other honourable members, but some at so late an hour that it has been only just possible to print them. But that, perhaps, will be no bar to our now considering them, if your Excellency will permit the amendments to be put when the Commitee's draft is considered in detail. I will not take up the time of the Council with any remarks as to the several amendments which have been proposed, as I think it will be more convenient to the Council if I speak to those amendments after they have been formally put before us.

The Rules as revised by the Select Committee were then considered in detail.

The Honourable Mr. DAJI ABAJI KHARE withdrew the following amendment of Rule 1, of which he had given notice :—

> I.—In Rule 1, paragraph 2, between the words "presiding" and "as" to *insert* the words "or in the absence of any Ordinary Member, the Senior Member of Council present and presiding."

The Honourable MR. TILAK moved that at the end of the fifth paragraph of Rule 1 there be added after the words "received the assent of the Governor," the words "as provided under Rule 30."

The Honourable Mr. BIRDWOOD—I would point out to the honourable member that the word "Governor", as used in the fifth paragraph of Rule 1, and the word "President", as used in Rule 30, have not the same meaning. The word "President" includes not only the Governor, but, in the absence of the Governor, the senior Civil ordinary member of Council present. While the President, as thus defined, can sign the certificate referred to in Rule 30, it is the Governor alone who can assent to a bill as defined in Rule 1. The proposed addition to the definition of the word "Bill" in Rule 1 would not, therefore, be appropriate.

His Excellency the PRESIDENT—I assume that the honourable member's proposal will not make any difference in the meaning of the Rule, and I would therefore suggest that he withdraw the amendment.

The Honourable Mr. TILAK withdrew the amendment.

Rules 1, 2, 3 and 4 were then passed.

The Honourable Mr. KIRKHAM said—I would suggest, my Lord, that a verbal alteration should be made in Rule 5 and that another word be inserted instead of "put" ("no similar motion shall be again put") as that word has acquired the technical meaning of putting to the vote, and of course only the President can do that. I would suggest that the word "moved" be substituted.

His Excellency the PRESIDENT suggested that the word "made" be substituted for the word "put" and the suggestion was agreed to.

Rules 6 and 7 were agreed to.

The Honourable Mr. KHARE withdrew the following amendment of Rule 7 :—

In Rule 7, to *omit* the following words in the last sentence :—

> "But in the absence of a President the Secretary shall make an entry in the journal of the Council of the names of the members present, and the meeting shall be thereby adjourned."

Rules 8, 9, 10 and 11 were carried without discussion.

The Honourable Mr. SETALVAD then moved the following amendment of Rule 12 :—

In Rule 12, to add at the end, the words "and any other member may, with the permission of the President, speak once by way of explanation."

He said—Your Excellency,—The present rule reserves power to any member who has spoken in a debate to speak once again by way of explanation with the permission of the President, while the effect of the proposed rule will be to take away that power. No reason has been brought forward for taking away this privilege, which so far as I know has not been abused in the past. On the other hand I understand that it has been very usefully exercised. When the Bombay Municipal Act of 1888 was under discussion the Honourable Mr. Mehta once took advantage of this privilege, and his doing so tended to considerably curtail the further debate. Under the circumstances I must confess I am surprised to find my honourable friend agreeing to this provision being left out in the new rule, and I am much disposed to believe that if the full effect of the proposed change had been before his mind he would not have assented to it. As I have already observed no case has been made out for the proposed change and I therefore beg to move the amendment of which I have given notice.

The Honourable Mr. BIRDWOOD—It is very undesirable to adopt any rule which will encourage an undue prolongation of debates, to which there must be a limit as to everything else. It was not the object of the alteration of the existing rule of which the honourable member complains to curtail the freedom of members to discuss any and every measure. Opinions on all measures are freely expressed in this Council, and seeing that honourable members often state their views in written speeches, it is not very likely that misapprehensions will often arise as to expressions used by them to such an extent as to render explanations necessary. I may point out that it is always open to the President to allow an explanation to be made, so that there is no necessity for any express provision in the rule for that purpose. If a member's views are misrepresented at any time, I should think the President would only be too willing to allow him to speak again by way of explanation. If the honourable member refers to Rule 13, he will see that it provides for an explanation being given, by permission of the President, of anything said by a member "in a previous debate." To make the matter more clear it may perhaps be desirable to amend Rule 13 by substituting for the words "in a previous" the words "previously in." The rule would then read—"*No member shall speak except upon business which is at the time regularly before the Council or, by special permission of the President, in explanation of anything said by him previously in debate.*" I think there would be no objection to that.

His Excellency the PRESIDENT—The alteration Mr. Birdwood suggests will make the meaning quite clear, and I have no doubt it will meet the honourable Mr. Setalvad's wishes.

The Honourable Mr. MEHTA—Your Excellency,—I was under the impression that Rule 13 as it stood left the power with the President to allow a member to speak in explanation that I consented in Committee to allow Rule 12 to stand as it does. I think, however, it would be advisable to amend the 13th rule in the manner pointed out by the Honourable Mr. Birdwood, because I see that it would be easy to so interpret it in its existing form as to make it apply only to a previous debate. I think Mr. Setalvad's object would be attained by agreeing to the suggestion made by Mr. Birdwood. In the Viceroy's Council there is an express rule whereby a member is able to speak in explanation once, and I think there would be no objection to having something of the same sort introduced here, as will be done by Mr. Birdwood's proposal. I think such a provision would be especially useful in the Budget discussion, in which non-official members are asked to speak first and official members next; and it will be a great advantage to the non-official members in getting their views clearly understood.

His Excellency the PRESIDENT—If we substitute the words "previously in" for the words "in a previous" in Rule 13, will that meet the views of the Honourable Mr. Setalvad?

The Honourable Mr. SETALVAD replied in the affirmative and withdrew his amendment of Rule 12, which was carried. Rule 13 was also carried after being altered as suggested by the Honourable Mr. Birdwood.

Rules 14, 15 and 16 having been agreed to, the Honourable Mr. KHARE then moved the addition at the end of Rule 17 of the words "at least ten days before the day of the meeting."

He said—I think it is highly desirable that some time should be stated in which members should receive agenda papers so as to be able to send in amendments within the proper time to the Bills to be brought forward. It seems to me that the change is one that will cause no inconvenience to the officers of the Council, and therefore I beg to propose it.

The Honourable Mr. BIRDWOOD—In reference to what has fallen from the honourable member, I think that his argument cuts both ways. He says that members do not know what amendments to propose unless they have the agenda paper sent them at some fixed time before the date of the meeting so as to enable them to send notices of amendments in due time. But notices of amendments must themselves be included in the agenda paper; and I do not see how this can be done if the agenda paper is sent out without waiting for notices of amendments. The Secretary would have to issue an almost blank sheet as an agenda paper, if it were sent out so long before the meeting as the amendment proposes. Take the case for instance of the honourable member who represents Sind. How would it be possible for him to receive the agenda paper so many days before the meeting. It is with the utmost difficulty very often that the Secretary can issue the agenda paper even a day before the meeting; and if this amendment were carried, it would be almost impossible to comply with its requirements in regard to members living in Sind and the Southern Marátha Country. The Secretary certainly uses every effort to get out the list of business as soon as possible, and it seems to be forgotten that the agenda paper must include all the questions and motions of which notice is given. I know that it is for the convenience of the Council to have the agenda paper printed as soon as possible, but it would not be convenient to honourable members to have it sent to them in an incomplete form, as it would then be of no use.

The Honourable Mr. MEHTA—I quite see that Government would be hard put to to issue this notice a long time beforehand. But I wish to ask how is a member to give notice of amendments within the prescribed time if he has no knowledge of what Bills are to be brought forward, and notice is given after the time has elapsed?

The Honourable Mr. BIRDWOOD—I would point out to the honourable member that a bill introduced into this Council must be published in the *Government Gazette* not less than seven days before the meeting at which the first reading of it is moved.

The Honourable Mr. MEHTA—I am not referring to bills first introduced but to those which come up for discussion and disposal. Unless they are included in the detailed agenda paper members could not know whether they were to be brought forward or not, and if such agenda paper was not supplied in time to leave the necessary days for giving notice, no amendments whatever could be moved. How can a member send in an amendment if he does not know whether a bill is to be discussed? Some provision should be made to give members timely notice with regard to bills to be put down for discussion at a particular meeting.

His Excellency the PRESIDENT—I quite see Mr. Mehta's point. He desires notice of the bills to be brought forward.

The Honourable Mr. MEHTA—Yes, I desire it to be notified to members as early as possible when a particular bill is to be taken up at a particular meeting so as to give him time for notice of amendments.

His Excellency the PRESIDENT:—The point is one that requires some consideration; and I would therefore point out that the rules will come up for final adoption at some future meeting. In the meantime Government will consider the point raised by Mr. Mehta. The same remark applies to Mr. Setalvad's notice of amendment of Rule 17* and also to his amendment of Rule 38.†

* The notice given by the Honourable Mr. Setalvad was "In Rule 17 between the words 'shall' and 'furnish' to insert the words 'at least two days before the date of the meeting'."

† The notice given by the Honourable Mr. Setalvad was "In rule 38, line 4, *for* the word 'five' to substitute the word 'two'."

The Honourable Mr. SETALWAD withdrew his amendment of Rule 17, and the rule was reserved for future consideration.

The Honourable Mr. KHARE then moved the following amendment of Rule 18—

In Rule 18 to *add* at the end the words " provided that any member may move that any particular business on the list be given precedence of any other business on that list in which case the motion shall be put to the Meeting, and, if adopted, that business shall take such precedence."

He said—I am sure this proposal will meet the convenience of honourable members. Sometimes it may happen that it will be very desirable in the opinion of a member to take up the consideration of a particular subject on the agenda paper, out of its turn, but at present no power is given to members to make a motion for a subject to have precedence. Such a power is given under the rules of the University Senate and it is found there to be very useful. I think that this Council should make similar provision which will not occasion any inconvenience to the conduct of business. It would not entail any labour or difficulty and it is in the interests of careful debate that I propose this amendment.

The Honourable Mr. BIRDWOOD—I think the object the honourable member has in view is amply provided for in Rule 4, which provides that: *A motion that any business before the Council be adjourned, or that the Council pass to the consideration of the business next in order in the List of Business or that the business under consideration be referred to a Select Committee (in accordance with the Rules hereinafter in that behalf contained), may be moved by any member at any time as a distinct question; and such motion shall take precedence of any other motion then before the Council; but the President alone shall have power to propose the adjournment of the Meeting.* Under this Rule any member can move the adjournment of any particular business by moving that the item next on the list be taken up and this process can be repeated until the particular item he wishes discussed is reached.

The Honourable Mr. KHARE:—I was under the impression that the motion that the Council pass to the next business in the List meant generally that the business passed over is dropped altogether. That is the meaning usually attached to a motion of that sort. I still think that if the Council passed a motion of the kind, it would imply that the matter under discussion was dropped altogether. That is the meaning attaching to it under the Rules of the University Senate.

The Honourable Mr. MEHTA—I would ask my honourable friend not to go for guidance to the rules of the University; for experience has shown them to be most confusing and puzzling. It is desirable that our rules should be as few and as simple as possible, and I think with Mr. Birdwood that the end Mr. Khare desires is attained under Rule 4. It seems to me it would be wise of my friend not to press the amendment, which he recommends to us on the ground that a similar rule exists in the University.

The Honourable Mr. KHARE—If Rule 4 does not mean what I took it to mean—the dropping of the business that is passed over—I will withdraw my amendment.

The amendment was then withdrawn and Rule 18 was passed.

Rule 19 having been passed, the Honourable Mr. SETALVAD then moved. In Rule 20, line 6, *for* the word "seven" to *substitute* the word "three." He said—Your Excellency,—It will be observed that all that a member is required to give notice of is only the title and subject of the bill. I do not see therefore how Government or anybody would be wiser by having the title and subject of the bill before them for seven instead of three days as at present. I am not aware of any inconvenience having arisen in the past owing to the required notice being one of three days, and no useful object will apparently be served by the proposed change.

The Honourable Mr. BIRDWOOD—It seems to me that the arguments used by the honourable member in support of the alteration of the rule really support the rule, as proposed by the Select Committee. If it is not a matter of importance that Government should have seven days' notice of a bill to be introduced by a private member, then it cannot be a matter of importance that members should be allowed up to the last three days to give notice of the title and subject of the bill to the Secretary. When a private member introduces a bill it generally relates to a matter which he has been considering for months, perhaps years, and surely it is not too much to ask that he shall inform Government of the title and subject of the bill he proposes to introduce at a meeting

at least a week before the meeting. If we have only three days' notice of a bill, how can it appear in the list of business which the Honourable Mr. Setalvad himself desires to have sent out a week previously? I put it to the honourable member whether there is any necessity for the alteration he proposes, since no hardship can be inflicted by the rule as it stands.

The Honourable Mr. SETALVAD—No reason has been advanced for the change proposed by the new rule.

The Honourable Mr. BIRDWOOD—I do not think the honourable member has any idea of the crush of business in the Secretary's office just the last few days before the meeting of the Council. The rule is proposed by the Committee because it will be a convenience to the office; it is not suggested in opposition thereto that any hardship will be inflicted on private members. Therefore the balance of argument is in favour of keeping the rule as approved by the Select Committee after full consideration.

The Honourable Mr. SETALVAD thereupon consented to withdraw his amendment and Rule 20 was passed.

The Honourable Mr. TILAK then moved—"For Rule 21 to substitute the present Rule 14." He said: The Council will observe that my object in moving this amendment is to retain in the Rule the words "a reasonable interval of time being allowed, with due regard to the public business and convenience, for the formation and communication of opinions and useful criticism respecting the legislation proposed in the Bill, between such publication and distribution and the first reading of the Bill." It is very desirable that such time should be given and I fail to see any reason for the omission of these words.

The Honourable Mr. BIRDWOOD—I should like to say on behalf both of the Government and of the Select Committee that they have not the slightest objection in principle to the words at the end of the existing Rule 14. The principle has been well established, and as a matter of fact a great deal of time is always allowed for making known legislative projects before they come up for discussion at meetings of this Council. I think the general feeling will be that the principle for which Mr. Tilak speaks is safeguarded by the provisions in some of the other Rules. I refer particularly to Rule 23, which provides that "*no motion that a Bill be read the first time shall be made until seven clear days after a copy of the Bill and of the Statement of Objects and Reasons has been despatched to each Member and until 15 clear days from the date on which the Bill was introduced.*"

The Honourable Mr. TILAK—I think it would be best to adhere to the words of Rule 14, but after the assurances given by the honourable member I will not press the amendment.

The amendment was then withdrawn and the rule was passed, together with Rules 22, 23, 24, 25, 26 and 27.

The Honourable Mr. BIRDWOOD—I have not had an opportunity to consult the Select Committee on the point; but I would suggest that in Rule 28 the period which must elapse before the Council takes into consideration a Bill after the report of the Select Committee thereon has been despatched to honourable members should be declared to be 15 days instead of 7 days. This will be the same period as must elapse after the publication of the report in the *Government Gazette* before it can be considered by the Council. If this amendment which I now propose is agreed to, Rule 28 will be in the following terms:—

> "*28.—When a Bill has been referred to a Select Committee, the Council shall not take it into consideration again until the expiration of 15 days from the date on which copies of the Select Committee's report, and (if the Bill has been amended) of the Bill as amended have been despatched by the Secretary to each member nor until 15 days after the publication of such report and such Bill in the Bombay Government Gazette.*"

The amendment was put by His Excellency the PRESIDENT, and agreed to.

Rules 28, 29, 30, 31, 32, 33 and 34 were then carried.

The Honourable Mr. SETALVAD then moved the following amendment of Rule 35:—

In Rule 35 to add the following :—

"When the publication of a Bill shall under Rules 21 and 22 have been ordered by the Council to be made in any native language or languages, the Select Committee shall in their report specify the date on which the Bill has been so published and the report of the Select Committee, any minutes that may have been recorded by individual members and (if the Bill has been amended) the Bill as amended by the Committee shall likewise be published in such language or languages in the *Bombay Government Gazette*, unless the Special Committee shall for reasons to be recorded in their report consider that such publication is unnecessary."

He said—The old rule requires that in cases where the Council has directed any Bill to be published in any native language or languages, the Select Committee shall, in their report, specify the dates of such publication. The object of this provision evidently appears to be to enable the Council to know whether sufficient time has been given to persons specially interested in any proposed legislation to submit their views about it. This, to my mind, appears a very necessary provision and I cannot see why it is proposed to be omitted.

The Honourable Mr. BIRDWOOD :—The revised rules now proposed have been carefully considered by a strong Committee, and I do not myself see any necessity for an amendment of the rules as revised by the Committee of the nature proposed by the Honourable Mr. Setalvad. The Council is quite able to inform itself through the usual channels of information whether any order given by it as to the publication of translations of Bills in the *Government Gazette* has been carried out or not. It does not seem necessary for the Select Committee to state in their report that the order has been carried out. If there is any doubt on the point, information can at once be given to the Council by the Secretary.

The amendment on being put by His Excellency THE PRESIDENT was rejected, and the Rule was carried.

Rules 36 and 37 were also agreed to.

The Honourable Mr. TILAK next moved—"*In Rule 38, line 4, for the* words '*five* days' to *substitute* the words 'two days.'" He said :—As has been pointed out in the absence of an agenda paper, it is impossible for members to send in amendments five days beforehand. I think that two days will be sufficient notice, and I move accordingly.

The Honourable Mr. MEHTA—This brings us back to the question which we were discussing in the earlier stage of this debate. It all depends upon when a member learns that particular Bills are to be brought forward, whether notice of amendments can be given five days beforehand. If he does not know what Bills are coming on, he must await the receipt of the agenda paper before sending in his notices, and if he does not receive it prior to the five days, then to provide five days' notice would be to take away the power of sending amendments. I think your Excellency might consider this amendment in connection with the point raised in Rule 17, and held over for further consideration.

His Excellency the PRESIDENT—I think this suggestion is a good one, and that it will be best before the next sitting of the Council to give this matter full consideration. The Honourable Mr. Tilak will no doubt be prepared to withdraw his amendment. The Honourable Mr. Setalvad has a similar notice on the paper, but I presume he will withdraw that also.

The Honourable Messrs. TILAK and SETALVAD having assented, the amendments were withdrawn and the remaining rules were passed without discussion.

His Excellency the PRESIDENT—I think the most convenient course will be to report these amendments to the Council at its next meeting, with any proposals on the points that have been reserved which we may have to make. The rules will then be finally passed.

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.

Bombay, 26th February 1896.

APPENDICES

TO THE

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR OF BOMBAY ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS, ON THE 26TH FEBRUARY 1896.

APPENDIX A.

Extracts from the Director of Public Instruction's Letter No. 7255, dated 20th February 1896.

1. A Conference of Educational officers and School Managers was held in 1885.

2. A Conference of Educational officers was held in 1886.

3. Conferences of Government officers were held in 1887.

4. A Conference of Educational officers after communications with School Managers was held in 1890.

5. A Conference of Government officers after communications with Municipalities was held in 1892.

7. Every important question necessitates informal conferences, the business being done by letters. The revision of the Dakshina rules, the question of physical training, and the question of manual training being instances of late date.

8. The visit of a Government Inspector to an important town is also an occasion of informal conferences. The Educational Inspector of the Central Division has for instance lately settled disputed questions between *rival schools in two of the most* important towns of the Deccan.

9. Each Inspector has a Conference with all his Deputies who can attend every year about the end of the monsoon.

10. Except in large towns, conferences of Primary Schools' Teachers are expensive and difficult to arrange; but I was lately informed of small gatherings in three zillas.

APPENDIX B.

Return of Government Expenditure on Buildings for Primary Schools in the City of Bombay and in the Mofussil.

Year.	The City of Bombay.	The Mofussil.	Total.	Remarks.
	Rs.	Rs.	Rs.	
1876-77	...	1,812	1,842	
1877-78	...	2,814	2,814	
1878-79	...	2,143	2,143	
1879-80	...	15,162	15,162	
1880-81	...	22,806	22,806	
1881-82	...	24,265	24,265	
1882-83	...	21,794	21,794	
1883-84	*16,665	21,387	38,052	
1884-85	...	30,502	30,502	
1885-86	...	23,213	23,213	
1886-87	...	30,789	30,789	
1887-88	...	26,156	26,156	

* Government also gave a site valued at Rs. 20,170.

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