

Bombay Covernment Gazette.

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TUESDAY, 7TH MAY 1901.

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

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PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

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

Abstract of the Proceedings of the Council of the Governor of Bombuy, assembled for the purpose of making Laws and Regulations, under the provisions of "The Indian Councils Acts, 1861 and 1892."

The Council met at Bombay on Tuesday the 12th February 1901, at noon.

PRESENT:

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

The Honourable Sir E. CHARLES K. OLLIVANT, K.C.I.E., I. C. S.

The Honourable Mr. J. Monteath, C.S.I., I.C.S.

The Honourable the Advocate General.

The Honourable Mr. F. S. P. LELY, C.S.I., I. C.S.

The Honourable Mr. SHRIPAD ANANT CHHATRE.

The Honourable Mr. Gokuldas Kahandas Parekh, B.A., LL.B.

The Honourable Mr. J. TATE, M.Inst.C.E.

The Honourable Mr. H. F. Aston, I. C.S., Bar.-at-Law.

The Honourable Mr. J. W. P. Muir-Mackenzie, M.R.A.C., I.C.S.

The Honourable Mr. Bohanji Dinshaw Petit.

The Honourable Meherbán NARAYANBAO GOVIND alias Baba Saheb, Chief of Ichalkaranji.

The Honourable Mr. IBRAHIM RAHIMTOOLA.

The Honourable Mr. GOPAL KRISHNA GOKHALE.

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

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

The Honourable Mr. SILAS MEYER MOSES.

The Honourable Mr. WILLIAM GREAVES.

The Honourable Mr. D. McIVER.

The Honourable Ráo Bahádur CHUNILAL VENILAL, C.I.E.

The Honourable Mr. E. GILES, M.A. (Oxon).

The Honourable Ráo Bahádur ACHYUT BHASKAR DESAL.

THE LATE QUEEN-EMPRESS.

His Excellency the President said—Before we enter upon the consideration of the business which calls us together to-day, I am confident that every member of the Council will feel that I am but discharging a plain and obvious duty in expressing on our behalf our deep sorrow at the loss the whole world, and the British Empire in particular, has recently sustained.

More or less adequate tributes have been paid in every quarter of the globe to the memory of our late Queen-Empress; and assuredly members of such a constitutional body as are the gentlemen who have the honour to sit on the Bombay Legislative Council should be forward to express their grief at the death of one of the most illustrious Constitutional Monarchs who ever sat upon a Throne.

Whilst I am far from suggesting that there can ever be such a word as finality in the history of local self-government, since the problems of social and municipal life grow yearly more and more complex and diverse, every student of history will acknowledge that under no Sovereign has greater progress been made towards intrusting the people with a large measure of control over their own affairs through the medium of their own representatives than under our late honoured and beloved Queen-Empress; and from the interest and sympathy with which she watched and aided the development of constitutional progress, we must all feel how kindly she would have continued to appreciate and encourage every indication of her subjects' interest in and capacity to promote the welfare of their countrymen by such wise local legislation as that in which we all hope to see the Bombay Legislative Council long continue to play an honourable and conspicuous part.

QUESTIONS AND ANSWERS.

The Honourable Mr. Shripad Anant Chhatre put question No. 1 standing in his name—

Are Government aware that, owing to the increase of passenger traffic in the Ferry Steamers that run between Bombay and Goa, no sufficient regard is paid to the comfort and convenience of Third Class passengers, who are, without distinction of sex and age, so huddled up promiseuously on the deck that the overcrowding is often a source of much uneasiness to the passengers?

Will Government be pleased to take such steps as may be necessary to reduce the misery to which passengers are now being subjected?

His Excellency the President in reply said—

Messrs. Shepherd and Company's steamers plying between Bombay and Goa are subject to the Native Passenger Ships Act. The space to be allowed for each passenger and the number of passengers which may be carried are determined by the provisions of that Act. Due precautions are taken to prevent the carrying of excess passengers, but as long as Messrs. Shepherd and Company abide by the law, interference on the part of Government, in the direction suggested by the honourable member, is impossible.

The Honourable Mr. CHHATRE then put question No. 2-

Will Government be pleased to place on the Council Table a statement showing the number of licenses under the Arms Act in force, newly granted, renewed, cancelled and

suspended in each of the five years from 1896 to 1900, both inclusive, in the Ratnágiri District, and the number of arms confiscated in those years?

The Honourable Sir CHARLES OLLIVANT in reply said-

Full details are not at present available, but the subject is receiving attention and a reply will be given subsequently to the honourable member's question.

The Honourable Mr. CHHATRE then put question No. 3-

Considering the number and poverty of the Mahars in the Ratnagiri and Kolába Districts, will Government be pleased to reserve for that class alone a sufficiently large portion of subordinate appointments in the Forest, Police, Customs and other Departments, where it may not be objectionable to employ them?

The Honourable Mr. Monteath in reply said-

Government cannot promise to reserve appointments in any branch of the Public Service for any caste or class on account of its poverty. But the desirability of giving Mahars their due share of posts which they are qualified to fill is fully recognized.

The Honourable Mr. CHHATRE then put questions Nos. 4, 5 and 6-

- 4. Will Government be pleased to state if it is true that the charges of the disinfection of houses in the village of Khálápur in the Karjat Táluka of the Kolába District during the epidemic of plague that broke out there in 1899 and in 1900 were recovered by the Mahálkari from the villagers by resorting to various measures of recovery, while similar charges in the other villages of the said district similarly affected were borne by the Local Boards?
 - 5. Will Government be pleased to order a refund of the charges recovered?
- 6. Will Government be pleased to state if one Trimbak Narayan Sathe of the suid village has been refused the details of the disinfection charges recovered from him?

The Honourable Mr. Monteath in reply said-

- 4. Under the orders of the Government of India charges on account of disinfection of houses are recoverable from Local Bodies. Inquiry is being made regarding the charges in the case of Khálápur. But there was no epidemic of plague in Khálápur in 1899-1900, the total number of cases and deaths which occurred there from January 1899 to December 1900 being 5 and 4, respectively.
- 5. Until the result of the enquiry is known question No. 5 cannot be answered.
 - 6. Government have no information on the point, but enquiry is being made.

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

Will Government be pleased to state if they will be kind enough to grant remissions and suspensions of assessment to the cultivators of the Athni Táluka, Belgaum District, on account of the failure of crops this year and during the past three years?

The Honourable Mr. Monteath in reply said-

The grant of suspensions and remissions of revenue in the Athni Táluka will be governed by the general orders on the subject which were published for general informainto in the Notifications specified below:—

"No. r.—1871, dated the 9th September 1900, Famine Department (paragraph 7).

No. 274, dated the 21st January 1901, Famine Department (paragraph 4)."

The Honourable Mr. Chhatre then put questions Nos. 8 and 9-

- 8. Will Government be pleased to state if there is famine this year in any parts of the Belgaum, Dhárwár and Bijápar Districts?
- 9. If there is, will Government be pleased to state what measures of relief have been started by Government for the alleviation of the distress of the people?

The Honourable Mr. Monteath in reply said-

Parts of Athni, Gokák and Parasgad Tálukas and Murgod Mahál of the Belgaun District are likely to be affected by famine. Continuation of relief measures will probably be necessary in about three-fifths of the Bijápur District. In Dhárwár portions of

Navalgund, Hubli, Kalghatgi and Bankápur Tálukas have not fared well, but in view of the reported estimate of outturn of crops, Government do not at present anticipate that there will be any need for relief in this district.

- 2. Relief measures are at present carried on only in one out of the three districts named above, viz., Bijápur. According to the latest returns there are a daily average of 5,297 relief workers with 766 dependants; there are open 17 poor-houses relieving a daily average of 1,193 persons; and gratuitous village relief is given in 709 villages to 1,944 persons daily. Test works have been started in the affected parts of Belgaum to gauge the existence of distress and the Collector of that district has been authorized to institute the grant of gratuitous relief when he considers it necessary to do so. Similar measures will be undertaken in Dhárwár if the necessity for them is established. Large grants for takávi and the improvement of water-supply have lately been sanctioned for all the three districts.
- 3. The honourable member is reminded that such information as he requires is published regularly in the Government Gazette week by week.

The Honourable Mr. Chharre then put question No. 10-

Will Government be pleased to state if they will be kind enough to reduce the grazing fees that are in force now?

The Honourable Mr. MONTEATH in reply said-

The grazing fees have been recently resettled after exhaustive examination of their suitability and are exceedingly low. Government cannot undertake to reduce them. As the honourable member is, no doubt, aware, in districts affected by scarcity grazing fees are generally foregone during the continuance of the calamity.

The Honourable Mr. CHHATRE put then question No. 11-

Will Government be pleased to state if it is true that the Collector of Belgaum has issued circulars to his subordinate officers for withholding from the public information regarding famine?

The Honourable Mr. Monteath in reply said-

The Collector of Belgaum issued a circular in May 1900, directing village officers not to reply to inquiries which were made from them by means of post cards and otherwise on matters connected with famine, and which were calculated to elicit information of which the village accountants became possessed in their official capacity and which they were not justified in communicating without the knowledge and consent of superior authority.

The Honourable Mr. CHHATRE then put question No. 12-

Are Government aware of a case (Queen-Empress versus Mahomed Ayub) reported in the Bombay Law Reporter,* Volume II, page 918, under Rule 141 (u) of the Cantonment Code, 1899, in which two Judges of the Bombay High Court and a District Judge have found that the rule, as it now stands, causes hardship to persons living in Cantonments? Considering that there are many Cantonments in the Bombay Presidency, would Government be pleased to bring the case to the notice of the Government of India with a view to modify the rule?

His Excellency the President in reply said-

The matter is under the consideration of Government.

The Honourable Mr. CHHATRE then put question No. 13-

Will Government be pleased to state how many of the Honorary Magistrates in the Presidency have gone through a course of some legal training?

- (a) In appointing such Mayistrates hereafter, will Government be pleased to make a rule that they must pass some test of rudimentary Law and Procedure?
- (b) Will Government be pleased to state if they will see that Political officers and their subordinates, who have to exercise civil and criminal powers in the States of the minor Surdárs of the Deccan administered by the Political Agents, pass a similar test?

The Honourable Sir Charles Ollivant in reply said-

Government are unable without disproportionate labour to state how many Honorary Magistrates in the Presidency have gone through a course of legal training. They are satisfied with the average work performed by such Magistrates and see no reason for any modification of the present mode of selection either for those officers or for the posts alluded to in the third portion of the honourable member's question.

The Honourable Mr. Bomanji Dinshaw Petit then put questions Nos. 1, 2, 3 and 4 standing in his name—

- 1. Is the Government aware of the serious and increasing deterioration in the staple of Indian cotton caused by sowing the seeds of short-staple varieties with those of long-staple varieties in districts which have been hitherto well noted for long-staple varieties only?
- 2. Is the Government aware of the detriment caused by such sowings to the export trade and to the Indian spinning and weaving concerns?

3. Will the Government be pleased to adopt such measures as it may deem expedient for the prevention of the continuation of such fraudulent sowings?

4. Will the Government consider the advisability of importing varieties of seeds of the best American long-staple varieties of cotton for distribution on easy terms to the cultivators in order to improve staples?

The Honourable Mr. MONTEATH in reply said-1 and the Monte Honourable Mr. MONTEATH in reply said-1 and the Monte Honourable Mr. Monte Ho

- 1. Government have been for some years aware that the superior and long-staple varieties of cotton were being replaced by varieties of short-staple in districts which used to produce more or less exclusively the long-staple varieties, and that long and short-staple varieties are sometimes grown together.
- 2. But it has been represented by the leading Associations interested in the trade, that the principal reason for the change was that the grower found that the short-staple variety or a mixture of long and short-staple varieties was the more profitable, owing to the demand for it in Indian Mills and on the Continent of Europe.
- 3. Until the demand for the inferior varieties so diminishes as to render the growth of them less profitable to the cultivator, it is doubtful whether any measures which Government could take would be effectual in preventing the sowing of the short-staple variety, and Government cannot admit that the sowings to which the honourable member refers are fraudulent or such as it would be justifiable to prohibit.
- 4. The result of experiments in introducing exotic varieties into the country is not sufficiently encouraging to justify Government in existing circumstances in importing American cotton as proposed. Should a demand arise for the long-staple varieties on terms profitable to the cultivator, Government will readily give all legitimate assistance to him to procure the seed of these varieties.

The Honourable Mr. Petit then put questions Nos. 5, 6 and 7-

- 5. Will the Government be pleased to enquire into the circumstances leading to a recent limitation in the number of students of the Poona College of Science who, having passed the Previous Examination of the Bombay University, as required by the College regulations, desire to attend its Engineering Classes?
- 6. Will the Government be pleased to state whether the said examination hitherto qualifying for entry to the Engineering Classes is no longer considered sufficient?
- 7. In order to meet the increasing number of students for admission to the said Engineering Classes, will the Government be pleased to consider the advisability of providing class-room accommodation for all duly qualified candidates seeking admission to those classes?

His Excellency the President in reply said—

I refer the honourable member to a memorandum * drawn up by the Director of Public Instruction, which is placed on the Table.

The Honourable Meherban Narayanrao Govind alias Baba Saheb, Chief of Ichalkaranji, then put question No. 1 standing in his name—

Is it a fact that Government propose to introduce a Bill to amend Bombay Act V of 1879 (the Land Revenue Code)? If so, about what time is the Bill likely to be introduced?

The Honourable Mr. MONTEATH in reply said-

The first part of the question is answered in the affirmative. It is hoped that the Bill will be introduced at the Poona Session of the Council.

The Honourable the CHIEF OF ICHALKARANJI then put question No. 2-

Will Government be pleased to place on the Council Table a statement showing the total yearly revenue and the arrears in the alienated villages of the Nevása Táluka of the Ahmednagar District for the year 1890 and for the year 1900?

The Honourable Mr. MONTEATH in reply said-

The statement has been called for from the Collector of Ahmednagar.

The Honourable the CHIEF OF ICHALKARANJI then put question No. 3-

What action has the Collector of Ahmednagar taken on the quarterly statement of arrears in alienated villages in that district?

The Honourable Mr. Monteath in reply said-

A report has been called for from the Collector. We should be the same

The Honourable the CHIEF OF ICHALKARANJI then put question No. 4-

What are the total arrears of revenue in the alienated villages in the Ahmednagar District for the year 1899-1900?

The Honourable Mr. MONTEATH in reply said-

The information required by the honourable member has been called for from the Collector.

The Honourable the CHIEF OF ICHALKARANJI then put question No. 5-

Is it a fact that the Principal of the Engineering College at Poona has issued a notification restricting the number of students to be admitted to forty? If so, will Government be pleased to cancel the notification and remove the restriction?

His Excellency the PRESIDENT in reply said-

I refer the honourable member to the reply given to questions Nos. 5, 6 and 7 put by the Honourable Mr. Bomanji Dinshaw Petit.

The Honourable the CHIEF OF ICHALKARANJI then put question No. 6-

Have the suggestions referred to in reply to question No. 4 put by me in Council meeting of the 24th January 1900 been received from the Commissioners? If so, what action do Government intend to take on them?

The Honourable Mr. MONTEATH in reply said-

The reports of the Commissioners in reply to the inquiry mentioned in the latter portion of the reply to question No. 4 put by the honourable member at the Council meeting of the 24th January 1900 were received. Substance of the orders passed by Government on a consideration of those reports was published in the Bombay Government Gazette for general information in paragraph 4 of Government Notification, Famine Department, No. 1285-r., dated the 15th July 1900, to which the honourable member is referred.

The Honourable the CHIEF OF ICHALKARANJI then put question No. 7—

Is it a fact that a portion of the Hebli Saranjám has been attached on the 24th of February 1899 on account of the death of Pandurangrao? Was this portion attached when it was decided to continue it to Pandurangrao? Has any provision been made for the maintenance of the members of the family during the term of attachment?

His Excellency the President in reply said-

A portion of the Hebli Saranjam was attached in March 1899. It has not been ascertained whether this portion was under attachment previously. Only one request for maintenance pending the settlement of the succession has been received by Government on behalf of the widow of Govindrao, son of Pandurangrao, and provision has accordingly

been made for her. Enquiries are being made as to the claims of other members of the in an world form dering the current year? family to receive allowances.

The Honourable the CHIEF OF ICHALKARANJI then put question No. 8-

Is it a fact that Gopal Narayan Tambavekar and others, kadim hakdars in Bahe, Shirgaon and other villages in the Válva Táluka of the Sútúra District, have not been paid their nemniks since the year 1897-98, that is, since the passing of Government Resolution No. 4168, dated the 3rd June 1897? Is it also a fact that these nemniks have not been received into the taluka treasury?

The Honourable Mr. MONTEATH in reply said:-

Government have no information. No complaint from the hakdurs has reached

The Honourable Mr. GOPAL KRISHNA GOKHALE then put question No. 1 standing in his name-

- (a) Are Government aware that the Income Tax assessment in Táluka Nevása, district Ahmednagar, stood at Rs. 5,083 for the year 1899-1900 and that it was suddenly raised by the acting Mamlatdar to over Rs. 8,300 for the year 1900-1901?
- (b) Is it true that among the persons taxed for the first time by the Mamlatdar there were several bona fide agriculturists, a few petty village carpenters, and oilmen and about ten persons who had been labourers on famine relief works during last famine?
- (c) Is it true that the new assessment was appealed against by nearly four-fifths of the assessees and that the officer hearing appeals has already remitted or reduced the tax in several instances? Will Government state what is the total amount of the reduction thus directed to be made in the assessment fixed by the Mamlatdar?
- (d) Will Government be pleased to make an inquiry into the matter, and if satisfied that the Mimlatdar's zeal has caused needless hardship to the people, will they be pleased to issue orders which will in future prevent such excess of zeal on the part of subordinate officers?

The Honourable Mr. Monteath in reply said-

It is true that the Income Tax assessment of the Nevása Táluka stood at Rs. 5,083 for the year 1899-1900, and that the original demand for the year 1900-1901 was fixed at Rs. 8,361.

The Collector of Ahmednagar has been called upon for a report upon the other matters mentioned in the question.

The Honourable Mr. GOKHALE then put question No. 2-

- (a) Are Government aware that a large number of students who wanted to join the Poona College of Science were refused admission there this year?
- (b) Are Government aware that the notification issued by the Principal of the College placing a numerical limit upon this year's admissions was issued only a short time before the date of admission?
- (c) Are Government aware that many of the students who were refused admission had studied for the Previous Examination in Arts with the sole object of prosecuting their studies at the College of Science after passing their P. E., and that this sudden closing of the door against them is felt by them and their guardians as a great hardship? Will Government be pleased to consider the desirability of withdrawing the notification for this year so as to remove this hardship?
- (d) Is it the case that this limit on admissions has been placed in consequence of the accommodation available for Drawing and other studies being found insufficient? If so, will Government be pleased to take steps to increase the accommodation, making temporary arrangements till a permanent addition is made?

His Excellency the President in reply said-

I refer the honourable member to the reply given to questions Nos. 5, 6 and 7 put by the Honourable Mr. Bomanji Dinshaw Petit, and water of the alderson H off

The Honourable Mr. Gokhale then put question No. 3-Will Government be pleased to state

corre se cerat bana fide agriculturist

(a) What districts and talukas are suffering, or are expected to suffer, from

(b) To what extent are the areas and outturn under kharif and rabi harvests

estimated to fall below the normal?

(c) What is the total amount of land revenue due under the first instalmen inteach one of these talukas? What amount out of this has been already collected, and how much has been ordered to be suspended or remitted?

(d) What percentages of relief workers in these tracts were employed (in the first week of January last or in any subsequent week for which information may most readily be forthcoming) on (i) breaking road-metal, (ii) irrigation works, and (iii) village works, respectively?

(e) What percentages during the same week received, respectively, the maximum

the minimum and the penal wage? WAOO ALREAN ALSO THE SECTION OF THE

(f) What opinions, if any, have been expressed by district officers and by the medical advisers of Government on the sufficiency or otherwise of the reduced minimum wage adopted during last famine to maintain the recipient in a condition of normal health? Will Government be pleased to place a summary of these opinions on the Table? (b) Is it true that among the persons laxed for the

The Honourable Mr. Monteath in reply said - standing on both and the same same as

(a) and (b)—A note* containing all the information * Vide Appendix C. Government have on these points is laid on the Table.

(c) Information regarding the total amount of land revenue due under the first instalment and of the amount already collected in each of the talukas severely affected or likely to be severely affected during the current year has been called for. It has not yet been received. The amount estimated to be suspended or remitted of this year's land revenue in the affected districts is shown below. The the state of the state o

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The estimates for Gujarát have not yet been received. It same before the contract of the contr

- (d) A statement containing the information required † Vide Appendix C. is laid on the Table.
- (e) The information required by the honourable member has been called for. It has not yet been received.
- (f) Three Resolutions; (No. 2109, dated the 26th April, No. 2180, dated the 5th # Wide Appendix C. May, and No. 3321, dated the 14th September 1900) with accompaniments showing the opinions of Government and of district and medical officers as to the effect of the application of the penal wage are placed on the Table. It is to be observed, however, that Government have never expressed the view that the reduced minimum wage is by itself sufficient to maintain the recipient in a condition of normal health, or asked for opinion on that point. That wage has been prescribed as a penal wage, and no effort has been spared to restrict its application to the wilfully idle so as to induce them to work if they are in need of relief or to go away if I refer the honourable member to the reply given to questions N. . non era the

The Honourable Mr. Gokhale then put question No. 400 . all oldermonell edited

(a) Will Government be pleased to state (i) what was the total area irrigated under the Mula-Mutha and the Nira Canals, respectively, in the Poona District during the last famine year 1899-1900, and (ii) what was the area irrigated under food-grain crops and other crops, respectively?

- (b) Are Government aware that the cultivators around the Mula-Mutha Canal generally complained that they did not receive during last year the normal supply of water for the proper growth of their sugarcane crop, that their applications to be supplied with water for raising food-grains were generally rejected and that they were thus put to a double loss?
- (c) Have any remissions of water rate been granted owing to the water-supply being short and irregular and the sugarcane crop having in consequence largely suffered?
- (d) Will Government be pleased to issue instructions that a demand for water from the Mula-Mutha Canal for raising food crops, which ordinarily require only two or three waterings, should be met to the fullest extent possible during a famine year, and that a much larger area should thus be put under irrigation under this canal as is done in the case of the Nira Canal, thereby securing a greater benefit to individual cultivators and to the general public?

His Excellency the President in reply said-

- (a) The areas irrigated from the Mutha and Nira Cauals during 1899-1900 are 8,725 and 27,200 acres, respectively, of which 3,977 and 22,917 acres were under food crops and 4,748 acres and 4,283 acres under other crops.
- (b) Government are aware that certain cultivators on the Mutha Canal have made complaints regarding the supply of water they received in 1899-1900, and these are being enquired into.
- (c) The reply to this part of the honourable member's question is in the negative, so far as the actual year 1899-1900 is concerned, but remissions of over 1,300 rupees were sanctioned in 1900-1901 on account of the previous year, and applications affecting some 700 rupees are still under inquiry.
- (d) The honourable member is informed that Government have no reason to believe that water is not given from the Mutha Canal for raising food crops to the fullest extent possible, considering that it is a "Productive" work. The Nira Canal is a "Protective" work and is managed on a different system.

The Honourable Mr. Gokhale then put question No. 5-

- (a) Will Government be pleased to furnish a list of the tálukas in the Central Division in which revision settlements will be put off for three years under the recent orders of Government in view of the continuance of famine conditions?
- (b) Will Government be pleased to consider the desirability of extending similar relief to Indápur and other tálukas in which revised rates have been recently introduced, but their levy postponed on account of the prevalence of famine?

The Honourable Mr. Monteath in reply said-

(a) A list of the tálukas is given below.

Name of District.				Name of Táluka.
Násik		•••	•••	Chándor
,,	***	***	***	Niphád.
Sholapur	•••	•••		Mádha.
-))	•••	•••	•••	Sholapur.
"		11.00	***	Bársi.
"		***	•••	Karmála.
Poona	•••	•••		Bhimthadi.
"	•••		•••	Sirur.
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- (b) The reply to the second part of the question is in the affirmative.
- The Honourable Mr. GOKHALE then put question No. 6-
- (a) Are Government aware that since 1897 the Collector of Ratnágiri has declined to renew licenses for fire-arms in a large number of cases in his district?

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Will Government state what has necessitated such wholesale reduction in the licenses granted? Will Government be pleased to place on the Table of the Council a return showing the number of licenses for fire-arms held in each taluku of the Ratnagiri District during the six years from 1895 to 1900, both inclusive?

(b) Are Government aware that the refusal to renew licenses held in some instances for thirty years and even longer has caused considerable pecuniary loss to individuals, has weakened their powers of protection against wild animals and has given rise to great dissatisfaction in the district? Will Government be pleased to enquire into the matter with a view to removing all cause for reasonable complaint?

The Honourable Sir. CHARLES OLLIVANT, in reply, said-

Full details are not at present available, but the subject is receiving attention, and a reply will be given subsequently to the honourable member's question.

The Honourable Mr. GOKULDAS KAHANDAS PAREKE then put question No. 1 standing in his name—

Will Government be pleased to state-

- (a) Whether or not the term of the 30 years' survey settlement of the Olpád Táluka in the Surat Collectorate expired at the close of 1898-1899?
- (b) Whether at the last revision survey reduction of assessment was made with respect to a large area of the túluka?
- (c) Whether the rayals were given the benefit of these reductions in the year 1899-1900?
- (d) Whether in the case of holdings of which assessment has been reduced and State demand for 1899-1900 was recovered according to the original and not according to the revision survey rates they will be pleased to direct a return of the difference between such rates?

The Honourable Mr. MONTEATH in reply said-

The answer to questions (a) and (b) is in the affirmative.

The answer to questions (c) and (d) is as follows:

The revised settlement was introduced at the close of the year 1899-1900, by which time the revenue due according to the original settlement had in most cases been levied, but Government have decided that it is desirable to give the occupants the benefit of reduction for that year, and this will be done by deduction from the revenue due in the current year.

The Honourable Mr. PAREKH then put question No. 2-

Will Government be pleased to furnish the following information in connection with the levy of Income Tax on incomes other than those arising from salaries, pensions, annuities and gratuities, profits of companies and interest on securities, for the years 1898-1899 and 1899-1900 in each of the Collectorates of the Northern Division:—

- (a) Number of assessees.
- (b) Amount of original demand.
- (c) Amount of final demand.

The Honourable Mr. MONTEATH in reply said-

* Vide Appendix D. A statement* furnishing the information required is laid on the Table.

The Honourable Mr. PAREKH then put question No. 3-

Will Government be pleased to direct that in the licenses issued under the A'bkári Act for the retail sale of liquors and intoxicant drugs a condition be inserted to the effect that the licensee is not permitted to sell them to persons who have not attained the age of majority?

The Honourable Mr. MONTEATH in reply said-

As regards the sale of liquor the honourable member is referred to the answer given to the question No. 3 put by the Honourable Sir Bhalchandra Krishna at a meeting of

the Legislative Council on the 28th March 1898, respecting a restriction of the kind in the case of persons not exceeding 15 years of age. The form of license which it is proposed to legalise by means of the Hemp Drugs Bill about to be introduced contains provisions for the restriction of the sale of intoxicating drugs to children.

The Honourable Rao Bahadur Achyut Bahaskar Desai then requested the permission of His Excellency the President, under Rule 11 of the Rules for asking questions, to put the following question:

Will Government kindly say whether there is any truth in the statement made in the Native Press that the Director of Public Instruction has issued a Circular prohibiting officers of the Educational Department from standing as candidates for Municipal elections?

His Excellency the President granted the permission asked for, and in reply said-

The Circular,* which was issued in 1898, is laid on the Council Table. The circumstances which led to its issue are stated therein. It will be seen that Educational officers who seek election on a Municipal Board must obtain permission beforehand.

· PAPERS PRESENTED TO THE COUNCIL.

- 1. Letter from the Government of India, Legislative Department, No. 1387, dated the 18th September 1900—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law to further amend the City of Bombay Municipal Act, 1888.
- 2. Letter from the Government of India, Legislative Department, No. 1460, dated the 4th October 1900—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law to amend the Bombay City Land Revenue Act, 1876.
 - 3. Replies; to questions Nos. 11, 12 and 13 put by the Honourable Mr. Pherozeshah Merwanji Mehta at the Meeting of the Legislative Council held on the 24th August 1900.
 - 4. Memorandum; drawn up by the Director of Public Instruction, referred to in the reply to questions Nos. 5, 6 and 7 put by the Honourable Mr. Bomanji Dinshaw Petit.
 - 5. Note, § Statement § and Government Resolutions § referred to in the reply to question No. 3 put by the Honourable Mr. Gopal Krishna Gokhale.
 - 6. Statement referred to in the reply to question No. 2 put by the Honourable Mr. Gokuldas Kahandas Parekh.
 - Wide Appendix E.

 7. Circular¶ referred to in the reply to the question put by the Honourable Ráo Bahádur Achyut Bhaskar Desai.
- 8. Report of the Select Committee appointed to consider Bill No. IV of 1900: a Bill to further amend the Bombay Port Trust Act, 1879.
- 9. Report of the Select Committee appointed to consider Bill No. II of 1899: a Bill for the better management of Municipal affairs in Mofussil Towns and Cities.
- 10. Letter from the Secretary, Bombay Port Trust, No. 3174, dated the 16th August 1900—Submitting a representation regarding Bill No. IV of 1900: a Bill to further amend the Bombay Port Trust Act, 1879.
- 11. Representation from the Bombay Chamber of Commerce, dated the 5th September 1900, regarding Bill No. IV of 1900: a Bill to further amend the Bombay Port Trust Act, 1879.
- 12. Representation from the Municipal Corporation of the City of Bombay, No. 9655, dated the 4th December 1900, regarding Bill No. IV of 1900: a Bill to further amend the Bombay Port Trust Act, 1879,

- 13. Letter from Mr. Nagindas Brijabhukhandas Kaji, President of a public meeting held at Surat on 12th August 1900—Forwarding a copy of the Resolutions passed at the meeting regarding Bill No. II of 1899: a Bill for the better management of Municipal affairs in Mofussil Towns and Cities.
- 14. Letter from the Collector of Surat, No. 775, dated the 17th December 1900—Submitting a representation from the Surat Municipality regarding Bill No. II of 1899: a Bill for the better management of Municipal affairs in Mofussil Towns and Cities.
- 15. Letter from the Honorary Secretaries, Deccan Sabha, No. 14, dated the 29th January 1901—Submitting certain observations of the Sabha on Bill No. II of 1899: a Bill for the better management of Municipal affairs in Mofussil Towns and Cities (as revised by the Select Committee).
- 16. Substance of a petition from Pandu Naru Mohite and 68 others, rayats of Chikhalgaon and 20 other villages in the Dápoli Táluka of the Ratnágiri District, dated the 20th September 1900, regarding Bill No. IV of 1898: a Bill to amend the Khoti Settlement Act, 1880.
- 17. Letter from Mr. K. M. Jhaveri, Joint Secretary, Pleaders' Association of Western India, dated the 27th August 1900—Submitting a representation regarding Bill No. V of 1900: a Bill to amend the Mamlatdars' Courts Act, 1876.
- 18. Letter from G. G. Desai, late Mamlatdar of Murbád, dated the 5th September 1900, regarding Bill No. V of 1900: a Bill to amend the Mamlatdars' Courts Act, 1876.
- 19. Further letter from Mr. G. G. Desai, late Mamlatdar of Murbád, dated the 14th September 1900, regarding Bill No. V of 1900: a Bill to amend the Mamlatdars' Courts Act, 1876.

BILL No. II OF 1901: A BILL TO AMEND THE BOMBAY SALT ACT, 1890.

The Honourable Mr. Monteath Bombay Salt Act, 1890, said—The purpose of the short Bill, of which I have the honour to propose the first reading of the Bill to amend the Bombay A'bkári Act, 1878.

Bombay Salt Act, 1890, said—The purpose of the short Bill, of which I have the honour to propose the first reading, is perhaps sufficiently explained in the Statement of Objects and Reasons. It is to remedy one of those flaws which, from time to time, are discovered by legal ingenuity.

The Indian Salt Act, some of the provisions of which are in force in this Presidency, provides that the importation of salt without the payment of duty is an offence, and it has hitherto been supposed that salt imported or smuggled from foreign territory without payment of duty is transported or had in possession in contravention of that Act, which is an Act relating to Salt Revenue, and therefore comes under the head of "Contraband Salt," as defined in the Bombay Salt Act. But we are informed that "transported" does not include "imported," and that although the importation of salt from foreign territory without payment of duty is in contravention of the Indian Salt Act, the possession of salt so imported is not. We propose to amend the definition of "Contraband Salt" so as to make it include salt which is imported from foreign territory without paying duty. Most people, I think, would suppose this is more or less the meaning of the term. The addition to the definition will cover salt imported by sea. That also is desirable, although smuggling by sea is pretty effectually prevented under the Customs law. We could effect the object we have in view by extending to the Bombay Presidency the provisions of the Indian Salt Act which are not of a general nature, but that would involve an entire alteration in our machinery. I think the honourable members will see that we are not in any way extending the intention of the law and that it is absolutely necessary for the protection of the revenue that we should adopt one of the alternatives which I have mentioned. We propose adopting the simpler. I cannot suppose that a measure of this kind will elicit any objection, and therefore, without any further remarks, I beg to propose the first reading of the Bill.

His Excellency the PRESIDENT then put the motion that the Bill be read a first time.

Bill read a first time.

The motion was carried and the Bill was read a first time.

The Honourable Mr. Monteath—I would now ask your Excellency to suspend the Standing Orders so as to allow the Bill, which I am sure the Council will recognize as one of great urgency, to proceed.

Suspension of Standing Orders.
Bill read a second time.
Bill read a third time and passed.

The Standing Orders were accordingly suspended and the second and subsequently the third readings of the Bill were carried and the Bill was passed.

BILL NO. I OF 1901: A BILL TO AMEND THE BOMBAY A'BKA'RI ACT, 1878.

The Honourable Mr. Monteath, in moving the first reading of the Bill to amend the Bombay Abkári Act, 1878, said—The honourable members of this Council are aware that some years ago a Commis-

The Honourable Mr. Monteath moves the first reading of Bill No. I of 1901: a Bill to amend the Bombay A'bkári Act, $\stackrel{\sim}{\sim} 78$.

Bombay Abkári Act, 1878, said—The honourable members of this Council are aware that some years ago a Commissi on was appointed to investigate the cultivation of the hemp plant, the preparation of drugs from it, the trade in them, the effect of the consumption of those drugs on the

moral and physical conditions of the people, and the desirability of prohibiting their manufacture and sale. There prevailed at that time a somewhat exaggerated idea of the deleterious effects of the drugs, and in particular it was supposed that a large proportion of the insanity in this country was due to the consumption of them. There were, both in England and here, advocates of total prohibition, and, indeed, even after the evidence was taken, two of the Native members of the Commission were of opinion that the sale of "gánja" and "charas" should not be allowed, but on the other hand they thought that "bháng" should not even be taxed. The other members of the Commission, a very large majority, came to the clear conclusion that while the excessive consumption of these drugs, especially smoking of "ganja" and "charas," is no doubt harmful, moderate consumption does little or no injury, at least in many cases. "Bhang" forms the principal ingredient of a drink which is often found, I believe, refreshing and stimulating, and is used on various festive and religious occasions. I may perhaps explain that "ganja" is made from the flowers of the female plant, "bháng" is made from the leaves of the male plant, while "charas" is the juice. In this Presidency the refuse of "ganja" is generally called "bháng," but in one or two villages in Sind, and occasionally in Surat, the plant is grown with precautions against fertilization for the production of "bháng" proper. "Charas" is not made at all in this Presidency, but some is imported for consumption in Bombay and a little is imported for consumption in Ahmedabad. I believe that the Commission effectively laid the ghost of prohibition. So far as I am aware, that measure has not again been urged since the report was published, and as I do not anticipate that it will be advocated here, I will not use any arguments against it. Briefly the conclusion to which the Commission came is that these intoxicating drugs stand on the same footing as intoxicating liquor. They are capable of abuse, but there is also a legitimate use for them. At the same time they are in their most innocent form a luxury and therefore a most suitable subject for taxation. Although it would be unjustifiable to prohibit their consumption, it is a distinct benefit to the community to discourage a large consumption of them, and this end will be attained by putting on them as high a duty as can be levied without giving an irresistible stimulus to illicit production or illicit importation. That is the policy we adopt in regard to intoxicating liquor, and I have no doubt that the honourable members of this Council approve of it, although it is sometimes misrepresented, -some people not being able to comprehend that an increase of revenue results from the checking of illicit consumption and does not prove that any encouragement is given to drinking. Under the existing law a duty, but a very low duty, is levied on the import, export and transport of these drugs, and a duty could be levied on their manufacture; while our main revenue is derived from licenses to sell, which are given to those people who offer the highest prices for the privilege. We do not purpose abandoning the practice of giving these licenses to the highest bidders, but it is contemplated that they generally should be given for separate shops instead of for large tracts, as is the practice now. But for the purpose of imposing a quantitative duty upon the production, it is necessary that we should have power to effectively control the growth of the plant and the manufacture of the drugs, and for this purpose legislation is needed. We propose to amend the Abkari Act in the manner which is shown in the Bill. Honourable members will, I think, recognise that every effort has been made to avoid any hardship, either to

producers or to consumers. The hemp plant from which the drugs can be manufactured does not grow naturally in any part of the Presidency. There is very little cultivation of it, and, indeed, the consumption of it is not very extensive; but under the present system it is scarcely possible to ascertain exactly what the extent is. It is believed that all the drugs which are needed in the Presidency could be produced in Abandance and Sitter and its the drugs have produced in Ahmednagar and Satara, and in those districts alone has there been any considerable cultivation of the plant. But if it is found that cultivation in Sind or Surat is required to meet a legitimate demand, that production will not be prevented. We only propose to exercise complete supervision and control over the cultivation, and, indeed, in that respect there will be little more interference than is permissible under the present law, for the cultivator cannot now dispose of his produce without a permit. The only effect will be that we shall secure that object more effectually. The establishment of the cultivator is a secure that object more effectually. ment of warehouses in which the cultivators will be able to deposit their produce without payment will relieve them of all inconvenience. These warehouses will also be of great service to persons who are licensed to deal in the drugs. If they have to go outside the Presidency for the supplies they need, they will be able to bring them to these warehouses and the duty will not be levied until the drugs are removed for consumption and in this way we shall get in this Presidency the duty on all the drugs consumed within it, although some of them may not be produced here. It is true we take power to impose also export duty, and similar power has been taken in other provinces; but it is not proposed to exercise that power in the case of the drugs which are transported from one part of British India to another. We do not, however, propose to forego the duty on the drugs we export to foreign territory, except where agreement for the administration of this part of the revenue may be made with Native States. We consider that in case of an article of this kind the export duty is a perfectly legitimate source of revenue. I hope this explanation will show honourable members the reasons for the several amendments in the Abkari Act which we propose. They are generally, as will be seen, designed to put these intoxicating drugs on the same footing as alcohol, and, for the reasons I have given, I think this will be admitted to be a very proper object, but necessarily much is left to be done by rules and executive orders. But in regard to that, also, the principles which apply in regard to alcohol will be followed as far as possible. I have only to add a word of explanation of the delay which has occurred in introducing this Bill. Much time was necessarily spent in discussing the report of the Commission and the best method of giving effect to such of its recommendations as were accepted. Further time was occupied in getting the Bill into shape and obtaining sanction for the introduction of it. Some of the honourable members present will recollect that the Bill was put down for first reading at the beginning of 1899. But then proposals for amending the Abkari Act for other purposes were made and at that time it was thought that it would be a convenient course to deal at once with all the proposals made for the amendment of the But Abkari is found to be a regular hydra. No sooner has one head been disposed of than another presents itself, and we eventually came to the conclusion that it would be best to deal separately with the proposals made regarding the hemp drugs, and in due course to undertake a general revision of the A'bkari Act, which, however, continues to be fairly effective for the administration of the revenue from intoxicating liquors. In the meantime we have got rather behind the rest of India in the adoption of measures for the control of these intoxicating drugs, and if the Council unani nously approve of the Bill, as I hope they will, we should like to pass it into law as soon now as possible. I beg to propose the first reading of the Bill.

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

The Honourable Mr. Monteath said—Although the Bill has hung a long time and it is desirable for the reasons I have stated that it should be passed into law as soon as possible, still it must be recognised as a Bill of some importance, and therefore I propose that it be referred to a Select Committee of the Council consisting of the Honourable Mr. Muir-Mackenzie, the Honourable Mr. Parekh, the Honourable Mr. Ibrahim Rahimtoola, the Honourable Mr. S. M. Moses and the Mover, with the request that they will report within two weeks.

BILL No. III OF 1900: A BILL TO AMEND THE KARA'CHT PORT TRUST ACT, 1886.

In moving the first reading of the Bill to amend the Karáchi Port Trust Act, 1886,

The Honourable Sir Charles Ollivant moves the first reading of the Bill to amend the Karáchi Port Trust Act, 1886. the Honourable Sir Charles Ollivant said—I apprehend there will be no difference of opinion as to the first reading of this Bill. There must be several members of the Council who were on the Council in 1896, when a Bill to amend the Karáchi Port Trust Act was brought forward,

and who are aware that that Bill passed through a Select Committee and was on the point of being brought before the Council for the second reading, when it was found that certain other conditions were desired by local bodies in Karáchi, and, secondly, that there were various other provisions being contemplated for amending other local Acts, such as the Bombay Port Trust Act, and the Bombay City Municipal Act, which it was thought desirable to incorporate in the Karáchi Port Trust Amendment Act. And as it was considered undesirable that there again should be amending Acts, by common consent the Bill was postponed and formally withdrawn. It is on that account that I now bring this measure before this Council. I have no intention, either on this or on any other occasion, of merely repeating here what is said in the Statement of Objects and Reasons, but if honourable members will do me the favour of referring to the Statement of Objects and Reasons which is now before them, I think I can group several clauses together so that the object of this measure may be readily understood. I will ask you to turn to the second paragraph of the Statement of Objects and Reasons. In that you will see there are 18 sub-paragraphs, and I desire to point out that suo-paragraphs 2, 8, 9, 11, 13, 17 and 18 merely reproduce the proposals that were accepted in the Select Committee on the previous occasion. There is in this, I think, no difference of opinion. Further, sub-paragraphs 3, 4, 6, 10, 12, 14 and 15 merely embody provisions which have since been passed into law either in the Bombay Port Trust Act or the Bombay Municipal Act. There remain sub-paragraphs 1, 5 and 7, and of those paragraph 1 deals with the subject, which was very carefully considered on a previous occasion, but as to which there was some difference of opinion. I believe that the clause as now presented to you embodies the opinion which was the result of the Select Committee's deliberations, and is in the terms of an amendment which stood, if I remember rightly, in the name of the Honourable Mr. Mehta at this Council. You will see that this has the effect of giving the Chamber of Commerce a larger representation without diminishing the representation of the local Municipality. As to sub-paragraph 5, which I look upon personally as one of the most debatable amendments of the Bill, you will see that it is proposed to give the Executive Engineer the power of entering into contracts up to Rs. 1,000, and I particularly mention that, because in this respect the Bill does not follow the lines of the Bombay Port Trust Act, but in Bombay the Chairman is always resident and therefore the same difficulty does not arise. From my own association with Karáchi I know that the question of the appointment of Chairman and the question of the delegation of his executive powers has for some time been a subject of discussion, and I have no hesitation in saying that I do not believe any person, considering the peculiar circumstances of Karachi, can be so appropriate a Chairman of the Port Trust as the Collector of Karáchi. But at the same time I fully enter into the difficulties which merchants may experience owing to the Chairman in his executive capacity being away from Karáchi, and therefore it occurred to me in Karáchi, and I am still of the same opinion, that perhaps the best way of getting rid of these difficulties would be by having a member of the Board in the position of Managing Director, to whom the executive functions of the Chairman can be delegated, with a Managing Director of the same opinion of the Chairman can be delegated. such a Managing Director, for instance, as is to be found on the Board of Directors of the G. I. P. Railway in England. But until such an officer exists, I think it is absolutely necessary that there should be somebody on the spot to enter into contracts without delay, and therefore it is proposed that the Executive Engineer should have this power. The details of this question can best be considered in Select Committee. The only remaining matter of importance, and it is one of the chief reasons for the Bill having been post-poned in the previous occision, is the necessity of providing in the Act the means of settling the vexed question of Municipal assessment, and you will find that in principle the Ac follows the provisions which have been adopted for settling the rateability of Port Frust property in Bombay. With these remarks I formally move the first reading of this Bill.

The Honourable Mr. Bomanji Dinshaw Petit said—Your Excellency,—With the main provisions of this Bill I am in accord. With regard to the disqualifications for the office of Trustee, I would delete or modify sub-clause (a) of clause 2 of Section 7. In Section 14 there should be some limit fixed for the area over which the proposed boats and vessels should ply for the purpose of saving life and property. In Section 15, clause (c) and clause (d), I would substitute Rs. 300 and 24 hours for Rs. 500 and 12 hours in the respective clauses. There are one or two matters which will need the attention of the Select Committee, among which I may mention the proposal to confer on the Port Engineer the power to enter into contracts. With these exceptions the Bill has my approval.

The Honourable Mr. D. McIver said-Your Excellency,-I contemplate putting forward an amendment to Section 7, which affects the elective rights of the Chamber of Commerce, that instead of electing three members, as provided for in the amended Bill, the elective representation of the Chamber should be increased to four. I shall also have a further amendment to the proviso clause of Section 88 of the original Act, but upon which at the present moment I am not prepared to speak, but shall have an opportunity to do so hereafter.

Bill read a first time.

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

The Honourable Sir Charles Ollivant said-In moving the appointment of the following members of Council to serve on the Select Committee, I would suggest the instruction that the Select Committee should report during the present session of the Council. I do not wish to press it if there is any objection on the part of those who represent Karáchi, but my reason for making the suggestion is that we have them present and probably if we gave a longer period we should not be in any better position. The Committee I propose is as follows:—The Honourable Mr. Tate, the Honourable Mr. Bomanji Petit, the Honourable Mr. Batty, the Honourable Mr. Greaves, the Honourable Mr. McIver and myself.

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

BILL NO. IV OF 1900: A BILL TO FURTHER AMEND THE BOMBAY PORT TRUST ACT, 1879.

The Honourable Sir Charles Ollivant moves the second reading of the Bill to further amend the Bombay Port Trust Act, 1879.

In moving the second reading of the Bill to further amend the Bombay Port Trust Act, 1879, the Honourable Sir CHARLES OLLIVANT said-As on the first reading I said all that I had to say on the subject and the Council has now everything before it, I content myself with proposing the second reading of the Bill.

The Honourable Mr. S. M. Moses said-Your Excellency,-When the question of contributing to the plague expenditure of the Municipality came before the Trustees of the Port, I had an opportunity of hearing the discussion which then took place, and I can say that it was in no spirit of niggardliness that the Trustees declined to render assistance. Their reason for so doing was that the appropriation of harbour revenue to such purposes was not only illegal, but contrary to the principles laid down for the good management of a port. The Trustees have stated their views to Government at some length, and unless their arguments can be proved to be unsound, the present proposal to enterce the payment of a contribution from them seems to me objectionable. It implies that, whenever the Municipal revenue may need assistance, the harbour revenues may be drawn upon for the relief of the rate-payers. It is not so much the amount of the tax to which the commercial community would object, although the imposition of an annual recurrent tax, which may be indefinitely increased as the Trust expands, is in itself objectionable, as the introduction of what may be termed the thin end of the wedge in a policy which, from the experience of large ports in Britain, has been long since condemned as unfair to commerce. The rebate was fixed by Government at 10 per cent. after a careful examination of the relative positions of the Municipality and the Port Trust. It was an acknowledgment of the fact that the Port Trust, as the

Trustees have said, "is a public body whose operations are beneficial to the City beyond those of a private owner." Government have admitted this distinction between the Trust and a private owner. The question is whether the rebate of 10 per cent. is more than the Trustees may justly claim. The payment of the taxes on the Port Trust properties in one sum is admittedly a large saving to the Municipality as compared with the trouble and cost of collection from private owners. The saving, when the question was discussed in the Council in 1888, was admitted to be considerable, and taking it to be 5 per cent., can the remaining 5 per cent. be considered as an excessive allowance made to the Trust on account of the public usefulness of its works? Some of them, as for instance, the provision of free landing places for passengers, such as the Ballard Pier, which cost about Rupees four lakhs, are unremunerative. Government evidently did not think so when 10 per cent. was fixed, and I maintain that no changes have since occurred which justify any reduction. On the contrary, the value of the ownership of an important part of the City by the Trust is brought into stronger prominence when, as at present, the improvement of other parts has to be taken in hand. To the cost of these improvements and of the plague operations the Trustees contribute in the same proportion as private owners and local industries, and notwithstanding that the latter derive more benefit from the Municipal and City Trust expenditure, it is now proposed that the Port Trust should not only bear the same enhancement of taxes as they do, but should also, by the reduction of the rebate, be practically made to pay a further and special tax. The Trustees, it must be pointed out, have not a free hand in respect to taxes that they may levy on the trade of the port. The margin of profit, and more especially in the exports of the products of India, have been forced down by competition with the markets of other parts of the world, and a very small addition to the local charges may check trade. In support of my contention I will, with your Lordship's permission, quote from the speech recently delivered by His Excellency the Viceroy at Karáchi on the subject of terminal charges. His Lordship said:—"That the terminal charges are transit dues no one denies; they are indefensible in principle, and they ought to be abolished. If allowed in one case, it sets a most alluring but 'pernicious' example to others. Whenever municipal burdens are heavy and the means of relieving them sparse, there the municipal conscience would have been unequal to resisting the temptation, and from lack of courage to interfere with a false step at the beginning, we should have been committed to a course of unsound and mischievous finance." It is quite evident that his Lordship is opposed to trade being hampered by irregular taxation and he is a staunch supporter of the principles of free trade. I therefore contend that it would be highly impolitic to take any step which might force our Port Trustees to raise their dues to the detriment of commerce. The diversion of the harbour revenues to other purposes moreover retards the execution of works required to cheapen the methods of dealing with the trade and the provision of accommodation for expansion, and the trade expects that the Trust will not curtail its resources. The Statement of Objects and Reasons of the proposed Bill would seem to convey the impression that the Trust has been very liberally treated in the matter of assessment for the Municipal General Tax. The fact is that, except as to the rebate, the properties of the Trust are assessed on the ordinary principles of rating, on the quinquennial assessments having for the most part been made in years when bounteous harvests and good trade resulted in large surpluses to the Trust. The Municipality has in the past had the best of the bargain and will have the same good fortune as regards the fourth settlement, which will be based on the surplus year of 1898-99. I admit that the visitation of plague has involved the Municipality in extraordinary expenditure. It has almost exhausted its cash balance. Of course this is a very regrettable fact, but the Municipality is not in a singular position in this respect, for the Port Trust, and, I may say, every merchant in Bombay has been placed in the same predicament, for who can estimate the heavy losses sustained by those people, both directly and indirectly, owing to the prevalence of such a terrible epidemic as the plague? The Port Trustees, apart from losing a great portion of their revenue, have practically relieved the Municipality of the care of the employés of the Trust and Dock labourers. They have maintained their own Plague Hospitals and Camps; opened a dispensary and instituted a system for the supply of medical aid, and have since the first outbreak erected a large permanent block of buildings at a cost of 2 lakhs of rupees, where nearly 1,000 of their labourers and families, who formerly lived under the most insanitary conditions in the City, are now comfortably lodged. In addition to this, the Trustees have to share with the Government the cost of inspection of passengers, ships, crews, &c.,

as required by the Venice Convention; and this is done with the view of facilitating the export trade and passage of travellers, &c., through Bombay, which by its natural geographical position is acknowledged to be the gate of India. Such being the case, I maintain that the whole of India is benefited by their endeavours to keep Bombay in as sanitary a condition as possible under such trying and almost unprecedented circumstances. therefore think it is but fair that the Imperial Government should bear the whole of the plague expenditure and thus relieve our Municipality from its present embarrassment, and obviate the necessity of the introduction of the Bill under discussion by making what I consider to be an unfair change in regard to the Port Trust contributions. Of course the assistance which the Imperial Government might be pleased to accord, would only be of a temporary nature, for we all hope that this plague epidemic will lose its virulence as time goes on, and soon will disappear from our midst. I am aware that this Council is vested with full powers to make any alteration in the Act to suit the requirements of the Municipality, still, I think, we should at the same time hold the scale evenly between the two public bodies, and it is our bounden duty to see that no undue pressure is placed upon one or the other. I regret very much having to dissent from the majority of the members of the Select Committee. I might mention that I have an equal share in the well-being of the Municipality and Port Trust, still I honestly say that I fail to see the necessity or justice of the proposed changes. However, since I find the feeling of this Council is to pass this Bill, I venture to suggest by way of compromise, which I trust will meet with your approval, viz., to limit the operation of the amended clauses to 5 years from the 1st April 1900; so that we might see what the next 5 years may bring forth. I sincerely trust that we may be blessed with prosperity, so that our Municipality will no longer be so seriously burdened as it is now, and thus enable it to revert to the existing system of allowing 10 per cent. rebate to the Port Trust, a system which was arrived at after careful deliberation by our Government and has worked satisfactorily so far. It would be, in my humble opinion, a great pity to set it aside and disturb the relations at present existing between the Port Trust and the Municipality. I therefore, with Your Excellency's permission, beg to propose the following amendment to the Bill IV of 1900:—(1) In clause 2, line 1, for the word "in" to substitute the word "to", and in lines 4 to 6 to delete all the words from "for" to "nineteen-twentieths" and substitute therefor the following words:-

"add the following proviso :-

'Provided that the sum payable annually under this clause shall be nineteentwentieths for five years beginning from the 1st April 1900 to the 31st March 1905.'"

The Honourable Mr. William Greaves said—One of the objects and reasons given for the proposed amendment now before this Council is that "Government consider that the rebate (10 per cent.) is excessive." This 10 per cent. rebate was fixed by Government in 1883, and in their resolution they said: "That the Legislature intended the Port Trust as a great public institution, which has always done much and will do more towards promoting the welfare of the City of Bombay, should be treated with some favour and consideration in Municipal duties." Again in 1887, when the present Bombay Municipal Act was under discussion in this Council, the Honourable Sir Raymond West said: "Though the Port Trust realises very great sums they have quasi-beneficial occupation. It may be called on to contribute to the General Fund of the Municipality not so much as the private property owner, but something more than Government."

I contend that the rebate was allowed, not only because of the saving which the Municipality makes by collecting the tax in a large sum, but because of the public duties which the Port Trust perform, and it therefore should not be reduced without it being shown that the Port Trust's duties to the public have been modified or that the duties of the Municipality to the Port Trust have been proportionately increased. It should be borne in mind that the Municipal revenues have been enormously increased through the enterprise of the Port Trust. In fact the property on the Apollo Reclamation alone gives a rateable value of about 7 lakhs, so the Port Trust deserve encouragement and ought not to be thwarted with unnecessary taxation. It has been argued that the exporters and importers should pay for the benefit they have derived from the plague measures carried out by the Municipality, but it seems to me that the fact of the Port Trust having paid the increase in the Municipal Taxes, levied because of the expense incurred by the plague measures, has been lost sight of, and that if

the present 10 per cent. rebate be reduced to 5 per cent. the trade of the port will be bearing heavier taxation in connection with the measures taken for the suppression of plague than the manufacturers and property owners, who have, at the least, equally benefited. I may mention that the Port Trust have not only paid increased Municipal taxes, but they have had to subscribe to the plague expenses in various indirect ways, one being the remission of about Rs. 1,85,000 in rent to the Municipality.

I, of course, contend that the amount which the reduction which the proposed amendment will entail on the trade is very small and cannot cause any serious effect, but the acceptance of this amendment to my mind means that the Port Trust will be paying for carrying out functions which legitimately belong to the Municipality, a principle which, if once admitted, will render the trade of the port liable to further calls in the future, which may interfere with the development of trade, which would not only be serious to the Port Trust but to the Municipality. We must not forget that ere long the Port Trust will be called upon to provide large sums of money to carry out not only their railway scheme, but to build a new wet dock; it is, therefore, important that they be allowed to husband their resources to meet these undertakings. This proposed amendment is apparently the outcome of a requisition made by the Municipality for the Port Trust to pay a portion of the plague expenses, which the Port Trust were debarred from meeting under the conditions of their Act. The requisition which I refer to, I think, must have emanated from a fear that the Municipality's debt had become larger than it could provide for; but it is now apparent that such is not the case, and the Municipality is now able to reduce its taxes, so there is now no necessity to reduce the rebate allowed to the Port Trust.

The Honourable Mr. IBRAHIM RAHIMTOOLA said—When the Honourable Mr. Moses brought forward such strong arguments, I thought he had altered his position in regard to the notice which he had given and that he was now going to propose that no contribution should be paid to the Municipality and that the present rebate should be maintained at ten per cent. But I find that he has suggested a compromise, and I should like to know on what grounds that compromise is suggested. Does the Honourable Mr. Moses admit the liability of the Port Trust to contribute towards plaque expenditure or the resources of the Municipality, or I would put it-does he acknowledge the principle that the Municipality is entitled to something on that ground? If he acknowledges the principle that a contribution from the Port Trustees is due to the Municipality, then I should very much like to know the basis on which he fixes that contribution. According to his amendment such contribution would amount to about Rs. 60,000. The Honourable Mr. Greaves has also stated at some length the reasons why he thinks the proposed Bill should be abandoned and the present rebate of ten per cent. be maintained. In the course of his observations the Honourable Mr. Moses said that if the present Bill is carried and becomes law, it will be a great injustice to the Port Trustees and it would be an undue pressure upon the Port Trust. Now, Sir, the question as it occurs to me is one to be viewed from the standard of bare justice. Do Government propose to reduce the rebate of ten per cent. to five per cent. on the ground of plague contribution, or is it merely an act of tardy justice towards the Municipality, and to which the Municipality is entitled? In the course of his observations the Honourable Sir Charles Ollivant, in introducing the Bill, pointed out that the reason why Government in the first instance fixed the rebate at ten per cent, was as a matter of favour in the infancy of the Port Trust, and the quotation which the Trustees made in their representation and which the Honourable Mr. Greaves also quoted distinctly bears out that fact. The quotation is to the effect that Government then thought that the Port Trust should be treated with some favour and consideration, and later on, it says that in these circumstances the Governor in Council considers that it would not be an undue measure of favour and consideration if a rebate of ten per cent. was given. Now, Sir, it distinctly follows from this quotation that at the time the ten per cent. rebate was granted, it was granted on the ground of favour and consideration to the Port Trustees. Have not the times changed; has not the time arrived when that consideration and favour should be discontinued, and the financial justice to which the Municipality is entitled should be given to it apart from contributions on account of plague? When the matter was discussed by the Select Committee at a meeting at which both the Honourable Mr. Moses and the Honourable Mr. Greaves were present, reference was made to the fact that the Harbour Trusts in England have been separated from the Municipality; but the Harbour contributes to the Municipal revenue by Municipal rates and taxes, and it was pointed out that the Harbour Trusts did not get

any rebate at all. If the Harbour Trusts in England pay the full taxes without any rebate whatsoever, I should like to know, Sir, why the Bombay Municipality should be expected to pay this five per cent? The finances of the Port Trust are in a very flourishing condition, and that being so, why should not the Municipality now get their legitimate dues from the Port Trustees in the matter of Municipal taxes just as Municipalities in England get them from the Harbour Trusts? The arguments that have been advanced, that the trade will suffer and that this will be a tax on trade, do not hold water in my opinion, because are not the Port Trustees bound to pay their legitimate taxes for services rendered? It is pointed out in the representation that the services rendered to the Port Trustees do not cost near so much as the Trustees contribute. But if every large landed or house proprietor in the City were to urge the same ground for a rebate, where is the matter to end? In certain localities in the City, where land is valuable, the houses have a rateable value of Rs. 2,000, while in other localities the rateable value is from Rs. 200 to Rs. 400 for a house of the same dimensions. If a property owner considered that the services rendered to his house in a particular locality did not cost the amount of the tax he contributed and, therefore, required a rebate, would he get that rebate? The Municipal Contributed and the repair of the tax has been contributed and the repair of the the re pality was worked, as Government were anxious it should work, for the general good of the whole City, and on the principles of taxation that have been laid down, it must inevitably follow that some people pay less than the amount of the service they get and others pay a little more. But that argument cannot possibly be advanced by anybody as a ground for a rebate. Apart from that, what occurs to me is this: If in England the Harbour Trusts contribute full taxes, why should not the Port Trust in Bombay so contribute, and why should not Government do away with the rebate? When we go into the question of plague contribution, however, it occurs to me that the arguments that have been advanced have not been sufficiently listened to. I do not think I need take up the time of the Council to call to mind the time when plague first broke out, the panic that seized the people, the exodus from the City and the feeling of alarm that prevailed on the Continent of Europe. The anxiety that was felt by every Continental Government, the pressure that was brought to bear on the authorities in England and in India to take every possible measure for preventing the spread of plague from Bombay to the Continent of Europe, led to the Government taking the matter into their hands. They lavishly spent the rate-payers' money in combating plague, in trying to suppress it and in preventing its spread to Europe. Supposing that Government had not been so active and had not taken these measures at that time and had not so extravagantly spent the money of the Municipality, what would have been the effect? The effect would have inevitably been that quarantine would have been imposed all over the Continent and then what would have become of the trade of Bombay? What would have been the financial condition of the trade and of the Port Trust if quarantine had been imposed against exports from India to the Continent of Europe? That quarantine was not imposed because of the active measures that Government took and the money they spent there can be no doubt. If any Corporate body has benefited by such expenditure it is the Port Trust, because I venture to submit that the present prosperous financial condition of that body is due to the nonimposition of quarantine consequent upon such measures. These reasons have been urged for the consideration of Government, and I take it that Government will in the near future take that matter into serious consideration and ask the Port Trustees to bear a legitimate share of the large total of plague expenditure the Municipality has incurred, I quite admit that the Municipality must bear a large portion of that expenditure, but I submit that if the Imperial Government, as has been suggested by the Honourable Mr. Moses, does not feel inclined to undertake the whole liability, the liability must be divided between the Bombay Port Trustees, the Bombay Municipality and the Govern-It is these three bodies that have been mainly benefited by the measures that have been adopted and should in my opinion bear their respective shares of the burden. wish to go into the results of those measures, but I simply wish to point out what would have been the effect if these measures had not been taken. I do not think that the arguments advanced against the measure now before the Council should be taken into serious consideration, for the simple fact that the only thing this Council is called upon to do is to pass a measure of justice to the Municipality—a measure of justice to which the Municipality is entitled. Even in 1883 and 1887, when the Bill was first considered and the rebate of ten per cent. fixed, the Honourable Mr. Mehta, as representing the Municipal view, pointed out that five per cent. was more than adequate to cover the cost of collection and was the maximum that the Port Trustees should get. But Government were on that

occasion inclined to favour the Port Trustees, because the Board was then an infant institution, just starting into life, and on those considerations the Honourable Mr. Mehta's objections were overruled and the ten per cent. rebate was fixed. It does not necessarily follow that because Government then fixed the ten per cent. rebate it should be perpetuated and that in different circumstances financial justice should not be done to the Municipality.

The Honourable Mr. Pherozesha M. Mehta said—After the remarks of the Honourable Mr. Moses and the Honourable Mr. Greaves, I am bound to make some observations, although I am sorry to inflict my voice upon the Council. entirely concur with the Honourable Mr. Moses and the Honourable Mr. Greaves when they say that trade and commerce should not be hampered or unduly weighted. I quite concur with them that in the prosperity of the trade and commerce of the City lies the prosperity and welfare of the City itself, and that nothing should be done to impede its legitimate development and progress. But this Bill does not aim at doing anything of that mischievous character at all. What is the object of this Bill? The Council will remember that in the first place it owes its origin, as the Honourable Mr. Moses rightly said, to the request of the Corporation that the three important bodies in Bombay should contribute towards the expenditure which had been necessitated by the visitation of plague; these three bodies being Government, the Corporation and the Port Trust. It is not necessary now to deal with the matter so far as the Government are concerned. The Municipality, of course, bears the larger share, but surely, my Lord, if a large portion of the plague expenditure was necessitated by the position of the trade and commerce of the City-if it was in the interests of the City that a large part of it was incurred, surely it is only right and legitimate that the body for which it was incurred should contribute towards it. As has been pointed out by my friend the Honourable Mr. Ibrahim and as is perfectly well known, if money had not been lavishly spent, whether it were effective or not, and if it had not been shown that everything that was possible to be done was being done to check plague, the trade and commerce of the City would have been in a most deplorable condition. Bombay would have been shut against Europe and perhaps the whole world. Then what would have been the state of the finances of the Port Trust? I wish the Honourable Mr. Greaves and the Honourable Mr. Moses had devoted themselves somewhat to that question. That the case we had a verified as abla and with is borne out by no less a person than the gentleman who has presided so ably and with such distinction over the Port Trust for several years—the Honourable Mr. Hughes. When the City Improvement Trust Bill was before this Council, it was pointed out that one of the greatest reasons for hurrying it forward was that the confidence of the traders might be restored. On the first reading of that Bill Mr. Hughes in one passage of his speech said-"I have only to add that I was quite recently asked if this was only a paper scheme, or does it really mean business. Being as it is no mere paper scheme, but one of very real intentions, it has been impressed upon me that no time should be lost in making a start with the improvements, as I am told such a step would go a long way to increase confidence on the part at least of foreign traders. I earnestly hope, therefore, that the Bill will pass the several stages with as little delay as is compatible with its due consideration." Well, my Lord, it was to restore the confidence of foreign traders and in the interests of trade and commerce in Bombay that a large proportion of the plague expenditure in Bombay was incurred. It is quite right, my Lord, that it should have been done, but I don't think the Port Trust should now come forward and say that "We in whose interests it was that a large proportion of that expenditure was incurred should not be asked to defray any portion of that expenditure." I think, my Lord, Government would have been perfectly justified in bringing forward a Bill directly making the Port Trust responsible for a portion of this large plague expenditure, but they have not done anything of the sort. Even with this very powerful argument before them, Government have not come forward, as the Honourable Mr. Greaves and the Honourable Mr. Moses apprehend, to put in the thin end of the wedge. All that Government has done is to alter the position in regard to the Port Trust that was taken up in 1888 as only a rough and ready way of settling a somewhat difficult question. When the Municipal Act of 1888 was before the Council, the question arose of how the Port Trust were to be treated in regard to rates and taxes. Even then my honourable friends have forgotten they were treated with great consideration undoubtedly in reference to the question of rebate. Of course it is said that they pay rates and taxes on the assessable value of the property, but how is the assessable value of the property fixed? Not as in the case

It is left to the of the ordinary rate-payers, but in an entirely different way. It is left to the arbitration of Government, and we all know that Government have shown the very greatest consideration to the interests of the Port Trust in the mode they have adopted in arriving at that assessable value. I shall never forget, my Lord, an exceedingly valuable memorandum which your Lordship's colleague on the right, who was then Municipal Commissioner of Bombay, drew up on the right principles which ought to be followed in fixing the assessable value of the Trust property. There were strong representations and attempts made to show that the memorandum was not quite right, but every test that was applied to it showed the admirable and perfect manner in which Sir Charles Ollivant had gone into the whole question, had carefully considered and had found out these principles. Government have not acted up to those principles, but have shown the greatest consideration to the Port Trust, so that when it is said that the Port Trust pays the ordinary rates and taxes upon its property it must be taken with a modification. That body does pay rates and taxes, but on an assessable value fixed by Government after showing great consideration to the terests of the Port Trust. Legislation on that former occasion gave them a rebate of ten per cent. I ventured on that occasion to point out that the only reason for which a rebate could be properly granted was that being a large body the Port Trust would save the Municipality a certain amount in the collection of rates and taxes. But, my Lord, I made calculations at that time and I pointed out, what was never disputed, that the cost of collection would amount to three per cent. I moved, therefore, on that occasion that though the cost of collection was three per cent., let the Port Trust be treated liberally and be allowed five per cent. But as the Honourable Sir Charles Ollivant pointed out in the speech on the first reading, it was at that time thought desirable that the Port Trust should be treated as leniently as possible. But no principle was established then such as was contended for by the Port Trustees and the Chamber of Commerce that the rebate of the assessment should be kept at ten per cent. Considering the circumstances of the City and that, as has been admitted, that a large portion of the plague expenditure distinctly benefited the Port Trust, I think your Lordship's Government have done well in reconsidering the whole question of rebate and in saying that now the Port Trust is firmly established in the City and has been placed upon a sound footing, the time has come when if any extra rebate is given it should be more in accordance with the amount which it has been enabled the Municipality to save in the cost of collection. We are not asking for a contribution to the plague expenditure, and if we were, it would be for a very much larger amount than will be secured to the Municipality by means of the reduced rebate, but seeing the position in which the Trust is placed, the time has come when the whole question should be reconsidered and a more just rebate fixed. It is perfectly right that trade and commerce should not be hampered. but I feel confident the Council will see the justice of the proposal which Government are now prepared to place before the Legislature. My honourable friends, Mr. Greaves and Mr. Moses, perhaps, are not aware that the Port Trust in the matter of assessment will still be treated with very great consideration. They are not aware of the old vexed question, because it is pretty well forgotten now, and I suppose the only member of this Council who knows anything about it is my honourable friend Sir Charles Ollivant. It is that under the Municipal Act the Municipality are entitled to levy rates and taxes upon the harbour-the water in the harbour. Harbour in that Act is not defined, but in the definition of the City of Bombay land under water is included. That contingency was not lost sight of when the Bill of 1888 was before the Council that the Municipality could proceed not only to have an assessable value fixed on the property of the Port Trust, as has been done, but to ask that the vessels and various other things in the harbour should be assessed. But of course the Council knows that in the interests of the prosperity of the Harbour the Municipality will do nothing of the sort, for the Municipality has always been willing that the Port Trust should be treated with consideration and leniency.

The Honourable Sir Charles Ollivant, in replying on the debate, said—The honourable members, who have loyally championed the supposed cause of the Port Trust, base their protest upon four grounds. The first is that they appeal to the sympathy of Government, and that I need hardly say that they have it to the fullest extent. I ask them not to forget that this Government resisted considerable pressure when they were asked to legislate for a direct subvention from Port Trust funds to the assistance of the Municipality. Secondly, they object to taxation to the detriment of commerce and invoke the

powerful assistance of the Viceroy's utterances at Karáchi. But I particularly observed that the honourable member in referring to those utterances was obliged to say "irregular" taxation to the detriment of commerce, and I say that the proof of any irregularity on this occasion is conspicuous by its absence. Thirdly, they fear that the present proposal is merely the thin end of the wedge and they dread the effects of elasticity and point out what a good bargain the Municipality has had with the Trust in the past. The very object and the very effect of this proposal will be to put matters on a business-like basis once for all between the Municipality and the Port Trust. Whether that arrangement will be ultimately to the advantage of the Municipality, I have considerable doubts. Fourthly, they urge that the present rebate of ten per cent. is not excessive in view of the fact that the Municipality are saved the expense of collection. I remember that when I was Municipal Commissioner the Port Trustees undertook the collection of the municipal tolls in consideration of a rebate of 3 per cent., and I never heard that such rebate did not leave a slight margin for the benefit of the Trust. Also I remember that the total percentage cost to the Municipality of collecting the taxes of this City was about 4 per cent. I make the members of the Select Committee who have shortly to consider the Karáchi Port Trust Bill a present of the information that no rebate whatever is proposed in the case of the Karáchi Port Trust. For the reasons I have given Government are unable to accept the honourable member's amendment, and I ask you to proceed with the second reading of the Bill.

Bill read a second time.

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

Consideration of the Bill in detail.

The Council then proceeded to consider the Bill in detail.

The Honourable Mr. Moses, on the clauses of the Bill being taken scriatim for consideration in detail, said—After the expression of opinion given by the honourable mover and other honourable members, I don't think I will press my amendment.

The amendment was accordingly withdrawn.

The Honourable Sir Charles Ollivant said.—In that case, Sir, I ask you to suspend the Standing Orders and allow the Bill to be read a third time.

Suspension of standing orders. Bill read a third time and passed.

The Standing Orders were accordingly suspended and the Bill was then read a third time and passed.

BILL No. II OF 1899: A BILL FOR THE BETTER MANAGEMENT OF MUNICIPAL AFFAIRS IN MOFUSSIL TOWNS AND CITIES.

The Honourable Sir Charles Ollivant moves the second reading of the Bill for the better management of municipal affairs in Mofussil Towns and Cities.

In moving the second reading of the Bill for the better management of municipal affairs in Mofussil Towns and Cities, the Honourable Sir CHARLES OLLIVANT said-Your Excellency and the Council are aware that this Bill was introduced for the first reading by the Honourable Mr. (now Sir) Evan James. And in mentioning his name, I may be allowed to express the gratification of his many friends in Bombay at the well-deserved recognition which his

zealous services in this country have recently received. The honourable mover in his introductory speech dealt at considerable length with the subject and included in his remarks a retrospect of municipal legislation. The path before me, therefore, is comparatively simple. He foresaw indeed, as his speech shows, that many important matters included in the Bill were tentative and would require the most careful consideration in Select Committee. I only regret that circumstances have not allowed the further progress of the measure to be left to his capable guidance. He is entitled to the credit of being the architect who had the principal hand in the design of the Bill presented to you. My position corresponds with the humbler office of Clerk of the Works. It has been my business to endeavour to see that the materials were properly fitted together, omissions supplied, rough surfaces polished, and the work harmoniously completed with as little delay as possible.

Unfortunately, in one respect at least, I have failed in my charge, for where as the Select Committee were enjoined to report within a period of four months, it is now sixteen months since the instruction was given. On behalf of the Committee I have to express our regret for the delay, but I venture to plead that the difficulties which we had to encounter were insurmountable. Owing to the stress of famine it was long before meetings could be held; some of the members who were first appointed were never able to attend, and others could only attend at long intervals: changes in the constitution of the Committee were unavoidable, and even of those members who finally subscribed to the report some, I regret to say, have since ceased to be members of this Council. I specially regret the absence of the Honourable Mr. Chandavarkar, one of our most valued and constant colleagues in Committee. Moreover, the labours involved were more arduous even than Sir Evan James had anticipated, and I must own that I should have found the work somewhat tedious, for the actual sittings alone occupied more than 150 hours, but for the companions with whom I was associated and the reasonableness which always characterized the discussions.

As the Council are aware the criticisms received were numerous, and all were carefully considered. I only regret that the public did not devote as much attention to the executive provisions of the Bill, which are really those that most affect the public welfare, as they did to the constitutional machinery. The Council, however, could not have been better served than by the intimate practical experience which Messrs. Chunilal and Gokhale brought to bear on the subject, and I am in hopes that by the time another District Municipal Bill has to be considered by the Council, the measure on which we are now engaged may have had the effect of affording administrative experience to a much wider circle.

I think the Council will allow that the Report of the Select Committee is fairly unanimous. We believe that we have succeeded in removing some possible asperities without any detriment to efficiency. The reasons for the changes we have made are given in our Report in considerable detail, and though I see from the agenda paper that some amendments are to be proposed, I believe I am right in saying that no important principle is at stake, and therefore it is unnecessary for me at this stage to address the Council at any length.

I have observed that all proposals for municipal legislation run the risk of being confronted by two and very opposite sets of antagonists—the one who wish the members of the Boards to be treated as mere marionettes, pulled by an unconstitutional hand behind the scenes: the other who view local self-government as an opportunity merely for the display of rhetoric or for the advancement of personal interests, and who contemplate a maximum of autonomy with a minimum of responsibility. But power and responsibility must go hand in hand: we have done our best to make the Bill an effective measure of local self-government, being, however, fully aware that experience in working its provisions will bring to light many imperfections and omissions: we desire the Boards constituted under it to have the fullest latitude and the fullest authority for the municipal administration of the areas committed to them: we contemplate no interference except that which a default in the discharge of responsible duties must entail; but we recognize that a power of supervision, and of intervention in case of such default, must be reserved to the Central Government, who cannot, without an abandonment of their functions, escape from the accountability which attaches to them.

And now, Sir, before concluding these brief remarks, I wish to express, on behalf of Sir Evan James, the Committee and myself, our great obligations to the Honourable Mr. Batty for his long labours in drafting and adjusting the various proposals, and in the last stage of our deliberations to the assistance which we received from his successors. Whatever else I may have to say on the subject, can probably be said to better purpose when I am called upon to reply to the speeches of other members, or when we arrive at the stage of considering the Bill clause by clause. I now formally move the second reading of the Bill.

The Honourable Mr. Gopal Krishna Gokhale said—Your Excellency,—The Bill, as originally drafted, contained so many provisions of a distinctly retrograde character and hore on its face such evident impress of a desire on the part of the framers to recede from the position of 1884, that few of us, I confess, had any hopes that it would emerge from the Select Committee in the form which it has now taken. It is true that the Honourable Sir Evan James, who was then in charge of the Bill, introduced the measure

in a speech which, for breadth of view and for a generous appreciation of the work and difficulties of municipal bodies, was a notable utterance, and which, if it had stood alone, would have been a source of sincere satisfaction to the people. Unfortunately the speech was accompanied by a Bill so much at variance with the sentiments expressed by the mover, that the Honourable Mr. Justice Chandavarkar could not help exclaiming on that occasion how he wished that the Bill had been as good as its author. Those, however, were perhaps peculiar times. At any rate, on going through the proceedings on that occasion, I could not repress a smile of amusement at the boldness of some of the claims advanced. Thus the mover of the Bill, in replying to the debate on the first reading, said that he was not at all dissatisfied with the reception the Bill had met with, in spite of the fact that the measure had evoked a perfect storm of protest both in the Council and outside it. Why, Sir, even my honourable friend Mr. Desai, whose mental eye appeared at that time to range over free fights among Municipal Councillors, their want of capacity and want of principle, was all the while imagining that he was speaking as an ardent advocate of local self-government. All this, however, is now a matter of history, and if I recall the circumstance to your Excellency's mind on this occasion, it is only to show what great reason the people of this Presidency have to feel grateful to the Honourable Sir Charles Ollivant for the conciliatory manner in which he has led the Select Committee in its deliberations on this Bill and for striving to meet the public wishes at least half way. Every one of us who served on the Select Committee was impressed not only with his great knowledge of municipal affairs,—that, of course, was well-known,—but with the enormous industry which he bestowed upon the Bill, drafting, re-drafting and drafting again so many of its provisions, and with the anxious solicitude which he throughout evinced to enter into the spirit of non-official criticisms and objections and remove, as far as he could, the causes for reasonable apprehensions. Happily his view of local self-government coincides largely with that held by many thoughtful persons in this country, both Natives and Europeans, as to the scope and purpose of municipal institutions. There are, as many here are no doubt aware, two ways of looking at this question of local selfgovernment. One view is that, while the work of deliberation requires the assistance of many minds, all executive work must be entrusted to a single officer with large statutory powers. The other view is that not only the work of deliberation but also executive work ought to be entrusted to Municipal Councillors, who should do the latter by means of small sub-committees, thereby enabling the chosen representatives of the people to acquire direct experience of executive work and of a proper performance of civic responsibilities. The first view is finding increased favour in the United States and has largely influenced the Municipal legislation of our Presidency towns. The second view is strongly held in England and on the Continent of Europe and it has supplied the lines on which municipal legislation in mofussil towns in India is based. Now, my Lord, I am willing to admit that the first scheme is perhaps better suited to the Presidency towns by reason of the largeness of their areas and the diversity of their populations on the score of race, colour and creed, and the magnitude of the interests involved. But there is no justification for extending such legislation to mofussil towns, which greatly appreciate the lines on which their present municipal constitution is based. It seems to me, my Lord, that in this matter of local self-government, Government sometimes manage to do, by almost an irony of fate, just the thing which the people do not care for. Thus in 1888, when the Bombay Municipal Act was revised, Government sought to assimilate the constitution of the Bombay Corporation to that obtaining in the mofussil, when the citizens of Bombay did not require such a change; and it was only after a strong protest on the part of the Bombay Corporation, which was ably voiced by the Honourable Mr. Mehta and the late Mr. Justice Telang, that Government abandoned their proposals. Here, on the other hand, when people in the mofussil are satisfied with their existing constitution, Government proposed to change that constitution into something analogous to that of Bombay. Fortunately under the direction of the Honourable Sir Charles Ollivant that attempt has now been abandoned. Having made these few general observations, I will now, with your Excellency's permission, proceed to say a few words on the Bill before us. I wish to state at the outset that, although the public feel deeply grateful to the honourable member in charge of the Bill for several important modifications which, under his guidance, the Select Committee has introduced; some of these modifications do not go far enough, and if we have proposed no amendments in regard to them, it is because those of us, who represented the other side of the question in the Select Committee, accepted the modifications there in a spirit of compromise on the

principle that half a loaf is better than no bread. Moreover, there are even in this revised Bill some provisions which it is impossible for us to approve, and, of course, in regard to them we have given notice of the amendments which we intend to move. Lord, the Bill before us may be considered under five heads: (1) Constitution; (2) Administrative procedure; (3) Duties and obligations; (4) Municipal powers; (5) Government control. With reference to the first of these divisions, viz., 'Constitution', I beg leave to observe that while the revised Bill is a great improvement on the original draft, there are one or two points under this head which are open to serious objection. I refer specially to the proposed provision for conferring the elective franchise on sections of inhabitants. I think, my Lord, when the history of this question of the introduction of the elective franchise into the constitution of Municipalities comes to be considered, it will be admitted that those among us who believe—and believe sincerely—that the right policy in such matters is that of a steady, though cautious advance, have behaved with great moderation in not moving amendments suggesting an extension of the present When the Act of 1884 was under consideration and when the Government of that day proposed to fix the minimum of elected members at one-half, it was contended by some of the non-official members that the minimum was low in the case of the more advanced Municipalities at least and that in their case a more extended franchise was essential. Sir James Peile, who was in charge of that Bill, thereupon gave the assurance, and he repeated it again and again in the course of the debate, that though the Bill prescribed a minimum of one-half, there was nothing to prevent Government from prescribing a higher proportion for individual Municipalities in consideration of their fitness as determined by the level of intelligence and growth of civic spirit among them. Sir James Fergusson, who was then Governor, also stated that it was his hope that, if not during his time, at any rate during the time of his successor, it might be possible for Government to allow a higher proportion of elected to nominated members in the case of the leading Municipalities at least. Nothing, however, was done during the last fifteen years by Government to carry out this undertaking except in the case of Poona, where the proportion of two-thirds to one-third was granted during Lord Reay's time; but this special privilege has recently been, for all practical purposes, withdrawn. Though, therefore, we might have been justified in proposing that the Legislature should now prescribe a higher minimum in the case of the more advanced Municipalities at least, we have refrained from adopting this course with the object of minimising the points of difference between the official and the non-official members; and yet Government have thought it right to adhere to this retrograde provision for conferring the elective franchise on sections of inhabitants. My Lord, in 1884 Sir James Peile, as representing the Bombay Government, stated in distinct terms that Government wanted to retain in their own hands the power of nominating members up to a maximum of one-half, because it might bappen that sections of the community, or certain minorities, might not be able to obtain adequate representation by means of the rate-payers' election, and in that case it would be desirable for Government to have this reserve of power in their hands to supply the deficiency. The representation of sections and minorities was thus provided for in 1884 by reserving to Government the right of nominating up to a maximum of one-half members of Municipal Corporations. In the present Bill, however, Government retain this power of nominating up to a maximum of one-half, and propose in addition that sections and minorities should have seats specially assigned to them out of the minimum of one-half thrown open to election. I strongly feel, my Lord, it is most undesirable that Government should go back now upon what they distinctly guaranteed in 1884. My Lord, in this matter of the elective franchise our Presidency is already behind the other provinces of India. have been looking up the Municipal Administration Reports of other provinces, and I find that in Madras there are 19 Municipalities which are allowed to elect three-fourths of their members. In the North-West Provinces all the Municipalities to which the elective franchise is extended are allowed to elect three-fourths of the members. In the Central Provinces it is the same. In Bengal and Punjab most of the Municipalities consist of twothirds elected and one-third nominated members. Here alone, in the Bombay Presidency, the proportion of elected members is rigidly kept down at half and even that, so far as the general ratepayers are concerned, the Legislature now proposes to reduce. The Bombay Government have often claimed that we in this Presidency are far ahead of other provinces in matters of Municipal administration. Such a boast, however justified on other grounds, is certainly not justified on the ground of the proportion of elected to nominated members on Municipal Boards. I quite admit that it is possible that some sections or minorities

might like to be represented by elected instead of by nominated members. however, all that the Government have got to do is to set aside a certain number of seats, which are at Government's own disposal, for election by such sections or minorities. Another provision coming under the head of 'Constitution' is in connection with the creation of 'Notified areas'. The original proposal to turn villages or groups of villages into 'Notified areas' has now been abandoned in favour of another adopted by the Select Committee, which restricts the provision on this subject to towns, which are the head-quarters of talukas, and to hamlets that spring up in the vicinity of railway stations. In assenting to this new proposal, I am not without apprehension that even in this new form it is easieble of being graphed in it is capable of being worked in a manner which will cause hardship, and I earnestly trust that Government will be very sparing in the use of the powers which this provision confers upon them and as a result of which people in rural areas will have to bear municipal taxation without corresponding municipal privileges. The analogy of the Punjab has been quoted, but it should not be forgotten that in that province there are at present only 31 'Notified areas' in existence, whereas the Honourable Sir Evan James, in his detailed Statement of Objects and Reasons, has mentioned more than 150 places in this Presidency as fit to be turned into 'Notified areas'. The third point under 'Constitution' about which I desire to say a word, is the position of the Chief Officer, whom City Municipalities will in certain cases have to appoint. I admit that under the revised provisions the Chief Officer will no longer be master of City Municipalities, as the original Bill practically proposed, and that the powers now conferred upon him by statute are such as may safely be entrusted to an Executive Officer acting under the full control and supervision of a City Municipality. The provisions about his appointment and removal are, however, in my opinion not quite satisfactory, and if some of us have accepted them in Select Committee, it was done, as I have already observed, only in a spirit of reasonable compromise. Coming next to the question of 'Administrative Procedure' provided, I may state at once that I have nothing but praise to give to this portion of the Bill. am fully persuaded that the provisions on this subject are a great improvement on the Act of 1884, and I have no doubt that Municipal Corporations will feel grateful to the Legislature for this part of the Bill. Coming now to the question of 'Duties and Obligations' I think it necessary, my Lord, to enter my respectful but emphatic protest against the proposal to impose additional obligations under this Bill on Municipal Corporations. The list of 'Obligatory Duties' as set forth in Section 54 of this Bill is already so long and covers such a vast variety of functions, that if the obligations which that clause imposes upon Municipalities were to be literally construed, it would be impossible for the richest Municipality in the world to discharge those obligations satisfactorily, and yet the Legislature now proposes to make additions, on very inconclusive grounds, to that fearfully long list. It is now proposed, in addition to the obligatory duties already recognised, to call upon Municipalities to bear the cost of combating plague and famine, and to make contributions to the Provincial exchequer for Provincial roads passing through their limits, and for leper asylums and lunatic asylums which Government may establish outside the Municipal limits. Now in regard to the first of these additions, viz., about plague and famine, I submit to your Excellency that the proposal in the original draft was much worse than the proposal now before us. In the original draft it was proposed to include this duty among the obligatory duties of a Municipality without any qualification whatsoever, but in the Select Committee the honourable member in charge of the Bill advanced so far in the direction of meeting popular objections, as to provide that the obligatory duties mentioned in Clause 54 should take precedence of the duties in regard to plague and famine, and that the Municipalities should not provide for the latter until after making reasonable provision for the former. I confess I am not satisfied even with this modification made in the Select Committee, and if I assented to the modified proposal, it was only because I felt convinced that that was the only way to get rid of the original proposal. I believe the Local Government are acting in this matter under instructions from the Government of India and we had to make our choice between the proposal as originally drafted and the proposal now contained in this Bill. With reference to the provisions for levying contributions from Municipalities in connection with provincial roads and leper and lunatic asylums, I respectfully submit, my Lord, that the proposal is inequitable and ought to be abandoned by Government. In the first place the contributions by themselves will be very small, and I ask if it is worth the while of Government to cause needless irritation for such small amounts? Secondly, as I

have before observed, the list of obligatory duties is already so long; that any addition to them, however small, ought in my opinion to be deprecated unless Government are prepared to surrender to Municipal bodies corresponding revenues. This was the spirit of the policy enunciated by the Government of India in 1882. But while the list of obligatory duties has grown enormously, I regret to say that there is not a single instance in which Government have transferred to Municipal bodies any of their receipts, and I submit that if new obligations continue to be imposed on the shoulders of Municipalities in this manner, such legislation will come to be regarded by the public not as a scheme of local self-government but as a scheme of local exactions. Next, with regard to the powers conferred on Municipal bodies, I cordially welcome the proposal to extend these powers in several important directions. I think this extension will make Municipal Administration more efficient and Municipal bodies willbe able to deal with various difficulties, which come up in the work of administration in a contract of administration in the work of administration which crop up in the work of administration, in a simpler and more effective manner than at present. I am aware that there is some difference of opinion among non-official critics of the present Bill as to the advisability of conferring drastic powers on Municipal bodies to deal with epidemics such as plague. But I beg leave to point out that on this point we had to choose between conferring these powers on Municipalities and leaving these powers under the Epidemic Diseases Act in the hands of Plague Committees, appointed by Government and acting with no sense of responsibility to the public; and I believe that when this question comes to be looked at from that standpoint, the proposal contained in the Bill to confer these powers on Municipal bodies will meet with general approval. Lastly, coming to the question of 'Government Control' I confess, my Lord, that my mind is not free from anxiety and apprehension that these powers of control might prove a source of unnecessary trouble in the hands of unsympathetic officers. I am free to admit that some such powers must be lodged in the hands of Government to make Municipal bodies feel that if they do not realise their responsibilities properly, there is a speedy and effective method provided to call them to account. At the same time there is the obvious risk of Government officers sometimes not understanding properly the difficulties of Municipalities or not making allowances in a generous spirit for small shortcomings, and in such cases it would be open to them to suggest to Government the enforcement of the bludgeon-clauses to the humiliation of Municipal bodies and to the prejudice of the cause of local self-government; and this, my Lord, brings me to the concluding portion of my remarks. My Lord, what little practical experience of Municipal administration I possess has taught me one thing clearly, and it is that the District Officers have it in their power to make local self-government a greater success than it is at present, by taking steady and continuous interest in Municipal administration and regarding the work and difficulties of Municipal bodies with greater sympathy than so many of them do at present. I regret to say, my Lord, that in some instances District Officers are found to regard the work of Municipalities with indifference till matters assume a serious aspect and then they suddenly come down upon them with the bludgeon-clauses in their hand. In other cases these officers interfere so constantly and in such a tone of authority that they appear more like dictators than like sympathetic guides, such as, in my humble opinion, they ought always to strive to be. I need hardly say that neither the one attitude nor the other on the part of District Officers is desirable in the interests of local self-government, and I earnestly appeal to them from this place to realise, in a spirit of generosity and even forbearance, the difficulties and shortcomings of our Municipal Corporations, always remembering that while it is easy to discredit work done by men who are new to their responsibilities, it is not equally easy to stimulate public-spirited citizens to greater exertions when once their ardour is damped by what they might regard as harsh and unsympathetic criticism or judgment. Mr. John Stewart Mill has stated in his book on 'Representative Government' that the object of Municipal institutions is not merely to get local work efficiently done, but also to develop civic spirit and raise the level of general intelligence among the people. I respectfully submit that in judging the work of Municipal bodies both these objects, and not only the first, should be steadily kept in view. A higher public life has only just begun in the land, and it behoves those who represent the power that has introduced this life into this country to give whatever suidance might be needed with great tact and in a spirit of sympathy, encouraging those who need encouragement and steadying the footsteps of the weak. It is only by such cordial co-operation between District Officers and Municipal Corporations that the success of local self-government would be ensured, and it is necessary to ensure this success, because in it are involved the best interests of both the rulers and the ruled-

The Honourable Mr. ACHYUT BHASKAR DESAI said-My Lord, Having listened to the speech of the honourable member in charge of the Bill, I think I have scarcely to add any remarks of importance. Certain it is that within recent memory no legislative measure has been more freely criticized, both in public and private, than the Municipal Bill presented to this Council in September 1899. It has since been thoroughly overhauled in the Select Committee. Some part of it has been rearranged. Some portion has been better thought out and better expressed. With due regard to the criticism received, a few of its provisions, such as those relating to the constitution of the Managing Committees, notified areas, the appointment of Chief Officer, power of Government to require Municipalities to impose taxes, the grant of relief in time of famine and the taking of measures for the prevention and suppression of dangerous diseases, have been modified without violating the principle involved. Provisions have been made for the regulation of buildings and drainage, for the prevention of over-crowding and the abatement of nuisances. In various matters of detail, powers have been conferred on Municipalities, to enable them to administer their affairs more efficiently than they are able to do under the present Act.

But to judge from the newspaper criticism to be met with here and there, this has not been sufficient to satisfy some of the critics of the present measure. As was appropriately remarked the other day in a leader of the Times of India, the numerous bodies that have memorialized Government have shown small concern with regard to any provision which had no direct bearing on the enlargement of the proportion of elective members or the reduction of the control vesting in Government. For instance, in their memorial the Bombay Presidency Association remark—

"The time has arrived when the present minimum of half could, in the case of City Municipalities at least, be safely raised to two-thirds of the total number of Councillors Palatte drow for the They further observe all to subsystem and the appropriate the control of the further observe all the subsystem of the subsyst

"That the policy of Lord Ripon's Government has been run a little too hard and has suffered in execution in this Presidency through want of preponderance of the elective element in the mofussil Municipalities."

The Deccan Sabha in their memorial observe-op out that control or of order decor

"Local self-government as introduced in 1884 is no longer an experiment. Its working, so far, has been a distinct and unqualified success, as is evidenced by the appreciative observations of various District Officers contained in successive annual reports upon Municipal taxation and expenditure submitted to Government."

Thus while the Decean Sabha would be content to rest its claim to a larger proportion of the elective seats on the statements made in official publications, the Bombay Presidency Association go further and say "we have done satisfactorily during the last 16 years, but if we have failed, it is because Government have not given us a majority of the elected members."

There are other memorials which more or less echo the same demand. They all take their stand on what Sir James Peile observed in February 1884, exactly 17 years this month, when the Bill No. 4 of 1883 was read a second time. He then stated that the proportion of nominees was subjected to a maximum limit and that the power of nomination might be exercised less and less as Government thought proper and finally disused when representation attained more perfect development.

The first question to reply is how have the Municipalities worked during the last 17 years? That their work is on the whole spoken of in favourable terms is true, but when we look into the circumstances in which the praise was bestowed, we shall find that it was intended more as an encouragement than as an unqualified statement of fact. Just as a child in its infancy makes efforts to walk and in spite of its frequent tumbles receives an encouraging word, so although each and all these Municipal Boards now and then give considerable trouble by persistently neglecting their duties in serious matters, the officers concerned, aware of the experimental stage of the life of the defaulters and the difficulties they have to struggle with, clief them on with words of encouragement. In order to see whether Lord Ripon's scheme has taken root in the soil, the proper tests to apply would be-Has that scheme aroused in the minds of the Municipal population a sense of citizenship and responsibility and widened their conception of the powers and duties of

each individual elector? Has it generated in them corporate zeal and spirit of local improvement and brought home to them the fact that on their choice of their representatives depends chiefly the well-being, comfort, nay, in times of epidemic disease, the very lives of the inhabitants? To all these questions I can give a negative reply and say that not even two per cent. of the voters are able to understand their duties. But perhaps these tests are too severe to apply just at present. But do the electors go to the poll and take pleasure in exercising the franchise conferred on them?

On this point the results of the elections will furnish some evidence. The last elections were held in 1898-99, when the plague was prevailing in many parts and consequently the attendance at the polls had in many places fallen very low. We must therefore take the figures of a normal period. The last Municipal elections during the ante-plague period was held in 1894-95.

The attendance at the polls of voters was satisfactory in the Southern Division.

In Gujarát we find that at page 5 of the Annual Report for 1894-95 the Commissioner, N. D., remarks—

"This election was the fourth held since the elective franchise was conferred on mofussil Municipalities and generally speaking the interest evinced by the electors appears to be on the wane."

In the Central Division the results were much less satisfactory. In 24 Municipalities the attendance was less than half, in 9 less than one-third, in 5 less than one-fourth, and in some so low as one-sixth, one-seventh and one-tenth.

Taking the city of Poona itself, we find the attendance of voters at the general elections was good, but that at the ward elections very poor. This affords conclusive evidence of the fact that the elective system will not work satisfactorily unless the electorate is sufficiently advanced to appreciate the value of the power conferred on them. The voters who voted at the general election were Graduates, Pleaders, Honorary Magistrates, &c., while those who voted at the ward elections were rate-payers. Out of the 16 wards, in 10 the attendance was indifferent. If this is the interest displayed by the ordinary rate-paying electors in the leading Municipality in the Deccan, it is hardly worth while to go further into the question.

But it is to be remembered that even in the most advanced country in the matter of local self-government, the electorate is considerably influenced by the candidates for election. Let us, therefore, have a glance at the work done by the elected Commissioners. Take any Municipality at random and you will find that its administration is suffering from factions. That its roads remain unmetalled, not for want of metal wherewith to repair them, but for want of decision on the part of the members as to which road should begin first. Its sanitation, health and even education suffer for want of pecuniary assistance, not because the Municipality have no resources, but because there is no member who will look after the punctual collection of the arrears.

On this subject I would refer to the opinion of one of the most popular Commissioners of the Northern Division, whose experience of that division extends over 20 years and whose liberal views in the matters of local self-government are well known. In the report for 1896-97 he observes—

"The most satisfactory Municipalities in the division are Ahmedabad, Nadiad and Broach. Some others, such as Dakor, have worked well, but the moving spirit has been official and, therefore, they fall short of the municipal ideal in one point. It is disappointing that so little capacity for public business is shown even in most of the larger towns."

In November 1892 Sir Evan James observes generally of the Municipalities in Sind in the following terms:—

"After the trial of eight years, local self-government in Municipalities (though still nearly everywhere in leading strings) is doing good work"; and in the same report he observes as regards Karachi as follows:—

"Progress is hampered, whether in reform of taxation or improvement in sanitation, by the opposition of a variety of cliques, including some of those who would style themselves the most enlightened and educated."

We shall now refer to remarks of November 1899, which were recorded in the time of Sir Evan James by the Collectors of the districts concerned and endorsed by Sir Evan James when he forwarded the reports to Government.

Karáchi.—Excepting Karáchi the state of efficiency depends on the Vice-President, who is usually a Muktyárkar of the táluka.

Hyderabad.—Generally speaking, unofficial members leave everything to the official members. In Hyderabad itself I have observed signs of a desire to put off consideration of important and responsible matters and to subordinate the interests of the Municipality to that of private individuals.

I have referred to these in detail in order that honourable members might put their own interpretation on the statement made by Sir Evan James when he introduced the Municipal Bill in September 1899. His latest experience was in Sind and the remarks recorded in the report on the Municipalities after the Bill was introduced show what he meant by Lord Ripon's scheme having worked with success.

As regards the Central Division, excepting the larger Municipalities, there is the same tale going round. In regard to such an important Municipality as that of Sátúra the late Mr. Dodgson observes—

"Energy and promptness and public spirit are almost unknown qualities among the elected members: as long as they occupy half the seats, things are not likely to improve."

The Collector of Nasik makes similar remarks as regards Yeola, while in the other districts the Municipalities are classified into good, middling and fair.

As regards the Southern Division, I have only to remark that in 4 Municipalities the non-official Commissioners fled from the town on account of the plague. In one, the nonofficial Chairman of the Managing Committee was himself concerned in concealing the existence of plague for days altogether. These are some of the latest exhibitions on the part of the Municipalities of their sense of their duties towards the citizens. to these instances of failure, my intention is not to show that the people in this Presidency have shown any special inaptitude for local self-government. That they have been doing what they could, is not disputed. It is not the fault of the people if they have not given better results. It is rather the fault of those who expect too much from the privileges which were not acquired by the people, but which were conferred on them unsought in 1884. Any legislation in advance of the actual requirements must remain for a time The Act XV of 1856, for instance, removed the legal obstacles to the marriage of the Hindu widows, but it did not bring about a single widow marriage. demand must come from within. The mere grant of larger number of elective seats and the removal of the checks of the central Government would no more conduce to the development of the self-governing capacity of the people than would the mere multiplication of school buildings promote their education. There is a sufficient amount of talent here and there for destructive criticism, but the country has not yet produced men of means with plenty of time at their disposal and the will to devote their energies to the public good.

Whether in these circumstances it would have been prudent to make obligatory a large majority of elective members, needs no reply. In a Bill such as that before this Council affecting the whole Presidency you have to deal with backward and advanced Municipalities altogether. A larger elective proportion might perhaps a few years hence suit a few well administered Municipalities, but it will not suit the rest. What is wanted, therefore, is that the provisions on the subject should be elastic and this is what has been done.

It is, however, desirable to go into the question whether the indifferent success which has attended the working of the local self-government scheme is in any way due to the adverse attitude of Government or the excess of zeal or interference on the part of the officers concerned. The Bombay Presidency Association and the Deccan Sabha refer to the old charge that Lord Ripon's scheme of local self-government was received by the Government of Sir James Fergusson in a spirit of hesitation and distrust. They are not unaware, however, that amongst three distinguished Governors who succeeded Sir James Fergusson between the date of Act II of 1884 and the introduction of the present

Municipal Bill, there were two who belonged to the same party to which Lord Ripon belonged, and the fact that during their time only one Municipality was singled out for the bestowal of a larger number of elective seats shows that there were no others deserv-

ing a similar gift.

It is also worth pointing out that Government and their subordinates have always shown the greatest reluctance in resorting to compulsory measures whenever the Municipalities have committed defaults. They have not acted as if they were watching for an opportunity to interfere. In the Southern Division, during the last 17 years, only one Municipality was suspended, and this was done not only after repeated warnings were given, but when the hands of the authorities were forced, the non-official Commissioners having left the town on account of the plague. It must be remembered that this paucity of suspensions was due not to paucity of offenders, but to the special indulgence shown towards the defaulting bodies. When the Collector loses patience the Commissioner gives a further trial, and so does Government when the Commissioner's patience is exhausted. So important a Municipality as that of Shikarpur was once recommended to Government for suspension by the Commissioner in Sind. But even when the recommendations came from so high an officer, Government, instead of sanctioning the proposal, ordered a further trial. The result of this was reported by Sir Evan James in the following words:—

be given a locus penilentia. The Municipality, I am glad to say, has set about

vigorously putting its taxation and sanitation in order."

This will show that the principle on which Government acted is that intervention is not to be exercised until a repeated appeal to the Municipality has failed. In some cases indulgence is shown towards the defaulting bodies in order that, even at the cost of mismanaging its affairs to a certain extent, they might acquire experience and learn the necessary lessons. Government do not, however, stop at holding back the rod to the last moment. They actually encourage the Commissioners nominated or elected by offering them inducements of titles. Any Commissioner who has honestly served his apprenticeship to the active work of the Municipality and has taken a prominent part in the advocacy, promotion and execution of local measures of importance, is invariably rewarded by the bestowal of titles. Any elected member who has done good work is found on the list of nomination if he loses his seat at the election.

I have so far dealt with only one point, i.e., why the proportion of elective seats has not been raised by a hard-and-fast provision in the Bill. The clause as it now stands will enable Government to reward the deserving Municipalities with a larger number of such seats without resorting to fresh legislation.

There are more than a dozen points on which the Select Committee was not unanimous. In regard to all of them, except one, amendments have been brought forward, and in regard to them I reserve my remarks until they come in for consideration in detail.

-2. The one clause in regard to which no amendment is brought forward, and in regard to which the present is the only occasion for offering any remark, is that relating to notified areas. I have certainly not been able to understand the position taken up with regard to this clause by the several memorialists as well as some of the non-official members. If there was any provision calculated to extend the sphere of local self-government, affording the people of less advanced areas an opportunity to acquire experience in governing themselves, it was the provision as regards notified areas as it stood in the original Bill. The opposition seems to have originated in the prejudice that the object of Government in introducing the clause in question was to rid themselves of some of the pecuniary burdens. The Bombay Presidency Association remark on this point—

"The Council venture to observe that this seems to be only an attempt to throw on rural areas additional burdens which ought to be borne by the Provincial Government."

The past experience does not justify this remark. Whether as regards educational and medical charges, or even the extraordinary expenditure on account of the plague, Government have always contributed liberally. On this subject Sir James Peile made the following remark:—

I have observed a misunderstanding, which it may be well to remove, as to the intention of Government in regard to grants from Provincial funds to local

bodies. It has never been proposed that services now maintained at the cost of Government should be transferred to Municipalities or Local Boards without a grant from Provincial revenue."

In every civilized country people, who are given a share in administering their own affairs, tax themselves, as they are expected to do, in order to provide for their needs in regard to health, sanitation and education, their local revenue being supplemented by subventions from the State. Those who desire to have a share in administering their own affairs and who wish to provide for themselves better sanitation, education, &c., than their neighbours enjoy, must certainly be prepared to pay for their luxuries so far as they can. For these reasons, I wish the provisions as regards notified areas were retained in their original form.

I will now say a word as regards the work done in the Select Committee meetings, all of which I was able to attend. The non-official members, with whom I lived on terms of the closest intimacy, went to the meeting with an open mind, and it was not unfrequent that they were found on opposing sides when a question was put to the vote. thing occurred at Poona when the Select Committee was fully attended and when the Honourable Messrs. Lely and Woodburn voted on the non-official side. In fact, the Select Committee members did not meet with pre-formed opinions to maintain, but with the object of coming to the most reasonable decision on a point in dispute. This was chiefly due to the honourable member who presided at the meeting. Through his intimate acquaintance with the general requirements of municipal towns and his admirable mastery of municipal details, he stood head-and-shoulders above the rest. We native members always spoke of our meeting room at Mahabaleshvar as the school-room, when our schoolmaster sent us back every evening with something new added to our information. The inexhaustable patience and unvarying courtesy which characterised the conduct of the President throughout the long sittings, and which did not leave him for a moment even on one of the most longing days in life at Poona, made the work in the Committee a work of pleasure. There always prevailed a spirit of candour and conciliation. I think the work as is manifest in the Bill, whether as regards comprehensiveness, system and symmetry, is chiefly and substantially the work of the Honourable Sir Charles Ollivant. It is a work of such magnitude and labour as to make any Government feel proud of it. It is a sort of codification, and I am sure that it will be many long years before material alterations are found necessary. With these remarks, I give my vote in favour of the second reading of the Bill.

His Excellency the President said—I just wish to say that if any other honourable member desires to speak on the principle of the Bill, I think we had better adjourn until to-morrow; but if no other member wishes to speak on the principle, then my honourable colleague will reply, and we will proceed afterwards with the clauses of the Bill.

The Honourable Mr. Mehta said—After the Honourable Mr. Desai's remarks, I am bound to make a few remarks, but I think it will be better to do so to-morrow.

His Excellency the President—Then we had better adjourn until 12 o'clock noon to-morrow.

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

R. J. C. LORD,

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

Bombay, 12th February 1901.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

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

Abstract of the Proceedings of an adjourned Meeting of the Council of the Governor of Bombay, assembled for the purpose of making Laws and Regulations, under the provisions of "The Indian Councils Acts, 1861 and 1892."

The Council met at Bombay on Wednesday the 13th February 1901, at 12 o'clock noon.

PRESENT:

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

The Honourable Sir E. CHARLES K. OLLIVANT, K.C.I.E., I.C.S.

The Honourable Mr. J. MONTEATH, C.S.I., I.C. S.

The Honourable the ADVOCATE GENERAL.

The Honourable Mr. F. S. P. LELY, C.S.I., I.C.S.

The Honourable Mr. SHRIPAD ANANT CHHATRE.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, B.A., LL.B.

The Honourable Mr. J. TATE, M.Inst.C.E.

The Honourable Mr. H. F. Aston, I. C. S., Bar.-at-law.

The Honourable Mr. J. W. P. MUIR-MACKENZIE, M.R.A.C., I. C. S.

The Honourable Mr. BOMANJI DINSHAW PETIT.

The Honourable Meherban NARAYANELO GOVIND alias BABA SAHBB, Chief of Ichalkaranji.

The Honourable Mr. IBRAHIM RAHIMTOGLA.

The Honourable Mr. GOPAL KRISHNA GOKHALE.

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

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

The Honourable Mr. SILAS MEYER MOSES.

The Honourable Mr. WILLIAM GREAVES.

The Honourable Mr. D. McIVER.

The Honourable Ráo Bahádur CHUNILAL VENILAL, C.I.E.

The Honourable Mr. E. Giles, M.A. (Oxon).

The Honourable Ráo Bahádur ACHYUT BHASKAR DESAI.

BILL No. II OF 1899: A BILL FOR THE BETTER MANAGEMENT OF MUNICIPAL AFFAIRS IN MOFUSSIL TOWNS AND CITIES.

The Honourable Mr. Parekh, in resuming the debate on the second reading of the District Municipal Bill, said—Your Excellency,—The Bill now returns to this Council much altered from what it was at its first reading, and the credit of the improvement is due to the vast experience, reasonableness, tact and industry of the honourable mover.

I agree with my honourable friend Mr. Gokhale in thinking that the public had ground for disappointment, after what was openly stated by members of Government in connection with the passing of Act II of 1884, that during the last 16 years Government, except in one case, did not see fit to give a larger number of elective members than the bare minimum provided by law, and that in preparing the new measure the minimum which was fixed experimentally in 1884, was not increased. My honourable friend Mr. Desai has

attempted to justify the unwillingness of Government to make any increase in the popular element in the Municipalities. The effect of his argument, if I understand him correctly, is that it is a mistake to allow local self-government in this country. After 16 years' experiment the attempt has failed, and there is no fitness in the people of this country to manage their own local affairs. If this view be correct we cannot stop here; it means that this Bill is a huge farce and the proceedings are a farce. If there is no improvement, the earlier the curtain is removed the better. The Municipalities should hereafter be managed by Government officers as a department of Government.

Fortunately I think that there are few people who share in the extreme views of Mr. Desai. Mr. Desai is an officer of Government and probably he draws his inferences from what came to his knowledge as the President or Vice-President of some Municipalities; but as in the case of school boys, so in the case of Municipalities, love, kindness and sympathy are necessary for imparting education; if you dislike them, if you shew aversion to them, if you give them to understand that nothing could be made out of them, you will not be able to teach them anything. It seems to me that Mr. Desai's experiences show a greater necessity of increasing and strengthening the popular element.

I do not think that there is such an essential difference between the people of Ahmedabad, Broach and Nadiád and those of other places, as to warrant a conclusion that what succeeds in one place will not succeed in another. The Ahmedabad Municipality, guided by the late Ráo Bahádur Ranchhodlal, was regarded as a model Municipality. The Broach Municipality, under the presidency of my honourable friend Mr. Chunilal, has been known to do its work most efficiently. I think Municipalities fail less from want of attention and ability on the part of Councillors, and more from want of tact and sympathy on the part of the heads.

I think Mr. Desai was somewhat unjust to a late member of this Government in insinuating that he solemnly stated to this Council, things that he did not believe to be true. If one read his speech, I do not think there can be any doubt that what Mr. James said about success was not a mere compliment, but was true. In one place he says: "I may take this opportunity of saying that personally I think that Lord Ripon's policy is working out, if slowly and steadily, still most satisfactorily, both in the direction of improvement of municipal administration and in training citizens to manage their local affairs." Further on he says: "I for one think we may congratulate ourselves that it is taking deep root, though it may not in every place bear the same amount of fruit." After saying this Mr. James proceeds to speak in terms of the highest praise of the work of the Ahmedabad Municipality and the excellent work of the non-official Presidents of the Karachi and Hyderabad Municipalities. Who can deny that the members of Municipalities now are more intelligent, more capable, more attentive and have a higher sense of their responsibility than before.

Mr. Desai speaks of want of interest in the elections; but from the reports it appears that the elections are getting keener and larger numbers are appearing at elections. As regards the attendance, the large number of meetings in some places accounts for the apparent smallness of percentage; in one year there were 119 meetings in Ahmedabad. I do not mean that everything is what it ought to be in every place. There are defects and there is considerable room for improvement; but I do believe that the concessions that were made in 1884 have worked in a way to justify their giving, and that there would be a further benefit if they are enlarged.

In another matter I submit that the provision of this Bill is somewhat retrograde. The present measure will alter the existing law in legalising sectional elections. Now the success of municipal government requires that people should be educated to forget sectional feelings, and to strive to work for the general weal of the community. When there are sectional elections the elected man would think, when there is a conflict between the interests of the whole community and the section that he represents, that he should subordinate the interest of the community to that of the section he represents, and that would rather emphasize and perpetuate the differences, that ought to vanish in the public interests. It may happen that at the election, a particular community which may deserve to be represented on the Council, is unable to obtain the election of one of its members; this, however, is easily remedied, because one of the reasons why Government reserves to itself the powers of nominating a certain number is to enable such section to be represented. It has been sometimes urged that nomination does not secure the best man; if Government, however, think

this way, the remedy is easy. They may ask the community to elect some person for the nomination, and nominate the person so elected. By allowing sectional representation of any community, the popular strength will be diminished, inasmuch as those members whose representation is now secured by the nomination would hereafter be able to come in by another way.

Another point in the Bill on which I wish to say something is with reference to liability between Government and Municipalities. It is not consistent with the magnanimity of Government that they should call upon a Municipality to pay for the extra expenses of the up-keep of a portion of a trunk road which passes through municipal limits, because for the additional wear of the road in such limits, or that it should charge a Municipality to pay contribution for the treatment of lunatics and lepers at Government institutions; while this measure provides that Government should be able to charge a Municipality for these services, there is a provision to exempt Government properties from paying their contributions towards the general expenses of the Municipality.

Another matter on which it would be proper to say something is in connection with the duty thrown on Municipalities about providing special medical aid during an outbreak of a dangerous epidemic and providing for famine relief. Though there is some improvement now over the provisions of the original measure, I do not think the alteration meets the difficulty. The costs of discharging these duties are large and indefinite; most of the Municipalities have been exceedingly poor, and these provisions are likely to create complications between Government and the Municipalities, and disable them from discharging their other duties satisfactorily. With these observations I support the second reading of the Bill.

The Honourable Mr. Shripad Anant Chhatre said—Your Excellency,—Considering the observations made by my honourable friend Mr. Desai regarding Municipalities in the Southern Division I feel bound to make a few remarks. In the first place I must admit that great labour and sound judgment has been bestowed on the reconstruction of the Bill. In the original Bill where a deliberate attempt of depriving Municipalities of their independent powers of action was observable, there now is to be seen the cautious and far-reaching hand of a statesman. The utterances that fell from the honourable member in charge of the Bill, and the agreeable form in which the Bill has been moulded and shaped, and all irregularities have been removed, afford an assurance to the people that according to the progress they would make in the direction of local self-government, according to the sense of responsibilities to which they would awaken, and according to the competency and capacity of working which they would show, Government would always be willing to expand their rights. It is my impression, perhaps it may not be incorrect, that people are aware of the responsibilities they have to look to in managing their own affairs. They know that on the satisfactory administration of local affairs depends the whole welfare of the country. I hold a different view from that held by my friend Mr. Desai. He says that in the matter of local self-government people have not realized their responsibilities, and thus Municipalities are a failure. I say that my friend Mr. Desai is entirely wrong. I do not think that he will be supported by any authorities for the observations made by him. Official reports and my own experience force me to say that Municipalities have been a success. People have been understanding the responsibilities that are on their shoulders, people have been taking part in the administration of their affairs, people have been showing instincts for full development, and people have been showing that they have a good many things to perform, and if these things are performed in a satisfactory manner, then only the welfare of the country at large will be realized. Mr. Desai has singled out isolated cases of indifference shown by people towards municipal administration, and on these cases he bases his opinion. But it is not fair to pass an opinion on the strength of such cases. We have to see the general tone of the administration, and one can at once see that the administration has been very satisfactory. There may be mistakes in some cases, but they are not such instances as will enable one to come to the conclusion that the whole of the municipal administration is a failure. I was also a Municipal Commissioner, and I had to perform in a responsible capacity-more than one-duties as Municipal Commissioner. and I can safely say that in the Southern Division, besides the Municipality in which I served, there are other Municipalities which have done very satisfactory work, and not only a dozen, but a large number of persons have been prepared to take up the work of municipal administration. With these few remarks I support the second reading of the Bill.

The Honourable Mr. Pherozeshah M. Mehta said—I really did not intend speaking on the second reading of the Bill after the excellent speech in which my honourable friend Sir Charles Ollivant proposed the second reading, a speech full of that liberal conciliation for which he is always so well known, and after the sober and temrerate criticism to which the Bill has been subjected by my honourable friend Mr. Gokhale. But, my Lord, the remarks which fell from Mr. Desai made it impossible for any member of this Council, who takes a different view from him, not to offer a few observations on what fell from him. If my friend Mr. Desai will pardon me for saying so, I venture to say that his observations on a subject of the very greatest importance are of a somewhat official and one-sided character. When he was speaking yesterday I could not help thinking that if no other native of this country was capable of realising a full sense of civic responsibility, there was still one who realised it to the fullest and completest extent. I was very glad to see that that was so, and while Mr. Desai was holding forth to we and the receiver on their characters. ing forth to us and the people of this Presidency on their shortcomings in the matter of civic responsibility, I wondered whether he put to himself the question whether the class from which he and all of us, who take part in municipal affairs in the City and Presidency come, can only produce one man capable of realising a sense of civic responsibility? It seems to me that if Mr. Desai had put that question to himself, he would have treated this question of local self-government in a far more serious and responsible manner than This question is of the very greatest and most serious importance to the welfare of the Presidency. The importance of it consists not only in the sense of efficient administration, but in the sense of political responsibility. There is no measure, in a country situated like India, to which we can look for the preservation of order, prosperity and safety more than to a right and proper development of local self-government. I am perfectly sure that if my honourable friend Mr. Desai will run his mind over the history of almost every country in the world, ancient and modern, he will find that it has always been recognised that no measure has been fraught with better results to peace and public order than a large measure of independent local self-government. Rome taught us that lesson. Coming to modern times, Prussia, from the fallen state in which it once existed, was raised to the high position it afterwards reached by its great statesmen giving, among other measures, a large measure of independent local self-government to the Municipalities. The same lesson was taught by Russia. A more autocratic Government than that of Russia it is difficult to conceive, but there also it has been recognised that nothing is more statesmanlike than to give independent powers to Municipalities. The history of France teaches us again the same lesson in more ways than one. It was found that when the French Kings interfered with the independence and feeling of the local communes and local bodies, nothing but mischief resulted, not only to themselves but to the State; but wherever they were accorded a large measure of free and independent local self-government, the results were excellent and in the interests of peace and order. No statesman would show greater sagacity than he who would try to cultivate a spirit of local self-government among the people of this country. There is always a substratum of public spirit latent in every individual and a statesman could not be more usefully employed than in trying to set that public spirit in the direction of local administration. If the severe indictment which Mr. Desai brought against local self-government in this country were correct; if the sneer-I admit it was a very mild sneer—that he made at Lord Ripon's great Resolution on local self-government that it was given to people who were not prepared for it; -if the sneer and indictment were correct, what is the logical consequence of Mr. Desai's position? It is this : undo all the legislation that has been passed since 1884 and revert to the previous state of things when the existing Municipalities were in leading strings and under official control and management. Supposing we reverted to that state of things, what would be the result. Did Mr. Desai, in framing this indictment of local self-government since 1884, try to realise what was the state of municipal administration and what were the results in that golden age of leading strings and official control? I have often asked myself that question when this subject has been mooted, and at one time I drew up a list of mofussil cities in which this sort of administration prevailed, to show what were the results of that administration. Has Mr. Desai realised what was the state of things in those golden times, when there was not even that moiety of elected members which he

despises and deprecates so much. The history of mofussil towns tells us that in that golden time there was absolutely nothing done for municipal improvement. Surely that is not a state of things to which my honourable friend Mr. Desai wishes us to revert. This teaches us this lesson: that imperfect and unsatisfactory as has been the state of municipal administration since 1884, it has done far better work than was done in the times previous to 1884 when there was only official control and nothing but leading strings. Since 1884 most of the large cities in the mofussil have undertaken water works, drainage works, improved their roads and set forth improvements in various directions as far as circumstances permitted. So that even if we look at the efficiency of that administration, the state of things brought into existence since 1884 has worked far more satisfactorily and given far better results than was the case before that time. But I quite admit with Mr. Desai that the state of things is not as it should be. He attributes all that unsatisfactoriness and imperfection to the want of public spirit among the people, the want of interest among the electors, and the want of a sense of civic responsibility among the representatives of the electors. What I have said shows that that cannot be the true explanation. I venture to submit that the full explanation is different. I am not one of those who on every occasion say that the Municipalities of the mofussil should be left to do what they like, that there should be no Government control or supervision over them; but on the contrary, my Lord, as you have heard from my honourable friend Mr. Gokhale, as men who have had something to do with the municipal affairs of Bombay, we are not so carried away by the words local self-government. We actually went to the extent of resisting the introduction in Bombay of the system which prevails in the mofussil, under which a large body—the Corporation—would be entrusted with executive functions. We modestly said we should be quite satisfied with a modicum of executive power, that the executive power should be entrusted to a body undert he control of the Corporation. Any one who knows anything of the history of the Municipalities in the most civilised countries of the world, knows that some Government control is necessary. Even in England the Local Government Board exercises control over all the civic bodies throughout the country. That control is especially necessary in a country like India, but where I find fault with the legislation which existed even in 1884, is in regard to a matter which is not sought to be abolished by the present Amendment Act. By all means have control, but do not keep your control on every side of the administrative machinery. All these bodies have a moi-ty of their number elected and the rest are nominated members, among them being a large number of officials, with mostly an official President. What is the power which in these circumstances remains with the elected members? I was surprised when Mr. Desai was speaking of the true value of these bodies, that he did not realise that he was not bringing an indictment against the elected members, but against the official and nominated members of With the Chairman with his casting vote, and the officials of the Taluka or District on the Board, and with a full half of the numbers of members nominated by Government, where does the majority lie? Where does the power lie? Surely the nominated members, the official members, must have great influence and that influence and power of nomination gives them such a preponderance in the deliberations of these municipal bodies, that it is impossible to conceive what measure which they could not pass if they wanted and knew how to set about it in the right manner. How is it that these responsible officials, with fully half the number their own nominees, have not been able to do what Mr. Desai admits the municipal bodies have failed to do in regard to carrying out works of public improvement? On the one hand you have absolutely taken away every reality of power from the elected members. When the Bill of 1884 was before this Council, it was subjected to very severe criticism—and was admitted by the President, then, I believe, Sir James Fergusson—by my friend, who is now a Justice of the High Court, the Honourable Mr. Justice Budrudin Tyabji. He put forward one prophecy and that prophecy has come true. He says in fixing the nominees at one-half it is well to understand what you are, and I think these words are memorable and it is important to remember them. He says, my Lord: "Unless a decisive majority is given to the elective members I fear that the Bill will be practically worse than useless, it will be mischiev-The real power will still continue to belong to the local authorities, and the present measure will merely continue and practically perpetuate the present system under the high-sounding name of local self-government. It seems to me that the people will have gained little more than a bare responsibility for the administration of funds and of affairs over which they will have no real control." My Lord, that has been the mischievous

part of the whole affair. By all means, as I say, have the fullest control, but leave them something which would give control as emanating from themselves. But they have been given nothing which the official majority cannot bave in their own way. Having given them merely the barest responsibility without any real power, you can put upon them, the Collector, the Commissioner and Government, who can undo anything which they may possibly have succeeded in doing and reversing every one of their decisions. We know that the highest authorities on the subject. Healert Spaneor and John Street Mill—have pointed out that you must subject-Herbert Spencer and John Stuart Mill-have pointed out that you must have external or internal checks on the working of these municipal bodies, but you must not have both. Lord Ripon, in his famous memorandum, pointed out that there must be external control vested in the Government, but it was also pointed out that you must give these bodies some power of control as well as responsibility. To me it is a great disappointment that this policy is not recognized by Government. As I said before, I am not one who goes in for independence free from all control, but you must give these bodies some sense of responsibility—some real possession of power before you can really apply to them the principles of municipal administration. That brings me to the conclusion that the imperfect and unsatisfactory character of the working of these municipal bodies arises not from a want of the sense of civic responsibility, but from the sense of their utter impotency which the elected members feel in the present circumstances. You can never acquire a sense of responsibility if you feel that there is nothing for which you can be held responsible-nothing that you can do for which your responsibility can be called to account. Unless we have that sense of power and that sense of active responsibility, public spirit cannot be created; and it is no wonder, therefore, that public spirit to the extent which my friend Mr. Desai wants to see developed, has not been developed. But that is not the fault of the people, because the representatives of the rate-payers are very much men who can rise to their responsibilities, as my friend Mr. Desai has shown in his speech that he would rise. The defect lies in the character of the system which has unfortunately been legislated for. I have made these remarks, one would have said, almost in despair, because by this Act we are not going to get a larger measure of local self-government. But I have still one hope, and it is in that hope that I have made these remarks. The Act fixes the minimum of elected members at one-half; but, my Lord, from the liberal and sagacious statesmanship such as we may well expect from the indication which your Lordship has given of the liberal sympathy which you mean to extend to all administrations in this Presidency, the hope arises that it will be possible for Government to see their way to giving a more efficient and a more real power to the more prominent of the municipal cities and towns of the Presidency. It seems to me that this is an experiment worth trying. If that experiment fails, we will hold down our heads. But until that sense of responsibility is created and some sense of power is given, I do not think it is right to indulge in such criticism as my honourable friend Mr. Desai has indulged in. My Lord, I do not want to make any lengthened observations on the second reading, but one remark I would like to make, occasioned by some observations that fell from my honourable friend Mr. Gokhale. I would have been in favour, very much, of extending to the Mofussil Municipalities the system of administration which prevails in Bombay. My honourable friend Mr. Gokhale is of opinion that the same system prevails in other capital towns. The only place in which that system prevails is Bombay, and I am surprised that my honourable friend Mr. Gokhale should have forgotten the fate of Calcutta with a system which is like that which exists in the mofussil. But the Bombay system is, I venture to think, the most suitable for the circumstances of a country like India, where the body should be of a deliberative character, and the work of an executive character should be entrusted to one responsible executive officer. I should certainly be in favour of applying that system to the mofussil but for one thing: that system would only succeed if the finances of the mofussil town would provide for the engagement of an officer of high standing, whom they would have to pay in a way commensurate with his high standing and position. If the towns in the mofussil could afford a responsible executive officer whom they would pay Rs. 1,000 per month, then the very best thing that could happen to the mofussil Municipalities would be for that system to be extended to them. I have had a large experience of the working of a good many towns in the mofussil, and know how the system has worked in Bombay, and I certainly favour the extension of that system to the mofussil, but the difficulty is in regard to the finances. I should have heartily supported the section put into the Bill under which Municipalities can be called

upon to appoint Chief Executive Officers; but I do not think my friend the Honourable Sir Charles Ollivant has realized that in the financial circumstances of these bodies there is not the remotest likelihood of their being able to come forward with the funds that alone would justify such an experiment as that. There are other parts of the Bill which to my mind are of a somewhat dangerous and mischievous character, but I do not think this is the proper time to speak on them. There are amendments proposed to be moved in regard to them, and that will be the proper time to make a few observations on those important portions of the Bill. I make these remarks, not as going to vote against the second reading of the Bill; I am going to vote for the second reading because I fully realize that this is a matter for compromise, and I consider that in this the Presidency is fortunate; for with the liberal sympathy that your Lordship has enunciated in speeches made from time to time, and the liberal sympathy extended to it, as we might well expect, by the Honourable Sir Charles Ollivant, the Bill has emerged from Committee shorn of its most mischievous provisions, and now we may well accept it as a sort of reasonable compromise between classes representing different views.

The Honourable Sir Charles Ollivant, in replying on the debate, said—After the many kind words which have been said about my labours in connection with the Bill, it seems to me almost ungracious to demur to the few criticisms I have heard expressed in the course of the debate. I could not but think, however, that the Honourable Mr. Gokhale was hardly doing himself justice. I felt during part of his speech that perhaps he himself thought he had rather a weak case and he did not quite like to admit it. I also regretted to see in such skilful hands obsolete weapons of debate that were more suited for a museum of antiquities. I allude specially to his argument that though possibly the present Government might be trusted, who knew what their successors might do? We have often been confronted in the past with arguments of that kind—"Do not give such powers, for Government will be sure to abuse them," or if powers are being repeated which formerly existed, "why continue them any longer when Government hitherto never thought of using them?" As a matter of fact, all we ask is that we should be treated as reasonable men, just as we are ready to treat honourable members who do not belong to the Government as reasonable men. The honourable member, in the course of his remarks said, quoting John Stuart Mill, that the object of local self-government was, firstly, to be efficient and, secondly, to be educational. That is precisely the view Government hold. He went on to say that he regretted the proportion of nominated to elected members, and I think he quoted the case of the North-West Provinces and probably some other Provinces, as showing we were somewhat behindhand in that respect. But as, according to his own showing, efficiency is the first of the two desiderata, I should have expected to hear that municipal government in the North-West Provinces was more efficient than the municipal government in this Presidency, or else that it was clear that by increasing the minimum number of elective members we could rely on securing more efficient municipal government in this Presidency. However, it has been admitted by him and other speakers that though the Act does prescribe a minimum, it is open to Government, if they think fit, to declare that all the members in any Municipality shall be elective. But honourable members are fully aware that we are legislating not for one Municipality, but for a great many Municipalities, all of which may differ very considerably, and although Government might in one case consider that a large majority might be elective, it would be perfectly impossible to say that in all Municipalities there should be a majority of elective members as a matter of course. The honourable member said that in some cases the district officers were too careless and in other cases too interfering, that their attitude should be that of careful gardeners to tender plants. But that is an admission. I take it, that you must not expect tender plants to bear the full burden that stalwart oaks might be expected to do. The Honourable Mr. Parekh, when he said that if the elective principle is a farce these institutions had better be departmentalised at once, argued that if experiments have worked successfully, as they have in some cities. there is no reason why they may not be expected to work successfully in others. in itself is an admission that some Municipalities, at any rate, are at present in an experimental stage, and therefore must be dealt with cautiously. Then as to the representation apart from the question of the minimum number of elective members, some objection was taken to what I may call sectional representation. It was said if there was any fear of minorities not being represented, the Government had the remedy in their own hands because of their power of nomination. But it must be remembered

that Government often have to think not only of minorities, but have very often to supply experts to the Municipalities, and also it must be remembered by honourable members that Government have the power of declaring that the whole of the constitution shall be elected. If that power should be exercised, what becomes of the other power of Government to represent minorities by nomination? Is it not desirable to reserve to Government a power of declaring that certain classes or certain communities should be invested with the privilege of returning members? Is there any such particular virtue in a cross-road or such particular sanctity in a water-course that they alone should form the demarcation of an electoral compartment? Are honourable members so sure, even looking to the instance of the City of Bombay alone, that we should not have representatives with more knowledge and of better judgment, and with a greater sense of responsibility, if some of them were returned by their own particular communities? From my own experience in Bombay I am not at all certain that we should not have got better representatives in that way than those who owe their election (for such there are) to the machinations of a wire-puller. But limiting for the moment the sense of the word "section" to that of the honourable member's interpretation of it, I ask, even if we take the case of Sind alone, if there is not a justification for the representation of communities, although such representation has not yet been adopted, and I don't know that it ever will be? I may tell the Council that in the four largest Municipalities in Sind the population of Hindus and Mahomedans is $53\frac{1}{2}$ and $46\frac{1}{3}$ per cent., respectively, while the representation is Hindus $90\frac{1}{2}$ per cent. and Mahomedans $9\frac{1}{3}$ per cent. The Honourable Mr. Mehta in his remarks alluded to the great desirability of giving to these bodies a greater sense of responsibility, and, as my speech in moving the second reading showed, I entirely concur with him in that view, and I ask honourable members to consider what a great advance in this Bill has been made in giving the local bodies the opportunity for exercising responsibility by the new provisions relating to executive committees. Some remarks were made as to the extension of liability and the limited resources of the Municipality. That allusion to limited resources especially appeals to my sympathies, but the Honourable Mr. Gokhale is well aware that this Government are not in a position to surrender any portion of their resources. What we can do is to bear in mind the limited nature of the municipal resources, and therefore be reasonable in our demands upon the Municipalities. But, after all, the measure of liability which it is proposed to extend is a very small measure indeed, and I understood one of the speakers to say that it was not the actual increase of pecuniary liability, but the principle to which he objected. When we come to consider the Bill in clauses, it may be found that Government are not unreasonable as to that clause relating to provincial roads, but I think we must see what arguments are to be adduced for and against the proposal. It is, after all, an infinitesimal burden. not call upon the Municipalities to pay for the provincial roads in their limits. We say that those roads will be kept up by the Executive Department of Government, and we don't ask the Municipalities to pay all the cost of the maintenance of those roads within their limits, but merely the difference of the cost of maintenance between that mileage and the mileage outside the limits. Still, as I say, when the clauses come to be considered, Government are perfectly prepared to weigh the arguments that may be advanced. Then as regards what I may call the counter-exemption of Government buildings: all that Government desire to do is to put the law on precisely the same footing as the law in England and to avoid any misunderstanding; when we come to the clause we will take care to make it clear that buildings beneficially occupied shall not be exempt from local burdens. I have now dealt with the several points which have been raised in the course of the discussion, and in conclusion I will only observe that, when I heard the Honourable Mr. Gokhale say he approached this subject in a spirit of compromise and on the principle of "half a loaf is better than no bread," it occurred to me that he must have mistaken the proverb he intended to use. That volume, putting the case materially, represents the summary of the objections when we began to consider this Bill. of paper represents the objections as they are now, and I think very fairly, summarised by the Deccan Sabha. I think that the Honourable Mr. Gokhale must admit the proportion of objections unsatisfied is certainly far from being a moiety. I think what he really intended to say was "Enough is as good as a feast," and that instead of a spirit of compromise, he felt that pleasing sensation of contentment which one experiences when one rises from a well found repast, hearing in mind the sound advice that it is always well to rise from a meal feeling a little hungry,

Bill read a second time.

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

The Council then proceeded to consider the Bill in detail.

The Honourable Mr. Gokhale—Your Excellency,—I beg to move that in clause 2, after sub-clause (2), the following be added: "(3) Of the District Police Act of 1890, sub-sections (2) and (3) of Section 77 are hereby repealed."

The honourable member said—These sub-sections provide that municipal bodies should furnish accommodation for the Police force within their limits, whenever they are called upon by Government to do so. My Lord, this question has a history of its own, and with Your Excellency's permission I will state the principal facts connected with it in a few words. Before 1832 charges for the Police were borne either wholly or in part by municipal bodies. In 1881, however, the Government of India suggested to the Bombay Government that the charge for the Police should thereafter be borne by Government and that in its stead expenditure on education, medical charity and local public works should be transferred to Municipalities. I will, with Your Excellency's permission, read a paragraph from the letter of the Government of India which set forth this proposal: Excellency in Council observes that at present the total annual amount spent on Police by Municipalities in British India amounts to about twenty-seven and a half lakhs of rupees. The only function which Municipalities discharge in regard to Police is the provision of funds for the purpose of meeting the whole or a portion of the cost of Muniprovision of funds for the purpose of meeting the whole or a portion of the cost of Municipal Police force. They practically exercise no control over the Police and cannot, therefore, be expected to take any special interest in the efficiency of the force or to look with sympathy on the provisions of the law which treats them as machinery for raising taxes to be spent on a department over which they have no control and in the efficiency and economical expenditure of which they have but little direct interest and no immediate responsibility. The Governor-General in Council would, therefore, be glad to see municipal hodies relieved altogether of the charges for Police an equal amount of expensions. municipal bodies relieved altogether of the charges for Police, an equal amount of expenditure for education, medical charity and, if possible, public works of local interest, being transferred to them with as full control as may be practically expedient over the details of such expenditure." In accordance with this suggestion the municipal bodies were relieved of the entire cost of Police charges and charges under education and sanitation to the extent of two and a half lakhs were transferred to them. The municipalities have continued to meet these charges from that time. Not only this but the charges have been greatly increased: the Municipal Corporations in the mofussil having now to spend about sixteen lakhs of rupees on education and sanitation in place of two and a half lakh, at which the figure then stood. In spite of this clear understanding, however, when the District Police Act of 1890 came to be revised, Government introduced therein a provision to the effect that Municipalities should be liable for the housing of the Police. Sir Raymond West, who was then in charge of the Bill, observed that such accommodation was provided by large towns in England and there was no reason why Indian towns should be exempted from a similar charge. It is unfortunate that the matter did not at that time attract any attention. Municipal Corporations were not consulted and they did not notice this provision, which was somewhat quietly introduced, not into the municipal law of the Presidency, but into the Police Bill. The non-official members of the Council also, I am sorry to say, did not notice that the proposed provision was in violation of the undertaking given in 1882. But because the action of Government was not challenged in 1890, that is no reason why we should to-day endorse it by our silence on the point. I submit, my Lord, that the step taken by Government in 1890 was clearly indefensible and I would venture to say that such a transaction between private persons would be characterised by some strong language. I propose, therefore, that subsections (2) and (3) of Section 77 he repealed sections (2) and (3) of Section 77 be repealed.

The Honourable Sir Charles Ollivant—This matter, Sir, was considered in Select Committee and we came to the conclusion that it would be desirable that this Municipal Bill should make no changes in the existing arrangements under the Police Act. Of course it is understood that the charge for Police is not that charge that Government would bear in any case for Police throughout the district, but certain special extra charges necessary in the case of large towns, such as the cost of building chowkeys at cross-roads, and such as are not required to the same extent in rural areas. The cost

of building accommodation in such areas is comparatively light. The matter was threshed cut when the District Police Act was passed, and Government see no reason why the arrangement then come to should now be disturbed.

The amendment was then put to the vote and lost.

The Honourable Mr. PAREKH then moved the following amendment: In clause 3, sub-clause 9, lines 72 to 75, to delete the words after the word "pension".

He said—There may arise matters of conflict between Government and the Municipalities and to guard against any injury to Municipal interests it is provided by clause 10 that the number of nominated members who are salaried servants of Government shall not exceed a specified proportion. Government Pleaders and like officers who, though they may not be in full time service, have all the sympathies of the service ought, for the purposes of this proportion, be regarded as salaried servants of Government. Government have already a right of putting in a large number of salaried servants, and that proportion ought not to be increased by excluding half time officers from the category of Government servants.

The Honourable Mr. Mehta—The position is this: the present Act does not include these words and what reason is there to show for disturbing the proposals seen in the present Act? It seems to me that one-half of the members to be official is quite enough. No case is made out for the addition of these new words to the present Act.

The Honourable Ráo Bahádur Achyut Bhaskar Desai—Your Excellency,—This clause was fully considered in the Select Committee. I think the position of the Government Pleader is on a small scale analogous to that of the Advocate General. The salary both of them receive is a sort of retaining fee. The condition that the whole of the time of a Government servant is at their disposal does not apply to either the Advocate General or the Government Pleader. They are both at liberty to take up any cases which are not against Government. Besides in filling up the seats assigned to non-official members of the Legislative Council, the Advocate General is excluded from officials when the proportion of non-officials is determined. For this reason the provision laid down in the Bill seems necessary.

The Honourable Mr. BATTY—The opinion generally expressed in Select Committee was that words should be inserted at the end of clause 3, sub-clause (9), to make it perfectly clear that a Government Pleader would not be regarded within the meaning of clause 10 as a salaried servant of Government. This was not clear in the Bill of 1884. A Government Pleader cannot be regarded as a salaried servant of Government, because in the first place a very large proportion of the Government Pleaders receive no salary at all, and those who do receive them, receive them in the form of retainers to prevent them taking up a case where Government may possibly require their services for the prosecution. I think under the Act of 1884, a Government Pleader would not come within the definition of a salaried servant of Government at all, and it is only to make that perfectly clear that these words are put in the present Bill. Government Pleaders have always been exceedingly useful members of Municipalities, and it seems the irony of fate that their position should be attacked by two members of their own profession. Government Pleaders are no more the servants of Government than of the general public. In one Municipality, that of Shikarpur, which was referred to by the Honourable Mr. Desai yesterday as having been threatened with suspension, the Municipality was rescued from impending insolvency by the Government Pleader, who has restored it to a great state of prosperity. Having come from the Shikarpur District, I can speak of the excellent municipal administration there. The people are especially content and their contribution to expenses incurred for plague amounted to Rs. 60,000. In that case, the Municipality got into the hands of men of business accustomed to dealing with large matters and hearing both sides of the question. Then there are rules and by-laws to be framed, and it is a very important thing to have a member who can draft and help the Municipality in all their consultations in drawing up rules and by-laws. I therefore think that the Government Pleader is one of the most useful members that can be possibly either elected, or nominated by Government, and I should be very sorry to see him placed under any disability.

The Honourable Mr. Mehta—He will not be disabled by the omission of these words.

The Honourable Mr. BATTY—He would be withdrawn from the number of members who might be nominated by Government as unsalaried servants of Government. There may also be a possible case where doctors are appointed on salaries which do not require them to give their full time to the service of Government; they also might prove exceedingly useful to the Municipality, and it would be a pity if in all such cases the valuable aid of such disinterested persons had to be discarded for fear of disturbing the proportion.

The amendment was rejected.

Clauses 4, 5 and 6 were passed without discussion.

The Honourable Mr. PAREKH then moved the following amendments:-

In clause 7, line 26, between the words "area" and "of which" to insert the words "which includes a town which is the head-quarters of a taluka or which is within a distance of a mile from a railway station"; and in line 27 after the word "thousand" to add the words "and in case of other areas of which the population is less than four thousand."

He said—The object of this amendment is this. Except taluka towns and the townships that arise about railway stations, other places having under 4,000 inhabitants contain only agricultural population. They would hardly contain population of any other class. The agricultural population is already very heavily taxed, and I do not think that any increase should be made in burdens which fall on their heads. By accepting the amendment, a large portion of the agricultural population would be saved from the burden of having to bear municipal taxation.

The Honourable Sir Charles Ollivant—The subject was considered in Select Committee in a slightly different form. Some of the suggestions which we received placed before us a proposal that the word "two" should be altered to the word "five," but after careful consideration we found that if the word "five" were substituted a considerable number of existing Municipalities would be disfranchised, and therefore we preferred to keep the clause as it stands. For the same reason that in the Select Committee we could not accept the suggestion of "five thousand" I am unable to accept the modified proposal now put forward.

The amendment was rejected.

Clauses 8, 9 and 10 were passed without discussion.

The Honourable Mr. Gokhals then moved that in clause 11 (c) (ii), lines 19 and 20 to delete the words "or by sections of the inhabitants."

He said—Your Excellency,—This question of sectional representation has been so fully dealt with by various honourable members in the debate on the second reading that I will not take up the time of the Council by making any lengthy remarks on this subject to-day. My first objection to the inclusion of these words is that they are an attempt to go back clearly on what was expressly guaranteed to the general rate-payers of the mofussil by Sir James Peile, speaking in the name of the Bombay Government. As was pointed out yesterday, Sir James Peile in 1884 stated in distinct and unequivocal terms that a minimum of one-half of the total number of seats was to be filled by means of election by municipal rate-payers without distinction of race, class or creed, and that the other half or any smaller proportion, whichever it might be, would be filled by Government by nomination in order to secure adequate representation of special interests, including those of sections or minorities. My second point is that if it is thought that these sections or minorities may wish to be represented by elected, instead of by nominated members, there is nothing to prevent Government from setting aside a few of the seats which are at their free disposal for election by such sections. The honourable member in charge of the Bill stated, in winding-up the debate on the second reading, that the half retained by Government in their own hands was required for putting experts in certain matters on Municipal Corporations. From such experience of Mofussil Municipalities as I have, I am in a position to say that even in the largest Municipalities there are no more than two or three nominated members who may, in any way, be called experts in any branch, and that in some Municipalities there are no such persons appointed at all. Therefore there would always be a large margin of reserve in the hands of Government even after making adequate provision for the appointment of experts. My next objection to this provision is that it tends to defeat the most important object of local self-government. We value local self-

government not only for the fact that local work thereby is better done, but also for the fact that it teaches men of different castes and creeds, who have long been kept more or less apart, to work together for a common purpose. There are in all conscience causes for differences enough among the different sections in this land, and I submit, my Lord, that the Legislature should not, in the best interests of the country, without the very strongest reasons, give any statutory recognition to these differences. There is nothing in the nature of local self-government which implies any conflict between the interests of one section and another. If the Council will turn to the list of 'Obligatory duties' and optional duties, it will be seen that, except perhaps on the question of slaughter-houses, there is no chance of a conflict of interest arising between the different communities. And on that particular question, if the Hindu Councillors anywhere neglected to construct slaughter-houses for the benefit of Mahamedans and other inhabitants, Government have it in their power, under the provisions of the 'Control Chapter,' to require recalcitrant Municipalities to perform that duty. Then, my Lord, if different sections are to be represented, why talk of the Hindu community as a whole by itself. There are so many castes and sections of this community, and some of them stand so wide apart from one another, that it will be necessary to recognise their differences, and then where are Government going to stop? The honourable member in charge of the Bill just asked what special merit there was in a road or water-course that it should supply a standard to divide a municipal district into wards, and why the inhabitants of a city would be better divided for municipal purposes into wards than into sections. I think the answer to that is somewhat simple. You divide your presidency for administrative purposes into districts, your districts into talukas, your talukas into towns and villages; for a similar reason a municipal district has got to be divided into wards. If it was possible for all the electors to assemble and vote together and elect all their representatives, I for one would not attach any importance to election by wards. Then there is another reason why it is convenient to divide municipal districts into wards for election purposes. Men residing in the same ward have certain interests in common; those, for instance, connected with roads, lighting and the valuation of properties for the purpose of assessment and conservancy and so forth; and from this standpoint, therefore, election by wards is perfectly intelligible. For these reasons, my Lord, I propose that the words pointed out in my amendment should be omitted from this clause. Before sitting down, I may mention that I have no objection to Government providing for sectional representation by means of election, provided they guarantee to the general rate-payers a minimum of half the seats.

The Honourable Ráo Bahádur Achyut Bhaskar Desai said—Your Excellency,—All the arguments that are now brought forward by the Honourable Mr. Gokhale were considered by the Select Committee and this clause was retained. The first question is whether there is anything in the history of local self-government which would warrant the retention of the clause under discussion. I know of, at least, two instances having a bearing on the clause in question. In one Municipality all the seats were monopolised by one caste, while in another Municipality the whole municipal power was monopolised by one community. It is necessary that communities which are in minorities should be given an opportunity of sending their representatives on Municipal Boards. It was with this intention the present clause was inserted in the Bill. Mr. Gokhale says that there is nothing in the administration of municipal affairs which would afford an opportunity for partiality being shown towards any particular section; but there have been cases reported in which partiality was shown in laying the distribution-pipes, in the improvement of streets as well as in the lighting of them. Of course, this is a remedial power which will be used by Government only on rare occasions. I think the clause should stand as it is.

The Honourable Mr. Ibrahim Rahimtoola said—I don't think it would be proper or wise of Government to agree to the omission of the words as proposed by Mr. Gokhale, because I take it that the power which Government propose to take is to be used in exceptional circumstances and on rare occasions. It may have to be exercised in the cases pointed out by the Honourable Sir Charles Ollivant in Sind, where the population of one section of the community is large and its representation small, while another community has a preponderatingly large number of Councillors on the Municipal Boards. The reason why, I take it, that there is this disproportion in the representation in Sind, is that the election is confined to the rate-payers and graduates and certain other qualified electors, and any community that may not possess a large number of electors would not get

adequate representation. I was glad to notice that the Honourable Mr. Gokhale admitted that the representation of these minorities was essential and that Government had always recognised that it was desirable to give representation to these minorities; the question at issue, therefore, is whether such representation should be by nomination or election. The discussion that previously took place here clearly established that it is eminently desirable that such representation should be by election, and I don't think there will be any considerable difference of opinion in the matter of nomination versus election. If it is generally conceded that election is the best form of representation for representative institutions, would it not be desirable to have such election by sections of the inhabitants or Associations rather than by nomination? The best representatives of large communities, as it is often said, are obtained by election. Let therefore communities, wherever so desirable, elect their own representatives. I would not object to the saving clause that Government might utilise the power of nomination on occasions that may arise; but there is one thing which may do away with the necessity of Government availing themselves of this power. I have made inquiries in regard to the principal cities of the Presidency, and I find that the election is carried on upon the principle of one seat for one ward. Under that system the minority could never get representation. I think it would be eminently desirable that all these elections should take place as they do in the several wards in Bombay. Irrespective of racial considerations it frequently happens that the very large majority of electors in one ward belongs to a particular section and a representative of that section is returned. I would suggest, if it is possible to do so, that these large cities and municipal districts should be grouped into fewer wards and that more representatives be given to each ward. That practice has worked admirably in Bombay. The City is divided into several wards and they have got from two to eight representatives according to the population, and in consequence minorities get representation by election. I am not intimately conversant with the state of election in Mofussil towns, but if it is possible to group together three or four divisions and allot to each of them four or six seats, then I think it would be possible under the present arrangement to give representation to the minorities without calling upon different sections to elect their own representatives. There is another point to which I would refer and in regard to that also I shall have to mention the Bombay Municipal Act. The Council must be aware that under the Municipal Act, 1878, the number of Municipal Councillors on the Bombay Corporation was 64, and half of that number, 32, were elected by the rate-payers, 16 by the Justices and 16 were nominated by Government itself. Subsequently, when the Act of 1888 was under consideration, Government thought it would be desirable to give direct representation by election to the Chamber of Commerce and the University of Bombay and they decided that the Chamber of Commerce should have two representatives on the Municipal Corporation and the University should also have two representatives. That raised the number of Councillors to 68, but Government did not confine themselves to this number, but fixed it at 72, giving the ratepayers four more seats to secure to them the same proportion of representation. Would it not be desirable in the present circumstances, also, to retain the present clause and to accept the principle of giving the rate-payers of the different municipal districts direct representation to the extent of half the number of total Councillors as was done in Bombay? As that is the principle which underlies this Bill, would it not be advisable that in clause 10 a slight verbal alteration were made? Because if that were done I take it that the Council would gladly pass clause 11 as it stands. In clause 10, sub-section (1), lines 16 to 20, the provision at present is—"Provided that the number of elected Councillors shall not be less than half of the whole." If that is altered to "Provided that the number of Councillors elected by the rate-payers shall not be less than half of the whole number," that will meet the objections raised and would secure to the rate-payers the right of electing half the total number of members of each Municipal Board. With this suggestion I support Section 11 as it now stands.

The Honourable Mr. Mehta—I confess I very much deprecate the introduction of these new words into the old Act. The reason why I do so is that I deprecate the introduction of anything of a disintegrating character. There are enough things in this country for the purpose of perpetuating sectional differences and I do not think Government ought to help these disintegrating forces. On the other hand, they ought to encourage and support as much as possible methods by which the people, instead of being kept apart by sectional differences, should be bound together as if they were

one set of people having in view a common object. This provision seems to me to be preposterous, unless it can be shown that the difficulties for which it is intended cannot be obviated in any other way. Although there is nothing to indicate, either in this Bill or in the Act of 1884, that towns may be divided into wards for the purposes of election, there are rules made by Government for that purpose, and I find that in 1891 they have taken power to make those rules, and wherever the population is over 6,000 they divide the area of election into wards. I find that in most of these towns populations group themselves into localities—one section may be found in a part where another section may preponderate, but generally you can divide the town in such a way that a large section can be found to preponderate in one or other of the divisions. The words of the District Municipal Election Rules are that where a population of a municipal district is not less than 6,000, the Collector may divide the district into two or more wards for the purposes of election. Then, again, there is another method which my honourable friend Mr. Ibrahim Rahimtoola has pointed out. As we have seen in Bombay, the difficulty can be avoided by giving two or three members for each ward, and although the majority can elect the first and second candidates, the minority can elect the third. That is a very common incident of the elections in Bombay. The way that is now proposed is to bring into prominence the differences of the various sections of the community. have had a very long experience of the working of Mofussil towns, and I have come to the conclusion that there is nothing more demoralising than that sort of thing. I think Government ought to try to develop the spirit of co-operation for common purposes. That is the reason why I strongly support the omission of those words, and it necessary to favour the insertion of words by which the powers of Government to make rules for the division of towns into electoral wards, so as to bring into operation the influence of minor communities, may be carried out.

The Honourable Mr. Lely said—Theoretically it seems to me that election by communities is the very best method of getting due representation of all interests. In local areas, at any rate, people who are bound together by common religious and social laws, and common interests in commerce and business, and so on, must be more likely to want the same thing even than people who are thrown together in one locality. But it appears to me—I may be wrong—that the real root of this amendment has been indicated by the Honourable Mr. Mehta, and it is the fear that election by communities may accentuate race and caste differences, and perhaps embitter them. It was my fortune a short while ago to spend a little time in the neighbouring island of Ceylon. There are many things in that vigorous colony which might move the envy of us here in India. But one thing I especially noticed was that in the election for members of the Governor's Legislative Council the principle of election by communities was carried to its fullest extreme. You have there the representatives of the merchants and the planters and the general European community. You have there the member for the Moorish or Mahomedan community, the member for the Tamil, the member for the Burgher or Dutch community, the member for the low-country Singalese and the member for the up-country Singalese. The point I wish to notice is that throughout the island there is none of that feeling which honourable members are apt to apprehend, for the whole atmosphere, so far as an outsider could judge, was one of prosperous harmony. The member for the Tamils, Mahomedans or Burghers is present in Council to promote the interests of his constituency, it is true, but he also feels that their credit rests upon him to show that they are really good citizens. On the whole it seems to me that the necessity for this provision is not likely to occur often-perhaps very seldom-but it is still less likely to occur if the Governor in Council has a weapon in reserve in view of it. Even if it does occur, and the provision has to be enforced, it would probably do more good than harm and be a means of improving the representation, which is essential to all municipal life.

The Honourable Sir Charles Ollivant said—Without any offence to my opponents, I must remark that on this occasion it is I who stand for liberty and they for unnecessary restrictions. I have never attempted to read into the word "sectional" the word "racial" exclusively, but as several honourable members in the course of the debate referred to that possible interpretation, I met that by giving them the figures of the present representation in Sind. The Honourable Mr. Mehta alluded to a subject that I also was going to touch on, namely, that of wards, and I ask honourable members to remember, when they tell us that we wish to introduce a new principle into the Bill, that there is

nothing whatever in the present Act which would specifically justify election by wards. I am not going to attempt to offer anything in the nature of a legal opinion, for which I am not competent, but it is quite possible that the present rules as they stand might be contested, and therefore we thought it advisable to make it clear that there could be election by sections. Those sections may be geographical, or they may be racial, or they may be guilds and so on: we are not dealing with one town or one section, but with many towns and many varying circumstances. I wish, in reference to a remark that fell from the Honourable Mr. Gokhale, to free myself from any possible misconstruction as to what I said earlier. I said it was possible that Government under their power of nomination might wish to appoint experts to assist the Municipalities. I never meant to assert, or thought for one moment, that Government might wish to reserve all their nominations for experts. I merely desired to say that Government cannot undertake to give up all their nominations for the benefit of "minority representation," and that if Government did give up all their nominations, so that all the seats would be filled by election, we should consider it essential that minorities should be represented in such election.

The Honourable Mr. Mehta—After what has fallen from the Honourable Sir Charles Ollivant, may I suggest there may be some definition of the word section? May I suggest that the amendment may stand over until to-morrow?

The Honourable Sir Charles Ollivant—I do not think there will be any gain in that. We are advised that the wording of the section does provide for election by wards.

The amendment was then put to the vote and lost.

The Honourable Sir Charles Ollivant then moved the following amendments:—In clause 12, line 12, before the word "every" to insert the words "every Advocate of the High Court and," and in line 23, after the word "taxes" to insert the words "other than octroi or toll".

He said—This has been suggested to me by some of the local bodies since the Committee stage, and is merely intended to preserve the original meaning of the clause.

The amendment was agreed to.

Clauses 13 and 14 stood part of the Bill.

The Honourable Mr. Gokhale then moved that in clause 15 (1) (a) (i), line 6, for the word "an" to substitute the words "a non-compoundable."

The Honourable Sir Charles Ollivant said—Before the honourable member rises I wish to call attention to what is really a clerical error in that clause. We went carefully into this in the Select Committee, and we found that if a person has been elected to a Municipality, and he incurs one of the disqualifications mentioned in the clause, he will be disabled from continuing; but, on the other hand, there are certain other conditions which will disable him from continuing, such as non-attendance, and we carefully discriminated between the words "disability" and "disqualification", but unfortunately when the proofs came from the Press they were not carefully corrected. I ask that this alteration may be made in line 44, namely, that for the word "disability" the word "disqualification" should be substituted. That, in fact, is the only alteration in the clause. The other two are merely consequent alterations. The marginal heading should in the first sub-clause read "General disqualifications for becoming a Councillor," and in the second should read "Disabilities from continuing a Councillor."

The Honourable Mr. Gokhale, in moving his amendment to clause 15, said—Your Excellency,—I beg to move that in sub-clause 1 of clause 15 the word "a non-compoundable" be substituted for the word "an". This clause as it stands provides that whoever has been guilty of an offence punishable with six months' imprisonment or upwards shall be disqualified from becoming a member of the Municipal Corporation. I submit, my Lord, that it is not clear on what grounds the limit of six months is selected. It appears to me to be entirely arbitrary. I think the more intelligible principle to adopt would be to restrict the disqualification to persons guilty of non-compoundable offences. The distinction between compoundable and non-compoundable offences is sufficiently broad: at any rate it may be said that the Legislature, by allowing offenders guilty of compoundable offences to compound, takes a comparatively lenient view of their conduct, and to that extent recognises that the same amount of moral turpitude does not attach to their

conduct as attaches to the conduct of those who are guilty of non-compoundable offences. I therefore move that the word "non-compoundable" be substituted in place of the word "an".

The Honourable Ráo Bahádur Achyut Bhaskar Desai—Your Excellency,—The present section as it stands retains the old limit of six months. I am not aware on what grounds this limit was laid down. My honourable friend Mr. Gokhale proposes to limit the disqualification to non-compoundable offences; but a reference to the schedule attached to the Criminal Procedure Code will show that while offences punishable with one or two years' imprisonment are not compoundable, there are some offences, such as house-trespass, enticing away a married woman, &c., which, though punishable with imprisonment of one or two years, are compoundable. Again, no offence under a special or local law is compoundable, although it is punishable with fine only. In fact the classification between compoundable and non-compoundable offences is more arbitrary than the condition already laid down in the present section. I am therefore in favour of retaining the present clause as it is.

The Honourable Sir Charles Ollivant—On the principle of quieta non movere, I think we must adhere to the principle as it stands. Precisely the same clause stands in other Acts, such as the Bombay Port Trust Act, City Improvement Act and Karáchi Port Trust Act, and it has not been put there without deliberation, because I find that in 1883, when the present Municipal Act was under discussion, the Honourable Mr. Badrudin Tyabji urged the very same considerations which are now urged by Mr. Gokhale, but for reasons which will appear in the Council proceedings, a copy of which is not now in my hands, the proposed alteration was not made. There are many compoundable offences which involve a moral stigma. Honourable members will see that a way of escape is provided later on in the clause in which the Governor in Council is empowered to make an order, if he should think fit in this behalf, to relieve a person from disqualification.

The Honourable Mr. Mehta—Something of the same sort was attempted to be introduced into the Municipal Act of 1888, but after a long discussion it was thought undesirable to have these vague words. People have very different notions as to what is very disgraceful conduct, and I would ask the Honourable Sir Charles Ollivant whether it is right to have these very vague words, which cannot be defined and upon which different interpretations may be put, should be retained. I think the Honourable Sir Charles Ollivant should say what is disgraceful conduct.

The Honourable Sir Charles Ollivant—With reference to the honourable member's remarks I can only say that the opinion as to what is sufficiently disgraceful conduct for action to be taken must be given by the Municipality that makes the proposal to the Governor in Council. These are the precise words which we find in the Bengal Act III of 1884, which the Select Committee has substituted for what was previously in the Bill. I do not remember the discussion to which the honourable member refers on the Bombay City Municipal Bill.

The amendment on being put to the vote was rejected.

Clause 16 stood part of the Bill.

The Honourable Sir Charles Ollivant—In clause 17 a verbal amendment is necessary. For the reasons which I have already given in line 6, the word "disqualified." should be deleted and the word "disabled" substituted.

This was carried.

Clauses 18, 19, 20 and 21 stood part of the Bill.

The Honourable Mr. Gokhale then moved the following amendment:—In clause 22, sub-clause (6), lines 116 to 118, for the words "of years not exceeding seven, and the Judge's decision shall be conclusive," to substitute the words "not exceeding seven years" and to add a new paragraph containing the following words:

"An appeal against such decision shall lie to the High Court."

He said—The first part of the amendment is only verbal and needs no explanation. The second part, however, involves a matter of principle, and it is necessary for me to offer a few remarks in connection with it. This clause, as it stands at present in this

Bill, empowers the District Judge to disqualify a candidate who, in his opinion, is guilty of a corrupt practice, from offering himself for election for a period up to seven years, and it provides that the Judge's decision in such cases shall be final. Now, I submit, my Lord, that to disqualify a person for such a period as seven years is to cast a great stigma on his character, and I think it is only fair that he should have a right of appeal against such a decision. When this clause was under discussion in the Select Committee, some of us first proposed that an appeal on points of law should be provided for in all election suits. The honourable member in charge of the Bill, however, contended and, I admit, with great force, that feelings in connection with these elections are sometimes so much embittered that in a large number of cases men would be only too willing to take advantage of every possible provision to give trouble to their opponents and an enormous amount of litigation would, as a consequence, ensue. We thereupon dropped our first proposal and urged that at least one appeal should be provided for in the case of those who were declared disqualified for any particular period under the last sub-clause of this clause. The honourable member in charge of the Bill then observed that he had an open mind, but it was desirable to look up the English law and other precedents on the subject. I would point out that under this clause a corrupt practice is committed by a candidate, not only when it is committed by himself, but also when it is committed by any persons acting under his general authority. This means that sometimes the responsibility of a candidate for a corrupt practice may be merely technical, and in such a case it would be a great hardship to disqualify him for any particular period without giving him the right of appeal. I therefore move the amendment standing in my name.

The Honourable Mr. Mehta—If a stigma is put upon a man's character I think he ought to have one chance of appealing, and it would be a very great thing, indeed, if he were allowed some relief of that character.

The Honourable Mr. Ibrahim Rahimtoola—I also support the amendment which has been moved by Mr. Gokhale. I think it is essential for the success of local self-government that candidates offering themselves for election should have a right of appeal to the High Court against the proposed disqualification, which would decidedly be a stigma. The sections in this Act regarding corrupt practices are stringent, and it is essential, in the interests of the purity of elections, that they should be stringent. the same time, to make local self-government a success, it is eminently desirable that the best men should be encouraged to come forward as candidates. If this provision remains, and the decision of the Judge is to be final and a man is to be debarred for seven years or a period not exceeding seven years from seeking election to any Municipal Board, a large number of really capable and respectable persons would be discouraged from offering themselves for election. Municipal Boards recruited under such circumstancs could hardly be expected to prove successful and the result would be that the public would be treated, as we were yesterday by the Honourable Mr. Desai, to an indictment of Mofussil Municipalities. It is a corrupt practice under the Act for any person to give There is also personation, and the section may be rightly applied to a father voting for his son or a son voting for his father. Many people in India do not recognize that the right of voting has to be exercised by the person mentioned in the list of voters and by no one else; and the consequence may be a corrupt practice. It would not be impossible for one of the agents generally employed at these elections to be bought over by the candidates who find they have no chance of success. This agent might be induced to get certain votes recorded in favour of the candidate by whom he was employed, and through the proposed provision the defeated candidate could bring forward a charge of corruption against the successful candidate, who would then be found to have a certain number of fraudulent votes recorded in his favour and recorded by the agent, who, though ostensibly in the employ of the candidate, had been bought over by the other side. The result under the proposed law would then be that the election of the successful candidate would be set aside and further he might be disqualified from seeking election to any Municipal Board for a period not exceeding seven years. Your Excellency could easily judge whether under such law, without there being any appeal to the High Court, any self-respecting person would offer himself as a candidate. these reasons I consider it is essential that in such cases an appeal should lie to the High Court and that thereby all candidates should have the assurance of feeling that ultimately in the highest Court in the land they would be able to justify their actions.

The Honourable Mr. Chhatre said—Your Excellency,—I support that part of the amendment suggested by the Honourable Mr. Gokhale which relates to the granting of the right of appeal from the Judge's declaration disqualifying a candidate for a certain term. The effect of such declaration must be to lower him in society and in the estimamation of his friends and that of Government officers. The provision embodied in subclause 6 of the section is new. Taking that into consideration and also the harm likely to be caused to a man's reputation by an erroneous decision, it appears to me just and reasonable that there should be an appeal and that to the High Court.

The Honourable Sir Charles Ollivant said—All I have to say in regard to this amendment is that I have no insuperable objection to the course proposed, provided it is understood that it shall only apply to future disqualification and not to the election under the consideration of the Judge. Another difficulty has however been pointed out to me, and it is whether we have the statutory power to provide for an appeal to the High Court. If His Excellency will permit the Council to put off the consideration of this amendment, we will ascertain whether such a provision would be in order. If not, the clause can be amended so as to give to the Governor in Council power to set aside the disqualification. If that meets the view of honourable members, then, with His Excellency's consent, I propose that the further consideration of the clause may be postponed until to-morrow.

Consideration of the amendment was accordingly postponed.

Clauses 23, 24, 25 and 26 stood part of the Bill.

The Honourable Mr. Gokhale then moved the following amendment:—In clause 27, sub-clause (1), lines 11 to 13, for the words "such Chamber shall, if the Governor in Council so directs, be entitled to elect one Councillor" to substitute the words "the Governor in Council may, on the recommendation of such Chamber, appoint one Councillor."

He said—The amendment is one merely of form and I trust that the honourable member in charge of the Bill will see his way to accepting it. I beg to point out, my Lord, that nowhere in this country is an outside body like the Chamber of Commerce allowed to elect members to the Managing Committee direct. The Chambers of Commerce no doubt send representatives to the Corporations themselves, but the function to elect members of the Managing Committee is either confined to the Corporations or it is divided between the Councillors and Government. Thus in Bombay, where there are twelve members of the Standing Committee, the Corporation elects eight and Government nominates four; in Calcutta the ratepayers' representatives elect four, the representatives of special interests and Government nominees elect four and Government itself appoints the remaining four. In Madras there is no complex provision whatsoever. It will thus be seen that not even in presidency towns is an outside body allowed to appoint a member directly to the Managing Committee. I do not wish to deprive the Chamber of Commerce at Karachi of the right to nominate one member to the Managing Committee, which this clause, as it stands, seeks to confer upon it; but I submit that the form in which this right is conferred should be the one that I have suggested in my amendment, viz., that Government may appoint one member on the recommendation of the Chamber of Commerce instead of the Chamber itself appointing that member.

His Excellency the President—In connection with this amendment I desire to say that Government have more or less an open mind on the subject, and they will be very glad to be favoured with the views of those gentlemen specially connected with Chambers of Commerce.

The Honourable Mr. Moses—I heard the objection raised by the Honourable Mr. Gokhale, but I fail to see what arguments he has brought forward to take away the power of the Chamber of Commerce to appoint nominees. If they have that power in Bombay, I do not see why they should not have it in other parts of India.

The Honourable Mr. Mehta—In Bombay they have not the power to appoint to the Standing Committee but to the Corporation.

The Honourable Mr. Moses-I support the clause as it is.

The Honourable Mr. Greaves said—I think that, considering the Chambers of Commerce are formed of men of business, who are very much interested in the welfare of the Municipalities, it is a very good thing to give them an opportunity to elect a member. I think that in many cases, unless they have the opportunity of electing a special man, the members will prefer not to trouble themselves about a Municipality. In fact, taking Bombay as an instance, if a member offered himself in a ward, probably he would not have much chance of getting in, because he would not have the time to work up the constituency.

The Honourable Sir Charles Ollivant—May I point out that in this case it is a question apart from the constitution of the Corporation? It is one of allowing some other body to elect a member of the Corporation to the Managing Committee, and the question now is whether Chambers of Commerce should have that specific right as expressed in the Bill, or whether they should have it as expressed in the amendment of the Honourable Mr. Gokhale. There is very slight difference between the two.

The Honourable Mr. Greaves—I think the difference is very slight, but there is no doubt that a mercantile man is a suitable man for the post.

The Honourable Mr. MacIver said—It appears to me that the difference is practically this—that in one case the Governor in Council may make the appointment, and that in the other the Chamber may have the power of election permanently. The result is the same in either case, and I think, on the whole, the Bill should stand as originally drawn.

The Honourable Mr. Mehta—The Honourable Mr. McIver is perfectly right—the result is in either case perfectly the same. The only question is in what form it should be done; and it does seem to me that the form proposed by Mr. Gokhale is more in harmony of what has been the precedent and the principle followed in this matter. There are exceptional cases in which it is necessary to infuse a new element into the body; and the more acceptable principle would be that the body themselves should elect.

The Honourable Sir Charles Ollivant said—So far as I can see there is no great difference of opinion about it; but it seems to me that there is this distinction between the two courses. In the Bill as it stands at present the procedure would be for the Governor in Council to direct the Chamber of Commerce to elect one of the Councillors to the Managing Committee, and that direction would hold good permanently unless it is cancelled by the Governor in Council; whereas if the Honourable Mr. Gokhale's amendment is accepted, the procedure will be, on each occasion that there is a new Managing Committee or the Chamber's representative ceases to be a member for the Chamber, to apply again to the Governor in Council to be allowed to elect a member to fill the vacancy.

The Honourable Mr. Gokhale—I wish to point out that if my amendment is accepted, the Corporation will elect the total number of members to the Managing Committee minus one; so that I do not see how this would have a different result from what the original wording of the section would have. I quite see that under the original wording the power is conferred on the Chamber direct and once for all, but on the other hand you are introducing for the first time the principle of allowing an outside body to make an appointment to the Managing Committee. I think it will be more convenient if Government nominate on the recommendation of the Chamber; the slight inconvenience will be less objectionable than the introduction of a novel principle.

The Honourable Mr. Aston—I think there is some misapprehension. I think the honourable member in charge of the Bill said the only difference the proposed amendment would make, would be that instead of a general sanction from the Government to elect one member of the Managing Committee, the Chamber of Commerce would need special sanction of the Government to elect when each occasion arises for filling the one vacancy. But the proposed amendment would introduce two changes in the clause already drafted. First an intervention of Government would be necessary on each occasion of a vacancy occurring in the seat of the Chamber's nominee, and secondly the Government would make the appointment on the recommendation of the Chamber instead of the Chamber directly electing a Councillor to fill the vacancy.

His Excellency the PRESIDENT-I think the only practical way will be that we should take a vote on this subject, with the understanding that so far as Government are concerned they have an entirely open mind upon it.

The amendment was then put to the vote and lost.

His Excellency the President then adjourned the Council until 12 o'clock noon the following day.

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

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R. J. C. LORD,

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

Bombay, 13th February 1901.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

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

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

The Council met at Bombay on Thursday the 14th February 1901, at 12 noon.

PRESENT.

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

The Honourable Sir E. CHARLES K. OLLIVANT, K.C.I.E., I. C. S.

The Honourable Mr. J. Monteath, C.S.I., I.C.S.

The Honourable the Advocate General.

The Honourable Mr. F. S. P. LELY, C.S.I., I. C. S.

The Honourable Mr. Shripad Anant Chhatre.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, B.A., LL.B.

The Honourable Mr. J. TATE, M.Inst.C.E.

The Honourable Mr. H. F. Aston, I. C. S., Bar.-at-Law.

The Honourable Mr. J. W. P. Muir-Mackenzie, M.R.A.C., I. C. S.

The Honourable Mr. Bomanji Dinshaw Petit.

The Honourable Meherban NARAYANRAO GOVIND alias BABA SAHEB, Chief of Ichalkaranji.

The Honourable Mr. IBRAHIM RAHIMTOOLA.

The Honourable Mr. GOPAL KRISHNA GOKHALE.

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

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

The Honourable Mr. SILAS MEYER MOSES.

The Honourable Mr. WILLIAM GREAVES.

The Honourable Mr. D. McIver. The Honourable Ráo Bahádur Chunilal Venilal, C.I.E.

The Honourable Mr. E. GILES, M.A. (Oxon).

The Honourable Ráo Bahádur ACHYUT BHASKAR DESAI.

The Honourable Sir Charles Ollivant said—Your Excellency,—Before the Council proceeds with the consideration of the clauses of the District Municipalities Bill, I ask permission to make a statement on two subjects. The first relates to the Karáchi Port Trust Bill. That Bill has now been considered in Committee and the Committee are ready with their report as to all the clauses except two, namely, the clause relating to the question of rating and the clause which relates to the delegation of power to some other person than the chairman to sign contracts. On these two subjects it is the opinion of those members of the Committee who are chiefly concerned in the matter, that a further local inquiry is desirable, especially as the new Municipal Bill may make some difference in the subject of liability to municipal taxes other than property tax. Therefore I ask that the instruction "that the report be submitted during the present session" be altered to "the report be submitted in three months".

This was agreed to and on of surses of the between of tomas

The Honourable Sir Charles Ollivant continuing said—The other subject relates to a short and absolutely non-contentious Bill now laid on the table. I propose when the District Municipalities Bill has passed its second reading, to ask Your Excellency to allow the Standing Orders to be suspended in order that I may introduce this Bill to amend the Bombay City Improvement Act, and also, if no objection be offered, that the Bill may be passed through the three readings at this sitting. It is hardly necessary for me to give reasons for that now. I can bring them forward immediately after the Municipal Bill has been disposed of.

CONSIDERATION IN DETAIL OF THE BILL FOR THE BETTER MANAGEMENT OF MUNICIPAL AFFAIRS IN MOFUSSIL TOWNS AND CITIES.

The Honourable Mr. Chhatre rose to move an amendment to clause 28, when the Honourable Sir Charles Ollivant said—I do not want to interrupt Mr. Chhatre, but it will be more convenient if discussion on this particular clause is deferred until clauses 54 and 57 are considered. They relate to the powers of expenditure under which the Municipality will provide funds for schools, and in reference to schools the Honourable Mr. Giles has an amendment to make, and it will be more convenient to Mr. Chhatre and to Mr. Giles if this clause be deferred until the subsequent amendment comes up for consideration.

The amendment was accordingly postponed.

Clauses 29 to 36 inclusive stood part of the Bill.

The Honourable Sir Charles Ollivant then moved the following amendment:—In clause 37, lines 1 to 6, for the words "Any of the powers and executive functions to be exercised and performed by or on behalf of the Municipality under this Act may be delegated" to substitute the words "Any powers or duties or executive functions which may be exercised or performed by or on behalf of the Municipality may be delegated"; and in line 18 between the words "any" and "function" to insert the words "duty or".

He said—The point is that this clause should provide not only for the delegation of powers or functions but also of duties.

The amendments were agreed to and clause 37 as amended stood part of the Bill.

Clauses 38 to 53 inclusive stood part of the Bill.

The Honourable Mr. Bomonjee Dinshaw Petit said—I beg to propose an amendment. It is as follows: that in clause 54, line 3, for the word "reasonable" to substitute the words "so far as its funds will admit." The word "reasonable" is somewhat vague and somewhat too general and if allowed to remain will, I am afraid, lead to useless and frequent friction between Municipalities and the Government; whereas the words I suggest would narrow the question down to one of lack of funds only and would then give the Government the option of relieving Municipalities of any functions imposed upon them under this section or of declaring them under default. The question of funds is, so far as I am aware, the chief cause which should prevent any Municipality from making all the provisions imposed by this section.

The Honourable Mr. Gokhale—I oppose this amendment. The words that are already in the Bill, namely, that reasonable provision has to be made, are sufficiently intelligible. If in place of these words, those now proposed were substituted, that would lead to Government exercising their powers of control on every possible occasion whenever they thought that provision was not made by any Municipality to raise sufficient funds for properly performing its obligatory duties. So I, for one, favour the wording of the Bill as it stands.

The Honourable Mr. Chhatre—I am for supporting the amendment as suggested by the Honourable Mr. Petit. The word "reasonable" seems to be very vague and is open to various interpretations. The expression which is now proposed by the Honourable Mr. Petit is a clear expression and there should be no difficulty in their interpretation as there would be in regard to the interpretation of the word "reasonable".

The Honourable Sir Charles Ollivant—I think it is pretty clear that this amendment cannot be accepted by Government. It seems to me that if the words suggested

were accepted, we might as well cut out all obligatory duties whatever and all control. The Select Committee have substituted the word "reasonable" for the word "adequate." I think that this is the best expression we can use in the circumstances.

The amendment was then put to the vote and lost.

The Honourable Mr. GILEs then moved that in clause 54, sub-clause (p), line 60, to delete the words "middle class and". He said—In the Bombay District Municipal Act, 1884, Section 24, the duty is laid on the boards to make adequate provision for middle class and primary education, and in the Bill now under discussion the same term middle class is used, and the obligation laid on the board is that of making a reasonable provision for middle class and primary education. Now I wish to point out in the first place that there is not in educational phraseology any such term as "middle class". I do not think the term middle class school will be found in the whole of the long report of the Education Commission of 1883. But the Commission did attempt to define what was called the "middle school". Its definition of middle school is roughly that Anglo-Vernacular school which is not quite a high school. I think the Education Commission said the middle school might be defined as that which taught five standards out of the seven of the high school course. The term middle school is used in the Bombay Presidency much in the sense the Commission gave to it when it spoke of middle schools in the report, which are schools not yet developed into high schools or which are, as in the case of the Elphinstone Middle School in Bombay, teaching the first three standards and are feeders to the high school proper. However that may be, the term middle is a very vague one for this reason—that it is a step in our progressive system of education, that the middle school should develop into the high school, and in any case the word middle class is a word not understood. So far as I am aware there is no special meaning for it. I cannot say exactly what led the framers of the Bill of 1884 to put the term middle class into the Bill. But I can say this, if by middle class was meant middle school, we may take that term "middle" to be a part of a considerable section of secondary education. We have three classes of education—primary, secondary and higher education. Middle may be called a sub-division of secondary education. Now, Sir, when we come to see the application of this obligatory clause of the Act of 1884 in reference to District Municipal Boards, we find no attempt was made by Government to enforce the obligatory clause that Boards should support middle class or, as I take it to mean, middle education, that is to say, education above primary. As a matter of fact, it was not necessary for the Government to enforce this obligation upon the Boards, because already in the vast majority of the towns and cities of the Presidency provision existed for middle education, such provision being made by Government itself or by missionary or educational societies, or by private enterprise. When, in 1885, the primary schools which existed in municipal areas were transferred from the different Local boards to Municipal Boards, Government gave a contract grant for the assistance of the Board, but did not include in that contract grant middle schools. It preferred to leave these middle schools as schools outside the contract and confine the contract to primary education. As a matter of fact, from that day to this Government has aided middle schools by a separate grant to the municipal fund, and it has not included that in the contract grant which is given for the support of primary schools. Therefore, whatever the object of the provisions of the Act of 1884 may have been, I may fairly say this object has not been attained so far as regards middle education. Neither have the boards desired that this obligation should be enforced upon them, nor has Government considered it necessary to attempt to enforce The burden of primary education has been quite sufficient for the vast majority of And here I may note in the Bombay Municipal Act of 1888, I think, it is expressly stated that the Municipality should provide for primary education, and the word "middle" disappeared altogether. I think it is not the intention of Government to impose on the smaller boards of the mofussil an obligation they have not ventured to impose on the great and wealthy city of Bombay. I therefore propose that the words "middle class and" be taken out from this clause. I think if this amendment commends itself to this Council, the Bill will be relieved of a doubtful phraseology and the Boards will be rid of an obligation which they neither desire, which it is not necessary to impose and which, if it was imposed, the great majority could not possibly support. If these words are taken out the obligation remaining on the Boards will be to make reasonable provision for primary education, which has been declared by a resolution of the Education Commission, accepted by this Government and the Government of India, to be that part

of the whole system of public instruction which possesses almost exclusive claims on the local funds set apart for education. With these words I move that the words "middle class and" be deleted from the section.

The Honourable Mr. Parekh—I think the amendment ought not to be accepted. The expression middle class schools may not appear in official educational reports; but its meaning is not capable of being misunderstood; the expression applies to institutions that impart education between primary and higher. The Honourable Mr. Giles does not fight about words, because he does not propose to substitute another expression for middle class schools. He wants the removal of the expression middle class schools. For many years the Municipalities have recognized the maintenance of middle class schools as a part of their duty, and the objection to their inclusion does not come from the rate-payers who have to pay or the Municipalities that have to provide funds. They are quite prepared to bear this liability. The objection comes from a quarter that is not affected by the liability.

The Honourable Mr. Giles—I did not explain in speaking to this clause that under clause 57—I thought it would have been clear to everybody—full discretional power is given to the Board to assist any kind of education they think proper. My object was merely to relieve the Boards of a burden by giving them full liberty under discretional, which, I think, would be better than placing this matter under obligatory.

The Honourable Mr. Parekh—As regards the objection that if the sub-clause remained even the smallest Municipalities would be bound to maintain middle class schools, it is met by the expression reasonable provision; it would not be reasonable for them to provide for such schools, and they are thus saved from providing for them. The removal of the words may lead to the closing of several schools that have been provided by the Municipalities for many years.

The Honourable Mr. Mehta said-I think my honourable friend Mr. Parekh does not quite understand the principle of the amendment as proposed by the Honourable Mr. Giles. I find I am in entire agreement with this amendment and the reasons put forward in support of it. Looking at the second amendment which is going to be proposed, what is asked is that the duty of providing for middle class schools should be transferred from the obligatory duties to the discretional duties. It seems to me that this is a perfeetly reasonable proposal to make. Although, of course, my honourable friend Mr. Giles sits here as a Member of Council, he is Director of Public Instruction, and I think he has quite clearly laid down in the past that the duty of providing for middle instruction has been discharged by Government and various missionary and other private bodies. I do not see why that obligation should be laid on municipal accounts. Mr. Giles pointed out that the obligation laid on the Bombay Municipality is to provide for primary education; the reason why the other obligation was not laid on them was because of the necessity of adjusting the burden. Therefore, in the case of Mofussil Municipalities who have only limited exchequers, the duty in respect of education should be confined to primary education. At the same time none of the boards will be precluded, if they think it right to do so, from making a grant for the support or assistance of middle schools, or, as Mr. Giles put it, for other educational objects. I think the amendment is one of an eminently reasonable and just character, and I certainly shall vote for it.

The Honourable Mr. Gokhale said—My Lord,—I may mention that in the Select Committee I had moved an amendment similar to that which the Honourable Mr. Giles has moved now; but it was pointed out that the words objected to were in the old Act and that no sufficiently strong reasons were advanced for taking them out of the clause. It was also urged, I think by the Honourable Mr. Parekh, that if you allow these words "middle class and" to remain, it will be open to Municipalities to spend money on middle class schools or middle schools even if they ignored some of the other objects under Section 54, and Government could not come down upon them and ask them to close these schools and spend money on those other objects. But if you take out the words other objects would take precedence of middle class education, and in that respect the hands of the Municipality would be tied. In deference to the wishes of the majority therefore I withdrew my amendment; but I confess I am in cordial sympathy with the amendment of the Honourable Mr. Giles, as I welcome every attempt at a curtailment of the enormous list of obligatory duties.

The Honourable Sir Charles Oldivant—I accept the amendment. I think it is a very necessary one; and I may say in advance that I accept the corollary of it which will appear in clause 57 later on.

The amendment was agreed to.

The Honourable Sir Charles Ollivant said—The following are three separate amendments to this clause standing in my name, but they all hang upon one issue, and that again is merely a formal one:—

The first is that in clause 54, lines 3 and 4, between the words "provision" and "for" the figure "(1)" be inserted; the second is that in sub-clause (r), line 73, between the words "aforesaid" and "for" the figure "(2)" be inserted; and the third is that in sub-clause (r) the following words be added: "and providing such accommodation as may be required by Government under Section 77 of the Bombay District Police Act, 1890."

Honourable members will recollect that yesterday the Honourable Mr. Gokhale proposed an amendment to the effect that henceforth Municipalities should not be under the obligation to provide accommodation or any part of the accommodation for police employed in their areas, and although there was a great deal to be said for the contention, yet it was negatived and I need not raise the same issue. The majority of the Select Committee took the same view as the majority of the Council now take. It did not occur to the Select Committee that even if the provisions of the Police Act were not repealed, still the effect of sub-clause "r" might be interpreted to mean that the section of the Police Act no longer applied. We therefore have been advised that we ought to insert the words after sub-clause "r" and providing such accommodation as may be required by Government under Section 77 of the Bombay District Police Act, 1890"; so that my present proposal is practically giving effect to what was decided yesterday. To make the matter clear I therefore propose that this clause 54 should be subdivided into two clauses, namely, 1 and 2, and the figure (1) should be entered in line 4 before the words "for the following," that the figure (2) be entered in line 73 after the word "aforesaid," so that the whole runs "and subject to such reasonable provision as aforesaid (2), for the following special matters, namely". Further, I have to ask that the lettering of sub-clause "p," line 75, be changed to "a" and the letter "q" in line 81 be changed to "b," because this will be a sub-clause, or rather they will be paragraphs in a new sub-clause. I ask that these amendments may be accepted.

The amendments were agreed to.

The Honourable Mr. B. D. Petit then moved that lines 72 to 83 inclusive be deleted from clause 54. He said—The duties imposed upon Municipalities by these sub-sections are such that not even the larger Municipalities will be able to carry them out with anything approaching success. The charges are not, in the majority of cases, likely to be continuous and, as they recur, they would necessitate the employment of a specially trained body of servants, notably in the case of plague. Is every Municipality to permanently retain such a body of servants, or is it, on the sudden outbreak of plague, to trust to chance to get this body of trained servants as best it can? In one case I beg to submit that the charge would be one quite beyond the resources of even the largest Municipalities; the smaller ones are quite out of the question: in the other case I am afraid that a body of trained servants would not be forthcoming on an emergency and the results would be disastrous. On the other hand the Imperial Government could retain such servants and send them wherever they would be required. The question is one primarily of finance apart from all other considerations which can be brought against such functions. If Bombay, with its practically unlimited resources, has proved itself quite unable to cope with the plague only, what can be expected in the cases of the smallest Municipalities; take Ankola for example, with its 2,842 inhabitants, can we expect it to cope with not only famine but with plague also? There may arise in the minds of some honourable members the idea that the duties of a small place would be light in comparison with a large place like Bombay and the charges also proportionately light. I am not of that opinion. I beg to submit that for a small place the charges would be disproportionately heavy. It is as easy to provide for the plague cases as to provide for one case. Whilst admitting the general excellences of this Bill and giving unstinted praise to the framers of it and to the labours of the Select Committee, I submit, with the fullest conviction, that these clauses should be deleted. The labours and charges imposed

are beyond the powers of Municipalities, and I am honestly of opinion that they should fall to the care of the Imperial Government. Why, I ask, should Government theoretically impose duties which practically cannot be performed by the bodies upon whom this Bill would seek to impose them?

The Honourable Mr. Mehta—I would suggest that the amendment be divided into two sections.

The Honourable Sir Charles Ollivant-I have no objection to that course.

The Honourable Mr. Mehta—I am not quite certain about the first clause as I am in regard to the second, because provision for serious disease might include plague and other dangerous diseases. The work of providing for ordinary epidemics should fall upon the Municipality and I am not disposed to oppose that. But I am very certain in regard to the second portion of the clause which refers to the provision of relief and the establishing and maintaining relief works in time of famine and scarcity. I don't see why municipal towns should provide for immigrants in times of famine. That is a duty which falls upon the Provincial or Imperial Government and it does not seem just to impose on the Municipalities a burden of this character. We know that the finances of the Municipalities are at the best of a limited character and if this burden is thrown upon them some of the most necessary duties in regard to conservancy cannot be carried out. I hope your Lordship's Government may be in a position to consider whether a burden of that character should be placed upon municipal funds.

The Honourable Mr. Gokhale—Your Excellency,—I confess I strongly sympathise with the amendment proposed by the Honourable Mr. Petit. It is true that some of us have agreed to the inclusion of the paragraphs, which the honourable member proposes to omit, in the Select Committee, but we had to do it by way of choosing the lesser of two My Lord, this, I understand, is an instance of what is called legislation by mandate, and I believe if the honourable member in charge of the Bill had had his way, these two paragraphs would not have found a place in this Bill at all. We therefore had to choose between accepting the utmost that he could offer to meet our objections and the provisions contained in the original draft, which were certainly much worse than what we have now in the revised Bill. What was proposed in the original draft was to include famine and plague charges in the obligatory expenditure of municipal bodies, placing famine and plague on a level with other obligations set forth in Section 54. The modification made by the Select Committee in that proposal is that the obligatory duties set forth in Section 54 will take precedence of plague and famine, and that it is only after making reasonable provision for those duties that municipal bodies will be liable to spend money on famine relief or plague. Now, my Lord, the list of obligatory duties is so long, that one may say in a somewhat cynical manner that if a Municipality has funds to spend on plague and famine, when it has got to make reasonable provision for so many obligatory duties, it will have only to thank itself for being called upon to bear this new burden. But while we have thus agreed to the modified form in which the proposal now stands, I confess I should be much better pleased if these paragraphs were omitted altogether. Specially in the case of famine, my Lord, when Government have imposed special taxation for the purpose of famine relief, it does appear to me unfair that Government should now try to transfer a portion of their own burden to the shoulders of municipal bodies.

The Honourable Mr. Ibrahim Rahimtoola—I feel that it is desirable that one if not both of these clauses should be deleted. We have to remember that no limits are placed on the maximum amount of taxation that is to be imposed and under Section 178 Government have the power of calling upon the Municipality, if they think that default has been made in the discharge of any duties imposed on them by or under this Act, to impose taxation with a view to discharging those duties. It follows that even the subordination of these two clauses would not save the interests of the Municipality to the extent that one would desire. These are duties that should fall on the Provincial Government. If it is not the intention of Government to compel the Municipalities to levy heavy taxation on the people; if it is not their intention that any funds of the Municipality should be devoted to these two objects without in any way impairing the efficiency of other obligatory duties imposed under Section 54, then I think they would do well to accept the amendment, as I feel certain it will not be possible to find any funds whatever for the discharge of these duties. If reasonable provision is made for the obligatory duties

imposed under Section 54 other than those mentioned in sub-sections (s) and (t), and it is not the intention of Government to compel Municipalities to impose heavy taxation under Section 178, I don't see what practical use there is in having the provisions which the Honourable Mr. Petit proposes should be deleted. If the Municipalities could be made to provide reasonable provision for the obligatory duties imposed under Section 54 apart from these two, it would be a matter of great satisfaction. With these remarks I support the amendment.

The Honourable Mr. Moses—I have listened to the speeches of my honourable friends and I quite agree with them that there is no object to be gained by keeping these two clauses in the Bill. The Mofussil Municipalities have barely funds to perform their ordinary duties and it is absurd to think that they could possibly have funds to provide for plague and famine. Sometimes the Municipalities are in want of funds and wish to go to the market to borrow money, but the people who are willing to buy their bonds will be very chary of applying for them while these obligations are hanging over them. That is an additional ground for objecting to the retention of these clauses, and therefore I vote for their deletion.

The Honourable Mr. S. A. Chhatre said—Your Excellency,—In the interest of Municipalities I feel myself inclined to support the amendment of the Honourable Mr. Petit for deleting altogether the sub-clauses (s) and (t) from Section 54. Respecting (s) I have to say that the framers of the clause must have had 'plague' in view when they used the expression 'dangerous disease.' The expression cannot be said to mean and include only ordinary diseases. We all know how expensive it is to cope with plague, and it is impossible to expect Municipalities to undergo the tremendously large expenditure on that account. The plague should distinctly be made a concern of Government, which must pay all costs on that account. The sub-clause should be omitted altogether or the words 'except the plague and the like' be added after the words 'dangerous disease.'

As for sub-clause (t) I beg to say it is a great hardship upon Municipalities to require them to make provision against famine and scarcity. Famines have become incessant. How can Municipalities be expected to cope with them? It is the duty of Government to bear the expenditure on account of these calamities. The wording in the clause is very wide. It means that Municipalities have to give relief even to people not habitually residing within their limits. In times of famine, when no relief works are started by Government in time, famine-stricken people go to towns and cities for relief. There they throng in large numbers, and it is unjust to ask Municipalities to support those outsiders. If the clause is to be retained at all, some limitation has to be put on the clause to restrict its meaning.

The Honourable Mr. GREAVES-I am in favour of the omission of this clause (t).

His Excellency the PRESIDENT—Perhaps I may just interrupt the honourable member. By desire of the Honourable Mr. Mehta I have divided this amendment. I am going first to put the question that the words down to line 80 stand part of the question and then Section (t) will come on as a separate motion.

The Honourable Sir Charles Ollivant—I must disavow the idea that the Honourable Mr. Gokhale has given expression to. It must be remembered that in this Bill we have to provide not only for likely contingencies, but for imaginable contingencies. Yesterday the honourable member suggested to us such an imaginable contingency as that Government might be unreasonable—and it is also an imaginable contingency that there should be a Municipality with an overflowing treasury (laughter). But I am certainly of this opinion, that the burden of extraordinary expenditure should not be put upon the Municipalities to the prejudice of their ordinary and necessary duties. That is the view we have held throughout and that is the intention of the clause as now drafted.

On the question being put, sub-section (s) stood part of the Bill, the first part of the amendment being rejected.

His Excellency the President—I put the other question, that sub-section (t) stand part of the Bill?

The Honourable Mr. Greaves—I favour the omission of this clause, because famine is such a serious matter it requires prompt and very vigorous action being taken, and I

fear that if it is left to Municipalities it will not be efficiently taken up by reason of their very limited funds. That being so, the difficulty will be to get people to assist them, and the result may be serious; it will therefore be better to leave Government to act.

The Honourable Mr. Monteath said—I think that so far as principle goes the same reason applies in this case as in the case of the previous clause—It is not for a moment supposed that Municipalities can adequately deal with famines, but it is the primary duty of Municipalities to give relief to their poor, and all that is desired is that, so far as they reasonably can, they should do that in the first place and Government will come to their aid afterwards, on exactly the same principle as the Government of India deals with us—the Provincial Government. We have to devote Provincial Funds as far as we can for the relief of famine and when can go no further then the Government of India takes over the responsibility. The section should, I think, therefore stand as it is. Some of the Municipalities cannot do anything and they will not be expected to do anything, but it is right that such as have the means should give relief to the famine-stricken within their jurisdiction and the liability should be shown in the law.

The Honourable Mr. MEHTA—If people come from outside the town will this clause require the Municipality to provide for them?

The Honourable Mr. Monteath—I should think not.

The amendment was then put to the vote and lost.

Clause 54 as amended was then passed.

The Honourable Mr. Gokhale said—Your Excellency,—The next amendment of which I have given notice is that the whole of clause 55 be deleted. This clause provides that municipal bodies should be liable to pay contributions for the greater wear and tear to which Provincial roads passing through their limits are subjected by the inhabitants residing within those limits. The amount of the contribution is to be determined by Government, and it will represent the excess of the cost of repairing the roads within municipal limits over the cost of repairing Provincial roads outside municipal limits. Now my first point in this connection is that in no other Province in India are such contributions levied and I don't see why in Bombay alone municipal bodies should be treated worse than elsewhere in this respect. My second point is that the taxation of Mofussil Municipalities per head in the Bombay Presidency is higher than similar taxation in other provinces. Taking the year 1895-96 as a normal year for all provinces, I find that in Bengal this taxation was 14 annas 1 pie per head, in Madras it was 14 annas 3 pies, in the North-West Provinces Rs. 1-9-0, in Central Provinces Rs. 1-6-9, in the Punjab Rs. 1-8-6, and in Bombay it was Rs. 1-11-7. Our taxation is thus considerably higher than elsewhere, and if our Municipalities deserve any special treatment, it should be in the direction of relieving them of some of the existing burdens and not of imposing new ones. Then, my Lord, residents within municipal limits pay taxes to the Provincial exchequer also, and therefore if they use Provincial roads it is in virtue of their position as taxpayers of the province. Then, again, Government propose to exempt their own vehicles from the Municipal Wheel Tax and other taxes, and I fail to understand how Government who do not want to pay anything for the use of municipal roads can, in fairness, claim a contribution from municipal bodies for the use of Provincial roads by the residents within municipal areas. I think, my Lord, that this is a wholly one-sided arrangement and that it lacks that fairness and that reciprocity to which municipal bodies are clearly entitled. I must also protest, my Lord, against these repeated attempts to add to the already long list of the obligatory duties of Municipalities. In 1882, a definite promise was given by the Bombay Government in a Resolution signed by your Excellency's honourable colleague on the left, that if additional duties were thrown on Municipalities, additional sources of revenue, such as a portion of the assessed taxes, would also be transferred to them. This undertaking has never been carried out, while frequent attempts have been made to add to the list of our obligatory and optional duties. It may be said that after all these contributions would not be large, but in that case I ask, my Lord, is it worth the while of Government to cause needless irritation for such trifling sums of money? Moreover, though the contributions themselves may be small, there is a principle involved in them which I think is radically wrong. I therefore propose that the whole of this clause should be omitted, or has tomore entered to rather sporte a course

The Honourable Mr. Mehra—I support the amendment. I well remember when the Act of 1884 was before the Council Sir James Peile distinctly said that he wanted to remove the impression that burdens would be cast on the Municipalities without giving adequate resources to meet them. Now it seems to me that that policy is being entirely reversed and burdens are cast without any adequate resources being given to meet them. I also agree with Mr. Gokhale that if all the rest of India is treated in a different way in this matter, it is most unjust that the Bombay Presidency should be treated in this particular way. The Bombay Presidency contributes to the general rates and taxes as much as the other parts of India, and it is unjust that the Municipalities should be treated in a way different from the general ratepayers of the rest of India. The Bombay Presidency in its municipal taxation is much more heavily weighted than any other province in India.

The Honourable Sir Charles Ollivanr—I am permitted by His Excellency to say that Government will concede this point and strike out this clause.

Clause 55 was accordingly deleted.

The Honourable Sir Charles Ollivant—I wish to make an observation with reference to what pussed before the division was taken in regard to relief works. I think a doubt was expressed as to the obligation of the Municipality to provide for people outside their boundaries. That was not the intention, and therefore before the third reading, words will be added to make it clear that the relief works are to be used for destitute persons within the limits of the municipal area.

This clause empowers Government to call upon municipal bodies to contribute towards the cost of maintaining leper and lunatic asylums outside their limits. I propose that this clause should be deleted on much the same grounds on which I moved my last amendment. Leprosy and lunacy are not local diseases and I do not think any municipal body can in fairness be held responsible for providing special accommodation for such as happen to be unhappily afflicted with these diseases. Government may well spend money out of the Provincial exchequer, to which the people contribute, for the special benefit of the lepers and lunatics of the whole province. I think, my Lord, that as in matters of education Government require Municipalities to make provision for primary education and leave it to their discretion to provide or not, as they deem best, for secondary and other kinds of education, so in this matter of medical charity, Municipalities should be required to provide dispensaries where patients may be treated for ordinary diseases, and that it should be left to their option to contribute or not as their means permit for such special objects as leper and lunatic asylums outside their limits. I therefore move the amendment which stands in my name.

The Honourable Sir Charles Ollivant—I cannot assent to the amendment. In the United Kingdom lunatic asylums are paid for out of the local rates, and surely it must be to the advantage of the local body if it is able to contribute to a central institution instead of having to provide one for itself.

The Honourable Mr. Gokhale—It is quite true that in the United Kingdom local bodies contribute to lunatic asylums, but in the United Kingdom Government does a great many things for the people which are not done in India. For instance, the Government of the United Kingdom spent last year thirteen millions sterling on primary education, which means more than 10 per cent. of its total revenue. If the Government of India will spend a corresponding proportion of their revenue on the primary education of our people, I would be quite willing that local bodies should be called upon to contribute to leper and lunatic asylums.

The amendment was rejected and clause 56 stood part of the Bill.

The Honourable Sir Charles Ollivant said—I propose merely a verbal amendment in clause 57, sub-clause (b), line 12: that for the word "erecting" to substitute the words "constructing, establishing". This was agreed to.

The Honourable Mr. Giles then proposed the following amendments:-

(1) In clause 57, sub-clause (b), lines 13 to 15, to delete the words "colleges, schools other than middle-class or primary schools."

(2) In the same clause, between sub-clauses (b) and (c), to insert the following sub-clause (c), the lettering of the present sub-clauses which follow being altered accordingly:—

"(c) Furthering educational objects other than those set forth in sub-clause

(p) of clause 54."

He said—I confess I did not anticipate my friend the Honourable Mr. Parekh taking objection to my effort to relieve the District Municipal Boards of one of their obligations. Had I anticipated the objection, I should have at the time pointed out that in the further amendment I proposed to give the Boards full discretional powers to assist education of every kind. But, Sir, it may be asked why I propose to take out from sub-clause (b) the words "colleges, schools other than middle-class or primary schools," and to add a fresh sub-clause. I had the privilege of consulting the honourable member in charge of the Bill, and it was thought that possibly the sub-clause (b) might be taken as referring more definitely to the erection of buildings than to the general assistance to be given to this kind and that kind of school. I confess that I had also perhaps a sentimental objection to sandwiching educational institutions between museums and lunatic asylums (laughter). Therefore I thought it might make the matter clearer if a sub-clause were added; and I think everybody will see that it gives the Municipal Boards as much discretional power as they can possibly wish for. I say "educational objects," and therefore they will be enabled to assist a technical school, give grants to colleges, provide scholarships in an Institute of Research or in any way to further educational advancement or progress that they might consider to be desirable for the benefit of the district.

The amendments were agreed to and clause 57 as amended stood part of the Bill.

The Honourable Mr. Giles having received permission under Rule 49 of the Rules for the Conduct of Business, said—I propose to *substitute* for the term "middle-class" in clause 28 the word "other". I don't think it is necessary for me to explain this at length. Obviously "middle-class" is not a correct term and obviously the term "other" includes every kind of school.

The amendment was agreed to.

Mr. S. A. Chhatre said—Your Excellency,—My amendment is for substituting the word "shall" in the place of "may" in the first line and for omitting the words "or any" in the eighth line. The object of the amendments is to provide a safeguard against neglect or want of proper supervision of the educational branch of the municipal business by making it incumbent on a Municipality, small or large, to appoint a small committee called a 'School Committee' for looking after the management of all educational institutions which it may be either obligatory or discretionary with it to maintain. The education of children is the most important item transferred to the Municipalities and has to be watched with scrupulous attention. To secure that end it is necessary to make a small body of persons in every Municipality responsible for the management of schools entrusted to its care. Just as the appointment of a Managing Committee is made compulsory under section 27, the appointment of a School Committee too should be made compulsory.

The Honourable Mr. Gokhale—The Select Committee, if I remember right, was of the same opinion as the Honourable Mr. Chhatre. I do not know whether this is a clerical error, or that the word "may" has been used in the sense of "shall."

The Honourable Sir Charles Ollivant—As to the word itself, what I urged in Select Committee was that the Municipalities should have power to appoint such committees, and although I have no strong feelings on the question whether the exercise of the power should be optional or obligatory, it seems to me that, considering the very diverse circumstances of the Municipalities of this Presidency, there should be some discretion.

The Honourable Mr. Mehta—I think the word "may" is preferable. Circumstances differ so much that it is desirable to have elasticity.

The amendment was rejected, and clause 28 as previously amended stood part of the Bill.

Clause 59 stood part of the Bill,

The Honourable Sir Charles Ollivant said—Before the Honourable Mr. Gokhale rises I will ask leave for the Honourable the Advocate General to move an amendment to the terms of proviso clause (a) in order that the clause may clearly express the intention of Government as I intimated to the Council yesterday.

Leave being granted, the Honourable the ADVOCATE GENERAL said-I have to propose that in the proviso which commences at line 67 of clause 60 after the word tax, the words "imposed as aforesaid" shall be inserted, so that it will run up to that point "no tax imposed as aforesaid." Then after the words "other than a special sanitary cess or a water-rate shall" it is proposed to insert the words "without the express consent of Government," and after the words "public purposes" to insert "and not used or intended to be used for purposes of profit". The object of this proposed amendment is that if the State should acquire railways, they should not be excluded from municipal taxation, railways being used almost exclusively for profit. In certain Municipalities. I believe, a large revenue is derived from taxation of Government buildings which are not used for purposes of profit, and therefore it is proposed that Government should have the power of consenting to the taxation of Government buildings in such cases, and for that purpose it is proposed that the words "without the express consent of Government" should be inserted. It will be observed that in the first part of the section the sanction of Government is necessary for the imposition of any taxes. This proviso refers entirely to the levying and recovery of those taxes; for that reason it is necessary that the words "without the express consent of Government" should be inserted in the proviso.

The Honourable Mr. Gokhale—I quite admit that the amendment which has just now been suggested by the Honourable the Advocate General removes to a certain extent the objection I feel to this proviso, but it does not remove the whole objection. It is a new provision and I move that the whole of the proviso (a) of clause 60 be omitted. The proviso is intended to exempt Government buildings and Government vehicles from municipal taxation. Under the existing law they are liable to be so taxed, and, as a matter of fact, the Karachi Municipality is deriving an income of about Rs. 10,000 a year from this source. In the City of Bombay, also, Government buildings pay 80 per cent. of the municipal taxes, and there is no reason why in the Mofussil alone Government should seek to escape this very legitimate payment. I propose, therefore, that the whole of proviso (a) be omitted.

The Honourable the Advocate General—I do not know if the Honourable Mr. Gokhale is aware of what the consequence, if his proposal were agreed to, would be? I believe I am correct in stating that no Municipality would be able to levy any tax in respect of any Government building, because unless it is specially mentioned Government is under the ordinary rules of construction exempt from the operation of the Act.

The Honourable Mr. Gokhale—But under the existing law we are actually levying these taxes at present in some places.

The Honourable Mr. Gokhale's amendment was rejected, and clause 60 as amended by the proposal of the Advocate General stood part of the Bill.

Clauses 61 to 69 inclusive stood part of the Bill.

The Honourable Sir Charles Ollivant—I have to propose a verbal amendment in clause 70, line 18, where "or" has been printed by mistake for "and." There is another amendment to this clause which also has to be proposed.

The alteration of "or" to "and" was agreed to.

The Honourable Sir Charles Ollivant—After the labours of the Select Committee were practically over, it occurred to us that there might be a difficulty as to the use of the words "remit" and "remission" in this clause; because under the Bombay City Municipal Act there is a distinction between "remission" and "refund." I think it was understood by the members of the Select Committee that "remission" should include "refund"; but we made a reference to the Commissioners of Divisions, and the result is that we find it is desirable where the word "remit" or "remission" occurs to add the word "refund". Therefore the clause will read in line 11 "the Municipality shall remit or refund"; and in line 19 "that no remission or refund" and in line 35 "the Municipality may remit or refund."

This amendment was adopted and clause 70 as amended stood part of the Bill. Clauses 71 to 73 inclusive stood part of the Bill.

The Honourable Mr. Gokhale moved that in clause 74 (2), lines 25 and 26, to delete the words "when any tax is suspended under sub-section (1) or ".

He said-In the original draft of this Bill it was proposed that whenever it appeared to Government that the level of taxation in a Municipality was not sufficiently high, Government might of their own motion direct the imposition of additional taxation so as to bring up the level to the desired height. A proposal so drastic in its nature naturally led to much animated discussion in the Select Committee, and the honourable member in charge of the Bill ultimately agreed to modify it so far as to limit its operation to cases of default only. When the Select Committee re-assembled in Poona, we found, however, that in addition to the provision for cases of default, to which the non-official members had assented, there were also these words, to which I take exception, introduced into the clause. Now, my Lord, what would be the effect of these words if they are allowed to stand as part of the clause? A Municipality may propose an addition of 20 per cent, in its water-rate and may send up the proposal to Government for sanction. Government might, if the words which I want to be omitted are allowed to stand, say in reply: "No, we don't sanction an increase of 20 per cent. in the water-rate, but instead of that we direct you to make an increase of 50 per cent. in the house-tax." Under these circumstances a Municipality will naturally be most reluctant to send up any proposal for additional taxation to Government and for all practical purposes Government will be able to dictate what taxes should be imposed and municipal bodies will be reduced to the position of mere instruments for enforcing and collecting the taxes. I submit, my Lord, that the position which Government have taken in this matter is a very illogical one. I can quite understand Government interfering where a Municipality persistently commits a default; but where it is a mere matter of difference of opinion, where a Municipality thinks that one tax should be imposed and Government thinks that another tax would be more suitable, the proper course for Government is to send the whole correspondence back to the Municipality with the intimation that the proposed tax cannot be sanctioned, but that the Municipality was at liberty to make other proposals. For these reasons I beg to move that the word which I have already read out should be deleted.

The Honourable Sir Charles Ollivant—I am prepared to accept this on behalf of Government. Practically if we exclude these two first lines of the sub-clause Government will still have the power to require the Municipality to impose taxation whenever it makes default in its duties and that is all that is really required.

Clause 74 as amended stood part of the Bill.

Clauses 75 to 78 inclusive stood part of the Bill.

On clause 79 the Honourable Mr. Parekh had given notice of an amendment.

The Honourable Sir Charles Ollivant—Before Mr. Parekh rises I may point out that there are two misprints in this clause. In line 6 the words "collect it" should be "collect such octroi or toll" and in line 12 instead of "thereafter" should be printed "thereupon."

The Honourable Mr. Parekh moved that in clause 79, sub-clause (2), line 22, for the word "seizure" to substitute the words "the issue of such notice."

He said—I shall state the reason of the amendment of which I have given notice. The section provides for the issuing of notice after seizure and before sale. It is not reasonable that the time should run from the date of seizure. The Municipality may take time in issuing the notice, or there may be an omission to serve it. There will be no harm if the notice is delivered at the time of the seizure, but the person entitled to notice may not be present; it would not be right that the owner should know nothing about the seizure and yet his property should be sold away. The necessity of the amendment arises from the fact of the notice, and I believe it will be accepted as being necessary to carry out the intention of the section.

The Honourable Sir Charles Ollivant—As honourable members will see, subclause (2) of clause 79 stood part of the original Bill, but the latter part of sub-clause (1) did not. When, therefore, we considered this Bill in Select Committee, in deference, I think, to the suggestion of the Honourable Mr. Parekh, we put in sub-clause (2) "five days" in order that there might be plenty of notice. But after that we considered the recovery clause—sub-clause (c) in clause 83, page 69. The clause we are now considering refers to octroi not being paid; the other, which I have now mentioned, refers to direct taxes not being paid, and there the procedure is that the officer seizing the property shall, before removing it, give to the person at the time of seizure a written notice. When we came to that we thought the same procedure would be desirable under octroi and therefore put in the addition to the first clause. That being so, I think we ought logically to cut out sub-clause (2). If we do that, when we come to Schedule D we will take care that words are put in to show that goods are not to be sold if payment is made within five days.

Mr. PAREKH's amendment was rejected.

The Honourable Sir Charles Ollivant—Perhaps, Your Excellency, it would be desirable now to revert to sub-clause (6) of clause 22, which was postponed for consideration as to there being an appeal from the Judge's decision regarding corrupt practices. The matter has been considered by the Law officers of the Government, and we find there are practical difficulties in the way of permitting an appeal to the High Court. Therefore I propose that in line 111 the word "person" be substituted for "candidate" and the following words be added to the sub-clause: "Provided, however, that such person may, by an order which the Governor in Council is hereby empowered to make, if he shall think fit, in that behalf, be at any time relieved from such disqualification." My reason for putting "person" instead of "candidate" is this. It has been mentioned that the candidate himself, though constructively guilty, may really be not morally guilty, inasmuch as the agent authorised by him may be the person really guilty. If an agent is guilty of corrupt practices, then surely that agent should not be allowed to stand for election as a Municipal Councillor, and therefore I consider it desirable to put "person" instead of "candidate".

Clause 22 as thus amended stood part of the Bill. Clauses 80 to 89 inclusive stood part of the Bill.

The Honourable Mr. PAREKH then moved the following amendments:—

At the end of clause 90, sub-clause (3), to add the following:

"The owners of lands or buildings as aforesaid shall within ten days from the receipt of such notice intimate to the Municipality that they agree to the Municipality declaring the street a public street or they shall carry out the work in the manner and within the time specified. If they give intimation as above of their agreement to the street being declared public, they shall not be liable to carry out the work."

And for clause 90, sub-clause 4, to substitute the following:

"After intimation of the agreement of such owners to the street being declared public or after the joint requisition of a majority of the said owners after the work has been carried out by the owners as provided in the last preceding clause, or in Section 160 by the Municipality at the expense of such owners, the street or part of the street in which such work is done or ordered to be done shall be declared by a public notice put up therein by the Municipality to be a public street."

He said—I shall try to show the desirability of the amendments that I propose in this section. Sub-clause 3 authorises a Municipality to require that the owners of private streets shall level, pave, metal, flag, channel, urain, light and clean them when called upon to do so. Sub-clause 5 authorises a Municipality to make a private street public when the sole owner, or a majority of owners if several, have no objection to their doing so. Sub-clause 4 authorises a Municipality to make a private street that has been improved at the expense of the owners public, whether they object or do not object. If a Municipality cannot in the face of the owner's objection make a private street public when the owners have not expended anything for its improvement, it would be unreasonable if the Municipality can make it public, when they have spent money after it with the object of retaining ownership in it. It would be fair to the private owners that if the Municipality desires to make a street public that they should not be required to spend anything on it; and if the Municipality requires private parties to spend money in improving a street, it ought not to have the option of making the street municipal property,

when the persons incurring the expenses object. In the marginal note to sub-clause (3) the Bombay Municipal Act, Sections 305 and 306 have been referred to, but these sections disable the Municipality from making private streets public when the owners object, whether they have incurred expenditure or not. Therefore if we are even following the line of the Bombay Act, the amendment ought to be allowed.

The Honourable Sir Charles Ollivant—I cannot accept the amendment proposed by the honourable member. The clause as it stands gives the fullest latitude. A Municipality can always declare a street to be a public street. While considering this clause I wish to point out that there is a verbal mistake on page 73, lines 48 and 49. The clause reads at present:—"After such work has been carried out by such owners or as provided in the last preceding clause." There is no provision in the last preceding clause. It should therefore read as follows:—

"After the work has been carried out by such owners or, as provided in section 156, by the Municipality."

The Honourable Mr. Parekh withdrew his amendment and the clause, with the verbal alteration proposed by the Honourable Sir Charles Ollivant, stood part of the Bill Clauses 91 to 102 inclusive stood part of the Bill.

The Honourable Mr. Batty—There is a clerical error in clause 104, line 2, relating to work under section 103. The word "as" should be inserted before "little."

The amendment was agreed to.

Clauses 103 to 112 inclusive stood part of the Bill.

The Honourable Mr. GOKHALE then moved the following amendment:

In clause 113, sub-clause (1), lines 7 and 8, for the words "at a height of not less than 12 feet from the surface of the street" to substitute the words "at such height from the surface of the street as the Municipality may fix by by-laws from time to time."

He said—The next amendment of which I have given notice is in reference to the provision that no verandah, balcony or other projection shall project from any building at a height of less than twelve feet. I quite agree that in large cities like Poona, Karáchi and Ahmedabad the provision is very desirable, but in small Municipalities a statutory limit of 12 feet will sometimes be a source of needless hardship. I therefore propose that the question of height should be left to be dealt with by by-laws in the case of each Municipality. Of course these by-laws will require the sanction of Government, and so Government will still have the power of preventing too low a limit from being prescribed anywhere.

The Honourable Ráo Bahádur Chunilal Venilal said—Your Excellency—The extent of the height was inserted by the Select Committee at my suggestion. As the minimum width was prescribed by law I thought that minimum height should also be prescribed by law, otherwise the projections of four feet on each side of the public streets at unlimited height would cause obstructions. There are many houses in existence, the height of the upper storeys of which is about six to nine feet. Even in Broach and Ahmedabad cities there are houses on the main roads, the upper storeys of which have the height of nine to ten feet. If such houses are allowed to put up a balcony four feet wide, I think an Australian horse could not pass through such parts of the streets. It is therefore necessary that the height of projections should be limited. I support that the height of twelve feet be allowed to remain in this section.

The Honourable Rao Bahadur Achyut Bhaskar Desal—Your Excellency—I am inclined to support the amendment brought forward by the Honourable Mr. Gokhale. The Honourable Mr. Chunilal would have the height fixed simply because the width is laid down. I know there are several towns where the standard of twelve feet would create difficulties. There is already a provision in sub-clause (m) of clause 12 of the Bill which will enable Municipalities to make the necessary by-law prescribing the minimum height suited to the circumstances of the town.

The Honourable Mr. Ibrahim Rahimtoola said—The arguments that have been advanced by the Honourable Mr. Chunilal go to support Mr. Gokhale, because Mr. Gokhale does not want the height to be fixed, but to be fixed by each Municipality by by-laws which will be subject to sanction by Government. Government will have full power of

limiting the height to whatever figure they think the Municipality requires. I think it would be desirable, on the arguments advanced by the Honourable Mr. Gokhale, not to fix it at twelve feet, but to leave it open to the Municipality to fix the height that may be requisite for the circumstances of the case, subject to the sanction of Government.

The Honourable Mr. Lely—It seems to me to be essentially a question of locality. A rule that may be reasonable in one town may be very productive of hardship in another, and it seems to me that as a general principle we should abstain from prescribing unduly the measure and height of projections and should leave this to be dealt with under rules according to the particular town and locality. I think there is a great deal in the argument that if the minimum breadth is prescribed by law so should the minimum height, and I think the reply to that should be that both provisions should be struck out from the sections and they should be left to be prescribed by rule.

The Honourable Sir Charles Ollivant—After the expression of opinion which has fallen from honourable members, and especially from Mr. Lely, we will accept the amendment, and although logically we might go further and out out the provision regarding the width, there is this to be said for it: that provision forms part of the existing law, whereas the provision regarding the height does not. Therefore we are content to accept the Honourable Mr. Gokhale's amendment as it stands.

The amendment was agreed to and clause 113 as amended stood part of the Bill. Clauses 114 to 142 inclusive stood part of the Bill.

The Honourable Sir Charles Ollivant moved that in clause 143, line 1, for the words "The Municipality or any", to substitute the words "The President, Vice-President, or any Councillor, or" be substituted; and in line 2 for the word "them" to substitute the words "the Municipality". He said—The amendment that I propose to clause 143 is merely a verbal one; instead of the words "the Municipality" the words should be as in the preceding clause; and instead of "authorised by them," in the second line the words should be "authorised by the Municipality".

The amendment was agreed to.

The Honourable Sir Charles Ollivant then moved that in clause 144, sub-clause (2) (g) (ii), line 91, for the words "all or" the words "in all" be substituted, so that the sub-clause would read "when such provision is made, to prohibit the conveyance of such persons in all or any public conveyances, and".

This was agreed to and clause 144 as amended stood part of the Bill.

Clauses 145 to 180 inclusive stood part of the Bill.

The Honourable Mr. Gokhale moved that in clause 181 (1), line 5, the word "twenty-five" be substituted for the word "fifteen". He said—The proposal as it stands in the Bill is that the minimum limit of population for a Municipality to be constituted a City Municipality should be 15,000. I submit that this limit is too low and that it should be raised at least to 25,000. It should be borne in mind that when a Municipality is made a City Municipality, Government can, in cases of mismanagement, call upon that Municipality to employ a Chief Officer, also if necessary a Health Officer and an Engineer. Now these men will require to be highly paid if they are to be worth anything, and I submit, my Lord, that these appointments may be, in all probability will be, beyond the capacity of small towns with a population of 15,000 or so. I have already quoted to this Council a few figures indicating the level of taxation per head in this Presidency and elsewhere. Our taxation, which is the highest of all provinces, is a little under Rs. 1-12-0 per head, which gives, comparatively speaking, a very small revenue to a town of 15,000. I believe there is no special merit in the figure 15, and I shall be satisfied if the limit is raised to 25,000,

The Honourable Ráo Bahádur Achyut Bhaskar Desai—Your Excellency,—The proposal of my honorable friend Mr. Gokhale, if carried out, would permanently incapacitate several Municipalities which once were City Municipalities. The ground on which the amendment is urged is that Government would not use their discretion properly in calling upon the City Municipalities to appoint Chief Officers, Health Officers and Engineers. Government are not bound to call upon every City Municipality to have such officers. In the Konkan, at least, there are Municipalities which, in point of population, are very

small, but which are comparatively well administered and which, in course of time, may become fit to be raised to City Municipalities. It is therefore desirable that these Municipalities should be in a position to enjoy the power and privileges to which City Municipalities alone are eligible. It would not be justifiable to raise the limit to so high a figure as 25,000 simply on mere hypothesis that Government are not likely to use their discretion properly.

The Honourable Mr. Parekh—I submit that the amendment proposed should be allowed. The main difference between City Municipalities and others is that the City Municipalities may be called upon to appoint Chief Officers, Health Officers and Executive Engineers, but not the other Municipalities. Now if these officers, and particularly the Chief Officers, are really to be worthy of the responsibility that they are expected to undertake, they should have to be paid very large salaries; and there is no Municipality with a population under 25,000 that would be able to pay such heavy salaries. If Municipalities with smaller population are made City Municipalities, the result would be either that they would be obliged to levy taxes that are unbearable or that they would have to employ in high offices persons who are not at all equal to their responsibilities.

The Honourable Mr. Moses—I would suggest by way of a compromise that the limit be fixed at 20,000.

The Honourable Mr. Gokhale—I am prepared to accept the suggestion if it has a better chance of being considered favourably by Government than my own proposal.

The Honourable Sir Charles Ollivant—The Council are aware that as the Bill first stood the number was 10,000. The Select Committee considered it desirable to substitute 15,000; the Honourable Mr. Gokhale now proposes 25,000 and withdraws that proposal in favour of 20,000. Honourable members must remember that this clause will not make it necessary that every town of 20,000 or 25,000 must be a City Municipality: it merely gives a town with the prescribed minimum population the possibility of becoming a City Municipality.—I know of no reason why Thána, if it wished to be constituted a City Municipality—and Government thought it was right that Thána should aspire to be such a Municipality—should not be so constituted. The result of Mr. Moses' amendment would be that Bársi and Dhulia might be constituted City Municipalities, but they could not be according to Mr. Gokhale's amendment, while Bijápur and Pandharpur could not be City Municipalities in either case. On the whole I prefer to retain the clause as it stands.

The amendment was rejected and clause 181 stood part of the Bill, as also did clauses 182 and 183.

The Honourable Sir Charles Ollivant then moved that for clause 184 the following be substituted:—

- "184. The Chief Officer shall have, independently of such powers as may be delegated to him by the Municipality in this behalf, power—
 - (a) to appoint—
 - (i) without the previous sanction of the Municipality, to any post the monthly salary for which as fixed by rules made under clause (b) of section 46 does not exceed Rs. 20, and
 - (ii) with such previous sanction, in each case, to any post under the Municipality other than that of the Health Officer, Engineer or Chief Accountant, and
 - (b) to fine, reduce, suspend or dismiss any municipal servant whose salary does not exceed Rs. 20, and, subject to the provisions of the rules for the time being in force, any other municipal officer or servant not being the Health Officer, Engineer or Chief Accountant, provided that in respect of any punishment other than a fine not exceeding one week's salary his order shall be subject to an appeal to the Municipality."

He said—The amendment which I have to propose is merely an alteration of terms which has been suggested by the Remembrancer of Legal Affairs, and I presume nobody has any objection to it. It makes it clear that these powers referred to in Section 184 are those which any Chief Officer, ipso facto, will enjoy, independently of any that may ha

delegated to him by the Municipality. I propose this amendment subject to whatever may be decided in regard to Mr. Gokhale's amendment as to the salary limit being Rs. 20 or Rs. 15.

His Excellency the President—If the Honourable Mr. Gokhale wishes to move his amendment it will be much better to do so now.

The Honourable Mr. Gokhale said—The amendment that I desire to move in connection with this clause is that the Chief Officer should be empowered to make appointments without the sanction of the Municipality to posts with a salary of Rs. 15 and under, and not Rs. 20. If the limit of Rs. 20 is retained, I fear that, except in the case of Karáchi, all appointments lower than those of officers will be practically in the exclusive gift of the Chief Officer. This, I submit, is not desirable for several reasons, and a limit of Rs. 15 would, I think, be fairer and would, moreover, be sufficient for all practical purposes. I therefore move the amendment which stands in my name.

The Honourable Sir Charles Ollivant—I think I may be allowed to say that on this point Government have an open mind and we waited to see what fell from other honourable members. Whenever a Chief Officer is appointed he will, ipso facto, enjoy the right of appointing or dismissing an official on a salary up to that margin, but there is nothing to debar him from having greater powers if they are delegated to him. I don't feel very strongly on this subject, but from the silence all round the table it seems to me that the general opinion is rather against the amendment.

The Honourable Mr. Mehta—In that case I may say a few words. Probably all appointments will be put into the hands of the officer, and that being so, it is just as well that the executive bodies should feel that some little power can be exercised by them.

The Honourable Sir Charles Ollivant—If that is the feeling of the Council I am quite willing to accept the amendment.

This being agreed to, the clause, as amended by the propositions of the Honourable Sir Charles Ollivant and the Honourable Mr. Gokhale, stood part of the Bill.

His Excellency the President put the question that clauses 185 to 191 inclusive stand part of the Bill.

The Honourable Meherban Narayanrao Govind alias Baba Saheb, Chief of Ichalkaranji, then moved the following amendment with the permission of His Excellency the President:—In clause 187 after the words "the Governor in Council may" to add the words "after observing, as far as may be, the procedure required by section 8". In clause 188 (a) after the words "the Governor in Council may" to add the words "after observing, as far as may be, the procedure required by sub-section 2 of section 48". In clause 188 (b) before the word "impose" to add the words "after observing the preliminary procedure required by C of section 61."

He said—The principle underlying all the amendments is one and the same, and so I would take them all together. I observed in my speech on the first reading of the Bill that some of the sections about the Municipalities should be selected and applied to the notified areas. But as the matter now stands, I think these clauses are intended to invest Government with powers to introduce into certain areas a sort of municipal administration. Under these clauses Government cannot only declare certain localities as notified areas, but can impose taxes and make rules for the administration of the municipal conservancy of that place. It is said in the Statement of Objects and Reasons that these rules are intended to allow people who are not advanced enough to enjoy the benefit of a Municipality, to have some organisation which shall serve the purpose of a Municipality. But the people have no voice in either the creation, the taxation or the administration of the notified areas. What, however, is sought now to be done by the introduction of these amendments is only to make a provision for reasonable notice of the intentions of Government to the inhabitants of the place which is to be declared as a notified area, and give them an opportunity to represent what they have to say about those measures. Such procedure is prescribed by this very Act in the case of areas intended to be declared as municipal districts by clause 8. A similar provision is also made as regards the introduction of new rules and taxation into such districts by clauses 48 and 61, respectively. It is but proper that those who are to benefit or to suffer by a measure must know what is going to be done for them and must

also get an opportunity of representing their views to Government. Even though these amendments are accepted, Government still have the power of determining what weight should be given to the views of the people. I therefore submit that without any curtailment of Government's power people get the right, which they undoubtedly have, of representing to Government what they have to say about any measure affecting them. The only difference is that according to the amended clause they shall get that opportunity before Government finally decide upon the course to be taken. This, for many reasons, is better and more convenient to both sides than that people should send complaints after the orders of Government are passed. I hope this Council will therefore admit the desirability of amending the clauses as suggested. Even in cases when revision survey is to be introduced the rayats are asked by a written notice to state their reasons, if any, as to why revised rates should not be introduced. If Government does this by departmental orders in cases of enhancements of land revenue, there is no reason why, when new taxes are proposed to be levied, people should not be given an opportunity of stating their view of the question before final orders are passed.

The Honourable Sir Charles Ollivant—Well, Sir, of course unless your Excellency chooses to suspend the Standing Orders, the amendments cannot be admitted. The Council fully realises the irregularity of having amendments of this kind thrust upon us on the spur of the moment; still I recognise the reasonableness of what the honourable member has said, and if he will not press his amendment, I will undertake that a provision shall be put into the Bill to make the matter clear. I understand that what the honourable member desires is that the persons affected shall have an opportunity of stating their objections and that those objections should be considered. Therefore I will see, before the third reading, that the necessary words are inserted.

The Honourable Mr. Mehta—I hope the provision will be made as liberal as possible in the direction that the Chief of Ichalkaranji has suggested; so that any possible objection that the people may have to make may reach the ears of Government.

The Chief of Ichalkaranji withdrew his amendments and clauses 185 and 191 inclusive stood part of the Bill subject to amendments to be admitted later by the Honourable Sir Charles Ollivant.

Schedules A, B and C stood part of the Bill.

The Honourable Sir Charles Ollivant moved that in Schedule D the word "five" be inserted between the words "within" and "days" to give effect to the object the Honourable Mr. Parekh had in view. He said—Perhaps you will allow me to mention in connection with this amendment that it will be necessary on the third reading to add the following new sub-clause (2) to clause 79:—"When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once, and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll be forthwith paid." In all other cases five days will be allowed.

The amendment to Schedule D was agreed to.

His Excellency the PRESIDENT—It is necessary to fix the time when the Act shall come into force.

The Honourable Sir Charles Ollivant said—This is really a question which affects the determination of the period which should elapse between this second reading of the Bill and the third reading of the Bill. As there are strong administrative reasons for desiring that this measure, which is now practically approved in its entirety, subject to the amendments which have been adopted, should come into force at the earliest possible date, it will be an obvious convenience if it can be made to come into operation at the beginning of the financial year. I have just consulted the Honourable Mr. Lely, who has given me his opinion on the subject, and it is that, if possible, it should become law on the 1st April. If it is to become law on the 1st April, it is perfectly clear that we should take the third reading almost immediately. I therefore have to ask your Excellency to suspend the Standing Orders in order to enable us to do so. But for that fact I have no desire to press on the third reading. Many of the Municipalities are in arrears with the collection of their taxes, and there are hundreds of cases in arrears in the Magistrates' Courts. Therefore

we should lose no time in proceeding with this measure in order that the machinery may be provided to meet the exigencies of the case. I therefore, pro forma, propose that the words "1st April, 1901," be inserted in the Bill. In doing so, I wish honourable members to understand what the consequences will be if we put off the third reading till March. It would then be quite impossible to get the sanction of the Governor General in time.

The President—Unless I hear any objection from the Council, I propose to suspend the Standing Order and fix the third reading of this Bill for Saturday next at noon.

The preamble was adopted.

BILL No. III OF 1901: A BILL TO AMEND THE CITY OF BOMBAY IMPROVEMENT ACT, 1898.

In moving the first reading of the Bill to amend the City of Bombay Improvement Act, 1898, the Honourable Sir Charles Ollivant said—
The Honourable Sir Charles Now, your Excellency, I have to refer to the subject to

Ollivant moves the first reading of the Bill to amend the City of Bombay Improvement Act, 1898. Now, your Excellency, I have to refer to the subject to which I alluded before we proceeded to the consideration of the District Municipal Bill to-day, viz., I asked to be allowed to introduce a Bill to amend the City of Bombay shnical points. The principal object of this Bill is to do away

Improvement Act in a few technical points. The principal object of this Bill is to do away with the disability which attaches to the Chief Judge of the Small Cause Court, and to any other barrister of like standing, who is not actually practising at the time, and debars them from being President of the tribunal under that Act. The conditions which would qualify a person for the appointment were very carefully considered when the Bill, which is now the City Improvement Act, was before the Council. It was determined that there should be no appeal from that tribunal, but, on the other hand, that there should be a guarantee that the person presiding over the tribunal should be a person of some considerable standing and experience. When that Act was before the Council, I, in conference with the Honourable the Advocate General and the Honourable Mr. Mehta. proposed a clause, the first sub-clause of which provided that only judicial officers of a certain standing should be qualified, and after that came the sub-clause regarding the qualification of barristers, advocates and pleaders. We particularly desired to exclude those who were only, I might say, "pro forma" barristers, persons who had been called to the bar but had never really practised, and so we put in the words "practising barrister". But that has hampered us in an unexpected way, because we find that it has been taken to mean that a person to be qualified must be actually practising at the time he is selected. We propose to substitute the following words:—"a Barrister, Advocate or Pleader of not less than eight years' standing, who has practised as an Advocate or Pleader in the Bombay High Court." That is really the essence of the Bill, but as we are introducing the Bill we thought it desirable to get rid of one or two inconveniences, purely of a formal character, which have been found to exist in the Act as it stands. One relates to a rather cumbersome process regarding the execution of contracts, for clause 2 of section 19 of the Act provides that a contract shall be signed by the Chairman and two other Trustees, and sealed with the common seal of the Board; and clause 3 subsequently again provides that the common seal of the Board, which will remain in the custody of the Secretary, shall not be attached except in the presence of two Trustees. This was found to involve unnecessary labour, especially in signing debentures, and the amendment will avoid the possibility of two superfluous signatures being required. The effect of clause 4 of the Bill is to enable the Trustees, in carrying out street schemes under section 31 of the Act, to make specific provision for open spaces, in addition to the powers previously conferred by the section. The next is an almost formal matter, in which it is proposed to follow the wording of the City Municipal Act of Bombay in order to enable the signature of the Chairman to be fixed by means of a stamp. There are two remaining matters: one of them is that after section 41 there shall be inserted a new section, namely, 41 A. This section is desired both by the Corporation and by the Improvement Trust. The reason of it is this, that at present under the provisions of the Municipal Act the improvement of streets is gradually effected with by what is known as the set-back procedure. In making these valuable additions to street spaces the Corporation are put to very great expense and naturally the Corporation would be slow to exercise their powers to effect improvements if they knew that immediately, or very shortly afterwards, the whole property was going to be taken over by the Improvement Trust and they would not be reimbursed their expenditure. What the Corporation wants is that if a set-back is part of what will be an improved area under the Trust Act, they shall be assured beforehand that they will be reimbursed this money by the Trust. Lastly, as the City Improvement Trust Act stands, the Trust have power in regard to two plots known as the Cooperage plot and the Secretariat plot to permanently treat the whole or any part of the said lands as open spaces, but they have not the same power in regard to the Marine Lines Estate, and it is proposed to insert the words "the Marine Lines Estate" in section 60 in order to give them that power. I believe I am right in saying that this is an absolutely non-contentious measure and the importance of passing it early is that at present the officer charged with determining the amount of compensation to be paid to proprietors is carrying on his work and I believe so far most of the settlements are of an amicable nature, but at any moment parties may not come to terms and then there must be an appeal to the Court. The first step is that money must be deposited with the Court, and as at present there is no Court it is necessary to constitute one at the earliest possible date.

The Honourable Mr. Pherozeshah M. Mehta said—I quite agree with the Honourable Sir Charles Ollivant that this Bill contains no contentious matter whatever. Some of the clauses to which he has referred are entirely of a formal character, and others have been settled between the parties interested in the matter. With regard to the important clause about set-backs, the matter was discussed between the Corporation and the Improvement Trust, and they both came to an understanding that what is embodied in the clause is the proper course to be taken. Then, in regard to the slight change in the definition of the qualifications of the President, the Honourable Sir Charles Ollivant pointed out why that should be carried out. I should like to add one word in conclusion: that when that tribunal comes to be constituted, I hope Government will remember that the officer to be appointed as President shall be one of the status which was contemplated when the Act was passed.

His Excellency the President then put the motion, that the Bill be read a first time.

Bill read a first time. The motion was carried and the Bill was read a first time.

The Honourable Sir Charles Ollivant said—I will now ask your Excellency to suspend the Standing Orders so as to allow the third reading of the Bill to be proceeded with.

Suspension of Standing Orders.

Bill read a second time.

Bill read a third time and passed.

The Standing Orders were accordingly suspended, and the second and the third readings of the Bill were carried, and the Bill was passed.

His Excellency the PRESIDENT then adjourned the Council until 12 o'clock noon on Saturday the 16th February 1901.

By order of His Excellency the Right Honourable the Governor in Council,
R. J. C. LORD,

the means du new section, usually, At A. This section is desired both by the

Corporate and by the Laurentenett Trust. The res-on of it is this that at present and returned the covisions of the Manie and Act the improvement of series is gradually effected with the what is known as the self-out, procedure. In making these valuable additions

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

Bombay, 14th Tebruary 1901.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

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

Abstract of the Proceedings of an adjourned meeting of the Council of the Governor of Bombay, assembled for the purpose of making Laws and Regulations under the provisions of "The Indian Councils Acts, 1861 and 1892".

The Council met at Bombay on Saturday the 16th February 1901, at noon.

PRESENT:

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

The Honourable Sir E. CHARLES K. OLLIVANT, K.C.I.E., I. C. S.

The Honourable Mr. J. MONTEATH, C. S. I., I. C. S.

The Honourable Mr. F. S. P. Lely, C. S. I., I. C. S.

The Honourable Mr. SHRIPAD ANANT CHHATRE.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, B.A., LL.B.

The Honourable Mr. J. TATE, M.Inst.C.E.

The Honourable Mr. H. F. Aston, I. C. S., Bar.-at-Law.

The Honourable Mr. J. W. P. MUIR-MACKENZIE, M.R.A.C., I. C. S.

The Honourable Mr. Bomanji Dinshaw Petit.

The Honourable Meherban NARAYANRAO GOVIND alias BABA SAHEB, Chief of Ichalkaranji.

The Honourable Mr. IBHRAHIM RAHIMTOOLA.

The Honourable Mr. GOPAL KRISHNA GOKHALE.

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

The Honourable Mr. WILLIAM GREAVES.

The Honourable Ráo Bahádur Achyut Bhaskar Desai.

PAPERS PRESENTED TO THE COUNCIL.

1. Report of the Select Committee appointed to consider Bill No. I of 1901: a Bill to amend the Bombay A'bkári Act, 1878.

BILL No. II OF 1899: A BILL FOR THE BETTER MANAGEMENT OF MUNICIPAL AFFAIRS IN MOFUSSIL TOWNS AND CITIES.

The Honourable Sir Charles Ollivant rose to move the following amendments in the Bill for the better management of Municipal affairs in Mofussil Towns and Cities:—

- (1) That throughout the Bill the words "His Majesty" be substituted for the words "Her Majesty" wherever they occur.
- (2) That to sub-clause 2 (b) of clause 54 the following words be added:—"to or for destitute persons within the limits of the Municipal District".
- (3) That to clause 79 the following new sub-clause 2 be added:-
- "(2) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once, and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded be forthwith paid."

- (4) That in clause 188 (1) the words "by notification" be inserted after "the. Governor in Council may".
- (5) That clause 190 be altered so as to run as follows:-
 - (1) Before issuing any notification under sub-section (1) of section 187 or under clauses (a) and (b) of sub-section (1) of section 188, the Governor in Council shall so far as may be follow the procedure prescribed in section 8.
 - (2) The Governor in Council may at any time cancel any notification undersection 187 or 188.

The Honourable Sir Charles Ollivant said—Before we proceed with the third reading of the District Municipal Bill, I ask leave formally to move the adoption of the amendments which I have already intimated to the Council and which are now in print on the paper before you. The first is:—That throughout the Bill the words "His Majesty" be substituted for the words "Her Majesty" wherever they occur, and the second—That to sub-clause 2 (b) of clause 54 the following words be added:—"to or for destitute persons within the limits of the Municipal District". The third is to make provision for the immediate sale of articles liable to octroi duty and seized for non-payment of octroi duty, which are of a perishable nature, and the other is to give effect to the suggestions made by the Chief of Ichalkaranji in regard to the chapter on notified areas.

His Excellency the President—I do not know whether any honourable member desires to speak on any particular amendment; whether it would be convenient that I should put them all formally, or whether I should put them separately.

The Honourable Mr. Gokhale—With reference to the second amendment I beg to point out that we understood the other day that provision would be made for confining famine relief only to destitute persons ordinarily resident within the limits of Municipalities. The wording of the amendment is wider than that. It provides for relief of destitute persons within the limits of the municipal district. Poor persons may crowd into a city and the responsibility for relieving them may, if the words stand as they are, be thrown on the Municipality. It is only a matter of ordinary experience that private charities in cities are generally more attractive than the provision that is made on relief works, and beggars often run away from relief works and get into towns in order to begat will and subsist on private charity. If the responsibility is thrown on Municipalities to provide for such persons, I think it will be a serious matter for such bodies. I think the utmost the Legislature can reasonably do is to call upon Municipalities to provide for their own poor.

The Honourable the CHIEF OF ICHALKARANJI—I fully agree with the Honourable Mr. Gokhale that the burden thrown upon Municipalities should be confined to providing for destitute persons who live in the town.

The Honourable Sir Charles Ollivant—With reference to these observations I canonly say that the words as they appear in print are precisely the words I read out to the Council on the second reading. The fear was that if the clause stood as printed in the Bill on the second reading it might be thought that Municipalities were called upon to provide relief works for the area all round about them. The object is to call upon them, if called upon at all, merely to provide for persons within their limits; but it is quite impossible in a moment to distinguish between persons who are there always and persons who have come for a few days. There is no intention to cast any burden upon the Municipalities which does not belong to them, but who can determine the comings and goings of beggars? As a matter of fact, it will be quite impossible to provide any words I can think of to meet the case the honourable member has mentioned. I, therefore, think that the Council must trust to a reasonable interpretation of the words I have already suggested.

The amendments substituting the words "His Majesty" for "Her Majesty" throughout the Bill and the addition to sub-clause 2 (b) of clause 54, the addition of a new sub-clause 2 to clause 79 and the amendment of clause 188 by the insertion of the words "by notification" after the words "Governor in Council may" were agreed to.

The Honourable Mr. Batty in reference to the amendment of clause 190 said—There is a verbal correction to be made in section 190 as altered. I think it should be "under clause (a) or (b)" and not "clauses (a) and (b)." The marginal note will also require correction. "Discontinuance of notified areas" should be deleted and some such note as "Preliminaries to notification" may be substituted, and in clause 2 "power to cancel notification" should be substituted for "continuance of notified areas."

His Excellency the President—The Secretary has, I understand, the power to make these verbal alterations.

Clause 190 as amended stood part of the Bill.

In moving the third reading of the Bill for the better management of municipal affairs

The Honourable Sir Charles Ollivant moves the third reading of the Bill for the better management of municipal affairs in Mofussil Towns and Cities.

in Mofussil Towns and Cities the Honourable Sir Charles Ollivant said—I may be allowed to congratulate the Council on the prompt and, as we believe, satisfactory disposal of the most important legislative measure that has been before it for some years. As it undoubtedly removes some impediments to good municipal government and intro-

duces new provisions which give greater scope for the exercise of responsible authority, we hope that it may both tend to greater efficiency of administration and, by diffusing acquaintance with the duties of practical administration, have a real educational value. Our best justification for being sanguine in this hope may be derived from the tone of the discussion of the measure in this Council, and in the great-assistance which in the Committee stage, and for which I again express my acknowledgments, was received from the non-official members, who have been themselves taking an active part in the municipal affairs of the cities to which they belong.

His Excellency the President said—In putting the motion that the Bill be now read for the third time, I feel I shall be doing no more than expressing the views of those non-official members of the Council and others associated with my honourable colleague in the consideration of this measure in detail, in saying I am sure they must appreciate, as highly as his honourable colleagues do, the great ability, the courtesy and the conciliatory spirit in which this measure has been conducted by my honourable colleague Sir Charles Ollivant. I need not say how grateful his colleagues in the Government are for the admirable work he has done in connection with this Bill, and I have no doubt some Members of Council will endorse the tribute of praise I am anxious to pay to my honourable colleague.

The Honourable Mr. Gokhale—I respectfully beg leave to join in the words of appreciation which Your Excellency has just now uttered in regard to the labours of the Honourable Sir Charles Ollivant in connection with this Bill. Those members of this Council who took part in the debate on the second reading have already borne testimony to the fact that, but for the honourable member, this Bill would have continued to give occasion for great anxiety and apprehension throughout the Presidency. I am sure the whole Presidency in general, and the municipal bodies in particular, will greatly appreciate this measure when it comes into force. So far as the administrative provisions are concerned, we all feel that they are distinctly very much better than the old provisions, and in regard to the constitutional portions, though here and there there is still some ground for dissatisfaction, we are on the whole satisfied with what we have now got in this Bill. On behalf of the non-official members who were associated with the honourable member in the consideration of the Bill, I once more express our cordial acknowledgments for the admirable manner in which he has guided our deliberations on this Bill.

His Excellency the President then put the motion that the Bill be read a third time and passed.

Bill read a third time and passed.

This was agreed to, and the Bill was read a third time and passed.

BILL No. I OF 1901: A BILL TO AMEND THE BOMBAY A'BKA'RI ACT, 1878.

The Honourable Mr. Gokhale said—Before Your Excellency passes on to the next item on the Agenda paper, may I respectfully ask Your Excellency to reconsider the

permission which has been given to suspend the Standing Orders. It was understood the other day that the Select Committee would take two weeks to consider this matter, and we, therefore, thought that this question would not be brought before the Council in less than two weeks. There are one or two important points in connection with this Bill with reference to which some of us are making inquiries and upon which it may be necessary for us to say something. I am not at present in a position to express a definite opinion because my inquiries are not yet completed. It is just possible that as a result of those inquiries I may not have anything to suggest and may be able to support the Bill as it is. But there are important matters involved, for instance, the question of cultivation and the assessment of these lands. The prohibition of any particular kind of cultivation cannot have been contemplated when the assessment was fixed. Then, again, there are some who think that the Government might distinguish between bháng and gánja in the restrictions which are sought to be imposed by this Bill. I beg, my Lord, to point out that the power to suspend rules is intended only for cases where public interests are liable to be damaged by delay, and it appears to me that this Bill might, without injury to the public interest, be taken on a future day.

The Honourable Mr. Monteath—The only object of the suggestion that the Bill might be carried through at once was the convenience of the Council. It appeared unlikely that there would be any other business to necessitate a meeting of the Council in the course of the next month. That being so, and as it seemed that this Bill was likely to be absolutely non-contentious, it was thought it would perhaps be for the convenience of the Council if the Bill were passed at once. But inasmuch as the Honourable Mr. Gokhale wishes to consider certain points, I will not ask that the Bill should be at once proceeded with. There is no wish that it should be passed without the fullest consideration that may be needed.

His Excellency the President said—I have no wish to press any legislation on the Council to which they might very reasonably take exception. With regard to what the Honourable Mr. Gokhale said, I believe we might have got over one of his difficulties by undertaking that, on behalf of Government, remission of assessment should be given in the event of the first contingency taking place. But he has called attention to another matter on which he assures the Council he and some of his colleagues wish to make inquiries. Therefore, we will not proceed with this Bill to-day. It is necessary for revenue purposes that it should be passed before our meeting in the summer at l'oona and, therefore, it will be necessary to hold another meeting of the Council next month. Of that, of course, due notice will be given. Therefore, we will conclude our business for the present.

His Excellency the PRESIDENT then adjourned the Council sine die.

Ly order of His Excellency the Right Honourable the Gavernor in Council,

for the admirable manner in which he has guided our delinemations on this Mill.

R. J. C. LORD,

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

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Bombay, 16th February 1901. Annuals and the second of the

This was agreed to, and the Bill was rend a third

FILE No I OF 1901: A BILL TO AMEND THE BOMBAY A BRA'RI ACT. 1976.

The Honourable Mr. Gornath said -Belore Your Excellency passes on to the next on the Agenda paper, may I respectfully ask Your Excellency to reconsider the

His Excellency the Passunday then put the motion that the Hill be read a thirt

APPENDICES

TO THE

PROCEEDINGS OF THE COUNCIL OF HIS EXCELLENCY THE GOVERNOR OF BOMBAY ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS ON THE 12TH FEBRUARY 1901.

APPENDIX A.

- QUESTIONS NOS 11, 12 AND 13 PUT BY THE HONOURABLE MR. PHEROZESHAH MER-WANJI MEHTA, C.I.E., AT THE MEETING OF THE LEGISLATIVE COUNCIL HELD ON THE 24TH AUGUST 1900.
- 11. Will Government be pleased to say what measures they adopt for examination of Improvement and Street Schemes, presented for their sanction by the Board of Trustees under the City of Bombay Improvement Act, 1898, before sanction is given?
- 12. Will Government be pleased to state whether the estimates of the cost of executing a scheme accompanying the Improvement and Street Schemes submitted for their sanction under the said Act are gross or detailed?
- 13. Will Government be pleased to say whether such estimates include only gross estimates of the valuation of property included in the schemes, or whether they are detailed and embrace valuations of individual properties?

- REPLIES TO QUESTIONS NOS. 11, 12 AND 13 PUT BY THE HONOUBABLE MR. PHEROZESHAH MERWANJI MEHTA, C.I.E.
- 11. Government adopt the only measures possible, namely, a careful scrutiny of the schemes submitted, including such references as they deem necessary to their expert advisers.
- 12 and 13. The estimates are based on a detailed valuation of each individual property included in the scheme.

APPENDIX B.

Memorandum referred to in the reply to Questions Nos. 5, 6 and 7 put by the Honourable Mr. B. D. Petit.

It appears advisable to answer these numerous questions by a statement showing exactly what has taken place in this connection and the reasons for the action taken.

- 2. In the College of Science Calendar there are no regulations under which any person can claim admission as a matter of right because he has passed a certain University examination. The regulations simply state that a candidate for the Civil Engineering Branch must have passed the Previous Examination of the Bombay University or an equivalent examination of other Universities.
- 3. It is obviously necessary that admissions to any institutions should be regulated by the consideration of the accommodation available and the capacities of the teaching staff.
- 4. It is only in the last three years that there has been such an increase in the numbers in the Civil Engineering Branch as to cause anxiety. During the period of 10 years from 1888-89 to 1898-99 the number never rose above 76, but in 1898-99 there were 100 students in the Engineering classes and the Principal, Mr. Beale, then pointed out in his Annual Report that owing to the crowded condition of the Drawing Hall and Chemical and Physical Laboratories it would be necessary to place some limit on the admission of students to the College. His remarks are published at page xlix of the appendices to the printed report of the Department for 1898-99.

5. In 1899-1900 the number of students increased to 114, of whom 24 were from Universities outside the Presidency. The question of accommodation was therefore pressed upon the attention of the Principal, but it was necessary to await the results of the University Examinations in Engineering before any action could be taken with a view to limit admissions. The result of the examination showed that the 2nd and 3rd years' classes would be unusually large, and it became imperative to limit the dimensions of the junior class, to which it was certain that a number of students, who had failed in their 1st year's examination, would return.

6. Had the Principal not taken action to limit admissions, he would have been confronted with a junior class for which accommodation could not possibly be found in the Hall, the class rooms or the Laboratories. The result would have been an entire collapse

of the efficient working of the College.

7. The Principal therefore consulted with the Director of Public Instruction and it was determined that, as it was impossible to permit admissions indiscriminately, a competitive entrance examination should be held and a certain number of the best candidates admitted.

- 8. The College has always been open to students outside the Presidency, and as a large number of applications from such students had been received it was apprehended that a competitive examination might result in the exclusion to a large extent of the natives of this Presidency. It was therefore determined that at least three-fourths of the students admitted should be Graduates or Undergraduates of the Bombay University, while the number admitted from other Universities should not under any circumstances exceed one-fourth of the whole. The Principal's notification is attached.
- 9. The notification shows that the number to be admitted was fixed at 40—as a matter of fact 41 have been admitted, as the last two selected competitors obtained equal marks. With the addition of the students in the senior classes and the failed students who have returned to the junior class the total number of students in the Engineering classes now amounts to 130, or 30 more than in 1898-99, when the late Principal, Mr. Beale, expressed his fears that the efficiency of the College would be threatened by overcrowding.
- 10. The notice given was necessarily short for reasons which have been already explained, and the Principal and the Director of Public Instruction recognised that the action taken must cause disappointment to those candidates who did not obtain admission, but it was necessary to decide whether disappointment should be inflicted or the efficient working of the Institution sacrificed.

Copy of Notice of Examination.

Owing to increase in numbers it has been decided to hold a competitive examination commencing on January 7th for admission into the Engineering Branch of the College. Forty (40) students will be admitted. Of these 40 vacancies, 30 will be reserved for Graduates or Undergraduates of the Bombay University. Graduates or Undergraduates of other Universities will be admitted according to the results of the examination up to a maximum number of ten (10). Graduates or Undergraduates of the Bombay University are alone eligible for the Scholarships which will be granted on the result of this examination:—

 $\begin{array}{c} \text{Subjects} \left\{ \begin{array}{c} \text{Algebra} \\ \text{Euclid} \end{array} \right\} \text{ as for P.E.} \\ \text{Natural Science as for Matriculation.} \end{array}$

Application should be made to the Principal before 1st January 1901. Applicants are required to have passed P.E. of the Bombay University or equivalent examination.

F. L. SPROTT, Principa

College of Science, Poona, 6th December 1900.

APPENDIX C.

Note referred to in the answer to clauses (a) and (b) of Question No. 3 put by the

Honourable Mr. Gopal Krishna Gokhale.

The following areas are suffering, or are considered likely to suffer, from famine in a more or less acute form during the current year:—

Ahmedabad.—The whole except Daskroi Taluka and Gogha Mahal, parts of Sanand and a few other small portions where the kharif was fair.

Kaira.-Mátar, Kapadvanj and Thásra Tálukas.

Panch Mahals .- Whole district more or less.

Broach.—A portion (say 30 villages) of A'mod Táluka, a portion (say 30 villages) of Jambusar Taluka, 7 "Bara" villages of Broach Táluka and almost the whole of the Vágra Táluka.

Surat.—Western half of Olpád Táluka, eastern half of Mándvi Táluka, sea-coast and south-east corner of Bulsár, east and south sides of Párdi.

Khándesh.-Western Khándesh except Sháháda Táluka and the Dángs.

Násik.—Tálukas of Nándgaon, Málegaon, Chándor, Yeola and the eastern parts of Báglán, Sinnar and Niphád.

Ahmednagar.-Whole except the Akola Taluka.

Poona.—Eastern Tálukas of Indápur, Sirur, Purandhar and Bhimthadi and Dhond Petha.

Sholapur .- Whole.

Sátára.—Eastern Tálukas of Mán, Khatáv and Khánápur.

Bijápur.—Whole except the two southern Tálukas of Bádámi and Bágalkot.

Belgaum.—Athni Táluka, eastern half of Gokák Táluka, part of Murgod Petha and a small group of villages in the north of Parasgad round about Manoli.

From the returns for the week ending 14th November 1900 submitted by the Circle Inspectors it appears that up to that date the following percentages of the total area were sown under kharif and rabi:—

District.	Har de		O'S DITON	Kharif.	Rabi.
Ahmedabad	*****	Total Control	0	72.9	27.5
Kaira			•••	79.6	40.2
Panch Maháls			•••	84.0	52.2
Broach				86.9	64.9
Surat			•••	95.9	68.7
Khándesh	47- mi	*= 9 1 (°)	March	89.3	69.8
Násik	10	Samuel Man	to the said	81.6	47.2
Ahmednagar				82.8	57.8
Poona	•••			94.5	42.0
Sholápur		•••	•••	88.3	54.6
Sátára	and the state of	Contract of		99.1	69.8
Bijápur				90.1	77.7
Belgaum			•••	89.4	53.8

For Gujarát no detailed anna estimates of outturn are available except for Ahmedbad, where the outturn of jowári is estimated to be 5 annas and of bájri 6 annas on the whole. The following extract gives an approximate estimate for Gujarát:—

"Of the kharif crops, rice has, with insignificant exceptions, totally failed. Generally early sown bájri has done well—in some tracts very well; jowári not so well, the great bulk of this crop being nothing but fodder. The other kharif crops vary from about 8 annas in the best parts of Kaira District to nil in the worst parts of the same, in parts of the Panch Maháls and elsewhere. The outturn of cotton is estimated at 6 annas in Ahmedabad and 4 annas in Vágra and adjacent villages. Elsewhere in the affected areas this crop is not grown.

"As regards rabi except on irrigated areas the outturn is expected to be poor."

For the Deccan and Karnátak the following statement shows the outturn as estimated by the Collectors:—

District.	Kharif. NIGVERAN	Rabi.
Sholápur	8 annas in one táluka, 4 to 6 annas in three tálukas and 2 to 3 annas in three tálukas. Average for district 4 annas.	4 to 6 annas in one taluka and portion of another. Almost none in other talukas.
Ahmednagar	9 annas in Akola. Average for the rest of the district 6 annas.	None, excepting a slight crop in a few scattered places.
Poona	4 to 6 annas in the affected parts of Indápur. Almost complete failure in the affected parts of Sirur, Purandhar, Bhimthadi and Dhond. Harvest much below normal in the remaining parts of these tálukas. Average outturn in the western portion of	Total failure in the affected parts.
Sátára	the district 10 annas. In Mán, Khatáv and Khánápur an average of 2 annas on high lands and of 4 annas on low lands. In Karád 6 annas and in Khandála 5 annas on the average.	Entire failure in the affected parts except where irrigated. Fairly pro-
Khándesh	In the rest of the district which is not affected 6 to 10 annas in three tálukas, 7 annas in two and 8 to 12 annas in one. Outturn expected to be fairly good in eastern Khandesh, except in certain limited areas of poor soil. In western Khandesh, except Shahada and the Dangs, crops have suffer-	Almost total failure except on irrigated lands.
Nás'k	ed severely over most of the area and the outturn will be generally poor. 10 annas on the average in the western half and 6 to 8 annas in the eastern half of the district.	Promit Louise Trainer
Bijápur	Excepting 117 villages of Bádámi, 87 of Bágalkot, 35 of Sindgi and 12 of Bijápur, where it varies from 7 to 12 annas, the outturn ranges between \(\frac{1}{2} \) anna and 5 annas.	From ½ anna to 4 annas except in 15 villages of Bágevádi where it is
Belgaum	From fair to very good except in the extreme east where crops have failed badly. The affected portion comprises parts of Athni, Gokák and Parasgad Tálukas and Murgod Mahál.	Rabi for most part not sown in the affected portion.

Statement referred to in the answer to clause (d) of Question No. 3 put by the Honourable Mr. G. K. Gokhale, showing the distribution of relief workers on relief works of different kinds.

District.	Percentage p	Percentage proportion of relief workers during the week ending 19th January 1901 on							
Angle of the second sec	Metal-breaking works.	Irrigation and other tank works.	Village works.	Other works.					
Poona		9·2 22·8 99·94 99·4 87·9 72·4 38·8	16·7 77·2 06 	30·8 100 * 7·2 27·6					

^{*} This figure includes relief workers on Muvália Tank work for which separate figures are not given.

RESOLUTION OF GOVERNMENT IN THE FAMINE DEPARTMENT, No. 2109, DATED 26th APRIL 1900.

Memorandum * from the Commissioner, N. D., No. 4167, dated 17th April 1900.

RESOLUTION.—The Commissioner should be referred to the orders contained in Government Resolutions No. 807, dated 10th February 1900 (paragraph 2), No. 937, dated 16th idem (paragraph 2), No. 1104, dated 23rd idem (paragraph 2), and No. 1656, dated 20th March 1900, and informed that the Collector of Ahmedabad appears to have correctly interpreted them provided by the expression "fails considerably of the 50 per cent. task" it is meant that the outturn is clearly under half of the task prescribed.

> Accompaniments to Government Resolution, Famine Department, No. 2109, dated 26th April 1900.

> > No. 4167, dated 17th April 1900.

From-The Commissioner, N. D.;

To-The Chief Secretary to Government, Famine Department.

Collector of Ahmedabad's No. 1270 of 2nd April, with accompaniment, and No. 1407 of 10th April.
Collector of Kaira's No. 2565 of 8th April.
Collector of Broach's No. 1996 of 19th March.
Collector of Surat's No. p.—1019 of 10th April.
Collector of Thána's No. 1604 of 7th March.

With reference to the concluding portion of paragraph 2 of Government Resolution No. 1104 of 23rd February 1900, the Commissioner, Northern Division, has the honour to forward the accompanying reports on the 9 chatáks minimum rule. The

Collector of Panch Maháls' report has not yet arrived.

- 2. Apparently the Collector of Ahmedabad has read the orders to mean that the penal 9 chataks is only to be given when the worker is able-bodied and fails considerably of the 50 per cent. task, in other words, is contumaciously idle and deserves penal treatment. The Commissioner doubts if this is the meaning of Government, but refrains from issuing any order for fear of increasing the misunderstanding.
- The Collector of Broach intimates that he is forwarding a special report on the condition of the workers which will be sent on as soon as received.

No. 3535, dated 28th March 1900.

From-The Executive Engineer, Ahmedabad District;

To-The Collector of Ahmedabad.

With reference to your endorsement No. F .- 915, dated 8th March 1900, below Government Resolution No. 1104, dated 23rd February 1900, I have the honour to report that there has been no occasion up to now in this district to put into force the penal wages ordered by Government. I am, therefore, unable to express any opinion as to whether it should be raised or lowered.

As regards the wage of the carrier, I beg to state that the present allowance of 15 chatáks was considered by the Famine Commissioner to be not more than sufficient to keep in fair health a person doing light works, and I am respectfully of opinion that it should not be reduced. The prescribed task for a carrier is 10,000 cubic feet, which means that a person has to walk 11½ miles in a day's work carrying a basket containing one-third of a cubic foot (about 30 lbs.) for half that distance. This is not a very light task, and I do not think 15 chataks is too high an allowance to keep in fair health a person doing this amount of work.

TXHIVIHATHO TXI No. F.—1270, dated 2nd April 1900. 33 TO XOTT LIOSHA

From-The Collector of Ahmedabad;

To-The Commissioner, N. D.

Copy forwarded to the Commissiner, N. D., with reference to his No. 2372, dated

- 2. It is very difficult to discover what is really the least a person can live on without danger to health. There is no doubt that a good deal of casual labour has been done during this famine for considerably less than the famine wage (collection of fuel-fodder, &c.), but in many cases the workers, it is believed, have got gradually thinner and in many cases they may have had other resources.
- 3. People are earning about 2 annas a day each in drawing carts in this táluka (Dhandhuka); this is very hard labour and of course the dependants are not paid, so that the wage would really be probably less than the famine wage.
- 4. The Collector thinks there is not sufficient ground for reducing a rate of wage fixed after much discussion and consideration.

No. F.-1407, dated 10th April 1900.

From-The Collector of Ahmedabad;

To-The Commissioner, N. D.

With reference to your No. 3841, dated the 6th instant, I have the honour to request the favour of reference to my No. F.—1270 of 2nd April 1900.

2. As I understand the Resolution the 9 chatáks are not proposed to replace the present minimum wage, but it is intended to be only a penal wage for preventing contumacious idleness, and it will appear from the Executive Engineer's letter forwarded with my above-quoted endorsement that there has not been an occasion for enforcing the said penal wage to an appreciable extent.

No. R.-2565, dated 8th April 1900.

From—The Collector of Kaira; To—The Commissioner, N. D.

In reply to your No. 3841, dated 6th instant, I have the honour to state that the 9 chaták minimum has been adopted in this district, but that it is impossible after so short an experience to say anything about the results.

No. FAM .- 1996, dated 19th March 1900.

From—The Collector of Broach;
To—The Commissioner, N. D.

With reference to your No. 2372, dated the 4th instant, I have the honour to state that the wages on all works except in the Ankleshvar Taluka being reduced in accordance with Government memorandum No. 788, dated the 9th February last, I do not think that there remains any question about reducing the rations, for, with the reduced wages, the quantity that can be purchased by a man on minimum wage is 6 chatáks with jowari at 16 lbs. a rupee, and with jowari at 18 lbs. the quantity purchased is a little less than S chatáks. Both these appear lower than the ratio fixed by the North-Western Provinces.

- 2. As regards paragraph 3 of Government Resolution No. 1104, dated the 23rd ultimo, I beg to observe that the 2nd class wages allowed under the Government memorandum mentioned in pargraph 1 above are Re. 0-1-3 which can purchase only 10 chatáks when jowári is sold at 16 lbs. a rupee, and rather less than 12 chatáks when jowári is sold at 18 lbs. a rupee. Hence I think there remains no question about further reductions.
- 3. As regards works in Ankleshvar Taluka, I beg to observe that they have been only lately opened and nobody has got a sufficient experience to express an opinion on the important question.

No. r. - 1019, dated 10th April 1900.

From-The Collector of Surat;

To-The Commissioner, N. D.

The Collector of Surat presents compliments to the Commissioner, N. D., and with reference to his memorandum No. 3841 of 6th instant has the honour to intimate that the penal wage of 9 chatáks for able-bodied adult workers on relief works in this district has already been introduced and a copy of the instructions issued by the Executive Engineer in charge Relief Operations is appended for the Commissioner's information. A further report regarding the effect of the above measure is awaited from that officer and will be shortly submitted.

2. The undersigned is respectfully of opinion that the ordinary wage of the carrier should not be reduced below 14 chatáks.

No. D .- 136, dated 28th March 1900.

From-The Executive Engineer in charge Famine Relief Operations, Surat;

To—The Sub-Divisional Officers in charge of Pálan, Párdi, Hond, Butwáda, Burbodhan and Karanj.

I have the honour to request that effect may be given to the following instructions at once:—

- 1. A "penal wage" of 9 chatáks is to be enforced in those cases in which workers show a contumacious refusal to do the prescribed task.
 - 2. The penal wage as applied to Appendix V, Famine Code, is given below:

Wage basis in lbs. per rupee.	Penal wage of pice.
16	. 5
17	4
18	4
19	4
20	4
21	3
22	3

- 3. Circular memorandum No. F.—581, dated 9th March 1930, a copy of which has already been sent to you, shows the method of applying the penal wage, and in doing so I trust paragraph 2 of the memorandum will not be lost sight of.
- 4. The penal wage only refers to able-bodied adults and you should be very careful how you apply it. People, who arrive at the work in a reduced condition, should get the wage of their class until their strength is restored, and those who are constitutionally weak should get the Code minimum.
- 5. A report should be submitted to me after a fortnight of the effect produced by these instructions.

No. 1604, dated 7th March 1900.

From-The Collector of Thána;

To-The Commissioner, N. D.

With reference to your memorandum No. 2372 of the 3rd instant, I have the honour to report that I am not in a position to give an opinion which will be of any use on points 1 and 2, as the two test works in this district are not yet managed as regular relief works. As regards point 3, I may say that there is no need of a European officer for famine duty in this district.

RESOLUTION OF GOVERNMENT IN THE FAMINE DEPARTMENT, No. 2180, DATED 5th MAY 1900.

Government memorandum* to the Commissioners, N., C. and S. Divisons, No. M.-44, dated 5th April 1900.

Memorandum+ from the Commissioner, N. D., No. 4167, dated 17th April 1900.

Letter* from the Commissioner, C. D., No. r. -1669, dated 9th April 1900.

Letter* from the Commissioner, S. D., No. r. -381, dated 9th April 1900.

Letter* from the Collector of Bijápur, No. F.—799, dated 16th April 1900.

Memorandum* from the Commissioner, S. D., No. F. -429, dated 21st April 1900.

Letter* from the Commissioner, C. D., No. r. -2008, dated 25th April 1900.

RESOLUTION.—These reports do not afford sufficient grounds for a definite conclusion as to the effect of the reduction of the minimum wage in excluding from the works persons not really in need of relief, the ascertainment of which was the main object Government had in view. It can scarcely be doubted that the measure has had some result in this direction, but in Sholapur only have the local officers formed a decided opinion on the point, and the figures as given in a tabular statement do not seem to support it. the estimate of the District Medical Officer in Khandesh, which, however, is not accepted by the Collector, is at all approximate to the truth, there is an enormous number of people on the works in that district who prefer the penal wage without substantial work to a higher wage on condition of honest work. Two reasons are indicated-first, that some have some other resources; second, that beef is at present so cheap that such as eat it find the penal wage sufficient for their absolute wants. The figures given for Sholapur indicate that after the introduction of the penal wage fining has been almost universal, but it is not shown how many have been fined to the full extent. On the Sangogi Tank in Bijápur apparently few able-bodied persons earned more than the reduced minimum, but the organization of the work is scarcely complete yet. The introduction of even that minimum in the Satara District is said to have attracted so many that it was abandoned and the system of entire payment by results resumed. These facts indicate that in these districts as in Khandesh there are circumstances which to some extent frustrate the effect of the penal wage which was intended. On the other hand, the proportion of workers in Ahmednagar who are fined to the full extent is very moderate, and in Ahmedabad there is said to have been no occasion to apply the penalty at all. For other districts no definite information on this point is given.

- All the officers who have reported regarding works on which the penal wage has been given are agreed that there has been no deterioration in physical condition, although a different opinion seems to have been expressed by some subordinate officers. There can be no question, therefore, as to the expediency of continuing it. Even if through causes such as are abovementioned with regard to Khandesh it has not the effect of eliminating all who could do without aid from the State, it at any rate tends to economy, which is very desirable so long as it is not attended with evil results. But the greatest care must be taken that such as work honestly are not subjected to the penalty. The remarks of the Collector and District Medical Officer of Khandesh that the increase of the task will result in an increase of those getting only the penal wage raise a doubt whether proper attention is paid to the repeated instructions on this point. The metal-breaking task referred to seems to be an exceedingly moderate one, and it is remarkable that in Ahmednagar, where it is understood to be the same, metal-breaking is preferred to earth-work, and the condition of the people on metal-breaking works in Sholapur is said to be better than that of those employed on earth-work. But much depends on the nature of the stone and on the manner in which it is broken up before being supplied to those employed with small hammers as well as on the capacity and experience of the workers, and all these circumstances should be taken into account before it is held that workers are continuously idle.
- 3. The Governor in Council concurs in the view of most of the officers who have expressed an opinion on the point that it is not desirable to carry the reduction further. Such a measure might be applied without injurious effects to such as have other resources or eat flesh, and might have the result of inducing some of them who are not in absolute want of assistance to leave the works and of stimulating others to work, but for other

^{*} Printed as accompaniments to this Resolution.

[†] Printed as an accompaniment to Government Resolution No. 2109, dated 29th April 1900.

classes the present penal wage is probably as low as is safe. It is to be remembered that individuals who persist in contumacious idleness may be fined down to the value of the work done by them. The Collector of Sátára should be informed that his instructions to dispense altogether with a minimum are approved only on the condition that he satisfies himself that the establishment, European and Native, is competent to detect promptly either on the works or in the villages any persons who are suffering from insufficiency of relief. There is a strong presumption that those who remained on the works without earning a living wage were not contumaciously idle.

- 4. Further reports should be submitted as to the effect of the reduction by the end of the carrent month. It is especially necessary to show the proportion of the workers to whom the penal wage is paid and, if possible, to contrast it with the proportion of those to whom the minimum was paid before the reduction. There should be no difficulty in obtaining this information, but it may be given for selected works which can be regarded as fair specimens of those in various tracts. The questions regarding the reduction of wage for Class II and the extent of European supervision will be separately considered.
- 5. The attention of the Collector of Khandesh should be invited to the instructions contained in Government Resolution* No. 1631-FAM., dated 2nd September 1897, regarding the conditions on which a supply of butcher meat may be allowed on the works.

Accompaniment to Government Resolution, Famine Department, No. 2180, dated 5th May 1900.

Government Memorandum No. M-44, dated 5th April 1900.

N. D.,

The undersigned presents compliments to the Commissioner, C. D., and is directed to S. D., request that he

will be so good as to submit forthwith the report called for in the last sentence of paragraph 2 of Government Resolution No. 1104, dated 23rd February 1900. Any apparent effect of the measure directed in that paragraph on the condition of the people should be specially noticed, and it should be stated whether any difficulty has been experienced in excluding weak people from the operation of the order.

2. The undersigned is directed to add that in regard to such matters it is essential that the information called for should be furnished without avoidable delay.

No. F-1669, dated 9th April 1900.

From-The Commissioner, C. D.;

To-The Chief Secretary to Government, Famine Department.

With reference to your memorandum No. M—44 of the 5th instant, I have the honour to state that the orders of Government directing the reduction of the minimum wage reached this and the other offices at the end of February, and owing to some misapprehension in the office of the Superintending Engineer, Central Division, instructions to Executive Engineers were not issued until some days later. The reduced wage has therefore not been in force for quite a month yet and I am unable to submit an immediate report on its working. The Collectors have been requested to furnish their reports by the 20th instant, and I hope to be able to submit mine by the 22nd idem.

No. F_{IT}381, dated 9th April 1900.

From-The Commissioner, S. D.;

To-The Chief Secretary to Government, Famine Department.

With reference to paragraphs 2 and 3 of Government Resolution No. 1104, dated the 23rd February last, and subsequent reminder No. M—44, dated the 5th instant, I have the honour to report as follows.

^{*} Extracts printed as accompaniments to this Resolution.

- 2. The Collectors of Belgaum and Bijápur have been asked to give their opinion in the matter, but as yet a reply from the former only has been received.
- 3. The Collector of Belgaum states that the reduction of the wage of an able-bodied worker to the value of 9 chataks is a point which has not arisen in his district, as the only work open is being conducted on the limited piece-work system with no minimum.
- 4. As regards the carrier's wage, Mr. Bonus is of opinion from his experience of Khandesh that the proposed reduction to 13 chataks may be safely made. I see no reason to differ from him.
- 5. The report from Bijápur is awaited; and the Collector wires that it is delayed owing to the transfer of Captain Smith, late Special Civil Officer, Horti-Tadvalgi Road. The report will be submitted to Government as soon as received.

No. F-799, dated 16th April 1900.

From—The Collector of Bijápur; To—The Commissioner, S. D.

In continuation of my No. F-572 of 10th ultimo, I have the honour to state that it is too early yet to give a definite opinion as to the effect of the penal wage.

- 2. At the Bádámi-Mudkavi Road it is practically confined to the workers in Class I, because others were found to be deteriorating.
- 3. At the Sangogi tank until a fortnight ago the work was piece-work, based upon the tasks prescribed in Government Resolution No. F—538 of 5th March 1900, with an allowance of 25 per cent. for Sunday wage.

There are on the trench now about 7,000 workers, of whom some 4,000 got only the penal minimum for the first week. About 3,000 are employed on light work and get the full wage unless they are obstinately idle. Some 4,000 are new-comers who are not fined for the first fortnight.

- 4. I went thoroughly over the work last week, and there were scarcely any persons in reduced condition. Many complained of insufficient wage. It remains to be seen whether the minimum wage will make them work harder.
 - 5. I consider that the wage of Class II might be reduced from 15 to 14 chataks.

Memorandum from the Commissioner, S. D., No. F-429, dated 21st April 1900.

Submitted to Government in continuation of this office No. F-381 of the 9th instant.

- 2. The "penal wage" has not had a fair trial yet in the Bijapur District and the Collector is therefore being asked to submit a further report by the end of this month.
- 3. The reduction proposed in the ordinary wage of carriers in Bijápur from 15 to 14 chataks may be approved.

No. F-2008, dated 25th April 1900.

From-The Commissioner, C. D.;

To-The Chief Secretary to Government, Famine Department.

With reference to paragraphs 2, 3 and 4 of Government Resolution No. 1104 of the 23rd February last, I have the honour to forward herewith reports received from the Collectors of all the Districts in the Central Division except Poona. Mr. Sheppard's report, although urgently called for, has not yet been received, and I do not think it advisable to wait for it any longer.

2. The replies received cannot be considered sufficient or satisfactory; but this is hardly to be wondered at, as the subjects to be considered were so important as to require considerable time and experience for the formation of anything like a reliable opinion. The effect of the reduction of the minimum wage could only be adequately

judged by ascertaining from actual experience whether the workers had suffered in physical strength, whether the normal influx on works had been appreciably checked or the numbers employed had fallen off apart from the decrease due to the desertion of works on account of such abnormal causes as outbreaks of cholera, &c., whether there had been a greater tendency to take advantage of gratuitous relief in villages, and whether there had been a marked increase in the number of aimless wanderers or of inmates of poor-houses. Except on the first mentioned point, however, there is little or no information. The time within which the experiment could be watched and the results ascertained was too short for the purpose. All that can be said with certainty is that on the whole there has so far been no physical deterioration as a consequence of the reduction in the minimum wage, and this gives ground for the continuance of the experiment. At the end of another month it will be possible to form a definite opinion on the In the meantime I am of opinion that no further reduction should be attempted. In the Satara District the Collector has given orders on the authority of Sections 79 and 87 of the Famine Code that payments should be made strictly according to results. Opinions may differ as to the expediency of this measure, but as the district has not been severely affected at any stage of the season and the Collector has at his disposal a staff of European officers for adequate supervision of relief camps, Mr. Dodgson's order may be allowed to stand. So far as the other districts are concerned, existing arrangements may continue.

- 3. The only officers who have given an opinion as to the expediency of a reduction in the wage of the carrier class are the Collectors of Nasik, Ahmednagar and Satara. Mr. Moore is in favour of a reduction while the other two officers are opposed to it. I concur in the opinion expressed by Mr. Lamb and Mr. Dodgson. I do not think that the wage rate of Class II is proportionately higher than that fixed for either of the other two classes of workers, and under existing arrangements no reduction seems called for. Able-bodied adult workers, male or female, are now fined down to 9 chataks and in the case of proved contumacy may be fined even lower, so that there is no danger of abuse of the maximum wage. On the other hand it would be a distinct discouragement to the willing worker if the margin between the maximum and the penal wage were narrowed. There would not be the same inducement to honest work as there is at present.
- 4. Information as to the extent to which European supervision over relief operations is available at present and as to the necessity of increasing it has not been furnished by all Collectors. The question, however, is being separately dealt with and a report on the subject will be submitted at an early date. In the meantime I may state that useful work can be found for at least six more Staff Corps officers in the Central Division, notably in the Khándesh District, where, owing to the number and size of relief works, effective supervision by the Superior Revenue Staff is very difficult. But it must be borne in mind that unless there is to be another failure of the monsoon the great tension will probably be relieved in from 6 to 8 weeks, and as it always takes time to carry out any new measure or send officers to unaccustomed work, I would deprecate any alterations in modes of working or addition to present establishment except such as are absolutely and imperatively called for.

No. D-463, dated 20th April 1900.

From-The Collector of Ahmednagar;

To-The Commissioner, C. D.

In reference to your Nos. F.—1079, dated 6th March 1900, F.—1378, dated 22nd idem, and F.—1668, dated 9th instant, I have the honour to forward extract paragraphs 2, 5 to 7 from the Executive Engineer, A. D.'s No. 5850, dated 16th April 1900. It will be observed that paragraph 6 relates to only that portion of the district which is in direct charge of the Executive Engineer; no figures have been received from the Relief Executive Engineer, nor indeed called for by this office, as it was presumed here that the Executive Engineer would furnish for the whole district whatever statistics were available. Report from the District Medical Officer under your No. F.—1377 is not yet to hand.

2. I have the honour respectfully to point out that there is no general reduction of the minimum wage as stated in your No. F.—1079, paragraph 2, and your No. F.—1377. The minimum wage remains as it was; the limit of fining below that wage has been fixed (a) at 25 per cent. below it and (b) has to be inflicted on the able-bodied only, and (c) only for continuous refusal to perform a reasonable task.

Note by the Commissioner :-

"General with reference to the area, not reference to classes. In the first instance the reduction was made applicable to Khándesh only: then it was extended to Sholápur, and lastly, to all districts. It was in this sense that the word 'general' was used."

- 3. On the effects of a penal wage so strictly limited it is almost impossible to report definitely. The condition of workers depends on a number of influencing circumstances amongst which the penal wage as laid down occupies by no means the most prominent or important place. Amongst the influencing circumstances referred to may be mentioned.
 - (1) the condition in which workers first come on the works;
 - (2) the extent to which they send their dependants to kitchen, or feed them out of their own earnings;
 - (3) the kind and quality of grain on which they think fit to spend their earnings—a matter with which Government cannot possibly interfere though a man will obviously keep in better condition if he spends his money on good jowári than if he prefers to live cheaper on a mixture of poor jowári and kulti (as many do), or on rice to which he is not accustomed (as many also do);
 - (4) the physical temperament of the workers; how far it enables them to stand the strain of daily monotonous labour of an unaccustomed kind. Obviously the ordinary day-labourer is likely to bear this strain much more easily than the ordinary cultivator whose cultivating operations leave him in ordinary times many days and hours of physical rest; or than the wild tribes who ordinarily do no regular labour at all. Such circumstances as these are, in my humble judgment, far more potent factors on the workers' condition than the infliction on only a portion of the workers of a strictly limited fine in strictly defined circumstances only.
- 4. Speaking, therefore, of the relief workers in the mass I should say that the penal wage has no appreciable effect on their condition as a general body. It is to be remembered also that (as pointed out by the Executive Engineer) in this district we worked on the piece-work system up to January, and that when that system gave way to the Code system, we still took the Code as it stood and fined as permitted by Section 87, the general limit being 1 piece below minimum, or in worst cases at most 2 piece below it. The introduction of the penal wage does not, therefore, constitute any new departure in this district; it merely is the latest form of what was previously being done.
- 5. Some officers—both Special, Civil and Inspecting—have from time to time stated that, in their opinion, fining has, on the particular works of which they were writing, had a deteriorating influence on the condition of the workers. If there had been a general consensus of such opinions as regards the famine relief works generally, it would have been entitled to consideration, but not by any means necessarily to unqualified acceptance. Even such a general consensus of opinion would need to be carefully weighed, with a view to seeing how far account had been taken of such circumstances, as I have given a few examples (not an exhaustive list) of in my paragraph 3. But there has not even been any such general consensus of opinion. And in a few scattered opinions of some officers only regarding some works only, the personal equation comes so largely into play—that no conclusion can with any propriety be certainly drawn from them. The temperaments of officers vary as widely as do those of famine relief workers, and what one officer will regard as reduced condition and at once without weighing all the circumstances refer to insufficient wage, another officer will consider to be a fair condition for people to be in to whom Government does not pretend to give more than a fair subsistence wage. There is not therefore in these scattered opinions any ground visible to me for modifying the view stated in the first sentence of my paragraph 4.
- 6. The difficulty attaching to fining whether down to a 9 chatak limit or to any other that may be fixed is not one peculiar to this particular point in famine administra-

tion, but is one general to every branch of that administration. The difficulty is to get the subordinate officers in charge of works, and even the upper subordinates in charge of sub-divisions, nay even the superior and inspecting officers themselves sometimes to understand exactly the scope and application of the orders issued by Government, or you or me or the Executive Engineer. This difficulty is of course one that has to be borne and can be dealt with only by constant vigilance on the part of the superior and inspecting and other officers who do understand the scope and application of the orders. I think I may safely say, and with much grateful appreciation of the unflagging labour of the district officers, that this vigilance is not wanting. Every case of indiscreet fining appears to be noticed at once and at once corrected.

7. I do not think it is desirable to reduce the penal wage below 9 chataks.

Extract paragraphs 2 and 5 to 7 from the Executive Engineer's No. 5850, dated 16th April 1900.

- "2. As regards the latter part of paragraph 2 of Government Resolution No. 1104, dated 23rd February last, in my opinion a penal wage of 9 chataks is low enough as regards the Nagar District. The physique of the people here is decidedly below the average, and but a small proportion of the adults on relief works can be reckoned as sufficiently able-bodied to justify their being paid on the penal scale. Such as it is considered right to fine to this extent do not seem to suffer appreciably, provided they send their dependants regularly to be fed in the kitchen; but looking to the general condition of the people and the succession of bad season they have experienced, I am decidedly of opinion, as above stated, that a penal wage of 9 chataks is as low as the fining can be carried with safety for any length of time. Not that this fining even has the desired effect everywhere people are to a very large extent quite satisfied to remain on the works week after week, earning this pittance and without an effort to improve their position."
- "5. Next as regards your endorsement No. 5501, dated 28th ultimo, you will remember that it was not until quite the end of December that the code system was brought into force in this district; also that almost simultaneously with its introduction and on the strength of what had been already sanctioned in the Khándesh District, fining to the extent of one or two pice a day below the minimum in the case of the more ablebodied workers, who at once crowded on without any intention of doing a fair day's work, was sanctioned—vide paragraph 2 of your report No. D-34, dated 11th January last, printed in the preamble of Government Resolution No. 609, dated 2nd February 1900, and your action was approved by Government in this same Government Resolution. No such comparison as that suggested by the Commissioner between the numbers of the workers during the month preceding and that succeeding the introduction of the penal wage is therefore possible as regards this district. I, however, give the following figures:—

tent con a land of the state of	rad .	1	2	3	4
February 1900.		Average Numbers on work.	Numbers fined.	Numbers paid minimum and not fined.	Numbers paid maximum.
Earth-works Metal-breaking works		43,254 111,154	15,065- 81,027	15,008 9,271	6,590 6,608
Total	•••	154,408	96,092 24,279 13,198	24,279	13,198
MIN MAN THE MAN THE			133,569	Court No.	

The percentages of (2), (3) and (4) on (one) were therefore, respectively, for-

Earth-works 31, 31 and 14 = 76. And for metal-breaking works ... 73, 8 and 6 = 87.

"6. As regards the present time and my own (western) half of the district, with

about 43,500 on earth-works, and about 28,500 on metal-breaking works,

72,000

the percentages are as follows :-

	Maximum.	Between maximum and minimum.	Minimum.	Below minimum.
Earth-works	27	33	28	12 = 100
Metal-breaking works	20	25 .	40	15 = 100

"7. I trust these figures will be of use. Up till past the end of February, the numbers rose steadily at the rate of from 15,000 to 20,000 a week. There was then a period of several weeks during which the variation in either direction did not exceed 5,000. Lately there has been a tendency towards a further rise. It may safely be said that the introduction of the penal wage has not had any very great effect in keeping the numbers down. What has had, however, a deterrent effect is drafting, which the people appear to dislike much more than any reduction in their wages. The preference shown for the metal-breaking works is also very marked in this district."

No. Fam. dated 19th April 1900.

From-The Collector of Sátára;

To-The Commissioner, Central Division.

No. F.—1079 of 6th March 1900. No. F.—1377 of 22nd March 1900. No. F.—1668 of 9th April 1900. With reference to your letters noted in the margin, I have the honour to report as follows.

I am not in favour of lowering the ordinary wage from 15 chataks to, say, 14 or 13 chataks. It is quite the exception to find any one earning the 15 chataks, and therefore the rule allowing 15 chataks does not lead to extravagance and undue expense. If a worker be alone and have no other member of his family earning something for the family stock, and if he has no other resources to fall back on, it is probable that 15 chataks are not too high a wage. To reduce it would be hard on such relief workers as are conscientious and hardworking and would not benefit Government or any one else, besides removing an incentive to honest work.

2. There are at present the following European officers employed in this district, besides myself and my two Assistants, Mr. Palmer and Mr. Turner:—

Mr. George, Executive Engineer;

Messrs. Gahagan, Marr, Midford, Engineers;

Lieutenant Blair, Indian Staff Corps;

Lieutenant Sweeney, Commissariat Department (retired);

Mr. Wilson, Postal Department;

and I am about to appoint Mr. C. S. Campbell, I. C. S., a Junior Civilian under me, to do famine duty.

3. I and my two Assistants exercise general supervision over all famine works, including actual relief works and village inspection and gratuitous relief.

The Engineers work under the orders of the Executive Engineer and devote themselves primarily to technical matters.

Messrs. Blair, Sweeney, Wilson and Campbell have or will have the following duties:—

To constantly examine the kitchens and the work of the Special Civil officers.

To exercise general control over the work people and work establishment and to maintain discipline.

To see to what extent the people work up to the tasks set them and to encourage them to do the full task.

To check the muster rolls frequently by having them called in their presence, and to satisfy themselves that people entered in the muster roll are really present on the work.

To endeavour to prevent fraud, favouritism and oppression and to be present as frequently as possible when payments are being made by the cashiers.

To see that the children are fed properly and under the appointed conditions, that they are kept in enclosures prepared for them during the day.

- 4. As yet no District Medical officer has been appointed here, and consequently I am unable to forward the report referred to by you in the first part of your No. 1876, as I have not received such a report. With reference to the effect of the 9 chatak minimum, I have the honour to invite your attention to my letters Nos. Fun and Fam dated 31st ultimo and 5th instant, respectively. These letters show that no minimum has up till recently been enforced in this district on the authority of Government Resolution No. 250, dated 17th January 1900. The system of not fining below the minimum wage was introduced on the 5th March, and the first payments on this system were made on the 1st and 2nd instant. As a matter of fact, the introduction of a minimum wage, even though it was only the penal minimum of 9 chataks, meant a rise in wages to very many workers, for at present prices the 9 chatak minimum means a wage of 5 pice for 6 days and 7 pice for Sunday or 94 annas a week. Many workers earned less than this, and the result of the introduction of this system has been that the number of workers, which on the 1st April stood at 26,937 and showed very little sign of increase, rushed up by the 11th instant to 37,402, an increase of approximately 1,000 a day. On the Tarla-Tasgaon Road, where the workers are the laziest in the district, and where the people are more demoralized than anywhere else, owing to the relief given to them in 1896-97, the number on the work has more than doubled since the 9 chatak minimum wage was On the 31st ultimo it stood at 1,367; on the 16th instant it was 3,432. established.
- 5. I am unable to compare the effects of the 9 chatak wage with those of the 12 chatak wage, as the latter has not been in force here, but there is not the slightest doubt that the 9 chatak wage attracts people in large numbers and is very popular. The prospect of earning 9½ annas a week for doing practically nothing appeals forcibly to many of the public. That the people are disgracefully idle is beyond dispute. The Second Assistant Collector reports that on one work he found a gang that had done less than one-tenth of their task during the week, in other words, not a full day's task in 6 days of so-called work.
- 6. With a famine not acute and only amounting to scarcity, as is the case here, it is clear that the 9 chatak minimum wage is not in the least too low. In fact I consider it too high, and think that the minimum might well be lower, say 7 chataks.
- 7. The Chief Secretary to Government, when he visited this district early in March, stated in his Note of Inspection that the minimum wage system need not be established here. It was established rather by accident, as I have already explained. Owing to the startling manner in which its establishment has led to the people crowding on to the works and doing practically nothing when they get there, I have now asked the Executive Engineer to go back to the old system and fine below the minimum, paying the people entirely by results, in accordance with Government Resolution No. 250, dated 17th January 1900, and the Chief Secretary to Government's opinion. The people will be carefully watched by the Europeon officers on famine duty.

8. No difficulty has been found in distinguishing between the classes to whom the Code minimum of 12 chataks should be applied and those to whom the 9 chatak rule is applicable. All weak persons, unfit for hard work, are put into Class IV gangs, where they earn the 12 chatak minimum until they are well enough to be drafted into a Class II gang. As long as this carefully done, I see no harm in having a very low or even no minimum wage at all.

9. I am taking the liberty of not sending you the figures called for in your No. F.—1378, because I understand that the object of getting these figures is to contrast the effects of the reduction in wage on the attendance on the two classes of workers (i.e. on earth-work and metal-work). There having been no "reduction" here, I cannot supply

any figures bearing on the point.

No. 522, dated 18th April 1900.

From - Dr. R. Farrar, District Medical Officer, West Khandesh; To-The Commissioner, C. D.

Your No. F.—1377 of 1900. Physical condition of workers in famine camps. have the honour to report as follows.

The principal castes among the workers on famine relief camps in West Khándesh are Kunbis, Brinjáris, Mahárs and Mhángs, Musalmáns and Bhils.

Speaking generally, the condition of the workers is good. The men are wellnourished (not perhaps quite so well as prisoners in gaols Physical condition. who are exceptionally well fed), the women retain their roundness of contours, and the children, on the average, are quite as fat in the kitchens, or even in some cases fatter, than they would be in their own homes in normal

The above observations apply to Kunbis and Mahars, who come on to relief works in good time and before they are reduced in condition. Bhils, on the other hand, frequently do not apply for work till they are already much reduced. They cannot soon recover condition on the wages they earn. Making allowance for the natural skinniness of the Bhil, I am of opinion that the Bhils, on relief works, especially in the Northern Talukas of West Khandesh, are, by reason of famine, in a condition below par.

I have not the materials for giving accurate figures, but my impression derived from a very large number of enquiries from workers and officials in all the camps in West Khandesh is that fully 50 per cent. of II Class workers and in some camps 75 per cent. are earning only the penal minimum, which at present rates works out to 71 annas a week. If accurate statistics on the point are required I could obtain them, after a little delay, from my own camps or they could be obtained more readily from the officers of the Public Works Department.

My opinion, derived from enquiries specially directed to the object, is that 71 annas per week, the general II Class wage is just sufficient to Relation of wage to physical support life in health and without obvious deterioration for perhaps two or three months, when the diet is jowari or other staple grain. I doubt whether a man or women could do full work on the jowari only which can be bought for 71 annas weekly at Grain eaters. present rates, for, say, six months without losing weight. I am clear that it leaves no margin for luxuries, or even for purchase of clothes. I would suggest that the carbon and nitrogen equivalents of this grain be worked out by a competent expert. I suspect that the thrifty Kunbis, when earning minimum

wage are able to supplement it by drawing on their savings, pawning jewels, borrow-

While the Hindu vegetarian castes may not get sufficient sustenance out of the minimum wage, I am of opinion that the meat eating Meat-eaters. castes are able to maintain themselves in health by the use of meat at present prices. I have seen good meat selling in camp bazárs at half an anna a seer. At this rate Mahars, Mussalmans, and Bhils can live and keep well on even the present penal minimum. Famine which raises the price of grain brings down the price of meat.

In this connection it is of the highest importance to facilitate and even encourage Sale of meat in camps. Brahman officers, on religious grounds, are very apt to try to prevent the sale of even good meat. This should be sternly forbidden, and permission should be readily given to accredited Mussalmán butchers to sell meat under proper supervision. Only flesh should be allowed to be sold and no entrails or offal, and frequent inspections should be made. Otherwise the meat-eating castes will buy inferior meat surreptitiously, and, as I can personally testify, Bhils will eat meat that is absolutely putrid. This is an important predisposary cause of cholera.

When the metal-breaking task was at three feet, a very large proportion of workers wage-earning power.

Wage-earning power.

in Glass II, especially Kunbi and Brinjari women of no more than average strength, were earning with apparent ease from 10½ to 13½ annas weekly in many camps. This suggests the inference that the lazy ones of equal strength who did not exert themselves to earn more than the minimum wage and were apparently contented with it, found themselves able to subsist on 7½ annas weekly. I am quite convinced that most of them could have earned more had they chosen to work.

The task has now been raised, I understand, to $4\frac{1}{2}$ feet. Under new conditions few,

I think, will be found able to earn more than the penal
minimum $7\frac{1}{2}$ annas. The conditions of work differ in
different camps according to the nature of the stone and the lead, &c. In one camp
Mandal (Sindkheda Taluka) the stone was soft and all the workers earned full wages.
Where the stone is hard and badly got the task is proportionally harder. I think the
system of measuring and determining wage by Public Works Department officers wants

looking into. In three sub-camps of Amalner, all within 5 miles of the main camp, with people of the same class working under apparently similar conditions, I found that in one camp the great majority of workers, Class II, were earning $7\frac{1}{2}$ annas, in another $10\frac{1}{2}$, in the third $13\frac{1}{2}$ weekly. I could find no explanation of the discrepancy.

I am of opinion that the people on earth-works are on whole in slightly better condition than on the metal-breaking works. They are certainly more contented and are able to earn a higher average wage. The work is pleasanter, and the task is more easily accomplished and less penal in character. I strongly advocate earth-works rather than metal-breaking where practicable.

In conclusion I am opinion that $7\frac{1}{3}$ annas, the penal minimum at present rates, is just sufficient to support life under conditions of moderate work for a few months, with probably some loss of weight, but leaves no margin. Anything above 10 annas weekly probably will support life in health and leave a slight margin for clothing, &c. Above 12 annas the thrifty can save a trifle.

I may point out that a family of four, say a man and wife each earning 12 annas weekly, and two children over eight each earning eight annas weekly, will be making Rs. 10 per mensem, about the wages of a syce, not counting any younger children who may be fed in the kitchen.

I would urge not that the penal minimum be raised, but that the task be reduced so as to enable workers of average diligence to earn not less than 10 annas per week.

Memorandum from the Collector of Khandesh, No. F .- 1203, dated 20th April 1900.

Forwarded to the Commissioner, C. D., with compliments.

I have seen all the camps in Dr. Farrar's charge, with the exception of those near Amalner, and my experience of the condition of the people coincides with his. The workers, generally speaking, are in good condition. The exceptions are those who came

on the works in a reduced condition and belong almost altogether to the hill tribes, including Maochi Bhils from the outlying villages in the west and the Dhankas, Pavras and Bhils from the hills on the north. The Bhil labourer from the villages in the plains has come on to the works readily enough and has kept condition as well as the Kunbis and Mahárs.

The hill tribes have now been exempted from the penal wage rule, their task has been reduced and they are to be paid daily. Thus even if they do come on in a reduced condition they will have every chance of recovering strength if they do not yield again to their wandering instincts.

I have not yet received the returns for the camps in Dr. Farrar's charge giving the proportion of workers fined down to the penal minimum; Dr. Farrar's estimate of 50 per cent. at least and in some cases 75 per cent. is, I think, too high. He mentions one camp where all were earning full wage and two camps out of three at Amalner where 10½ to 13½ annas were being earned. At the three earth-work camps Purmepáda and Talvada and Ajnád and at the metal-breaking camps in Pimpalner Táluka I found the majority were earning more than the penal wage. Only at Dahivad (Bombay-Agra Road) and at Devala did I find the case otherwise. At Dahiwad the people were in good condition with the exception of some hill folk who had wandered over from Sháháda and from Holkari. The other workers were mostly Vanjirás, Bhils and Mahars with a few other Hindus. Cheap beef was to be had in the village of Dahivad and I ordered a site for the shop to be a assigned near the camp so that it might be under supervision. At Devala I arrived when the last payment was being made after the people were dispersed by an outbreak of cholera. The workers from the villages round about were in good condition. The hill folks were not. They had, I believe, come on in bad condition. The grain advance system was not working properly. The grain dealers were not allowing full value for the chits on the ground that some of the chit-holders left the work immediately they received the advance. Thus, of those who stayed on, some were getting even less than the penal wage as the full value of the chits was deducted from their earnings. This will now be impossible with daily payments.

Dr. Farrar mentions two conditions under which the effect of the penal wage is minimised. One is that some of the workers are probably drawing on their own resources. It does not need much to bring the penal wage up to the amount necessary to keep a man in good health, while the amount that can be earned with very little work is an appreciable amount when it is remembered that all non-working children are fed. The other condition is the cheap supply of beef which is available in most camps. This factor will be less in evidence in the next few months as the supply will in all probability be less.

The metal-breaking task in force up to March was, I consider, a light one, and there was no reason why any one who chose to work should not complete it or at least earn the Code minimum. The task has now been raised from 3 cubic feet to 4½ cubic feet for Class II. I am not prepared to say that it is too heavy, but the change and the advent of very hot weather will probably increase the proportion of workers earning only the penal minimum.

No. F.-2469, dated 20th April 1900.

From-The Collector of Násik;

To-The Commissioner, C. D.

With reference to your No. F.—1378 of the 22nd March and No. 1668, dated the 9th April 1900, I have the honour to send herewith copies of the District Medical Officer's No. 190, dated the 16th April, and Executive Engineer's No. 3048 of the same date, and to state that in my opinion the reduction of the penal minimum wage from 12 to 9 chataks has not injuriously affected the condition of the workers.

It is true that the number of workers in this district has largely decreased during the last fortnight, but this is due to the outbreak of cholera at the Girna Bridge, Waka, Odal Tank and Khirdi-Sathe Works.

2. As regards European supervision of relief works and of gratuitous relief, there are, besides the Europeans of the regular district staff, two European officers under

the Executive Engineer-Captain Grace, I. S. C., and Mr. Prendergast of the Burma Police.

They are employed on the work of camp inspection and are, I think, sufficient for the purpose.

There are no European officers outside the district staff supervising the distribution of gratuitous relief, nor do I think that European officers other than Assistant Collectors (who are not available) would be of much use in this direction. The work requires a knowledge of the people and their language, not usually possessed by Europeans other than district officers.

The information asked for in paragraph 2 of your No. F.—1378, dated the 22nd ultimo, has not yet been received from the Executive Engineer, Násik, who says it is doubtful whether the information can be supplied in time. A copy of his No. 2736, dated the 6th instant, is herewith sent for perusal. Under the circumstances I have the honour to state that the information will be supplied as soon as received from the Executive Engineer.

No. 3048, dated 16th April 1900.

From-The Executive Engineer, Nasik District;

To-The Collector of Nasik.

Reference No. F. dated 14th April 1900. The undersigned has the honour to state that orders have been given to the effect that only able-bodied adults are to be fined down to the penal minimum and no reports have been received of any difficulty having been experienced.

Memorandum from the Executive Engineer, Nasik District, No. 2736, dated 6th April 1900.

Reference No. F., dated 4th April 1900. Endeavours will be made to supply the information asked for by the Commissioner by the 15th, but it will be necessary to search through many hundreds of bulky muster rolls, and it is very doubtful if this can be done within the time.

No. 190, dated 16th April 1900,

From-The District Medical Officer, Nasik District;

To-The Collector of Násik.

With reference to your Nos. F. and P. of 4th and 14th instant, I have the honor to report that I have noticed no difference in the condition of the workers at famine camps since the reduction in the minimum wage, but I have met several workers coming away from camps as they said they could not live on the pay.

- 2. At present I am unable to compare the condition of workers on metal-breaking works and earth-work, respectively, as the condition of workers on different works of the same character varies considerably: for instance Khopdi, Deshmane, Waka and Girna Bridges are all metal-breaking works, but the condition of the workers is only moderate at Khopdi, fair at Deshmane and good at Waka and Girna Bridges, the difference being apparently due to the various localities from which the workers are drawn,
- 3. No difficulty was found in excluding weakly people from the operation of the order reducing the minimum wage.

No. D.-2228, dated 20th April 1900.

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From—The Collector of Sholapur;

To-The Commissioner, C. D. And the contract the latest the contract th

In compliance with your memorandum No. F .- 1668 of 9th instant, I have the honour to forward herewith reports from the Relief Executive Engineer and the District Medical Officer on the effect of the reduction of the minimum wage. They both report that this measure has had no prejudicial effect on the health of the people.

2. The District Medical Officer is of opinion that the people on metal-breaking are in somewhat better condition than those on earth-work.

3. The Relief Executive Engineer is of opinion that the reduction has sent off and kept off the works a considerable number of people not really in need of relief. The statement he annexes shows a falling off of 808 in average numbers during the two months under report.

4. No difficulty has been experienced in excluding weakly persons from the reduction. Such few as are very emaciated are fed in the kitchen until they are fit to work.

5. Up to the 17th March, when I was forced to go on leave, my own observation was in accordance with the views expressed by the Relief Executive Engineer, and District Medical Officer, and I feel sure their opinions may be taken as correct.

6. I regret that up to the moment of writing, the Executive Engineer has not furnished me with his report on the subject. I sent him a very urgent reminder the day before yesterday. In view of your urgent telegram received last night, I can no longer delay the submission of this report. I have no doubt, however, that the facts regarding the Executive Engineer's division of the district are similar to those reported by Mr. Milsom.

No. 240, dated 14th April 1900.

From—The District Medical Officer, Sholapur;
To—The Collector of Sholapur.

With reference to the last sentence of the No. 2083 of 13th April of the Collector and the order detailed in the paragraph 2 of Government Resolution No. 1104 of 23rd February referred to in the memorandum No. M.-44 of 5th April of the Chief Secretary to Government enclosed with the Collector's memorandum and the order referred to in the No. F.-1668 of 9th April of the Acting Commissioner, C. D., also enclosed with the Collector's memorandum, the District Medical Officer has the honour to state that no such order by itself or as enclosed in the Government Resolution has been communicated to him. It is therefore not possible for him to answer the query as to "whether any difficulty was experienced in excluding weakly people from the operation of the order reducing the minimum wage."

With reference to the report called for in the Collector's memorandum No. $\frac{D}{1816}$ of 26th March and again in the No. $\frac{D}{2083}$ of 13th April, the District Medical Officer has the honour to point out that a complete report could only be satisfactorily made after a revisitation of all works which had been inspected previous to the issue of the order for reducing minimum wage. This the District Medical Officer not having been informed of the above order and not knowing when the reduction of the minimum wage took place, has not been able to do.

However from such information as he has been able to gather by inquiry, and by personal observation on several famine relief works, the District Medical Officer desires to state as his opinion that there is no deterioration in the physical condition of the people which could be ascribed to the reduction of the minimum wage by administrative order.

Such falling off in health and strength as has been noticed is individual and arises from particular local circumstance and not from any general cause operating over the whole district.

The men and women employed on metal works, where it is possible to make the wages earned directly dependent on the accomplishment of a definite task, are if anything in a better condition than those employed on earth-works, where, from the difficulty of arranging task work with a dependent wage, the institution of a reduced minimum has had its most rigorous effect. It may be also that the people work more energetically on metal-breaking where they may sit at work, than on earth-works, where most varieties of work have this in common that the erect posture is necessary. The children of three years and under—who remain with their mothers at work are, I think, in better condition on the road-metal works than on the tank works.

If this opinion be correct, the reason, I take it, is two-fold. The mothers are better fed and therefore better able to nourish these children; and being stationed in one spot all day they are better able to shelter the children, whom they keep with them all the time.

No. 1513, dated 15th April 1900.

From-The Relief Executive Engineer, Sholapur;

To-The Collector of Sholapur.

With reference to correspondence ending with your memorandum No. $\frac{D}{2003}$ of 13th April 1900, I have the honour to enclose a tabular statement giving the information asked for by the Commissioner, C. D., in his No. F.—1378 of 22nd March 1900.

- 2. Persons earning only minimum wage, though not fined, are almost all fed in kitchen. The number nominally worked and therefore paid in cash is so small that they have not been shown separately in this return.
- 3. I have quite recently inspected all the works in my charge except the Budhihal Tank, and on them I am decidedly of opinion that the reduction of the minimum wage has in no way prejudicially affected the physical condition of the workers. From Budhihal the Sub-Divisional Officer reports that he considers the workers on earth-work have not apparently been affected, but that the small number he has on metal-breaking have, and I am therefore instructing him to change the people so employed and put them on to earth-work and others on to metal-breaking. This state of things does not however appear elsewhere on other works and the Sub-Divisional Officer's opinion is not shared by the District Medical Officer who returned from Budhihal on 3rd April 1900, and has just reported to me as follows, under dated 12th April 1900:—"The undersigned is of opinion that no deterioration in the physical condition of the workers is observable which could be ascribed to the reduction in the minimum wage."
- 4. This is a general report for all works in my charge, but as almost the last that the District Medical Officer visited before reporting, was Budhihal, it may be taken certainly to refer to that work if anything more particularly than to any other.
- 5. As to the effect that the reduction has had in keeping people off the work, I consider that there is now ample evidence to show that it has been the means of sending people off the works and in keeping others from coming on. The figures in the enclosed statement show a falling off of 808 in average numbers during the two months under report.
- 6. The people employed on the Tembhurni-Kem Road have been shown in the statement under Poona-Hyderabad Road—the whole of the workers on the sub-division having been lumped together.
- 7. No difficulty has been experienced in excluding weakly persons from the reduction in the minimum wage. Such as are much reduced—and the number is not at all large—are fed up in kitchen until fit for work.
- 8. In conclusion I beg to point out that in the papers accompanying your No. D.—1816 of 26th March 1900, this report is called for "as soon after the 15th proximo as possible," whereas in your No. D.—2083 of 13th April 1900, it is requested that it may be submitted "without further delay."

Tabular Statement to accompany Report No. 1513, dated 15th April 1900, showing results of the reduction in Minimum Wage by 25 per cent.

DAILY AVER- AGE EARTH- WORK.			DAILY AGE & BREAD	Brat.	EARTH-WORK PERCENTAGES,					METAL-BREAKING PERCENTAGES.						
Name of Work.	Month before.	Ionth Mouth Month Month				oun.	Fin	ed.	Minla with finit	out	Maxim	inn.				
en siebe: Ul	Delete.	oftre, after, b	before. after.		Before.	After.	Before.	After.	Before.	After.	Before.	After.	Before.	After.	Before,	After
Budhihal Tank Bhamburdi Tank Ashti Tank Poona-Hyderabad Road Pandharpur-Karád Road	3,762	13,858 7,876 5,031 11,402	200 143 22,350 1,277	326 118 16,094 201	44 87 46 63	63 88 87 99		1	58 13 52 17	37 12 13 	100 43 62	100 Not 92 89	spo m 1	aepe	 rate	 ly.

Accompaniment to the Commissioner, Central Division's Letter No. F-2008 of 25th April 1900, to Government, Famine Department.

Extract paragraphs 2 to 5 from the Ahmednagar Collector's letter No. 3907, of 15th March 1900, to the Commissioner C. D.,

I .- Carriers' Wages (Class II).

- The difference between the class I wage (19 chataks) and the class II wage (15 chataks) is already considerable, viz., 4 chataks or 8 ozs. or ½ lb. grain a day. It is now suggested that the class II wage may be reduced to 14 or 13 chataks, thus widening the already adequate difference between it and class I, at the same time decreasing the difference between the class IV or minimum wage (12 chataks) and the class II wage. In considering this question it is necessary to remark first that it is distinctly misleading to talk about diggers' and carriers' wages. A majority of our famine relief works are metal-breaking works on which there are neither diggers nor carriers. Of course on earth works there are diggers and carriers; but it is very much more correct to speak of class I and class II, which cover both kinds of famine relief works, and not one only. Now on a well managed work in class I are put as a rule only men in good condition and accustomed to the kind of labour which they are called on to do; all other men and all women are put in class II. In actual practice class II really contains two quite separate classes, viz., (1) those who are fit to do (if they choose) a class II task, and if they do it are paid a class II wage, and if they fail to do it are fined down to, or below, the minimum wage, and (2) those who are not physically so reduced as to be placed in class IV and yet are not physically able to do a class II task; these are known as the 'weekly gangs; and are always fined down to the minimum, but never below it; being always paid the minimum wage they are often referred to as class IV, though incorrectly according to code nomenclature; for class IV, sub-class (1), are to be given light work near their buts (Code Section 78 (b)), are not to be given the ordinary labour of the famine relief work (whether earth or metal) and are to be regarded as gratuitously relieved; while the people now under consideration are given the ordinary labour of the work and are not regarded as gratuitously relieved but as 'workers'.
 - "3. Hence class II consists in fact of two sub-classes :-
 - (1) Ordinary workers, paid class II wage, subject to fine.
 - (2) Weekly workers, paid minimum wage, subject to no fine.

The wage for sub-class (II) is 12 chataks; it is proposed to reduce the wage of sub-class (1) to 14 or 13 chataks. The objection to this seems to me to be that it does not leave enough difference between the minimum wage and the full class II wage; and also that it makes the difference between the class II wage and the class I wage too great. As regards the first point, it does not seem necessary to do more than quote the words of Government: 'What is most denoralizing of all is the grant of a minimum wage so little short of the working wage that there is no inducement to work.' (Letter to Government of India, No. 235, dated 15th January 1900.) It is exactly the same thing to cut down the working wage to only a chatak or two above the minimum wage as to grant a minimum wage only a little short of the working wage. Hence the lowering of the class II wage to 13, or even to 14, chataks is condemned by Government so long as the minimum wage remains at 12 chataks. (A little further on in the same letter Government regards as 'curious' a difference that can be adequately represented by one chatak; which is a further condemnation of a working wage of 13 and a minimum wage of 12. As to my second point, supposing that even 14 were taken as the figure for class II, then we have for class I a working wage of 19, for class II a working wage of 14, and for both, a minimum wage of 12. Here comes a difference of no less than 5 chataks (10 ozs. 5/8 lb.) between the working wage of class I and that of class II; a difference which would become 3/4 lb. if class II were dropped to 13 chataks. There is not in my judgment so great a difference between the men of class I and the men and women of class II as should be represented by 3/4 lb. of food daily.

"4. What I have said above explains the reasons of the opinion which I hold, and which I can now state. It is that it is neither desirable nor proper to alter the wage of only one class, leaving the others unchanged. The classes are arranged with a careful gradation of wage, and to alter one without altering the others is to upset the proportion

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of the whole scale and throw it out of balance. I have the honour to state my further opinion that there is no objection to altering the whole scale, and fixing it thus:—

Class I	le, to the suggestion	Chataks.
" II (1) " II (2)	or new-comers on was	14 Minimum for adults.
" III " IV, dol	office to edition a	Maximum. Minimum. 10 i.e., minimum poor-house;
some money	ver. 8	hospital ration.

Thus, unless the whole scale be revised, I am of opinion that the class II wage should not be reduced to 14 or 13 chataks. If the whole scale be revised, I am of opinion that it should be reduced to 14; and I am of opinion that this should be done. With a minimum wage at 10 chataks the usual penal wage could be taken at 8 chataks or 1 lb.; or at $7(\frac{7}{8}$ lb.).

from the minimum to the maximum (class II (2), II (1)-I). The maximum in class I is 1 chatak less than the present, just as the rate for class II is 1 less than the present. The only marked decrease is in the minimum which is cut down \{1\} b. and put at 10 chataks (111b.). This is enough for people in class II, sub-class (2), i.e., those who come on the works in a condition due to age and ordinary (not special famine) weakness which renders them fit to be worked, but to be only lightly tasked and paid a minimum wage; it is also sufficient for those in class II, sub-class (1), i.e., those who are able to do a class II task but do not choose to; and, lastly, it is sufficient for the ordinary dole ration. But it is not sufficient for those who are ordinarily strong but are reduced by privation to a state of weakness that unfits them for any work or for any but nominal work (class IV). These want feeding up; and Section 106 of the Code will require amending so that it may apply not only to the sick in hospital but also to those in kitchen or poorhouse who are so reduced in condition as to require feeding up before they can be sent to work. The rates in classes III and V are reduced 1 chatak each, as those in classes I and II have been, to maintain the balance and proportion of the scale. From the fatness of children in kitchens after they have been there some time I certainly believe (with the North-Western Provinces Government) that 4 is a sufficient wage for those under 8. Up to 12 years the wage is raised 50 per cent. for those not made to work and as the minimum for those made to work and another 50 per cent. on that gives the maximum for working children. Lastly, the penal ration or limit of fining in all but extreme cases of contumacy is 8 or 7 chataks, according as the North-Western Provinces male or female penal ration is adopted. In extreme cases of contumacy this limit is to be disregarded and strict payment by results to be enforced (Code 87b)."

Extract paragraph 2 (d) from the Sanitary Commissioner's letter No. T. F .- 2256, dated 7th August 1897.

"(d) The Medical Officer has been directed to obtain limes, which are easily procurable, and make an antiscorbutic drink to be given to all under observation and to inspect the gangs at intervals to watch for any more cases. Also I suggested to the special Civil Officer to try and induce a butcher to slaughter daily near the camp under observation and bring the meat ready dressed to an appointed place near the bazár. Fresh, cheap, though indifferent, meat will be a boon to those who cat it. Workers should then be prevented from bringing large quantities of meat, more than they can eat at once, with them from the town. As regards emaciated suckling infants, those nine months old and under at every camp where there is a kitchen and a Medical Officer, I would relieve the mothers from work, feed them on A class rations in the kitchen without any allowance for child and inform them they would have to take kitchen rations until the infant was stout and well. The Medical Officer should also give, if necessary, milk and appropriate treatment to the infant from the hospital."

Extract paragraph 1 of Government Resolution No.-1631-Fam., dated 2nd September 1897.

"Resolution.—Copies of the Sanitary Commissioner's letter should be forwarded to the Collectors of affected districts, who should be requested to give effect, so far as is in their opinion practicable and desirable, to the suggestions made in clauses (c) and (d) of paragraph 2 regarding the treatment of new-comers on works and of suckling infants and nursing mothers, the manner of determining the wages of workers and the arrangements for the supply of food to the relief camps. It is not, however, probable that any of the relief-workers will be able at most places to obtain butcher meat with the wages obtained under the Code. If in some places owing to the continued scarcity of fodder or other cause such meat is procurable at about the same or lower prices than other food, such measures as are practicable may be taken to secure its being obtained when fresh. But the utmost caution must be taken to prevent any offence being given through any of such measures to the feelings of any section of the people engaged at the work. Suitable notice should be taken of any proved instance of wages being calculated on a lower price than prevails at or near the work."

Resolution of Government, in the Famine Department, No. 3321, dated 14th September 1900.

Letter* from the Executive Engineer, Ahmedabad District, No. 5755, dated 21st May 1900. Memorandum* from the Collector of Ahmedabad, No. F .- 2106, dated 22nd May 1900. Memorandum* from the Superintending Engineer, N. D., No. 3593, dated 26th May 1900. Memorandum* from the Commissioner, N. D., No. r.-381, dated 28th May 1900. Letter* from the Collector of Bijápur, No. F .- 1303, dated 12th June 1900. Memorandum* from the Commissioner, S. D., No. F .- 597, dated 18th June 1900. Letter* from the Collector of Kaira, No. R.-4898, dated 22nd June 1900. Memorandum* from the Commissioner, N. D., No. 7247, dated 26th June 1900. Letter* from the Commissioner, S. D., No. r.-613, dated 29th June 1900. Letter* from the Collector of the Panch Mahals, No. 4400, dated 2nd July 1900. Memorandum* from the Commissioner, N. D., No. 7724, dated 4th July 1900. Letter from the Collector of Surat, No. FAM. -2288, dated 23rd July 1900. Letter* from the Commissioner, C. D., No. r.-3272, dated 30th July 1900. Letter from the Collector of Broach, No. FAM .- 6952, dated 31st August 1900. Memorandum* from the Commissioner, N. D., No. 10452, dated 3rd September 1900. Letter* from the Collector of Thana, No. 8848, dated 4th September 1900. Memorandum* from the Commissioner, N. D., No. 10672, dated 6th September 1900.

RESOLUTION.—The delay which has occurred in obtaining these reports has to a large extent frustrated the object of calling for them. It is to be hoped that the time when most relief works can be closed is now not far distant, and if there had been reason to believe that the application of the penal wage had evil effects incommensurate with any advantages gained, it should have been discontinued as soon as possible.

- 2. Fortunately it is clear that there has been in very few cases any physical deterioration as a result of the reduction of the minimum, and that in these cases the result has been due to the improper application of the penal wage, while the defects have been remedied before any serious effect was produced. In all cases in which it has appeared that excessive fining was not entirely due to the idleness of the workers, and that the establishment could not be relied on to apply the penal wage properly, fining below the Code minimum has, it is understood, been discontinued.
- 3. The opinions as to the general effect of the penal wage are very various, and on the whole the reports do not afford grounds for more definite conclusions than are recorded in Government Resolution No. 2180, dated 5th May 1900. There are cases in which people who were not in need of relief have been induced to leave the works, but there continue to be large numbers of people who remain in good condition without attempting to earn more than the penal wage, and who must be presumed to have other resources. There is however abundant evidence that the reduction of the minimum has had a very material effect in checking idleness and thus preventing extensive demoralization.

Printed with enclosures as accompaniments to this Resolution,

Accompaniment to Government Resolution, Famine Department, No. 3321, dated 14th September 1900.

No. 5755, dated 21st May 1900.

From-The Executive Engineer, Ahmedabad; To-The Superintending Engineer, N. D.

With reference to paragraph 4 of Government Resolution No. 2180, dated 5th May 1900, I have the honour to report that there was no occasion to apply the penal fine (wage ?) on any of the relief works in this District during the month of April.

- 2. The total quantity of work done by relief labourers during the month was 37,329,206 cubic feet as compared with 39,127,430 of the total task set, or an average of 95 per cent., while the total fines came to about 2 per cent. of the total wages earnable, the difference between the percentage of fine and that of short work being due to the fact that new comers are not fined for the first week or ten days.
- 3. Only a very few gangs did less than 50 per cent., and they were either new or decidedly feeble gangs. There were no cases of contumacious idleness on any of the

No. r.-2106, dated 22nd May 1900.

From—The Collector of Ahmedabad;

To-The Superintending Engineer, N. D.

Forwarded with compliments.

No. 3593, dated 26th May 1900.

From—The Superintending Engineer, N. D.;

To-The Commissioner, N. D.

Forwarded with compliments to the Commissioner, Northern Division.

2. The report is satisfactory.

No. r.-381, dated 28th May 1900.

Trom—The Commissioner, N. D.;
To—The Chief Secretary to Government, Famine Department. Submitted to Government, with reference to paragraph 4 of Government Resolution No. 2180, dated 5th instant.

No. r.-1303, dated 12th June 1900.

From-The Collector of Bijapur;

To-The Commissioner, S. D.

With reference to your No. F .- 505, dated the 16th ultimo, I have the houour to state that at Sangogi about 20 per cent. of the workers have been receiving the penal wage, hut the Special Civil Officer, Captain Sutherland, reports that it has had no effect in driving people off the works. It was also found not very efficacious in making them work harder. Rather they were satisfied with this minimum, and finding that they got the same whether they did 10 per cent. or 49, they were inclined not to try to do more than they could possibly help. This had to be checked by other means, chiefly by putting the most contumacious gangs on cooked food in the kitchen. This has had the desired effect, and they work better. They were not reduced in condition owing to having received the penal wage for a few weeks, and when they tried they could earn more

- 2. On the Badami-Mudkavi road the results are more satisfactory. In April the penal wage was paid for 5,127 days' work out of 58,745, or 8.72 per cent. The first time that it was introduced in the first week of that month 300 persons out of less than 2,000 on it left the work, but none after that. And it is found that a gang that gets the penal wage one week earns more the next week.
- 3. At both places the workers are in a very good state of health and the Deputy Sanitary Commissioner specially remarked on this at Sángogi.

No. r.-597, dated 18th June 1900, to be confessed event 1, 6081

meson to a decrease of countries it W.

From The Commissioner, S. D.;

To—The Chief Secretary to Government, Famine Department.

Submitted to Government, with reference to paragraph 4 of Government Resolution the difference between the percenta-No. 2180, dated the 5th ultimo.

Practically the penal wage system has had trial on only two works in this Division, as Bijapur is the only District in which it has been introduced. It seems to have served its purpose on the Badámi-Mudkavi Road while it failed to do so on the Sángogi

No. R.-4898, dated 22nd June 1900.

From-The Collector of Kaira;

To-The Commissioner, N. D.

I have the honour to submit the report called for in paragraph 4 of Government Resolution No. 2180, dated 5th May 1900, on the subject of the effect of the penal

- 2. I have found it difficult to obtain satisfactory information as to the extent to which the penal wage has been resorted to and the effect which its introduction has had on the number of those earning the minimum wage. The figures of past weeks are not easy of access to Special Civil Officers as they seem to be sent into Head Quarters of the Public Works Department.
- 3. On the whole there seems to be little doubt that the introduction of the penal wage has exercised a beneficial effect. On many of the works there has been no resort to the penal wage, but from others it is reported that fining below the minimum has resulted in the persons fined doing better work next week. The Tharsa Special Civil Officer informs me that whereas before the penal wage came in there was 50 per cent, of the workers on minimum wage only 5 per cent. were contented with that wage after the penal fining had been resorted to. At Karamsád the number earning minimum wage only fell by 50 per cent. when the penal wage was given. Complete returns can be furnished only by the Public Works Department.

No. 7247, dated 26th June 1900.

From-The Commissioner, N. D.;

To-The Chief Secretary to Government, Famine Department.

Submitted to Government in continuation of this office No. r. -381, dated 28th ultimo.

No. r.—613, dated 29th June 1900.

From—The Commissioner, S. D.;

To-The Chief Secretary to Government, Famine Department.

With reference to Government memorandum No. P .- 1051 of the 26th instant to the address of the Collector of Belgaum, expediting his report on the effect of the penal wage on relief-workers, I have the honour to state that in the Belgaum District, distress not being acute, the piece-work system is still continued and that, therefore, there has hitherto been no occasion in that District for the enforcement of the penal wage.

No. 4400, dated 2nd July 1900.

From-The Collector of the Panch Mahals;

To-The Chief Secretary to Government, Famine Department.

In reply to your No. r.—1051 of the 26th instant calling for a report on the effect of the penal wage, I have the honour to report that the penal wage is not in practical force in this District. People are paid daily and are paid the ordinary Code minimum. At the end of the week they are paid the balance due for work done and it is very seldom that more than two pice are deducted. The indisputable extent of the distress here and the fact that the majority of the people will not do a day's full work however much they are fined render it useless to inflict the penal minimum. It could only result in an increase in the mortality which is already enormous.

No. 7724, dated 4th July 1900.

From-The Commissoner, N. D.;

To-The Chief Secretary to Government, Famine Department. Forwarded.

No. FAM. -2288, dated 23rd July 1900.

From-The Collector of Surat;

To-The Chief Secretary to Government, Famine Department.

With reference to paragraph 4 of Government Resolution No. 2180, dated 5th May last, calling for a further report on the effect of the penal wage on relief workers in this district. I have the honour to report that the necessity for enforcing penal wages did not arise in this district as the workers were not contumaciously idle but worked to the best of their capacities and were paid according to the work done down to the Code minimum.

No F.-3272, dated 30th July 1900.

From-The Commissioner, C. D.;

To-The Chief Secretary to Government, Famine Department.

With reference to paragraph 4 of Government Resolution No. 2180 of the 5th May last, I have the honour to submit a further report on the working of the penal wage in the Districts of the Central Division, except Sátára, in which there is no minimum whatever.

2. In the accompanying statement have been compiled the figures supplied by the Collectors of Násik, Ahmednagar, Poona and Sholápur, showing for selected camps the proportion of workers who obtained the penal wage during particular periods, as contrasted with the percentage of those who were previously paid the Code minimum. The statistics supplied by the Collector of Khándesh, not being complete, have been excluded from the statement. Those furnished for the other four Districts appear to be of varying degrees of accuracy. For instance on the Maladevi Tank, which has been selected as a representative work for the Ahmednagar District, the percentage of those who earned the minimum wage is 1'3 as compared with 51'7 per cent. of the workers who were previously allowed the Code minimum. The variation is so marked that it is difficult to suppose that the results are not vitiated by error or by some special cause not reported. The same remarks are suggested by the comparative figures supplied for the two typical works in the Sholápur District, where the percentages before and after the introduction of the

penal wage work out to 68.15 and 363, respectively. The proportions in Násik and Percentage after Percentage before introduction of penal wage, introduction of Poona are much nearer the mark as will be penal wage. seen from the figures quoted in the margin. 76.3 51.9 Násik 27.6 17.2 But whatever the imperfections of the figures Poona supplied, it may safely be inferred from them

that the penal wage has been the means of stimulating the people to work.

- It is not equally clear whether it has had the effect of driving away from works those who are not absolutely in need of relief and whether it can be enforced continuously for any length of time against those who are wholly depended on their earnings for their livelihood. There are no indications that people have left the works in any appreciable numbers on account of the reduction in the Code minimum and it is obvious that to those having any resources of their own it is an advantage to remain on works as long as any sort of a reasonable minimum is retained and a fair sum of money can be got at the end of the week under the system. There is of course the power to fine persistent idling below the reduced minimum, but it has not been exercised systematically in any District and it is difficult to make any general use of it with an exceedingly limited superior staff. On the other hand, there is some evidence that the continued application of the penal wage leads to physical deterioration in the case of the honest worker without private resources. Mr. Lamb's opinion on the subject, based apparently on personal observa-tion, is very explicit. Dr. Farrar, the District Medical Officer for West Khandesh, writing under date the 25th May last, states as follows:- "My own opinion at the present date is that first class workers doing heavy work are slightly losing weight on the penal minimum of 9 chataks." Mr. Herbert, who is in charge of some of the works in the south and east of the District, seems to hold much the same view, judging from the following passage in the Collector's report :- "Mr. Herbert suggests that the penal wage is probably sufficient to maintain a man if he does not waste his energy in doing work. There is no doubt a certain amount of truth in this and perhaps this is one of the reasons why metal-breaking work is often preferred to earth-work." What is probably meant is that metal-breaking, in which the worker has to sit still, involves less waste of energy than earth-work in which there is constant locomotion. From none of the other Districts in the Division is there any complaint or suggestion as to loss of physical condition, and even the opinions of the officers in Khandesh and Ahmednagar quoted above prove nothing more than the necessity of care in the imposition of fines and of special treatment for • the weakly. Subject to these conditions there is no reason why the penal minimum should not be maintained. If it does not rid the works of people not in need of State aid, it at least prevents them from getting so much as they did before and this in itself is a substantial advantage.
 - 4. The reports of the Collectors in Central Division are appended in original for information.

Statement accompanying letter No. F.-3 272. dated the 30th July 1900, from the Commissioner, Central Division, to the address of the Chief Secretary to Government, Famine Department.

old at Pallyman	period prior t	taining to the o the introduc- penal wage,	Statistics per period subse introduction of	taining to the quent to the the penal wage.	Remarks.		
District.	Total number of workers,	Percentage paid Code mini- mum before reduction.	Total number of workers.	Percentage paid penal wage.			
est course bit a few	to the size of	martin and	Florid Addition	continued a	or gross of accutance, for the		
Násik	38,468	76.3	38,927	51.9	These figures relate to four select-		
Ahmednagar	13,884	51.7	10,612	1.3	These figures relate to one select-		
Poona	1,83,017	27.6	1,95,230	1.72	These figures relate to three se-		
Sholápur	1,34,064	68-15	1,69,554	3.63	lected works. These figures relate to two select-		
Sátára		m to me the			ed works. No figures are furnished by the Collector of Sátára as there is no minimum wage in that District.		

No. 8348, dated 14th June 1900.

From—The Collector of Násik; To—The Commissioner, C. D.

With reference to paragraph 4 of Government Resolution No. 2180 of 5th May 1900, Famine Department, I have the honour to report that it is universally stated by Inspecting Officers that the reduction of minimum wage has done no harm.

No. r--2749, dated 18th June 1900.

From—The Commissioner, C. D.;
To—The Collector of Nasik.

Returned to the Collector, whose report on a subject of considerable importance is exceedingly meagre and unsatisfactory. He is requested to furnish particulars on the points specified in paragraph 4 of Government Resolution No. 2180, dated the 5th ultimo, and to state fully the grounds for the belief that "the reduction of minimum wage has done no harm." This measure has now been in operation for over two months and it is desirable to ascertain whether the continued enforcement of the penal wage has a tendency to affect prejudically the physical condition of the workers and the reasons pro and con.

No. 9061, dated 29th June 1900.

From—The Collector of Nasik; To—The Commissioner, C. D.

Returned with compliments.

- 2. The undersigned's No. 8348 of 14th June 1900 was the gist of inspecting officer's report and the undersigned's observation.
- 3. The opinion that "the reduction of the minimum wage has done no harm" is founded on the fact that no perceptible physical deterioration has been noticeable among the workers generally since its introduction nor has there been any general exodus from the works on that account. The Mámlatdár of Yeola alone has stated that some workers left Khirdi Sathe because of the introduction of the penal minimum, but the Sub-Divisional Officer remarked thereon, and probably correctly, that those who left had resources elsewhere and were not inclined to exert themselves more than was absolutely necessary. Again the Special Civil Officer, Odal Camp, noticed a physical deterioration during the hot weather among the Bhils and Kolis, though not among the better classes such as Kunbis.

The Sub-Divisional Officer is of opinion, and with apparent reason, that the deterioration among the Bhils and Kolis was due not to the penal minimum, but to the extreme heat to which they were unaccustomed as coming from the hills and to the continuous hard work to which they were constitutionally averse.

4. Appended is a statement received from the Executive Engineer showing numbers of relief workers earning different rates of wages on four typical works selected by the undersigned as varying in locality and species of work during the month preceding the introduction of the penal minimum (February 1900) and the two months following it (April, May 1900).

Statement showing average numbers of persons in receipt of different wages on certain relief works in the Násik District.

No.	Name of work.	Nos, on special class wages,	Nos. on maximum wagos.	Nos. on intermedi- ate wages.	Nos. on Code minimum wages.	Nos. on penal minimum wages.	Remarks.
1	2	3	4	5	6	7	8
		in spect	During	Februar	y 1900.	2	
1	Bombay-Agra Road, Camp Waka.	317	132	1,771	11,43?	azia	Figures for work Nos. 1, 3 and 4 are for weeks ending 10th, 17th, 24th February and 3rd March 1900.
2	* Odal Tank	286	des es	saemn e	7,423	des or 12	Figures from 24th February 1900, that is from commence ment of the work.
3	Sinnar-Wavi Road,	357	842	2,833	4,973	alterior,	hill there are the
4	Camp Khopdi. Khirdi-Sathe Tank	278	1,793	567	5,533	120	miaranto sa nicerio
	MOTO 1 DOM A 44 DE 21 A 4		Durin	g April	1900,		
1	Bombay-Agra Road,		428	817	3,667	9,465	For weeks ending 7th, 14th,
	Camp Waka.					de la constant	21st and 28th April 1900.
2 3	Odal Tank Sinnar-Wavi Road,	- :	2,014	747 288	2,148 2,089	9,604 5,542	
4	Camp Khopdi. Khirdi-Sathe Tank	•••	1,376	1,936	1,861	283	Deff-hell
			Duri	ng May	1900.	outless	Shifty formation
1	Bombay-Agra Read,	II ava	377	827	5,452	8,593	For weeks ending 5th, 12th, 19th and 26th May 1960.
2 3	Camp Waka. Odal Tank Sinnar-Wavi Road.	4 1011	2,134	380 141	2,213 1,954	6,325 4,748	and in the opinion
4	Camp Khopdi.	arentar.	a detar	otsamil a	10 Mg (150 Mg	d rus se	the left to behave
4	Khirdi-Sathe Tank	20 0 do	1,152	1,068	3,013	542	the morks on that acc

NOTE-" Penal minimum introduced in March 1900."

No. 9245, dated 9th June 1900.

From—The Collector of Ahmednagar;
To—The Commissioner, C. D.

With reference to your expeditor No. F.—2526, dated 1st June 1900, I have the honour to submit that it was not possible to furnish the reports called for by Government "as to the effect of the reduction by the end of the [then] current month" until after the close of that month (May). Those of the Executive Engineer, Ahmednagar District, and the Relief Executive Engineer are now submitted; that of the Executive Engineer, Násik (which would relate to only one work in this District) is not yet received.

2. On the question generally I would refer to my No. D.—463, dated 20th April 1900, under Government Resolution No. 2180, dated 5th May 1900. On the whole I concur in the opinions expressed in paragraph 5 of the letters of the Executive Engineers, subject to the limitation that I do not think the penal wage can safely continue to be inflicted on the same worker for an indefinite period of time. If continued for a number

of weeks, the penal wage does, in my judgment, injuriously affect the physical condition of the worker. The moderation with which that wage is inflicted in this district, especially on earth-works, has, however, prevented any evil results ensuing from the use of it. It will be observed that in the Relief Executive Engineer's charge the percentage of finding below minimum is much higher than in the Executive Engineer's portion of the district. The Relief Executive Engineer does not show the finding on earth-works and on metal-breaking works separately; but the penal fining in his charge is in fact mostly confined to the metal-breaking works in the Nevása Táluka and (to a less extent) the Shevgaon Táluka in which as in Kopargaon there seem to be a considerable number of contumacious characters. I have in May visited every work in those tálukas (Nevása and Shevgaon) as well as all those in Akola and nearly all in Sangamner, and while according to my observation there is no excessive reduction in physical condition to be observed in Nevása and Shevgaon, the people there are distinctly fine-drawn, as compared with those in Sangamner and Akola Tálukas where is almost no fining below the minimum, I by no means wish to say that this is wholly due to the penal wage being more freely used in the Eastern Tálukas, and that there no other causes contributing to the differences in condition; but I believe that this more frequent infliction of the penal wage is one amongst several facts affecting the physical condition of the general body of workers in the Eastern Tálukas. My view as to the penal wage is briefly this—

- (1) it can safely be inflicted for a time;
- (2) it may result in producing better work, or it may not; more often not;
- (3) it cannot safely be continued on the same individual beyond some reasonable time; what is a reasonable time is rather guess work; I should guess four weeks;
 - (4) it is proper to inflict the penal wage on able-bodied persons (after warning and even in extreme cases to go beyond it to the extreme limit of exact payment by result; but where distress is severe, this ought not to be done until a superior officer has satisfied himself that—
 - (a) all weakly persons are separately ganged so as not to be subjected to the penal wage;
 - (b) all the arrangements of the work are good, so that one may be sure that short outturn is due to laziness and not to bad management.
- 3. I do not think any lowness of wage will keep off people living close by a camp who are not in real need of relief. A low wage will certainly keep off those at a distance whom a high wage would attract. But those living within easy daily walking distance of a work are ready to join the work for what they can get, however low the wage.

No. 8189, dated 5th June 1900.

From—The Executive Engineer, Ahmednagar District;

To-The Collector of Ahmednagar.

In reference to your letter No. 5764, dated 3rd instant, I have the honour to forward the information you require.

2. The average daily numbers as per form No. 15 in my half of the district for the five weeks ended the 2nd instant were—

May 1900.					Daily Numbers.
1st week					76,400
2nd "				***	75,215
3rd ,,	100	***	100		76,180
4th ,,		*** ***			80,113
5th ,,		P V. S.			82,531
STATISTICS!	Terr o	14.9W 1601	and the added		TO THE REAL PROPERTY.

Average for the five weeks ... 78,088

Amongst these the distribution of wages has been in the following proportions:-

Percentages.	Maximum.	Between maximum and minimum.	Minimum.	Below minimum.	Total.
Earth-works	46	24	21	9	100
Metal-breaking works	9	42	33	16	100
On all works	271	33	27	121	100

3. I can only compare these figures with those quoted for my portion of the District in Government Resolution No. 2180, dated 5th ultimo, and which referred to the early part of April last. They are as follows:—

Percentages.	Maximum.	Between maximum and minimum.	Minimum.	Below minimum.	Total.
Earth-works	 27	33.	28	12	100
Metal-breaking works	 20	25	40	15	100
On all works	 231	29	34	131	100

While the people on earth-works are getting more expert, those on the metalbreaking works do not show much, if any, improvement.

- 4. The daily numbers on earth-works for the five weeks averaged 60,000, while the daily numbers on metal-breaking works were 18,000, total 78,000. In April these figures were respectively 43,500 and 28,500, total 72,000.
- 5. The effect of the penal wage in keeping off the works in this District persons not in actual need of relief is, I consider, small. On account of the care taken to gang the weakly separately I am of opinion that the effect of the penal wage on the physical condition of those receiving it is not injurious.

No. 1139, dated 7th June 1900.

From-The Relief Executive Engineer, Ahmednagar;

To-The Collector of Ahmednagar.

Referring to your No. 5764, dated 3rd instant, I have the honour to forward the information you require.

2. The average daily numbers in my portion of the district for the four weeks ending 28th May were—

May 1900.			SHALL BALL	1	Daily Numbers.
1st week	•••	•••		•••	86,590
2nd week	***	•••		•••	88,137
3rd week	•••	•••	•••	•••	88,182
4th week	•••	•••	•••	•••	91,132
10003	1 - 1 - 1 - 1	PORT NAME OF TAXABLE	OF ALL SHEET		-
	Δ	TOTO MO FOR I	he form mode		00 510

3. Amongst these the distribution of wages has been in the following proportions:—

Percentages.	in and an analysis of the second	Maximum.	Between maximum and minimum.	Minimum.	Below minimum.
On all works	e a philippi p of the m	11.87	41.26	20.76	26.11

- 4. I regret I am unable to compare the proportion to whom the penal wage is paid as above with the proportion of those to whom the minimum was paid before the reduction was made as I have not the necessary data.
- 5. In my opinion the penal wage has little or no effect in keeping persons off works who are not in actual need of relief, and owing to the care that is taken in ganging the weakly separately, I am further of opinion that the effect of the penal wage on the physical condition of the people is not injurious.

Statement showing average numbers of persons in receipt of different wages on Maháldevi Tank Relief Work in Ahmednagar District.

Numbers on special class wages,	Numbers on maximum wages.	Numbers on intermediate wages.	Numbers on Ccde mini- mum wages.	Numbers on penal mini- mum wages.	Remarks.
- 1	2	3	4	5	6
and the same	Links on	During	February	1900.	
1,066	4,566	1,070	7,182	180	For weeks ending 10th, 17th, 24th February and 3rd March 1900.
	THE PARTY	During	May 1900.		
are som	9,800	43	627	142	For weeks onding 5th, 12th, 19th and 26th May 1900.

Note,-" Penal minimum introduced in March 1900."

No. D.—1292, dated 7th June 1900.

From-The Executive Engineer, Násik District;

To-The Collector of Ahmednagar.

Forwarded with compliments to the Collector of Ahmednagar with reference to his No. 5764 of 3rd instant.

No. 9286, dated 11th June 1900.

From-The Collector of Ahmednagar;

To-The Commissioner, C. D.

Copy forwarded with compliments to the Commissioner, C. D., in reference to this office No. 9245, dated 9th June 1900.

No. F.-3060, dated 25th June 1900.

From—The Collector of Poona; To—The Commissioner, C. D.

With reference to paragraph 4 of Government Resolution No. 2189, dated 5thultimo, I have the honour to forward the accompanying report from the Executive Engineer, Poona District, showing the effect of the reduction of the minimum wage on the three works selected by him at random and to intimate that I concur in the general conclusions arrived at, namely that the introduction of the penal wage has produced no loss of condition while stimulating a keenness for work which resulted in a decided increase in the outturn.

2. On no work except the Poona-Bombay Road and the Shetphal Tank has the introduction of the penal wage resulted in excluding from the work persons really in need of relief. The reduction in the number of workers from 13,000 to 7,500 on the Poona-Bombay Road cannot, however, be attributed solely to this cause but to a combination of circumstances, such as the enforcement of residence on the work, outbreak of cholera, approach of the monsoon, &c. The distress round about Shetphal is comparatively less acute, and from iths to half the total number of workers there are still paid on the piecework, the rest on task work system. A number of the task workers who had resources of their own as soon as the penal minimum was introduced left the work. Of the remainder the percentage of those who performed less than 50 per cent. of the appointed tasks has been roughly as under:—

Week end	ling	Total number on task work.	Percentage of workers who performed less than 50 per cent. task.
		6	3 3
5th May		6,205	24
12th May	*	5,964	24
19th May	Ser Sale	6,136	14
26th May	1	6,345	16
		The second secon	

The figures of workers who earned the minimum wage before the reduction was ordered have not yet been received from the Executive Engineer for Irrigation, Poona, and the comparison required by Government cannot, therefore, be made as regards this work.

No. 5524, dated 21st June 1900.

From—The Executive Engineer, Poona District;
To—The Collector of Poona.

I have the honour to submit the report called for in paragraph 4 of Government Resolution No. 2180, dated the 5th ultimo.

- 2. The accompanying statement shows the percentages of workers on three works taken at random who earned the Code minimum and below Code minimum for two weeks in April and two weeks in May. I chose these four weeks because they are well on either side of the general introduction of the penal minimum in my District.
- 3. I fear that this statement is practically useless for the purpose for which it is required, viz., the demonstration of the effect of the penal wage of 9 chataks in raising the proportion of the task completed. For both before and after its introduction. I have freely used the powers given to me in Section 87(b), Famine Relief Code. And the penal minimum was partially introduced in my District before its general introduction.
- 4. I should find it equally difficult with the present press of work in my office to prepare a statement, showing the result of my system of fining. For lacking experience

at the commencement I proceeded at first tentatively and with diffidence, perfecting my arrangements as I saw the result.

- 5. But I have of course watched the results of my different attempts to get work out of the workers and can give these generally. At first I tried threats of punishment and promises of reward to the works establishment, but soon found this useless. Then I tried fining the workers both penal minimum and below and found that also useless. Lastly I tried punishing both works establishment and workers and this has proved successful.
- 6. It must be remembered in what follows that my experience is confined to this District where the famine has not been very severe, where the people have learnt from the last famine that Government is responsible for their lives, and where they look upon relief as the duty of Government and not a reason for gratitude.
- 7. Therefore, the people, when put on task work, look upon the daily wage as their right. I have found it impossible to convince them that they are paid by results. At first they believe that the works establishment is cheating them out of the balance. Then they believe that Government has lowered the wage.
- 8. But when the works establishment has power over the workers, being able to fine them or mark them absent if they refuse to work and are themselves subject to fine for short work, the workers can be made to understand that they have to do a day's work for a day's wage and they do it.
- 9. With regard to the continuance of the penal minimum, under the present restriction, viz., that it is only to be applied to able-bodied adults in good condition, I see no objection to it. It is easily applied and I consider this the limit to which the discretion of mustering kárkuns may be trusted. I have found no evil to result from it as regards the condition of the workers.
- 10. Fining below the penal minimum is only done after special inspection by the Sub-divisional Officer and on report to me. This fining is of course very limited and for special cases. And the fine of the penal minimum helps to keep the workers up to the mark or at least lowers the cost of relief.
- 11. I have said above that my remarks must be taken to apply to my district only. I have found that the result of punishment is shown in keepness to work and not in loss of condition. Either the bunyas help them or they help each other or their previous condition carries them over.
- 12. With regard to the statement the first work is one which has given much trouble. The people are lazy and it is only lately that I have been able to get them to work.
- 13. On the Poona-Sholapur Road the first fortnight was the one in which I commenced strict fining. The good result is seen. On the Poona-Nasik Road I had commenced earlier.

Statement showing proportion of workers who obtained the minimum and penal minimum wages and the percentage of work turned out by them.

	WORKERS	WHO OBTAIL	NED THE			PROPORT	ION OF W	ORKERS.	
Weeks ending		Penal minimum or below minimum.	Total.	Percent- age of work done,	Maxi- mum or mean.	Mini- mum.	Below mini- mum.	Remarks.	
	C	ollecting 1	Metal on P	oona-Ahm	ednagar	Road.			
th April 1000	4,920	18,856	65,377	89,153	21 %	.06	·21	73	
4th do	8,368	10,105	72,710	91,183	23 %	-09	-11	-80	
9th May 1900	10,634	85,933	38,112	81,679	41 %	-13	-42	•45	
	15,071	43,546	27,665	86,282	19%	.17	•50	.33	

the particle of	Workers	WHO OBTAI	NED THE		Percent	Рвого т	ION OF W	ORKERS.	narco esta lis-		
Weeks ending	Maximum or mean wages.	Collecting Metal on 8 2,208 39,762 6 1,181 26,842 7 12,990 2,196 11,801 2,995 Collecting Metal on 8 29,558 1,262	Total.	age of work done,	Max- mum or mean.	Mini- mum.	Below mini- mum.	Remarks.			
To the second party	but son	Collecting	Metal on	Poona-Sh	olápur l	Road.	se din				
7th April 1900	77 200 000 11										
14th do	23,186	1,181	26,842	51,209	66%	45	-02	•53	al in the passage		
19th May 1900	21,827	12,990	2,196	37,213	71%	•58	:35	-07	nieras un		
26th do	23,828	11,801	2,995	38,619	70%	-62	-31	.07	PP .T		
		Collecting	g Metal on	Poona-N	ásik Ro	nd.					
7th April 1900	*3,624 }	29,558	1,262	35,986	45°/0	·14	.83	.03	*Piece-workers who almost always turned		
A STATE OF STATE OF	OR IN THE		Att Simy		TO BUT	ed pla	b year	Jua -	out more than 85 per cent. of work.		
14th do	*4,458 } 7,898 }	26,503	3,479	42,308	43,/°	-30	.63	.07	The percentage here is exclu- sive of work		
19th May 1900	*5,215 } 8,633 }	828,02	4,658	65,969	52 _c /°	•29	·62	-(,9	turned out by piece-workers.		
26th do	*5,556 9,330 }	25,454	2,922	70,329	56 _c /°	-35	.58	-07	10, 45 10, 45 Sub- Abiqu		

Statement showing percentage of work done on different Camps in the Poona District during April (1 to 11) 1900 and May (3 to 23) 1900.

or more given more and it	Camps.	Week ending 7th April 1900.	Week ending 14th April 1900.	Week ending 19th May 1900.	Week ending 26th May 1900.	Remarks.
Lor I while it out	o cit see braining	tion and	lan n	gilni?.	med u	18, 01
case that then	Yeot	78	71	81	80	toixis buogets
B Cl 1/2 - 2 - 1	Pátas	58,	70	61	60	
Poona-Sholapur Roal.	Kurkumb	50	. 54	STATE OF THE STATE	in quired	Statesout
	Uruli	46	69			
(Koregaon	28	30	52	52	
Adventil Godell	Wasewadi	16	12	45	, 54	Suitavilate
Poona-Nagar Road	Karegaon	8	17	27	35	
	Khaudálla Nála	32	33	41	54	
	Kalamb	47	49	55	55	OF E Supe and
Poona-Násik Road	Pimpalwandi	10 01	36	38	56	People, new-comers
	Kuruli Moshi Indrayani.	43	22 118	63	· · · · ·	and weakly, were ordered minimum wages.

No. 2078, dated 7th June 1900.

From—The Relief Executive Engineer, Sholapur; To—The Collector of Sholapur.

With reference to correspondence ending with your No. D.—2813 of 4th June 1900, and subsequent reminder No. D.—3174 of 4th June 1900, I have the honour to submit the following further report on the effect of the reduction in the minimum wage up to the end of May.

- 2. As requested I select one typical work: the Budhihal Tank.
- 3. The average number of workers employed daily during May has been 16,989 on earth-work and 165 on metal-breaking; of the former 9,862 or 58 per cent. were fined, but only 1.5 per cent. were fined to the reduced minimum; of the latter the whole number have been fined down to the reduced minimum.
- 4. The numbers fined to the Code minimum before the reduction in the minimum wage will be found in the tabular statement which accompanies my No. 1513 of 15th April 1900: it is 44 per cent, on earth-work and 100 per cent, on metal-breaking.
- 5. The physical condition of workers still appears unimpaired by the reduction in the minimum wage.

No. D .- 3166, dated 18th June 1900.

From-The Collector of Sholapur;

To -The Commissioner, C. D.

Copy submitted with compliments to the Commissioner, C. D., for information, with, reference to paragraph 4 of Government Resolution (Famine Department) No. 2180 dated 5th May last. Mr. Godbole's report for the other division of the District will be handed on to the Commissioner as soon as received.

2. The figures show improvement in the outturn of earth-work but none in that of metal-breaking work, which confirms the undersigned in the opinion that the present tasks of metal-breaking are too heavy for people unaccustomed to this work.

No. 5671, dated 12th June 1900.

From-The Executive Engineer, Sholápur;

To-The Collector of Sholapur.

With reference to your No. p.—2813 of the 8th ultimo, and subsequent reminder, I have the honour to give the following information with reference to the Mangi Tank Work in my charge.

2. The subjoined table contrasts the fining down to the minimum before and after the introduction of the penal wage. The figures are given for two months before the introduction of the penal wage, and for two months after the same was introduced.

No.	Mont	ing		Average number of workers as per progress report.	Number of persons not fined or who got full wages.	Number of persons fined down to Code mini- mum.	Number of persons who received reduced mini- mum wage.	Number of persons paid minimum wage without being fined.	Remarks,
1	February Percentage March	he he	This is	Before 14,080 16,265	introduction 872 6·19 556	of penal w 11,508 81.73 14,954		1,700 12:07 755	To who
est l	Percentage April		beles och	ar	3.42 introduction 1,593	91:34 of penal w 7,044	age.	4,931	erant of
4	Percentage May Percentage			11,105	11·45 306 2·76	50.62 9,168 82.65	2·4) 607 5·47	35·44 1,024 9·92	

3. The above table will show that the introduction of the penal wage had no effect upon the outturn of work. The relief workers fined in May are about the same as those fined in February and March before the introduction of the penal wage. The figures for April show a smaller number of relief workers fined, but this seems to be due to the large number of people (35.44 per cent.) that got the minimum wage without being fined during the month.

. So far as my works are concerned, the penal wage has not diminished the numbers

to any appreciable extent.

5. The physical condition of the workers has not suffered in any way on account of the introduction of the penal wage.

No. D .- 3521, dated 19th June 1900.

From-The Collector of Sholápur;

To-The Commissioner, C. D.

Copy submitted with compliments to the Commissioner, C. D., for information, in continuation of this office endorsement No. D.—3466, dated 18th instant.

No. F .- 2450, dated 19th July 1900.

From-- The Collector of Khandesh;

To-The Commissioner, C. D.

With reference to paragraph 4 of Government Resolution No. 2180, dated 5th May 1900, I have the honour to forward copies of reports on the subject received from the Executive Engineers in this District.

Attached to Mr. Herbert's report is a statement showing for the month of May the proportion of able-bodied workers fined down to the penal wage on each work in his charge. I have just received from Major Ellis, R.E., a statement (copy attached) giving the same information for his charge for June, not for each work but according to the different kinds of work being done. Mr. Bose gives for his Irrigation works the statement called for in your No. F.—1378, dated 22nd March 1900. Mr. Herbert prepared similar statements and refers to them in paragraph 3 of his letter, but they show only the total number fined without distinguishing those paid only the penal wage. The column headed "Number getting Code minimum without fine" has been taken to be meant for class IV (1) workers only. The statements therefore have no bearing on the penal wage question. Mr. Bose's statement is also valueless.

So far as the figures in Mr. Herbert's statement are known to be fairly accurate, it shows that 35 per cent. of class I workers and 34 per cent. of class II workers were fined to the penal wage in May. The highest percentage is 69 at Mehu Jehu, or taking class I and class II together 67 at Mehunbara. In Major Ellis's Division only 7 per cent. of class I workers are fined to the penal and as many as 37 per cent. of class II workers. The highest percentage is 59 among class II metal-breakers, and 65 and 74 among class I and class II, respectively, on earth-work.

The most marked point of difference between the two statements is the result as it affects the class I workers. In Major Ellis's Division only a small percentage are fined down to the penal wage. In Mr. Herbert's over one-third are so fined. The result is, I believe, due to a different method of tasking excavation and quarrying work. In the one division the chips are stacked as they are quarried and broken, and the workers know how much they have to do and what they are doing. In the other the task is measured by the outturn of the metal breakers plus waste plus spare chips stacked near the metal-breaking gangs. This is a complicated method and affects the outturn of the quarrymen and through them of the metal-breaking gangs.

The District Medical Officer, West Khándesh, has recorded his opinion that the class I workers are apt to lose in weight when continually fined down to the penal wage. Personally I cannot say that I have noticed any deterioration in the workers of either class. I recently visited at short intervals the camp at Mehunbara where the penal fining for one section of the work goes as high as 67 per cent. and at Purmepada where it was only from 2 to 4 per cent. The workers at Mehunbara appeared to me to be in

quite as good condition as those at Purmepada. There is no difference in the classes and villages from which the workers on both camps are drawn.

Mr. Herbert suggests that the penal wage is probably sufficient to maintain a man if he does not waste his energy in doing work. There is no doubt a certain amount of truth in this and perhaps this is one of the reasons why metal-breaking work is often preferred to earth-work. On metal-breaking the worker can do as little as he pleases. It is not possible to exact the task if the man chooses to idle. All that can be done is to see that he has a fair chance of doing it and to see that he is duly paid if he does it. On earth-work or on carrying metal he must do a certain amount of work, and if the supervision is good it is not difficult to exact at least 50 per cent. of the task. Penal fining is not of itself sufficient to make the contumaciously idle work or to drive off those who are not in need of relief. It is a useful instrument when wielded by an active and intelligent Officer in charge of a work. It is more effective on earth-work and carrying than on metal-breaking inasmuch as on the former it is easier to make the people earn the relief given by work done.

In one of his camps Major Ellis has introduced a modification of the penal fine rule under which workers who do not do 50 per cent. of the task are paid from half the Code minimum up to the penal wage in proportion to the task done. The camp where this is being tried is one where the Officer in charge can be trusted to work the new scheme with discretion.

I have suspended the penal fine rule at the Nardana Camp in Sindkheda and for all the quarrymen and chip breakers in Mr. Herbert's charge until a practicable method of tasking is introduced. At Nardana the deterioration noticeable is, I believe, mostly among new comers who have been hanging on in their villages till a work was brought to their doors. Since the Methi-Mandal Camp was broken up there has been no work actually in Sindkheda Táluka, though work could have been had at no great distance away in Amalner and Shirpur Tálukás.

No. 6006, dated 21st June 1900.

From-The Executive Engineer, Khandesh District;

To-The Collector of Khandesh.

With reference to your No. F.—1544 of the 16th May and letters expediting a reply, I have the honour to forward herewith a statement showing for the month of May the number and percentage of the workers fined down to the penal wage on each of the works in my charge.

- 2. It will be seen that one-third of classes I and II receive the penal wage only. Approximately one-third of the workers get full pay, one-third get between maximum and minimum and one-third are fined down to the penal wage. Those getting full pay consist principally of new comers, water carriers, watchmen, sweepers, gang men, &c., and very few of the workers who are tasked earn full wages. About 6 per cent. of the whole are paid minimum wages without being tasked. The statements forwarded with my No. D.—443 of the 22nd May show about half the number earning full pay, but at that time those employed on quarrying and excavating boulders were not tasked.
- 3. I regret I am unable to give the numbers in receipt of the minimum wage before the introduction of the penal wage as it would involve extracting the figures from several thousand Muster Rolls. In the statements forwarded with my No. D.—443 of the 22nd May I have given for the whole of the Khándesh District the information called for by the Commissioner, Central Division, showing for earth-work and metal collection works separately the total number fined, those in receipt of minimum wage without being fined, and those getting full pay. This information was given for the period 4th—31st January previous to the introduction of the penal wage and 15th February to 14th March after its introduction. Even if information regarding the number fined down to the minimum before the introduction of the penal wage were available it would not be of much use as very few of the works now in progress were open in January and February and the tasks system of fining, &c., have been greatly changed.
- 4. I am of opinion that the penal wage is necessary in order to stimulate those who have no other means of subsistence to do a certain amount of work. It is quite safe when the supervising establishment is fairly efficient as it applies to able-bodied labourers only.

- 5. I believe that fully half the number fined down to the penal wage are not contumaciously idle; stupidity on metal collection works is the principal cause. Stupidity on the part of the subordinate establishment in fining people on account of causes beyond their control such as want of suitable rubble, worn out tools, &c., and the workers themselves have not the sense to point out any difficulties. It is a common thing to see a woman with a worn out hammer striking in a listless way a large round stone a dozen or more blows in the same spot when merely by asking she could get a suitable hammer and suitable stone to break. Most of them do not understand that by doing more effective work they can earn more pay. They are not satisfied with the penal wage but regard it as a fixed rate. It is in my opinion practically impossible for the majority of the metal-breakers to do more than three-fourth tasks, i.e., 3½ cubic feet, and they probably find that they keep in better health and suffer less by merely pretending to work and earning one anna daily than by working hard for half anna. The value of work done in proportion to the expenditure incurred would probably be much greater if the full wage rate were increased and the penal wage reduced.
- 6. I do not think that the penal wage has much effect in excluding from the works those not really in need of relief as they are the people who suffer least by its adoption.
- 7. The value of the work done in this District in proportion to the expenditure incurred is absurdly small. Inefficient and insufficient supervising establishment is one great cause, but the results are in my opinion not likely to be satisfactory in this respect until the full wage is at least double the penal.
- 8. I am of opinion that pregnant women and nursing mothers ought to be in class IV—(1). A considerable proportion of the very young children, even those only a few weeks old, especially amongst the Mahárs, Mángs and other low classes, are very emaciated and have probably had their constitutions ruined because their mothers prefer to idle and earn just sufficient to satisfy the pangs of hunger than work harder and earn enough for both themselves and child.

Statement showing the number of I and II class workers fined down to penal minimum during the month of May 1900.

			I Class.			II Class.	-	Total of	Classes I an	nd II.	1 10 10
No.	Name of work and camp.	Total number mustered iuring the month of May.	Total of the daily totals of workers fined down to penal minimum during the month.	age.	Total number mustered during the month of May.	Total of the daily totals of workers fined down to penal minimum during the month.	age.	Total number mustered during the month of May.	Total number fined down to penal minimum during the month.	Per- cent- age.	Remarks.
1	Metal collection for Dhulia-	3,347	1,003	20	12,611	3,323	27	15,958	4,326	27	de a dalloig suc
2	Chalisgaon Road, Mehumbara. Constructing Jamdha Station Feeder Road, Mehumbara.	9,543	0,388	67	26,768	17,858	67	36,311	24,216	67	Workers lazy and establish-
3	Metal collection for Dhulia- Parola Road, Mukti.	27,251			79,671	7,039	9	106,922	7,038	1	Stone easily quarried and fairly soft. Supervision
4	Constructing Shirpur-Chopda Road, 1st Section, Hisala.	12,123	4,978	41	24,505	10,042	41	36,628	15,020	41	good.
6	Do. do. 2nd do	2,419	88	4	9,048	481	5	11,497	569	5	Many new comers, hence not
6	Do. do. 1st section,	8,085	3,158	35	19,154	8,449	41	28,139	11,607	41	nined to penal minimum. A good deal of work done was
7	Bhorkhed. Ballast collection for G. I. P. Railway at Kurha.	49,339	12,576	25	97,852	33,227	38	147,191	50,803	35	excavation in soft rock. Figures for four weeks only available. Figures not re-
8	Metal collection for Kajgaou- Parola Road, Mehu Jehu.	21,173	15,475	69	66,999	21,361	32	88,172	36,036	41	liable. Establishment inefficient and people lazy. Stone difficult
9	Do. do. Talwada Ballast collection for I. V. Rail- way, Machibardi.	47,298 8,157	23,141 5,018	50 61	134,139 36,142	45,944 33,939	31	181,435 44,299	69,085 38,957	38	to quarry, Do. do.
11	Metal collection for Dhulla-	11,276	5,063	53	39,690	26,695	67	50,966	32,658	61	The figures for these four camps are quite unreliable.
12	Amalner Road, Mangrul. Metal collection for Amalner- Tapti Road Deoli.	16,458	7,214	41	62,473	43,526	70	78,931	50,740	65	Inquiries were made but the matter has not been cleared
13	Metal collection for Amainer- Párola Road, Amainer.	13,823	8,769	71	G1,131	48,889	80	73,454	57,658	78	up.
16	Metal collection for Pirole-Dhe-	17,986	5,417	30	31,578	20,230	61	49,564	25,677	53	Figures for the last three
15	rangaon Road, Rajwad. Ballast collection for G. I. P. Railway, Hirapur.	12,777	2,940	23	46,849	12,037	25	59,626	14,977	25	weeks only available. Figures for four weeks only available.
	Total	260,483	101,358	39	743,610	333,039	45	1,009,093	439,397	44	summer of the second
1	Deduct totals for works Nos. 10 to 13.	48,214	26,964	1000	199,436	153,049		217,650	150,013		in mar T. a
1	Total after omitting works Nos. 10 to 13.	212,269	74,394	35	549,174	181,990	35	761,443	259,384	34	have most added to

No. F.—3979, dated 7th June 1900.

From—The Executive Engineer, Relief Operations, Khandesh,
To—The Collector of Khandesh.

Your No. F.—1705 of 31st May 1900 and previous correspondence: a tabular statement giving the information required for each camp week by week is being now maintained.

- 2. With regard to the general effect of the penal wage on workers-
 - (a) Inducing them to do more work.
 - (b) Their physical state.

I notice no difference in either the attitude towards work or in the physical condition of workers. The penal wage has generally been enforced most severely on class II as this class is more generally employed actually breaking metal. Class I are frequently only in sufficient numbers for quarrying and breaking up large stones to rubble and special duties in connection with water-supply, erection of huts, camping, &c. These duties are generally difficult to task and a large proportion of class I get class I wages, while but few are fined below the Code minimum. In spite of this the women of class II are in better condition than any other class of workers.

- 3. As regards the nature of work. No earth-work has been in progress for the last three months. A great deal of carrying metal, long leads by head-load and also by earts dragged by men has been done. Those employed on these tasks but seldom were fined to penal wage and frequently earned full wage. Intervals of carrying have no doubt mitigated to some extent the severity of fining when breaking metal is the work.
- 4. The cases of emaciation noticed have generally been among children in arms and among class IV (i) being old people who probably suffer from bad health.

As regards the children, I have noticed that the mothers are generally in good condition and think many cases are attributable to neglect by the mothers.

5. Generally the penal wage has not had the effect of inducing the workers to greater efforts, but as it has had the effect of reducing expenditure without apparently injuriously affecting the condition of the worker it has served a useful purpose.

Abstract of fining of Famine workers of Relief Division, Khundesh, during the month of June 1900.

Nature of work.	Total number of workers.					V.A.	Total amount of fines.	Number of workers fined to penal wage.			Percentage finel to penal wage to total workers.					
	Class S.	Class I.	Class	Class III.	Class IV (1).	Class S.	Class I.	Class II.	Class III.	Class IV.		Class S.	Class I.	Class	Class I.	Class II.
Metal Collection. (Which includes quarrying, breaking rubble, conveyance of this to metal-breakers, breaking metal and stacking near breaking gaugs).	30,021	179,081	340,231	290,339	85,406	7,179	111,703	263,989	213,476		Rs.	204	16,010	201,072	9	69
Distribution of Metat. Or Murum along road side, (vie) conveying mostly by head-load but also by carts dragged by workers	11,656	34, 107	262,052	40,862	2,450	4,967	16,083	173,578	22, 443		5,938	•••	151	C4,341	C4	24
Earth-work. Digging murum, soft rock, warth, &c	1,582	8,698	45,640	8,192	2,261	461	6,801	40,973	7,196	1	2,108		8,651	33,983	65	74
Miscellaneous. Camp duties and water carrying, &c	40,885	101,926	±33,71 5	34,155	76,825	6,718	21,779	78,795	16,189	1	3,107	•••	1,210	29,693	1	12
Total	85,174	330,112	851,647	373,548	166,971	29,325	156,366	677,835	259,304	170	28,776	261	23,022	320,081	7	27

No. r.-4902, dated 11th July 1900.

From—The Executive Engineer, Relief Operations, Khándesh District; To—The Collector of Khándesh.

Forwarded to the Collector of Khándesh.

No. 4809, dated 9th July 1900.

From—The Executive Engineer for Irrigation, Khandesh;
To—The Collector of Khandesh.

With reference to your No. F.—794 of 31st March 1900, I have the honour to state that there were no metal-breaking works under me during the two months alluded to in the Commissioner, C. D.'s endorsement No. F.—1578 of 22nd March 1900. There were only four works going on under me, and they consisted of only earth-work. A list is herewith attached containing the statistics asked for.

From the list it will appear at first sight that the introduction of the penal wages tended to raise the number of workers. But this was not really the case.

After the first week or fortnight about 5 to 10 per cent. of the workers, i.e., those that were not really needy, left the work but the vacancies were soon more than filled up the next week by new-comers, as the numbers on all my works were gradually increased. The statistics in 2 and 3 give apparently misleading results.

As for the tasks executed at the Purmepada Tank, most of the labourers executed their full tasks, and hence there was no appreciable difference in their work after the penal wages were introduced. At Talwada the improvement was slight. At Jalgaon where the people have been notorious for their laziness from the very commencement did not seem to try to earn better wages, but were contented even with the penal minimum. Latterly their laziness has become simply scandalous; the majority of them do not care to execute even 2 per cent. of their tasks as they know that they are bound to get the minimum whether they work or not.

At Purmepada Tank alone the number is nearly 13,000 now. Over 60 per cent. get their maximum wages, and hardly ten per cent. have to be fined below the Code minimum.

The cause of this marked difference is difficult to say, except that the people of east Khaodesh are naturally lazy and they have been demoralized from the very beginning.

	attend	average lance on -work.	Daily average attendance on metal breaking.		Percentage subjected to fines.		earn	ge which ed the m wage.	Percentage which was paid maxi- mum wage.	
	Previous.	After reduction.	Previous.	After reduction.	Previous.	After reduction.	Previous.	After reduction.	Previous,	After reduction,
Purmepada Tank	2,568	2,954	Nil.	Nil.	17	28	6	2	83	72
Jamda Canals	1,360	1,734	·Nil.	Nil.	73	84	6	8	21	8
Talwáda Tank	3,660	3,764	Nil.	Nil.	83	67	16	20	_ 1	13
Jalgaon water- supply improve- ments.		1,582	Nil.	Nil.	81	78	87	84	Not su	pplied.

No. Fam.-6792, dated 11th June 1900.

From - The Collector of Sátára; To - The Commissioner, C. D.

With reference to your reminder No. F.—2526, dated 1st instant, I have the honour to report as regards paragraph 4 of Government Resolution No. 2180 of 5th ultimo.

- 2. As there is no minimum wage in this district, the exact information asked for by Government cannot be given.
- 3. My own experience as well as that of other officers who have reported to me is that in spite of there being no minimum wage here the general condition of the famine labourers on the works is good. The only class who are not really satisfactory are the babies in arms. Mr. Palmer reports that the Mamlatdar of Patan tells him that people are deterred from going to the works owing to the fact that they earn low wages there, but seeing that there are very few people on the village dole in the Patan Taluka and that the test work started on the Karad-Chiplun Road has been an utter failure, having hardly attracted any one, it is clear that the condition of people in the Patan Taluka is not generally serious, and the fact that they do not go to the works is not a fact to which much importance need be attached.
- 4. Government have, in Government Resolution No. 2350, dated 23rd ultmo, called for information about the number of persons fined below the minimum and I have sent for it. In the meanwhile I have, however, received some information from the Executive Engineer, a copy of whose letter I append.
- 5. The fact that people will continue on a work week after week earning an obviously insufficient wage must point either to inability to do more work and thereby earn more, or to the existence of other resources. If the former is the true cause it will involve a widespread falling off in physical condition, but this is not the ease here, and the other alternative therefore seems to me to hold good viz., that those who repeatedly earn a very small wage must, as a general rule, have other resources. There doubtless are some cases where the failure to perform a reasonable proportion of the task is due to weakness and not to unwillingness, and although I believe that all officers on works are now thoroughly alive to the necessity of affording rest and relief to such weaklings by transferring them to Class IV, individual cases of hardship must occur here and there. But this evil seems to me inseparable from any form of relief. It is a choice between reasonable strictness with the risk of some individual cases of hardship and general pauperization of the people, and the former plan seems to me the better one of the two.
- 6. I do not claim for the system in this district that it is an ideal one. I know very well that it is not, but by dint of urging on all concerned the necessity of taking prompt measures to afford special relief to weaklings I think the system on the whole works well and would recommend it being continued.

No. F.R .- 2180, dated the 24th May 1900.

From-The Executive Engineer, Sátára District;

To-The Collector of Satara.

With reference to your No. Fam.—5693 of 1900, I have the honour to report that as there is no minimum in this district the information required based on this month's working cannot be shown.

I give however some information below which shows the number of files on different works doing less than 40 to 50 per cent, those doing between 40 and 50 per cent. and those doing more than 50 per cent:—

Earth-work.

			Sátára-Pa	ndharpur.	Pingli	Berm.	Terla-Targ	Terla-Targaon Road:		
Proportion of task de	one.		Week ending April 21st.	Week ending May 12th	Week ending April 21st.	Week ending May 12th.	Week ending April 21st.	Week ending May 12th,	REMARKS.	
at) Miles Sattree with	1.57		,Unabl	side of	(1913) 1	annivie	or H	au ele	.0	
Less than 40 per cent.	•••	•••	1	4	3	8	37	31	1,112	
40 to 50 per cent	•••,	•••	1	16	4 .	17	1	era "M	.07	
Over 50 per cent			38	16	46	60	, o		Paris I	
			Me	tal-breaki	ng.	degit of	Shires of	od hers	100 210	
Less than 40 per cent.	•••	91	34	25	no	metal	51	67	7500	
40 to 50 per cent			Nil.	7	brea	king.	Nil.	7	455	
Over 50 per cent		•••	Nil.	41	on this	work.	Nil.	2	I HE I	

- 2. Those doing 40 to 50 per cent. are paid the equivalent of 9 chataks, while those doing more get more and those doing less get less, except in the case of new-comers who get full wages the first week however little they do and are leniently treated for a further two weeks.
- 3. On week ending April 21st the penal minimum was in force and no one was fined below it; on May 12th fining was proportional to work done down to a minimum of 3 chataks.

The most noticeable alteration was in metal-breaking on the Sitára-Pandharpur Road when more than half files did over 50 per cent. on May 12th and none did even 40 per cent. on April 21st.

There is also a slight improvement in metal-breaking on Tarla-Targaon Road.

On earth-work on Sátára-Pandharpur Road on the other hand there is a decrease in the outturn, which may however have been due to some of the files being new and having no inducement to work.

4. The people on Tarla-Targaon are no doubt an exceptionally idle lot, but some of them employed on metal-breaking have, it appears, been making some attempt to improve their outturn, and I have asked the Superintending Engineer if in order to further encourage them the task for metal-breaking may be reduced 25 per cent. on this work.

No. FAM. -6952, dated 31st August 1900.

From -The Collector of Broach;

To-The Commissioner, N. D.

With reference to your No. 7397, dated 28th June last, I have the honour to state that penal wage as such was not introduced in this district after the issue of Government Resolution No. 2180, dated 5th May last. Wages however were reduced in the north of Narbadda in pursuance of Government Memorandum No. 783, dated 9th February 1900. I have, in my No. Fam.-3614 of 14th May last, stated the result of the reduction of wages. The Executive Engineer reports that it was only in exceptional cases that contumaciously idle persons were required to be given the penal wages once in a way; that has served to improve the idlers. He further reports that there has been no necessity for enforcing penal wages and in this I concur with him.

No. 10452, dated 3rd September 1900.

From-The Commissioner, N. D.;

To-The Chief Secretary to Government, Famine Department.

Submitted to Government with reference to Government Memorandum No. r.—1051, dated 26th June 1900, to the address of the Collector of Broach.

2. The Collector's No. 3614, dated 14th May 1900, forms one of the printed accompaniments to Government Resolution No. 2464, dated 5th June last.

No. 8843, dated 4th September 1900.

From-The Collector of Thána;

To-The Commissioner, N. D.

With reference to paragraph 4 of Government Resolution No. 2180 of the 5th May last, Famine Department, I have the honour to report that no penal wage was paid on any of the relief works in the Thána District.

No. 10672, dated 6th September 1900.

From-The Commissioner, N. D.;

To-The Chief Secretary to Government, Famine Department.

Submitted to Government.

APPENDIX D.

Statement furnishing the information asked for in Question No. 2 put by the Honourable Mr. Gokuldas Kahandas Parekh.

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APPENDIX E.

Circular referred to in the reply to the question put by Honourable Ráo Bahádur Achyut Bhaskar Desai.

CIRCULAR.

No. 1656 of 1898-1899.

Office of the Director of Public Instruction: Poona, 25th June 1898,

To

ALL EDUCATIONAL INSPECTORS,
PRINCIPALS OF ARTS AND SCIENCE COLLEGES AND
HEAD MASTERS OF HIGH SCHOOLS.

SIR,

I have the honour to state that, in consequence of the very unseemly incidents which have accompanied the candidature of an Assistant Master in the Nadiád High School for a ward in the Nadiád Municipality, I think it right to direct that in future no Government servant shall stand as a candidate for election for any Municipal Board without having previously obtained the permission of this office.

- 2. Any application for permission to stand must be received in this office at least one month before the election takes place, in order that time may be allowed to make the necessary enquiries.
- 3. I do not wish to forbid all participation in Municipal matters, but Government nominate selected men, and it is obvious that any action which tends to create a spirit of partisanship in an institution intended for all castes and creeds is most undesirable. This has been clearly illustrated by events in Nadiád, where masters and boys of a Government High School have been ranged on opposite sides in an election, to the great detriment of the efficiency and discipline of the school, and of the fair fame of the teachers themselves.
- 4. (For Inspectors only).—These orders should be communicated to the Principals of Training Colleges, and you should submit to me a statement showing whether any of the employés in the Training Colleges are elected members of a Municipal Board.
- * Assistants in your school or
- Members of your College Staff.
- 5. (For Head Masters of High Schools and Principals of Colleges only.)—I should be obliged if you would submit a statement showing whether any * . . . are elected members of a Municial Board.

I have, &c.,
(Signed) E. GILES,
Director of Public Instruction,

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

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

Abstract of the Proceedings of the Council of the Governor of Bombay, assembled for the purpose of making Laws and Regulations, under the provisions of "The Indian Councils Acts, 1861 and 1892".

The Council met at Bombay on Tuesday the 12th day of March 1901, at 12 o'clock noon.

PRESENT:

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

The Honourable Sir E. CHARLES K. OLLIVANT, K.C.I.E., I. C. S.

The Honourable Mr. J. MONTEATH, C.S.I., I. C. S.

The Honourable the ADVOCATE GENERAL.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, B.A., LL.B.

The Honourable Mr. J. TATE, M. Inst. C.E.

The Honourable Mr. H. F. ASTON, I. C. S.

The Honourable Mr. J. W. P. MUIR-MACKENZIE, M.R. A.C., I, C. S.

The Honourable Mr. BOMANJI DINSHAW PETIT.

The Honourable Mr. IBRAHIM RAHIMTOOLA.

The Honourable Mr. GOPAL KRISHNA GOKHALE.

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

The Honourable Mr. SILAS MEYER MOSES.

The Honourable Mr. WILLIAM GREAVES.

The Honourable Ráo Bahádur Chunilal Venilal, C.I.E.

The Honourable Mr. E. GILES, M.A. (Oxon).

QUESTIONS AND ANSWERS,

The Honourable Mr. GOKULDAS KAHANDAS PAREKH put the question standing in his name—

Will Government be pleased to answer the following questions:

(1) Whether Govind Sudkoji and the members of his family have been conducting liquor shops in the City of Bombay for about 40 years?

(2) Whether they have at present licenses for selling liquors at 14 shops?

- (3) Whether they have been given notices by the Collector of Bombay that none of their licenses would be renewed after the 31st of July next?
- (4) Whether any evidence was placed before the Collector to show that Govind and the members of his family had been guilty of acts of misconduct in connection with their business and whether they had been given an opportunity to explain or to meet such evidence.

The Honourable Mr. MONTEATH in reply said-

Government have no information regarding the matters referred to in the question of the honourable member beyond what is stated in petitions which are under inquiry and will be disposed of in due course.

The Honourable Mr. Gopal Krishna Gokhale then put question No. 1 standing in his name—

Will Government be pleased to state what amounts of land revenue due for 1899-1900 were uncollected at the end of that year in the several ditricts of the Northern and Central Divisions and what sums out of these have since been (a) collected, (b) remitted, and (c) still allowed to stand over?

The Honourable Mr. Monteath in reply said-

The amounts of land revenue due for the revenue year 1899-1900, left uncollected at the end of that year in the districts of the Northern and Central Divisions, are shown below:—

	A CHARLES				Rs
					12,14,237
		Marine Halle on	TO KARTER		12,34,179
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Information regarding subsequent collections, remissions and suspensions has not yet been furnished to Government by the Commissioners.

The Honourable Mr. GOKHALE then put question No. 2-

Are Government aware that in a recent action brought at Amalner in the Khándesh District by a merchant of Párola against the village officials of that place for forcible seizure of his private cart for the use of the Tagái Mámlatdár, it was urged by the accused that it was their practice to impress private carts in this manner, and though the Magistrate held such compulsory impressment to be illegal, he discharged the accused on the ground that they believed themselves to be acting legally? Are Government aware that there is general dissatisfaction among villagers on account of such forcible seizure of private carts for the use of officials? Will Government be pleased to inquire into the extent of the evil and issue such orders as may be necessary for its suppression?

The Honourable Mr. Monteath in reply said—

The matters referred to in the honourable member's question have not been previously brought to the notice of Government. The general question has, on several occasions, formed the subject of careful inquiry, and detailed rules have been issued prescribing the circumstances in which and the conditions on which requisitions of public officers for carts required by public exigency are to be complied with. Any proved violation of the rules will meet with punishment. Government do not consider that there is any need for further inquiry.

The Honourable Mr. GOKHALE then put question No. 3-

- (a) Is it true that the number of distraints for the collection of land revenue in the famine year 1899-1900 was 2,099 in Khandesh and 2,460 in Sátára as against 15 in Ahmednagar, 58 in Poona and 69 in Sholápur? How far have the figures in the last three districts been kept down by the practice of revenue subordinates, admitted in the course of the Gujarát revenue inquiry, of not reporting distraints in the revenue returns in those cases in which the property distrained was not sold?
- (b) Will Government be pleased to state, for the years 1898-1899 and 1899-1900, for the several districts of the Central Division the number of cases in which the property distrained was sold for the collection of land revenue?
- (c) Will Government consider the desirability of issuing orders with a view to checking the practice referred to in (a) and getting the number of distraints for the different districts returned on a uniform and correct plan?

The Honourable Mr. MONTEATH in reply said-

- (a) The figures are correct for the year ending 30th June 1900. Government are without information as to any practice of the kind referred to in the second part of the question. As Government have not yet received Mr. Maconochie's report, they are not in a position to admit or deny the accuracy of statements based upon the proceedings of the inquiry.
- (b) The figures of the total number of distraints and of the revenue on account of which (a) distraint was made, (b) sale was resorted to, are given in the Jamabandi reports.
- * Vide Appendix C. That for the revenue year 1898-1899 is already published, and an extract* from it is laid on the Table. All the reports for to is not separately shown.
- (c) Till the existence of such a practice as is referred to in question (a) is proved to the satisfaction of Government, no orders can be issued to check it. The number of distraints is, at present, reported, so far as Government are aware, on a uniform and correct plan.

The Honourable Mr. GOKHALE then put question No. 4-

- (a) Are Government aware that the Superintendent of Matherán has recently, with the sanction of the Collector of the district, raised the monthly rent of unleased plots in the bazar limits from 8 annas a plot to Ks. 3 to Rs. 5 a plot and in some cases even higher? Are Government aware that the residents of the bazar have submitted a petition to the Commissioner, Southern Division, stating that among the persons whose ground-rents have thus been raised there are barbers, butchers, tailors, bakers, washermen, petty shop-keepers and other poor persons in similar or even lower stations in life and that they have already suffered severely during the last three years owing to the prevalence of scarcity and famine?
- (b) Are Government aware that not only has the ground-rent of unleased plots within bázár limits been enormously raised for the future, but that an order has been issued calling upon the residents, retrospectively, to pay groundrents for the monsoon months from the year 1896 onwards? Is it true that rents for monsoon months, when owing to excessive rainfall all business at the station is stopped, were never charged before?
- (c) Is it true that the occupants of leased plots on the hill, who are a much richer class of persons and who have erected substantial buildings on those plots, pay a ground-rent of from two to three annas a gunta, whereas the bázár people have been assessed at a rate which comes to between twenty and thirty rupees a gunta? Will Government be pleased to inquire into the whole question with a view to removing all cause for reasonable complaint?

The Honourable Mr. Monteath in reply said-

Government are not disposed to inquire into this matter, of which at present they have no information, while it is under investigation by the Commissioner, to whom the residents in the bázár at Mátherán are said to have represented their grievances.

The Honourable Mr. GOKHALE then put question No. 5-

Will Government be pleased to lay on the Table a statement showing (a) the total amount of fines inflicted on the residents of Matheran by the Superintendent during the last fifteen months; (b) the amounts of fines inflicted by him in each year from 1891 to 1899; (c) the amounts of fines inflicted by the Superintendent of Mahabaleshvar on the residents there during the same periods, including the last fifteen months. If there has been a large and sudden increase in the fines inflicted at Matheran during the last fifteen months, will Government be pleased to state what has caused such increase?

The Honourable Mr. Monteath in reply said-

The information required by the honourable member is being called for.

The Honourable Mr. GOKHALE then put question No. 6-

Is it true that in a criminal action brought about three months ago by the wife of a shoemaker, named Bhiwa Tatya, against one Kasam Kutchee, the Superintendent of

Mátherán considered the statements of the complainant and her witnesses as also of the accused to be all unreliable, and that he thereupon ordered all these persons, five in number, to leave the hill? How far do Government approve the expulsion of permanent residents of the hill on such grounds?

The Honourable Sir Charles Ollivant in reply said—

Government have no knowledge of the case, but enquiries are being made.

The Honourable Mr. GOKHALE then put question No. 7-

Is it true that the Superintendent of Mátherán has recently ordered about a dozen horse-owners, who have been plying horses for hire on the hill for over fifteen years, to sell their horses and not ply them for hire any more, though these horses were in good condition and some of them held "special" and "first class" licenses from the Superintendent? Is it true that in some cases, after the horses had been thus compulsorily sold, the buyers were allowed to ply them again for hire? Will Government be pleased to state for what reasons the old owners were thus compelled to give up the long-established profession and sell their horses for comparatively low prices?

The Honourable Mr. Monteath in reply said -

Government have no information on the matters dealt with in the question, and consider it unnecessary to inquire into them until it has been shown that the horse-owners have exhausted the preliminary means provided for the redress of such grievances as are alleged by appeal to the Collector and Commissioner.

His Excellency the President said—As the Honourable the Chief of Ichalkaranji is not present, the questions standing in his name have been withdrawn.

II.-PAPERS PRESENTED TO THE COUNCIL.

- 1. Letter from the Government of India, Legislative Department, No. 395, dated the 4th March 1901—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law to amend the Bombay Salt Act (Bombay Act II of 1890).
- 2. Statement * embodying the information on certain points referred to in parts (c) and (e) of the reply to question No. 3 put by the Honourable Mr. Gopal Krishna Gokhale at the Meeting of the Legislative Council held on the 12th February 1901.
 - 3. Reply † to question No. 2 put by the Honourable Mr. S. A. Chhatre and No. 6 put by the Honourable Mr. G. K. Gokhale at the Meeting of the Legislative Council held on the 12th February 1901
 - 4. Extract ‡ from the Jamabandi Report for 1898-99 referred to in the answer to clause (b) of question No. 3 put by the Honourable Mr. Gopal Krishna Gokhale.
- 5. Report of the Select Committee appointed to consider Bill No. I of 1901: a Bill to amend the Bombay A. bkári Act, 1878.
- 6. Letter from Mr. Ram Duttatraya Adhikary, of Secunderabad, dated the 19th February 1901, regarding Bill No. I of 1901: a Bill to amend the Bombay A'bkári Act, 1878.
- 7. Petition from Chimansing Ramsing and others, dated the 6th February 1901, regarding Bill No. I of 1901; a Bill to amend the Bombay A'bkári Act, 1878.
- 8. Telegram from the Commissioner in Sind, No. 82, dated the 22nd February 1901—Communicating certain suggestions from the Chairman, Karáchi Port Trust, regarding Bill No. III of 1900; a Bill to amend the Karáchi Port Trust Act, 1886.
- 9. Memorandum from the Oriental Translator to Government, dated the 12th February 1901—Furnishing substance of a petition from Baba bin Shiva More and about 50 other rayats of mouze Apeda, taluka Khed, district Ratnagiri, dated the 31st January 1901, regarding Bill No. IV of 1898: a Bill to amend the Khoti Settlement Act, 1880.

BILL No. I OF 1901; A BILL TO AMEND THE BOMBAY A'BKA'RI ACT, 1878.

The Honourable Mr. MONTEATH, in moving the second reading of the Bill to amend the The Honourable Mr. Monteath Bombay A'bkári Act, 1878, said—I have now the honour moves the second reading of the Bill to amend the Bombay Abkári to present to the Council the report of the Select Committee on the Bill to amend the Bombay A'bkári Act, 1878, which has come to be called the Hemp Drugs Bill, and to propose Act, 1878. that the Bill be read a second time. Honourable members will observe that the Select Committee have seen no reason to suggest any alteration in the provisions of the Bill, and it would not have been necessary for me to add to the observations I made in proposing the first reading, but for one fact. I have been given to understand that there is some apprehension that if the Bill because the state of the bill because the bill because the state of the bill because the bill bec that if the Bill becomes law there may be interference with the production of fibre, in which there is a trade of some importance. Now, Sir, it does seem to be the view of botanists that the plant Cannabis Indica, from which the drugs are produced, is an Asiatic variety of what we call in England the hemp plant, Cannabis sativa, and that view was accepted by the Commission. But in India the plant has lost its fibre-producing, function as it developed a narcotic property. It is not cultivated and apparently cannot be successfully cultivated for fibre anywhere in this country except at a considerable altitude on the Himálayás. It seems as if the plant will produce fibre of any value only in a cool climate. The only cultivation of the plant in this Presidency is for the narcotic and it is a very elaborate process. The plants which in this Presidency produce a fibre called hemp are quite different from the *Cannabis sativa*. There is one known as Bombay hemp, *San* in the vernacular, with the melodious botanical name of *Crotolaria juncea*, and another bears the less melodious name of *Hibiscus cannabinus*. The drugs are not got from these plants at all and of course the cultivation of them and trade in the products will be in no way affected by the passing of this Bill, the provisions of which will not apply to them. The fibre which is exported under the name of hemp is, I understand, got largely from the North-Western Provinces and the Central Provinces, and in these and other parts of India a law similar to that we propose has been in force since 1896. In fact, as I said in proposing the first reading of the Bill, Bombay is the only part of British India in which licenses are not at present required for the cultivation of the drug-producing plant. So we have actual experience to show us that the production of fibre or trade in fibre will be in no way affected by this measure. With these remarks, Sir, I beg to propose the second reading of the Bill.

The Honourable Mr. GOPAL KRISHNA GOKHALE said—Your Excellency,—I beg leave, at the outset of my remarks, to acknowledge the consideration which was shown to me on the last occasion in not proceeding with the second reading of this Bill on that day. My Lord, it was with considerable reluctance and regret that I then stood in the way of what appeared to be the convenience of this Council; but as this Bill principally affects the two districts of Satara and Ahmednagar, and as these districts happen to be in the division which I have the honour to represent in this Council, I thought it my duty not to be an assenting party to this legislation, without, at any rate, satisfying myself about the true nature and scope, and the probable effects, of the changes proposed. During the interval that has elapsed since that day, I have made such inquiries as I could in the two districts, and I have also been able to go through a large amount of official literature on the subject; and as a result of these inquiries and of what I have read, I may state at once that I find myself unable to support the second reading of this Bill. My Lord, before explaining the reasons which lead me to oppose this measure, I will, with Your Excellency's permission, briefly state to the Council how matters stand at present under the existing law and in what respects they are sought to be altered by the Bill before us. At present there are no legal restrictions on the cultivation of hemp. cultivator may grow it where he pleases and as much of it as he pleases. But he is bound to sell his hemp to no one but a license-holder. The manufacture of drugs is prohibited save under license; the sale of drugs is prohibited save under license. There is no quantitative duty on the drugs consumed, but the right to sell the drugs within a certain area, generally a whole district, is farmed to the highest bidder. Now the changes contemplated in the Bill before us are these: Government takes to itself the power of prohibiting the cultivation of hemp absolutely, or of permitting it only under license. Bonded warehouses are to be established or licensed, where wholesale dealers will be required to store the drugs manufactured, and to pay a quantitative duty as they supply the drugs to retail dealers, paying in addition rent for the use of the warehouse. The duty will be a quantitative one; and Government thereby expect to be able to raise a larger revenue than at present. There are other minor alterations proposed in the existing law, but I do not wish to trouble the Council with a reference to them.

Now, my Lord, I object to this Bill on five grounds:—(1) The proposed legislation is wholly unnecessary; (2) even if Government wanted to legislate in the matter, absolutely no case has been made out for prohibiting or otherwise subjecting to restriction the cultivation of hemp; (3) the proposal to levy a quantitative duty on the drugs is open to the objection that it gives Government a direct interest in the increased consumption of the drugs; (4) the proposal to raise the price of these drugs, by subjecting them to enhanced taxation, has been condemned by a large number of competent authorities, and (5) the Bill does not propose to give effect to a definite recommendation made by the Hemp Drugs Commission—a recommendation expressly accepted by the Government of India—that the law should provide for some sort of local option in determining the localities in which the retail sale of these drugs may be permitted. My Lord, in regard to my first objection, I would point out that nine-tenths of the officers of the Bombay Government who gave evidence before the Hemp Drugs Commission, declared that the existing arrangements were working satisfactorily, and that there was no need for any further interference on the part of the Legislature in the matter. There were eighteen superior officers among the witnessestwo Commissioners, one Chief Secretary, eleven Collectors and four Assistant Collectors. Twenty Deputy Collectors and seven Mamlatdars also gave evidence on the subject of administration and control. On analysing the evidence of these forty-five officers, we. find that out of the eighteen superior officers, there was only one, and that was the honourable member in charge of the Bill himself, who advocated any important modification of existing arrangements. He urged the establishment of bonded warehouses and the levy of a quantitative duty, but he did this, not in the fancied interests of temperance, but with the avowed object of raising a large revenue for Government. Seven superior officers expressed no opinion whatever on the necessity or otherwise of further legislation, while ten others—and I will read to the Council the names of these ten deprecated further legislation in the matter. These ten officers were—Messrs. Reid, Vidal, Ebden, Sinclair, Charles, Lely, Campbell, Woodward, Lamb and Dodgson. Of the twenty Deputy Collectors, only three were in favour of modifying these arrangements and of the seven Mamlatdars, only one was of a similar opinion. It will thus be seen that, so far as the Bombay official witnesses are concerned,—and they certainly could speak with authority on this subject, if any one could—the overwhelming weight of evidence was against further legislation, such as is embodied in this Bill. Next, my Lord, I would point out to the Council that the area under hemp in the Presidency is an exceedingly small fraction of the total area under cultivation—only about one thousand acres out of a total cultivated area of three and three-fourths crores of acres, and even this insignificant area is, if anything, steadily diminishing, owing to natural causes, even in the absence of such legislation as we are engaged in considering at this meeting. Taking, for instance, the figures of cultivation from 1885 to 1899 for the Presidency proper, we find that the average area under hemp from 1885 to 1888 was 1,192 acres; from 1889 to 1892 it was 1,112 acres; from 1893 to 1895 it was 1,097 acres; and during the last three years of this period, i.e., from 1896 to 1898-99, the average was only 908 acres. I think these figures constitute a silent but emphatic protest against the present Bill, which might have had a semblance of justification if it could by any means have been shown that the cultivation of hemp and the consequent consumption of the drugs were on the increase.

My Lord, my next objection to this Bill is that, even if Government wanted to legislate in this matter with the object of establishing bonded warehouses and levying a quantitative duty, I submit that absolutely no case has been made out for seeking to regulate the cultivation of hemp by licenses. Even the few Bombay official witnesses who favoured fresh legislation on the subject of hemp-drugs, were careful to state that they did not desire to impose any restrictions on the freedom of cultivators in growing hemp. They considered that the restrictions on the sale of hemp and the fact that the manufacture of drugs could not, owing to the very nature of the process, be carried on surreptitiously, made it unnecessary to control the cultivation in any way. The honourable member in charge of the Bill himself expressly stated that he did not consider it necessary to restrict the cultivation of hemp, and I believe, my Lord, that with such a

great authority on my side it is not necessary for me to labour this point any further. I will, however, venture to mention to the Council a few considerations which occur to me against the proposal to empower Government to restrict cultivation as they please. think, in the first place, that anything which tends to multiply the points of contact between the cultivators and the lower subordinates of the Revenue, A'bkari and other departments deserves to be seriously deprecated. If the cultivation of hemp comes to be prohibited, except under license, innocent cultivators may be exposed, as urged by several witnesses, to the risk of having false charges brought against them by over-zealous or blackmailing subordinates of these departments in connection with the spontaneous growth of wild hemp plants. Then, again, though Government do not propose to charge a fee for licenses granted to cultivators, these latter may experience some difficulty in getting them actually, and may even have to incur expenditure, which will not bear scrutiny, before getting them. This point was very well brought out by the Times of India in an article on this Bill in December 1898. This is what that journal wrote on that occasion: - "If it is a desirable object of legislation to multiply the points of contact between the administration and the people, this is a most admirable Bill; but not otherwise. Unless a substantial benefit is to be gained, the less the Collector and his subordinates are called on to intervene between the cultivator and the free pursuit of his calling, the better. Every additional license, every additional compulsory resort to authority for permission to do this thing or that adds to the cultivator's worries—adds to the opportunities that the revenue subordinate enjoys for worrying him and getting money out of him. A license looks a harmless thing—as it would be if it were a sheet of paper and nothing more. But in India there is often more in it than is written on the face of it, and it costs more than is supposed to be paid for it." The question of assessment also comes in, in this connection, though in a somewhat remote manner. I think that men who are paying a certain assessment to Government and are raising a certain kind of crop on their land, have a right to expect that their freedom to raise that crop shall not in any way be fettered by Government. Sir James Campbell in his evidence before the Commission observed:—"I think the producers in Ahmednagar and Satara would resent very much any restriction of cultivation. I think that the prohibition of cultivation in those districts where it is trifling, so as to confine it to the two districts above named, may cause some little dissatisfaction, but would be feasible." Lastly in this connection there is the question of growing hemp for the purposes of fibre. Dr. Watt, in his Dictionary of Economic Products, states—and the statement has been quoted by the Hemp Drugs Commission in its report—that the Indian plant from which the drugs are manufactured is but an Asiatic variety of the species from which fibre is produced in Europe; and he also contemplates the possibility of cultivating hemp "as a cold season fibre-crop on the plains of India," and he is of opinion that "there may be some localities in India where this might be found possible and even remunerative." I think, in view of this expression of opinion from such an authoritative quarter, the Government, instead of prohibiting cultivation, except under license, ought to encourage experiments in hemp cultivation with the object of ascertaining if the fibre-producing plant can be grown anywhere in the Presidency on a large and remunerative scale.

My next objection, my Lord, to this Bill is on the score of the quantitative duty which it proposes to levy on the drugs consumed. As I have already observed, such a duty gives Government a direct interest in the increased consumption of the drugs. It is true that Government in the abstract is incapable of pushing forward the consumption of deleterious articles for the sake of a few thousands of additional rupees, but Government in the concrete, which sometimes means the subordinates of the Revenue, A'bkari, and other departments, may not be wholly above such a temptation. Under existing arrangements, when the right to sell drugs within a certain area is once farmed to an individual, Government has no interest in the quantity of the drugs sold, and it may, therefore, well be trusted to look effectively after the interests of temperance. With a quantitative duty, however, the situation is altered, and I would not give the A'bkari Department of Government any such interest in increased consumption, if I could help it.

My fourth objection to the Bill is that it seeks to raise a larger revenue for Government by enhancing the taxation of the drugs, thereby raising the price of the drugs to the consumers. My Lord, I was at one time a believer in the theory propounded in ordinary text-books of Political Economy, that the proper way to deal with intoxicants is

to levy a high duty, and thereby seek to restrict consumption. I at one time shared with others the delusion that if the price of the intoxicants was raised beyond the capacity of poor consumers, large numbers of these people would be ultimately weaned from a most injurious habit. But whatever faith I once had in such a policy, I confess I have that faith no longer, and I have come to the clear, though painful, conclusion that if you only raise the price of the intoxicants, while you do nothing to reduce the facilities for obtaining them, you do not succeed in reducing consumption, only you take more out of the pockets of the consumers, and thus in many cases add the misery of starvation to the misery of vice. And I believe that the proper way of dealing with these intoxicants, if the object be to rescue the victims of the vice from its clutches, is not to make them dearer, but to make them scarcer. Take, for instance, the case of Thana. In 1890-91 the consumption of country spirit per head of population in that district was 21·2 drams. This consumption, in spite of the high duty levied, has steadily risen to 25·3 drams for the year 1898-99, an increase of 19 per cent. in eight years, which is a serious increase, even after allowance is made for the normal increase of population. The amount of still-head duty during the same period has risen from a little over seven and a quarter lákhs to a little over ten lákhs-an increase of about 37 per cent.,-which means that the operations of the A'bkari Department in that district have not only not reduced consumption, but that the department now takes out of the pockets of the victims of the vice 37 per cent. more money than it used to do eight years before, and this in spite of the harder times which the poor people admittedly have had now for several years. My Lord, I for one would gladly support a policy of total prohibition in these matters, as that, I think, is the most effective way of dealing with the problem, in spite of the fancied interests of what are called moderate consumers. Failing that, I respectfully urge that the next best policy is not to make the intoxicants dearer, but to make them scarcer. A friend of mine, whom I consulted as to how this Bill would affect the interests of the cultivators of hemp in the Nevása Táluka of Ahmednagar District, has expressed himself in these terms: "How can Government, which has recently planted for the first time in the history of Nevása a liquor shop in the heart of the little town, propose to restrict the liberty of the cultivators to grow hemp in the interests of temperance?" Any one who knows anything of the fearful hold which these intoxicants come to acquire over their victims, will see that these helpless creatures will make any sacrifice to satisfy their craving, and that increased taxation under such circumstances, without a reduction of the facilities for obtaining the intoxicants, only means, as I have already observed, the misery of less food added to the curse of drunkenness. Some of the official witnesses before the Hemp Drugs Commission have taken the same view of the matter. Thus the Honourable Mr. Lely has, with his usual directness, opposed increased taxation in the following words:—"I think increased taxation of ganja would be highly impolitic. I can hardly see how, apart from political reasons, it could be beneficial. The consumer would be prepared to spend a pice or two more upon it. It is cheaper to get intoxicated on ganja than on liquor. I do not recommend the increasing the cost of the former, because the people who use it are poorer than those who drink liquor." In another place he says of the habitual consumers: "They take ganja because it enables them to bear abstinence from food and water, and even clothes in the coldest weather. It is said to enable them to resist the most malarious climate and the worst water." Many other witnesses have described the present taxation of these drugs as reasonable. Even Mr. T. D. Mackenzie observes: "If the price of the hemp drugs be much raised, the ascetics would probably stint themselves of food in order to get the drugs and so do themselves much injury." I am aware, my Lord, that the Hemp Drugs Commission has recommended enhanced taxation of these drugs in this Presidency on the ground that at present it is much lower here than in Bengal and other Provinces. But I respectfully submit that this is not a fair way of looking at the question. The total incidence of A'bkari taxation is the heaviest in this Presidency as compared with other Provinces, as may be seen from the following figures: - In Bombay ábkári taxation is 9 annas 3 pies per head of population, as against 6 annas 6 pies in Madras, 2 annas 8 pies in Bengal, I anna 9 pies in the North-West Provinces, I anna 9 pies in the Punjab, and 2 annas 7 pies in the Central Provinces. I think, my Lord, that so long as it is not proposed to reduce this higher incidence of ábkári taxation in this Presidency, because it is lower elsewhere, for so long it would not be fair on the part of Government to increase the tax on these drugs, which happen, comparatively speaking, to be somewhat lightly taxed with us, on the sole ground that they are taxed at a higher rate elsewhere.

My Lord, I now come to my last objection to this Bill, and that is that it fails to provide for some form of local option, as recommended by the Hemp Drugs Commission and as directed by the Government of India in their orders on the report of that Commission. The recommendation of that Commission is couched in the following terms:-That when new shops are proposed, municipal bodies, rural notables, zamindárs or headmen, as the case may be, should be consulted as to the necessity of opening them, and as to their location, and that objections, if made, should receive the most careful attention. The Government of India have accepted the recommendation in the following words:-"In municipal towns the Governor General in Council considers that no shop for the sale of hemp should be opened without consulting the municipal committee, and in rural centres notice of the intention to open a shop should be given and any objection to the establishment of a shop which may be brought forward should be considered, no shop being opened unless there is a real demand for the drug." The Bengal Act contains a provision for assigning to any Municipality, with its consent, the functions of the Local Government relating to the grant of licenses, and after such assignment no conditions or rules may be imposed by the Local Government without the consent of the Municipality. Even where such functions are not assigned, the Collectors are required to notify to Municipalities the sites selected for shops within their limits, to consider the objections that may be raised, and if they do not agree with the Municipalities, to refer the matter to the Commissioner of Excise for decision. I think the people of this Presidency are entitled to claim that similar provision should be made for local option in the matter in the law of this Presidency.

My Lord, I have now stated to the Council my chief grounds for opposing this Bill. I fear my observations have detained the Council longer than they should have done; they have certainly exceeded the limits which I had first proposed to myself. The fact, however, that the Select Committee has unanimously approved the Bill as drafted made it necessary for me to explain myself at some length, and that is my excuse for taking up so much of the time of the Council. My Lord, I oppose the second reading of this Bill.

The Honourable Mr. Monteath, in replying on the debate, said—The only remark which I think it is necessary for me to make at this stage in reply to the honourable member—I may have something to say afterwards in regard to the several amendments of which he has given notice—is that we now have the experience of all the rest of India of a law similar to that which we propose. That experience shows us that no inconvenience and no injury of which anybody can legitimately complain need be anticipated from the law, and therefore the opinions that were expressed before a law of this kind was actually in force are now of less weight than they were at the time at which they were expressed.

Bill read a second time.

His Excellency the President then put the motion that the Bill be read a second time. This was agreed to, and the Bill was read a second time.

The Council then proceeded to consider the Bill in detail.

The Honourable Mr. Gokhale—Your Excellency,—I beg to move that clause 2 be omitted. The object of the clause is to include the cultivation of hemp within the operation of the restrictive portion of the A'bkári Act. For the reasons which I have already explained and which I need not repeat, I think the cultivation should not be so restricted, and I therefore propose that clause 2 be omitted.

The Honourable Mr. Monteath said—If we accept the amendment which the honourable member has now proposed, we may, I think, do away with the Bill altogether. Under the law as it stands, we can do almost all else that is necessary for carrying out the system that we contemplate. The honourable member has referred to an opinion which I expressed when I was a Collector as regards the control of the cultivation. My view then was that the cultivation being such an elaborate process could not very well be carried out clandestinely, and therefore it was unnecessary to require a license for it. But, if I may not have the privilege of changing my opinion, I should not be presumptuous enough to set it now in opposition to that of the Commission to begin with, to the Government of India and to the authorities in all other parts of India. The prohibition of

cultivation of drugs of this kind without a license is, I think, perfectly legitimate, and in principle it does not depart from the restriction which is now imposed. At present the cultivators are not allowed to dispose of the produce without a permit. The prohibition of the cultivation without a license will be a more efficacious method of securing that the duty is levied on all the drugs which are produced, and as it has been, as I said, carried out effectively in other parts of India, I do not see that we need anticipate any difficulty in carrying it out here.

The amendment was rejected and the clause stood part of the Bill,

Clauses 3, 4 and 5 were passed without discussion. " for an ad blanch amount

The Honourable Mr. Gokhale then moved that clause 6 be omitted. He said-As this clause also refers to the subject of the restriction of cultivation, and as that point has already been decided against me, I wish, with Your Excellency's permission, to withdraw the amendment.

The amendment was by leave withdrawn and clause 6 stood part of the Bill. Clause 7 stood part of the Bill, als not bedrefes entired the chilicational of vition of

The Honourable Mr. GOKHALE then moved in clause 8 to insert the following at the Presidency are entitled to elgin that studiar may sion should be made for loss end :-

" And a third proviso should be added as follows: I side to well add an include out

'Provided further that in Municipal towns no shop for the sale of hemp drugs shall be opened without consulting the Municipality, and that in rural centres notice of the intention to open a shop shall be given, and any objection to the establishment of such shop, which may be brought forward, shall be considered before the shop is actually opened '." or me to explain myself at son

He said-Clause 8 in this Bill refers to Section 16 of the A bkári Act and certain provisoes are proposed now to be added to that section. As that section refers to the grant of licenses by Collectors for the sale of hemp drugs, I think that in this clause provision should be made to give effect to the particular recommendation of the Hemp Drugs Commission to which I have already referred in my speech on the second reading, riz., about local option. That recommendation has been already accepted by the Government of India, and as this Bill is based on the lines laid down by the Commission and approved by the Government of India, I do not see how that proposal of the Commission can be ignored in this Bill. Section 16 of the A'bkari Act lays down that no liquor and no drugs shall be sold without a license from the Collector. I propose to add that, before the Collector grants a license for the sale of these drugs,—I am confining my amendment to the drugs, and am not raising the larger question of local option in regard to liquor,—before the Collector grants permission for a shop to be opened in a particular locality, he shall carry out the conditions which have been laid down in the recommendation of the Commission and the orders of the Government of India. I have taken the very words of my amendment from the Resolution of the Government of India. The recommendation of the Commission having been accepted by the Government of India, I do not see any necessity for saying anything more in support of my proposal. I trust the honourable member will see his way to accepting the amendment.

The Honourable Mr. Monteath-I am unable to see any exact connection between the proviso which the honourable member proposes to add and the rest of the clause. It seems to me that the effect of adopting the amendment would simply be to impose on Government and Government officers an unconditional obligation. That would be a novel kind of legislation, and it seems to me that there would be little or no object or advantage kind of legislation, and it seems to me that there would be little of no object or advantage in it, unless means for enforcing the obligation could be provided. What those means might be I can only surmise. I can see no way of enforcing the obligation except that of attaching a penalty to its non-fulfilment. If the honourable member wishes to make his proposal effective, I think it would be necessary for him to add a clause that omission to carry out this obligation would be punishable with imprisonment, or with fine possibly and imprisonment as an alternative. It is the intention of Government to consult local opinion before opening shops and not to allow shops to be opened where valid reasons are shown against them, and I hope the honourable member will accept this announcement of that intention as sufficient, and not require us to make it a statutory enforceable obligation. It might be rather inconvenient if the members of Sovernment were subject to prosecution and perhaps imprisonment for not carrying out such an obligation, and we prefer not to subject ourselves and our successors to that liability (laughter).

The Honourable Mr. Gokhale—I would only point out that in Bengal the law actually makes statutory provision for giving local option in this way. What is good for Bengal may also be expected to be good for Bombay.

On a division, six voted for the amendment and ten against. The amendment was, therefore, lost.

Clause 9 stood part of the Bill.

The Honourable Mr. GOKHALE had given notice to move the following amendment:—

In clause 10 (27-B (3)) for the second proviso to substitute the following:

"Provided also that notice of such surplus (if any) as aforesaid shall be given to the owner of drugs immediately after such sale, and that the application for the surplus shall be made within one year from the date of the receipt of the notice, unless sufficient cause be shown for not making it within such period."

The Honourable Mr. Monteath—Before the honourable member proposes his amendment, may I ask if he would substitute the word "issue" for the word "receipt"? The date of the issue of the notice can, of course, be ascertained and proved, while the date of the receipt of the notice cannot always be proved.

The Honourable Mr. Gokhale—Yes, I am willing to accept the honourable member's suggestion.

The Honourable Mr. Gokhale said—Your Excellency,—I move that for the second proviso in 27-B, the words of which I have given notice be substituted, subject to the alteration which has just now been proposed and which I am prepared to accept. As the Bill stands, the provision comes to this. If a license-holder has stored his drugs in a warehouse and fails to pay rent when called upon, the drugs are to be sold, and after deducting the duty and rent from the proceeds that may be realized, any surplus that remains is to be made over to him; but there is no provision requiring that notice shall be given to him of the amount of surplus that may remain. The provision contained in the second proviso is that he shall apply for the surplus within one year after the date of the sale. I submit it is only fair that Government, who sell the drugs, it may be without the man's knowledge, should give him notice of such sale, and of any surplus that may remain. If, for a year from the issue of the notice, the man makes no move, Government may confiscate that money. But otherwise the man should be entitled to claim the money, subject to this limitation.

The Honourable Mr. Monteath—I am authorized to say that Government will accept this amendment.

The clause as amended stood part of the Bill.

The subsequent clauses and the preamble were passed without discussion.

The Honourable Mr. Monteath moves the third reading of the Bill to amend the Bombay A bkári Act, 1878.

The Honourable Mr. Monteath—I now beg formally to move the third reading of the Bill.

Bill read a third time and passed.

His Excellency the President then put the motion that the Bill be read a third time and passed. This was agreed to, and the Bill was read a third time and passed.

BILL No. V OF 1900: A BILL TO AMEND THE MA'MLATDA'RS' COURTS ACT, 1876.

The Honourable Sir Charles Ollivant said—With Your Excellency's permission I ask leave of the Council to withdraw Bill No. V of 1900: ask leave of the Mamlatdars' Courts Act, 1876. Since the Bill to amend the Mamlatdars' Courts Act, 1876. Since the Bill was published some very valuable suggestions have been received, and Government propose to redraft the measure and embody these suggestions, subject to further consideration.

I therefore ask for formal leave to be given to withdraw the Bill as published.

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

His Excellency the PRESIDENT then adjourned the Council sine die.

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

R. J. C. LORD,

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

Bombay, 12th March 1901.

APPENDICES

TO THE

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR OF BOM-BAY ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS ON THE 12TH MARCH 1901.

APPENDIX A.

Statement embodying the information on certain points referred to in parts (c) and (e) of the reply to question No. 3 put by the Honourable Mr. Gopal Krishna Gokhale at the Meeting of the Legislative Council held on the 12th February 1901.

The information received from the Collectors and Executive Engineers in response to the call made on them, as stated in the answer to question No. 3 put by the Honourable Mr. Gopal Krishna Gokhale at the Council Meeting held on the 12th February 1901, is given in the following tables:—

A.

Statement showing the amounts of land revenue due under the first instalment and collected in each of the affected talukas during the year 1300-1901.

District.		18	Táluk	a.		Land revenue due under first instalment.	Amount already Collected.
and the	200					Rs.	Rs.
Ahmedabad	{	Dholka Dhandhuk Viramgám Parántij Sánand	•••	•••		1,50,000 1,25,000 1,20,000 70,000	100 9,900 1,400 . 3,400
Kaira	{	Mátar Thásra Kapadvanj				2,22,922 2,08,500 1,05,200	2,853 6,309 6,251
Fanch Maháls	{	Godhra Kálol Hálol Dohad Jhálod	•••			41,000 40,000 20,000 40,000 25,000	15,267 8,000 7,995 10,100 5,700
Broach	{	Jambusar A'mod Vágra				2,42,426 1,46,600 1,65,000	320 62
Surat	{	Olpád Mándvi Bulsár Párdi			•	18,000 59,500 1,59,000 79,000	7,000 16,100 59,500 64,000

The state of the s		4	1	4000				
Di	strict.			Tálu	ka.		Land revenue due under first instalment.	Amount already collected.
							Rs.	Rs.
		distrib.	D1 1			200	1,12,634	73,514
			Dhulia Nandurbár	***			58,055	32,900
		1901	Taloda		1 1		139	70.500
Khándesh	•••		Sindkheda Sháháda		•••	•••	87,800 80,961	62,998
			Pimpalner	•••			35,887	22,561
		4	Shirpur			-	92,460	86,232
			~:				0= 000	36,809
			Sinnar Niphád	•••		•••	65,623 40,470	23,208
		and the same	Chándor	•••			45,918	30,646
Násik	•••		Yeola				27,000	14,000
			Malegaon	•••	•••		82,200 26,839	36,400 22,719
			Dámlán	•••	un all u		25,547	11,920
		-	Dagian	•••		•••	Mary Call of the	A STATE OF THE STA
		,	Nagar				2,200	818
		1	Párner				20,000	9,704
			The state of the s		•••	•••	24,000	22,829
*Ahmednagar			Shevgaon	•••		• • • •	20,500 5,500	10,017
		Lymy	Ráhuri Kopargaon	•••	•••		8,500	931
			Sangamuer		•••	- :::	75,400	23,110
		smar.	m bed			Town I		A STATE OF THE STA
		1	Purandhar	•••		•••	31,874	19,974
Poona			Indápur Bhimthadi	(inc	biding T	hond	54,667 1,29,556	None. First instal- ment not yet
oona	•••		Petha).	(пис	idding 1	лона	White District	due.
		i i	Sirúr .				42,323	27,541
		000	3.5			***		
						•	13,000	4,000
		100	D				1,43,730 1,03,190	In these tálukas no
Sholápur	•••		35/11				74,000	instalment falls
							1,02,440	C. due before
	,		Pandharpui Málsiras		•••	•••	69,840 60,130	March.
			TITUISITAS .		****	****	00,100	
		(Mán		244		45,159	18,279
Sátára	•••	}	Khatáv		•••		72,207	25,354
		(Khánápur	•••	••••		73,840	23,608
					***	242		
			Indi	•••		•••	3,632	850
THE REAL PROPERTY.			Sindgi Bijápur	•••	••••	•••	33,864 41,732	14,603 22,467
Bijápur			T) / 11	•••			39,300	14,457
		10 5 5 1	Muddeoihá			• • • •	30,321	13,868
			Hungund	•••			68,912	23,159
		,	Gokák				60 475	
Belgaum		1	Athni		•••		60,415 45,135	38,829
Sept to	The state of	1	Parasgad				37,908	8,742 8,733
1000		NIN.	the same				Pale T. Pale	
A STATE OF THE PARTY OF		49 L	William China	THE PLAN	-			

Statement showing the percentages of labourers on relief works in charge of the Public Works Department who received different classes of wages during the week ending 19th January

the property and have		70 OF	SHE I	T. DE		Shola	ipur.		
Classes of wages.	Ahmed- abad,	Panch Maháls,	Broach.	Ahmed- nagar.	Poona.	Execu- tive En- gineer's Division.	Relief Execu- tive En- gineer's Division.	Satára.	Bijápur.
	(a)		(a)				(6)	(c)	0.
Maximum	90	81	21	31	18	57	14	28	67
Between maximum and mini- mum.	3	19	29	23	37	273	343	29	35
Minimum	8		6	38	45	15	38	28	8
Between minimum and penal			44	8				9	
Penal						3.	13}	6	

(a) In these districts the relief was given on small works and payment was made according to results.
 (b) It is reported that the penal wage had to be applied on a somewhat extensive scale owing to an organised attempt to shirk the task.

(c) Payment according to results is made.

Addendum.

The figures "Rs. 16,67,000" and "Rs. 4,50,000" shown against Khandesh and Poona, respectively, in the table given in the answer to clause (c) of question No. 3 put by the Honourable Mr. Gopal Krishna Gokhale at the Council Meeting held on the 12th February 1901 were inclusive of suspensions and remissions of arrears of land revenue for 1899-1900, the exact or approximate amount of which was not then known. The latest estimate of suspensions and remissions of the current year's revenue furnished by the Collector of Khandesh amounts to Rs. 9,20,000, and that furnished by the Collector of Poona amounts to Rs. 2,50,000.

APPENDIX B.

Reply to questions No. 2 put by the Honourable Mr. S. A. Chhatre and No. 6 put by the Honourable Mr. G. K. Gokhale at the Meeting of the Legislative Council held on the 12th February 1901.

No 1243 or 1901.

From

THE DISTRICT MAGISTRATE OF RATNA'GIRI;

To

THE UNDER SECRETARY TO GOVERNMENT, Judicial Department.

Ratnágiri, 6th March 1901.

SIR,

With reference to Government memorandum No. 1330, dated 25th February 1901, I have the honour to forward herewith statements regarding the number of licenses for fire-arms held in each táluka of the Ratnágiri District during the six years 1895 to 1909.

2. In the District Administration Report for 1897-98 attention was first called to the 2. In the Diserted Administration and Tepare for 1881-90 attention was first called to the extraordinarily large number of licenses for fire-arms in existence in this district. At that time the number was nearly 4,000, that is to say more than the total of all the other districts in the Southern Division, and more than the totals of all the districts in the Northern Division and Central Division put together. In Government Rosolution No. 5779, dated 23rd August 1900 (Judicial Department), Government recognised that the number of licenses was excessive and approved of the policy of reducing them.

- 3. The number of licenses for fire-arms has been reduced during the last three years by about two-thirds. The reduction has been carried out chiefly in licenses held under Form XI (for the destruction of wild animals). These licenses remain in force for five years. The present practice is not to renew them on expiry of their term, unless one of the following conditions is fulfilled:
 - (1) the licensee is a substantial land-owner (a payment of not less than Rs. 75 as land assessment is usually considered necessary);
 - (2) the licensee is a Police Patel;
 - (3) the village in which the licensee resides is particularly exposed to the depredations of wild beasts.

Special exceptions are also made in favour of Shikaris who have earned rewards for the destruction of beasts of prey. Lists of the licenses about to expire, with full particulars of each case, are submitted annually by the Mamlatdars. The opinions of the Mamlatdars and Sub-divisional Officers are recorded on each case, and the renewal of a license is never refused without full consideration of the claims of the licensee. Of the licenses that have expired during the last three years, about 27 per cent. have been renewed.

4. Licensees whose guns are attached on the expiry of their licenses under Section 16 of the Arms Act have no legal claim to compensation. The pecuniary loss involved in the confiscation of a gun is small. Nineteen out of 20 guns in this district are of local manufacture, and cost from Rs. 8 to Rs. 15 new. Their market value when attached probably varies from Re. 1 to Rs. 5. Licensees as a rule must be fully aware of the conditions under which they hold a gun-license. I do not, therefore, think that it is desirable to admit any claim for compensation on the attachment of a gun following on the expiry of a license.

I have the honour to be,
Sir,
Your most obedient Servant,
G. W. HATCH,
District Magistrate, Ratnágiri.

FORMS Nos. VI AND VII.

Statement showing the Number of Licenses under the Arms Act in force from 18)5 to 1900 in the District of Ratnagiri.

Tátuka-	Year,	Number of licenses remaining in force on or after 1st January.	Number of licenses newly given during the year.	Number of licenses expired at the end of previous year and renewed.	Total.	Licenses cau-	Balance remaining in force for the next year.	Remarks.
1	2	3	4 .	5	6	7	8	9
Vengurla	1895 1896 1897 1898 1899			1 1 1 1 1 1 1	1 1 1 1 1		1 1 1 1 1 1	
Malvan	1895 1896 1897 1838 1899 1900		1	4 4 5 2 2 2	4 4 6 2 2 2	:::::::::::::::::::::::::::::::::::::::	4 4 6 2 2 2	

FORMS Nos. VI AND VII-continued.

Táluka.	Year.	Number of licenses remaining in force on or after 1st January.	Number of licenses newly given during the year.	Number of licenses expired at the end of previous year and renewed,	Total.	Licenses can- celled.	Balance remaining in force for the next year.	Remarks.
Tremen and even	2	3	4	5	6	7	8	9
Devgad	1895 1896 1897 1898 1899		1 	7 8 8 4 3 3	8 8 8 4 3 3		8 8 8 4 3 3	
Rájápur	1895 1896 1897 1898 1899			3 2 2 2 1 1	8 2 2 2 1 1		3 2 2 2 1 1	trace N
Ratnágiri {	1895 1896 1897 1898 1899	2		3 3 3 2 2 2 2	8 3 3 2 2 2 2		3 3 2 2 2 2	aqtiqui
Sangameshvar.	1895 1896 1897 1898 1899 1900		1	 1 1 1	 1 1 1 1		 1 1 1 1	
Chiplún	1895 1896 1897 1898 1899 1900		1 1	4 4 3 1 2 2	5 4 4 1 2 2		5 4 4 1 2 2	THE RESERVE OF THE PERSON NAMED IN COLUMN TO
K hed	1895 1896 1897 1898 1899 1900			202 202				
Dápoli	1895 1896 1897 1898 1899 1900		::: 1 .:: .::	1 1 1 1 1 1	1 1 2 1 1 1 1 1		1 1 2 1 1 1 1	1122
Ratnágiri Dis- trict.	1896 · 1897 · 1898 · 1899 · .		4	23 23 23 14 13 13	25 23 27 14 13 13		25 23 27 14 13 13	

FORM No. VIII.

Statement showing the Number of Licenses under the Arms Act in force from 1915 to 1100 in the District of Ratnágiri.

T4luka.		Year.	The state of the s	Number of licenses remaining in force on or after 1st January.	Numbe of licenses newly given during the year	license	Total.	License can-celled.	Balance remain- ing in force for the next year.	Remarks.
Vengurla	{	1895 1896 1897 1898 1899 1900			4 5 6 4	20 22 23 11 10 7	24 27 29 11 14	SUST SUST SUST SUST SUST SUST SUST SUST	24 27 29 11 13 7	
Málvan		1895 1896 1897 1898 1899 1900			5 6 5 4 2	44 47 44 47 38 23	49 53 49 47 42 25		49 53 49 47 42 25	Rendehi
Devgad		1895 1896 1897 1898 1899	•••		8 1 7 2 1	28 36 29 19 17 9	36 37 36 21 18 10	1	35 37 36 21 18	arrang sali
Rájápur		899			6 5 6 1 2 5	18 22 23 17 17 10	24 27 29 18 19 15	1 	23 27 29 18 19 14	and out?
Ratnágiri		896 897 898 899			12 12 8 2 6 2	39 40 50 37 23 27	51 52 58 39 29 29	1 	51 51 58 39 29 28	
Sangameshyar		896 897 898 899			4 3 1 1	8 10 10 4 6 6	12 10 13 4 7 7		12 10 13 4 7	
Chiplún	18	596 397 398 			9 5 2 3 1	13 22 17 11 12 13	22 22 22 13 15 14	 1	22 22 22 22 13 14 14	Singue -
Ched	18 18 18	207			3 1	3 6 4 6 4	6 6 7 7 4 4		6 6 7 7 4	

FORM No. VIII-continued.

Táluka.	Year,	Number of licenses remaining in force on or after 1st January.	Number of licenses newly given during the year.	Number of licenses expired at end of pre- vious year and renewed.	Total.	Licenses can- celled.	Balance remain- ing in force for the next year.	Remarks.
Dápoli	1895 1896 1897 1898 1899		1 6 1 1 9 3	13 13 8 16 13 22	14 19 9 17 22 25	"i 	14 18 9 17 22 25	
Total for the District.	1895 1896 1897 1898 1899 1900		52 35 44 9 30 15	186 218 208 168 140 121	238 253 252 177 170 136	2 2 2 2	236 251 252 177 168 134	

G. W. HATCH,
District Magistrate.

FORM No. XI.

(Possession of Arms for destroying Wild Animals) Licenses under Form No. XI ordinarily remain in force for five years and are always dated to expire on 31st December.

Táluka.	87 65 17	Number of licenses remaining in force on or after 1st January.	Number newly given during the	Licenses expired at the end of previous year and renewed	Total.	Licenses	Licenses in force up till end of year after deducting the number shown in Column 5)	Licenses expiring at end of year.	Balance remaining in force for the next year (after deducting Column 7 from Col- umn 6).	Re- trarks,
681	200	1	2	3	4	5	6	7	8	9
Kengurla	1895 1896 1897 1898 1899	151	22 5 64 	91 23 9 5 12 17	250 227 224 187 173 72	4 4 3 5 8 3	246 223 221 182 165 69	47 72 39 21 113 28	199 151 182 161 52 41	
Málvan	1895 1896 1897 1898 1899 1900	441 554 562 580 398 308	26 20 52 1 	98 64 33 2 34 32	565 638 647 583 432 346	1 1 2 	565 637 646 581 432 345	11 75 66 183 124 84	554 562 580 398 308 261	
Devgad {	1895 1896 1897 1898 1899 1900	711 689 703 581	33 12 12 1 1 	281 74 97 27 17 54	736 797 798 731 598 340	13 18 6 4 9 15	723 779 792 727 589 325	12 90 89 146 314 86	711 689 703 581 275 239	

FORM No. XI-continued.

		FORM No. XI—continued.										
Táluka.		Year.	Number of licenses remaining in force on or after 1st January.	Number newly given during the year.	Licenses expired at the end of previous year and renewed.	Total.	Licenses cancelled	Licenses in force up till end of year (after deducting the number shown in Column 5).	Licenses expiring at end of year.	Balance remaining in force for the next year (after deducting Column 7 from Col- umn 6).	Re- marks.	
			1	2	3	4	5	6	7	8	9	
Rájápur	{	1895 1896 1897 1898 1899 1900	388 391 376 368 298 228	28 22 73 4	63 63 29 37 19 27	479 476 478 405 321 255	3 2 1 2 11	476 476 476 404 319 244	85 100 103 106 91 85	391 376 368 298 228 159		
Ratnágri		1895 1896 1897 1898 1899 1900	335 373 356 356 290 179	13 8 88 1 1	119 57 46 37 22 25	467 438 440 394 313 204	3 2 2 1	464 438 437 392 311 203	91 82 81 102 132 65	373 356 356 290 179 138		
Sangame	shvar	1895 1896 1897 1898 1899 1900	264 268 222 206 146 118	17 15 9 1 8	67 15 57 23 56 24	348 298 288 229 203 150	2 1 . 3 . 1 . 1	346 297 285 228 202 150	78 75 79 82 84 30	268 222 206 146 118 120		
Chiplun	{	1895 1896 1897 1898 1899 1900	319 382 359 332 267 151	18 20 29 4. 8	122 49 21 28 25 43	459 451 409 360 296 202	5 4 6 3 5 3	454 447 403 357 291 199	72 88 71 90 140 69	382 359 332 267 151 130		
Khed	{	1895 1896 1897 1898 1899 1900	153 135 94 95 47 51	3 7 29 1	10 12 13 21 19 5	166 154 136 116 67 56	4 1 3 1 3 3 3	162 153 133 115 64 53	27 59 38 68 13 19	135 94 95 47 51 34	1	
Dápoli		1895 1896 1897 1898 1899 1900	322 328 294 226 159 132	8 10 14 1 1	55 38 5 31 35 25	385 376 313 258 195 158	2 5 1 5 2	383 371 312 253 195 156	55 77 86 94 63 48	328 294 226 159 132 108		
District nágiri.	Rat-	1895 1896 1897 1898 1899 1900	2,781 3,341 3,103 3,048 2,847 1,494	168 119 320 4 12 37	903 395 310 211 239 252	3,855 3,855 3,733 3,263 2,598 1,783	36 34 28 24 30 39	3,819 3,889 3,761 3,285 2,628 1,822	478 718 657 892 1,074 514	3,341 3,103 3,048 2,347 1,494 1,230	T A	

G. W. HATCH, District Magistrate, Statement showing the Number of Arms (a) attached and (b) confiscated (or forfeited to Government) during each of the six years from 1895 to 1900.

A STATE OF THE PARTY OF THE PAR			Attached on	FORFEITED TO G	•	
Name of Taluka.	Year.	account of the cancellation of licenses owing to the death or unitness of the licensees or failure to obtain a renewal of licenses expired.	On account of the expiration of the period allowed by paragraph 2 of Section 16 of the Arms Act.	Owing to the conviction of the offences under the Arms Act.	Remarks.	
Vengurla		1895 1896 1897 1898 1899	3 11 24 21			* *
Málvan	{	1895 1896 1897 1898 1899	81 Information 6 22 51	not available.		
Devgad		1895 1896 1897 18)8 1899	161 16 16 29 77 174	4 16 4	 3 	
Rájápar		1805 1896 1897 1898 1899	9 15 14 95 67	4 23 7 3 10 12		
Eztnágiri		1895 1896 1897 1898 1899	61 98	5	 3 3 4	
Sangameshvar		1895 1896 1897 1898 1899	13 4 7 18 87	5 4 5	 i 	1.000
Chiplún	{	189 5 1896 1897 1898 1899	1 10	1 2 4 8 6 17	2 1 1 	
Khed		1895 1896 1897 1898 1899 1900	18 31 31	3 14 10		

Name of Táluka.			Attached on account of the cancellation of licenses owing to the death or unfitness of the licensees or failure to obtain a renewal of licenses expired.	by paragraph 2 of	REMARKS.		
Dápoli	1895 1896 1897 1898 1899 1900		7 8 9 67 93 80	4 9 5 3 13		*	
District Totals	 1895 1896 1897 1898 1899		70 98 123 515 741 937	14 41 16 49 27 57	2 4 2 3 4	Figures for 1895 have not been re- ceived from three talukas and for 1896 and 1897 from cne taluka.	

G. W. HATCH,
District Magistrate, Ratnágiri.

APPENDIX C.

Extract from Jamábandi Report for 1898-99 referred to in the answer to Clause (b) of question No. 3 put by the Honourable Mr. Gopal Krishna Gokhale.

			I	Distrain	t and sale of moveable property under Section 154.								
Di	strict.			Number of cases.	Arrears on acc which distrair resorted to	Arrears on account of which sale was resorted to.							
					Rs.	a.	p.	Ŗs.	a.	р.			
Ahmednagar			•••	786	38,747	8	8	21,838	8	1			
Khándesh				30	900	7	11	872	0	11			
Násik				31	2,004	14	9	1,126	12	4			
Poona	•••	•••	•••	74	2,529	1	5	2,529	1	5			
Sátára	•••			1,287	66,682	10	1	883	10	4.			
Sholápur	•••	•••		61	1,171	15	0	185	4	8			
				-									
		Total		2,269	1,12,036	9	10	27,435	5	9			