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

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PART I.

Government Notifications, Appointments, &c.

NOTIFICATIONS.

REVENUE DEPARTMENT.

Bombay Castle, 15th September 1882.

No. 6383.—With reference to Government Notification No. 3F, dated 1st March 1879, published at pages 136—141 of the *Bombay Government Gazette* of the 6th idem, Part I, His Excellency the Governor in Council is pleased to direct that the undermentioned lands shall cease from the date of this Notification to be Protected Forests in the Alibág Táluka of the Kolába Collectorate:—

Lands referred to above.

Name of Village.	Survey No.	Area.	
		A.	G.
Khar Wilkat	106	601	26½
Ránjankhar Dáwli	32	472	32
Káwáde Khar	179	280	7
Háwirá	309	419	37½
Sonkotha	81	48	22

Name of Village.	Survey No.	Area.	
		A.	G.
Mankalekhar	192	628	20
Dherand	73	77	8½
Phoperi	59	72	34½
Wághran	117	103	19
Shahapur	573	298	28
Khár Lebhi	30	69	2½
Belkhar	34	42	2
Gopchari	25	49	37½
Khopan	68	26	25½
Kandvira	28	29	5½
Shahábaj	224	130	19
Duwád	11	11	32
Jui-bápuji	46	34	28½
Debenkon	97	41	22
Medhekhar	91	61	27½
Kachli	78	60	12½
Jui-Gauli	23	26	26½
Kopri	30	8	4
Phansapur	45	24	24½
Pitkari	65	78	7½
Sambri	56	23	5½
Chikhli	35	15	16½
Wágvira	36	1	10
Nankhar	47	40	11½
Gauli-Kotha	7	22	23

refund the difference between the duty already levied and that which would have been leviable if the Opium had been imported for exportation by sea from that Port."

No. 6402A.—His Excellency the Governor in Council is pleased, with the permission of the Government of India, to direct that the following alterations be made in Rules 13, 14 and 32 of the Rules under Sections 5 and 13 of the Opium Act, 1878, published under Government Notification dated the 30th March 1878 at pages 237 to 249 of the *Bombay Government Gazette Extraordinary* of the same date:—

In rule 13, for "exported" substitute "disposed of."

In rule 14, for "or Ahmedabad" substitute "Ahmedabad or Mandesar."

In rule 32, for "final export" substitute "disposal."

Bombay Castle, 16th September 1882.

No. 6418.—The following Resolution of the Government of India is republished:—

"GOVERNMENT OF INDIA.
HOME DEPARTMENT.

Measures to Prevent Frequent Changes in the Personnel of the Administrative Staff of a Province.

Nos. ³³
1313-1351.

Extract from the Proceedings of the Government of India in the Home Department (Public),— under date Simla, the 7th September 1882.

Read the undermentioned papers:—

Home Department Circular Nos. 43-1424-1432, dated 20th September 1881.

Letter from the Government of Madras, No. 1536, dated 15th November 1881.
" " " Bombay, No. 783, dated 3rd February 1882.
" " " Bengal, No. 529A., dated 6th February 1882.
" " " North-Western Provinces and Oudh, No. 1348, dated 17th April 1882.
" " " Punjab, No. 1077, dated 12th May 1882.
" " " Chief Commissioner, Central Provinces, No. 4626-294, dated 23rd December 1881.
" " " British Burma, No. 296N., dated 26th October 1881.
" " " Assam, No. 3187, dated 28th November 1881.
" " " Resident at Hyderabad, No. 27, dated 18th January 1882.

RESOLUTION.

In consequence of representations made to the Government of India that the change in the furlough rules effected in 1868, whereby officers absent on leave retain a lien on their appointments, had resulted in a largely increased number of acting appointments and in frequent changes in the *personnel* of the administrative staff to the detriment of public interests, a circular was issued on the 30th September 1881, asking Local Governments and Administrations to report whether any practical inconvenience had been felt owing to the operation of the rule; and, if so, to state the remedies which might seem to them expedient to secure the effectual removal of such inconvenience.

Name of Village.	Survey No.	Area.
Alibag...	148	50 34
Belkado ...	99	76 3
Dhawar ...	125	81 92
Navedar Beli...	31	233 17
Palho ...	54	165 15
Dawale ...	59	67 32
Nagaon ...	532	110 12
Kude... ..	73	24 16
Morkhol ...	21	77 24
Nankhar (Umte) ...	36	13 21
Waskhar ...	18	79 37½
Divi-Parangi ...	34	215 0
Bhonng ...	22	322 18
Tajpur... ..	35	34 8
Usar ...	60	74 31
Khanav ...	89	74 13
Ghotaode ...	22	39 29
Korlai ...	78	20 7
" ...	79	75 2
Chaul... ..	693	0 35½
Akshi ...	177	0 18½

No. 6383A.—In exercise of the power conferred by Section 4 of the Indian Forest Act, No. VII. of 1878, His Excellency the Governor in Council is pleased to declare that it is proposed to constitute the lands specified in the Schedule hereto annexed Reserved Forests in the Alibág Táluka of the Kolába District:—

Schedule referred to above.

Name of Village.	Survey Numbers.
Surai ...	61.
Warundo ...	149, 150.
Deoghar ...	123.
Audoshi ...	78.
Wawo ...	35.
Walswli ...	75, 82.
Pajbar ...	87.
Mandwo ...	18.
Waragaon ...	38.
Koprol ...	23.
Awás ...	That portion of No. 356 which lies to the east of the Alibag-Rowas road.

No. 6402.—Under the provisions of Section 5 of the Opium Act I. of 1878, the Governor in Council, with the previous sanction of the Governor General in Council, has made the following

• *Vide Bombay Government Gazette Extraordinary* dated 30th March 1878. addition to the proviso to Rule 10 of the Opium Rules * framed for the Bombay Presidency under

Sections 5 and 13 of the said Act:—

"But subject to any other conditions, which the Local Government may prescribe in this behalf, the Collector shall not permit Opium imported for exportation by sea from the Port of Bombay to be disposed of for consumption in the Presidency of Bombay or exported under Rule 26 until the difference between the duty already levied and that which would have been leviable, if the Opium had not been imported for exportation by sea from the Port of Bombay, has been paid. When the Collector permits Opium not imported for exportation by sea from the Port of Bombay to be dealt with as Opium imported for exportation by sea from that Port, he shall

2. From the replies which have now been received, the Governor General in Council is glad to find that nearly all the local authorities are of opinion that the supposed effect of the rule in question has been much exaggerated and misunderstood, and that the provincial statistics when carefully analysed do not justify the withdrawal of the concession whereby an officer on furlough retains a lien on his substantive appointment or on a substantive appointment of like character and not less pay.

3. At the same time there can be no doubt that in some provinces changes among the administrative, and especially among the district staff, have been more frequent than is at all desirable; and the Governor General in Council is of opinion that something should be done to check this tendency, where it exists, partly by amendment of the rules in some points of minor detail, and partly by the adoption in all Local Administrations of a settled line of policy in working the rules.

4. In the first place the enquiries recently instituted have made it clear that when unduly frequent changes in the *personnel* of the administrative staff occur, they are often not so much the effect of the existing rules as of the manner in which they are worked. Local Governments are sometimes too ready to defer to the personal wishes and inclinations of officers returning from leave; but unless they insist firmly on the principle that an officer must accept whatever appointment suitable to his rank and position in the service may chance to be available on his return, unnecessary changes take place, the public service suffers, and the convenience of other officers, more or less numerous, is sacrificed to meet the wishes of one favoured individual. The Government of India consider it undesirable that frequent transfers among district officers should take place when these can be avoided; and, while fully admitting that it is quite possible to keep an officer too long in charge of the same district, they are of opinion that the local knowledge which a district officer is expected to possess cannot be acquired unless he remains for a reasonable period in the same appointment. His Excellency in Council is inclined to hold that it would be a distinct advantage to the public service to keep a Magistrate-Collector as a rule for five years in the same district, and that, on the other hand, after a six or seven years' incumbency a change is desirable both for the sake of the officer himself and of the district administration. It should, therefore, be understood that, unless some special circumstances render it desirable to replace an acting officer by a returning incumbent, an officer in the regular line on return from furlough should be posted to such actually vacant office as may happen to be suited to his rank and pay; and, in determining his disposal, the *only* consideration which should be allowed to weigh is the question how his services can best be utilised with the least possible disturbance of existing arrangements.

5. The Governor General in Council considers further that if measures were taken to regulate the times of return of officers from furlough so as to make these coincide better with the times of proceeding on furlough, the principal ground of dissatisfaction with the rules, from an administrative point of view, would disappear. The Local Government should have more power than it at present exercises to regulate the time of an officer's return with reference to the convenience

of the public service. It ought, for instance, to be at liberty for this reason to require an officer to take less or (when to his credit) more leave than he applies for (within reasonable limits), on penalty of his forfeiting his lien upon his appointment if he declines to accept the arrangement: thus, if an officer applies for twelve months' furlough, and the Local Government is aware that it will have difficulty in providing him with a suitable appointment on the expiry of that term owing to the simultaneous return of senior men or for other reasons, it should require him to return either after, say ten months, or fourteen months, as may best suit the requirements of the public service. At present the Government grants, as a matter of course, the precise amount of furlough asked for. It ought to have at least the same discretion in settling the leave-arrangements of its officers that a mercantile firm would exercise in granting leave of absence to its *employés*. Effect may be given to this suggestion from the 1st April 1883.

6. As the rules stand at present a Covenanted Civil Servant is only allowed to take his first furlough after eight years' residence in the country. It appears to the Government of India desirable, both in the interests of the public service and as a concession to its junior officers, that this period should be reduced, and that the first furlough should be admissible after five years' residence. It is for the public advantage that some portion of the furlough that may be earned during a civilian's term of engagement should be taken at the time when his services are of least value. A change in the furlough rules to the effect suggested will be recommended to Her Majesty's Secretary of State for India.

7. It has been brought to the notice of the Government of India that occasionally improper advantage can be taken of the rule as to lien on appointment, by officers who have much furlough to their credit and can easily procure medical certificates. The Governor General in Council thinks it would be a fair rule to lay down that if an officer within two years of his return from furlough again takes furlough on medical certificate he should not retain any lien on his appointment. A change in the furlough rules to this effect will also be recommended to Her Majesty's Government.

8. The points mentioned in paragraphs 6 and 7 are the only matters in regard to which the Governor General in Council thinks any alteration of the present rules to be necessary.

ORDER.—Ordered, that a copy of this Resolution be communicated to Local Governments and Administrations for information and guidance and that a copy be communicated to the Department of Finance for information and with a view to the necessary reference being made to the Secretary of State on the points mentioned in paragraphs 6 and 7 of the Resolution.

Ordered also, that this Resolution be published in the Supplement to the *Gazette of India*.

(Signed) A. MACKENZIE,
Secretary to the Government of India."

No. 6422.—*Erratum*.—In the Schedule annexed to Government Notification No. 9, dated 3rd January* 1882, directing the exclusion from reserved forests of certain lands

in the Thána District, for the village "Mise" in taluka Salsette, read "Mire."

* Published at page 2 of the *Bombay Government Gazette* dated 5th January 1882, Part I.

Bombay Castle, 20th September 1882.

No. 6512A.—In exercise of the power conferred in this behalf by Section 6 of Act VIII. of 1878 (The Sea Customs Act, 1878,) and in supersession of all previous Notifications on the same subject, the Governor of Bombay in Council is pleased to appoint the following Officers of Customs to exercise the powers conferred, and to perform the duties imposed by the said Act, on the said Officers, in the manner hereinafter prescribed, namely:—

- (1.) The Commissioner of Customs to be the Chief Customs-authority throughout the Presidency of Bombay, except for the ports in Sind and the port of Aden;
- (2.) The Collector of Customs, Bombay, to be the Chief Customs-officer at the port of Bombay, and to have the powers indicated in Section 182(a);
- (3.) The Collector of Salt Revenue to be the Chief Customs-officer for all the Continental ports of the Presidency of Bombay, and to exercise for such ports the powers indicated in Section 182(a);
- (4.) The Deputy Collector of Salt Revenue for the Southern Division to be the Chief Customs-officer at all ports in the said Division, and to have the powers indicated in Section 182(a);
- (5.) The Assistant Collector of Customs in charge of the Prince's Dock Branch Customs House at Bombay to be Customs-Collector for such Customs House, and to have the powers indicated in Section 182(c);
- (6.) All Assistant Collectors of Salt Revenue to be Customs-Collectors at all ports within their respective charges, and to have the powers indicated in Section 182(b);
- (7.) The Officer in charge of the Customs House at Kārwār, all Sir-Kārkūn in charge of Tālukas, the Inspector at Rājpurī, and all other Officers in charge of Customs-houses at the Continental ports, to be Customs-Collectors for the ports in their respective charges, and with the exception of Officers of a lower rank than a Sir-Kārkūn, to have the powers indicated in Section 182(c).

No. 6512B.—In exercise of the power conferred by Section 7 of Act VIII. of 1878 (The Sea Customs Act, 1878,) the Governor of Bombay in Council is pleased to delegate the following powers, vested in Government by the first clause of Section 6 of the Act, to the following Officers in the manner hereinbelow prescribed, namely:—

- | | | |
|--|---|---|
| (1) To the Chief Customs-authority. | } | The power of making all appointments of persons to be Officers of Customs, excepting the appointments of Gazetted Officers in the Customs Department. |
| (2) To the Collector of Customs and the Collector of Salt Revenue. | } | The power to appoint persons to be Officers of Customs within their respective jurisdictions on salaries under Rs. 100 subject to such limitations as the Chief Customs-authority may impose on such power of appointment under Section 9(a). |
| (3) To the Deputy and Assistant Collectors of Salt Revenue. | } | The power to appoint persons to be Officers of Customs within their respective jurisdictions subject to such general or special rules as may from time to time be prescribed. |

No. 6512C.—In exercise of the power conferred by Section 8 of Act XII. of 1875 (The Indian Ports Act, 1875,) and in supersession of all

previous Notifications on the same subject, the Governor of Bombay in Council is pleased to appoint the Commissioner of Customs and the Collector of Salt Revenue acting in subordination to such Commissioner, to be the intermediate authorities, to whose control the Conservators at all ports throughout the Bombay Presidency, except the ports of Bombay and Aden and the ports in Sind, shall be subject.

The Governor of Bombay in Council is pleased further to invest the Commissioner of Customs with chief control over the Port Fund receipts and expenditure of the ports aforesaid.

No. 6512D.—In exercise of the power conferred in this behalf by Section 188 of Act VIII. of 1878 (The Sea Customs Act, 1878,) and in supersession of all previous Notifications on the same subject, the Governor of Bombay in Council is pleased to empower the following Officers of Customs, in virtue of their office, to hear appeals under the provisions of the said Act, namely:—

- (1.) The Collector of Customs, Bombay, to hear appeals from decisions passed by the Customs-Collector in charge of the Prince's Dock Custom House;
- (2.) The Collector of Salt Revenue to hear appeals from decisions passed by Customs-Collectors subordinate to him;
- (3.) The Deputy Collector of Salt Revenue for the Southern Division to hear appeals from decisions passed by Customs-Collectors, subordinate to him, invested with powers not exceeding those indicated in Section 182(c).

No. 6518.—The following rules for regulating the grant of reward for the detection and prevention of offences against the Sea Customs Laws in Sind are published for general information:—

1. When the confiscation of any property has been ordered, or any penalty has been adjudged under the provisions of the Sea Customs Act VIII. of 1878, the Collector of Customs in the case of confiscations and penalties adjudged by officers of the Customs Department may, subject to the general control of the Commissioner in Sind, grant, in such proportions as he may think fit, to any person or persons who may have contributed to the seizure of the property or the conviction of the offenders, rewards not exceeding the value of the property confiscated plus the amount of any fine recovered.

2. In any case in which, in the opinion of the Commissioner in Sind, any person has performed any service of special merit in respect of the prevention or detection of smuggling or of any offence against the Sea Customs Laws, the Commissioner may grant to such person a reward not exceeding in amount Rs. 50 (fifty). A reward granted under this rule may be in addition to, or in lieu of any reward that may be or might have been granted under Rule 1.

3. The Commissioner in Sind or, with his sanction, the Collector of Customs may incur at his discretion expenditure not exceeding Rs. (100) one hundred in each case for the employment of informers or for other purposes connected with the prevention or detection of smuggling, or of any offence against the laws relating to Sea Customs.

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

J. NUGENT,
Acting Secretary to Government.

FINANCIAL DEPARTMENT.

Bombay Castle, 16th September 1882.

No. 3559.—The following Notification by the Government of India is republished :—
 “ DEPARTMENT OF FINANCE AND COMMERCE.

Simla, the 8th September 1882.

No. 3637.—The following Corrigendum to the Codes of the Financial Department is published for general information :—

C. P. C.

PAGE 97.

Section 177A.

Strike out the parenthetical sentence, '(For the purposes of this Section service paid by a Guaranteed Railway Company shall be treated as if it were service rendered in a temporary capacity),' in this Section.

(Signed) D. M. BARBOUR,
 Secretary to the Government of India."

Bombay Castle, 19th September 1882.

No. 3583.—The following Resolution of the Government of Bombay is published for general information :—

RESOLUTION OF GOVERNMENT.

The Government of India in its Resolution dated the 18th May last communicated to the various Local Governments at considerable length and in full details its views and orders on the subject of the extension of local self-government, and indicated the principles upon which in its opinion measures should be adopted to render the further advance in the direction of such government real and substantial. On the receipt of this Resolution reports were called for by this Government from the Commissioners and Collectors on the various points touched upon by the Government of India. Those reports have now been received and have been considered by His Excellency the Governor in Council with the care and attention due to the deliberate opinions of officers who from their general ability, their long experience, their acquaintance with the views, modes of thought, and habits of all classes of the population, and their official intercourse with all sections of the community are peculiarly qualified to give valuable and sound advice on so important and difficult a subject.

2. The population of this Presidency both urban and rural has for many years enjoyed a large share of local self-government secured to it by the provisions of the Bombay Local Funds Act, 1869, and the Bombay District Municipal Act. The constitution of the Municipal and Local Funds Committees was popular; the non-official element predominated; and the large and influential class of *Inámdárs* elected its own representatives on the *Táluka* and District Local Fund Committees. The District Municipal Act contained provisions authorising Government to grant the elective franchise to city municipalities, and Government possessed the power of elevating town municipalities to the status of city municipalities whenever the inhabitants displayed sufficient intelligence and public spirit to justify such a measure. The improvements which have been effected, and the progress in all that constitutes civilization are hardly credible to those who can remember the state of this Presidency even twenty years ago. Education has advanced, water-supply and sanitation have been provided for, and even the most remote and rugged districts have been opened up by excellent roads. It may well be feared that the newly constituted and less experienced Boards could ill spare the guiding influence of the Collector which has hitherto enabled the Committees to overcome caste enmities and the conflicting influence of local factions. Political education is a tender plant of very slow growth, and it cannot wisely be forced into a premature development. Before subverting a system which has been found in practice to work so well this Government would have preferred to proceed more cautiously, to create and educate a public spirit, and to ascertain the fitness of the Municipal and Local Fund Committees to exercise more extended powers. Such powers are often abused even in countries where the people have been accustomed to free institutions, the growth of centuries, and His Excellency the Governor in Council cannot but regard with uncertainty and anxiety the bestowal by one step of unlimited powers on communities so new to their exercise. In its recent orders, however, the Government of India insists on the introduction without delay of very radical measures of self-government, and having placed on record his opinion that measures so extensive are some-

what premature it will now be the duty of His Excellency the Governor in Council to carry out those measures to the utmost extent which he considers compatible with safety.

3. The main features of the Government of India scheme are an increase of the powers of local boards, urban and rural, a more full emancipation of those boards from the control of local officials, the grant of a wider discretion to the boards in all matters of expenditure, the placing of larger funds at the disposal of those boards, the resuscitation of taluka boards from their present state of suspended animation, and the introduction of a system under which the members of the boards would in the main be elected, and would be the representatives chosen by the mass of the rate-payers.

4. The chief points for consideration and orders would accordingly appear to be

- 1st, the constitution of the various boards, Municipal and Local Funds,
- 2nd, the mode of appointment of the members of such boards,
- 3rd, the powers to be conferred upon and exercised by such boards,
- 4th, the funds to be placed under the management of such boards and the functions to be discharged by them,
- 5th, the nature and extent of the power to be reserved to Government in connection with the administration of the boards.

5. One of the first points to be determined is what are the powers which a Collector of a District is to be allowed to continue to exercise. He now is President of all City and Town Municipalities in his District and also of the District Local Fund Committee. As President of a City Municipality he presides at meetings of the Commissioners, watches over the financial and executive administration, submits questions of importance for the decision of the Commissioners, has a casting vote, and can suspend pending the receipt of the orders of Government the operation of any Resolution carried against a minority of not less than $\frac{2}{3}$ of the members voting. As President of a Town Municipality he is vested with "the power and responsibility for carrying out the purposes of the Act" or in other words he is, subject to appeal to the Commissioner and to Government, invested with plenary powers. As President of the District Local Fund Committee he decides any disputed questions between that Committee and the Taluka Committees, he presides and has a casting vote at meetings of the former Committee, he places the Budget and other business before the Committee and he possesses the power of veto. The Collector in his turn is subject to the control and orders of the Commissioner of the Division and under the system now in force the latter is in many respects practically the principal authority in Local Fund matters.

6. It is in the opinion of His Excellency the Governor in Council essential to the success and the safe working of the new scheme that the Collector should, for the present at least, continue to be the President of the Municipalities and the District Local Fund Committee of his Collectorate. It may not be necessary that the Collector should retain all the powers which he now possesses and exercise the control in minor matters and questions of detail which he now holds, and it is desirable that his interference in the management of the affairs entrusted to local and municipal boards should be minimised as far as possible, but it is requisite that he should still enjoy a voice in the administration of those affairs and that the power of directing the deliberations of the urban and rural committees of his district should for at all events some years to come be vested in him. After experience has been gained, and when in the course of a few years the more intelligent portion of the population has attained to a degree of political education which it as yet has not reached, it may be found practicable in the more advanced towns and collectorates to appoint non-officials to be Presidents of Municipal and Local Fund Boards, and even now instances may be found of private persons fitted to undertake such functions of whose services His Excellency the Governor in Council would be glad to avail himself, but such a step as a general measure would at present in the opinion of His Excellency be both premature and calculated to ensure the failure of the experiment now to be introduced. To entrust at once with full administrative functions persons who however estimable and public-spirited they may be have never before exercised such powers or had any previous training, and to deprive them at the same time of the counsel and guidance of the officers who have

hitherto devised and carried out all reforms and superintended the operations of the various local committees, would be a hazardous step and a measure which Government is not prepared to adopt. It is the desire of His Excellency the Governor in Council that Municipal and Local Fund Committees should be self-governing to the fullest possible extent compatible with efficient, impartial, and judicious administration. It appears to him, however, to be absolutely necessary that for the present at least the Presidents of the various boards should be the district officials, and that a general power of supervision should continue to be vested in those officers. The power may be used sparingly and discreetly, but it should exist, and this Government cannot therefore consent to a step which it is convinced must frustrate the object in view and ensure the utter failure of the experiment.

7. In accordance with the views above expressed the Collector will in the case of City Municipalities continue for the present to be President, and to direct the deliberations of the Committees, save in the few possible exceptional cases where private persons qualified to perform the duties of a President may be available. He will as now watch over the financial and executive administration, but he will no longer possess the power of suspending the operation of a resolution passed by the majority of the Commissioners and will abstain from all interference with the action of the Commissioners. It will merely be his duty to report to Government through the Commissioner of the Division the adoption by the Municipal Board of any course which he deems prejudicial to the public health, safety or interests generally, and Government will in future as now have authority to disallow any order passed by the Municipal Commissioners. Under ordinary circumstances the Collector when presiding at a meeting whether of a Municipal or a Local Fund Committee will not vote. His vote will be purely a casting vote and only given when on a division the number of members voting on each side is equal.

8. In the case of Town Municipalities the powers of a Collector will in future be limited to those which he now enjoys in respect of City Municipalities. The powers of the Assistant or Deputy Collector as Vice-President will be similarly curtailed and neither he nor the President will in future have the power of overruling the opinion of a majority of the Commissioners. It will suffice if the President possesses authority to refer to Government for orders any resolution of the Commissioners from which he dissents and of which the operation would in his opinion be prejudicial to the public health, safety or other interests. The Committees of both City and Town Municipalities will be required to forward at once to the Collector for his information copies of all resolutions passed at meetings of the Committees.

9. To consider now the question of the constitution of the various boards and to take municipal boards first, it may be observed that under the present law a City Municipality Committee consists of from 4 to 10 (generally 9) ex-officio members including the Collector, and twice as many non-official as there are ex-officio members. It is in the opinion of His Excellency the Governor in Council expedient to diminish the number of official members, and the City Inspector or Chief Constable, the Superintendent and Assistant Superintendent of Police, the Deputy Educational Inspector and the Executive Engineer may be removed from the list of official members. The ex-officio members would then be

1. The Collector,—President.
2. The Assistant or Deputy Collector in charge of the Táluka.
3. The Civil Surgeon,
4. The Huzúr Deputy Collector, { when resident in or near the place and
not otherwise.
5. The Mámlatdár of the Táluka.

Whilst however it seems unnecessary to retain the Executive Engineer and the Deputy Educational Inspector as ex-officio members it appears desirable that they should be authorised but not necessarily required to attend the meetings and act as professional advisers of the committee, and to take a part in the discussion of questions within their respective provinces although not entitled to a vote. The number of non-official members may be fixed at not more than 19 and not less than 13, the number varying according to the population of the Municipality. Of the total number of members, which consequently would range from

18 to 24, one-half should be elected. The remainder would consist of the ex-officio members and of persons resident in or near the place nominated by the Governor in Council or any officer duly authorised by him. The Chairman should whenever possible be a non-official member, but the choice of a Chairman may well be left to the body of the Commissioners, subject to the approval of Government.

10. A Town Municipality Committee now is composed of—

1. The Collector,—President.
2. The Assistant or Deputy Collector.
3. The Mámíatdár.
4. The Chief Constable.

and of non-official persons not exceeding 12 in number appointed by Government (*i.e.* by the Commissioner under the powers delegated to him).

Of the total number of 16 members not more than one-half may be persons holding salaried offices in the service of Government.

It appears to His Excellency the Governor in Council unnecessary that the Chief Constable should be an ex-officio member. The number of ex-officio members may consequently be reduced to three, and the total number of members of the committee of a Town Municipality may be fixed at not more than 18 and not less than 12, of whom one half should be elected, the other half being composed of the ex-officio members and of persons resident in or near the place nominated by Government or any officer duly authorised on its behalf.

11. It has been urged not only by some of the officers consulted by Government but also by some of the exponents of native opinion that the system of elective representation should not be introduced in the majority of the Town Municipalities, and it has been contended that the populations of the minor towns are as yet unfitted for the exercise of the franchise. In this view however His Excellency the Governor in Council is unable to concur. It is the expressed desire of the Government of India that the elective system should be introduced generally as far as may be found practicable, and in order to comply with this wish it is expedient that, as a general rule save in exceptional cases where special reasons exist against the adoption of such a course, the system of election of representatives should be carried out in Town as well as in City Municipalities. There would seem *prima facie* little ground for supposing that if the experiment proves successful in one class of Municipalities it will result in failure in the other class. Whether it will succeed at all is a matter of opinion. His Excellency in Council trusts and believes that eventually if not immediately it will, but in any case the attempt has to be made, and considering that the bulk of the populations of Indian towns in this Presidency differs rather in numbers than in degrees of culture and intelligence it is difficult to perceive why the same system should not produce similar results in various towns. It is customary to speak of Poona as the most advanced Mofussil Municipality and the city in which the principle of election can with the best chances of success be introduced, but after all the Poona merchant, shop-keeper or artisan is in all respects very much the same as his *confère* in a táluca town, and the general educational status of the mass of the citizens is probably not materially higher in Poona than it is in Kaira or Vengurá, Bársi or Bhusával, Bhiwndi, Hubli or Karád.

12. A Táluca Local Fund Committee now consists of

- (1). The Assistant or Deputy Collector,—President.
- (2). The Mámíatdár.
- (3). A Public Works Department officer, or in educational matters the Deputy Educational Inspector.
- (4). An Inámdár elected by the other Inámdárs.
- (5, 6, 7). Three landholders (or if there is no Inámdár member, four landholders) nominated by the Collector.

Here too a reduction may with advantage be effected in the number of ex-officio members, and henceforth the Assistant or Deputy Collector and the Mámíatdár should be the only members of this class. The Public Works Department and Educational officers should be entitled to be present at the meetings

of the Committee and to advise the members, but should not be members or have any vote. The Committee should have the power to require the attendance also of the Head Master of the Anglo-Vernacular School of the Táluka should it consider it desirable to obtain his advice on any educational question coming before it for decision. In future as now the holders of Inám villages in the Táluka may be represented by a member elected from amongst themselves. If there is a Municipality containing a population of over 5000 souls situated in the táluka it should return a member to the Committee, such member being elected by the body of the Municipal Commissioners. It seems unnecessary to confer such a privilege on smaller Municipalities, whose wealth, population and stake in the material interests of the táluka would bear but a very slight proportion to those of the aggregate mass of villages in the táluka. In addition there should be a certain number of members being holders or proprietors of land in the táluka of whom some would be elected and some nominated by the Collector. This number would vary according as there was or was not in the táluka a municipality returning a member to the Táluka Committee. Where such a Municipality existed the number of members so elected and nominated would be 8 of whom 4 would be elected and 4 nominated. Where no such Municipality was found the number would be 9 of whom 5 would be elected and 4 nominated. In either case then each Táluka Committee would consist of 12 members, of whom 2 would be Government officials and members by virtue of their office, 4 would be nominated by the Collector and 6 would be elected. The power of nominating members to both Municipal and Local Fund Boards thus given to Government will prevent the undue exclusion of representatives of any particular class, creed, caste or interest and will meet the objection to a scheme of election raised by some of the Collectors, whilst the limited number of ex-officio members and the great preponderance in number of the non-official members will preclude the possibility of allegations that the interests, wishes, and aspirations of the non-official element in the Committees are over-ridden by official votes and defeated by official influence.

13. A District Local Funds Committee is now constituted as follows:—

- (1) The Collector,—President,
 - (2) The Assistant and Deputy Collectors (generally 3) in charge of tálukas,
 - (3) The Executive Engineer, or in educational matters the Educational Inspector,
 - (4) The Huzúr Deputy Collector,
 - (5) An Inámdár elected by the other Inámdárs of the District,
 - (6) Six landholders or proprietors appointed by the Commissioner,
- or in all 13 members of whom 6 are ex-officio.

Following the policy adopted in other cases of diminishing the number of ex-officio members His Excellency the Governor in Council would remove from the list of ex-officio members the Huzúr Deputy Collector (who has no territorial charge) and the Educational Inspector and Executive Engineer. As in the case of the Táluka so in the case of the District Local Fund Committee the two latter officers should cease to be members and should become merely professional advisers of the Board. The number of ex-officio members would accordingly be reduced to four, taking the average number per district of officers in charge of tálukas. The Inámdár member should continue as now. Each táluka should be represented on the District Committee by a member of its Local Fund Committee, to be elected by the members of the Táluka Committee (the Mámlatdár not being eligible for election). In districts in which a City Municipality has been created such municipality will be allowed to return to the District Local Fund Committee a member, who will be elected by the Commissioners from amongst their own body. In addition to the ex-officio and elected members each District Local Fund Committee will also contain a certain number of members to be nominated by the Collector subject to the approval and confirmation of the Commissioner. The number of members so to be nominated will be so regulated that the number of ex-officio and nominated members combined shall exactly equal the number of elected members.

14. His Excellency the Governor in Council does not consider that the claim put forward in the memorials of the Poona Sárvaajanik Sabha that the

educated and professional classes should be allowed direct and separate representation on the various boards can be entertained. There would appear to be no more valid cause why graduates and pleaders and the other members of these classes should be permitted to return their own special representatives than there is for adopting a like course in the case of money-lenders, shopkeepers, or persons of any other class or occupation. A vakil has no more, and often not as much, interest in the administration of a Municipality than has a seller of ghee or a dealer in cloth, and a graduate has no greater claim to a share in the management of the roads, schools, wells and rest-houses in his native taluka than has the farmer of 20 acres of land or the cultivator who grows grain and breeds horses and bullocks. The educated classes and the professional men will if qualified to vote enjoy their share of the power of electing representatives, but there appears no sufficient reason why they should be granted an exceptional and special representation for which no precedent exists in India or in England. It seems improbable that the alterations now to be effected in the mode of appointment of members to the various boards will lead to much change in the present *personnel* of those boards. The native gentlemen now nominated by the Commissioners are as a rule selected as being the most intelligent men and the fittest representatives of the native community in their respective towns and districts. Under the new system they will stand the best chance of being returned as members of the urban and rural boards by the different constituencies who it may be trusted will choose men of known merit and local influence to give expression to their views and wishes. It may therefore safely be assumed that the classes for whom the Sárva-janik Sabha solicits direct and special representation will furnish many, if not the majority, of the elected members and will have no cause for complaint that they are swamped by the mass of voters of lesser intelligence and lower social position and have no means left of giving utterance to their views and assuming their share of local self-government. Although the educated and professional classes may be numerically in a minority their superior education, social status, and personal influence must in the long run effectually secure them from being in any way effaced.

15. The next point is the question what should constitute a qualification for the franchise. In the case of Municipal Boards His Excellency the Governor in Council can perceive no advantage in requiring varying qualifications for electors and for candidates. He is of opinion that any person qualified to vote should also be qualified to be voted for. He also considers that the same standard of qualification should be prescribed for City and Town Municipalities alike. It is desirable that the constituencies should not be so large as to be unwieldy and that the franchise should be extended only to those persons who are by position and education qualified to exercise it judiciously and to persons whose contributions towards the municipal revenues are sufficiently large to justify their having a voice in the administration of those funds. On the other hand it is expedient that the qualifications for a vote should not be too restricted or too high, as in such a case the number of persons entitled to a vote would be inconveniently limited and the mass of the inhabitants would possess no more direct concern in the management of the municipal affairs than they at present enjoy. Bearing these considerations in mind His Excellency the Governor in Council has decided that the following persons should be entitled to a vote at the election of Municipal Commissioners for the Municipality, whether Town or City, of the town in which they are residents:—

- (1) All graduates of any University, Indian or European,
- (2) All Pleaders holding sanads granted by the High Court,
- (3) All Licentiates of Medicine, Surgery, and Civil Engineering,
- (4) All Jurors, Assessors and Conciliators,
- (5) All Government pensioners in receipt of a pension of not less than Rs. 20 monthly,
- (6) All persons in Government service in receipt of a monthly salary of not less than Rs. 30,
- (7) All persons paying Imperial license tax of Rs. 20 per annum and upwards,

- (3) All persons paying Rs. 5 per annum direct municipal taxes (in Sind the pecuniary qualification should be a payment of Rs. 3 house tax, or Rs. 5 direct municipal taxes.)

The possession of any one of the qualifications entitling to a vote will entitle its possessor to stand as a candidate. Females should not be disqualified to vote merely on account of their sex if qualified to vote as coming within classes 5, 6, 7, or 8, but will not be qualified to sit as Municipal Commissioners. No person should be entitled to vote or be eligible for election who

- (1) is under 21 years of age,
- (2) has been dismissed for misconduct from Government employ,
- (3) has been sentenced to imprisonment by any Criminal Court, such sentence having been upheld on appeal,

and no person shall be qualified to be elected or appointed to be a Municipal Commissioner who

- (1) is an uncertificated bankrupt or insolvent,
- (2) is a Municipal Executive officer or a clerk or servant of the Municipality,
- (3) has directly or indirectly any share or interest in any contract or employment with, by, or on behalf of the Municipality.

Also any Municipal Commissioner who during the term for which he has been elected or appointed

- (1) becomes disqualified for any of the above reasons,
- (2) is absent for more than 4 consecutive months from the Municipal limits,
- (3) is sentenced to imprisonment,

shall cease to be a Municipal Commissioner.

16. In municipal towns the voting should as a general rule be by wards, though in special cases and when exceptional circumstances render the adoption of such a course advisable the different sections of the community, as for instance the Christians, the Mussalmans, the Pársis, and the Hindus, may be permitted to return their own representatives. In those places where the voting is by wards the town should be divided into a number of wards corresponding with the number of elected representatives, and the wards should be so mapped out that each will contain as far as possible the same number of voters. Each ward should then elect its own representative who may be a resident in that or any other ward. Where this scheme would be difficult of execution owing to arrangement of existing wards or recognized sub-divisions of the town the number of representatives of each ward should as far as may be practicable be regulated in accordance with the number of persons qualified to vote residing in that ward. No person should have more than one vote, e.g., a person should not be entitled to two votes because he is a graduate and also pays Rs. 5 direct municipal taxes, or because he is an assessor and also pays Rs. 20 Imperial license-tax. The Collector should prepare annually lists of the persons qualified to vote and copies of such lists should be fixed up and be open to inspection in the Mámlatdár's kacheri, the Municipal Office and any other large public building in the town. Due notice should be publicly given at least 15 days prior to the date fixed for the elections of the day on which the elections will be held. The votes should be given personally by the voters at the municipal office, or at such other places as may be appointed, in the presence of the municipal secretary or other municipal officers nominated for the purpose. The names of the successful candidates and the number of votes recorded for each candidate should then be reported to the Collector who will cause the names of the candidates elected to be notified in the *Government Gazette*. The names of the persons nominated by the Governor in Council or any officer duly authorised on his behalf would at the same time be notified.

17. Next for decision comes the question as to whom should be entrusted the power of electing members of the Táluka Local Fund Committees. On full consideration of the various opinions and representations received it appears to

His Excellency the Governor in Council that the following persons should be entitled to a vote :—

- (1) All persons holding or occupying land paying an annual Government assessment of not less than Rs. 48,
- (2) All officiating Revenue or Police Patels.

Here again it has been urged by the Poona Sárvajani Sabha that jurors, assessors, pleaders and graduates should be granted a voice in the selection of the members, but Government cannot admit that such persons have any valid claim merely on the ground that they possess a general or special education to control the expenditure of funds to which possibly they contribute nothing. A *vakil per se* has certainly no greater, probably not so much, direct interest in the construction and maintenance of roads and tanks in his *táluka* than has the fairly well-to-do cultivator who uses the roads for the conveyance to markets of his produce and needs the tanks for the supply of water to his cattle. Nor should the education of his children and those of his neighbours be a matter of greater concern to him than it is to the average ryot who is moreover more nearly affected by the establishment of the primary schools which are supported from Local Funds than is the pleader or graduate who resides at the *táluka* town and sends his sons to the more pretentious and advanced Anglo-Vernacular school. Pleaders, graduates &c. who hold Government land or pay the requisite sum on account of the assessment will in their capacity as holders or occupants be entitled to a vote, but that they should be allowed a vote simply because they have received a special or University education and have passed examinations in law, medicine, mathematics or languages appears to the Governor in Council undesirable and unnecessary. The Commissioner, C. D., has recommended that a payment of Rs. 10 on account of Local Fund cess should be the qualification for the vote. The proposed limit seems however to be far too high. It implies the payment of a sum of Rs. 160 yearly as Government land assessment, and this involves the restriction of the franchise to a comparatively small number of men in most districts and an exceedingly small number in some. If the franchise is to be given at all it should be granted generously, and unfettered by conditions which render it beyond the reach of the vast mass of respectable rate-payers. It may be said that the great bulk of the *contribuens plebs*, the majority of the smaller landholders, will not care for a vote and would not exercise intelligently any power conferred upon them. This may be the case, but in any event it is necessary to give the experiment the fairest and fullest trial and to furnish no opportunity or occasion for allegations that in determining the pecuniary qualification for the franchise it has been fixed at so high a figure as to render the concession valueless and to restrict the enjoyment of the privilege to an unduly limited number of individuals.

18. The qualification for candidature for membership of a *Táluka* Local Fund Board should be the possession of unencumbered real property in the *táluka* of the value of not less than Rs. 1,000, or of other property of not lower value than Rs. 15,000. A like qualification should be required in the case of members appointed by the Collector. The disqualifications alike for voters and members should be the same, *mutatis mutandis*, as in the case of municipal voters and Commissioners.

19. For election purposes each *táluka* should be divided into groups of villages corresponding in number with the number of members to be elected to the Local Fund Committee of the particular *táluka*, and each group should return its own member to the *Táluka* Committee. The distribution of villages should be so arranged that the amount of land assessment and Local Fund cess paid by each of the various groups should be approximately the same. The grouping of villages should be carried out by the Collector. Only persons resident in the *táluka* should be eligible for election as members, but it is not essential that the member for a group of villages should be an inhabitant of any of the villages composing the group. A list of the persons in the *táluka* qualified to vote and to serve as members should be prepared annually by the Collector and copies of the list should be posted in the *Mámlatdár's* *kacheri* and be open to public inspection. A list of all the cesspayers qualified to serve as members and of the persons entitled to vote in the town or village should be sent to each town or village and posted up in the *chávdí* or other public building. A central place

should be selected in each group of villages at which the votes of the voters resident in that group should be taken, and one month before the date fixed for the election the Mámlatdár should send to each voter a notice informing him of the day on which the election will be held and the place at which votes will be received. The votes of the voters then appearing in person should be recorded by the Mámlatdár or other officer appointed for the purpose by the Assistant or Deputy Collector in charge of the táluka, and as soon as the results of the election have been ascertained the latter will report to the Collector the names of the successful candidates. The names of the persons elected and of those nominated by the Collector should then be notified in the *Government Gazette*.

20. The procedure in the case of the election of members of the District Local Fund Committee will be simple. Each Táluka Committee will send a representative selected by his brother members. The election will take place at a special meeting of the Committee held for the purpose, and the result will be communicated to the Collector by the President — the Assistant or Deputy Collector in charge of the Táluka. In case of an equality of votes the choice can be determined by lot.

21. All Boards, Local Fund and Municipal, should consist of two committees, a general and a managing. The number of members on the managing committee should in no case exceed one-third of the total number of members of the Board. The chairmen of both committees should be elected, the appointment being subject to the confirmation of Government, and should as a rule and when possible be non-official members. The preparation of rules for the guidance of committees, the distribution of their duties, regulation of their meetings &c. may be entrusted to the Commissioners who should submit for approval the rules they would propose for adoption. The head-quarters of Local Fund Boards should be the Huzúr stations or táluka towns. As regards remuneration it appears unnecessary to grant any fees or salaries to the members or chairmen of Municipal Boards who at present receive no money payment. In the case of members and chairmen of Local Fund Boards any actual travelling expenses incurred by them should be allowed and they may further be granted an honorarium of Rs. 3 each for each meeting at which they attend, care being taken to limit the number of meetings for attendance at which they should be entitled to fees. The labourer is worthy of his hire, and it cannot be expected that men of the means and status of the ordinary Local Fund Committee member will be willing to attend frequent meetings and to devote their time and attention to the work unless they receive some direct and tangible recompense.

22. The Government of India have in paragraph 16 of their Resolution dated May 18th last directed that "the courtesy titles of Ráo Bahádur or Khán Bahádur shall in all official correspondence be applicable to native members of all local boards during their term of office." There is an almost unanimous consensus of opinion on the part of the officers consulted by this Government against this measure and the Government of India should be requested to reconsider this point and in place of directing that titles which have hitherto been highly valued, rarely bestowed, and only earned after years of assiduous and successful labour in the service of Government, should be scattered broadcast over the land, to order that such temporary marks of distinction should only be conferred on the chairmen of general and managing committees of Local and Municipal Boards. It should further be pointed out that as all Mámlatdárs and all Subordinate Judges save those of the highest class now only possess the honorary title of Ráo Sáheb or Khán Sáheb it seems undesirable and invidious to grant the higher title of Ráo Bahádur or Khán Bahádur to even the chairmen of Town Municipalities or Táluka Boards who would as a rule be men of lower social status, inferior education, less ability, and smaller means, than the average Mámlatdár or Subordinate Judge. As regards the members, other than the chairmen, of the various Boards it would seem sufficient to confer on them the honorary title of A'zam formerly allowed to Mámlatdárs.

23. To give effect to the views expressed in the foregoing paragraphs it will be necessary to amend the existing laws relating to district Municipalities and Local Funds. There are, however, many portions of the Presidency, as for instance Thar and Párkar, the Upper Sind Frontier District and parts of the Khándesh, Násik, Thána, Kolába, Ratnágiri, Kánara and Panch Maháls Districts,

which probably are not yet fitted for a system involving election of representatives and a far greater independent local non-official power and action than any they have yet enjoyed. It will be expedient therefore in any legislative measure which may be introduced to reserve to Government the power of deferring the introduction of these advanced forms of local self-government in any district or local area in which owing to local circumstances, the backward condition of the people, or the sparseness of the population, the carrying out of the new system would meet with insuperable difficulties. A failure in any particular case would tend to throw discredit on the entire scheme, and this it is most desirable to avoid. The Commissioners should report at their early convenience what portions of their respective Divisions they consider to be as yet unsuited for the introduction in its entirety of the new system in so far as it relates to the election of members of Local Fund Committees. His Excellency the Governor in Council is of opinion that it is desirable that Government should possess the power to suspend the operation of the new system and to direct a reversion to the old order of things in cases where experience has proved that the novel arrangements are in practice unworkable and have as a matter of fact broken down and brought the local administration to a deadlock. It appears however questionable, to judge from paragraph 17 of the Resolution of the Government of India dated the 18th May last, whether that Government would sanction such a course. In that paragraph it is ruled that the "power of absolute supersession" of any Board "would require in every case the consent of the Supreme Government." On this point also the Government of India may be invited to reconsider its order. It should be observed that in the opinion of the Governor in Council a Government exercising in other respects the wide and varied powers possessed by the Administration of a Presidency may well be entrusted with the authority to suspend a Taluka or Municipal Committee and to appoint other men to do the work which the Committee has neglected or refused to do. To prohibit a local Government from adopting such a measure when deemed by it to be requisite without the previous sanction of the Supreme Government is virtually to declare that the local Government is unfit to discharge a function which properly pertains to it, unless indeed the power of local self-government is to be granted alone to Local Fund and Municipal Boards and is to be refused to the Government to which those Boards are subordinate.

24. The period for which members of Municipal and Local Fund Boards, whether elected or appointed, should serve, may be fixed at three years, but they should be eligible for re-election or re-appointment on the expiration of the term of three years. In the case of the resignation, disqualification, or death of a member before the expiration of the period for which he was appointed, a successor should be nominated or elected according as the member resigning, dying, or becoming disqualified was nominated or elected, and should serve as a member for the residue of the term of the member whom he succeeds. Chairmen of Committees, General or Managing, should be elected for one year only, but should be eligible for re-election.

25. As regards the question of the powers to be conferred upon and exercised by Boards it appears to the Governor in Council that no very extensive change is required in the case of Municipal Committees. Those Committees should enjoy the powers they now possess, freed however as already proposed in paragraphs 7 and 8 from the local official restraint which now checks their action. Subject to the limited control specified in paragraph 17 of the Resolution of the Government of India, dated the 18th May last, each Municipal Board should have the entire and unfettered administration of the affairs of the Municipality and the disposal of its funds in accordance with the provisions of the Act. To meet the popular wishes, to satisfy the requirements of the Government of India, and to render local self-government a reality and not merely a name, it is essential that the Boards should have full powers, and be liable only to the general control and supervision of Government. In minor matters and questions of details there should be no interference from above. In like manner in the case of Local Fund Boards the allotment and expenditure of the moneys placed at the disposal of each Board should, subject to the provisions of a new law as to the purposes on which Local Funds must and may be expended, and to a general power of supervision to be reserved to Government, be left entirely in the hands of the Boards.

26. It is now necessary to consider not only the question of the continuance in future of the seven years' budget system for Local Funds works, but also whether the budgets recently framed under that system and now regulating Local Fund operations should not be cancelled. If those budgets are to be allowed to stand the new representative Boards to be brought into existence within a few months will for years to come find their hands tied, their post a sinecure, and their power of deciding upon expenditure a fiction. The works to be carried on have been mapped out for years in advance: to execute those works the Local Fund revenues for years are pledged: and if the Budgets are to hold good the new Boards will for the most part have nothing to do but to look on and see the money spent on projects which were decided upon before they were created. On careful consideration of the question and of the various opinions expressed His Excellency the Governor in Council is pleased to decide that it must be left to the discretion of the new Boards to accept or to modify as they may deem fit the seven years' budget schemes which they may find in operation when they assume office. When deciding on the subject they will have to be guided by their knowledge of the most pressing wants of the district, by engineering considerations and by the amounts already expended on the various works. If a road or bridge, for instance, is half completed it would be folly to stop operations on it, and thus virtually throw away the money already expended on the undertaking. Ordinary prudence will dictate the finishing of the work and the postponement of other works not yet commenced until it is completed. In granting therefore to the new Boards power to review and revise the seven years' budgets already sanctioned it must be understood that this power is conferred subject to the condition that waste of money is not caused by stoppage of works in progress. Hereafter the budgets to be framed by the new Boards should be co-extensive with the tenure of office of the Boards and should therefore embrace only a three years' scheme.

27. As concerns funds the Municipal and Local Boards will in the first place have at their disposal the various funds they now have. The Municipal Boards will have the Municipal revenues derived from Municipal taxation and any other miscellaneous receipts which are now made over to them. In Municipalities where Dispensaries are established the Government grants for such Dispensaries should be handed over to the Municipal Boards in whom the management of the Dispensaries should vest, who should have entire control over the subordinate Dispensary establishment, and without whose assent the medical officer in charge should not be removed or transferred except on promotion. It has been proposed by Messrs. Crawford and Jervoise that Local Committees should be allowed complete discretion to indent for medicines and instruments and that their indents should be accepted without alteration. The Governor in Council however does not consider that this suggestion can be adopted. Such Committees can as a rule know absolutely nothing concerning what medicines are needed and how large a quantity of each drug is required. They can only be guided by the assertions of the medical officer,—often merely a junior man in a low grade—and experience has shown that the Dispensary officials frequently ask for medicines concerning the use of which they know nothing, and demand supplies greatly in excess of the real requirements. Moreover as the medicines are supplied by Government it is but proper that in determining what and what quantities should be given Government through its responsible and experienced officers at the head of the Department should have some voice. It is true that in grants-in-aid Dispensaries the cost of the medicines supplied is paid for from the Dispensary Funds, but even in these cases a portion of the cost of the drugs, &c., provided is in reality paid by Government. In the case of Dispensaries located in towns in which no Municipality has been created the management of the Dispensaries and the expenditure of the Government grants should rest with the Taluka Local Fund Committees which should possess in respect of such Dispensaries the same powers as those enjoyed in regard to Municipal Dispensaries by Municipal Committees.

28. It has been decided that the management of Civil Hospitals should remain with Government.

29. On the subject of vaccination there is little material divergence of opinion. The Sanitary Commissioner is strongly opposed to the grant to Local

Boards of any control over the expenditure from Local Funds on this very important object, fearing that the grant of a discretionary power of expenditure and of authority in the administration of the Department might lead to results prejudicial to the success and even the existence of the Department in some districts. Government in their Resolution No. 1093 of March 25th last expressed an opinion that "as regards vaccination and sanitation the expediency of any change in the existing system appears questionable," and no sufficient cause has since been shown to lead the Governor in Council to change his views on this point and to direct that the control over vaccination and sanitation should be entrusted to Municipal and Local Boards. The Commissioner, Southern Division, suggests that Dispensary Committees should "control vaccination in all the villages around the Dispensary," but on the whole it seems expedient that the present arrangements should not be disturbed. It may however be decided that no increased expenditure on account of vaccination should be thrown on any Board without the assent of that Board, and at the same time it appears necessary to rule distinctly that the vaccination and sanitation establishments are to be maintained as heretofore and that no decrease in the expenditure now incurred on them can be permitted, as otherwise an obstructive or ignorant Board might suddenly refuse to make any provision for vaccination. In considering this branch of the subject it is essential to bear in mind the strength and deep-rooted tenacity of native social and religious prejudices, and also, as regards sanitation and the cleanliness of towns and villages, that the views of the uninformed masses of the native community differ widely from those entertained by educated Europeans. It is not improbable that if native communities and their representatives were allowed absolutely unrestricted discretion vaccination and sanitation would in some districts ere many years become completely things of the past and be utterly disregarded.

30. Government have directed that a moiety of the charges for the maintenance of Government stallions in a district should be defrayed from Local Funds with effect from April 1st last. This order may continue in force for the present. It seems unlikely that in any district in which Government stallions are now stationed the District Local Fund Committee would refuse to make any provision for this charge on account of a popular and useful object. There may in some cases be some demur about the amount of the charge, and then each case would have to be considered on its merits and in view of the particular circumstances. In Ahmednagar, for instance, the District Local Fund Committee have recently expressed an opinion that the number of stallions posted in the Collectorate is in excess of the requirements of the District. In such a case Government could either reduce the number, or if no reduction was held by it to be desirable, would have to keep some of the horses entirely at its own cost. The management of the stallions must be left as a whole to the Superintendent of Horse Breeding Operations, but he should act as far as possible in consultation with the District Committees. It seems inadvisable to place the control of the stallions which are the property of Government in any way under Taluka Committees, whose members as a rule possess no knowledge concerning the breeding and management of valuable horses.

31. The income of the Local Fund Committee of a District is at present derived from the following sources,

- (1) the one anna cess, of which $\frac{2}{3}$ are devoted to roads, communications, dharmshálas, water-supply and other useful public objects, and $\frac{1}{3}$ is expended on education;
- (2) the Ferry Fund, including the proceeds of ferries whether farmed or managed departmentally and of fines inflicted under the Ferries Act;
- (3) the Toll Fund;
- (4) the Cattle Pound Fund;
- (5) the Sand and Quarry Fee Fund;
- (6) License Fees for the sale of poisons;
- (7) contributions towards works of public utility given by ryots;
- (8) grants given for specific purposes from Provincial Revenues.

It is *in limine* desirable to decide what part or share of the Local Fund revenue should be at the exclusive disposal of the District Committee and what portion should be made over for control and expenditure to the Táluka Committees. The latter at present, it may be said, have hardly any power to spend money for they have virtually no money to spend. The District Committee is the chief spending body: the great bulk of the Local Fund income is expended by it; but it too in many respects possesses but a merely nominal authority and discretion. Its members may have and may express an opinion as to the way in which the funds available can be laid out most advantageously for the benefit of the district, but in practice the decision, more especially of late years, has rested with the Commissioner of the Division and Government, and it may be taken for granted that in many instances the orders passed and the works undertaken are not those which the native members would have sanctioned had the power of determining the question been vested in them. The seven years' Budget system means the triumph of the big works and the long roads policy: it signifies a few large and important works, and a still fewer very small works. The system has undoubtedly possessed certain advantages. It has resulted in the construction of works which though costly are of great value and importance. It has prevented the expenditure of money on little works of questionable utility and has checked the frittering away of funds on trivial objects and under inefficient supervision. But it also has had its drawbacks and these have been of a serious nature. When nearly all the money is required for trunk roads and costly projects little remains for the humbler, but to the villagers most useful and valuable, works such as wells, local roads, rest-houses and the like. The principle that taking the táluka as the unit local contributions to the Fund should be locally expended has been of late years if not altogether lost sight of at least departed from to a great extent. Hence have arisen dissatisfaction on the part of many officers, much discontent on the part of committees and cess-payers, and the idea, for which there has only been too much ground, that the Táluka Committees were powerless and therefore useless. A return—partial at least if not entire—to the original scheme seems to the Governor in Council to be now desirable and necessary. The amount of money annually at the disposal of Táluka Committees should be materially increased and the sums expended on minor works in each táluka should more nearly approximate to the amount of the proceeds of the cess and miscellaneous receipts in the táluka.

32. His Excellency the Governor in Council is of opinion therefore that each Táluka Committee should have the disposal of the expenditure of one-half of the Public Works share of the one-anna cess proceeds of the táluka, and of the entire receipts from the Cattle Pound Fund and the Sand and Quarry Fee Fund together with the receipts on account of fees for licenses for the sale of poisons and any contributions which may be given by ryots in the táluka for public works in the táluka. It seems however desirable that in deciding on the expenditure of the funds at its disposal a Táluka Committee should where possible act on the grant-in-aid principle, giving in the case of local works of interest to one village only a grant equal to the amount locally subscribed. It also appears expedient to direct that the unexpended balances at the close of the year should lapse to the District Committee.

33. The funds available for public works which will be administered by the District Committee will accordingly be one-half of the public works share of the one-anna cess proceeds of the entire district, the Toll Fund and the Ferry Fund, any lapsed unexpended balances of Táluka Committee Funds and any grants which might be given by Government from Provincial Revenues. It seems desirable that all the main Local Fund roads should be constructed by, and maintained at, the cost of the District Committee funds, and that the management of those roads and of the tolls levied on them should rest with the District Committee. This arrangement would obviate the possibility of any inter-táluka disputes concerning the location of toll bars and ferries and regarding the division of the receipts from roads and ferry tolls. The principle should be that all large works and important projects should be carried out by the District Committee, whilst all minor and purely local works would be executed by the Táluka Committees. The division as now directed of the receipts which go to form the Local Fund revenue appears just

and reasonable. The chief source of income is the $\frac{2}{3}$ share of the one-anna cess proceeds. Of this one moiety would be allotted to the District Committee and the balance to the Táluka Committees. In consideration of its bearing all charges connected with the main Local Fund roads the District Committee would receive all revenue derived from tolls and ferries, whilst to the Táluka Committees would be credited the receipts obtained from the minor sources of revenue.

34. As regards the Local Funds Public Works establishment the Governor in Council is of opinion that the permanent establishment should be under the sole control of the District Local Fund Committee and should be paid by that Committee. Each District Committee should maintain its own staff of overseers and other subordinate officers. It will not require a separate Local Funds Engineer. The District Executive Engineer can perform also the duties of Local Fund Engineer. The question has been considered whether any and if so what proportion of the salary of the District Engineer should be paid by the District Committee, or whether a certain fixed sum should be charged annually for his services irrespective of the amount of his salary which would of course constantly fluctuate according to his grade and seniority, or whether no charge should be made at all, and after full deliberation His Excellency the Governor in Council has decided that no charge should be made on this account. Government is prepared and willing to place the services of its District Executive Engineers at the disposal of Local Fund Committees for works of so useful a nature without demanding any payment, and this may be regarded as one, and not the least valuable, of the Government contributions to Local Funds. The charge of 15 per cent. for supervision should in any case be abolished. No ground for imposing it will exist when each District supports its own staff of overseers and the only aid furnished by the Public Works Department is that of the District Executive Engineer. This system will moreover enable reductions to be effected in the District staff paid for in the Public Works Department from Provincial Revenues as Public Works Department subordinates will no longer be employed upon or required for Local Fund works. The District Local Fund Committee will determine the strength and cost of the staff to be kept up by it, after consideration of its own requirements and those of the Táluka Committees. Any special purely temporary establishment which a Táluka Committee may need from time to time, as also the cost of labour on any work carried out by it will be paid by the Táluka Committee, but no separate and permanent establishment will be maintained by any Táluka Committee. The orders now issued will necessitate the transfer of the great bulk of the subordinate establishments from the Provincial to the Local Public Works Department at the outset of the new system, as it would obviously be inexpedient and unwise for the District Committees to entertain an untried and inexperienced staff to supervise their works.

35. It appears to the Governor in Council to be at present undesirable to make over to District Local Fund Committees the maintenance and repairs of public buildings now constructed and kept up at the cost of Provincial Revenues. There would however seem to be no valid reason why the maintenance of existing Provincial lines of roads should not be entrusted to District Local Fund Committees who would at the same time be given lump grants from Provincial Revenues to meet the cost of keeping those roads in repair, whilst the adoption of such a course would probably tend to economy and result in a reduction in the cost and strength of establishments. It will be the duty of the District Engineer to see that the roads are maintained in efficient condition, and to report to Government if the District Committee fails in the discharge of its duty in this respect. The Governor in Council trusts that such failure would rarely if ever occur, but in the event of a Committee omitting to devote sufficient funds to the maintenance of what now are Provincial roads to enable those roads to be kept in proper order Government would be compelled to reduce or to withhold the grant allotted to the Committee from Provincial Revenues. The assignment to be granted each year to each District Local Fund Committee will be determined by Government in the Public Works Department, bearing in mind the fact that the cost of the District Engineer and his office and of the construction and maintenance of public buildings will continue as now to be defrayed from Provincial Revenues.

36. The question of local self-government will now be considered in respect of educational matters in relation to (1) Municipalities and (2) District and Taluka Boards, but it should be noted that the question of female education is reserved for future and separate consideration.

37. It is necessary first to refer to Government Resolution No. 414 of 23rd March last, by which it was decided that the first experiment should be limited to 3 selected Municipalities, namely, Bombay, Poona, and Ahmedabad. The Director of Public Instruction was directed to offer to these Municipalities the management of primary schools, together with grants from the Provincial Treasury about equal in each place to the Provincial payments by which the school fees and other local receipts are at present supplemented, but on certain conditions of which one was that the expenditure on the schools from sources other than the Provincial grant was to bear a ratio to that grant not yet determined.

38. The result of the negotiations between the Director of Public Instruction and the 3 Municipalities has not yet been reported to Government, and in the meantime the Government of India has expressed its wish that the experiment should be greatly enlarged. The Governor in Council has therefore decided (1) that the negotiations directed in Government Resolution No. 414 of 23rd March last, should be entered into with all the ten existing City Municipalities in the Presidency, and with the other town municipalities shortly to be raised to the status of city municipalities and (2) that the management of Anglo-Vernacular as well as Primary Schools should be included in the offer.

39. As regards High Schools the transfer of their management to the Municipal Boards is a step upon which the Governor in Council will not determine until it has been considered specially with reference to the stipulations which are necessary to maintain the status and interests of these flourishing and promising institutions. For the present therefore no change will be made in their administration.

40. Referring to the condition as yet undefined of the ratio which the Provincial grant to Municipal (Primary Schools) should bear to the expenditure on such schools from other sources, it occurs to the Governor in Council to note that the whole question of the distribution of the present Provincial grant to Primary education requires reconsideration, before a commencement can properly be made in the transfer of schools from State to Municipal or other Local management. The present distribution is founded on the principle of regarding the whole Presidency as an educational unit, and whereas the varying circumstances and dispositions of different portions of the Presidency community have led to inequality in the funds locally forthcoming for primary education in different places, it has been left to the Educational Department to ensure an even progress by supplying deficiencies from the Provincial revenues. But a first consequence of breaking up the Presidency into a number of educational units for the purpose of local management will be a close examination of the fairness of the way in which the Provincial grant is distributed, as affecting the amounts that must be raised in different places whether for the maintenance or the extension of schools.

41. Excluding the sum expended in Bombay the Provincial grant amounts to Rs. 2,63,919, and of this sum Rs. 1,74,822 are expended on schools in Municipal towns, and Rs. 89,097 only on schools in non-Municipal towns and villages throughout the Presidency. The latter schools are mainly supported by the Local cess, but the inhabitants of Municipal Towns pay no educational rate analogous to the cess. Municipalities indeed make discretionary assignments from their general incomes for education, but these assignments with a few exceptions are unequal in rate, and generally small, if not niggardly. Moreover these assignments are frequently not for primary education, but for English classes in primary schools. Many Municipalities make no assignments for education at all. If note be taken of the ratio which the Provincial grant bears to the funds raised locally whether in the shape of cess and school fees in the case of the Districts, or of cess, school-fees, municipal grants, interest on endowments, and popular contributions in the case of municipal towns, it will be found that the Provincial grant amounts to barely $\frac{1}{12}$ of the funds locally raised in the Districts, and to rather more than twice the funds locally raised in the Municipal towns.

42. It further appears that not only do schools in Municipal towns generally obtain so much more than their proper share of the Provincial grant, but actually in some places they obtain, besides, a portion of the cess money raised in the Districts beyond their limits. Thus in Sind the whole allotment from Provincial revenues being an insufficient supplement to the local receipts to meet the expenses of schools in the Municipal towns, no less than Rs. 24,027 are taken besides from the District cess collections to make good the deficiency. And again in Broach the former Provincial grant having been reduced to provide for the wants of other Districts, Rs. 8,000 of district cess-money are taken to make both ends meet in paying for the schools in Municipal towns. Dhárwár has also been mentioned by the Director of Public Instruction as another District in which the same thing has been done, and the Dhárwár Municipality makes no contribution whatever to the cost of Dhárwár schools.

43. The Director of Public Instruction should therefore be requested to consider and report in what way the Provincial grant should be redistributed on equitable principles with a view to the clear understanding by each Municipality invited to take charge of its schools of the proportion of the Provincial grant available for its assistance, and of the remaining liability which it will have to meet through economy, or increase of taxation. In towns it will probably be found that a given sum of money can be made to go much further in providing education by the substitution of a system of municipal aid to privately managed schools, for the system of direct maintenance of schools. But whatever means may be adopted for the attainment of the desired end, the Governor in Council will be prepared to assist by spreading the reduction of the Provincial grant to its proper amount over a number of years, instead of insisting on such reduction being carried out at once.

44. In regard to the smaller Municipalities other than those mentioned above in paragraph 38, the Governor in Council trusts that in a short time it may be found expedient to entrust to several of them the same control of primary and Anglo-Vernacular education as in the case of the present City Municipalities. In the meantime all the present Town Municipalities should be vested *mutatis mutandis* with the control provided for Táluka Committees in the following paragraphs.

45. Referring lastly to the management of schools, Primary and Anglo-Vernacular, in the non-Municipal towns and villages throughout the Districts in this Presidency, note is first taken of the "cardinal principle" laid down by the Government of India "as essential to the success of self-government in any shape," namely, "that the jurisdiction of the primary Boards must be so limited in area as to ensure both local knowledge and local interest on the part of each of the members."

46. It has been decided that the smallest area for local self-government is to be the táluka, and that the Táluka Committee is to be composed of the Assistant Collector and Mámlatdár (ex-officio), of landholders to be elected or nominated, a representative Inámdár, and a delegate, in some places, from the Municipality of the Taluká Town. And the Governor in Council can find little encouragement to believe that speaking generally the members of Táluka Committees will be found either competent or inclined to undertake the management of schools throughout a táluka. It would in fact be impossible to ensure local knowledge and local interest on the part of non-official members of rural Boards, unless a separate Board were established for every village.

47. In these circumstances two courses have been submitted for the consideration of Government—(1) that the management of non-Municipal schools throughout a whole District should be entrusted to the District Committee, or rather to a School Board in dependence on such Committee, the members of which School Board being specially chosen for interest in educational matters would not necessarily be also members of the Committee, (2) that the management of schools in each táluka should be divided between the Táluka Committee and the District Committee by rules distinguishing the matters which could most suitably be entrusted to each.

48. The plan first mentioned is founded on no principle of representation, or of local knowledge and interest. It amounts merely to the transfer of school administration from the State Educational Department to a School Board of native gentlemen who will have other occupations, and little or no opportunity of informing themselves personally of the condition and wants of the District in educational matters.

49. The second plan does not commend itself to the Governor in Council as convenient, and it would needlessly interfere with the principle of making the Táluka Committees as independent as possible.

50. It appears to the Governor in Council that for the present it will be the best plan to leave to the Educational Department the actual teaching, discipline, and management of schools, including the appointment and dismissal of masters, and the grants of leave of absence. It is not to be expected that matters involving such constant trouble will be properly looked after by the unpaid and often unwilling agency of a Táluka Committee, unless the work is left to the ex-officio members. But while spared this trouble it is possible to assign to these Committees a very real and large control of education in their Tálukas, easily exercised at occasional meetings in such matters as :—

- (1) the determination of the places at which schools shall be established, including the transfer or abolition of existing schools.
- (2) the determination of the class of each school in point of cost, selection being from classes recognized by the Educational Department.
- (3) the determination of the standard of teaching in each school, the selection being from standards recognized by the Department.
- (4) The rate of fees to be charged to the pupils in each school whether children of cesspayers, or non-cesspayers.
- (5) The number of free scholars in each school.
- (6) The assignment of money to be expended through the Educational Department on grants-in-aid in places where it may be decided to rely on privately managed schools.
- (7) The assignment of sums necessary to provide accommodation for primary schools whether by building, purchase, or hire, and the determination of the way in which such accommodation shall be provided wherever wanted.
- (8) The assignment of provision for secondary education, but for this the sanction of the Director of Public Instruction should be necessary.

51. The Governor in Council is accordingly pleased to direct that on the revised constitution of the Táluka Committees being effected, Rules should be put in force vesting in them the powers above detailed.

52. The question of the funds to be entrusted to Municipal and Local Boards has been considered already. The Governor in Council would merely here add that he is unable to agree with the Commissioner C. D. in the opinion that "all ground-rent now credited to Government, the sale proceeds of lands sold for non-agricultural purposes, and all fines and penalties for converting land to such purposes" should be credited to Municipal funds. As long as the land is the property of Government all the receipts on account of it should be paid to Government. There is no more reason why Government should give up the ground-rent on its land to a Municipality than there is why a private landlord should do so. Fines and penalties for breaches of Municipal rules may however in all cases be credited, when recovered, to Municipal funds.

53. The Government of India in paragraph 21 of their Resolution of May 18th last have suggested that "the License Tax assessments and collections might very well be made over to the local Boards, Municipal and rural, in many parts of the country, subject to the control provided by the existing law." The majority of the officers consulted are strongly opposed to the adoption of this proposal and it is contended that if this course is followed it will be a matter of extreme difficulty to prevent favouritism and injustice, and the receipts from the tax will almost certainly be materially diminished. In deference however to the wishes of the Supreme Government the Governor in Council is prepared to entrust to Municipal and District Local Fund Boards the assessments and collections of this tax, subject to the condition that no reduction is allowed in the aggregate proceeds recovered in each Municipality or District as compared with the proceeds in 1882-83. Each Municipality will be responsible for the assessment and collection

within its limits, and a like responsibility will devolve on each District Local Fund Committee for the assessment and collection in its district. One-half of the sums realised will be credited to Imperial Revenues: the balance will be credited to the revenues of the Municipal or District Committee by which the assessment and collections are made, a set-off being taken in the form of a deduction from the grants now or in future to be granted from Provincial revenues to the Municipal or Local Fund Board in question for public works, education or other objects. For the purpose of deciding the precise amount of the deduction thus to be made the receipts on account of License Tax for the present financial year will be regarded as the basis of calculation.

54. The Commissioners C. D. and S. D. urge that the present Local Funds are insufficient for the purposes for which they are required and inadequate to meet the numerous demands made upon them. Mr. Crawford suggests that the District Committees might be allowed to impose special additional local taxation under restrictions necessary for the protection of Imperial interests. Mr. Robertson holds a like view, and would further impose the Local Fund cess on A'bkári contracts, and would give to Local Funds a larger proportion of the increase of land assessment derived from revised survey settlements. The adoption of the latter portion of the recommendations of the Commissioner C. D. must inevitably result in a loss of revenue to Government, for which no sufficient cause has been made out. The Commissioner contends that "the A'bkári revenue would not suffer by such an arrangement" and that "even if it did the grant would be a fair and proper one to make." If by "the A'bkári revenue" the Commissioner means the total A'bkári revenue (Government and Local Funds under his scheme) his statement may be well founded, but if he means the Government A'bkári revenue, then, the assertion must obviously be incorrect. In the latter case Government would lose $\frac{1}{16}$ or $6\frac{1}{4}$ per cent. of its A'bkári revenue derived from farms of spirituous liquors as it seems perfectly clear that no farmer would give a single rupee more for his farm than he otherwise would pay simply because he knew that $\frac{1}{16}$ of any sum he might give would go to swell Local Fund revenues. It is altogether immaterial to him how the money paid by him for his farm is credited. His sole object is to make as much profit as he can out of his contract, and the smaller the sum he pays for the farm the greater is the gain he will derive from his speculation. No reasons are assigned by the Commissioner in support of his statement that in any case "the grant would be a fair and proper one to make" and His Excellency the Governor in Council fails to see what valid arguments could be advanced in proof of the assertion. The A'bkári Revenue of a district is not affected by the Local Funds administration. The establishment of schools, the construction of roads and even the provision of a water-supply do not tend to increase the income obtained by Government from A'bkári, and unless it can be shown that the A'bkári Department and revenue are benefited by the action of Local Fund Committees any claim put forward on behalf of those Committees to a share in that revenue at the expense of Government can hardly be regarded as meriting favourable consideration. As concerns the proposal of the Commissioner C. D. that the Local Fund receipts on account of increased assessments imposed at revision settlements should be doubled, it may be pointed out that this would involve a loss to the State of $6\frac{1}{4}$ per cent. of the increase in the land assessment levied on revision of settlements. Where it now gets a rupee it would then only get 15 annas. The 16th anna would have to be paid by the State to Local Funds as it would be impossible to require the cultivator to pay a Local Fund cess of two annas on every rupee of increased assessment. Part of this loss would fall on the Provincial Government under the new financial arrangements and part on the Imperial Government, the Provincial Government being the heaviest sufferer. Neither Government however can afford this sacrifice of revenue, and the Commissioner's proposal must accordingly be regarded as impracticable.

55. It seems therefore to His Excellency the Governor in Council that if Municipal and Local Funds, even when supplemented by any Provincial grants which may be given for specific purposes, are unable to meet the wants of the districts and municipal towns, the only course open is the imposition either of additional taxation by Government *suo motu* or of such special local taxation as the Boards may consider requisite, always provided that no fresh taxes shall be levied without the previous sanction of Government. Whether the Committees, Local or Municipal, will ever voluntarily consent to devise and impose

fresh taxes is a matter on which considerable doubt may be entertained. The simultaneous introduction of the scheme of local self-government and of additional taxes to provide larger funds for the operations of the representative Committees is not likely to render the new system highly popular. The mass of the rate-payers would prefer the old system without the new taxes, and it is not improbable that the majority of the non-official members of Local and Municipal Boards would decline to support any proposals for the levy of further taxation. If therefore the District and Municipal Committees refuse to recommend and levy fresh taxes, it is for consideration whether this power should not be exercised by Government. The Commissioner C. D. suggests that "an enactment should now be passed making a house-tax a general tax", and that the proceeds of such a tax should in municipal towns be credited to Municipal Funds, and elsewhere presumably to the funds at the disposal of District Local Fund Committees. As regards this proposal it may be noted that whilst such a tax would undoubtedly bring in a very large sum, it would equally certainly be in the highest degree unpopular. In place of passing a law directing that every house should be taxed, it seems to His Excellency in Council that it will suffice to introduce a less sweeping legislative measure authorizing Government to order the imposition of such a tax in any District or Municipality in which on the evidence adduced and after sufficient inquiry the Governor in Council is satisfied that the necessity for additional taxation to meet the local wants of the District or Municipality in respect of works of public utility has been established.

56. The last point for consideration is with reference to the nature and extent of the power and control to be reserved to and exercised by Government in connection with the action and proceedings of Local and Municipal Boards. This point has already been touched upon incidentally in several of the preceding paragraphs of this Resolution and it seems unnecessary now further to refer to it at any very great length. Government clearly must possess the powers mentioned in paragraph 17 of the Resolution of the Government of India dated May 18th, 1882. It must have a general authority to modify or set aside altogether the orders and proceedings of Boards on subjects of importance when such orders and proceedings are obviously unjust, impolitic, improper, opposed to the public interest, injurious to the public health, safety or convenience, or prejudicial to the Government revenues. It should also have the power to supersede absolutely a Board for gross and continued neglect of duty, and this power it should in the opinion of the Governor in Council, for the reasons already assigned in paragraph 23, be entitled to exercise without the previous sanction of the Government of India. In all minor matters the interference of Government should be minimised to the utmost possible extent. When conferring greatly increased powers on Municipal and Local Boards it is necessary to allow those powers subject to the conditions above specified and to the following stipulations—

- 1st, that no loan shall be raised without the previous sanction of Government,
- 2nd, that no new tax shall be imposed without such sanction,
- 3rd, that no existing tax shall be abolished or decreased without such sanction,
- 4th, that no Municipality shall be allowed to abolish itself without such sanction,
- 5th, that no property belonging to any Local Fund or Municipal Board shall be alienated without such sanction,
- 6th, that no Local Fund or Municipal employé in receipt of a salary of Rs. 100 or upwards shall be dismissed without the sanction of the Commissioner of the Division,
- 7th, that in the case of all pensionable servants an appeal shall lie to Government from an order of a Board directing dismissal, suspension or degradation,
- 8th, that without the previous sanction of Government no interference by any Board in any matter involving a religious question or prejudices of caste or creed or affecting the public peace or the public food or water supply or the public health shall be permitted.

57. The Remembrancer of Legal Affairs should be requested to prepare at his early convenience for the consideration of the Governor in Council draft Bills for the amendment of the Bombay Local Funds Act, 1869, and the Bombay District Municipal Act, 1873, to give effect to the orders contained in this Resolution where such orders necessitate alteration of the existing law. It will be

understood that it is not necessary to insert in the Bills themselves full and minute provisions on all the points referred to in this Resolution, as for instance the mode of elections, or the exact nature and proportion of the receipts to be placed at the disposal of Taluka Committees. Instructions on these subjects can most conveniently be contained in rules to be framed under the Acts, and it must be remembered that the measures and arrangements of which the adoption has now been directed must be of necessity experimental to a certain extent, and that experience may show that in some respects they are capable of improvement, and stand in need of modification. Should changes hereafter be found necessary it would be a simpler task to effect alterations in the rules than to resort to further legislation to amend the law.

58. Bearing in mind the delay which must attend important legislation of the character contemplated, and also the modification of financial arrangements which has to be effected, and the interval which must be allowed for the elaboration of minor details and the preparation for elections, it seems to His Excellency the Governor in Council to be impossible that the scheme now sanctioned should come into operation before April 1st, 1883.

59. Orders will hereafter be issued as to the conversion into City Municipalities of some of the most populous, advanced, and thriving of the present Town Municipalities.

60. Measures will be adopted for the relief from the charges on account of contributions towards the maintenance of the Police employed within their limits of the Mofussil Municipalities now paying a portion of the cost of the Police force, when the question of the adjustment of Provincial grants to Municipal and District Boards is being determined.

61. Copy of this Resolution which is issued with the full concurrence of Government in the Educational and Public Works Departments should be forwarded to the Government of India and placed on the Editors' Table. It should also be published in the *Bombay Government Gazette*.

Bombay Castle, 20th September 1882.

No. 3602.—The following Resolution of the Government of India is republished:—

“DEPARTMENT OF FINANCE AND COMMERCE.
Simla, the 15th September 1882.

“No. 3742.

RESOLUTION—By the Government of India, Department of Finance and Commerce.

The Governor General in Council is pleased to prescribe the following rules for regulating the payment of stock notes alleged to have been lost or destroyed:—

1. When any person desires to make a claim for the value of a stock note alleged to have been lost or destroyed, he should at once produce before the District Officer all the evidence he can produce regarding the circumstances of the destruction or loss of the note, which must be absolutely identified. The District Officer may either reject the claim, or, if he is of opinion that the evidence establishes beyond doubt the impossibility or extreme improbability of the note ever being presented, he should record his opinion to this effect, and forward it to the Comptroller General. The latter, if he agrees as to the effect of the evidence, may direct as follows:—

(1) That the loss of the note be advertised in the *Gazette of India* and the Local Government Gazettes, and that after two years from the first advertisement of the loss the value of the note may be paid by the District Officer and invested, if possible, in Government securities, or, if the amount is too small, then paid into the Government Savings Bank.

(2) That after twenty years from the date of advertisement, if meantime the note has not been presented for payment, the said investment, with accumulated interest (or the said deposit, if no investment has been made), be delivered to the claimant or his assignee, or other legal representatives, upon a bond of indemnity with two personal sureties attached.

2. If the Comptroller General think that the circumstances warrant more favourable terms to the claimant, he may, if he think fit, submit the case to the Government for orders; but this is not to be done unless the evidence establishes a claim of Rs. 100 at least; nor is the period after which delivery to the claimant may be made to be reduced, under any circumstances, below five years.

ORDERED, that these rules be published in the *Gazette of India* for general information, and communicated to the Comptroller General for information and guidance.

(Signed) D. M. BARBOUR,
Secretary to the Government of India.”

No. 3603.—The following Notification by the Government of India is republished:—

“DEPARTMENT OF FINANCE AND COMMERCE.
Simla, the 15th September 1882.

No. 3735.—The following Addendum to the Codes of the Financial Department is published for general information:—

P. & A. A. C.

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Section 5.

Add the following Proviso to this Section:—

Provided always that the emoluments of the acting officer, whether appointed to act at the same station or deputed to act from another station, shall not, for any time during the 30 days, be (1) less than the salary which but for his present appointment, would be admissible to him for such time, or (2) more than the salary admissible to him after the 30 days referred to.

(Signed) D. M. BARBOUR,
Secretary to the Government of India.”

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

J. NUGENT,
Acting Secretary to Government.

GENERAL DEPARTMENT.

Bombay Castle, 15th September 1882.

No. 3691.—With reference to Government Notification No. 1582 of 2nd May 1882 (published at page 330 of Part I. of the *Bombay Government Gazette* of the 4th idem), His Excellency the Governor in Council is pleased to declare that the following persons shall be added to and included in the list given in the said Notification as exempt from payment of ferry tolls otherwise demandable under Bombay Act II. of 1868, in addition to the persons exempted under Section 3 of Bombay Act II. of 1868 and the persons mentioned in the said Notification, namely:—

All persons belonging to the Bandar Establishment of the Indus Conservancy Department at Kotri and Sukkur in the Province of Sind.

No. 3705.—The following telegram from the Government of India in the Home Department, dated 12th September 1882, is published for general information:—

“Warn intending pilgrims for Hedjaz that Turkish Government has ordered all Indian pilgrim ships to quarantine at Camaran Island where pilgrims will be landed and detained five days while vessels and baggage are disinfected. British Government has remonstrated but meantime heavy fees to defray cost of large establishments entertained at Camaran will it is anticipated be levied by Turkish authorities on vessels or pilgrims or both.”

Bombay Castle, 16th September 1882.

No. 3710.—The following Resolution of the Government of India is republished:—

“GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

CIRCULAR No. 44Ex.

Extract from the Proceedings of the Government of India, in the Revenue and Agricultural Department (Exhibitions),—dated Simla, the 2nd September 1882.

Read—

Prospectus of the Boston International Exhibition of 1884.

RESOLUTION.

An International Exhibition of the arts and industries of all nations is proposed to be held at Boston, the capital of New England, America, commencing about April 15th, 1884. The Government of India is not in a position to take any active part in the Exhibition, but will afford all information and facilities in its power to exhibitors who may wish to send their articles to it. With this object it has appointed Babu Trailokya Nath Mukharji, the officer in charge of work connected with Exhibitions, Department of Revenue and Agriculture, Calcutta, to receive any communication on the subject from intending exhibitors.

Madras.
Bombay
Bengal.
N. W. P. and Oudh.
Punjab.

Central Provinces.
British Burma.
Coorg.
Assam.
Hyderabad.

ORDER.—Ordered, that the above Resolution, with the Prospectus of the Boston International Exhibition, be printed in the *Gazette of India*, and be forwarded to the Local Governments and Administrations noted in the margin for publication in the local Gazettes.

BOSTON INTERNATIONAL EXHIBITION, 1884.

Patrons: THE MASSACHUSETTS CHARITABLE ASSOCIATION, BOSTON.

PRESIDENT:

GEORGE COLLINS LEVEY, *Companion of St. Michael and St. George, Chevalier of the Legion of Honour, Knight Officer of the Crown of Italy, &c., &c.; Secretary to the Commissioners for Victoria at London and Vienna, 1873; Philadelphia, 1876; Secretary and Acting Commissioner, Paris, 1878; Secretary and General Manager to the Melbourne International Exhibition, 1880-81; Executive Commissioner for Victoria at the Amsterdam Exhibition, 1883.*

Vice-President and Treasurer:

E. R. STIMSON, TORONTO.

Bankers:

CITY BANK, THREADNEEDLE STREET, LONDON. | MAVERACK NATIONAL BANK, BOSTON.
COMMERCIAL BANK OF AUSTRALIA, MELBOURNE.

Secretary:

GENERAL C. B. NORTON, BOSTON.

1. It is proposed to hold an International Exhibition in the magnificent buildings of the Massachusetts Charitable Association at Boston, the Capital of New England, commencing about April 15th, 1884, of the arts and industries of all nations. The commercial success which has attended the recent Exhibitions in Australia—including Adelaide, a city with a population of 60,000, and the capital of a colony of 300,000; Perth, with a population of 9,000, the capital of a colony with a population of 30,000; and Christchurch, New Zealand—has induced an association of capitalists to make arrangements for holding a series of Exhibitions throughout the United States and Canada. Buildings large enough for the purpose are to be found in nearly all the large cities. The first Exhibition will be held at Boston in the Spring of 1884. Boston with its suburbs has a population of 450,000, and New England of 4,000,000. The Boston Exhibition will be kept open as long as it proves remunerative to exhibitors and promoters.

2. Applications for space, with full particulars of the intended exhibit, can be forwarded to the Secretary of the Boston International Exhibition, 1884, No. 70, Water-street, Boston, prior to December 1st, 1883, or to the President, whose address up to November 15th, 1882, will be—'Lafayette,' East St. Kilda, near Melbourne, Victoria, after which it will be—care of Gibb and Macintyre 7, St. Benet Place, Gracechurch-street, London E.-C.

3. The ordinary charge for space will be two shillings for each of the first twenty square feet, and one shilling for each additional square foot; but Exhibitors desiring a frontage to the main avenue for their cases can obtain it on payment of an additional five shillings per foot of such frontage, irrespective of depth. A passage of from 2 to 3 feet will be left round each case where desired and Exhibitors desirous of having spaces against the wall should mention the fact at the time of application. In cases where the sum to be charged for space will be less than £5, the full amount must accompany the application. Where it exceeds that sum, half may be paid on application, and the other half before the opening of the Exhibition.

4. The general reception of articles in the Exhibition Building will commence about March 1st and terminate three days before the Exhibition opens, after which date no exhibits can be received, and all vacant spaces will become forfeited.

5. All exhibits must be removed within ten days after the close of the Exhibition, after which time they will be taken away by the Executive, and stored at the risk of the owner.

6. Exhibits will be admitted in bond, and can be sold free of charge so long as they are not removed before the close of the Exhibition; but Exhibitors who wish to make sales with immediate delivery must pay duty in advance, together with a license fee of two pounds ten shillings per week per stand, payable weekly in advance.

7. All fittings, show-cases, shelves, &c., which Exhibitors require must be provided at their own expense.

8. The Executive reserve the right of rejecting any proposed exhibit, and the introduction of dangerous or offensive substances is strictly prohibited.

9. Every precaution will be taken for the safe preservation of all exhibits against theft or fire, but the Executive can take no responsibility for accidents however caused.

10. All Exhibitors will receive a bronze medal and a certificate that their exhibits were admitted to the Boston Exhibition. Under special circumstances gold and silver medals may be awarded upon the recommendation of qualified experts, one-half of whom will be nominated by the Executive, and the other half by the representatives of the foreign Exhibitors.

11. An official catalogue will be published, and no other in the English language will be allowed in the building.

12. For special concessions special arrangements will be made.

13. The Executive reserve the right of lighting the building with the electric light or with gas, keeping open at night, and of altering or amending these Regulations.

14. Responsible Agents will be appointed in all the principal countries of Europe and the East, who will treat with intending Exhibitors, and afford all information.

GEORGE COLLINS LEVEY,

E. R. STIMSON,

CHARLES B. NORTON,

(Signed) E. C. BUCK,
Secretary to the Government of India.

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

J. NUGENT,
Acting Secretary to Government.

JUDICIAL DEPARTMENT.

Bombay Castle, 15th September 1882.

No. 5756.—His Excellency the Governor in Council is pleased to direct that the Rules for the conduct of the legal affairs of Government, published with Notification No. 6452B of 9th November 1878 shall be cancelled and the Rules hereinafter shall be observed in supersession of the said Rules from and after the first day of January 1883.

RULES REGARDING THE REMUNERATION AND DUTIES OF THE LAW OFFICERS OF GOVERNMENT.

I.—The Advocate General.

1. The salary of the Advocate General is Rs. 2,000 per month, in addition to an office allowance of Rs. 400 per month.

2. The Advocate General is the chief legal adviser of Government. He is bound to give his opinion in any matter the Government may think fit to consult him upon.

3. The Commander-in-Chief, the Judge Advocate General of the Army, and, subject to the provisions of Rule 16, all Heads of Departments at the Presidency whether such departments are under the Supreme or Local Government, have also the right to require the Advocate General's opinion in any matter they may think it necessary to refer to him.

4. It is the duty of the Advocate General to advise the Legal Remembrancer whenever the latter deems it necessary, in any case or matter affecting the interests of Government to consult him.

5. It is the duty of the Advocate General to undertake any legal business within the range of an advocate's functions which Government may desire him to undertake in Bombay, and to represent Government in all actions and civil proceedings on the Original Side of the High Court.

6. It is the duty of the Advocate General—

(a) to appear on the Original Side of the High Court in every suit or other civil matter in which Government require his services, whoever the nominal party in whose behalf he is called on to appear may be (but he will not appear, without the requisition of Government, for any person except the Secretary of State for India in Council);

(b) to appear, if required by Government, on their behalf in any original case, civil or criminal, which the High Court transfers from any other Court in the Presidency for trial before itself.

And in cases transferred for trial to the High Court.

transfers from any other Court in the Presidency for trial before itself.

7. In any case in which it is proposed to require the services of the Advocate General on behalf of some third person not directly identified in interest with Government, Government will determine whether the case is one in which they have such an interest as to render it advisable that it should be conducted on their behalf, and when it has been so determined, it is the duty of the Advocate General to afford his services as he would, if Government were directly a party to the case.

Requisition for his services in cases to which Government is not a party to be made by Government.

8. It is the duty of the Advocate General to prosecute as leading counsel in all original criminal cases tried before the High Court, in which Government direct that their law officers shall prosecute.

9. In ordinary original criminal cases tried before the High Court the Advocate General will exercise his discretion and prosecute as leading counsel, whenever he deems it desirable in the interests of the public, that he should do so.

10. The Advocate General has also to discharge, as occasion arises, the various duties imposed upon him by specific enactments of the English and Indian Legislatures.

II.—The Solicitor to Government.

11. The salary of the Solicitor to Government is Rs. 2,000 per month.

12. The Solicitor to Government is bound to discharge all the ordinary duties of an Attorney and Solicitor to Government and to those officers of Government who are entitled to consult the Advocate General.

13. It is his duty to conduct all such conveyancing business and to draft all such instruments and other legal documents as the Supreme or Local Government, or any authorized Government officer, may require.

14. The Legal Remembrancer is entitled to the assistance of the Solicitor to Government in all matters in which the special knowledge of a solicitor may be of advantage.

15. It is the duty of the Solicitor to Government to retain counsel in criminal cases which are prosecuted by the Law Officers of Government, obtaining copies of the documents from the Public Prosecutor, and also to instruct Government Counsel generally in all cases except those in which the performance of this duty is otherwise provided for, or in which Government or the officers entitled to consult the

Advocate General instruct him direct; and his duties are in every respect co-extensive with those of the Advocate General, so far as the business of an attorney and solicitor is concerned.

16. Save in cases of emergency, references for the opinion or advice of the Advocate General must be made through the Solicitor to Government.

References for legal opinion or advice how to be made. Similar references may be made by Government and the officers entitled to consult the Advocate General for the opinion or advice of the Solicitor to Government himself; and in every case it is the duty of the officer making the reference to state whether the opinion or advice of the Advocate General, or of the Solicitor to Government, is required; but in any case in which his own opinion may be asked, and which, on perusal, he may consider to be of special difficulty or importance, the Solicitor to Government should obtain and forward the opinion of the Advocate General.

17. The officers of Government requiring legal advice from either the Advocate General or the Solicitor to Government are responsible for placing before the Solicitor to Government all, and not more than all, the documents necessary for the proper consideration of the point on which an opinion or advice is required, and also for stating, as precisely as possible, the point on which the advice or opinion is required; but if the Solicitor to Government, in any case submitted either for his own advice or opinion, or for that of the Advocate General, finds that the real point has been missed, or incorrectly stated, or that the facts stated do not afford sufficient material for forming an opinion, it is his duty to return the case for re-submission in proper form, at the same time pointing out in what respect the reference is deficient.

18. The Solicitor to Government is also *ex-officio* Public Prosecutor for Bombay, and in that capacity receives a salary of Rs. 500 per month, in addition to his salary as Solicitor.

Duties as Public Prosecutor. 19. The duties of the Public Prosecutor for Bombay are—

(1) to prepare and watch prosecutions in trials before the High Court, to draw the briefs, and to take care that the necessary witnesses are in attendance;

(2) to communicate with, and advise Magistrates, whether in Bombay or in the mofussil, in respect to cases committed, or to be committed, for trial in the High Court;

(3) to conduct prosecutions, under the provisions of the Criminal Procedure Code, before the High Court, subject to the Advocate General, or other counsel who appears at the time of trial;

(4) to retain counsel for the prosecution at his discretion, in any case committed for trial before the High Court, in which copy of the record is forwarded to him by the Clerk of the Crown;

(5) to originate or assume such prosecutions as he may be directed to originate or assume by Government, or by any Judge, or Magistrate, or such as, by reason of there being no private person, or public body, on whom the duty of originating them should more properly fall, or on any other account, he shall, in his discretion, consider should be originated or assumed by him in his public capacity;

(6) to bring to the notice of Government any special circumstances connected with any trial which seem to him to require the attention of Government.

III.—Remembrancer of Legal Affairs.

20. The salary of the Remembrancer of Legal Affairs is Rs. 2,000 per month, rising by annual increments of Rs. 100 to Rs. 2,500. He is entitled besides to travelling allowance at the usual rates when required to travel, and may, with the sanction of Government, employ such establishment as he thinks necessary, at a cost not exceeding Rs. 200 per month.*

21. It is the duty of the Remembrancer of Legal Affairs to superintend and advise on the conduct of all litigation arising originally in the Mofussil in which the Government or Government officers are concerned or interested, in accordance with the rules prescribed in this behalf.

22. All the Government Pleaders throughout the Presidency, including the Government Pleader in the High Court, and all Public Prosecutors except the Prosecutor of Bombay are under his direct control and supervision, and all communications concerning the law business, or the Subordinate Law Officers of Government in the mofussil, are to be made to Government through him.

23. The Remembrancer of Legal Affairs is appointed under Section 492 of the Criminal Procedure Code *ex-officio* Public Prosecutor for the Presidency of Bombay except Sind and the City of Bombay. He will appear personally only in such cases as he deems it desirable that he should himself prosecute, or as the Government from time to time direct him to prosecute.

24. It shall be the duty of the Public Prosecutor for the Presidency to prosecute in any criminal case before the High Court in which that Court on its Appellate Side may think it expedient to require an appearance to be made on behalf of the Crown. In any such case the Public Prosecutor may, at his discretion, appear by the Government Pleader. If he thinks the case a fit one for the employment of special counsel he will report it to Government for orders, or in emergent cases may act in anticipation of such orders.

* His head-quarters are Poona until Government otherwise direct. (G. R. 3274, dated 5th June 1879, J. D.)

25. Except as is otherwise provided in Rules

To engage special counsel, when necessary, and settle their fees.

15 and 19, the employment of special counsel, when necessary, on behalf of Government in any case, whether civil or criminal, which arises originally in the Mofussil, and the settlement of their fees, is also a part of the duties of the Remembrancer of Legal Affairs; and, subject to the orders of Government, he is to exercise a control over all expenditure incurred on account of law charges, in connection with both civil and criminal cases in, or arising in, the Mofussil.

26. Government Pleaders, or local officers, who

Procedure when special counsel has to be employed.

desire to engage special counsel for any case should communicate with the Remembrancer of Legal Affairs before doing so, informing him, in criminal cases, of the nature of the case, and of the evidence to be brought forward, and stating, in every case, when and where the hearing of trial will take place, how long it is likely to last, and what pleader or other counsel they wish to employ, and at what rate they propose to remunerate him. If there is not time for this communication to be made before the date fixed, or likely to be fixed, for the hearing or trial of the case, the Court or Magistrate should be asked to adjourn it, or to fix the date in the first instance at a sufficient distance of time to enable the officer concerned to obtain sanction for the employment of special counsel. The Remembrancer of Legal Affairs, if he thinks the case a fit one for the employment of special counsel, will submit the application for the orders of Government, but in emergent cases may act in anticipation of such orders.

27. The Remembrancer of Legal Affairs is

Duties as Government Adviser.

bound to advise Government on all legal questions in connection with the administration of public affairs, or arising out of the acts of Government officers or public servants in the Mofussil which may be referred to him by Government. This duty extends to Government business of all kinds, and in all departments, whether under the Supreme or Local Government.

28. Rule 17, which

Procedure in respect of reference to him for opinion or advice.

applies to references for the advice or opinion of the Solicitor to Government, or of the Advocate General, is to be held applicable, as far as may be, to all such references to the Remembrancer of Legal Affairs; but the Remembrancer of Legal Affairs will, in this as in all other branches of his duties, himself ordinarily perform all the usual work of a solicitor.

29. Heads of Departments in the Mofussil

Direct references by Government officers to him for opinion or advice not ordinarily permitted.

may make direct references to the Remembrancer of Legal Affairs for advice or opinion only in respect of suits or other civil proceedings which are actually pending, and in which Government is concerned or interested, and of criminal proceedings which are actually pending. References on general questions, or in regard to proceedings other than the above,

should be submitted to Government, who will call for the Remembrancer of Legal Affairs' report, or not, as they deem fit.

In the case of reference to the High Court under the Stamp Act, the Remembrancer of Legal Affairs will ordinarily decide whether or not the Government Pleader in the High Court need appear on behalf of Government. Whenever he has any doubt, he should take the special orders of Government.

30. Municipalities must, as a general rule, be

Municipalities not ordinarily entitled to his advice.

left to defend the legality of their own proceedings, and are not entitled to the advice of the Govern-

ment Law Officers. But in cases of special importance, or difficulty, a reference may be made to Government to obtain the opinion or advice of the Remembrancer of Legal Affairs for the guidance of Municipalities in their proceedings, or in the defence of actions which have been brought against them, or with which they are threatened.

31. It is also the duty of the Remembrancer

Duties in respect of appeals against acquittals in criminal cases.

of Legal Affairs to advise Government, in accordance with the rules* prescribed in this behalf

* The following are the rules referred to :—

I. Every proposal to appeal under Section 272 of the Criminal Procedure Code must be forwarded by the officer making it to the Head of his Department, who, if he concurs in it, shall submit it with his own opinion to Government, through the Legal Remembrancer.

II. The Legal Remembrancer, after calling for all information or papers that he may deem necessary to enable him to arrive at a correct opinion shall forward the correspondence to Government, together with a report, stating his opinion, and, if he advises an appeal being made, the principal grounds on which he suggests its being based.

III. If Government sanction the appeal copies of the correspondence and of the Legal Remembrancer's report will be forwarded direct to the Government Pleader in the High Court from the Secretariat, with a copy of the Government Resolution empowering him to file the appeal.

IV. The appeal will then be drawn up by the Government Pleader in accordance with the orders of the Court and after consultation with the special counsel, if any, whom Government authorize him to retain for the case.

V. Neither the grounds of appeal nor the arguments in support of the appeal at the hearing need be limited to those stated in the Legal Remembrancer's opinion. The Government Pleader or other counsel will be at liberty to exercise his own discretion as to the manner in which the appeal should be conducted, subject only to any special reservations which may be made in the Government Resolution sanctioning the appeal.

VI. As soon as Government have sanctioned the institution of an appeal it will be the duty of the Legal Remembrancer and of the local officer who proposed the appeal to forward to the Government Pleader direct without delay all the material papers in their possession relating to the case.

VII. As soon as the appeal has been decided the Government Pleader will inform the Legal Remembrancer of the result. If a written judgment is recorded by the Court he will obtain with as little delay as possible two copies of it, and forward one to the Legal Remembrancer and one with the papers to the officer who proposed the appeal.

VIII. The result of the appeal will be specially reported to Government by the Legal Remembrancer only in such cases as appear to him to be important. As a general rule it will suffice if the different cases and their results are mentioned in his annual report to Government. The officer who proposed the appeal need not communicate its result to Government.

in Government Resolution No. 6389, dated 17th November 1876, Judicial Department, in the matter of all proposals to appeal, under Section 272 of the Criminal Procedure Code, against the acquittal of accused persons.

32. It is also the duty of the Remembrancer of Legal Affairs to draw And in drafting Bill. Bills embodying such proposals for legislation as may be sent to him for the purpose from any of the Executive Departments of Government.

33. Bills so drawn will in the first instance be regarded merely as drafts First drafts how to be intended to facilitate the further discussion of the proposed measure in the Executive Department of Government for which they have been prepared or with such persons as that department may think it desirable to consult.

34. If it should ultimately be determined to proceed to legislation, the draft prepared by the Remembrancer of Legal Affairs will be returned to him; and it will be his duty to revise the draft embodying in it all the provisions held to be necessary or desirable and to finally mould the Bill in the shape in which it should be introduced into the Legislative Council, adding to it the usual Statement of Objects and Reasons. He will then cause the Bill to be printed under his supervision, and submit it to the department for which it has been prepared.

35. The Remembrancer of Legal Affairs is bound also to bring to the notice of Government from time to time all new enactments which require the issue by Government of rules, orders, bye-laws or notifications, or which involve any change in any existing rules, orders, bye-laws, or notifications, and on receipt of the necessary instructions, to draft all such rules, orders, bye-laws, or notifications as it may be necessary to issue, for the approval of Government. And all rules, orders, bye-laws, or notifications which it is at any time proposed to issue in the name of the Governor in Council in virtue of any power derived from any legislative enactment, should be forwarded to the Remembrancer of Legal Affairs in order that he may revise the same before they are issued with a view to legal precision and correctness.

36. The Remembrancer of Legal Affairs is to submit an annual report for the calendar year to Government, detailing the general results of the civil litigation in the mofussil in which Government or Government Officers were concerned, and of the criminal prosecutions, if any, in which special measures may have been taken on behalf of Government to secure conviction, and bringing to the notice of Government all such other matters of interest in connection with their legal affairs as he may think necessary. To enable him to prepare this report the Remembrancer of Legal Affairs may call upon local officers of every department to furnish him with such information as he deems necessary.

Government Pleaders and Public Prosecutors.

"Government Pleader" defined. 37. The term "Government Pleader" includes—

- (1) the Government Pleader in the High Court;
- (2) District Government Pleaders; and
- (3) Subordinate Government Pleaders (of whom one will be nominated for every Subordinate Judge's Court or Small Cause Court not situated at the head-quarters of a District Government Pleader).

The term "Public Prosecutor" means any person appointed by Government under Section 492 of the Criminal Procedure Code to be Public Prosecutor for a district or a division of a district or for a specified class of cases in a district or division of a district; and it also includes the Government Pleader in the High Court for the purposes mentioned in Rule 47 of these Rules, and any person appointed by a District or Sub-divisional Magistrate for the purposes mentioned in Rule 50 of these Rules.

38. The salary of the Government Pleader in the High Court is Rs. 300 per month. The salaries of the District Government Pleaders are as follows:—

Ahmedabad	} Each Rs. 125 per month.
Surat	
Thána and Kolába	
Poóna	
Kaira	} Each Rs. 35 per month.
Broach	
Ratnágiri	
Kánara	
Ahmednagar	} Each Rs. 20 per month.
Dhárwár	
Kaládgi	
Belgaum... ..	
Sátára	
Sholápur... ..	
Násik	}
Khándesh	

39. (1). Subject to the provisions hereinafter contained, all Government Pleaders are entitled to the usual fees allowed by the Courts according to law as costs in each civil cause in which they are engaged.

(2). In cases in which a reference is made to the High Court under the Stamp Act, and in which the Government Pleader in the High Court is instructed to appear on behalf of Government, he shall be entitled to a fee of thirty rupees.

(3). In cases in which a reference is made to a Civil Court under Section 15, Act X. of 1870, the fees shall be calculated on the amount of compensation tendered by the Collector under Section 11 of the Act, or, if no claimant attended pursuant to the notice mentioned in Section 9, on the amount of compensation which the Collector, under Section 18, shall have declared himself willing to give to the parties.

(4). In inquiries under the Indian Treasure Trove Act, 1878, the Government Pleaders, when they appear on behalf of Government, are entitled

to the usual fees calculated on the value of the share of the Treasure to which Government may lay claim, subject to any increase that may be sanctioned by Government in particular cases.

(5). Whenever two or more officers of Government may be parties to the same suit, they shall, ordinarily, all be represented by the Government Pleader, who shall alone conduct the suit, and shall receive but one fee for it; but if special circumstances render it expedient to appoint more than one pleader for the conduct of any such case, and whenever it seems necessary to adopt pleadings involving several lines of defence, or separate answers differing in substance, a second pleader may be appointed, with the approval of the Remembrancer of Legal Affairs, or a separate fee may be awarded to the Government Pleader by the Remembrancer of Legal Affairs for each separate defence.

(6). In cases of unusual importance, or difficulty, or in which marked industry or ability has been displayed, the Remembrancer of Legal Affairs is empowered to grant to a District Government Pleader a further special remuneration not exceeding Rs. 100 for each case. Special remuneration in excess of Rs. 100 may be granted only with the sanction of Government.

40. The Government Pleader in the High

Fees in criminal cases to Government Pleader in the High Court.

Court is also entitled to a fee of thirty rupees for every criminal case in which he actually appears:

provided that any person appointed by Government to be Public Prosecutor for the purposes mentioned in Rules 47 and 48 of these Rules, during the unavoidable absence of the Government Pleader, or for any other special reason, shall be entitled to the same remuneration.

41. District Government Pleaders and Public

Fees for prosecutions in criminal cases in the Mofussil.

Prosecutors are entitled to a fee of Rs. 10 per diem for every day that they are actually engaged in criminal business either in the Sessions Court or in any Magistrate's Court at head-quarters.

In cases of unusual importance or difficulty, or in which marked industry or ability has been displayed, the Remembrancer of Legal Affairs is empowered to increase this fee to an amount not exceeding Rs. 25 per diem. A higher fee than Rs. 25 per diem may be granted only with the sanction of Government.

42. If the Government Pleader in the High

Fees to Government Pleaders in the High Court when employed in the mofussil.

Court is required under Rule No. 52 to appear in any case in the mofussil, he is entitled to a fee of Rs. 150 per diem for

necessarily absent from Bombay. This fee is inclusive of travelling and all other expenses.

43. If a District

Fees to District Government Pleaders when employed away from their head-quarters.

Government Pleader or Public Prosecutor is required under Rule 53 to proceed to Bombay, he is entitled to a fee of Rs. 25 for every day that he is

necessarily absent from his station, and to his actual travelling expenses to and from Bombay,

and to his actual expenses for hire of conveyances whilst in Bombay; and if he is required to appear in any case in any Court situated elsewhere than at his head-quarters, he is entitled to a fee, to be fixed by the Remembrancer of Legal Affairs, according to the circumstances of each case, but not exceeding Rs. 50 per diem, for each day that he is necessarily absent from his head-quarters. This fee is inclusive of travelling and all other expenses.

44. A District Government Pleader or Public

Travelling allowance of District Government Pleaders, &c., in certain cases.

Prosecutor leaving the head-quarters of his district or division on duty, for which duty he receives no fee in addition

to his pay, is entitled to travelling allowance either at Rs. 3 a day for the period of his absence from head-quarters, or at 4 annas per mile travelled otherwise than by railway, and at 1½ annas per mile by railway.

Alibág, Broach and Kaira shall, for the purposes of this and of the last preceding rule, be deemed to be the head-quarters of the districts of Kolába, Broach and Kaira respectively: provided that no travelling allowance shall be admissible under this rule for journeys on duty between any of the above places and Thána, Surat and Ahmedabad respectively, and that nothing in the latter part of Rule 43 applies to appearances in any Court situated in the three last-mentioned places.

45. It is the duty of Government Pleaders

Ordinary duties of Government Pleaders.

to appear on behalf of Government, or of any Government Officer, in

any suit or other civil proceeding to which Government are a party, or the institution or defence of which is undertaken by Government, or in any suit or other civil matter, in which Government requires their services, whoever the nominal party on whose behalf they are called on to appear may be, if Government determine that the case is one in which they have such an interest as to render it advisable that it should be conducted on their behalf.

46. Whenever special counsel is employed by

Retaining and instructing of special counsel for Mofussil cases.

the Remembrancer of Legal Affairs, under Rule 25, in Bombay for any

case to be heard either in Bombay or in the Mofussil, the Government Pleader in the High Court shall take (under instructions from the Remembrancer of Legal Affairs) the usual steps for retaining such counsel. The counsel's brief will be prepared, for any case to be tried in Bombay, by the Government Pleader in the High Court, and for any case to be tried in the Mofussil by the Government Pleader of the district, or by the Prosecuting Pleader of the district or division in which the case is to be tried; and, in the latter case, the brief, when prepared, will be forwarded by the District Government Pleader, or the Prosecuting Pleader, to the Government Pleader in the High Court for submittal to the counsel.

47. The Government Pleader in the High Court

Duties of the Government Pleader in the High Court in criminal cases.

is appointed Public Prosecutor for the purpose of presenting appeals to the High Court in cases of

acquittal on behalf of Government under Section 417 of the Criminal Procedure Code, and for the purpose of appearing for the prosecution in criminal appeals heard before the High Court under Section 423 of the said Code, and for the Crown in other criminal cases which come before the High Court on its Appellate Side under the provisions of the Criminal Procedure Code.

The Government Pleader in the High Court is empowered by Government under Section 422 of the Criminal Procedure Code to receive notices of criminal appeals to be heard before that Court.

48. The Government Pleader in the High Court is bound to appear for the prosecution or the Crown in criminal appeals before the High Court under Section 423 of the Criminal Procedure Code, and in other criminal cases which come before the High Court on its Appellate Side under the provisions of the said Code, if called upon. He will ordinarily appear in every case which comes before the Court on reference, and in every appeal against an acquittal; and in all other cases he will appear if specially instructed to do so by the Magistrate of a District or the Remembrancer of Legal Affairs, but not otherwise.

49. Notices of commitments and appeals under Sections 218 and 422 of the Criminal Procedure Code will be given to the District Government Pleaders and Public Prosecutors who will ordinarily conduct the prosecution in every trial before Courts of Session in accordance with Section 270 of the Criminal Procedure Code, and appear for the prosecution at the hearing of any appeal before those Courts when counsel, whether a barrister or pleader, appears for the appellant or when they are specially instructed by the Magistrate of the district under Section 492 of the Code. When so required by the Magistrate of the district, or by the Remembrancer of Legal Affairs, it is their duty also to conduct the prosecution in any trial before a Magistrate.

50. When, under Section 492 of the Criminal Procedure Code, a Magistrate of the district or subject to his control a Sub-divisional Magistrate appoints any person in the absence of the Public Prosecutor or when no Public Prosecutor has been appointed to be Public Prosecutor for the purpose of conducting the prosecution in any trial before the Court of Sessions, such person shall be entitled to the same remuneration as would be payable under Rule 41 of these Rules,

But no such person shall be appointed by a Magistrate of the district without the concurrence of the Remembrancer of Legal Affairs, and if, for special reasons, a higher rate of remuneration than the above is deemed necessary for the person whom it is proposed to appoint, the sanction of

Government must be obtained, through the Remembrancer of Legal Affairs, before any liability is incurred.

51. When the Public Prosecutor for the Presidency, or special counsel, appears for the prosecution in any case before the High Court, or any Sessions Court, the Government Pleader or Prosecuting Pleader will appear also and assist, or instruct the Public Prosecutor or special counsel, as may be necessary.

52. The duties of the Government Pleader in the High Court are ordinarily restricted to that Court, but it is his duty, also, whenever his services can be spared without inconvenience to that Court, and the Remembrancer of Legal Affairs so requires, to appear in any case, whether civil or criminal, in any Court in the Mofussil.

53. Similarly District Government Pleaders' duties are ordinarily restricted to the Courts at the head-quarters of the district for which they are appointed, and Public Prosecutors' duties are ordinarily restricted to the Sessions Courts to which they are respectively appointed; but when so required by the Collector or Magistrate of the district, or by the Remembrancer of Legal Affairs, they will appear in any case in any Court in the said district, or proceed to Bombay to instruct counsel, or to assist at the hearing or trial of any case in the High Court, or for any other such purpose; provided that in the case of Public Prosecutors such requisitions shall be confined to criminal cases.

54. The duties of Subordinate Government Pleaders are limited to appearing on behalf of Government in the Courts for which they are respectively appointed in any suit or other civil matter in which the District Government Pleader would appear if such suit or matter arose in any Court at the head-quarters of the district. They are to be subordinate to the respective District Government Pleaders, and whenever a District Government Pleader appears in any Court in which there is a Subordinate Government Pleader, the latter will appear with him as junior pleader.

55. It is the duty of the Government Pleader in the High Court to advise District Officers only in respect of any proceedings, whether civil or criminal, which he has or may have to conduct on behalf of Government, but his duties as hereinbefore described extend to Government business in all its departments, whether under the Supreme or Local Government.

56. It is the duty of the District Government Pleaders to advise all local officers not only in respect of any proceedings, whether civil or criminal, which they may have to conduct on behalf of Government or of any such officer, but also, to the best of their ability, on all legal matters which any such officer may refer to them concerning any Government business of any kind or in any department, whether such department be under the Supreme or Local Government.

Bombay Castle, 18th September 1882.

No. 5773.—In modification of Government Notification No. 3487, dated 24th May 1880, (published at page 496 of the *Bombay Government Gazette*, Part I., for 1880,) and in exercise of the powers conferred in this behalf by Section 23 of the Bombay Civil Courts Act, the Governor of Bombay in Council is pleased to notify that the Head-quarters of the Malsiras Subordinate Judge's Court will be transferred to Maloli in the same taluka of the Sholapur District from the 1st October 1882, and to direct that the Subordinate Judge do hold his Court there from and after that date.

By order of His Excellency the Right Honourable the Governor in Council,
C. GONNE,
Chief Secretary to Government.

GENERAL ORDERS

By the Right Honourable the Governor in Council.

MILITARY DEPARTMENT.

Bombay Castle, 15th September 1882.

No. 473.—The following General Order by the Government of India, No. 484, dated 8th September 1882, is republished:—

“PROMOTIONS.

No. 484.—Under the authority of the Right Hon'ble the Secretary of State for India in Council, it is notified that the appointment of 'Executive Commissariat Officer' is added to the list of appointments detailed in clause 21, India Army Circulars, 1880, as qualifying for promotion to the brevet rank of Colonel.”

Bombay Castle, 16th September 1882.

No. 474.—His Excellency the Governor in Council is pleased to make the following appointment:—

Sind Volunteer Rifle Corps.

Serjeant John Tate to be Lieutenant.

Bombay Castle, 19th September 1882.

No. 475.—The services of Lieutenant M. E. Archdale, 2nd Battalion Gloucestershire Regiment are temporarily placed at the disposal of the Government of India in the Foreign Department.

No. 476.—Major F. S. Hore, of the Bombay Volunteer Rifle Corps, is granted leave to Europe on medical certificate for twelve months from the 16th instant.

No. 477.—In G. O. No. 459, dated 4th instant, for "Serjeant and Acting Sub-Conductor J. Keane," read "E. J. Keane."

Bombay Castle, 20th September 1882.

No. 478.—In General Order No. 468, dated 11th instant, in column of "Bonus of 18 months' Staff Salary" omit the words "Less any staff pay he may have drawn from 1st July last."

No. 479.—*Sind Volunteer Rifle Corps.*—Captain W. A. Wetherall is permitted to resign the appointment of Adjutant at his own request.

No. 480.—The promotions in the Barrack Branch, Public Works Department, referred to in G. O. No. 434 of 1882, will have effect from the 20th June 1882, and not from the dates as therein stated.

No. 481.—His Excellency the Governor in Council is pleased to make the following promotions, subject to Her Majesty's approval:—

Brigade-Surgeon L. S. Bruce to be Deputy Surgeon-General, vice Deputy Surgeon-General W. J. Moore, C.I.E., whose tenure of office expired on the 14th instant.
Surgeon-Major C. McDowall to be Brigade-Surgeon, vice Brigade-Surgeon L. S. Bruce.

No. 482.—The following extract from the *London Gazette* of the 29th August 1882, page 4014, is republished:—

“INDIA OFFICE, 29th August 1882.

The Queen has approved of the retirement of the undermentioned officers of Her Majesty's Indian Military Forces:—

* * * *

Lieutenant-Colonel and Brevet-Colonel James Annesley Smith, of the Bombay Staff Corps.
Dated 1st July 1882.

* * * *

Surgeon-Major Thomas Miller, M.D., of the Bombay Army. Dated 3rd July 1882.

Surgeon-Major Malcolm Munro Mackenzie, of the Bombay Army. Dated 25th July 1882.

Brevet.

The Queen has approved of the undermentioned officers being granted a step of honorary rank on retirement:—

To be Major-Generals.

* * * *

Lieutenant-Colonel and Brevet-Colonel James Annesley Smith, of the Bombay Staff Corps.
Dated 1st July 1882.

* * * *

The retirement from the Service and promotion to the honorary rank of Colonel of Lieutenant-Colonel Simon Fraser McGillivray, of the Bombay Staff Corps, will have effect from the 8th May 1882, and not as stated in the *London Gazette* of the 20th June 1882."

No. 483.—Lieutenant H. E. C. Way, 2nd Battalion, East Yorkshire Regiment, is appointed a Probationer for the Bombay Staff Corps, with effect from the 25th August 1882.

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

M. W. WILLOUGHBY, Colonel,
Secretary to Government.

ECCLESIASTICAL DEPARTMENT.

Bombay Castle, 19th September 1882.

No. 33.—In supersession of Notification No. 30, dated 1st August 1882, the services of the Reverend G. Gothard, B.A., Joint Chaplain of Karachi, are placed at the disposal of the Government of the Punjab, with effect from the 1st July last to the 1st October next.

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

M. W. WILLOUGHBY, Colonel,
Secretary to Government.

CIVIL APPOINTMENTS, &c.

JUDICIAL DEPARTMENT.

Bombay Castle, 16th September 1882.

No. 5759.—The Honourable Mr. Justice Melville, Judge of Her Majesty's High Court of Judicature at Bombay, is allowed privilege leave of absence for thirty-four days from the 20th November 1882.

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

C. GONNE,
Chief Secretary to Government.

POLITICAL DEPARTMENT.

Bombay Castle, 14th September 1882.

No. 4515.—The following Notification by the Government of India in the Foreign Department is republished:—

"POLITICAL.

Simla, the 5th September 1882.

No. 602G.—Subject to the confirmation of Her Majesty's Government, His Excellency the Viceroy and Governor General in Council is pleased to recognise the appointment of Mr. Heinrich Volger as Acting Consul for Germany at Bombay during the absence of Mr. C. Kapp.

(Signed) C. GRANT,
Secretary to the Government of India."

Bombay Castle, 16th September 1882.

No. 4525.—Mr. E. Lawrence, C.S., Acting Second Assistant Political Resident, Aden, has been granted privilege leave for three months from the 19th instant, or such subsequent date as he may avail himself of it.

Bombay Castle, 19th September 1882.

No. 4583.—With reference to Government Notification of the 14th ultimo, No. 3952, the following officers received charge of their respective appointments on the afternoon of the 5th instant:—

Lieutenant-Colonel A. M. Phillips, Acting Political Agent, Káthiáwár.
Major E. V. Stace, Acting First Assistant Political Agent, Káthiáwár.
Mr. F. C. O. Beaman, Acting Second Assistant Political Agent, Káthiáwár.
Mr. F. H. Warden, Acting Third Assistant Political Agent, Káthiáwár.
Major G. E. Hancock, Acting Fourth Assistant Political Agent, Káthiáwár.

Bombay Castle, 20th September 1882.

No. 4610.—The following Notification by the Government of India in the Foreign Department is republished:—

"POLITICAL.

Simla, the 13th September 1882.

No. 693 G.—His Excellency the Viceroy and Governor General is pleased to confer upon Varajlal Parshotamrai, Daftardár of the Rewa Kántha Political Agency, the title of 'Ráo Bahádúr,' as a personal distinction.

(Signed) C. GRANT,

Secretary to the Government of India."

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

C. GONNE,
Chief Secretary to Government.

JUDICIAL DEPARTMENT.

Bombay Castle, 14th September 1882.

No. 5715.—Lillaram valad Punumal, Munshi of the Moro Piolet Station, and Haji Mahomed valad Moleno, Munshi of the Daulatpur Police Station, in the Hydrabad District, having been dismissed from their appointments, are hereby declared ineligible for re-employment in any capacity in the service of Government.

No. 5717.—A'zam Raghavendra Pandurang Bengeri, B.A., Acting Head Kárkún of Táluka Navalgund, and A'zam Ashwath Dhondrao, Acting Head Kárkún of Táluka Gadag in the District of Dhárwár, are appointed to be Magistrates of the Third Class in the District of Dhárwár under Section 37 of Act X. of 1872, and are invested each with the following additional powers:—

Power to hold inquests (Section 135).

Power to entertain complaints of offences in cases in which he has jurisdiction to try (Section 141).

Power to issue order to prevent obstruction, &c. (Section 518).

Power to issue order prohibiting repetition of nuisance (Section 519).

Bombay Castle, 16th September 1882.

No. 5769.—A'zam Jethalal Haribhai, pensioned Head Karkun, is appointed to be an Honorary Magistrate in the City of Ahmedabad, and is invested with the powers of a Magistrate of the Second Class under Section 37 of Act X. of 1872 and with the following additional powers:—

Power to hold inquests (Section 135).

Power to entertain complaints and receive Police reports in cases in which he has jurisdiction to try or to commit for trial (Section 141).

Power to issue order to prevent obstruction, &c. (Section 518).

Power to issue order prohibiting repetition of nuisance (Section 519).

Bombay Castle, 18th September 1882.

No. 5770.—Mr. Krishnaji Bapuji Niphadkar has been appointed, under Section 40 of Act XIV. of 1869 (The Bombay Civil Courts Act), to act as Clerk of the Second Class Subordinate Judge's Court at Rajapur in the Ratnagiri District during the absence of Mr. Mahipat Bhivrao on leave, or until further orders.

No. 5776.—Messrs. M. B. Baker and C. B. Izon respectively delivered over and received charge of the District Court at Ratnagiri on the 2nd instant, after office hours.

By order of His Excellency the Right Honourable the Governor in Council,
C. GONNE,
Chief Secretary to Government.

EDUCATIONAL DEPARTMENT.

Bombay Castle, 18th September 1882.

No. 1614.—Mr. Kouramal C. Ki availed himself of the leave granted to him by Government Notification No. 1375 of 10th ultimo, on the forenoon of the 22nd idem.

Mr. S. F. Mirza received charge of the office of Sindhi Translator, Educational Department, at the same time.

By order of His Excellency the Right Honourable the Governor in Council,
C. GONNE,
Chief Secretary to Government.

REVENUE DEPARTMENT.

Bombay Castle, 20th September 1882.

No. 6519.—Mr. T. M. Cotgrave, Assistant Collector of Salt Revenue, has been allowed by Her Majesty's Secretary of State for India an extension of furlough for six months.

No. 6521.—Mr. R. T. Wingate, Assistant Superintendent, Revenue Survey, Southern Maratha Country, has been allowed by Her Majesty's Secretary of State for India to return to duty within the period of his leave.

No. 6524.—Mr. J. Elphinston, C.S., Acting Collector and Magistrate of Ahmednagar, is allowed privilege leave of absence for two months.

Mr. A. Keyser, C.S., to act as Collector and Magistrate of the District of Ahmednagar and District Registrar, Ahmednagar, during the absence of Mr. Elphinston on privilege leave.

By order of His Excellency the Right Honourable the Governor in Council,
J. NUGENT,
Acting Secretary to Government.

GENERAL DEPARTMENT.

Bombay Castle, 20th September 1882.

No. 3749.—Mr. R. Mactier passed an Examination in Gujarati according to the Higher Standard on the 12th instant.

No. 3750.—Surgeon-Major W. Gray, M.B., Acting Senior Surgeon, J. J. Hospital, and Professor of Surgery and Clinical Surgery, Grant Medical College, is appointed to act as Chemical Analyser to Government, in addition to his own duties, during the absence of Surgeon-Major I. B. Lyon, F.C.S., F.I.Ch., on special duty.

By order of His Excellency the Right Honourable the Governor in Council,
J. NUGENT,
Acting Secretary to Government.

PUBLIC WORKS DEPARTMENT.

Bombay Castle, 18th September 1882.

No. 45.—Under the operation of the Notification of the Government of India in the Public Works Department, No. 293, dated 3rd September 1880, Lieutenant-General J. A. Fuller, C.I.E., R.E., vacates his appointment as Superintending Engineer, Northern Division, from the 3rd September 1882, but is permitted to retain the same until relieved.

Colonel J. R. Maunsell, R.E., Superintending Engineer, Second Class (Supernumerary), is appointed Superintending Engineer, Second Class, and Superintending Engineer, Northern Division.

The services of Lieutenant-General J. A. Fuller, C.I.E., R.E., are replaced at the disposal of Government in the Military Department, with effect from the date on which he is relieved by Colonel Maunsell, R.E.

By order of His Excellency the Right Honourable the Governor in Council,
C. J. MERRIMAN, Major-General, R.E.,
Secretary to Government.

(RAILWAY.)

Bombay Castle, 19th September 1882.

No. 30.—The following Notification by the Government of India in the Public Works Department is republished for information:—

"No. 212, dated 7th September 1882.

The following changes in the classes of Superintending Engineers are ordered with effect from the dates specified:—

From 20th July 1882.

Mr. F. L. Dibblee, Officiating Superintending Engineer, Class III., to Superintending Engineer, Class III., temporary rank."

By order of His Excellency the Right Honourable the Governor in Council,
J. BONUS, Colonel, R.E.,
Acting Joint Secretary to Government.

Miscellaneous Notifications, Appointments, &c.

BY HER MAJESTY'S HIGH COURT OF
JUDICATURE.
APPELLATE SIDE.

Ráo Sáheb Amrit Shripat Nagpurkar, Subordinate Judge of Bársi, returned from the three months' sick leave granted to him from 9th June last, and resumed charge of his duties on the 9th instant, before office hours.

Bombay, 14th September 1882.

The Senior Assistant Judge F. P., Násik, has granted Mr. Luis J. de Sá, Subordinate Judge of Sinnar, leave on medical certificate from 29th ultimo to 30th instant.

Bombay, 18th September 1882.

E. MCG. H. FULTON,
Registrar.

BY THE ACCOUNTANT GENERAL.

No. 6.—Moro Ballal Bhagwat, Head Accountant, Poona Collectorate, is allowed one year's extension of the twelve months' furlough granted to him from 9th September 1881.

Bombay, 18th September 1882.

CIRCULAR No. 66.

GAZETTED AUDIT DEPARTMENT.

To—All COMMISSIONERS, COLLECTORS, TREASURY OFFICERS and MILITARY COMMISSIONED, WARRANT or NATIVE COMMISSIONED OFFICERS in CIVIL EMPLOY.

15th September 1882.

In continuation of this office Circular No. 42, dated 3rd August 1882, directing permanent monthly travelling and other fixed allowances to be drawn on salary bills, the following extract of an order of the Government of India, Department of Finance, No. 3505, dated 1st September 1882, is appended for the guidance of the officers concerned:—

"In any month in which a Military officer (of the classes specified in the preamble*) in Civil employ in receipt of a fixed monthly travelling allowance travels on duty by rail, his allowance for the month should be reduced by the amount which he saves by travelling under a Form E. 'on duty' certificate in compliance with the requirements of the Notification of 21st April 1882 (No. 472†), which enables him to travel in a higher class of carriage by rail than that for which he pays the fare. A Military officer, when drawing a fixed travelling allowance, must state the railway journeys which he has made on duty during the month and must make the requisite deduction from his allowance, or must certify that he has not made any such journey, as the case may be."

* i.e., Military Commissioned, Warrant or Native Commissioned Officer.

† Vide this office Circular No. 19, dated 23rd May 1882.

2. In filling up a salary bill form, including a monthly travelling allowance, the full monthly amount of the travelling allowance should be entered in the space provided for the purpose, and the deduction to be made under the above order should be made from the total of the bill in a distinct entry 'Deduct saved in railway fare by the use of Form E. certificate as per details on the reverse.'

3. No salary bill of a Military officer entitled to a monthly travelling allowance will be cashed unless it contains a deduction entry as above, or is supported by a certificate (in addition to that prescribed by para. 7 of this office Circular No. 42, dated 3rd August 1882) that no railway journey on duty was made during the month.

CIRCULAR No. 67.

TREASURY ACCOUNT DEPARTMENT.

From—The ACCOUNTANT GENERAL, BOMBAY;
To—All COMMISSIONERS, COLLECTORS and TREASURY OFFICERS.

Bombay, 16th September 1882.

With reference to Government Resolution No. 5948, dated 30th August 1882, Revenue Department, I have the honor to request, that if your Head Accountant has not

passed the examination for Head Accountant as prescribed in Rule 2 of the draft scheme embodied in Government Resolution No. 1523, dated 15th March 1881, Revenue Department, you will be so good as to direct him to appear for the purpose before the Central Committee which is to assemble at Bombay on the 9th October 1882 for Departmental Examination of Junior Civil Servants communicating his name to the Committee before the 20th September 1882.

2. This circular does not apply to the officers named in the margin.

CIRCULAR No. 68.

RESOURCE DEPARTMENT.

From—The ACCOUNTANT GENERAL, BOMBAY;
To—All COMMISSIONERS, COLLECTORS and TREASURY OFFICERS.

Bombay, 18th September 1882.

With reference to paragraph 4 of my Circular No. 59 of the 30th August 1882, regarding commission on the sale of Stock Notes, I have the honour to acquaint you that the Government of India say that the system of selling Stock Notes, through licensed vendors, may perhaps be introduced next year, but not until the term of the monopoly of sale already granted in certain districts has expired, and that further orders on the subject will be issued hereafter.

CIRCULAR No. 69.

RESOURCE DEPARTMENT.

From—The ACCOUNTANT GENERAL, BOMBAY;

To—All COMMISSIONERS, COLLECTORS and
TREASURY OFFICERS.*Bombay, 19th September 1882.*

As arrangements are now being made to hand over to the Goa Government the surplus Portuguese silver coin in British treasuries, I have the honor to request that the amount of that coin now available in your treasury may be remitted, by the first available opportunity, to the nearest treasury as advised, where it will be collected prior to delivery to the Portuguese authorities. The remittance should be made, if possible, within the month of September, as the transfer of the coin to the Goa Government will probably be made in October 1882.

A. COTTERELL TUPP,
Accountant General.

BY THE COMMISSIONERS.

NORTHERN DIVISION.

Mr. H. Kennedy delivered over and Mr. Narayan Bhikaji received charge of the office of Superintendent of Police, Kolába, in the afternoon of the 2nd instant, and the latter officer again delivered over charge and Mr. J. B. D. Adams received charge of the same office on the 5th idem, in the afternoon.

Poona, 11th September 1882.

Mr. F. Yates delivered over and Mr. F. Austin received charge of the office of Assistant Superintendent of Police, Thána, in the afternoon of the 4th instant.

Poona, 13th September 1882.

Mr. Govandas Keshavlal delivered over and Mr. Lakhabbhai Gopalji received charge of the office of the Superintendent of the Bándsa State on the 5th instant, in the forenoon.

Poona, 15th September 1882.

G. F. SHEPPARD,
Commissioner, N. D.

CENTRAL DIVISION.

Mr. R. H. Lamb, Assistant Collector in charge Eastern Division, Khándesh, handed over his office to Mr. G. Jacob, Assistant Collector in charge Western Division, Khándesh, on the 2nd instant, in the afternoon.

Mr. D. Davies, Police Probationer, Khándesh District, passed the prescribed examination in drill on the 1st October 1881.

Mr. G. Cotgrave, Police Probationer and Acting Second Assistant District Superintendent of Police, Khándesh, passed the prescribed course in equitation under date 7th August 1882.

Poona, 9th September 1882.

The Reverend A. D. DeMonte is appointed a Non-official Commissioner for the Town Municipality of Lonávi in the Poona District, vice Mr. Pestonji Dorabji, removed.

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Balwant Babaji Patankar is appointed an additional Non-official Commissioner for the Town Municipality of Talegaon Dábháda in the Poona District.

Poona, 12th September 1882.

The following transfers of Police Inspectors in the Central Division are ordered:—

Ráo Sáheb Tukaram Ramdin, Fourth Grade Inspector, from the Sholápur to the Khándesh District.

Ráo Sáheb Nathu Bapuji, Fourth Grade Inspector, from the Khándesh to the Sholápur District.

Mr. A. Keyser, First Assistant Collector, Ahmednagar, assumed charge of his office, on the 8th instant, in the forenoon.

Messrs. W. R. Hamilton and N. G. Deshpandé respectively handed over and received charge of the office of Huzúr Deputy Collector, Ahmednagar, on the 9th instant, in the afternoon.

Poona, 13th September 1882.

Mr. W. Lee-Warner, First Assistant Collector, Sátára, handed over charge of the Jávli Táluka to Mr. H. R. Cooke on the 31st ultimo, in the afternoon.

Mr. Gangadhar Anant Bhat is appointed a Non-official Commissioner for the City Municipality of Sholápur, vice Lieutenant Pain, resigned.

Poona, 14th September 1882.

Mr. Balaji Dhoneo Dhekne, Forester, is appointed a Non-official Commissioner for the Town Municipality of Malcolm Peth in the Sátára District, vice Mr. John F. Carvalho, resigned.

Poona, 15th September 1882.

E. P. ROBERTSON,
Commissioner, C. D.

SOUTHERN DIVISION.

Mr. D. C. Johnstone, Assistant Collector, Belgaum, is allowed twenty-eight days' privilege leave of absence from the 27th instant, or such subsequent date as he may avail himself of.

Poona, 15th September 1882.

In consequence of the death of Ráo Sáheb Damodar Vishwanath Dandekar, Third Grade Mámálatdár of Khed, in Ratnágiri, the following arrangement has been made with effect from 2nd July 1882:—

Ráo Sáheb Rachapa Virapa, substantive *pro tem.* Third Grade Mámálatdár of Siddápur in Kánara, is confirmed in that grade.

Ráo Sáheb Kalyan Sitaram to continue to be substantive *pro tem.* Mámálatdár in Belgaum during the employment of Ráo Sáheb Yeshwant Moreshwar Kelkar at Kolhápur.

Poona, 18th September 1882.

ARTHUR CRAWFORD,
Commissioner, S. D.

BY THE SANITARY COMMISSIONER.

No. 281.—Surgeon K. R. Kirtikar and J. W. Clarkson have respectively delivered over and received charge of the office of the Deputy Sanitary Commissioner, Konkan Registration District, on the 12th September 1882, after office hours.

No. 282.—Rangnath Limbraj Lanké, Third Grade Local Fund Vaccinator, Ahmednagar Zilla, is dismissed the service, and Ramji Bapuji Thakur is appointed to fill up the vacancy with effect from 6th September 1882.

No. 283.—Chain Rai Suratsing Melapsinghani is appointed Candidate Local Fund Vaccinator, Hyderabad Zilla, with effect from 1st June 1882.

No. 284.—The privilege leave granted to Ramcrishna Shivram, Head Clerk in the Office of the Deputy Sanitary Commissioner, Konkan Registration District, in Notification No. 199, dated 10th May last, is converted into sick leave and extended to 23rd September 1882 inclusive.

No. 285.—Mr. Narayan Gopal Dubhashi, First Statistical Clerk in the Office of the Deputy Sanitary Commissioner, Konkan Registration District, is appointed to perform the duties of Head Clerk in addition to his own, with effect from 10th May 1882, and to act as Head Clerk with effect from 16th August 1882, the date from which Moreshwar Harischandra Powaray is appointed to act as First Statistical Clerk.

JOHN LUMSDAINE,
Sanitary Commissioner.

Bombay, 20th September 1882.

BY THE COMMISSIONER OF CUSTOMS,
SALT, OPIUM AND A'BKARI.

It is hereby notified for the information of all importers of and dealers in Opium and of all others concerned, that on and after the 15th of October next the whole of the Rules under the Opium Act, 1878, published at pages 237 to 249 of Part I. of the *Bombay Government Gazette*

Extraordinary, dated 30th March 1878, will be strictly enforced throughout the Town and Island of Bombay.

2. Attention is drawn to the fact that the possession of more than 10 tolas of Opium by any person not being a Licensed Retailer of Opium, or a Medical Practitioner, or not holding a special Permit granted under Rule 5 (b), is illegal, unless the quantity of Opium and the place where it is deposited are registered in the Office of the Collector of Customs and Opium and noted on the Pass-port which covers it.

3. Persons who may be in possession of Opium contrary to these provisions should furnish the necessary particulars and produce their pass-ports for endorsement at the Opium Department of the Custom House on or before the 15th of October next, after which date all Opium found unregistered in the Town and Island of Bombay will be held liable to seizure and the persons concerned to punishment according to law.

4. Particular attention is drawn to the fact that these provisions refer not only to wholesale stocks of Opium, but to all stocks of Opium, whoever small, if in excess of 10 tolas.

5. Attention is further drawn to the provisions of the Rules forbidding the transport of Opium except under a Permit, and providing that no such Permit shall be given for Opium brought to Bombay for wholesale trade or exportation, except for whole or half chests. These provisions, which have hitherto been allowed to remain in abeyance, will be strictly enforced after the 15th of October next.

6. Importers will save themselves and others much possible trouble and inconvenience by arranging for the immediate deposit of all the Opium they may import in places which afford all necessary facilities for sampling and testing and storage up to final exportation.

C. B. PRITCHARD,
Commissioner of Customs,
Salt, Opium and A'bkari.

Poona, 1st September 1882.